

Sub-National border conflict between Assam and Nagaland: A case study of Uriamghat

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ABSTRACT

Inter-state conflicts at the sub-national level, compared to other conflicts between groups, have been a recurring feature in post-independent India. These conflicts have devastating effects on human lives, property and the environment. The conflicts taking place in the Assam–Nagaland border are of serious concern to social scientists. The main purpose of this case study is to contribute to an understanding of some of the historical reasons for the Assam–Nagaland border conflicts and their root causes. Further, this paper tries to understand “How and why do postcolonial policies of border demarcation lead to persisting border conflicts between groups living on both sides of the border?” The study has been conducted based on focus group discussions and interviews with the communities living along the border of Assam and Nagaland. The data has also been collected from Secondary sources.

Keywords: Conflict, Gondogul, border demarcation, NSCN

Introduction:

Inter-state conflicts at the sub-national level, compared to other conflicts between groups, have been a recurring feature in post-independent India. These conflicts have devastating effects on human lives, property and the environment. The conflicts taking place in the Assam–Nagaland border are of serious concern to social scientists.

Assam and Nagaland share a 434 km boundary after Nagaland was carved out as a state in India in 1963 (Mishra, 2014). Some reports suggest that around 60,000 hectares of Assam forestland is under the occupation of Nagaland. The history of conflict can be traced back to December 1, 1963, when Nagaland was officially declared as a state within India, after an official agreement between Prime Minister Jawaharlal Nehru and the representatives of the Naga People’s Convention signed a 16-point agreement in 1960.

Ever since, the official formation of the state of Nagaland in December 1963 parts of the Assam–Nagaland border covering the districts of Sivasagar, Jorhat, Golaghat and Nagaon have seen occasional violence in many different forms like raids, kidnappings, abductions, forced harvesting of crops, and even killings in villages on the other side of the border in Assam, with the first inter-state border conflict occurring in 1965 at the Kakodanga Reserved Forest area, a year after the new state was formed. This was followed by a series of clashes over the occupation of cultivable land between the people of Assam and Nagaland. To settle the issue, the union government set up the Sundaram Committee in 1971, but while Assam agreed to the committee’s proposals regarding the border issue, Nagaland rejected it (Dowerah, 2014). Since 1965, Assam has been consistently arguing that the borders between Assam and Nagaland as they existed when Nagaland was formed in December 1963 need to be respected according to the constitution of India. However, Nagaland has been insisting on “historical” borders which takes one back to colonial times when the borders between the different districts of Assam (of which the Naga Hills, and subsequently the Naga Hills district itself, was a part) had been altered from time to time to suit colonial administrative needs. For the Nagas, the demand for the return of their “ancestral land” has a long history. One may start with the aborted Nine Point Agreement (also known as the Hydari Agreement) of 1946.

Border disputes between states within India are not limited to the dispute between Assam and Nagaland. There have been other clashes between Assam–Meghalaya and Assam–Arunachal on the issue of the border. On 29

January 2014, armed groups from Arunachal Pradesh attacked Chauldhuwa village at Behali Reserve Forest village in Sonitpur district of Assam killing 10 people and injuring 8 (Assam-Arunachal land dispute leaves 10 dead, 2014). Major clashes also occurred at the Assam-Meghalaya border in January 2011 (Das, 2013). The state also shares its boundary with Manipur, Mizoram and Tripura. Border conflicts that Assam has with most of its neighbours are because all these new Indian states belonged to the erstwhile Assam Province was created by the British in 1911 after the partition of the Eastern Bengal and Assam Provinces. Shillong was the Assam capital before Meghalaya became a separate state. Assam was first separated from Bengal in the year 1874 by the colonial rulers in accordance with the “North-East Frontier” non-regulation province. Then it became a part of Eastern Bengal in 1905 and became an independent province in 1911.

Historical background:

It is said that before British came to the scene Assam-Nagaland border was clear and it goes back to 1300. Before 1957, all the areas under Naga Hills were included under the state territory of greater Assam. In the year 1957, after the first Naga people’s convention at Kohima under the leadership of Imkongliba Ao. Government of India decided to form a Union Territory under the name of Naga Hills Tsuensang Area considering the proposal by NPC. On Sep.1962, the State of Nagaland Act was passed by the Parliament of India establishing a new state under the sovereignty of India. Section 3 of the State of Nagaland Act read:

“Section 3 - Formation of State of Nagaland

(1) As from the appointed day, there shall be formed a new State to be known as the State of Nagaland comprising the territories which immediately before that day were comprised in the Naga Hills-Tuensang Area and thereupon the said territories shall cease to form part of the State of Assam.

(2) Without prejudice to the power of the State Government to alter the appointed day, the name, extent or boundaries of any district, the State of Nagaland shall consist of three districts to be called the Kohima district, Mokochung district and Tuensang district, each comprising the areas respectively set out in the Schedule.” (Section 3 in The State Of Nagaland Act, 1962 n.d.)

In 1963: The Act had defined the “Appointed Day” in Section 2 as:

“(a) appointed day means the day which the Central Government may, by notification in the Official Gazette, appoint”

After the 24th Feb 1826 ‘Treaty of Yandabo’, in 1830 British took over the official administration of the State of Assam. During that time Nagas used to come to plains of Assam for occasional raids, and so to condemn the raiding Nagas, under the command of British captain Jenkins, Semberton and Gordon, 700 army started marching towards the Naga Hills from Imphal in 1832. After several on-and-off fights between Nagas and British. First British Commissioner of Assam David Scott proposed to spread Christianity among the tribes of Naga Hills. Accordingly, in 1839 American Baptist missionary Miles Bronson started preaching Christianity among the Naga people of Namsang Village, after Bronson, nearly three decade later reverend Edwin W. Clark started to work with Naga people in the footsteps of Bronson and camped in Impur centre of Mokochung, which gradually led to the annihilation of the headhunting ritual of Naga people. Gradually British Government took some parts of nearby Nagapahar areas under its administrative control for smooth ruling and the first Naga area was comprising of a new sub-division under Nogaon district 1852 to look after the Naga administrative areas under ‘Asaloo’ (now in North Kachar) as the headquarter of new sub-division. British gradually extended their rule further into Naga territory, the 1st Naga Hills District was established in the year 1866 and in 1867 for the first time Naga Hills District with defined boundaries were announced and Samagooting (now Chumukedima) was declared a district headquarter vide notification “No.89, No. 3386P, dated Fort William, 24th Dec 1875”. In 1870 a new subdivision named North Cachar Hills subdivision (which comes under Cachar District) was formed right after the headquarter of Naga Pahar district was relocated from ‘Asaloo’ to ‘Samagooting’. Those areas that came under the district of Nogaon were the first territories of Naga Hills which came under the territory of Assam. ‘The Naga areas, which were transferred out from old Naga Hills district came under Nowgong, Sibsagar and Cachar and Karbi Anglong

(Mikir Hills) and North Cachar Districts' (Ozukum 2014).

