

Interstate Border Negotiation Between Assam and Meghalaya

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Abstract

Interstate Disputes over borders between Assam and Meghalaya date back to the 1972 separation of Meghalaya from Assam. The two states set up a Joint Official Committee on 26th May 1983 to solve the border disputes. Besides the JOC other committees were formed to solve the long pending issues. After more than twenty rounds of talks or negotiations between the Chief Ministers of Assam and Meghalaya recently the two leaders decided to form another committee which is known as a Regional Committee which will study the issue of border disputes in the six areas of differences. Presently there are twelve areas of dispute between Assam and Meghalaya. This paper will outline the areas of differences and the border negotiation at the Chief Minister level. The present paper will also through some light on the three regional committees set up by the Chief Minister of Assam and Meghalaya.

Keywords: Border, Disputes, Government, Assam, Meghalaya

Introduction

India is a democratic country with twenty-eight states and eight Union territories rich in culture, languages, food, etc. But at present, the interstate border within the country has had a problem. India has Border disputes, Water disputes, and other disputes between one state with another. However, interstate border disputes are more complicated and a burning issue till the present day. Even though for a country like India with a large area it is impossible to escape from the issue of interstate border disputes. The Union Government as well as various state government tried their best to solve the interstate border disputes between one state with another but unfortunately, no light can be seen even today. The Union government has had to intervene in almost all the interstate border disputes in the country and set up various committees and commissions. However, all committee and commission reports cannot be implemented

because in one way or the other one state will be against the report put forward by the committee and commission of another state. Therefore, this paper will dwell on the complex interstate border disputes between Assam and Meghalaya. It will discuss the various committee set up by the government and the way forward to solve the long-standing problem.

Methodology

The methodology of the study is both Primary and secondary. Primary it includes government notification, interviews with various stakeholders, and others. Secondary it includes data from Journals, Books, newspapers, and online.

Assam - Meghalaya border disputes

Assam, the big brother of all the states in the North Eastern Region, has experienced border disputes with practically all of its neighbors. Northeast India now has four inter-state border disputes: Assam-Arunachal Pradesh, Assam-Nagaland, Assam-Meghalaya, and Assam-Mizoram. Before 1972, Meghalaya was a constituent state of Assam, with Shillong serving as the state capital. Everything was fine between the Khasi, Jaintias, Garos, and Assamese before 1972. However, as Assam grew and developed, it can be seen on many levels, whether in health care or education and more advanced when it comes to public administration, many policies that the Assam government tries to implement are now considered anti-people or against those who do not speak Assamese. An independent state from Assam is one of the key reasons that the people of the United Khasi, Jaintia Hills, and Garo Hills seek. Language assimilation and making it essential to speak Assamese, particularly for official purposes, presented a threat to other minor languages. Following the passing of the Assam Language Act of 1960, many non-Assamese-speaking communities felt inferior or marginalized by the Assam government.

Assam and Meghalaya share a border of roughly 723.2 kilometers. Before 1971-72, the Assam Reorganisation (Meghalaya) Act, of 1969 was approved, and the people of Meghalaya were granted autonomy. The leaders of the Hills State Movement, on the other hand, are unwilling to recognize the Autonomous state. Many politicians believed that having an autonomous state would imply partial independence, but the Assam government still controls the lock and key. As a result, Hill leaders lobbied for a distinct state, and then-Indian Prime Minister Indira Gandhi responded to their demands and awarded Meghalaya a separate state under the North Eastern Areas (Reorganisation)

Act of 1971. The bill was introduced and passed in the Indian Parliament, and it went into force on January 21, 1972, the day the state of Meghalaya was founded.

The geographical boundaries of Meghalaya shall be determined by Section 3 of the Assam Reorganisation (Meghalaya) Act, 1969. According to the aforementioned constitutional provisions, the following regions will be incorporated into the state of Meghalaya: 1. The United Khasi and Jaintia Hill District 2. The Garo Hill Region. The United Khasi and Jaintia Hills District shall be construed to include the regions formerly known as the Khasi states and the Khasi and Jaintia Hills District under subparagraph (2) of paragraph 20 of the Sixth Schedule of the Constitution of India, as amended by paragraph 14 of the Eighth Schedule to the North-Eastern Areas (Re-organisation) Act, 1971. To understand and grasp the border between Assam and Meghalaya, read paragraph 20 sub-paragraph 2 of the Sixth Schedule to the Indian Constitution. However, the regions indicated in the Sixth Schedule are neither demarcated nor delineated.

