

CHAPTER 1

Arunachal Pradesh: A General Description

Geographical position

The first rays of the sun in India shoot out from the crests of Arunachal hills. It is a huge, sprawling area running west-east along the northern boundary of Assam, and from Patkai hills taking a sharp turn westward along the southern boundary of Dibrugarh district, thereby encircling, in a horse-shoe curve, the two eastern districts of Assam. Constitutionally, it is a union territory of India.

Its geographical area is 83,578 sq. k.m. which is larger than that of Assam by about 5,000 sq. k.m.

Physical features and climate

About 90 per cent of the territory is hilly, with difficult terrain, deep gorges and perennial snow at the upper reaches. The heights of its peaks range from 1829 metres to 7089 metres.

The union territory is traversed by a number of rivers. The Brahmaputra, under the name of Siang, passes through a district with the same name. Other notable rivers are Kameng, Subansiri, Dibang, Lohit, Kamlang, Noa-Dihing and Tirap. All of them are snow-fed and carry their waters ultimately to the Brahmaputra. Rainfall in the territory ranges from 241 cm. at Along to 414 cm. at Khonsa. Temperature in the higher region (*i.e.* above 3 k.m.) is very low and is below the freezing point in the winter season. In the plains portion of the foothills, the climate is almost the same as in the Brahmaputra valley. In the middle region, the climate is salutary, particularly in areas below 1 k.m., the temperature ranging between 15°C in summer.

Past relationship with the plains

Arunachal Pradesh is one of the most beautiful regions on the earth. With its snow-capped and deep-seated ravines, it immediately captivates the mind of a traveller. There are important places of pilgrimage like Parasuram Kund, Malinir Than, and Tamreswari Mandir. The plainsmen look upon these hills with awe, reverence and affection because the great Brahmaputra, which is their life-stream, passes through this region and the lovely Lohit, Subansiri and Bhoroli, with which their joys and sorrows, love and despair are inextricably tied up, have their sources in these hills.

Ancient historical connections

A long chain of archeological ruins all along the foothills is proof that there was a highly civilised society inhabiting these areas. The ruins of Bhismaknagar connect the area with Krishna-Rukmini myth. King Bana's grandson, Bhaluka, shifted his capital from Tezpur to Bhalukpung. At Itanagar, one can see the ruins of some massive structures supposed to be erected during the reign of a Kalita King called Ram Chandra. Parasuram Kund has been a place of pilgrimage from time immemorial. Malini Than reveals remarkably high class sculptures, some of them resembling those of southern India temples.

Agriculture

Agriculture is the main occupation of the people and about 80 per cent of tribesmen depend upon it for their livelihood. Rice, maize and millet are the major crops but ginger, potato and green chillies are also grown. Plantations of apple, orange, pineapple and other fruits are now developing fast.

Agriculture is practised both by shifting cultivation and by permanent cultivation. The former covers about 75 per cent and the latter about 25 per cent of the total cultivated area. Both types of cultivation taken together, however, cover only 2 per cent of the total geographical area.

Economy

Coal and limestone have been found in most districts, and brine wells and salt prings are found in Tirap. Prospects for petroleum and natural gas are said to be bright.

Arunachal tribes are famous for their cottage industries, particularly, weaving, bamboo-work, cane-products, sericulture, manufacture of salt, carpet making and papier-mache-making. After Independence, modern industries have been making their appearance, such as, mini cement factory, saw mills, plywood and veneer factories, in the foothills.

Forests cover about 62 per cent of the total geographical area and forest produce is the most important source of income of the government.

Population

The total population of Arunachal Pradesh is 6,28,050. About 80 per cent of the total population belongs to the Scheduled Tribes. Density of population is 7.

According to 1971 census the density was 6. The decennial growth rate of population during the decade (1971-81) was 34.34 per cent, out of which roughly 21.50 per cent was by natural increase and 12.84 per cent by migration.¹

1. This information is based on the statistics for 1981.

There are about 110 tribes in the entire Union Territory. Out of these, the following are considered to be important, - Monpa, Sherdukpen, Bangnis, Nishis, Apa Tanis, Hill Miris, Tagins, Adi-Gallongs, Adi-Minyongs, Adi-Padams, Adi-Pasis, Idu Mishmis, Digaru Mishmis, Miju Mishmis, Khamtis, Singphos, Tangsas, Noctes and Wanchoos.

Administrative divisions

Table No. 1 shows the names of the districts of the Union Territory, their area and population, and the important tribes inhabiting them.