When the roots of British Government put a solid grip on Assam and especially after the construction of the railway line between Assam and Bengal around 1899. British Government started to transfer a large territory of Naga Hills District in to the connected Districts of Assam in 1898, 1901, 1902/03 and 1923 for the convince of their administrative purpose. All those areas were transferred without the knowledge and consent of Naga people. From 1869 to 1873 starting of tea cultivation and starting of large numbers of tea garden within the territory of Naga Hills forced shifting the 'Inner Line' extended in to deeper areas of Naga Hills to keep out the garden which were opened in the territory of Naga Hill District (Lashkar 2014).

The tea cultivation by the British during their rule in India paved their way to encroachment of Naga territories by the British Government. Different occasions of aggressive objection made by the original landholders all along the border where tea gardens were opened to counter against the unlawful possession of the land by the British Government.

The areas which are under the tag of 'disputed area' along the boundary line of Assam-Nagaland are divided into four specific parts and named as Sector 'A', 'B', 'C' and 'D'.

Following are the details of each sector-

SECTOR 'A': "(I) From the Teok river on the North-east Nagaland-Arunachal border to Tijit river (Tawkok) the old boundary between Assam and Naga boundary is clearly demarcated on the ground by 'Ladaigurh'. The Konyak Nagas of Mon Sub-division are in physical occupation of the area since time immemorial. (II) From Tawkok (Tijit) to Dikhu river, the boundary is demarcated at most places on the ground by Ladaigarh and clearly supported by the southern revenue boundary pillars of Sibsagar District. Area: 31.31 Sq. Miles (III) From Dikhu to Thanjee (Melak), the boundary between Assam and the then Naga Hills is demarcated on the ground by Ladaigarh and supported by the pillars of southern Revenue boundary of Sibsagar District. Area: 99.81 Sq. Miles" (Dutta 1987).

SECTOR 'B': "(I) From Jhanjee to Desoi (Tsurang), the boundary is demarcated on the ground partly by Ladaigarh from Jhanjee to Gabruparbat and thence from Gabruparbat to Desoi river by Naga-bund/Naga-bat/Naga-path supported by the southern Revenue survey boundary pillars of Sibsaga District. Area: 51.2 Sq. miles. (II) From Desoi crossing Kakodanga, Mukhuring and Geladari upto a point on the Doyang is demarcated on the ground by Naga-bund and following the downstream of Doyang river to the confluence of the Doyang and Dhansiri rivers. This line is already supported by the southern Revenue boundary pillars of Sibsagar District. Area: 535.68 Sq. miles" (Dutta 1987)

SECTOR 'C': "Under this sector the maximum Naga area was transferred out of Naga territory including the best forests. It covers the present eastern block of Mikir Hills District and part of North Kachar Hills District, starting from the confluence of the Dhansiri and Doyang and following the downstream of Dhansiri to the confluence of Dhansiri and Thorajan and from this point, following the old Naga Hills boundary line, as notified by the Naga Hills boundary Notification of 1875 until it reaches a village called Leike on the present Assam-Nagaland boundary. According to some sources during more than 42 years even after 1972 Interim Agreement, the Government of Assam has, however, deforested a big area of the Nambor/Doyang Reserve Forests and brought a considerable number of Kacharis, Mikir and others from other parts of the State and gave settlement in this area. In recent years, a large number of Nepalis nationals have also been given settlement. The new settlers in this area including the Mikirs who migrated to this region from other parts of the State admitted that the entire area belonged to the Rengma Nagas. All the tribal people now settling in the region namely the Rengmas, Mikirs also Garo and others are willing to join Nagaland and they have sent a representation to the Adviser Shri Sundaram and the Government of India to this effect. Area : 2825.76 Sq. miles" (Dutta 1987)

SECTOR 'D': "Prior to 1866, the then Naga territories were administered from Asaloo, the headquarter of Sub-division of Nowgong district until the Naga Hills District was formed in the year 1866 with Samaguting as the

new District headquarter of Naga Hills. In the year 1869 when the tribals of North Kachar Hills District were given option either to remain with Assam or with Meghalaya vide the Assam Re-organization (Meghalaya) Act of 1969, Part-II, Section-III (2), the Zeme Nagas did not commit either to join with Meghalaya or to remain with Assam, but they had affirmed that they will remain with their blood relations in Nagaland. Area:1430.40 Sq.miles” (Dutta 1987)

The total area transferred out of Nagaland now claimed by Nagas:

Area under Sector ‘A’ 131.12 Sq. miles

Area under Sector ‘B’ 586.88 Sq. miles

Area under Sector ‘C’ 2,825.76 Sq. miles

Area under Sector ‘D’ 1,430.40 Sq. miles

Total area claimed 4,974.16 Sq. miles (Dutta 1987).

Naga National Council

In the real sense the first public protest or agitation started during 1947, during that time Naga National Council(NNC) officially started demanding land from Assam. Naga National Council was formed in February 1946, during that time it was the only organization which injected political awareness among the people of Nagaland. During the World war I, 1918, organization known as ‘Naga Club’ was formed in Kohima by few Naga leaders to promote awareness among the Nagas (Konyak 2014).

During World War I thousands of Naga armies from different tribes and sub-tribes fought in France and many Western countries beside British soldiers for one common goal and during the course of time the friendliness among different tribes and sub-tribes started to grow. With the exposé they came to know the reasons behind the vast difference between their world and the world beside them and why Nagas are way behind the people of the other parts of the world. So, after coming back from different parts of the world at the end of World War I, they started ‘Naga Club’. At the very beginning Naga club started working towards social, economic and skill development, following the footsteps of first Indian National Congress (1885).

