

# Waste Land in Assam with special Reference to Cachar, Assam, India

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## ABSTRACT:

Assam, situated in the North Eastern part of India, was ruled by the Ahoms (1228-1826) for about six hundred years and then it was annexed by the English East India Company after the Treaty of Yandaboo(1826) in a gradual process and tried their level best to colonise this region through the annexation of Lower Assam(1828),Cachar(1832),Upper Assam(1838) and North Cachar Hills(1854).Geographically, Assam was divided into two valleys namely the Brahmaputra valley and the Barak valley. Both the valley of Assam had huge wastelands covered with thick forests and jungles. These unutilized, uncultivated, unused, unsettled and uninhabited lands had enormous economic prospects. So, colonial British government introduced a set of wasteland settlement rules to colonise the land of Assam.In this paper,an attempt has been made to highlight the Wasteland Settlement Rules enacted by the British government in Assam for the cultivation of tea on the one hand and to colonise this jungle land by the British keeping special emphasis on Cachar district of Assam during 19<sup>th</sup> century. The people, who had been living clearing these wastelands, were not given land patta and thereby these people had been living a life of uncertainty without having land rights due to the eviction policy of the government of Assam. In preparing this paper,both primary and secondary sources are consulted to find out the problems of wastelands of Assam with special emphasis on Cachar district in analytical research method.

**Keywords:** Assam, wasteland, British, colonization, land settlements, survey of lands, jungle, tea land, rights of land

Land, wasteland and people are inter related. Problems pertaining to the land as well as wasteland in the whole country are not a modern phenomenon; it had been a continuous process. The problem of wasteland in India became an important aspect with the rapid growth of population and new technology in the history of India. Because the concept and idea of wasteland in India has a historical past. Now question arises regarding the exact definition of wasteland. Historians made various observations regarding the meaning of wasteland. Generally it is said that wastelands are those lands which are uncultivated

Duddey Stamp defined wasteland as the land which has been used previously but abandoned and for which no further use has been found.

The wasteland survey and reclamation committee (1961) defined wastelands as those lands which are either not available for cultivation or left out of cultivation as fallows and cultivable waste.

It is also said that wastelands are those lands which are ecologically unstable and whose top soil has been nearly completely lost and which have developed toxicity in the root zone for the growth of most plant. Moreover, any portion of land not put to its optimum utilisation is called wasteland.

"Wasteland is defined as that land which is degraded and is presently lying unutilized except as current fallow due to different constraints."

Dr. Sekhar of Ford Foundation considers any land producing less than 20% of its potential as wasteland.According to the National Wasteland Development Board" any land if its productivity is less than what it ought to be with reference to the availability of soil nutrients and water should be considered as wasteland"

The term wasteland appears to denote those tracts of land which were uncultivated, unsettled and therefore, acquiring no revenue to the imperial government.

Wasteland is land uncultivated and covered with jungle and of such a character and in such a position that it is not likely to be taken up for the cultivation of the ordinary native staples of the country within any reasonable time. Thus it may be said that wastelands means uncultivated, unsettled, unused lands covering with jungles, grass and reeds which have potentiality of productivity<sup>1</sup>

Assam, situated in the North Eastern part of India, was ruled by the Ahoms(1228-1826) for about six hundred years and then it was annexed by the English East India Company after the First Anglo-Burmese war(1824-26) through the signing of the Treaty of Yandaboo(1826).The British East India Company established their domination in Assam through the annexation of Lower

Assam(1828),Upper Assam(1838),Cachar(1832) and North Cachar Hills(1854) keeping colonial interest in mind. Assam had vast natural resources specially wastelands which had future economic prospects and thereby British as a colonial power tried their level best to utilize them to satisfy their colonial interest. Already tea plant was discovered by Robert Bruce in Assam in 1823 which was sent to Calcutta Botanical garden for experiment by David Scott. Subsequently the subject of the tea plant was brought to the attention of Jenkins by C A Bruce in 1832. Accordingly Tea Committee appointed in 1834 found out that tea shrub is indigenous in Upper Assam and tea plantations were started in Upper Assam from 1837. Assam was a land of jungles but its lands were suitable for tea plantations. So, First Waste Land Settlement Rule was introduced during the Commissionership of Jenkins in Assam in the year 1838 to clear jungles for the cultivation of tea in various tea districts of Assam. Accordingly huge lands were leased to the European Companies from 1838 through the enactment of a set of waste land settlement rules both in the Brahmaputra valley and the Barak valley region of Assam to clear jungles for tea plantations in Assam. As a result large number of tea gardens was opened in various tea districts of both the Brahmaputra and Barak valley region of Assam.<sup>2</sup>

