

# The Recurring Violence in Western Assam – An Analysis

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## Introduction

There have been severe communal clashes and rioting between the indigenous Boro tribals of Assam and the Bangladeshi Muslims settled in the region in July 2012. It is reported that more than eighty people have died in the rioting. More Bengali Muslims than Boros have died. The figures of the injured should reflect the same situation with more Bengali Muslims having been injured. This should indicate that most probably the riots were instigated by the Boros. These riots have also found an echo in other parts of the Country, such as in Mumbai on 11 Aug 2012.

The reasons for the present rioting are explained in this paper. As will be seen it was known that tension between the two communities had been building-up ever since the territory of Kokrajhar and Chirang districts became part of the Boro Territorial Council (BTC). The BTC comes under the Sixth Schedule of the Constitution and this would mean that in this area land can be owned only by a tribal and there can be no transfer of land from a tribal to a non tribal.

## The Root Causes of this Communal Divide

The roots of this problem go back to the coming of the British into Assam in the 18<sup>th</sup> century. In the 13<sup>th</sup> century, Assam had a number of kingdoms ruling the Brahmaputra valley. There were remnants of the Koch Rajbongshis in western Assam, the Dimasa Cachari kingdom with their capital in Dimapur and controlling some portions of central Assam. In the East, the Morans and Chutiyas were controlling parts of what we now call Upper Assam. It was at this time that a Burmese prince Sukapha after having some differences with his brother ruling the kingdom of Ava or Burma left Burma westwards, and crossing the Patkai hills that divided

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the Brahmaputra valley from the Irrawaddy valley of Burma, entered into Upper Assam. There must have been some opposition from the local king, but the Burmese prevailed and set-up their new kingdom in what is now Sibsagar district. The Burmese soon intermarried with the local Morans, Borahis and Chutiyas and a new community called the Ahoms was born. The Burmese were Buddhists while the Chutiyas, Morans and Borahis were animists with a veneer of Hinduism. Soon the new community became Buddhist. This transformation could not have been very difficult as all the peoples of Assam were Mongoloid and the Burmese who migrated into Upper Assam were also Mongoloid.

Upper Assam now saw the rise of a new dynasty from this amalgamation of Mongoloid peoples - the Ahom dynasty, which beginning in the 13<sup>th</sup> century lasted for 600 years ending in the 19<sup>th</sup> century. This was the situation when the British East India Company sent probing patrols into Upper Assam from their base in Cachar which they had already brought under their control. At about this time, the Burmese decided to attack both the Ahom kingdom in Upper Assam and the kingdom of Manipur. The Burmese overran both the Ahom kingdom and the Manipur army. Both the kings appealed to the British East India Company for help. The British, based then in Cachar, sent armies to Upper Assam and Manipur. The Burmese armies were roundly defeated in Upper Assam and in Manipur. In Upper Assam, the British attached the territory to the East India Company.<sup>1</sup>

The British exploring the beautiful countryside of Upper Assam found that tea grew well in the low hills bordering both the Himalayan range to the North and the Naga Hills to the South. The administration of the East India Company soon changed the necessary revenue regulations and opened Upper Assam to tea cultivation. Finding that there were very few local tribal people of Upper Assam to work as labour in the tea gardens, the East India Company brought Adivasi people from Central India to work as tea garden labour.

After a few years, as the tea gardens were developing, the British found that paddy cultivation was poor in Assam. They had come to Assam through the rich rice paddies of East Bengal where the Bengali Muslim peasant was a demon of a cultivator. They also found that vast stretches of cultivable land were fallow



in Assam. They decided to open immigration from East Bengal to Assam. The immigration from the crowded rice paddies of East Bengal to Assam started as a reluctant trickle that soon developed into a flood as the land hungry East Bengali Muslim peasant found thousands of acres of vacant paddy land in the Brahmaputra and Surma valleys of Assam. The East Bengali Muslim peasant settled mainly in Cachar district of Southern Assam and in Goalpara, Kamrup and Nowgong districts of British Assam. This migration began in the first years of the 20<sup>th</sup> century. Within thirty years the population of Bengali Muslim peasants from East Bengal had saturated the western border districts of Assam, Goalpara, Kamrup and Nowgong districts to the extent that the Assamese population began to protest at the extent of this immigration. Mr CS Mullen, the Census Commissioner, while voicing the fears of the local Assamese people had this to say in the Census Report of 1831:<sup>2</sup>

