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Assam And Arunachal Pradesh: Understanding The Boundary Dispute – History And Analysis.

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Abstract

Boundary disputes are sui-generis in the sense that it differs from other type of conventional disputes, such as national or international boundary disputes. In north-east India, in general, the boundary disputes are seen seldom. But with respect to Assam and Arunachal Pradesh it is seen more often because both States share many areas which have not been demarcated properly till date. The ins and outs of their boundary are still banal. The issue needs mediocrity to relegate the further traction. The need for demarcation of boundary became inexorable after Arunachal Pradesh got complete statehood. Boundary dispute can be studied in various perspectives, such as political, economic, demographic as well as geographical perspective. These perspectives/approaches can irradiate the person from different angles. The boundary dispute is classified into inter-state boundary dispute and intra-state boundary dispute. This exploratory study presents a comprehensive and conspicuous understanding of the boundary dispute as it covers the era of the Ahom period till present. The study follows the collection of data by stratified sampling method to substantiate the cause of delimitation between both the states. The result shows that there are good relations between the two in the form of trade and commerce as well as interchange of services. The only con is the feeling of hatred and relative deprivation that too by some sections. Further, the lackadaisical attitudes of some prerogatives give the sense of fallacy among people which further exacerbate the circumstance. This paper attempts to understand and analyze all the factors related to the boundary dispute and the ways to maintain peace and cordial relation between both the states, and thereby attenuate the pessimistic attitudes of the people of both the sides.

Keywords: Boundary, territories, Ahom Period, demarcation, Delimitation.

Introduction:

The word boundary means 'limite' and 'inner-oriented', which are created and maintained by the will of the central government to indicate the legal jurisdiction of the state. A boundary does not exist in nature or by itself, it occurs by the man-made politico-geographical occurrences i.e., artificial line and has always owes its existence to man through evolutionary process and arbitration process. As per Earl Jowett's Dictionary of English Law, he defines "boundary" as the imaginary line which divide two pieces of land from another.

Now since boundary per se cannot be equated in physical forms only, it becomes subjective and all the stakeholders interpret it as per their whims and convenience. It is because of the subjective nature of boundary, there are many disputes around the globe with respect to the boundary and Assam and Arunachal in not an exception. The disputes between Assam and Arunachal started after both got bifurcated into two different States from erstwhile Assam and its hill areas. Both have come a long way to determine a concrete solution to end their differences with respect to their boundaries but still no full proof conclusion has been meted out. Committees/commissions were formed to resolve the issue and come to an amicable solution but all in vain. Even Supreme Court appointed committee to look into the matter but no fruitful solution came.ⁱ The boundary disputes between Assam and Arunachal do not seem to be resolved anytime soon. Many incidents (sometimes violent and sometimes peaceful through economic blockade) occur intermittently. In fact, from time to time the official of Assam counterpart visits Arunachal's disputed area and creates chaos and confusion. For instance, in Kimin which is situated in Arunachal, some officials from Assam visit there and threaten the locals to vacate the area. Interestingly, the prerogatives of Assam also give controversial statements intermittently. For instance, the current CM of Assam has said that Assam and Arunachal has boundary disputes at 1,200 places. Someone who holds the highest authority should refrain from giving such statements as it will bring a wrong impression to the public at large on both sides. Assam and Arunachal need to behave and should try to come to resolve the border issue as soon as possible because there are other problems such as illegal immigrants and economic prospective which can be attained only through mutual agreement and harmonious living among both the side.

Origin of boundary dispute between Assam and Arunachal Pradesh

With the division of Assam into different states, the problem of inter-state boundary disputes emerged as one of the most persistent issues in the entire north-east. The inter-state conflict in the form of border dispute between Assam and Arunachal Pradesh can be traced back to the bifurcation of 'Greater Assam' in 1972 which paved the way for territorial claims on the basis of tradition, old usages and practice to define the boundary. The process of reiterating the claim started with the developmental activities such as construction of schools, religious establishments, market and police station alongside the Assam-Arunachal Pradesh border. These developments were seen more as a political issue rather than socio-economic issue. Gradually tension erupted with respect to the boundary and the first official level meeting was conducted in February 1969 at Shillong between the then Chief Secretary of Assam and the

Adviser to the Governor for NEFA. They decided that the boundary should be surveyed by the survey of India. This proposal was accepted by the Government of India in 1971. Later, on 27th November, 2010, Survey of India submitted its report where it mentioned that the ground survey was not done. The reports were prepared on the basis of records and maps which were already prepared, surveyed and published three to five decades back. The survey of India submitted its report on 27/11/2010 during the last hearing at Hotel Taj Palace in New Delhi. According to the report submitted by Survey of India, 123 villages were under scanner with respect to its boundary between Assam and Arunachal Pradesh. The following villages are:-

i.	Villages falling in Arunachal	- 21
ii.	Villages falling in Assam	- 15
iii.	Villages falling on both side of the boundary	- 07
iv.	Villages which could not be located in the survey of India maps	- <u>80</u>
		123