TABLE 1

District, area, population and important tribes

Population of Arunachal Pradesh	—	6,28050 (1981)
Area	—	83, 578 km ²
Density of population per sq. km.	—	7

Name of the district	Old name of the district	Area square km.	Population 1981	Per km ² population density (1981)	Per km ² population density (1971)	Names of important tribes inhabiting the district
1. West Kameng	Kameng	9594	62946	7	6	Monpas,
2. East Kameng		4134	42722	10		Sherdukpens, Bangnis, Nishis.
3. Lower Subansiri	Subansiri	13010	113,300	9	7	Apa Tanis,
4. Upper Subansiri		7032	39406	6		Nishis, Hill Miris, Tagins.
5. West Siang	Siang	12006	74151	6	5	Adi-Gallongs,
6. East Siang		6422	70274	11		Adi-Minyongs, Adi-Padams, Adi-Pasis.
7. Dibang Valley	Lohit	13029	27716	2	3	Adi-Padams,
8. Lohit		11917	69400	6		Idu-Mishmis, Digaru Mishmis, Miju Mishmis, Khamtis, Singphos
9. Tirap	Tirap	7074	128135	18	14	Tangsas, Noctes, Wanchoos.
Total		83578	628050	7	6	19 tribes

The population of the important tribes mentioned above as per 1971 census is shown below. (Tribe-wise population figure for 1981 is not yet available).

TABLE 1A
Population of important tribes

<i>Sl. No.</i>	<i>Name of the tribe</i>	<i>Population (1971)</i>	<i>Percentage</i>	
			<i>to total population of Arunachal Pradesh</i>	<i>to total tribal population of Arunachal Pradesh</i>
1.	Monpas	26570	6.03	7.3
2.	Sherdukpens	1639		
3.	Bangnis (considered to be Nishis).	21785	16.26	21
4.	Nishis (including Daflas & Nshangs)	55193		
5.	Hill Miris	8174	1.74	2
6.	Apa Tanis	12888	2.7	3.7
7.	Tagins	24524	5.3	6.8
8.	Adi Gallonges	39022	8.3	10.56
9.	Adi Minyongs	17171	3.7	5.10
10.	Adi Pasis	2153	0.46	0.58
12.	Idu Mishmis	8136		
13.	Idu Digaru Mishmis	5384	4.82	6.17
14.	Miju Mishmis	8236		
15.	Khamtis	4087	.87	1.10
16.	Singphos	1567	.33	.42
17.	Tangsas	134546	2.9	3.7
18.	Noctes	19349	4.1	5.2
19.	Wanchoos	23393	5.0	6.3

Out of these 19 tribes, the land systems of 11 (eleven) tribes have been studied, namely, (1) the Nishis, (2) the Apa Tanis, (3) the Hills Miris, (4) the Adi Gallongs, (5) the Adi Minyongs, (6) the Adi Padams, (7) the Idu Mishmis, (8) the Miju Mishmis, (9) the Digaru Mishmis, (10) the Khamtis and (11) the Noctes.

Mongoloid migrants

It is believed that while migration of the Aryans to the plains of Assam and the foothills of Arunachal Pradesh was taking place, some Mongoloid Tribes from the east and the north were migrating to the hills of Arunachal Pradesh.

The Chutiyas, a Mongoloid tribe, settled down at the foot of the Mishmi hills and founded a powerful kingdom near Sadiya. The Miris came down following the course of Subansiri, settled down near Majuli, and served as a link between the people of the plains and the Arunachal tribes.

Relations with Kings

The Ahom Kings maintained friendly ties with the Arunachal tribes, except those living in Tirap district. They paid 'settlement-fees' called *posa*, for maintaining peace in the border territories, to the tribes like Miris, Hill Miris, Tagins, Daflas and Akas. This yielded good dividends. The Miris helped the Ahoms by fighting against the Kacharis, and the Daflas joined in large numbers in the Jaintia expedition. The areas in the Patkai hills were considered by the Ahoms as their hinterland and therefore, the Tirap tribes were treated differently, and kept under strict control.

While the Mishmis, as traders, had good relations with the Ahom Kings, the Khamtis and the Singphos were not at peace with the Ahoms towards the end of the Ahom rule in Assam.

The Koch Kings were even more conciliatory towards the Arunachal tribes living on the borders of their kingdom. At Bhairabkunda in the foothills facing Mangaldoi sub-division of Assam, King Narnarayan built a temple and appointed a tribesman as the priest. He also declared that tribal custom would be followed in the areas north of Gohai Kamal Ali, which was a trunk road, running from Koch Bihar to Lakhimpur, built by his brother Gohain Kamalnarayan. Thereafter the Daflas and other tribes of the hills, swelled the ranks of his army and fought against the Ahoms.

Relations with the British : 1873 Inner line

When the British Government annexed Assam, it followed a policy of isolating the hill-tribes from the people of the plains.

Though the hill-areas were administered by the Deputy Commissioners of the adjoining plains districts, actually they were separated by a line called "Inner Line" prescribed under the Bengal Eastern Frontier Regulation (5 of 1873) for the peace and good government of these areas. The line could not be crossed by British subjects or foreign residents without a "pass" from the Executive Officer, and it was also unlawful for a "non-native" to acquire any interest in land beyond the "Inner Line" without the sanction of the Provincial government or its authorised officer.

