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39

**Roots and Ramifications of a Colonial 'Construct':
The Wastelands in Assam**

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Roots and Ramifications of a Colonial 'Construct': The Wastelands in Assam

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The primacy of geography and an ideology about the control of territory is inseparably linked with colonialism. 'Constructs' have facilitated this cause in various ways. The construct of wasteland has been one such machination whereby the colonial state appropriated the usufruct community space of the indigenous people and created the 'space' for the individual European planters and cultivators from outside the state, in the name of adding value by transforming these areas from the 'state of nature' to the 'state of civilization'. This paper deals with the 'roots' of the colonial construct of wasteland and its post-colonial ramifications. What is the socio-cultural rationale in ascribing land as 'wasteland'? Does jurisprudential logic play a role in erecting such a construct? Which philosophical thoughts influenced the notion of wasteland? Was it a manifestation of the foundational binary between the state of nature vis-à-vis state of culture embedded in the colonial project? Above all, what is the status of these lands and what is the plight of the people who are associated with this colonial construct?

Introduction

In the heydays of colonialism, how did the colonial-centre view its colonies! As a replica of its past to be exploited as a site for 'accumulation'; as a 'space' to be transformed that reflects "the image of its own future"¹ or both with degrees of difference. No matter in whichever way one interprets it, 'constructs' played an important role in consolidating the metropolis-periphery relationship and furthering the colonial project. In other words, constructs represented both 'replication' and 'reflection' of colonization. There were several constructs framed during the colonial rule in India². 'Wasteland' was one such example, a

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colonial construct which has wide ranging post-colonial ramifications too. Contemporary North East India provides a scope for understanding this phenomenon.

This paper deals with the colonial construct of wasteland and its post-colonial ramifications. What are the socio-cultural roots that are important in terming land as 'wasteland'? Does jurisprudential logic play a role in erecting such a construct? Which philosophical thoughts influenced the notion of wasteland? Was it a manifestation of the foundational binary between the *state of nature* vis-à-vis *state of culture* embedded in the colonial project? Above all, what is the status of these lands and what is the plight of the people who are associated with this colonial construct?

Within the above framework, the paper analyses the issues related to a particular variety of wasteland which is seldom a part of the dominant discourse – the *char* areas³ (the river islands) of Assam. The emerging history of wasteland and the plantation (tea) sector is well documented and is therefore beyond the scope of this paper. On the other, there are neither any specific details nor exhaustive archival materials about the *char* areas in Assam, and so in the light of these shortcomings, the paper deals with the issue of wasteland vis-à-vis the *char* areas based on secondary sources dealing with the wastelands in general. In the process the paper also throws light on this colonial construct that has a severe post-colonial ramification in the overall socio-cultural and politico-administrative structures of contemporary North East India?

Wasteland: The Colonial Construct

Britain was long used to the practice of settled cultivation much before it became a colonial power. The state, subjects as well as its administrators were accustomed with only one mode of cultivation i.e. settled cultivation, which in many ways reflected a leap to civilization. This perception naturally remained ingrained in the mind of the Britons as they transformed their nation into a colonial power. So whenever the colonial administrators administered the colonies of the Crown, far-off from Britain, they preferred to refer to land outside the purview of settled

cultivation as 'idle wastes'. For colonial Britain, settled cultivation reflected the yardstick of transformation from the 'state of nature' to the 'state of civilization'. Those areas and people beyond the purview of settled cultivation were regarded to be in the state of nature that has to be transformed to the state of culture through the practice of settled cultivation. Neither their proprietary rights were recognised nor their mode of production and land use ever considered viable within the colonial logic of administration. The right over land was only recognised when these lands were privately owned and the owners either through their *labour* or by hiring others brought these enclosures under settled cultivation. Thus labour played an important part in transforming the land from the state of nature to state of civilization. In this regard, John Locke and his labour theory of property has been a major constitutive factor that shaped various notions such as English jurisprudence, colonization as well as resource utilization. Wasteland as a colonial construct became one of the constitutive corollaries of this pattern of resource use and interpretation⁴.

For John Locke, the earth belonged to the species of mankind and it is only by dint of some rightful means that an individual may appropriate from this common stock for consumption. The rightful means, according to him, is nothing else but the labour of an individual which he goes on to theorise in his labour theory of property. Locke argues that "in a state of nature- i.e., where there is no government- he who picks the fruit of a tree removes it by his labour from the common stock where it was the common right of every man and brings the fruit under the right of individual ownership and exclusive consumption"⁵. In his words "labour hath taken it out of the hands of nature, where it was common, and belonged equally to all her children, and hath thereby appropriated to himself". What holds true for a fruit is true for the cultivation of the ground too "to till, plant, improve or cultivate the soil is to "annex" to the materials of the earth something that is tiller's property, which another has no title to, namely, the tiller's labour"⁶. Thus by advocating the application of individual labour to the appropriation of property, Locke, according to Henry Moulds, invalidates several other

theories of property e.g. the occupancy theory of the origin of property (i.e. it is not the one who sits on land, but the one who tills it, pastures it, mines it or in some way works it who acquires a property claim), the community ownership theory of property (i.e. getting the consent of fellow commoners before one can appropriate) as well as the utility theory of property (i.e. a man possess his land merely because it is useful to him)⁷.

David Harvey while dealing with the *Future of the Commons* analyses the essence of Locke's labour theory of value. According to him "individual property is a natural right that arises when individuals create value by maximizing their labour with land: the fruits of their labour belong to them and to them alone"⁸. It operates through market operations where "each individual gets back the value he or she has created by exchanging it against an equivalent value created by another. In effect individuals, maintain, extend, and socialise their private property rights through value creation and supposedly free and fair market exchange"⁹. Here the noteworthy part in Locke's theory is not the argument regarding the interplay of the free and fair market (which can always be challenged) but the corollary that emanates from the theory that "individuals who fail to produce value have no claim to property"¹⁰. This was precisely the rationale behind the dispossession of the indigenous population groups from their land by the 'productive' colonist, according to the Lockean interpretation. The former group did not produce value and so these lands must be appropriated and people associated with such land should be dispossessed.

Wastelands were used as social and historical categories that exhibit the foundational binary between the state of nature and the state of culture and also simultaneously between the savage and the civilised and to extend it further between the propertied and the property-less. It is interesting to note that although Locke's labour theory of property acknowledged that the earth and its fruits belonged to humanity in common yet it simultaneously also emphasised for its best possible use so that the concerned land usher in maximum possible output and

thereby value. This perhaps reflects the contradiction of his times when capitalism in England was emerging from the feudal order. While on one hand, the emerging form of capitalism supported the best possible use of land (in terms of output), on the other, those dispossessed due to this transformation, according to him, could be settled and accommodated in the idle\unused\wastelands which were sufficiently large in the colonies. In this way Locke not only supported the notion of maximising the value generation from land but also affirmed colonisation of virginian territories by British settlers around the world¹¹.