Now since the survey was not done practically by the Survey of India and the reports which they submitted was based on the available maps and records of earlier committees, the report of Survey of India could not be regarded as complete source. If they had done the survey practically and had given an exclusive report of ground reality then the problem of boundary would not have had come this long. As the boundary between Assam and Arunachal Pradesh runs from the tri-junction of Assam, Arunachal Pradesh and Bhutan at Bhairabkundo on the west bank of Dhansiri river to the tri-junction of Assam, Nagaland and Arunachal Pradesh on the TIOK River. It has a length of about 704 kilometers. The districts of Darrang, Sonitpur, Lakhimpur, Dhemaji, Tinsukia and Sibsagar of Assam adjoin Arunachal Pradesh while districts of East Kameng, West Kameng, Papumpare, Lower Siang, West Siang, East Siang, Lohit, Longding, Tirap and Chanlang of Arunachal Pradesh adjoins the state of Assam. During initial phase the administration of the territory which is presently known as Arunachal Pradesh can be traced back to the Notification of 1914 of Government of India, Foreign and Political Department which promulgated that the Assam Frontier Tracts Regulation of 1880 would extend to the hills inhabited or frequented by Abors, Miris, Mishmis, Singphos, Nagas, Khamptis, Bhutia and Daflas.

The situation of boundary dispute has not undergone any changes till date because boundaries are results of human thought which has been manifested in the form of nature or physical aspects such as land or water. Further, the changing demographic landscape of the region coupled with abundant resources and its uses among the communities living in the border area have turned the issue into serious contested phenomena in recent times which have led to encroachments. The most prominent regions of encroachment issues between both the states can be seen in the areas like Kimin, Likabali, Dipai, Dullungmukh, Gumto, and Tarasso. The issues were most prominently observed in the year 1982, 1992, 1997, 2012 and 2014. In January 2014 the most dreadful event took place in Behali reserve forest where 10 people were killed and eight got injured at the border of Chauldhua which is situated in the east Behali and Sango of Arunachal Pradesh. The people of Sango of Arunachal Pradesh claimed that the reserved forest area comes under their territory as the demarcation was geared up by the Ahom rulers

through natural manner which they referred as “Raj Ghar Ali” through which it separated the state of Arunachal Pradesh in one side and the state of Assam on the other side. This demarcation was recognized by both the District Administration of Papum Pare and Sonitpur District of Assam.

Various incidents in the subsequent period depict the requirement of intervention from the central government for resolving the prevailing tension between the two states. The incidents also compelled the government of India to appoint boundary commission in north-east India to examine the respective claims of the states over boundary. On 26/12/2007, the state of Arunachal Pradesh submitted its proposal for the proper adjustment of the areas along with inter-state boundary between the two states. The said proposal is on record before the boundary commission where Government of Arunachal Pradesh seek for the inclusion of an area of 1119.279 sq. Kms within its territory on the basis of historical records, old usages and practices. Subsequently, on 07/02/2009, the state of Assam filed its reply to the proposal of Arunachal Pradesh for adjustment of the boundary where it rejected the proposal.

Statement showing the District wise transfer of areas by the Notification of 1951 and areas claimed by the Arunachal Pradesh through the proposal of a boundary adjustment.

Sl. No.	Name of District	Area transferred to Assam as per 1951 Notification	The area claimed by Arunachal Pradesh for adjustment
1	West Kameng (Bomdila)	587.70	75.80 Sq. Km
2	East Kameng (Seppa)	662.00	25.35 Sq. Km
3	Papum Pare (Yupia)	-	252.665 Sq. km
4	Lower Subansiri (Ziro)	257.00	56.25 Sq. Km
5	West Siang (Aalo)	-	187.57 Sq. km
6	East Siang (pasighat)	833.85	135.16 sq. Km
7	L/Dibang valley (Roing)	978.30	101.96 Sq. km
8	Lohit (Tezu)	-	8.65 Sq. Km
9	Chnglang (Changlang)	330.00	96.296 Sq. km
10	Tirap (Khonsa)	-	179.579 Sq. km
	Total	3648.85 Sq. Km	1085.82 Sq. Km

Source: - Through RTI to Home Department Civil Secretariat (A.P) 22nd May, 2019

While rejecting the proposal made by Arunachal Pradesh by the Assam government, the then chief minister of Assam stated that “Assam is prepared to take the spirit of give and take and also welcomed the proposal of the Pradesh would be satisfied with the transfer of approx.900 sq Kms of land against their original claim of 3000 sq Kms”.