Over a period of time during 1945, in the month of April under the aegis of Sir CR Pawsey, then British deputy commissioner of the Naga Hills District, the Naga Hills Tribal Council was formed. After a year of evolution in 1946 a political organization named ‘Naga National Council’ was formed (Franda 1961).

Hydari Commission Report

At the time of Indian Independence from British, it was the first time Nagas came up with the concept of their nationality. From 26th June to 28th June, 1947 in Kohima for the first time Naga people started negotiating with the representative of British Indian Government and their representative Sir Akbar Hydari, then Governor of Assam. As a result of their continuous discussion Naga people’s representatives signed the controversial ‘9-POINT AGREEMENT’. It demanded a modification in the border line by transferring all the forest reserves in to Nagaland which were transferred out of it during the Demarcation of boundary between Assam and Nagaland by the British Government. (Kumar 2009).

In the point no 6 it is mentioned about the boundaries and it states that- “6 Boundaries: That the present administrative divisions should be modified so as (1) to bring back into the Naga Hills District all the forests transferred to the Sibsagar and Nowgong Districts in the past, and (2) to bring under one unified administrative unit as far as possible all Nagas. All the areas so included would be within the scope of the present proposed agreement. No areas should be transferred out of the Naga Hills without the consent of the Naga Council” (The Naga-Akbar Hydari Accord, 1947 n.d.).

The Hydari agreement granted judicial, executive and legislative powers, and also autonomy in land-related issues to the Nagaland. However, the Bordoloi commission and refused to ratify the Hydari accord as it concluded that the pact assured only a “district autonomy within the Indian Constitution”. The Nagas felt very much betrayed

when they came to know that the above agreement made was not carried out immediately.

That was the period when the wings of Naga insurgency started to grow under the leadership of A Z Phizo, he was an Angami Naga from a village known as Khonoma in Kohima. Phizo is considered as the father of Naga insurgency, “an uncompromising Naga who wanted nothing but complete independence for the Nagas”.

In July 1947, a few Naga representatives led by Phizo went to meet Mahatma Gandhi in Delhi to put forward their demand for independence. Gandhi is reported to have said, “The Nagas have every right to be independent...” (AN INTERVIEW WITH PHIZO BY DR. ASHIKHO DAILI MAO IN LONDON-1985 2015)

August 14, 1947, one day before India’s Independence from the British Rule, the Naga National Council under the leadership of Phizo declared their own independence.

Then PM Jawaharlal Nehru, however, labelled the Naga National Council’s demand for independence as “absurd” and said, “It is doubtful whether the Nagas realize the consequences of what they are asking for. For their present demand would ruin them.” (Zhimomi 2004) But the NNC declaration of complete Independence was the starting of a long and continuous battle by the Nagas. Before Phizo was arrested in Burma (now Myanmar) he met Jawaharlal Nehru twice to discuss the matter of Nagaland. In between, Naga National Council came under full control of Phizo’s leadership. NNC organized a plebiscite among the Nagas and decided that they will boycott first two General Election of the Country; the District Council which was formed under the “6th Schedule of the Indian Constitution” was also rejected by the Nagas and the people of Nagaland took the way of extremism to fight against it. And on 22nd March 1955 they formally announced the formation of ‘Federal Government of Nagaland’ in Phensingue village, with an armed wing of its own. They were later charged with violation of human rights by the separatists. After the accusation, Phizo managed to run away to East Pakistan in December 1956, from where he started to exile in London.

The layout of Federal government was as follows- one president, one head of arm forces, 100-member parliament, 15-member cabinet and 4 governors. They called ministers as ‘Kilonser’, MPs as ‘Tatar’ and Governors as ‘Ahng’ (Dutta 1987).

First Naga people’s convention

After the arrest warrant of Phizo by Government of India. The moderate wing of NNC leaders formed a committee and decided to discuss about the political scenario of Nagaland. Which led to the first session of Naga people’s Convention at Kohima from 22nd to 26th August 1957 under the President ship of Late Dr. Imkongliba Ao, where they came up with a proposal of establishment of a new administrative unit by amalgamating the Tuensang division of North-East Frontier Agency (now Arunachal Pradesh) with Naga Hills District. The Government of India gave their green signal on the proposal made by the NNC and on “1st December, 1957, the new administrative unit known as the Naga Hills and Tuensang Area (NHTA) was inaugurated” (N. K. Das 2011).

Second Naga people’s Convention

From 21st to 23rd May 1958, second Naga people’s Convention was organized at Ungma village of Mokokchung district, this time they got an unprecedented participation from all the people of Nagaland and at the end of continuous discussion they decided to form new state called Nagaland, comprising the areas of Naga Hills Area Unit.

Accordingly, they drafted a 16-point agreement, and in Mokokchung convention, they took an important decision relating to the Assam-Nagaland boundary issue. In that 16-point agreement 12th and 13th point is associated with boundaries of to be newly formed 16th state of India i.e. Nagaland. 12th point states that- “Consolidation of Forest areas: The delegation wished the following to be placed on record: The Naga delegation discussed the question of the inclusion of the Reserved forests and of contiguous areas inhabited by the Nagas. They were referred to the provisions in Article 3 and Article 4 of the constitution of India, prescribing the procedure for the transfer of areas

from one state to another” (16 Point Agreement n.d.).

Point 13th states that- “consolidation of contiguous Naga areas: The delegation wished the following to be placed on record: ‘The Naga leaders expressed the view that other Nagas inhabiting contiguous areas should be enabled to join in the new state. It was pointed out to them on behalf of Government of India that Article 3 and 4 of the constitution provided for increasing the area of any state, but it was possible for Government of India to make any commitment in this regard at this stage” (16 Point Agreement n.d.).

16-point agreement

On 26th July 1960, a 15-member delegation of the NPC under the leadership of Dr. Imkongliba met the then PM, the Jawaharlal Nehru. They presented 16-point agreement, which was drafted after Mokokchung Convention, after a long discussion on 30th July 1960. Government of India agreed to their 16-point agreement, which provided for the establishment of a separate State for the Nagas within the administration of Indian Government to be known as "Nagaland". But they did not give any affirmative solution to the above mentioned point 12 and point 13, instead they just mentioned that they took note of that (Jamir 2014).