Similarly, Locke emphasizes that maximising the value of land through the process of private enclosures also helps in trading of the surplus produce in the market which eventually meets the requirement of the dispossessed population. This is therefore for the ultimate benefit of mankind. He argues that what is “produced from one acre of enclosed land is ten times more than which are yielded by an acre of land, of equal richness, lying waste in common”¹². Therefore, “he that encloses land and has a greater plenty of the conveniences of life from 10 acres than he could have from 100 left to nature...”¹³ Thus it becomes apparent that Locke used the concept of common land with waste (land), which has to be brought under settled cultivation for value creation and transformation from state of nature to the state of civilization.

So, not only common lands were termed as wastelands but the people associated with such kind of land who preferred to keep land ‘idle’ were also associated with negative categorization (since in terms of Lockean theory the inhabitants could not claim individual property rights over such land). Therefore, as ‘value’ became the criterion of ordering land and the people associated with those lands, it was nothing but a truism on the part of colonizers to view wastelands as idle lands i.e. land untapped or not being tapped according to its potential. In other words, wastelands were not barren or infertile land as one would normally interpret but rather a social category where anything beyond the domain of private enclosures (as well as state appropriated land) were categorised as the same. Thus

the logical architecture of this construct was - land which is yet to be enclosed, privatised and commoditized are the wastelands. Karl Marx in Volume I of Capital provides with interesting insight his view on the usurpation of common land and the foundation for the emergence of capitalism in England. After the termination of serfdom during the last part of the 14th century, the free peasant proprietors and wage labourers (who were again partly peasant and partly wage earners) “enjoyed the usufruct of common land, which gave pasture to their cattle, furnished them with timber, fire wood, turf etc.”¹⁴ Access to common land for the peasant and the wage labour was a right that was hidden within the feudal structure. This right of the population over the common land along with the land itself was obliterated through different events. From the third part of the 15th century, by taking the advantage of the “insolent conflict with the king and the parliament, the great feudal lords created an incomparably large proletariat by forcibly driving of the peasantry from the land, to which the latter had the same feudal right as the lord himself, and by the usurpation of common lands”¹⁵. Through this the common land was usurped and transformed into sheep-walks and the feudal lords reaped the benefit from the rise in wool prices in England. This process of *capture* and *exclusion* continued till the 18th century as common land was usurped under different pretexts for the creation of “capital farms” and “merchant farms”. Marx observes “by 1750, the yeomanry had disappeared, and so had, in the last decade of the 18th century, the last trace of common land of the agriculture labourer”¹⁶.

The Reformation in the 16th century and the events that followed the Glorious Revolution during 17th century also provided impetus to the process of usurpation of common land and creation of a vast mass of proletariat for the emerging manufacturing sector. It is noteworthy that this transformation was initially dealt by English legislation as a helpless onlooker and later on as a facilitator for usurpation. During the 15th and 16th centuries, when the arable land was transformed into pastures through individual acts of violence by the feudal lords “English legislation, for a hundred and fifty years, fought in vain”¹⁷. But during the

18th century “the law itself becomes the instrument of the theft of the people’s land”. This Marx ascribes as the “parliamentary form of robbery”¹⁸ where “Acts for enclosure of Commons, in other words, decrees by which the landlords grant themselves the people’s land as private property”¹⁹ are effected. Therefore, communal property, an old Teutonic institution, which lived under the cover of feudalism, got transformed into private property through usurpation and dispossession. Marx succinctly sums up the process as “the spoilation of the Church’s property, the fraudulent alienation of the state’s domains, the robbery of the common lands, the usurpation of the feudal and clan property under circumstances of reckless terrorism, were just so many idyllic methods of private accumulation”²⁰.

So, while Locke creates the basis for the ‘construction’ of wasteland out of the common land Marx provides the underlying justification for its usurpation and dispossession. Therefore, it is but very obvious that the colonizers groomed with this rationale of usurpation in their metropolitan-centres intended to replicate similar experiences with common land in their colonies as well.

On the other, ownership of property has been an inseparable attribute of English law articulated precisely in the maxim “*he who owns land owns everything reaching to heavens and down to the centre of the earth*”²¹. This attribute is also inseparable from the entitlement-based model compared to the resource allocation model, both explaining the relationship between property rights and land use pattern. While the former establishes “legitimacy of the ownership entitlements over land”²² that “emphasises the power to exclude others” as well as “the right of the owner to beneficial use and enjoyment of the land and personal property over which ownership is claimed”²³, the latter focuses on “allocating and defining access to the resources, that land represents”²⁴ as a bundle of property rights with different elements of resource utility to the owner of the right in question. The colonial administrators, who were attuned with English law framed on the entitlement based model of property rights and land use, created the wastelands by means of consolidation of private property rights over land through

the process of exclusion between the individual and the community to which the individual belonged. The bundle of property rights in terms of different elements of resource utility from land, which the community as an owner/custodian enjoyed, thereby ceased with the colonial construct of wastelands.

The difference in understanding the pattern of land use among the subjects in metropolis and among those in the colonies was also related to the jurisprudential interpretation. For the colonizers, groomed in the tenets of Weber's empirico-positivism of rational choice, it was nothing unnatural to occupy and transform the areas under the state of nature into the areas of culture. Occupation and appropriation of land and other resources in the colonies which did not fit into this perspective of civilizational norms was thereby legitimate. The jurisprudential terminologies such as *res nullius* (meaning, that which is not assigned by the sovereign belong to the sovereign) and *terra nullius* (meaning no man's land) provided the edifice for colonial appropriation and utilisation²⁵. At the same time, the interpretation of resource (including land) and its utilization for the people in the colonies who were yet to be brought under 'individual enclosures' were more or less based on the historico-comparative notion of Eugen Ehrlich. According to this interpretation, it is the social behaviour rather than the state which frames patterns of resource use and their legitimization in a particular area²⁶. This tradition seeped in ethno-history was based upon the jurisprudential norms of *lex loci rei sitae* (meaning law of the people where the asset exists) and it created the hiatus between the colonial and the colonised interpretation of resource identification and utilization²⁷. So, according to the latter interpretation, no land was wasteland since all land belonged to the user of the community at large. Land which was beyond the scope of present utilization always had the scope of future utilization as cultivation was usufruct in nature. It is in this regard that "wasteland in the sense being left unused"²⁸ was a category "introduced into English common law in the 13th century to curb the right of the tenants to do anything they pleased with rented land and to disallow them from leaving it idle"²⁹.

Was there private property in land in India prior to the British conquest? This question has been dealt by different set of scholars with varying interpretations. While those following the traits of Oriental despotism and Asiatic mode of production stress the lack of private property in land, others argue there was implicit recognition of the presence of private property in land in pre-British India. Continuing the debate further Amiya Kumar Bagchi in *Colonialism and Indian Economy* throws light on how taxes and revenue demand of the colonial state influenced the property rights in British India? Was there any difference of purpose in metropolis and its colonies? According to him, in the colonies, the requirement of generation of revenue needed for conquest often clashed with the necessity for a structure for this revenue generation through consolidation of private property rights among the subjects. He states "since land taxes financed colonial conquest and rule in India, a conflict was set up between an intended vesting of private persons with property rights and the need of the state to curb that property right whenever it came into conflict with the intention to realize a secure, growing revenue from land taxation"³⁰. This contradiction between revenue demand and creation of property rights was not there in the metropolis and this created the difference between the metropolis and the colonies. Whereas "in Britain the nature of property rights held by a person in land often determined the extent to which, and the form in which he was subject to taxation, in India it was the form of land tax that determined the nature of property rights in land"³¹. Simultaneously "it also determined the kind and the degree of security a person with such tax-determined property rights enjoyed in his property."³² If we juxtapose this with the situation in early colonial Assam, it becomes clear that the form of land tax differentiated between the ordinary cultivators i.e. the indigenous and the planters or the European settlers. The earliest Wasteland Grant Rule of 1838 bears justification towards this proposition. Whereas indigenous cultivators paid a high land tax (which increased steeply all throughout the colonial period), the European settlers who were encouraged to initiate plantation in the wastelands were

bestowed with revenue free grants. Like in other parts of India, in Assam too the form of land tax determined the nature of property rights in land and so land that remained outside the purview of settled cultivation was sought to be brought under plantation or cash crop cultivation through revenue free grants.