The Statute 32 and 33 Vic., Chapt. 3., which gave a power of summary

legislation for backward tracts to the executive government, was extended to Assam in 1872--1873. The first use of the power of summary legislation was to pass a Regulation for the frontier districts.

Assam Frontier Tract Regulation-1880

In 1880, under the authority given by section 2 of the Assam Frontier Tract Regulation (Reg. 2 of 1880), the operation of enactments relating to civil and criminal procedure, court fee stamps, transfer of property and registration was excluded in the hill-areas. In their place, a simpler system of administration of justice in civil and criminal matters was prescribed by rules framed under section 6 of the Scheduled Districts Act 1874 (Act 14 of 1874). The Scheduled Districts Act (14 of 1874), in section 3, provided that the Local Government may, by notification (a) declare what enactments are actually in force in any of the Scheduled Districts or (b) declare of any enactment that it is not actually in force in any of the districts. By section 6 of the Act, it also authorised the Local Government to regulate the procedure of the officers appointed to administer civil and criminal justice and to superintend the settlement and collection of public revenue or otherwise to conduct the administration. The rules framed under the Act are recorded in the Manual of Local Rules and Orders, Volume. III.

While the Deputy Commissioners, and Extra Assistant Commissioners exercised the powers of Sessions Judge and magistrate respectively, the village councils, presided over by the headman, tried all petty civil and criminal cases.²

In 1880, the Assam Frontier Tract Regulation (Reg. 2 of 1880) was enacted, which, in section 2, provided that, "The Chief Commissioner may from time to time by notification in the local Gazette direct that any enactment in force in such tract shall cease to be in force therein".

Separation from plain districts and formation of North Eastern Frontier Tract

In 1914, the hill areas were separated from the districts of Darrange and Lakhimpur and formed into a new administrative area called North Eastern Frontier Tract. It had three separate units, namely :

- (i) Central and Eastern section, placed under a political officer, with headquarters at Sadiya;
- (ii) Lakhimpur Frontier Tract, placed under the additional charge of the Deputy Commissioner, Lakhimpur; and
- (iii) Western section, placed under a Political Officer, with headquarters at Charduar.³

2. Vide *Introduction to Assam Land and Revenue Regulation*, 1886.

3. Government of India Notification No. 977, 978 and 979 dated 15-9-1914, issued under the Assam Frontier Tracts Regulation 1880 (2 of 1880).

In 1919, the Central and Eastern Sections were renamed as Sadiya Frontier Tract and the Western Section Balipara Frontier Tract, respectively.

“Backward Tracts” under Government of India Act, 1919

Under section 52A of the Government of India Act, 1919, these Frontier Tracts were declared to be “Backward Tracts”. The Governor-in-Council had the power to direct that no Act of the Provincial Legislature should apply to these tracts, save as, or with such modifications and exceptions as, the Governor thought fit. Powers of administration by Regulations and Ordinances also existed under section 71 of the Act.

Excluded Areas under Government of India Act, 1935

Under the Government of India Act, 1935, these tracts were declared “Excluded Areas”, in 1936. They were administered by the Governor in his discretion. Under section 92(1) of the Government of India Act 1935, an Act of either the Central or the Provincial Legislature could not be extended to these areas, except under orders of the Governor, with or without such modifications as he deemed fit. Under section 42 (2) of the same Act, the Governor had also the power to make regulations for peace and good government of the tribes.

Formation of Tirap Frontier Tract, 1943

In 1943, certain areas were taken out of Lakhimpur Frontier Tract and Sadiya Frontier Tract and formed into a new administrative unit called Tirap Frontier Tract (vide Regulation 1 of 1943). In 1946 the Balipara Frontier Tract was divided into Sela sub-agency and Subansiri area. In 1948, Sadiya Frontier Tract was divided into Abor Hills District, and Mishmi Hills District (Vide Regulation 1 of 1948).

Constitution of India, Part B Tribal Areas, 1950

In 1950, under the Constitution of India, Balipara Frontier Tract, Tirap Frontier Tract, Abor Hills District and Mishmi Hills District were included in the Sixth Schedule to the Constitution as Part B - Tribal Areas under paragraph 20 of that Schedule. In 1951, the plains portions of these Tracts and Districts were transferred to Assam, and the Lakhimpur Frontier Tract ceased to exist, and an area called Naga Tribal Area was added to these tracts and districts.