Cachar, situated in the southern part of Assam, was ruled by various political dynasties like Tripuris, Koches and lastly the Cachari Rajahs ruled over Cachar having its capital at Khaspur from 1750 to 1830. The rule of the Cachari Rajahs is termed as Princely Regime. After the end of Princely Regime (1750-1830) for internal strifes, Cachar was brought under the control of British government headed by Superintendents (1832-1866) and Deputy Commissioners (1866-1947) of Cachar. The British annexed plain Cachar (present Cachar and Hailakandi) on 14<sup>th</sup> August, 1832 who tried their level best to colonise Cachar in all dimensions specially through the leasing of wastelands to the European companies at a very minimal rate and subsequently led to the growth of tea industry in Cachar in a gradual process which is also evident in other tea districts of Assam.<sup>3</sup>

Now an attempt has been made to highlight the Wasteland Settlement Rules enacted in Assam for the cultivation of tea on the one hand and to colonise this jungle land by the British keeping special emphasis on Cachar. Accordingly First Waste Land Settlement Rule also known as Lease hold Grant Rule was introduced during the Commissionership of Jenkins in Assam in the year 1838 to clear jungles for the cultivation of tea in various tea districts of Assam. According to this rule, lands were leased to the European Planters for 45 years at a very nominal rate. The minimum limit of land leased to the European planters for tea cultivation in Assam was only 100 acres one-fourth of which would be held revenue free for all the time and the remaining portion for the initial 5 to 20 years, depending upon the nature of wasteland, after which, it would be assessed at the rate of 9 annas per acre for the first 6 to 8 years and at the rate of Rs. 1-2 annas for the remaining years. In spite of all these liberal terms for the settlement of wasteland, it could not satisfy the planters and thereby revised rules for lease hold grants were issued on 23<sup>rd</sup> October, 1854. This Waste Land Rules of Assam was popularly known as Old Assam Rules which was extended to Cachar in 1856 during the Superintendency of G Verner, the district administrator of Cachar.<sup>4</sup>

It provided that the lowest limit of grant was fixed at 500 acres and the grant of waste land for tea planting were let on leases for 99 years. One-fourth of it was to be rent free for 99 years, the remaining three-fourth, 15 years rent free, 10 years @ 3 annas per acre and 74 years @ 6 Annas per acre. Such lands were made transferable and being abundant with housing materials, they could be sold with an unearned profit. Moreover, labourers could also be settled as tenants on the surplus lands of plantations.<sup>5</sup> It is to be noted that tea in Cachar was discovered in 1855. Next the Superintendent of Cachar G Verner opened the first plantation of tea in Mauza Barsangan in 1856.<sup>6</sup>

The Cachar administration leased jungle lands to the European companies and Tea Planters after the introduction of Assam Rules into Cachar in 1856. Under this rule, 38 applications were registered for waste lands to cultivate tea in Cachar and the aggregate area of these grants were about 91000 acres. The first grant of land in Cachar measuring 1000 acres for tea cultivation was finally sanctioned to Mr. G Williamson. In a gradual process six other grants were also surveyed under the initiatives of G Verner containing 19,930 acres of land for tea cultivation. But Cachar administration faced problems in ascertaining the exact waste lands for the inaccurate survey for the shortage of compasses which were of course in a later date brought by G Verner from Calcutta. R Stewart, the last Superintendent of Cachar, leased huge waste lands for tea cultivation to the European companies. R Stewart undertook subsequent survey of waste lands for tea cultivation in 1859 in expense of Rs. 850 a month or above Rs. 10,000 per annum and recruited Native Compass Amins by him. The second survey was ordered under Mr. Reynolds in 1861. The Thakbast survey and settlement was made by N T Davey (1864-65) in expense of Rs. 15000-20000 out of which Rs. 17423 was deposited by grantees under Fee Simple and Mirasdari rules in 1865. It favoured the demarcation of boundaries of Mauzas and of tea grants. The area of this survey was 11,02,421 acres.<sup>7</sup>