Border Negotiation between Assam and Meghalaya Government

Upper Tarabari, Gizang Reserve Forest, Hahim, Borduar, Boklapara, Deshdemoria, Khanduli, Retacherra, Langpih, Nongwah-Mawtamur, Khanapara-Pilangkata, Block I, and Block II¹ are the current regions of contention between Assam and Meghalaya. Unfortunately, boundary disputes between Assam and Meghalaya began shortly after the state of Meghalaya was formed. This begs the fundamental question of why the hill leaders accepted the state of Meghalaya without sufficient demarcation on the ground at the time. Since then, the border problem has never been settled. Tensions rose at the border in one way or another, especially when diverse populations remained together.

From the 10th of October 1971 to the last meeting, on the 3rd of January 2022, The Chief Ministers of Assam and Meghalaya have held more than 20 rounds of negotiations. Between June 3rd, 1992, and June 21st, 2019, there were ten dialogues at the Chief Secretary level. The most recent Nodal Officer level discussions began in 2012 and ended in 2014.

Even before Meghalaya was a full-fledged state, negotiations to settle boundary disputes between Assam and Meghalaya started on October 10th, 1971. Block I and Block II were discussed at a meeting of Assam and Meghalaya's leaders. It was decided that the relative population of Mikirs and Non-Mikirs who lived there would be the deciding element in resolving the issue between Mikirs and Non-Mikirs. The Chief Secretaries of Assam and Meghalaya will serve as Joint Conveners of the Joint Official Committee,

which the Chief Ministers of Assam and Meghalaya agreed to establish on May 26, 1983, to identify boundary disputes.

By the end of July 1983, or within two months, the Committee must turn in its reports. The Committee named six industries as the areas where the two states vary Sector I: The border between the Meghalayan districts of Garo Hills and Goalpara in Assam; Sector II: The border between Jaintia Hills and Karbi-Anglong in Meghalaya; Sector III: Border between the Meghalaya District of East Khasi Hills and the Assam District of Karbi-Anglong; Sector IV: Retransfer concerns, in particular, the retransfer of Assam's Block I and Block II. Sector V is the boundary between the Jaintia Hills District in Meghalaya and the Cachar District in Assam. Sector VI - Border between the Assam District of Noagoan and the East and West Khasi Districts of Meghalaya and Kamrup.

On October 19, 1985, the two Chief Ministers met soon after and decided to establish a committee, which would be led by Justice Y. V. Chandrachud, a former Chief Justice of India, and include Justice V.S. Deshpande, former Chief Justice of the Delhi High Court to investigate how the border between the two states should be interpreted in light of the Sixth Schedule to the Constitution of India and other relevant laws. The report of Justice Chandrachud can be deemed to be irrelevant because Meghalaya did not accept it and only Assam did. Because the report cannot be applied, it is useless².

Interestingly, on May 6, 1992, The Chief Ministers of Assam and Meghalaya concurred to (i) establish joint boundary demarcation in areas where there are no disputes, as agreed upon in the Tripartite meeting. (i) keep the status quo and peace along the border; (ii) create a committee made up of the chief secretaries of the governments of Assam and Meghalaya to identify potential points of conflict, thoroughly analyze them, and make suggestions in the spirit of "give and take;" (iii) maintain the status quo and peace along the border, and (iv) settle disputes amicably through mutual discussion. On March 15, 2000, the Chief Ministers of Assam and Meghalaya met in the State Guest House, Khanapara, and both emphasized the importance of resolving border issues voluntarily and amicably to reestablish the two states' old friendship. However, the two leaders agreed that field demarcation should resume in those sectors of the borders where border disputes do not arise, but in those sectors where border disputes do arise, To settle the disagreements between the two within six months, it should be handled at the level of the Chief Secretaries.

The Chief Ministers of Assam and Meghalaya met in Guwahati on June 18, 2002. The two-state administrations aimed to keep the disputed areas safe and secure, to maintain

excellent neighborly relations between the two states, and to promptly diffuse any border tensions.