Encroachment issues:



Dullung Reserve Forest in Assam-Arunachal Pradesh border

As per Assam government, in the above shown Reserve Forest, around 5,525 hectares of forest land have allegedly been encroached by the state of Arunachal Pradesh in upper Assam's Doomdooma division, 800 hectares in Digboi division and 50 hectares in Sivsagar division.



Delimitation of Assam-Arunachal Border

Legal Perspective on boundary dispute:

To solve this, local commission headed by T. S. Thakur was appointed by the Supreme Court in September 2004. The main objective of the local commission was to settle and control the inter-state conflicts in the North-East region, particularly Assam, Arunachal Pradesh and Nagaland. The task of the local commission was to visit the conflict areas and to examine the situations and reasons for such conflicts. After, thorough engagement of official dialogues with all the concerned states agreed to maintain the status quo with respect to the boundary. However, despite the local commission's effort to settle the issue of boundary issue, it failed in its objective. So in 2006 Supreme Court again appointed a three member local boundary commission headed by Justice (Retd.) S. N. Variava, Kamal Naidu and SP

Goel for the same. This commission was to undertake hearing of concerned states. However, in the meantime, Justice Variava opted out as the commissioner and he was replaced by Justice (Retd.) Tarun Chatterjee in January 2010. Meanwhile, the Supreme Court also appointed two mediators in August 2010 to find ways to resolve the boundary disputes between the concerned states so that the boundary issue could be resolved through mediation (if possible). The mediators submitted its report in September 2011 to the Chief Justice of India. The commission directed the mediators to continue their works by visiting conflict areas along the foothill borders and held discussions with the stakeholders of the concerned states so that amicable and feasible solutions can be made with respect to the boundary issue.



Local Commission visited in Arunachal Pradesh on 12/11/2013.

The commission made a 5 day programme to visit the disputed areas of Arunachal Pradesh which included Tarasso, Gumto, and Kimin under the jurisdiction of Papum Pare district. This 5 day programme was discussed in a meeting which was held in Itanagar, capital of Arunachal Pradesh where representatives from both the states were present. Chief Secretary HK Paliwal represented Arunachal Pradesh while Home Secretary Gyanandra Tripathy of Assam represented Assam. The local commission which was a three-member committee headed by Tarun Chatterjee, included Kamal Naidu and SP Goel. This committee was formed by the Supreme Court so that it can assess the ground reality of tension between the states and the reasons behind it. When the local commission/committee visited, the representatives of both the states i.e., Assam and Arunachal have submitted their memorandums with respect to boundary issue to the local commission.

The commission then categorized the boundary into 4 (four) parameters:

- i. Villages within the boundaries of Arunachal Pradesh are 31.
- ii. Villages within the boundaries of Arunachal Pradesh but having their agricultural field/other properties located in Assam are 23.
- iii. Villages in Arunachal Pradesh have been encroached by Assam are 4.
- iv. Villages which are within the territories of Assam but having political and administrative control of Arunachal Pradesh are 65.

While dealing with the four parameters as above, the commission has recommended the following: -

- a) The local commission recommended that though there is no frequent bearing dispute with regards to 31 villages which falls under the jurisdiction of Arunachal Pradesh must be demarcated properly by the survey of India immediately.
- b) The commission recommended that there is no point of changing the boundary for those villages that falls under Arunachal but their agricultural land falls in Assam. In fact, the agricultural land of those Arunachal people of 23 villages which falls under Assam may be regulated by Assam based on records provided by the Government of Arunachal Pradesh.
- c) The commission recommended that the 4 (four) villages of Arunachal Pradesh may be regularized properly because encroachment or any eviction drive will invite tensions. So action must be initiated for demarcation of boundary between the two states by the survey of India immediately.
- d) The commission has noted that Arunachal Pradesh had given a list of 65 (sixty five) villages which falls under the territories of Assam but are under the effective Administrative control of Arunachal Pradesh. In these parameters, commission suggested that government of Assam should extend its all possible civic amenities including setting up of schools and other administrative infrastructures for the Arunachal population living in these villages and also regularize their land holding.

Problem Solving with respect to border dispute:

The people of Arunachal often claim their rights over some areas of Assam such as district of Biswanath and Sonitpur, Chariduar, Naduar, etc. as they used to collect Posa during the Ahom reign in these regions. In fact these practices continued even during the colonial rule. To maintain cordial relations between the inter-state conflicts in the Northeast region, the government of India appointed two committees i.e., Sundaram Committee in 1979 and Shastri Committee in 1985. However, both the committees failed to bring any conventional changes over the boundary issue in the NE states. Moreover, the consequent 3 years of persistent disorder because of boundary issue in North-east region, Assam Government filed a case in the Supreme Court of India in 1988 to settle the border issue with Nagaland, Arunachal Pradesh, and Meghalaya. Further, the migration of people from one area to another also escalated the boundary dispute because of illegal documentation for settlement. It is viewed that most of the people of Assam who have been migrated and settled in the forest area as a wage laborer became an inhabitants of Bodos, Karbis, Mishings, etc.