*"Probably the most important event in the last 25 years, an event moreover which seems likely to alter permanently the whole future and to destroy more surely than did the Burmese invasion of 1825 the whole structure of Assamese culture and civilization, has been the invasion of a vast horde of Bengali immigrants mostly Muslims from the districts of East Bengal....Wither there is vacant land thither flock the Mymensinghians...Without fuss, without tumult without undue trouble to the district revenue staff, a population that amounts to about half a million has transplanted itself from Bengal into the Assam valley during the last 25 years. It is sad, but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home."*

In the background of the Census Commissioners report of 1831, it can be understood that the brunt of the silent invasion of Bengali Muslim peasants from East Bengal in the first years of the 19<sup>th</sup> century was taken by the tribal population of Goalpara and Kamrup districts. In Nowgong district, the existing population were mainly Assamese caste Hindus, but for a small section of Tiwa or Lalung tribes in the southern part. Both caste Hindus and the Lalung were affected by the Bengali Muslim migration. This was manifested in the Nellie massacre during the brutal election of 1983 that was provoked mainly by encroachment of tribal lands of the Lalungs.

Alarmed by the size of the migration, the British Government enacted some Land Revenue laws that designated certain areas of agricultural land as Tribal blocks, specifying that agricultural land of tribal blocks could not be transferred to non tribals. Regrettably this order was breached by mostly petty revenue officials and sometimes by senior revenue officers too by affecting land transfers after taking bribes. In Mangaldoi district there is an area designated as a Tribal block called Dalgaon. Today most of the land in this block has gone into the hands of immigrant Muslims. There have already been violent clashes between the Boro tribals and immigrant Bengali Muslims in this area. It is in this background that one has to see the recent clashes in Kokrajhar and Chirang districts of Assam. These are districts carved out from Kamrup and Goalpara districts of Assam mainly for the Boro tribal population.

Besides this, an illegal action by the Government of India (GoI) in the form of an executive order issued in 1972 and later confirmed by amending Section 6 of the Indian Citizenship Act in 1985 shifted the cut-off date for conferring citizenship to illegal immigrants from East Pakistan from 26 January 1950 to 25 March 1971. By changing this date several lakhs of Bengali immigrants, who had illegally migrated from East Pakistan into districts of Assam, Tripura and West Bengal, were conferred Indian citizenship. This has certainly exacerbated the situation in Assam.

When India and Pakistan were created in 1947; large scale migration of Hindus and Sikhs from West Pakistan, and of Bengali Hindus from East Pakistan took place. Migration from East Pakistan was into West Bengal, Assam and Tripura, bordering states of East Pakistan. The GoI legislated the Indian Citizenship Act in 1955 to regularise the lakhs of Hindus and Sikhs who had fled to India from West and East Pakistan in 1947 as refugees. The cut-off date for these refugees who fled to India in 1947 for applying for citizenship was fixed at 26 January 1950. Hindus and Sikhs who came after this date were also considered for citizenship on individual merits. In any case there was no case for any Muslim from East Pakistan to migrate to India. However, as can be evidenced by the narrative in earlier paragraphs, there was continual migration of Bengali Muslim peasants from East Bengal to the plains of Assam before Independence. This continued after Independence, unabated.



Settlement of these illegal migrants was abetted by the petty bureaucracy of the State Government's Revenue department. After the legislation of the Indian Citizenship Act the Government directed the preparation of the National Register of Citizens in the Northeastern States, district wise. This register was prepared on the basis of the cut-off date for migration from East and West Pakistan to India being 26 January 1950 as per Section 6 of the Indian Citizenship Act 1955. This register was kept in the custody of the District Superintendent of Police. On every report of a suspected East Pakistani national, the Police referred to this National Register of Citizens to see if the suspected person was a genuine resident of the village he claimed to be living in. If his name was not there he had obviously come into India from East Pakistan illegally.