Interim Body: Inauguration of 16th State of India, “Nagaland”

On February 18, 1961 an Interim Body including 42 members was formed. The motive behind the formation of the body was that it will function as the de-facto legislature. The interim body comprise of five-member Executive Council which was headed by Chief Executive Councilor. That five-member body functioned as de-facto Council of Ministers. Dr. Imkongliba Ao, was appointed as Chairman on the interim body. Mr. P. Shilo was appointed the Chief Executive Councilor and later he became the first Chief Minister of Nagaland. On August 21, 1962 the then Prime Minister Jawahar Lal Nehru introduced a Bill in the Parliament supporting for formation of a new state Nagaland as a full-fledged State. “The Act provides for the formulation of the State of Nagaland as the 16th State in the Indian Union, and on December 1, 1963, President Dr. S. Radhakrishnan inaugurated the State of Nagaland. The late Mr. Vishnu Sahay became the first Governor of Nagaland” (Ao 2005), and in January 1964, first ever general election was conducted in Nagaland.

Federal Government of Nagaland

The problem of Nagaland is not finished yet, the Naga rebels are still fighting for the complete freedom and they wanted the newly formed Nagaland to be a sovereign nation, although they were supporting the above mentioned 12th and 13th point of 16-point agreement but opposed the declaration of Nagaland as a state under Indian rule. Internal disagreement between the moderate NNC members and extremist NNC members led to a weak freedom struggle. Therefore, under the leadership of Phizu extremist group of NNC started torturing and killing those Nagas who were in the support of formation of new state Nagaland. The extremist group who formed Federal Government of Nagaland started asking for help from Pakistan, China, USA and British Government, later they also presented the issue of Nagaland in United Nations.

On the issue of taking help from communist country China, Kaito, then General of FGN, was opposed by other leaders of FGN because, if Nagaland becomes a communist nation, it will change the way of living for the Christian people of Nagaland. Kaito was removed from the position of General by the FGN for his inhuman torturous and killing of Naga people which was against the rules of Federal government. So, in 1968 Kaito formed a new rebel group called ‘Army Government’, its main motto was to fight against Indian Government in an extremist way to attain their goal of complete freedom for Nagaland.

On 2nd November 1968, in a meeting of rebel leaders of Nagas blamed the Federal Government and Army Government for the failed movement to attain the goal of complete freedom and so they decided to annihilate both the Government and make a new Government, they named it as ‘Revolutionary Government of Nagaland’. However, Phizu supporter did not let go of NNC and Federal Government was on the verge complete breakdown,

on 1st September 1972, Indian Government banned Federal Government because of its void formation beyond the construct of Indian constitution. In addition, for its unlawful association in violence and killing. From then the rebels of Federal Government went completely underground and on the other hand for their failure to attain their goal, on 16th August 1973, Revolutionary Government of Nagaland was completely dismantled.

Rise of Thuingaleng Muivah: Birth of NSCN

During that time Thuingaleng Muivah, a Tangkhul Naga from Ukhrul, Manipur, who was a political science Masters from North Eastern Hill University joined NNC and become General Secretary. In the month of January 1968 under Muivah's leadership 300 Naga rebel went to China for training after China agreed to help in their struggle for complete freedom from India. After Muivah's training in China he became inclined towards communist ideology and decided that after Nagaland's freedom it will be a communist country, so Federal Government opposed Muivah's proposal and as a result of that a new organization called "Nationalist Socialist Council of Nagaland" (NSCN) was born.

Shillong Accord

With passing time Government started putting continuous pressure on Naga leaders to leave the path of violence and accept the supremacy of "Constitution of India" without fulfilling any condition given by the Nagas and surrender their arms. "Indian government was represented by then Governor of Nagaland Lallan Prasad Singh, he was assisted by M.L. Kampani, Joint secretary in the Ministry of Home Affairs(MHA), and also by two advisors who were appointed for Nagaland—M. Ramunmy and H. Zopianga. The Nagaland's underground organisations were represented by leaders including I. Temjenba, S. Dahru, Veeniyi Rhakho, Z. Ramyo, M. Assa, and Kevi Yalie—younger brother of Angami Zapu Phizo. They signed a peace accord, what is known as the Shillong Accord on November 11, 1975" (Portal 1975).

The following were the outcome of the discussions: "Firstly the representatives of the underground organizations conveyed their decision, of their own volition, to accept, without condition, the Constitution of India. Secondly It was agreed that the arms, now underground, would be brought out and deposited at appointed places. Details for giving effect of this agreement will be worked out between them and representatives of the Government, the security forces, and members of the Liaison Committee. And thirdly It was agreed that the representatives of the underground organizations should have reasonable time to formulate other issues for discussion for final settlement" (United Nations Peacemaker n.d.).

However, the representatives of Underground organization who signed the accord did not consult Phizo and other senior leaders like Isak Chishi Swu and then general secretary Thuingaleng Muivah, two leaders who would very soon change the course of Naga history.

On January 31, 1980, the National Socialist Council of Nagaland (NSCN) was formed in the interiors of Myanmar. Swu was named as the chairman, SS Khaplang (a Hemi Naga from Myanmar) was given the post of vice-president and Thuingaleng Muivah, a Tangkhul Naga from Ukhrul district of Manipur, as the new general secretary. Following the ideology of Mao Tse Tung and with the sworn desire of "Nagaland for Christ", the NSCN started one of the most violent period of Naga insurgency, they started targeting Indian armed troops, Naga political leaders who were in support of Indian Government and the common people of Nagaland who opposed to the extremist way of NSCN. This organization came to a point where it got spited into two groups, which was a result of an assassination attempt on Muivah on April 30, 1988. However, Muivah luckily escaped the Assassination attempt, and in 1988, the NSCN split into two groups --the NSCN-IM which is led by Swu and Muivah and the NSCN-K portion led by Khaplang. As a consequence, this two group fought internally to establish their dominance over Nagaland.