This issue can be seen in many areas of both the side. Earlier, the boundary of Lower Siang district of Arunachal Pradesh and Assam was considered to be Akajan Gate, which was also designated as NEFA gate. However, this gate is now totally under the control of Dhemaji district in Assam. The mentioned gate had a caption “NEFA begins from here” which was dismantled in 2011. The

encroachment can also be observed in Dipa Lire of the then Frontier Tract (now Arunachal Pradesh) where national flag was hosted for the first time by Lt.Moji Riba in 1947 which is now occupied by Assam and renamed as Somkong village under Jonai Sub-division, Dhemaji district, Assam". Thereafter, on 6th April 2012, Assam officials illegally raided Malini Mela complex and destroyed the structures including erected pandal for Malini Mela celebration. After considering these tensions over boundary, a peace deal was inked in 2018 which was termed as "Likabali Declaration" where Mising Bane Kebang and Galo Welfare Society made a historic peace agreement for curbing tensions and conflicts within the Assam-Arunachal Pradesh border. Even in some region, village protection office was constructed to solve the dispute. As per some sources, when Arunachal Pradesh was notified as a separate state from Assam, the then Chief Minister didn't mention about the areas which belonged to Arunachal Pradesh such as Naharjan, Thandapani, Charduar, Digalmukh, Gumto, Harmutty, and some parts of Lakimpur which were resided by Arunachallis people during Ahoms Period. However, the reason for such non declaration was may be because of lack of proper documentation because ahom did not maintain any records of its own. Further, in a rush to get separate State the then prerogatives might have advertently overlooked it. But this hasty act has now become the reason for boundary disputes between Assam and Arunachal Pradesh. In the year 1979, people of Assam tried to create an environment of insecurity by claiming that Assamese people living in Arunachal would not be treated well. This affected the peace and tranquility and unity and integrity of the country. However, to solve the boundary disputes with Assam and Arunachal Pradesh, the first case in original suit no. 1/1989 was filed in Supreme Court. Since then it has been almost 27 years of border dispute between both the states. This led to the failure of constitutional mechanisms to address the border disputes because under Article 131 (c) of the Indian constitution, the original jurisdiction of the Supreme Court extends to any dispute between two or more states involving legal rights (exclusively). But the solutions either come at a slow pace or states don't corporate. Therefore, the present Chief Minister of Arunachal Pradesh has quoted that "The inter-state boundary issue has been long pending and it is needed for an out-of-court solution to all issues related to our boundary".

Suggestion:

The first and foremost suggestion is that both the states need to maintain peace and tranquility along disputed areas by stationing minimal personnel. There should be optimal use of technology for reconnaissance like UAV, drone and satellite imagery. There should be a no-man's land along the border and the encroached areas need to be evacuated from both sides because it create apprehension and curtail economic and social prospective. This move will be non-zero sum game because it will be beneficial for both the inheritance. The paramount move however will be to convene meetings intermittently because this will create a sense of oneness. Further, to minimize the encroachment there should be establishment of "Village Protection office" in either side this will create confidence building. Moreover, proper security forces should be in same proportion in either side. For example, Assam Rifle Camp which was established near the boundary of Tarasso to control the situation of violence in 2014 played a crucial role. However, both the states should stick to the legal provisions taken by the GOI and should allow the law

to take its own course because the sense of relative deprivation needs to be curbed out and also attitudinal changes need to be promoted so that the inhabitants of either side can prosper with changing time. Therefore, to achieve the dream of peaceful and amicable resolution of the boundary dispute of both Assam and Arunachal Pradesh, we need to come up with feasible and holistic approach. We should keep in mind that the aspired outcome cannot be achieved by hatred and violence but by peaceful coexistence and harmony with social and economic development.

Conclusion:

The inter-state boundary dispute between the Assam and Arunachal Pradesh cannot be resolved by merely drawing a legal demarcation since the problem is created by the people in general and inhabitant of the periphery in particular. It needs to be settled through dialogues and discussions under the proper guidance of the prerogatives. Further, the actions been taken so far by the GOI to solve the issue needs to be re-structured. Moreover, the steps taken by both the States need to accommodate the sentiments of the inhabitants so that an amicable and peaceful settlement can be made thereby maintaining the status quo. The effort to maintain cordial relations by both the states through peace committee, peace declaration, establishment of village protection office etc., needs to be encouraged. Thus, to maintain peace in the boundary area, it is imperative to create an atmosphere through proper demarcation by constructing post which would help the people to regain confidence. Hence, the most feasible solution would be to solve the issue in the most practical and cost effective way rather than making the issue complicated with bureaucratic apathy.

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