Carrying forward this debate of existence of private property in land in pre-colonial Assam, Amalendu Guha is of the opinion that there has been no system of land survey in Assam until the 16th century except a loose form of census that identified the number of male members and utilisation of cultivable land thereof. This system remained more or less similar when Gadadhar Singha (1681-96) introduced land survey in imitation of the Mughals³³. Similarly, there has been no land market in Assam till 1685. There was not a single daily market centre except for betel nuts and leaves at Gargaon, the Ahom capital during 1662-63. Even in the 1790's not a single regular rice/paddy market was found to be in existence in the Assam plains³⁴. It can be inferred that neither there was a large-scale marketable surplus in agriculture nor land got transformed into a vendible commodity during the pre-colonial period in Assam. During the Ahom rule other than the *ga-mati*, *paiks* had no restriction to reclaim uncultivated land either surrounding the village or in the immediate flood plains near to their habitation. Land abundance in pre-colonial Assam favoured people to follow an itinerant life style of shifting cultivation. But by framing rules and regulations to tie the people only to their parental acres or *ga-mati*, this abundance paved the way for the colonial construct of wasteland which was to be then transformed from its state of nature to the state of civilization³⁵.

Thus the perceptual hiatus between the 'construct' of land as resource and its utilization created the wastelands during the colonial period and considering the overwhelming might of the colonial state, it became the dominant norm in the praxis of colonial administration, utilization, exploitation and appropriation among the colonies and their peripheries.

Agricultural Scenario in 19th century Colonial Assam

Assam, during the last quarter of the 19th century, presents two contrasting scenarios; one, exhibiting expansion of plantation, oil, coal and associated infrastructure and the other reveals a near stagnation in the agricultural sector. The colonial design was development of the plantation sector through lease grants to European planters on vast stretches of land which the colonizers referred as wastelands. Through these long term lease to the European planters the process was initiated for generation of value from the wasteland. However, there was a contradiction. While on one hand, the colonial state could not impose revenue generation commitment on the planters as that could discourage them from bringing in more areas under plantation, the same state, on the other hand required revenue to finance the infrastructure projects in Assam for expansion of colonial administration and transfer of tea as exportable surplus. Here it should be remembered that the surplus generated in the modern sector such as oil, coal etc. was transferred outside the state mainly to the metropolitan-centre. Under such a situation of revenue constraint, the state chose to achieve two ends with one stroke and that was to raise the rates of land revenue, which the administrators thought would either force the indigenous population in traditional agriculture to shift to plantation sector in order to save themselves from the burden of high rates of land revenue or, attempt to commercialise agriculture by cultivating cash crops to increase their income level in order to pay the higher rates of revenue demand.

Contrary to the expectation of the colonial administrators, neither the indigenous population chose to shift to the plantation sector, nor did they do anything substantial to improve the agricultural condition of the state. It is observed that even after more than 27 years of British rule, during 1853, only 6.3 per cent of the total area in Assam was under cultivation; the highest areas were found in Goalpara and Kamrup³⁶ districts respectively.

Table I: Land under Cultivation in Assam During 1853

(In sq. miles)

Districts	Goalpara	Kamrup	Nowgong	Sibsagar	Darrang	Lakhimpur	Total
Total Area	4104	3345	8712	5440	2884	9900	34345
Area Under	677	562	276	256	247	134	2152
Cultivation	(16.5)	(16.8)	(3.20)	(4.70)	(8.70)	(1.4)	(6.30)

(Figures in parenthesis indicates percentage of cultivable land to total land)

As the peasants showed little interest in working in the plantation sector (as desired by the government), the administration further increased the land revenue rates, to create additional pressure upon the peasants so that they were coerced to move out of traditional agriculture. Thereby, between 1864-65 and 1872-73, land revenue demand on Assam proper was raised by hundred per cent, from Rs.1001773 to Rs. 2155157. It is observed that even after half a century of their rule, during 1872, the view of colonial administrators had been to further enhance the land revenue rates without paying any attention to the issue of increasing land under cultivation³⁷. In 1875 i.e. after 50 years of colonial rule more than 7,000,000 acres of land remained uncultivated in the state³⁸.

The situation didn't change even during the closing years of the 19th century when more than 75 per cent of the available cultivable land remained outside the purview of cultivation. Ever increasing land revenue rates acted as one of the important deterrents in the process of agricultural expansion. Between 1853 and 1897, total land revenue increased from Rs.741971 to Rs.4219880 or more than five times while the cultivation rose from 1258277 to 1685078 acres or less than 50 per cent³⁹. The disproportionate increase in land revenue and land area under cultivation clearly indicates the slow nature of growth of agriculture in Assam. It is estimated that between the period 1869 and 1905, land revenue increased by 80 per cent while the area under cultivation increased by 17 per cent only⁴⁰. The discriminatory land revenue policy of exemption towards the planters and steep burden upon the agriculture sector resulted in stagnation in the latter.

At the same time, due to the expansion of the modern colonial sector (mainly tea) during the last quarter of the 19th century there had been influx of people associated with this sector from outside the state. It increased the demand for foodgrains within the state, which the stagnant agricultural sector in Assam failed to fulfil. It resulted in an increase in annual import of foodgrains in the valley to meet the rising demand. It is estimated that import of foodgrains increased from 0.3 million *maunds* around 1872 to 0.7 million *maunds* during the last five years of the century⁴¹. It resulted in generating inflationary pressure on rice. The price of rice increased from 19 *seers* a rupee in 1873 to 10 *seers* a rupee in 1901⁴², but cultivators in the state were unable to reap the benefit of this price rise due to their unwillingness to increase the area under cultivation.

This stagnant agricultural scenario provided the alibi for the colonial administration to 'construct' the unoccupied land as wastelands, which could then be utilised for special cultivation such as plantation by European planters as well as for cultivating cash crops e.g. jute by inviting peasants from outside the state.

Human Settlements in Wastelands and Agricultural Practices

Depending upon the colonial interest, the geographical boundaries of British India kept changing till the last days of the *raj*. Geographical reorganization was undertaken without any consideration of the notions of social and/or ethnic boundaries of the people residing in a region. Moreover, settlement of people from far off places to the wastelands was encouraged without showing any concern about the socio-cultural effects of settling these population groups from different socio-cultural milieus. The long drawn process of inviting labourers from far-off started during 1858-59, when labourers from Benaras, Chota Nagpur and Bihar were brought in to serve the emerging tea plantation sector in Assam. What began in plantation spilled over to other sectors as well, when people from different areas were facilitated to migrate and settle in the name of transforming this peripheral region of colonial India from the 'state of nature' to the 'state of civilization'.