While the conversations and discussions between the states were at their peak, a shooting incident happened in the Langpih districts of Meghalaya's West Khasi Hills District. The meeting was called by the two Chief Ministers on June 5, 2010, in the Assam Secretariat in Dispur. Both leaders concurred that an investigation into the May 14, 2010, events at Langpih should be conducted under the Commission of Inquiry Act. The panel was headed by Justice Phukan, and the panel declared Assam police personnel guilty, therefore the Assam government must pay Rs. three lakhs to each of the four individuals who died as a result of blank fire by the Assam Police. Unfortunately, Assam has never punished the police officers who committed the crime.

The boundary negotiations between Assam and Meghalaya did not develop, as they had in prior years from 2010 to 2020. It appears that both state governments are simply interested in negotiating for their profit during election season. We cannot deny that some border conversations have occurred over the last 10 years, but the outcome has been to maintain peace and security in all twelve disputed areas and to maintain the status quo. Lest we forget, boundary negotiations between Assam and Meghalaya began in 1971, and the issues are still outstanding after more than fifty years. If the matter of border conflicts had been treated seriously by both state governments, it would have been resolved long ago.

Regional Committees

In the first week of August 2021, in Guwahati, the chief ministers of Assam and Meghalaya met, both leaders discuss in depth and detail the interstate border disputes between the two states. However, one important outcome of this meeting is that both sides agreed to set up three regional committees³ from Assam and three regional committees from Meghalaya. In this particular committee, there will be five members and these three committees will be headed by the cabinet minister and the Deputy Commissioner will be the Secretary along with the MLAs from that particular area. In the course of the discussion, both sides decided that in the first phase, they will take up only six areas of border disputes. These areas include Tarabari, Gizang, Hahim, Boklapara, Khanapara-Phillangkata, and Ratacherra, which are located in the Meghalayan districts of West Khasi Hills, Ribhoi, and East Jaintia Hills and Assam's Cachaar, Kamrup, and Kamrup Metro District⁴. Furthermore, both the chief ministers accepted that these six areas of difference are not so complex compared to the rest. Even though the regional committee has been formed but no one knows the Terms and

references or conditions of these committees. The two Chief Ministers while briefing the media only mentioned that the three committees will submit their reports within 30 days.

Immediately, after the formation of the Regional Committee, one of the committees headed by the Deputy Chief Minister of Meghalaya from the Meghalaya side and Piyush Hazarika from the Assam side went to visit the disputed areas of Khanapara and Pillangkata which fall under the Ribhoi District of Meghalaya and Kamrup Metro District of Assam along with their Deputy Commissioner and their officers from both sides. The Committee tries to have a discussion with all the stakeholders and leaders of different localities in the disputed areas. All public are given free chances to express themselves but unfortunately, some Khasi and Garo leaders from the Meghalaya sides who stay in the disputed areas express themselves that they are not satisfied with how the chances are given to various stakeholders to express their opinion. The Khasis and Garos believed that their counterpart are getting more chances and their voices are being heard while from the Meghalaya sides their voices are being sidelined by the committee. However, a few days after the meeting most of the people from the Meghalaya side who stay on the border are not happy with the way the meeting was conducted. Is it Assam government controls the Meghalaya government one asked this question. If people are not allowed to express themselves then why called for public meetings? Khanapara-Pillangkata is one of the disputed areas in which many communities settled there, but if one doesn't get a chance to voice their concern then the outcomes of the committee will not be accepted by the people.

Another regional committee focuses on the areas which fall under the West Khasi Hills District of Meghalaya and Kamrup District of Assam. These areas are Tarabari, Gizang, and Hahim. The chairmen of the committee from both sides together inspected the three disputed areas and had a good discussion with leaders of different groups and leaders of different localities. These three areas are less complex; therefore, it is not difficult for the Chairmen of both committees to get public opinion on these pending issues.

The third regional committee discusses the disputed area in Ratacherra which falls under the Cachaar District of Assam and the East Jaintia Hills District of Meghalaya. This committee is the last one to submit their reports to both the state government after they got a few more days of extension. Ratacherra is one of the disputed areas which is very less complex. The people who settled in these areas know how to solve the problem by themselves. Most of the time tension crops up because the third party intervenes on all issues which can be solved by those people who stay in the disputed area. Therefore,

in most occasions any problem that happens in the disputed areas first the government should lead those leaders in the disputed areas to solve their problem peacefully, and if not then the District Administration and Police can intervene.