Formation of NEFA, 1954

In 1954, all these tracts and districts, together with the Naga Tribal Area, were formed into what was known till 1972 as the North East Frontier Agency (NEFA). The administrative units were reconstituted and redesignated. The Balipara Frontier Tract was divided into Kameng and Subansiri

Frontier Divisions. Tirap Frontier Tract was called Tirap Frontier Division, Abor Hills District was called Siang Frontier Division, Mishmi Hills District was called Lohit Frontier Division, and Naga Tribal Area was called Tuensang Frontier Division (Vide Regulation 1 of 1954).

In 1957, the Tuensang Frontier Division was transferred to Nagaland and in 1965, territorial divisions were re-named "Districts" and political officers were re-designated as "Deputy Commissioners".

Union Territory of Arunachal Pradesh, 1972

Till 1972, the Governor of Assam, as the Agent of the President of India, was responsible for the administration of these areas in his discretion under paragraph 18 of the Sixth Schedule to the Constitution. On January 21, 1972, these areas were formed into a Union Territory under section 7 of the North Eastern Areas (Re-organisation) Act, 1971 and renamed Arunachal Pradesh. The territory is now administered under the provisions of the Government of Union Territories Act, 1963 (Central Act No. 20 of 1963).

Enactments in force

Selected Acts applied

In view of the special nature of the territories included in Arunachal Pradesh, where tribes, living at varying stages of civilisation, are deeply attached to their ancient customs and traditions, not all the Acts and rules enforceable in the rest of India were made applicable to these territories. At the beginning of the British regime, enactments which were applied to Assam were made applicable also to these territories. However, a new policy was adopted in 1914, according to which only selected Acts, rules or regulations were to be applied thereto. In 1914, the operation of all the laws then in force was first barred by a notification under section 2 of the Assam Frontier Tract Regulation, 1880, and then selected enactments were re-applied by notification issued under the Scheduled Districts Act, 1874.⁴ A special provision was also inserted in section 14 of the Assam General Clauses Act, 1915, providing that no Act of the Assam Legislative Council, in absence of any special provision to the contrary or special extension under the Scheduled Districts Act, shall apply to these Frontier Tracts.

Repeal of Frontier Tract Regulation and Scheduled Districts Act

In 1937, the two laws, namely, the Assam Frontier Tract Regulation, 1880 and the Scheduled Districts Act, 1874 were repealed, but all enactments

4. Section 4 of the Scheduled Districts Act, 1874 (Act 4 of 1874) provided that "On the issue under section 3 of a notification declaring what enactments are in force in any Scheduled District, the enactments so notified shall be deemed to be in force or not in force according to the tenor of the notification in such district, and every such notification shall be binding on all courts of law."

which had been in force under them were continued by virtue of the Government of India (Adaptation of Indian Laws) Order, 1937 issued under section 92 of the Government of India Act, 1935. Under this section, the Governor of Assam, as empowered by the section, also made certain Regulations applicable to these territories.

Constitution of India : Extension of enactments to Arunachal Pradesh

After the Constitution of India came into force, all the enactments in force in the above-mentioned territories at that time continued to be applicable. Besides, all Acts of Parliament made thereafter which extended to the whole of India extended also to Arunachal Pradesh, subject to Regulations, if any, made by President under article 240(2) of the Constitution.

It will thus appear that a considerable number of Acts, Rules, Regulations and Orders are in force in Arunachal Pradesh now. It is estimated that their number till 1975 ran to 240. In spite of this plethora of enactments, however, the administration is carried on, primarily on the basis of local customary laws. Subject to the control of district officers, the village authorities discharge the ordinary duties of police, maintain peace and order within their jurisdictions and decide petty criminal and civil cases.

Land revenue matters

There was nothing in these territories corresponding to the land revenue system of the plains. Nor did the British Government consider it necessary to require a legal basis for land-revenue procedure or to recognise the tribes as having any status in regard to land.⁵ Even now, there is no land revenue, though house-tax, (which is a substitute of poll-tax) continues to be levied in most areas of Arunachal Pradesh.

Enactments which directly or indirectly relate to land and land revenue matters and are in force in the Union Territory, are as follows:-

- (a) Balipara Frontier Tract Jhum Land Regulation, 1947.
- (b) Sadiya Frontier Tract Jhum Land Regulation, 1947.
- (c) Tirap Frontier Tract Jhum Land Regulation, 1947.
- (d) NEFA (Abolition of Poll-Tax and Levy of House -Tax) Regulation, 1959.
- (e) Assam Forest Regulation 1891, applied by notification under the Scheduled Districts Act, 1874.
- (f) Land Acquisition Act, 1894 applied by Regulation 3 of 1960.
- (g) Bengal Public Demands Recovery Act, 1913, applied by notification under the Scheduled District Act, 1874.
- (h) Revenue Recovery Act, 1890, applied by Act 33 of 1950.

In the succeeding chapters, a brief description of the position regarding rights in land and other features of the land system is attempted on the basis of local customs and other available material.

5. *Introduction to Assam Land and Revenue Regulations*, 1886.