The colonial administrators wanted to change the stagnant agricultural situation in Assam by encouraging farm labourers from various densely populated districts of East Bengal (presently Bangladesh) to migrate, settle and cultivate in the sparsely populated areas of land-abundant Assam. They were encouraged to bring the vast stretches of uncultivated lands (read wastelands) including the *char* areas under cultivation. The farm settlers would not only raise the foodgrain production but also generate additional revenue through cultivation of cash crops, particularly jute. But this colonial scheme did not materialize in the short run since the peasants from East Bengal showed little inclination to migrate and settle in the wastelands of Assam. It was only during the first Partition of Bengal in 1905 (when Assam and East Bengal became one province under one administration), that the process of large-scale migration of population (from East Bengal) started into the wastelands of Assam.

The Census Report of 1911 for the first time mentioned about the movement of these people from various densely populated districts of East Bengal to Assam (mainly Goalpara district). During 1904-11, there were 54000 migrants from East Bengal to Assam Proper. After 1911, fresh batches followed them and they moved into various districts of the Brahmaputra valley as well. By 1921, altogether 141 thousand East Bengal migrants had settled in Goalpara and 117 thousand in Assam Proper⁴³. In other words, during the period 1900-01 to 1920-21, the population of Assam increased by 41 per cent mainly due to migration⁴⁴. The number of migrants increased to 575,000 in 1931 and in between 1931 to 1951, the total number of migrants was about 430,000. Thus, it is estimated that in 1951, the total number of migrants from East Bengal must have been around one to one and a half million, which was between one-tenth to one-sixth of the total population of the state⁴⁵.

This large population group from East Bengal brought in huge tracts of waste and fallow lands under cultivation in Assam, particularly in the Brahmaputra valley. It was during this period that the *char* areas of the Brahmaputra and its tributaries were transformed from natural habitats into areas of human habitation.

It is estimated that in the Brahmaputra valley, a total of 737,367 acres of land was settled with migrants from Mymensingh during 1920-21 to 1929-30. This increased to 5,967,000 during 1930-31 to 1939-40 and during 1940-41 to 1947-48 another 6,213,000 acres of wasteland was settled with them⁴⁶. In the overall analysis, out of the 1.1 million acres of wasteland settled with all the migrants in Assam, East Bengal farm-settlers accounted for nearly half a million acres. In fact, due to their settlement (along with tea cultivation), wasteland in Assam was reduced from 9.93 million acres to 6.83 million acres during 1947-48. The cropped area under cultivation increased from 2.40 million acres to 4.79 million acres during the period 1901-02 to 1947-48 and the area sown more than once increased from 0.21 million acres to 0.71 million acres during the same period⁴⁷.

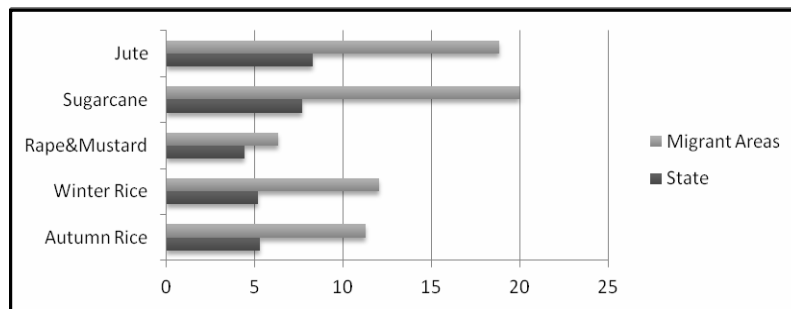
Along with bringing large areas of waste and fallow land including the *char* areas under cultivation, the skilled and hardworking East Bengal farm-settlers introduced new crop varieties and also provided a commercial touch to agricultural operations in the state. Crops such as jute, buckwheat, sesame, linseed, mustard, onion, garlic, tobacco, sugarcane and number of spices, condiment and vegetables were commercially cultivated by these immigrants. Their biggest contribution has been towards large-scale cultivation of jute. Before to their advent, jute cultivation was very limited in Assam. From a meagre of 5 thousand acres during 1901-02, it increased to 277 thousand acres by 1941-42. This was the single biggest contribution of these farm settlers towards cash crop production in Assam⁴⁸.

It is observed that in case of the selected crops cultivated by the immigrants, the increase in area sown was substantially higher compared to those crops where their involvement was minimal, e.g. acreage of crops such tobacco, sugarcane, rape and mustard etc. showed a substantial rise whereas cotton, a crop where their involvement was nominal, showed a stationary trend (Table-II) ⁴⁹.

Table II: Acreage under Different Crops in Assam, 1911-12 to 1947-48 (In thousand acres)

Crops	1911-12	1947-48
Rice	2573	4004
Cereals & Pulses	109	255
Rape & Mustard	238	310
Oilseeds (Rape & Mustard)	7	39
Sugarcane	30	60
Tobacco	8	20
Jute	58	210
Cotton	35	34

Figure I: Percentage Change in Production per acre for Selected Crops in the Four Immigrant Prone Districts vis-à-vis Assam, 1924-25 to 1947-48



Similarly, the average rise in production of crops cultivated in the four migrant prone districts (Goalpara, Kamrup, Nowgong and Darrang) of the Brahmaputra valley was far higher than the state average (Figure-I). It is estimated that during 1924-25 to 1947-48, the production per acre of autumn paddy increased by 11.27 per cent in these four immigrant prone districts compared to 5.3 per cent only for the province as a whole. For winter paddy, it was 12.05 per cent and 5.20 per cent. In case of rape and mustard, it was 6.30 per cent and

4.4 per cent; 19.95 per cent and 7.7 per cent for sugarcane and 18.85 per cent and 8.80 per cent for jute respectively⁵⁰.

Therefore, the huge transfer of population from East Bengal into Assam and subsequent grant, sale and occupation of waste, fallow and uncultivable land changed the agricultural scenario of the state dramatically. There was not only a rise in the area under cultivation but also greater availability of foodgrains in the state. The state also gained revenue by exporting jute and other commercial crops grown by these immigrant cultivators. Thus, it is evident that the colonial government gained considerably due to the advent of the farm-settlers from East Bengal to Assam. But what has been the fate of the farm settlers who settled in the *char* areas of the river Brahmaputra and its tributaries during the colonial period? Considering the geomorphology of these otherwise unstable lands what has been the legislative provisions related to land of these farm settlers in the *char* areas? In the next two sections, we deal with legislation and revenue administration in the *char* areas of Assam.

Land Legislation Concerning the *Char* Areas

Due to the temporary life span of land in *char* areas, enactment of land legislation concerning its possession and other related rights is difficult. But as land happens to be the pivot around which the entire socio-economic life of the *char* dwellers revolves, it is important to take stock of the legislative measures concerning land in the *char* areas.