R. Stewart made every attempt to expand the tea industry in Cachar. The Old Assam Rules for waste land grants in Cachar was abolished in 1862 and a set of new waste land rules were initiated in 1862 to provide more land grants to the planters for the development of tea industry in Cachar. The New Waste Land Rules, Waste Land Sale Rules, Fee Simple Rules were introduced in 1862. There were 181 applications registered under the Old Rules and 4,84,760 acres of land were surveyed. The waste land sale rules was modified in 1864 under the initiatives of R Stewart. This modified rules sanctioned the rights of applications to both the natives and Europeans. But very few applications were made for waste lands under the said sale rule since their introduction in 1862. However, it is observed that Cachar administration made attempt to lease wastelands for tea cultivation making repeated surveys under the surveyors recruited by the Government time to time. **It is to be noted** here that in disposing of leasing waste lands in Bengal specially in Cachar and Assam, District Authority confronted some difficulties in the frontier region for the demands raised by the tribals on those lands which were used by the frontier tribes as hunting ground through the ages. But the Cachar administration through their effective administrative efficiency under R Stewart, the last Superintendent of Cachar, leased huge lands for tea cultivation providing land grants at a very liberal terms. It is confirmed from the Report on Matters regarding the disposal of waste lands which stated that only in Cachar an area of waste lands measuring 2000000 acres were leased in 1859 as per old Assam waste land lease rules of 1854 that fixed the minimum grantable land as 500 acres.<sup>8</sup>

The Fee Simple Rules was introduced in 1862 for the greater interest of the planters to purchase lands at a rate of Rs.2-8 to Rs.5. This rule was stopped in 1876. Except under special circumstances grants were limited to an area of 3000 acres, the land was put up to auction and upset price ranged from Rs.2-8 to Rs.10 per acre. Provision was made for the survey of lands previous to sale and for the demarcation of proper boundaries, where applicants for unsurveyed lands were, put in possession prior to survey and for the protection of occupancy rights in the lands applied for. Conditions were also laid down for the payment of purchase money at installments up to 10 years with interest of 10% per annum on portion unpaid. In case of failure to pay the interest of purchase money, grant is liable to re-sale.<sup>9</sup>

In 1864, Waste Land Reclamation Rules popularly known as Junglebari Settlement Rules were also introduced in Cachar and leases of Junglebari lands were sanctioned for a term of 30 years at an increasing rates fixed as follows:

3 years	rent free per acre
5 years	3 Annas per acre
5 years	6 Annas per acre
5 years	12 Annas per acre
12 years	Rs.1-8 per acre

It is to be noted here that the then Superintendent of Cachar, R Stewart faced some problems in leasing the lands as almost every application for settlement is disputed, sometimes five or six parties came forward for the same land. But R Stewart and his two immediate successive Deputy Commissioners of Cachar namely J W Edgar and OGR Mc William successfully conducted the settlements keeping colonial interest in mind. However, during the early days of the Deputy Commissioners of Cachar, it was stated as per the Fee Simple Rules and under the Old Assam Rules, waste lands in the Assam and Dacca Division, the saleable price was at Rs. 5 per acre which were taken for tea cultivation. It was also reported by The Tea Commissioners of 1868 that in Cachar, where applicants and bidders were Europeans, the selling price rarely exceeded the minimum of Rs2<sup>1/2</sup> per acre<sup>10</sup>

However all possible measures were undertaken by the British authority in Cachar during the administration of Deputy Commissioners J W Edgar and OGR Mc William to enrich the tea industry through making survey and resurvey of waste land as well as tea land of Cachar. After the Junglebari Settlement Rules (1864) of Cachar, Waste Land Lease Rules provided that these leases of uncultivated lands were to be subject to the provision of the waste land rules as far as applicable i.e., no lease was to be made for more than 3000 acres. These rules provided that the terms of the leases should be 30 years and the rent per acre should be--

For the first three years-----	-nil
For the fourth and four following years--	-one rate
For the next five years-----	-Two rates
For the next five years-----	-Four rates
For the last twelve years	six rates.