While NSCN-IM was, engaging in violent rebellion their leadership took the Nagaland imbroglio into one-step further to international spotlight and linked claimed that Indian Army is involved in violation of human rights of

the people of Nagaland like the Kashmir have been claiming. The NSCN-IM even linked up with organizations like the UN Human Rights Organization in Geneva, the Unrepresented Nations People's Organization (UNPO) at the Hague and the UN Working Group on Indigenous Peoples to highlight its cause. (morungexpress 2010)

KVK Sundaram Commission

The disagreement between Assam Government and Nagaland Government on the issue of Border gave birth to several recurring incidences of violence and clashes between the residents of both states. During 1970 BK Nehru, was the Governor of both Nagaland and Assam, to resolve the issue of border dispute he arranged a meeting in February 1970 between delegates from of both the States. Unfortunately, the outcome of the meeting was not satisfactory, they could not come to a conclusion of failed to put forward any solution for border dispute. "In 16th August, 1971, KVK Sundaram Commission was appointed by the Government of India to study the problem and recommend measures to the Government" (Bareh 2001). It took him five years to give his report on Assam-Nagaland border dispute, in 1976 he submitted his report to Central Government and Central sent copies to both Government of Assam and Government of Nagaland, Assam accepted the report but Nagaland did not. Accordingly, Government of India started covering up 200 miles boundary by concrete pillars and milestones but there were some areas under those 200 miles of boundary, where natural rivers and tributaries were marked as boundary. However, the report gradually shifted to the cold storage of Government of India without any significant yield.

Legal Battle

For seeking solution for repeated violence along the borderline between Assam and Nagaland and Nagaland's unwillingness to comply with different peace agreements and different accords. "The State of Assam against the Union of India filed an original suit under Article 131 (Original Jurisdiction of the Supreme Court) in 1988. For identification of the boundaries between the States of Nagaland, Assam and Arunachal Pradesh. On 13th September 2004, the Supreme Court ordered for the appointment of a commissioner under Order XLVI of the Supreme Court Rules, 1966 read with Order XXVI Rule 9 of the Code of Civil Procedure, 1908, after consultation with all the parties" (Joseph 2010). Both Assam and Nagaland government were asked by the court to:

"cooperate with the Commission and render all possible assistance so that the Commission can function and smoothly discharge the duties, assigned to it by this Court."

Despite above order by Supreme Court of India Nagaland Government did not comply and did not even filed an affidavit; they were given a final opportunity by the Supreme Court of India, on 11 September 2016, to the Chief Secretary of Nagaland to comply with the above decision. Later that month On 25th September 2006, Hon'ble Mr. Justice S.N. Variava, a former Judge of the Supreme Court was appointed by the Supreme Court of India as the Chairperson of the Local Commission which was ordered to be formed in its Sept 2004 order. In addition, court mentioned "Justice Variava was to be assisted by Mr. Kamal Naidu, Retired principal chief conservator of forest, Andhra Pradesh, and Mr. S.P. Goel, Additional Surveyor General of India, as members". The official order of the Law commission was to *"identify the boundaries between the States of Nagaland, Assam and Arunachal Pradesh."* The Court also said:

"We may, however, clarify that this local commission is not the boundary commission postulated by the Constitution of India and that all the factual and legal objections are kept open for the parties to be urged and agitated after the receipt of the Report from the Commission. Non should be taken to have given up any right on agreeing to appointment of this Local Commission. We hope that the Local Commission will be able to furnish the Report within a period of one year or such extended time, as may be considered by this Court. It would be opened to the Commission to seek such directions from this court, as deemed necessary."

Justice Variava later expressed that he won't be able to continue his work with the Local Commission as the Commissioner. Therefore Retired Justice Tarun Chatterjee of the Supreme Court of India was appointed as the Commissioner of the Commission.

On 20th August 2010, Supreme Court of India, a division Bench consisting Markandey Katju and T.S. Thakur, JJ. stated:

“we are of the opinion that apart from the proceedings before the Local Commission appointed earlier by this Court, an attempt should also be made to resolve the dispute between the State of Assam and State of Nagaland by mediation.”

Accordingly, Mr. Sriram Panchoo, Senior Advocate, High Court of Madras and Mr. Niranjan Bhat, Senior Advocate, High Court of Gujarat, were appointed by the Court as the co-mediators.

Following are the major terms of references: “The Mediators shall have one assistant and the help of experts for the mediation. The Union Home Ministry shall be associated with the mediation. After three sittings, a preliminary report shall be filed by the mediators as to whether the dispute is capable of being resolved between parties by mediation. On receipt of apposite reply from the mediators, the period of mediation may be extended with the consent of the parties” (Joseph 2010).

Supreme Court and the mediators appointed by the court have already held talks with both Governments and submitted their report. Now it remains to be seen whether the decision of the apex court can bring a permanent solution to the vexed problem.

In the meantime, while case was going on in The Supreme court, there have been numerous cases of repeated violence along the border took place and the most recent was in the month of August, 2014 in Uriamghat area in which official report loss of nine lives but unofficial number is much higher than that.

The people of Border areas have a unique way of saying that there is a fight going on between Nagas and Non-Nagas or about sudden attack of Nagas as ‘Gondogul’. Everyone is well known about the word and if you go to other parts of Assam Gondogul means a simple fight or miscreant but in Uriamghat area Gondogul means somebody died or at least somebody lost a body part or two.

Bheloguri Gondogul

According to local people, 5th January incident was well planned way before its time, the main goal behind this planning was to banish all non-Naga people from Uriamghat, Panjan and Chungajan by harassing and killing them. The planning was in the motion and several meetings among the village heads of Naga villages along the border was held in Bomahi village. Bomahi village is very near to the borderline so; they even decided that they would move to Dimapur via jungle road for few days after the incident to let the situation settle down. The attacking group was divided into two groups, one will attack Bheloguri, Napathar, Haripur and Kasokhuwa on the other hand other group will attack Ranipukhuri and Hunalinogor. The main reason behind division of attackers into two groups was to attack at different spots at the same time giving no room for time to non-Naga people to escape. The last meeting for the 5th January attack was on 4th January (Modon 2016).