The Romans were the first to develop the law of alluvion and dilluvion in their *Institute of Gaius*. According to the Roman law “an island that rises in the middle of a river is the common property of the proprietors on both banks of the river; if it is not in the middle of the stream, it belongs to the proprietors of the nearer bank”⁵¹. This was accepted in principle later on by English law and according to Justinian “when an island is formed in the sea, which rarely happens, it is the property of the first occupant, for before occupation it belonged to no one. But when an island is formed in a river, which frequently happens, if it is placed in the middle it belongs in common to those who

possess lands near the banks on each side of the river in proportion to the extent of each main land adjoining the bank”

⁵².

The earliest legal enactment regarding land in *char* areas started during the colonial period. The Bengal Alluvion and Dilluvion Regulation, 1825, has one of the earliest references about the *char* areas. Section 4(3) of this Regulation states that when “a *char* or island is thrown up in a large navigable river (the bed of which is not the property of an individual), or in the sea, and the channel of the river or sea between such island and the shore may not be fordable, it shall according to established usage, be at the disposal of the government”⁵³. But if the “channel between such island and the shore is fordable at any season of the year, it shall be considered an accession to the land, tenure or tenures of the person or persons may be most contiguous to it, subject to several provisions”⁵⁴.

But problem arose in terms of implementing this Regulation since various regions of Eastern and North Eastern India came under the colonial yoke at different points of time with varied patterns of land revenue administration. As a result of which, it was decided that this Regulation would be a statutory law in some areas (i.e. in those places, which were part of British India during 1825) while in others, the spirit of this Regulation will be followed and disputes will be resolved according to the principle of justice, equity, customs and good conscience. In Assam, the spirit of this Regulation was followed since the state came under British tutelage in 1826⁵⁵.

Following the spirit of the Regulation, in Assam, during 1897, under Section 3 and 5 of the Scheduled Districts Act, 1874, a notification was issued in the Assam Gazette (1242J) through which The Bengal Alluvion and Dilluvion Regulation of 1825 came into force in Assam. This legal enactment was valid in the state for the next 32 years. But during 1929, through a notification (2402R) under Section 3(c) of The Scheduled District Act, 1874, it was stated that the areas concerning the districts of Cachar, Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur and Eastern Duars of Goalpara District shall be excluded from

the purview of the Regulation. Incidentally, all these areas excluded were under Temporary Settlement. Another notification (713-L) was issued in 1937, which restricted the application of this Regulation to the districts of Sylhet, Goalpara (except Eastern Duars), Garo Hills, Khasi and Jaintia Hills and Naga Hills only⁵⁶.

Alluvion is a gradual process which is manifested in different forms and for varied reasons e.g. "i) that which is imperceptibly added to land by a river is termed as *alluvio* or *alluvion*; ii) that which is being detached from the land of one person by the open violence of a river and becomes united with the land of another is known as *avulsion* or *avulsion*; iii) that which springs up in the middle of a river is called *Insula Nata*; and iv) bed abandoned by a river is known as *alveus relictus*. On the other, land, which is gained from shrinking back of a river or a sea is termed dereliction"⁵⁷. Section 4 of The Bengal Alluvion and Diluvion Regulation, 1825 states "when land may be gained by gradual accession, whether from the access of a river or of the sea, it shall be considered an increment to the tenure of the person to whose land or estate it is thus annexed, whether such land or estate be held immediately from Government by Zamindar or other superior Land-holders, or as subordinate tenure, by any description of under-tenants whatever"⁵⁸. However, as the Regulation of 1825 was not in operation in Assam, Section 4 of the Regulation was accepted as a general principle and disputes were dealt with in the spirit of this Section.

But neither The Bengal Alluvion and Dilluvion Regulation of 1825 nor Assam Land and Revenue Regulation, 1886 directly deals with the issue of re-emergence of *chars* at the same site, a process known as reformation-in-situ, a phenomenon quite common in the river basin of the region. Due to its contentious nature there has been several court cases related to the aspect of re-emergence of *char* and its ownership rights. Based on these legal disputes, certain outstanding judicial decisions were promulgated, which have framed broad guidelines to deal with this issue⁵⁹. Accordingly, it is stated that eroded land reformed on the old site continues to be the property of the owner provided it has not been completely abandoned meanwhile.

Abatement of revenue is said to be an indication of complete abandonment. Under Section 34(c) of the Assam Land and Revenue Regulation, 1886, there is a provision for reduction of revenue by the Deputy Commissioner, for land, which has been washed away. But as there are number of explanations attached with this section, it is inferred that if an owner appeals for abatement of revenue for the part of his eroded land there is maximum likelihood that he/she will lose the ownership over the same.

On the other, if the tenant continues to pay revenue for the eroded land, then after its re-appearance, the land will belong to the original owner. But the Assam Land and Revenue Regulation, 1886, refrains from mentioning any time period in this direction. The Goalpara Tenancy Act, 1929 under Section 83(2) (a) states that the tenant's interest in the diluviated land subsist till 20 years or till 3 years after the re-appearance, whichever is less⁶⁰.

Therefore, land in these areas due to lack of proper legislative provisions are a bone of contention, which often results in dispute and feeling of insecurity of possession for the *char* dwellers.

Land Revenue Administration in *Char* Areas

During the pre-British era, *faringati* lands were not under the purview of taxation, as settled cultivation was not practised in these types of land. Similarly, in *chaporis*, marshy and *char* land, wherever cultivation was undertaken during this period, it was revenue-free. The British administration in their effort to bring in more land under cultivation wanted to utilize these lands and placed them under annual revenue settlements. So it was during the colonial era that these lands came under the purview of revenue administration.

A.J. Moffatt Mills⁶¹ was of the view that since the *chaporis* are not permanently inhabited, there should not be heritable rights in them. He suggested that not more than one *chaporis* should be settled with one *Mouzadar* at a time. The *Mouzadar* can then settle *ryots* temporarily in these areas, those who can initiate cultivation. Similarly, Captain Gordon⁶² divided the

chapor lands in Darrang district into several divisions, which was then settled with the *ryots* on annual terms. He also pleaded to the revenue officials for revenue remission of eroded *chapories*, since it brought untold misery to the *ryots* in these areas.

In Goalpara district, the small island formed by the Brahmaputra was used as pastures for herds of cattle, brought from various parts of Bengal annually. Since the district was under *Zamindari*, these lands belonged to the *Zamindars*. They levied an annual tax upon the cattle herd owners, known as *kahacharai*. Gradually, the *ryots* were encouraged to bring these *chars* under cultivation and they were offered favorable terms. The *ryots* were provided with remission of rent for the initial years which was locally known as *Pali* and the *patta* thus allotted was known as *Pali patta*⁶³.

In Sylhet, another permanently settled area in Assam, *chars* were known as *charbharat* and were initially included under temporary revenue settlements. The *charbharat* therefore belonged to the state and not to the landowner. But in 1894, *charbharat* was settled with the owner of the property to whose land it was attached. However, the mode of revenue settlement remained temporary or annual in nature⁶⁴. It was similar in both the temporarily and permanently settled areas of Assam.