It is interesting to note that all three regional committees submitted their reports to their respective state government. The same reports were submitted to their counterpart and later it was passed by the state cabinet of Assam and Meghalaya. Even though no one knows about the recommendation of all three regional committees since it is not out in the public domain. But what the Assam Chief minister, as well as the Deputy Chief Minister of Meghalaya and other sources, hint at is the “give and take policy” which will be used as a tool to solve these long pending issues between Assam and Meghalaya. Assam Chief Minister in one of the meetings with All Political Parties in Assam categorically mentioned that as per the recommendations of the three regional committees, the state of Assam will get 18.51sqkm of the total 36.8sq km of disputed areas while Meghalaya will get 18.29 sq km. Both The Chief Minister of Assam and Meghalaya met the union home minister recently in Delhi to submit the recommendation of the three regional committees and signed a pact to resolve the border disputes in six areas of differences⁵. But like all other issues, it takes time for the Ministry of Home to take any decision. However, the main question is whether all the people in the disputed areas will accept the three regional committee reports. As per new media reports, some leaders from the Meghalaya side are unwilling to accept unless and until their voices are considered.

Added to this the Second phase of the negotiation has begun for the remaining disputed areas, viz, Langpih, Block I and Block II, Nongwah-Mawtamur, Boklapara, Khanduli, and Desdemona. Three regional committees have been formed more or less similar to that of the first phase. The regional committee has started its work by meeting with different stakeholders. However, most of the areas in the second phase are tricky because many people lost their lives in the past due to the conflict at the border between Assam and Meghalaya. For those families who lost their loved ones, everything is still fresh in their minds.

Conclusion

To conclude, interstate border disputes between Assam and Meghalaya is a long pending issue for more than five decades. To solve these issues both the state's government must understand the historical background of all the twelve disputed areas. One must not sideline the opinion and views of those people who stay in the disputed areas since these people are the ones who face the problem when any tension crops up

at the border as well as different stakeholders like the Autonomous District Council, and the Civil Societies from both the states. Both the state government must understand that it is imperative to have a time frame for solving the interstate border dispute between Assam and Meghalaya. Without a clear time, frame, one never knows when the problem of border disputes can be solved by both the state government. Both state governments must keep in mind that development activities are the main concern for all the residents in the disputed areas without which one will find it difficult to survive.

END NOTES

¹ “12 areas of Dispute on Meghalaya- Assam Border,” The Outlook, 12th March 2012, Retrieved from <http://www.outlookindia.com>, (accessed on 16/5/2018).

² Report of the Assam and Meghalaya border Committee, 27th July 1987.

³ Hemanta Kumar Nath, ‘Assam, Meghalaya to form regional committees to resolve interstate border disputes’, 6th August 2021, Retrieved from <https://www.indiatoday.in/india/story/assam-meghalaya-to-form-regional-committees-to-resolve-inter-state-border-disputes-1837785-2021-08-06> (accessed on 17/6/2023).

⁴ Hemanta Kumar Nath, “Assam, Meghalaya to form regional committees to resolve interstate border disputes”, India Today, 6th August 2021, retrieved from <https://www.indiatoday.in/india/story/assam-meghalaya-to-form-regional-committees-to-resolve-inter-state-border-disputes-1837785-2021-08-06> (accessed on 3/5/2023).

⁵ Tora Agarawal, ‘Assam-Meghalaya Border Disputes: the disputes and what’s been settled’ Indian Express, 2nd April 2022, retrieved from <https://indianexpress.com/article/explained/assam-meghalaya-border-dispute-pact-explained-7847108/> (accessed on 16/6/2023).

Significance of the study

The particular topic of interstate border disputes between Assam and Meghalaya is a hotly debated issue today. Even after five decades, the border disputes between Assam and Meghalaya could not be solved. Since, both the state governments are having negotiations regularly it is important to highlight these issues. To help the policymakers to reach a favorable conclusion for both sides. However, since there are very less articles or publications on this topic it is imperative to come out with this topic for publication so that other scholars who wish to research border disputes can make use of it.