Bheloguri village was of Kachari people and during 1979. Fifteen families used to live there, maximum 2 to 3 children per family. Almost all the member of the family were young because they were the one who separated from their family and came there to start a new life, for earning their daily bread they used to work in the fields of Naga’s and even helped them in their household work (Noren, 2016). Kera Basumatary’s wife was one among them who used to work in households of Naga people, wife of that household was aware of the attack on 5th January and she informed her on 4th January about the planning and how Nagas will attack the male members of the family first. After coming back from work Kera’s wife informed him about the meetings and the coming event, they decided to leave the village that night only and also informed other villagers, but nobody took the seriously because they never thought something like that will ever happen. On the other hand, in Ranipukhuri, Napathar, Haldhibari and Goroimari people were informed by some posters with different slogans on them like, “Leave our Place”, “No Tax no Place” and “This area for Nagaland, Go!! Or Blood shed”. Some of the villagers have informed about the posters to some Government officers but nobody knew that planning was going on for a massacre (Noren

2016).

At last night of 4th January and dawn of 5th January came, it was a cold winter, at first they started burning the houses of villagers and when they tried to come out of the house they were attacked by arrows and spears and those who escaped the attack of arrows and spears were shot by the rifles. Gondogul took place at Uriamghat, Panjan and Chungajan at the same time and till the first light of morning non-Nagas were attacked by the Nagas.

On the next day APBN and government police came to the spots. Most of the Bheloguri people escaped the attack who were informed by the Kera Basumatary. Unfortunately, in Ranipukhuri from one Gogoi family; dad, mom and son was killed inside the house by burning and little girl was thrown into the fire later. Dead bodies of three kachari women and two kachari men were recovered, in Kachokhuwa village 5 dead bodies were recovered, and in Bheloguri village Gojen Basumatary's deadbody was found, on 6th January a man from Rajapukhuri named Linga Shyam was beheaded by the Nagas on Rengama River, Boren Basumatary of Nabapur was the eye witness of that incident. Around 25 people died that day and lot many people were injured (Bolin, 2016).

After 5th January incident delegates from both Assam and Nagaland Government met in Shillong on 28th January to find a way to keep peace in those affected border area until a permanent solution. In that meeting they came to a conclusion and a agreement was signed by the both parties. Stating those encroachers, whether they may be Nagas or non-Nagas who occupied their land in the reserved forest along the boundary line before 2nd January 1979, will not be evicted. Until a permanent solution is there for the border dispute between Assam and Nagaland, status quo will prevail in those disputed areas (Boro 2012).

Following are the main points of that agreement:

- Nobody is allowed to build new house or any construction.
- They should repair their house on the old space only, where their old house was located.
- No deforestation and encroachment for new cultivating land.
- In addition, no new roads should be constructed.

In 1984, Lotha Nagas in Niphayan broke the agreement and started building new houses again in Kherbari of 14th Rengma reserve forest areas (Rabha 2016). The explanation they gave was that from the very beginning of time they used to do cultivation in those areas so why can't they make a new village there. There was an Assam Rifles camp at Napani nearly 1 km away from Niphayan, they tried to stop the process but could not, because they are the neutral force so they cannot take extreme measures to tackle the situation. Therefore, building of new houses started, Naga people were so motivated that they only know one thing: 'it's better to die fighting for land, to have nothing'.

Merapani Gondogul

Now a days Doyang reserve forest is no more forest, due to people's massive deforestation and encroachment it is a densely populated area now. Centre for Doyang Reserve forest is Merapani, from Golaghat if you travel towards south, after 30 km there is Merapani and from there Naga hill is just one kilometre away.

After 1972 agreement between Assam and Nagaland, just opposite of a border police outpost, nearby Ushapothar of Golaghat, with Nagaland animal farm colony, 7 member civil police check post was there. According to that agreement, no one can do anything without informing the other side, for the sake of status quo. From the second week of April 1985, Nagaland Government started setting up iron pillars for construction of iron fence surrounding the Nagaland animal farm colony. Some people complained about it and because of the area comes under the jurisdiction of Merapani police station, on 20th April they ceased the iron pillars and brought them to Merapani Police station (Bhuyan 2016).

After hearing the news of this incident Sub-divisional Office of Bhandari sub-division of Wokha district demanded the pillars back, and in reply Assam government said, they will get back their pillars but under the rule of law. On 22nd April with Armed Police, deputy commissioner of Wokha district came to Merapani Police station, he

demanding their pillars back without any condition and started to make arrangement for taking back the pillars by himself, to prevent that from happening police fired one blank fire round towards the sky. The situation became more intense but somehow it came under control and there was no solution regarding the pillars, but Nagaland commissioner insisted on taking action against the person who fired the shot by Assam Government. From 23rd of April, Nagaland side of check post was filled with armed personals. On the other hand, Assam side also took necessary action for the worst-case scenario. On 29th April delegates from the both side met at Merapani for a discussion but could not come up with a positive solution. Militarization of both side continued but on 8th May delegates from both side met in Golaghat and agreed to keep situation under control (Gogoi 2016).

From 27th May to 3rd June, many times Nagas took shot at non-Naga people in Doyang and Uriamghat area. On 1st June Nagas burnt 5 houses of Baroghoriya Village, on that night itself, firing occurred between Naga police and Asaam police at Ratanpur which results into death of two villagers. Because of those incidents fear started to grow among the people of Negheribil, Bheloguri, Nobogram, Doyalpur, Baroghoriya, Rotonpur, Upper Merapani, Digholpani, Sisupani villages, villagers started to leave the places sensing a big tragedy. On 3rd June Nagas attacked Modhupur village which led to one death (Das 2016).

On the other hand, on 4th June, to stabilize the unstable condition along the border line commissioner level meeting was organized at Chumukedima where commissioner of both side were present under the guidance of one Central Government representative. Meeting was on the process when they got a message around 3.30 pm stating firing started in Merapani, immediately police in charge from the both side were informed to cease-fire.

Merapani incident started around 3.30 pm, on 4th June and lasted till the morning 6th June. According to Government records in that incident of Merapani, 28 cadet of Assam police and 14 civilians died. Around 46 relief camps were set up for 32,229 people; damage was done to around 55,581 people. 1305 houses were burnt to ashes, almost 238 shops were destroyed. And the list of other destroyed things are as follows:

one Public Works Inspection Bungalow, one forest beat office, one magistrate bungalow, one veterinary sub-centre, three public health sub-centre, two village Panchayat office, Merapani police station, foothills forest check gate, five border police post, two wooden bridges of Merapani and Bheloguri, one kerosene depot, one Laxmi Gaoliya Bnak, eight LP, three ME and two High schools, ten Naamghors, two masjids, two churches, two motor vehicle, including government buses its total is seven. On the other hand, only eight police personals were died from the Nagaland side (Sharma 2016).