Post-colonial Ramifications

The geomorphologic characteristics of *chars* have not changed much since their large scale settlement by the farm settlers from East Bengal during the first decade of the 20th century. The *chars* are in a state of continuous flux. Nothing seems to be enduringly settled here- neither land nor its dwellers. Flood and accompanying erosion determine the fate of the *char* and their dwellers regularly. There has neither been any serious thought about the issues concerning land in these areas nor any proper legislation. In this section we deal with two aspects concerning the *char* areas namely land legislation and the socio-economic profile of its dwellers during the post-colonial era.

A Land Issue:

The Assam Temporarily Settled Areas Tenancy Act was enacted in 1971 by replacing The Goalpara Tenancy Act, 1929, Sylhet Tenancy Act (for Karimganj sub-division), 1936 and the Tenancy Act of 1935 applicable to all other temporarily settled areas of Assam. But this new legislation of 1971 completely refrains from mentioning anything about the *char* areas of Assam. The lack of specific legislative provision for these areas and the problem evolving out of it has been astutely dealt with in a study conducted by The Law Research Institute, Guwahati. It states that in the absence of proper legislation, when a new *char* is thrown up in the Brahmaputra, it is taken to be the property of the state government, which either keeps it as grazing reserve or settle it with the cultivators as per the Land Settlement Policy Resolution in force. But in reality, people do not wait till the systematic settlement of the government. They immediately occupy the newly formed *char*. As it happens without the sanction of state authorities, they are regarded as encroachers and they remain to be so until their land is settled under land settlement provisions or the *char* gets submerged in the river⁶⁵.

Here, it should be mentioned that although there has been three attempts during the post-independence period related with revenue settlement of land in the *char* areas of Assam, it failed to yield any concrete results due to lack of 'political will' on the part of the state government. The first attempt undertaken during 1979, in the erstwhile permanently settled areas of Goalpara district was stopped half way due to the launch of Assam Agitation, which surcharged the political environment in Assam in such lines that were not conducive for the continuation of the project. Again, the process started in 1983 but then it was discontinued due to the lack of revenue staff. The process was re-initiated in 1994, when it was decided that in few selected districts of the state, where the *char* land has been in existence and occupied for more than 15 years, settlement measures would be undertaken. It was also decided that in

the process, six *bigha* of land would be settled per household⁶⁶. However, this time the process met a premature death as the 'ghost' of illegal migrants occupying the *char* land haunted the political establishment and various organizations of mainland Assam and therefore they opposed the programme

B Socio-economic Profile⁶⁷:

It is ironical that despite the presence of the *char* dwellers in Assam for over a century there is severe dearth of data concerning these areas. As a result there are information-gap about these areas and their inhabitants, which ultimately lead to the generation of several 'hysterical-myths' among the population of the mainland.

There are only two bench-mark surveys conducted by the Government of Assam, which are the only source of field-level data of the *char* areas. One has no other way but to rely upon these findings and draw conclusion accordingly. According to the Socio-economic Survey Reports concerning the *char* areas of Assam, during 1992-93 to 2002-03, the number of *char* villages of the Brahmaputra has rose by 7.75 per cent whereas the decadal growth rate of population was 55.63 per cent compared to 18.85 per cent for Assam (1991-2001). Today these areas are inhabited by 9.37 per cent of the state's population. During 1992-93, when the first survey was undertaken Barpeta district had the highest number of *char* villages and population followed by Dhubri and Jorhat. However, during the next survey in 2002-03, Dhubri district had the highest number of *char* villages and *char* population followed by Jorhat and Barpeta.

The *char* areas cover 4.6 per cent of the total land area of the state. Only 4 per cent of the state's cultivable land is located in these areas. Cultivable land as percentage of total land has declined from 70 per cent to 67.13 per cent during 1992-93 to 2002-03 and there has also been a simultaneous decline in the per capita availability of cultivable land. They also have a very high density of

population (690 persons per sq.km), which was more than double the state average (340 persons per sq.km.). The *char* villages account for one of the largest concentrations of illiterate population in Assam. Between 1992-93 and 2002-03 their literacy level has rose from 15.45 to 19.31 per cent. It is surprising to note that during this period there has been a fall in literacy rate among the *char* villages of four districts namely, Bongaigaon, Kamrup, Dhubri and Tinsukia.

The result of all these depressing conditions aptly gets reflected in the poverty estimates concerning these areas. It is observed that during the period of the two surveys, the population residing below the official poverty line increased substantially from 48.89 per cent to 67.89 per cent, which for the state declined to 36.09 per cent.

In Lieu of Conclusion

Hiatus in the projection of geographies between the traditional and the non-traditional societies emanate from a difference in interpretation, utility and value attached to resources (in our case land). A principal source of difference in perception concerning land between these two population groups (in our case the colonized in the tribal-feudal mode and the colonizer embedded in capitalist relations), is historico-epistemological. According to the latter group, land is a form of property that one trade at will; while for the other, a sense of stewardship is always attached to land where the community has an interest. The real value of land thereby can never be expressed in terms of market and this inability constitutes a fundamental difference between traditional and non-traditional societies (read market economies) in dealing with land. Again, traditional societies are more concerned with the products vis-a-vis land as these are rarely valued for its accessibility to a market or production of marginal yield or rent. But in market economy these aspects remain inseparably linked with land.⁶⁸ Hiatus in terms of perception towards land thereby plays an important role in determining its use and assigning value to the same. Accordingly, 'construct' related to land was also a manifestation

of this difference which was constructed to suit the colonial project.

Highlighting this difference in perception between the colonizer and the colonized, Edward Said in *Culture and Imperialism* has dealt at length with the issues related to land. He states “to think about distant places, to colonize them, to populate or depopulate them, all of this occurs on, about, or because of land”⁶⁹ so “cultural geographical possession of land is what empire in the final analysis is all about”⁷⁰. The primacy of geography and an ideology about the control of territory is inseparably linked with imperialism and the culture associated with it that makes possible the *construction* of various kinds of knowledge. The construct of wasteland as elaborated in this paper was one such machination during the colonial era where the rival geographies of the colonizer (state of civilization) and the colonized (state of nature) co-existed and battled each other. The ramification of such a construction continues in the contemporary post-colonial era also.

The construct of wasteland has undoubtedly been a boon for the colonial state in terms of an increase in foodgrains production and revenue generation through the cultivation of commercial crops such as tea and jute. Through the process, the state appropriated the usufruct community space and created the *space* for the individual planters and cultivators in the name of adding value by transforming these areas from the state of nature to the state of civilization. But it has proved to be a bane for the people who have been instrumental in turning these wastes into revenue yielding fields. Neither the post-colonial state empathizes with their cause nor do the mainland/mainstream population groups understand the flux of their existence. Moreover, the (waste) land that was brought to ‘culture’, lacks legislative safeguards. In the ultimate analysis neither the state nor the natural terrain sustains hope for them; they only lead to several contradictions. Ironically, those who have historically cultured the wastelands have now been literally reduced to *wastes* of the politico-economic order.