Sir Cecil Bedan, a member of waste lands committee, 1871 wrote "In Cachar the rules were taken as our guide just as if they had been sanctioned."<sup>11</sup>

It is observed that whatever applications for land on these leases in Cachar are made, those were grouped into three classes:

1. First applications for small and well situated pieces of land with a view to immediate cultivation or because they are in some way needed by the applicants. Lands of this class are taken up either by natives or by Europeans for some special purpose-cooly lines or the like.
2. The second class are lands taken up by planters for the purpose of opening tea gardens.
3. The third and the most important class are the great low wastes which are either now fit to grow rice or will become so in course of time or by the expenditure of some labour.<sup>12</sup>

In the Rules for Leasing Jungle Lands in Assam and Cachar of 1873 with regard to waste land that the Deputy Commissioners of respective districts had the absolute power in leasing jungle lands under some specific conditions laid down by the government. Accordingly Deputy Commissioners leased unassessed abandoned waste lands to the applicants in various districts of Assam specially in Cachar for 10 years at the rate of 8 annas per acre. In such leases, a reasonable proportion of uncultivable land used for grazing, fuel or other purposes was let on leases at 4 annas per acre. But in case of more than one applicant for the same plot of land, Deputy Commissioner could put the lease to auction.

The holdings settled for 10 years were heritable and transferable under some conditions. At the end of 10 years settlement, if the lessee is found to have properly used and cultivated the land, then the grant might be renewed for another 10 years at a very fair revenue rates which may be half rates if culturable and one-fourth rates if unculturable.

It was also found that the leases for 10 years of plots of uncultivated jungle lands which required huge labour for clearance were leased to the planters by the Deputy Commissioners of Cachar along with other DC'S of Assam under the following terms:

- Four years rent free
- Three years one-fourth full revenue rates
- Three years one-half full revenue rates.

In this respect it is observed that the colonial British administrators tried their level best to colonise waste lands of Assam through the enhanced rate of revenue on the one hand and to earn revenue from tea industry developed in the waste lands in Cachar and Assam.<sup>13</sup>

It is evident from the fact that during the period between 1869 to 1872, total 145 no of grants were taken for resurvey under J W Edgar and OGR Mc William in Cachar. Out of these 145 grants, Mr. Stalk completed the resurvey of 28 grants in May, 1871 and 3 were in hand during OGR Mc. William, Deputy Commissioner of Cachar. Remaining grants were also taken for survey in a



gradual process for the development of tea industry in Cachar in possible manner. The following abstract shows these 145 grants into four classes:

Total no of grants in list A=28

Do Do Do B=40

Do Do Do C=6

Do Do Do D=71

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Total =145

We also find 66 no of undefined grants under Assam Rule, Fee Simple Rule and Mirasdari Tenure in Cachar which were classified into three classes namely Class I =13, Class II=13, Class III=40 during J W Edgar and OGR Mc William, Deputy Commissioners of Cachar.<sup>14</sup>

It is also stated that a survey party under Stoelke was sent on deputation to Cachar in 1871 that performed the survey up to 1873 at a total cost of Rs 1000 per monsoon for the survey establishment to complete the survey of 24 waste land grants in Cachar. This expenses was to be paid by the grantees after the completion of survey work. In this regard J W Edgar, DC of Cachar took undertaking from the grantee to pay the part of the entire cost of survey party as it was initially incurred from the govt fund.<sup>15</sup>

It is also observed during OGR Mc William, Officiating Deputy Commissioner of Cachar regarding the sale of a plot of waste land popularly known as 'Konapara' in Cachar in 1873 measuring 344 acres 3 rodes and 37 poles situated in parganah Kalain of Cachar under the rules for the sale of unassessed wastelands in the lower province of Bengal which was put up to sale by auction to the highest bidder above the upset price of Two Rupees and 8 annas per acre. So it is seen that British authority in Cachar tried to colonise Cachar through leasing waste lands for tea cultivation at a very concessional rates without investment in the wasteland segment to satisfy their colonial interest.<sup>16</sup>

Administration of Assam was placed under Chief Commissioner in 1874 and R H Keating was appointed as the first Chief Commissioner of Assam who favoured the leasing of wasteland at a favorable conditions. Afterwards a set of new rules were issued in 1876 for 30 years at progressive rates which was extended to Cachar and the lease was to be put up for auction sale at an upset price of Rs.1 per acre. The progressive rates are as follows:

For the first two years.....Revenue free

" next four " .....3 annas an acre

next four " .....6 " "

next ten " .....8 " "

next ten " .....1 rupee an acre<sup>17</sup>

In this way large tracts of waste lands were brought under tea cultivation right from the placement of Assam's administration under Chief Commissioner in 1874. It is evident from the fact that in 1874-75, 26 lots of waste land covering an area of 14,213 acres was sold in fee simple. Upto that year, altogether 298 lots of waste land covering an area of 1,72,828 acres had been sold out. Moreover, at the time of introduction of Assam Land and Revenue Regulation (1886), 315 lots of waste land grants were sold in fee simple covering an area of 193358 acres. From another estimate, it is found that in 1880, the area under tea was 153657 acres and it rose to 337 327 acres in 1900. Moreover, the Junglebari Settlement Rules (1864) of Cachar was modified in 1875 and 1882 and expired before the general settlement of 1900. All these initiatives undertaken by the colonial government led to the colonization of waste land in Assam. It is to be noted here that annual leases were granted to the migratory or shifting cultivators during 1874 to 1883 who moved from place to place over the waste and char lands of Assam valley cultivating one piece of land generally for 3 years and took up fresh waste land in the neighbourhood. These Annual Lease holders were not given the right of inheritance and transfer of land as per the Assam Land and Revenue Regulation of 1886. These annual leases were being found problematic for the government, two consecutive decennial settlements were introduced in Assam in 1883 and 1893 respectively. But we do not find about the lands used for tea cultivation in details except the fluctuating rates of tea land of Assam tea districts.<sup>18</sup>

Cachar district was surveyed on the expiry of 20 years settlement of R Stewart commenced in 1859 and divided the district into 3 tahsils like Ktigorah, Hailakandi and Silchar Sadar under Major Boyd and Knox-Wight starting from 1880 and settlement was finally made for 15 years commencing from 1882 to 1883 in all these 3 tahsils. But the last survey did not include the tea garden grants and junglebari estates though rate of revenue was imposed on the cultivation of tea in all these three tahsils. Accordingly after the expiry of 15 years settlement in 1898, next resettlement in Cachar was made by Rai Bahadur Sarat Chandra Banerjee for 15 years with effect from 1 April, 1900 and as per this settlement, all tea land was assessed at 11 annas per bigha.<sup>19</sup>

Thus it is seen that after the commencement of British rule in Assam, a series of waste land rules were introduced in Assam as well as in Cachar for the cultivation of tea keeping colonial interest in mind. Accordingly huge lands were brought under tea cultivation that can be visualized from the following table.

**Rules for the Settlement of Waste Land and the amount of land settled up to 1900**

Class of Tenures	Total on 1 April, 1900
	NO Area (acres)
i. 30 years Lease Rules -----	- 898----- 3,37,834
ii. Lease under Ordinary settlement rules of Assam valley --	1953----- 103017
iii. Ordinary Reclamation Leases taken for tea planting in	

Cachar and sylhet -----	606----- 115138
iv.leases under modified Ilam Rules in Sylhet-----	60-----24231
v.grant under Old Rules of 1838-----	18-----5225
vi.Grant under Old Rules of 1854-----	34-----31363
vii. Grants redeemed-----	268-----287943
viii.Fee Simple grants-----	313-----190707

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Total=10,95,458

In this way British govt tried their level to colonize the waste lands of Assam in a gradual process both in the Brahmaputra valley and of Barak valley of Assam during the 19th century.<sup>20</sup> The waste land has its future prospects in the economy of Assam and thereby proper management of wasteland of Assam is necessary providing land rights to those who had been enriching the waste land through the ages without making any whimsical displacement of those people.

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"The grants of waste lands in Cachar may be divided into three classes:

1st-Grants under the old Assam Rules, free from any condition as to clearance of boundaries or assistance to the revenue Surveyor.

2nd-Grants under the old Assam Rules, subject to the condition of rendering such assistance as may be required by the officer deputed by government to survey the grant.

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15.Assistant Revenue Surveyor,1st grade Rs250

2 Sub-Surveyors at Rs.65 each ----- Rs.130

3 Tindals at Rs 6 each ----- Rs.18

3 Mate Tindals at Rs 5 each----- Rs.15

24 khalassies at Rs4-8 each----- Rs.108

Field travelling allowances of the above establishment

Assistant Surveyor at Rs 3 per diem----- Rs.90

2 sub surveyors at Rs.3-10ths of their pay or Rs 19-8each---Rs.39

Total= Rs. 650

Miscellaneous contingencies----- Rs.350

Grand Total= Rs.1000

(.GB, File No 318,Papers-6,Final Adjustment of Cachar Grants)

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