Interestingly an officer of British Government wrote in his book *A Sketch of Assam*, “Naga territory was never considered as integral portion of the sovereignty of Assam” (Butler 1847)

Then again another Indian civil servant Edward Gait wrote about Nagas that “The hilly track inhabited by the various tribes known to us collectively as Nagas had never been subjugated by the Ahoms, and it was no part of the British policy to absorb it”. (Gait, a history of assam 2013)

On the other hand, there is no proof that mentioned Reserve forest were under the administration of Nagaland. During 1228 AD a prince of Mong Mao province started his journey from Patkai to Assam through an olden route of Yunnan to Assam, he was the first Ahom king of Assam ‘Sukapha’. On his way to Assam some Nagas tried to resist his advance, but he ferociously defeated them and perpetrated frightful atrocities on those whom he captured. “He caused many of them to be killed and roasted, and compelled their relatives to eat their flesh. This ghastly barbarity created such widespread terror that the other Nagas of the neighbourhood all hastened to make their submission” (Gait, A History of Assam 2013).

Before Ahoms, there are proofs that those areas were under Kachari Kingdom. In the thirteen century Kachari Kingdom in the North extended along the South bank of the Brahmaputra, from West to East it was extended from Kallang to Dikhou and in the south it covered Dhanshiri and the foothills of the Naga pahar, even North Kachar was under this kingdom. All the above-mentioned Forest reserve were under this Kingdom. Even Dimapur was the Capital of Kachari Kingdom, which is now in Nagaland and referred as financial capital of Nagaland.

Nagas also claimed that Ladoigarh was the boundary of Assam and Nagaland in the olden days but there is no historical proof, only the oral history, instead in Buronjis it is mentioned that Ladoigarh was made by Pratapsingha to prevent Koch and Mughal's attack to Ahom Kingdom from the west (E. Gait 2013).

Under Dhanshiri Sub-division of Golaghat district, 15 km from Sarupathar towards South, on the bank of river Rengma, Uriamghat is located, and its administrative area covers around 20*15 km. There is a story behind the name Uriamghat. Before 1979 on both side of Rengma river there was a dense forest of Bishop wood (*Bischofia javanica*) and in local language it was called 'Uriam' tree, and there was a river port to cross the river named Uriamghat, so, gradually the name of the port became the name of the entire area. If we move toward Uriamghat from Sarupathar there used to be forest cover area of Nambar and Rengma forest. For convenience of forest department, they numbered the reserved forest cover area numerically and Rengma came under no 14th. So, its 14th Rengma Reserve Forest. 5 km towards south from Uriamghat there are raw of Naga Hills.

Before around 51 years ago including Uriamghat, Rengma and South Nambor reserve forest was a dense forest, it was a corridor for different wild life and there is a saying that tigers and deer used to drink water together from Rengma river, there was enough food for everyone and scarcity was an omitted word.

From olden days Nagas who used to live in Naga hills used to come to Rengma reserve forest for hunting and gathering food, if you ask them exactly from when? The answer is same as our grandparents used to say 'from olden days'. They used to cross Uriamghat to come to plains to take back salt and some other important things which are not available in the Hills, so for Nagas Uriamghat is well known to them from the very beginning. Uriamghat is home for many different communities like, Bodos, Kachari, Muslim, Nepali, Manipuri, Marwari, Bihari and many local Assamese groups.

For Nagas this whole Rengma reserve forest area including Uriamghat is disputed. On the other hand, both Assam government and Nagaland Government takes the responsibility to maintain peace among the people (both Nagas and non-Nagas) living in this region, interestingly, all other jurisdiction is under Assam Government. For the purpose of administration of border areas, it is divided into different sectors and for each sector they have assigned one magistrate and they are known as Border Magistrate, Uriamghat comes under sector 'C'.

In 1934, Nrendra Nath Sen started a Wednesday market in Sarupathar. Nagas used to come to that market from the Naga Hills by crossing Uriamghat. With them, they mainly used to bring oranges, ginger and chili, while going back they take back salt, blanket etc (K. Gogoi 2016). In course of time Sarupathar market become the place of unity for Nagas and non-Naga people and the bond of friendship started to grow; sometimes people from plains will visit the Nagas in their Hills during festivals and vice versa.

Until 1957, friendship among Nagas and non-Nagas was going strong but it came to an end, when Phizu's Army started its movement in Rengma Reserve Forest and another incident of fight between Nagas and Non-Nagas during that time in Sarupathar market lead to discontinued interaction of Nagas and Non-Nagas. Although until 1979, Nagas used to come to Sarupathar in different time span but after the incident of 5th January, it almost stopped and at last the incident of Merapani from 4th to 7th June 1985 (Bora 2016), broke all the hopes of renewing the friendship among the people from both side of the border.

After the incident of 5th January 1979, government from the both side of the border decided to keep neutral forces for the peace process, accordingly, Assam Rifles were posted in the disputed areas along the border and Uriamghat was made the Headquarter of them. The Central Reserve Police Force (CRPF) as the neutral force later replaced the Assam Rifles.

Those Encroachers who were there before 1979, they were declared 'Protected Encroacher' by the Government and so, to do an eviction, forest department had to take permission from the Government but those encroachers who came after 1979, they can be removed any time by the forest department. The Reserve forest also plays a big role in the matter of friction between Nagas and non-Nagas. When people started Encroaching the lands near the

border, Nagas started asking for tax or revenue on that. Claiming those lands belongs to them, and for make a living peacefully non-Naga people started paying a share of their production from the land to the Nagas, and if they don't pay consequently Nagas will burn their house or sometimes even kill. Nagas does not care who decides that these reserve forest are Government property, according to them those forest are theirs till where they can go for hunting, in Nagamese they say 'amar laga bostir hoi thakise'(means it belongs to our village) (Loth 2016).

Boundary dispute started immediately after formation of new state Nagaland in 1963. The genesis of the clashes along the Assam-Nagaland border areas lies in the refusal of Nagaland to accept the constitutional boundary of the states, which did the British rulers, draw. While the failure of the neutral force, in acting tough against status quo violations and to maintain law and order along the disputed areas also added to problems.