Acknowledgement

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Notes & References

1. This is a part of a quote from Karl Marx, “the country that is more developed industrially only shows, to the less developed the image of its own future”. For details see, Preface to the German edition in Marx, Karl, *Capital, Vol. I* (New Delhi: Leftword, 2010)
2. During the expeditions in hill areas of North East, colonial administrators used coercive methods e.g. forced displacement, arson, killing, compulsion to join the colonial forces etc. to subjugate the tribes in the region. In order to justify their violence, propagating the ‘savagery’ of the tribes became an important part of the colonial agenda. Thus the ‘construct’ of “savages”, “head hunters” etc. were created. Levels of difficulty in subjugation increased the propagation about the savagery of the concerned tribes. For reference see, McDuie-Ra, Duncan, “Between National Security and Ethno-nationalism: The Regional Politics of Development in Northeast India”, *Journal of South Asian Development*, Vol.3, No.2, 2000
3. *Chars* are alluvial formations that emerge within the river due to the interplay of various factors. In Brahmaputra and its tributaries, *char* formation is a common phenomenon. When the high average discharge of water and sediment-load of the river interact with its braided channel under conditions of flood, they give rise to unstable almond shaped formations, locally known as *char*. Once formed they become an integral part of the fluvial regime of the river till they are eroded during the next or consequent floods.
4. Whitehead, Judy, “John Locke and The Governance of India’s Landscape: The Category of Wastelands in Colonial Revenue and Forest Legislation”, *Economic and Political Weekly*, December 11, 2010, Vol. XLV, No. 50
5. Moulds, Henry, “Private Property in John Locke’s State of Nature”, *American Journal of Economics and Sociology*, Vol.23, No.2, April 1964
6. *ibid*
7. *ibid*

8. Harvey, David, "The Future of Commons", *Radical History Review*, Issue 109, Winter 2011
9. *ibid*
10. *ibid*
11. MacPherson, C, P, *The Theories of Possessive Individualism* (Oxford: Oxford University Press, 1964)
12. Locke, J, *Second Treatise of Government*, accessed at <http://www.gutenberg.org/files/7370/.org/files/7370/7370-h/7370-h.htm>
13. *ibid*
14. Marx deals in details about the reasons and process of appropriation of common vis-à-vis development of capitalism in England in the chapter titled "Expropriation of the Agricultural Population from the Land" in Marx, Karl, *Capital, Vol.I* (New Delhi: Leftword, 2010)
15. *ibid*
16. *ibid*
17. *ibid*
18. *ibid*
19. *ibid*
20. *ibid*
21. Gray, Kevin and Gray, Susan, Francis as quoted by Rodgers, Christopher, "Property rights, land use and the rural environment: A case for reform", *Land Use Policy* 2009, <http://www.elsevier.com/locate/landusepol>, accessed on 20-04-2012
22. Rodgers, Christopher, "Property rights, land use and the rural environment: A case for reform", *Land Use Policy* 2009, , <http://www.elsevier.com/locate/landusepol>, accessed on 20-04-2012
23. *ibid*
24. *ibid*
25. Roy Burman, B, K, "Issues in Land Reforms in N-E Tribal Area", *Mainstream*, August 1 and 8, 1987
26. Eugen Ehrlich was one of the earliest jurisprudential analysts to interpret the dichotomy between the "state law" and "societal law". In the process he contributed significantly towards the development of legal sociology. According to Ehrlich the monopoly of the state in creation of legal norms appeared only in modern times, "as a precept of political theory and natural law doctrines in the wake of the absolutist state". This interpretation was fundamental in laying the foundations of legal pluralism theory. Reviewing Ehrlich's *Living Law* Michel Coutu quotes "societal law is based upon co-operation and voluntary adherence, whereas state law is grounded in

“domination” and constraint.” For a detailed analysis see Michel Coutu’s review of Hertogh, Marc, (ed.) “Living Law: Reconsidering Eugen Ehrlich”, in *Osgoode Hall Law Journal*, , Vol. 47, No.3, Fall 2009

Sociological approaches to law highlight the non-uniqueness in law which is reflected in the words of Micheal Freeman “a vision of law as but one method of social control”. He quotes Tamanaha (which reflects Ehrlich’s notion of societal law) to validate this point as a rebut to standard conceptual jurisprudence, “what law is and what law does cannot be captured in any single scientific concept. The project to devise a scientific concept of law was based upon a misguided belief that law comprises a fundamental category. To the contrary law is thoroughly a cultural construct, lacking any universal essential nature. Law is whatever we attach the label law to”. For further details see, Freeman, Michael, (ed.) *Law and Sociology, Vol.8* (New York: Oxford University Press, 2006)

27. This has also been elaborated in Recommendations and Policy Options of Workshop on *Land Reforms: Agenda for the North East* held on 3-5 April, 1995 organized by Institute of Social Change & Development, Guwahati for Land Reforms Unit, Lal Bahadur Shastri National Academy of Administration, Mussoorie
28. *op.cit*, no. 1
29. *op.cit*, no. 1
30. Bagchi, Amiya, Kumar, *Colonialism and Indian Economy* (New Delhi: Oxford University Press, 2010). For a detailed discussion see the chapter titled “Land Tax, Property Rights, and Peasant Insecurity in Colonial India” which focuses on the debate of existence of private property in pre-colonial India and elaborates on the linkage between land tax and property structure
31. *ibid*
32. Amiya Kumar Bagchi elaborates on the difference in property rights and land tax in Britain and India. He states “private property in land in Britain assumed the form of freeholds where the proprietor held the land absolutely without making any regular payment to any higher authority, or the form of copyholds or long leaseholds, under which the proprietor made a fixed payment (often nominal one) to a superior right-holder. The proprietors under freehold or copyhold tenure did not hold the land *under the condition* that they had to make regular annual payments to the Crown or to some superior landlord and would have to forfeit their property if they failed to make the payment punctually. In eighteenth century, they paid a land tax. But they paid the tax because they were proprietors, and were not

considered proprietors because they paid the tax. By contrast, in British India, under both the *zamindari* and *raiyyatwari* tenures, it was the prompt payment of a tax to the government every year that allowed the so-called proprietors to hold the property in land. The security of property was made subject to the superior requirement of security of public revenues from land, which after all constituted the sinews of British colonial expansion, and almost the *raison d'être* for maintenance of the colonial state".

33. Guha, Amalendu, *Baishnavbador Pora Moamaria Bidrohology* (Guwahati: Student's Stores, 1993), in Assamese
34. Guha, Amalendu, *Medieval and Early Colonial Assam: Society, Polity and Economy* (Calcutta: K. P. Bagchi & Co., 1991)
35. "During the Ahom rule each *Paik* family got free of rent 2 *puras* (about 2.66 acres) of wetland and another piece of homestead and garden land. This was called the *ga-mati*- literally the body land. In addition, *paiks* were free to reclaim uncultivated land". For a detailed discussion on resource use and colonial designs related to land, see Baruah, Sanjib, "A Nineteenth Century Puzzle Revisited" in Baruah, Alokesh (ed.) *India's North East: Development Issues in a Historical Perspective* (New Delhi: Manohar & Centre De Sciences Humaines, 2005)

In this case it is worth mentioning that the land categories referred as "*Bokahoni*" and "*Eran*" among the Moran-Mottocks in Upper Assam became wastelands in the colonial rationale which were granted for tea plantation in the name of wasteland grants. There are many such examples all throughout Assam where community usufruct land got converted into land under individual possession in the name of revenue generation.