This whole system was sabotaged by the party in power in Delhi in 1972 after the liberation of Bangladesh in December 1971. After the liberation when Mujibur Rehman came to India, to thank the Prime Minister of India for the help rendered in liberating Bangladesh from Pakistan, he requested that the large number of East Pakistani Muslims and Hindus who had illegally gone to India after August 1947 and before December 1971 should not be deported to Bangladesh. This was clearly an unfair request and India's Prime Minister should not have agreed to this. Unfortunately, she did and this has created an enormous problem of illegal immigrants who illegally migrated into India between 15 August 1947 and December 1971. Pursuant to unwisely agreeing to this unjust request, an executive order was issued by India's Home Ministry to the northeastern States. The first casualty of this illegal order was the National Register of Indian Citizens, which had the names of the Hindu people who had fled from East Pakistan during August 1947 and sought shelter in India and had obtained citizenship. By changing the cut-off date of 26 January 1950 to 25 March 1971, the date of the creation of the State of Bangladesh in exile, all the people of East Pakistan Muslim or Hindu who had illegally trespassed into the northeastern States after 26 January 1950, as noted in the Indian Citizenship Act, got legitimised. This was probably a figure of several lakhs in Assam alone.

The National Register of Citizens had suddenly become irrelevant. Several lakh illegal immigrants, mostly Muslims, who had slipped in between 26 January 1950 and March 25 1971, over

a period of twenty two years, suddenly became Indian citizens. Besides, illegal immigration of Bengali Muslims and Hindus continued unabated into Assam, Tripura and West Bengal. This unholy and diabolical order was issued to create a vote bank for the party in power then.

### **Foreigners Agitation**

Seven years after this illegal direction was issued, the sitting MP of the Congress party from Mangaldoi constituency died. After the illegal order changing the cut-off date for citizenship for immigrants from Bangladesh was changed from 26 January 1950 to 25 March 1971, a large number of illegal immigrants from Bangladesh had managed to enter their names in the electoral rolls. When the sitting MP of Mangaldoi died, the All Assam Students Union spearheading the movement against foreign nationals organised sending of hundreds of petitions from Mangaldoi requesting the Chief Election Commissioner (CEC) not to hold the by-election until the electoral rolls were checked and the names of foreigners deleted. The CEC sent an official from his office to enquire into these allegations. After his officers visited Mangaldoi and verified the allegations, the CEC announced in a press conference, that the allegations sent from Assam were enquired into and found correct. He stated that he would not hold elections until the electoral rolls were revised and the names of Bangladeshi nationals deleted.

The Muslim lobby must have reacted to this. All we know is that the Morarji Government was displaced and Charan Singh became the Prime Minister. The CEC was summoned and told to conduct by-election in Mangaldoi immediately. Regrettably, he humbly acquiesced and summoning a press conference announced by-election in Mangaldoi constituency on the basis of the 1974 electoral rolls! The very next day, a combined body of the All Assam Students Union (AASU), the Purbanchal Lok Parishad (PLP) and the Jatiyatibadi Yuba Chatra Parishad (JYCP), a joint body that had written to the CEC to check for foreigners in the electoral roll, met in Assam and decided to launch the Foreigners Agitation against the changing of the cut-off date for immigrants from Bangladesh from 26 January 1950 to 25 March 1971.

Negotiations with the AASU from 1970 through 1980, 1981 and 1982 did not persuade the AASU to accept the changed illegal date of 25 March 1971. Finally in 1982, after a round of talks in



Delhi in early 1983 the Centre decided, finding the AASU quite stubborn on accepting the illegal date of 25 March 1971, to force an election on Assam. This election was the most brutal election in India, with more than 6000 people dying in violent clashes between the Assamese and the illegal Bengali Hindu and Muslim immigrants from Bangladesh and in police firing on violent mobs determined to stop the fake elections. After this blood drenched election, there was an uneasy calm for a few months while the Foreigners agitation continued.