Before the Gondogul of 5th January 1979, in Uriamghat, Panjan and Chungajan area nobody ever thought that the incident could be that violent, small clash and friction was what people expected, instead houses were burnt, loss of many lives and property was a devastating event. Toward the west of Rengma reserve forest, Sema Nagas were the ones who used to live there. Semas introduce themselves as 'Underground Nagas' means they were the revolutionary one. Semas were originally from Zunheboto district of Nagaland and many of the revolutionary leaders were from Zunheboto, Basically Semas were more inclined towards rebel attitude. Starting from Uriamghat from North to South following are the Naga villages: Khotbhi, Izebhi, Bikheth, Zuit, Xekse, Tokse and Hukai, along these villages following are the non-Naga villages: Hunalinagar, Ranipukhuri, Joyapothar, Horipur, Napothar, Bheloguri, Pakhoriguri and towards East of Rengma river following are the non-Naga villages: Hatidubi, Masgaon, Nobojyoti, Bordondi, Jurdolong and Haldhibari.

On the other hand, Naga villages of Panjan and Chungajan are clustered or concentrated in one place and people from non-Naga villages are mostly Bodo Kachari, few nepali and some are ex teagarden workers.

Uriamghat Gondogul

The latest Gondogul took place in the month of August 2014, at the border areas of Uriamghat between Assam and Nagaland. From my visit to the field, I found out, as I mentioned above during the Encroachment back in 1965 to 1972 people agreed on giving tax or revenue on the lands of reserve forest to Nagas, who claimed to be original owner of the land. But after 2010 non-Naga people gradually discontinued paying the tax or revenue, knowing that Nagas are not the real owner of the land, which aggravated the act of violence along the boundary line in different occasions. Some villages of that areas namely Chetiagaon, Jahajibosti, Rtanpur, Kampur etc. with the support of 'All Adivashi National Liberation Army', completely stoped paying taxes or share of the crops to the Nagas. Situation got more escalated when two boys named Ajoy Ghor a class IX student and Philson Kujur a class X standard student, of Little Flower school in Gholapani and residents of Chetiagaon, a distant village in Uriamghat which comes under Dhansiri sub-division, Sarupathar Development Block of Golaghat district in Assam have been reported missing since they went to nearby ChandlaChung village in Nagaland side of the border on July 26 (Horo 2016).

Locals alleged that miscreants in Chandla Chung had kidnapped the boys. Villagers went to the authorities and neutral forces (CRPF) posted there for the investigation but according to villagers the concern authority did not took necessary action to search operation for the boys. The actual reason is still unknown why the boys crossed the border of Assam-Nagaland but when asked to the locals the replied it's a common practice of the people living around there to move front and back to the nearby villages of both side of the boundary.

Suddenly the whole situation turned unstable around 11am on 12th August 2014, when residents of Chetia Gaon and 15 nearby villages laid siege to the camp of 155 CRPF battalion posted at the village of Chetia Gaon as a neutral force. Villagers started shouting slogans against incompetence and negligence of the CRPF and other officials concerning the disappearance of the two teen age boys from the Chetiagaon.

"When the CRPF jawans resorted to a lathicharge to disperse the mob, the protesters started running helter-skelter

in search of safety. Many of them were injured in the caning. As the protesters fled the caning, some miscreants from Nagaland, fearing an attack on their village from the mob, allegedly started firing upon them” (Saikia 2014), as a result two protesters, Fasai Gaur (Karmakar), 25, and Chintamoni Barhoi, 65, were killed in the firing. Among severely injured persons were Rupush Gaur (18) and Prodip Gaur (18) of Chetiagaon (Tirkey 2016).

After that Naga miscreants set fire to several houses in the border villages of Assam. Almost all Residents from the bordering villages of Chetia Gaon, Roman Basti, Tenpur, Lachit Gaon, Jahaji Basti, Sukanjan, Ratanpur, Kamphpur, Chainpur, Majgaon and nearby villages in Assam started feeling their homes following the arson. Around 14 Relief camps were made in the schools of Uriamghat (Rehman 2016).

On the other hand, Nagaland side of the people said that the area came under violence on 12 August 2014, when the All Adivasis National Liberation Army (ANLA) raided two villages namely Ronsuyan and Chandalashung which were on the Nagaland side of the Border, people said that they started beating up the people of those two villages and destroying property (Ovong 2016).

Although official report of death in that incident was nine, local people said that it was 18. More than 10000 people shifted to 14 relief camps, around 726 houses were burnt to ashes from 15 hamlets. Two days after the incident 4th APBN was the first Assam police battalion sent from Guwahati to the affected area but they were not given any instructions whether to vigil or retaliate, slowly troops from all the APBNs started deploying there and CRPF was removed from the front line, they were replaced by the SSB (Baruah 2016).

Assam Government announced compensation of Rs 8 lakhs to the family of the deceased, Rs 50000 for injured person and Rs 50000 for the families who lost their houses, but till date only 430 families have received the compensation and remaining 296 families are yet to receive.

Conclusion:

The study described above talks about the sub-national border conflicts between Assam and Nagaland, focusing on Sector ‘B’ and Sector ‘C’ of the disputed areas along the boundary line. People along the boundary line of Assam and Nagaland has been facing occasional violence across the border under the banner of NSCN.

Nagaland comes under the Article 371A of Indian constitution. (Bakshi 2014) applies to and the Disputed Area Belt exists in the conflict-affected zone, land use is done on mutual understanding rather than any legal contract, there is a need for either customary practice or legal procedure which will ensure human safety and dignity of any human being working or staying in this area.

The area along the border is a sensitive area with growing population of many different communities living in a small geographical area depending on limited land and forest resources for their livelihood. Therefore, the state mechanism, security personnel and the village elders should be actively involved in confidence building measures amongst both the communities.

Loss of life, property and forced displacement must be avoided and stopped at any point in time. It is the supreme duty of the state to protect people and their properties. The current situation reveals the complete failure of the state mechanism (police and administration) in protecting vulnerable groups like the Adivasis who are perceived as immigrants in Assam.

The Adivasis in this region are the most marginalized group socially, economically and politically. This conflict has further dismembered the already marginalized group. A strong commitment and political will from the state administration to protect and rehabilitate them is required.

The right to education is a fundamental right and this needs to be respected. Schools should not be used for any other purposes except for education.

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