36. Medhi, S, B, *Transport System and Economic Development in Assam* (Gauhati: Publication Board, 1978)
37. *op.cit*, no. 33
38. *op.cit*, no. 34
39. Kar, M, "Wasteland settlement, Muslim Immigration and Assam Politics", in *Journal of North-East India Council for Social Science Research*, Vol. 29, No. 1, 2005
40. Mali, D. D., *Revenue Administration in Assam* (Gauhati: Omsons Publications, 1985)
41. Guha, Amalendu, *Planter-Raj to Swaraj: Freedom Struggle and Electoral Politics in Assam, 1826-1947* (New Delhi: ICHR, 1977)
42. *ibid*
43. *Census of India 1951, Vol. III, Assam, Part-I*

44. *op.cit*, no. 41
45. Goswami, P, C, *The Economic Development of Assam* (Ludhiana: Kalyani Publishers, 1994)
46. *Census of India 1951, Vol. XII, Assam, Part I A*
47. *op.cit*, no. 41
48. "It is estimated that during 1947, out of the total quantity of exports from Assam, 62.5 percent, in case of railways and 37.5 percent, in case of waterways comprised of jute and overwhelming quantity of these jute exported were produced in the immigrant prone areas, including the *char* areas". For a detailed discussion see *op. cit. no.36*
49. *Report of the Line Committee 1938*, Government of Assam, Shillong
50. Doullah, Sujaud, M., *Immigration of East Bengal Farm Settlers and Agriculture Department of the Assam Valley: 1901-1947* (New Delhi: Institute of Objective Studies, 2003)
51. Saikia, K, N, (ed.), *The Assam Land and Revenue Regulation, 1886 (Annotated)*, (Guwahati: Lawyer's Book Stall, 2003)
52. "The Halsbury's Laws of England dealing with the issue of alluvion mentions that where a tidal water recedes gradually and imperceptibly from the land, or land by alluvion or dereliction is added to the dry land or foreshore, so that it becomes situated above the high-water mark of ordinary tides, or above the low-water mark, it belongs, if above the high-water mark, to the owner of the dry land to which it is added, and if above the low-water mark to the owner of the foreshore". *ibid*
53. Ganguly, Kalyanmoy, Justice (ed.), *The West Bengal Laws (Annotated), Vol. I* (Calcutta: Hindustan Law Book Company, 1999)
54. *ibid*
55. *A Study of the Land Systems of North Eastern Region, Vol. I, Assam* (Gauhati: Law Research Institute, 1982)
56. *ibid*
57. *op.cit*, no. 51
58. *ibid*
59. There are few instances of disputes and promulgation of justice by the courts on issues related to land in *char* areas. Some of the cases include Lopez vs. Madan Mohan (13 MIA 467), Ramnath Tagore vs. Chandra Narayan Chowdhury (1 March 136), Imam Bandi vs. Hargobinda (4MIA 403), Radha Prasad Singh vs. Ram Coomar Singh (3 Cal. 796) etc. Details are available for some of the cases. In the Boroji Manipurini (Appellant) vs. The State of Assam and Others (Respondent), 1958 (AIR, 1958, 34), it was held that a land,

which has gradually and imperceptibly come out of the river-bed and added to the land of a riparian owner becomes part of the land which belonged to him and is considered as his property...if it is considered an increment to the tenure of the land to which it has accreted...

Similarly, in another dispute between Sudhangshu Ranjan Dasgupta (Appellant) vs. Manindra Kumar Paul and Others (Respondent), 1972 (AIR, 1972, 3& 34) it was pronounced that... any land accreted to plaintiff's periodic *patta* land by recession of river contiguous to such land automatically becomes part of the plaintiffs' land and cannot be allotted to any other person on the ground that the plaintiff had land in excess of ceiling fixed by The Assam Fixation of Ceiling on Land Holdings Act, 1957.

60. *op.cit*, no. 55
61. Mills, Moffatt, A.J., *Report on the Province of Assam* (Gauhati: Publication Board, 1984)
62. *ibid*
63. Hunter, W.W., *A Statistical Account Of Assam* (Delhi: Low Price Publication, 1990)
64. *op.cit*, no. 40
65. *op.cit*, no. 51
66. Seikh, Dr. Ahhizuddin, 'Brahmaputra *Char* Anchalat Jana Probrojan: Samanay Aru Sanghat', in Hussain, Ismaial (Sr.) & Hussain, Anowar (eds.), *Char-Chaporir Jiban Charyya* (Guwahati: Natun Sahitya Parishad, 2000), in Assamese
67. "Despite of their presence in the *char* areas for over 100 years and their contribution towards the economy of the state, there is dearth of information regarding various aspects related to these areas. In order to develop the *char* areas, Government of Assam undertook a special 'Char Areas Development Programme' during the Seventh Five Year Plan (1983) through a newly formed organization namely 'The Assam State *Char* Areas Development Authority'. Thereafter, the Authority was re-designated as a full-fledged Government Directorate during 1996. In due course, Government of Assam created a new department namely 'Welfare of Minorities Development', which included the Directorate of *Char* Areas during 1998. In order to develop the *char* areas, this organization undertook various schemes related to education, safe drinking water, agriculture and dairy development and training to unemployed youths for self-employment. This Authority and later Directorate conducted two benchmark surveys during 1992-93 and 2003-04, which are the only sources of information regarding *char* areas of Assam". For a detailed

discussion on the socio-economic status of the *char* dwellers, see Chakraborty, Gorky, *Assam's Hinterland: Society and Economy in The Char Areas* (New Delhi: Akansha Publishing House, 2009)

68. An elaborate analysis on this issue is presented in Herskovits, Melville, J., *Economic Anthropology: The Economic Life of Primitive Peoples* (New Delhi: Eurasia Publishing House, 1964), particularly the chapter titled Land Tenure
69. Said, Edward, *Culture and Imperialism* (New York: Vintage Books, 1994)
70. *ibid*

Glossary

Chapori	flood plains
Char	mid-channel river bars or river islands
Charbharat	the <i>chars</i> under temporary revenue settlement is Sylhet district which was otherwise covered by Permanent Settlement
Gadadhar Singha	the 29th King (in chronological order) of the Ahom dynasty also known by the name Supaathphaa
Ga-mati	2.66 acres or 2 <i>pura</i> of cultivable land granted to a <i>paik</i> during Ahom rule in lieu of rendering services to the Ahom state
Kahacharai	annual tax paid by cattle herd owners who built temporary cow sheds in the <i>chars</i> of Goalpara district in Assam
Paik	corvee labour of every male in Ahom kingdom between the ages of 15 to 50, who was not a noble, priest, high caste or slave
Pali patta	land deed for remission of rent to the <i>ryots</i> during the initial years of their settlement in the <i>chars</i> of Goalpara district
Ryot	a tenant farmer
Ryotwari	a system of land revenue settlement where revenue was imposed directly on the <i>ryots</i>
Zamindari	a system of land revenue settlement where the <i>zamindar</i> became the proprietor of land on the condition of fixed revenue payment to the British Government