### **Illegal Migrant (Determination by Tribunal) Act, 1983**

It was at this point that the Central Government and the party in power in Delhi played a dirty trick on the Assamese people. In 1983, soon after the blood drenched election, the Central Government passed a resolution in Parliament bifurcating the Foreigners Act of 1946. In the Foreigners Act of 1946 the onus of proving, that one was a citizen, was on the suspected foreigner. In the two new acts that were legislated, the Foreigners Act was kept in abeyance in the State of Assam; and whereas it was applicable in the rest of India. In Assam a new act called the Illegal Migrants (Determination by Tribunal) Act 1983, known as the IMDT Act 1983, was passed. In the latter act, all Foreigners cases were to be sent to Tribunals set-up under this act. These tribunals were to be manned by retired judges, a nice sinecure for obedient judges who were retiring, to carry out the illegal directions of the party in power in Delhi. This meant that no cases under the Foreigners Act were to be registered in Police Stations and sent to court!

Firstly, it is illegal and unconstitutional to have two acts for the same offence in different parts of the same country. These infamous acts were passed in 1983. In the same month a MP from Assam, Sarbananda Sonowal filed a petition in the Supreme Court praying for these illegal acts to be struck down as you could not have two acts for the same offence. Regrettably, the Supreme Court sat on this petition for 22 long years before striking it down as illegal and unconstitutional. This delay of 22 years speaks for itself. Finally they struck it down in 2005.

### **Foreigners Tribunals**

As soon as it was struck down, the Home Ministry amended an order in the Foreigners Act that literally took our breath away in

the National Security Council Advisory Board, where I was a member in 2005. The Foreigners Act of 1946 had an order legislated in 1955, that stated that a State *may establish* a Foreigners Tribunal to expedite disposal of cases of illegal immigrants. This order was now removed and two orders legislated in its place. The new order stated that the State of Assam *shall* establish a Foreigners Tribunal to try all Foreigners Act cases, while all other States *may* establish a Foreigners Tribunal. This meant that in all States except Assam all Foreigners Act cases would be filed in the courts after charge sheeting, while in Assam all Foreigners Act cases should go only to a Tribunal and no case would be charge sheeted in court! The same MP, Sarbananda Sonowal immediately filed a petition in the Supreme Court to strike down this patently discriminatory legislation. This time the Supreme Court promptly struck down this devious legislation. The dirtiest part of this story is that despite this obviously discriminatory order being struck down, from 2005 till today, all Foreigners Act cases are still being sent to the Foreigners Tribunal and no case is being sent to the Criminal Courts. The Foreigners Tribunals should have been closed in 2005 after the Supreme Court struck down this patently illegal legislation. All cases decided by the Tribunals from 2005 onwards should be treated as invalid!

### **Foreigners Agitation and Agreement with the AASU**

The foreigners agitation continued for six years from 1979 to 1985. During these seven years, the Centre through its agencies like the Intelligence Bureau kept trying to persuade the All Assam Students Union and the other groups to accept the new cut-off date for foreigners from Bangladesh in India. Finally in end 1984, the party in power suggested to the Government that the AASU could form a political party and the Congress government could step down and fresh elections could be held provided the AASU would accept 25 March 1971 as the cut-off date for Bangladeshi immigrants. The AASU leaders succumbed to this temptation and signed an agreement with the Gol accepting 25 March 1971 as the cut-off date for immigrants from Bangladesh to India. There was one crucial factor that the Gol forgot in this transaction. What was the constitutional status of the AASU to sign this agreement with the Gol. Can the AASU, a student body of the state sign an agreement that could change the demography of the Country? This act of the Home Ministry of signing an agreement with a student body of Assam was illegal and unconstitutional!



This then is the basic cause for the bitter feelings of the original inhabitants of Assam - the Boro, Koch-Rajbongshi, the Rabha and other tribes, and the caste Hindus against the illegal immigrants from Bangladesh and against the Gol that perpetrated this irrational act.

### **The Recent Conflagration of the Boro Tribals and the Immigrant Bengali Muslims**

Let us now see, what led to the sudden explosion of violence on the immigrant Muslims followed by retaliation by them on the Boros and related tribes in the districts of Kokrajhar, Dhubri and Chirang.

When the Foreigners Agitation started, the Boro people were not aligned with the Assamese caste Hindus. This was because, the Boro people wanted to contest the elections. The Saraniya Boros, who had been accepted in the caste hierarchy, were not for the elections. After the elections, the leader of the Boros, Upen Boro, though he was close to the Ahom Gana Parishad leaders, was not given a Minister's post. This was despite the fact that though he was close to the Ahom Gana Parishad (AGP) leader during the Assam Foreigners Agitation and later when the AGP fought the elections. However, when the AGP won the elections, the AASU leaders ditched Upen Boro. The wily Congress leader Hiteshwar Saikia immediately called him and told him that he had warned him not to get close to the AGP leaders and that they would ditch him. He took him to Delhi and there, one of India's premier intelligence agency advised him to start a guerilla war against the AGP. The All Bodo Students Union (ABSU) soon got their young volunteers trained in guerilla war by another premier intelligence agency, equipped with weapons and explosives and let loose on the Assam Police. The new group was called the Boro Liberation Tigers (BLT).<sup>3</sup> There were a series of improvised explosive devices set-up for the hapless Assam Police vehicles moving in Boro areas like Kokrajhar, Bongaigaon, and Goalpara districts culminating in the demolition of one span of the three span concrete bridge across the Manas River. Much later when I was Inspector General Operations against the United Liberation Front insurgency of the Assamese people, I met Army engineers who told me that the insurgents who demolished the Manas bridge and later the Gourang bridge in 1999 were trained by a premier counter insurgency force! It was a thorough professional job!

The insurgency of the BLT continued for some years. Meanwhile in Darrang district another more hardened and determined insurgent group was formed by Ranjan Daimary, a Baptist Christian who had studied in Union Christian College Barapani in Meghalaya, also a Baptist institution, where Thenguilang Muivah and Isaac Swu, the leaders of the National Socialist Council of Nagaland had also studied. Incidentally, the area where Boros lived in Mangaldoi district of Assam had a tribal block in Dalgaon that had been so designated by the British, to stem the tide of illegal immigration from the then East Bengal. A large number of Boros here were also Baptist Christians. Unfortunately, a major portion of the Tribal Block of Dalgaon block was overrun by Bengali Muslim illegal immigrants from East Pakistan. There was no love lost between the Boro tribals and the illegal immigrant Muslims of Dalgaon since many years.

## **Conclusion**

Many clashes had taken place in the last ten years across the fault lines between the Bengali Muslim villages and the tribal villages of the Boros. The July 2012 clash was the sixth major spell of rioting between the Boros and the Immigrant Bengali Muslims in the Brahmaputra Valley since 1993. More than 150 Bengali Muslims and Boros have been killed in these riots. In all such riots, the figures of Bengali Muslims killed were generally double that of Boros killed, clearly indicating that the aggressors were the Boros. One of the aggravating factors was a clause in the Boro Accord forming the BTC that stated that all villages with 50 per cent Boro population would come under the BTC. This clearly gave motivation to cleanse the villages having a combined population of Boros and Bengali Muslims to try and chase out some immigrant Bengali Muslims so that a Boro majority would be created and facilitate inclusion in the BTC!

The present riot was triggered off when three Boros on motor cycles killed two Bengali Muslims settled at Mussalman Para near Bowragiri in Kokrajhar district. A little later bodies of four Boros were found in Joypur Namapara locality of Kokrajhar. The facts on the ground are that the immigrant Muslims are seen as close to the party in power in Assam. It can be seen that it was the Congress who have subverted the laws of the land in getting illegal Bengali Muslim foreigners citizenship. There is, therefore,



bad blood between the indigenous communities of Assam be it the tribal or caste Hindu and the immigrant Bengali Muslim community.

On 6 August, there were again clashes and communal killings in Kokrajhar district, despite the deployment of forces. The Government of Assam should ensure the deployment of forces across the fault lines between the Bengali Muslim and Caste Hindu populations. The least that the Government of Assam should do is to see that further infiltration does not take place. It can thus be surmised that this problem would continue till such time the political parties find it expedient to use Bengali Muslims for their vote bank.

### Endnotes

1. The History of Assam by Edward A Gait, Indian Civil Service (Calcutta, Published by Thackers, Spink and Co, 1906), pp. 383.
2. Demographic Threats in Assam by DN Bezborua, Editor, The Sentinel. 02 January, 2005 [http://www.ivarta.com/columns/OL\\_050102.htm](http://www.ivarta.com/columns/OL_050102.htm))
3. Confirmed from interrogation of arrested Boro Liberation Tigers militants.