CHAPTER V
EXISTING RESPONSE OF THE STATE AND THE PROCESS OF POLICY IMPLEMENTATION FOR ENSURING HUMAN SECURITY IN BTAD

We have the means and the capacity to deal with our problems, if only we can find the political will

Kofi Annan

This chapter explores the existing response of the state and the process of policy implementation for ensuring human security in the vulnerable pockets of BTAD. It is trying to explore various contested role of state in terms of policy and institution in BTAD. Present international effort for minority rights in violent conflict, initiatives of regulatory mechanism for protecting minorities in India in general and Assam in particular, role of the state government in establishing durable peace in BTAD have also been critically discussed. Whether by introducing different assistant programme and policy initiative, the institutional mechanism become successful in shifting trangressional reality to a transitional justice at the societal context, have been critically discussed throughout this chapter.

5.1 Religious minority, Human security and Role of the state:

The rationale of religious minority Vis-a-Vis the state relationship is a complex phenomenon. The state always preferred to act in a visionary secular attitude, but the lacunae in the existing justice system make it dysfunctional thereby experiencing with plethora of violent connotation. State is a machinery to control a fixed territory along with the people and their source of rights through proper administration. It is also considered to be as a sole agency with legitimate use of
force.¹ The worst treatment of minorities within a sovereign state boundary may invite possible social security dilemma. State must act as a welfare manner in providing employment opportunities and other facilities to be equally available for all section of the society. For proper minority recognition in a majoritarian state domain certain philosophical speculation need to contextualize in order to go beyond structural complexities. The power of the state is a reflection of the complex nature of the society where minority rights have been always neglected. Sometimes state remain neutral in solving the fault-line between majority and minority.

Human security is arguably protective. The human security approach urges institutions to offer protection which is institutionalised, not episodic; responsive, not rigid; preventative, not reactive. In this way, people will face inevitable downturns “with security”.² For Sabina Alkire, the vital core in terms of Human Security lies in rudimentary but multidimensional set of human rights and human freedoms based in practical reason which can spans freedom from fear and freedom from want.³ The role of the state by co-existing with international organization and civil society groups is considered to be vital for ensuring human security. In this sense Kanti Bajpai remarks

“Human security relates to the protection of the individual’s personal safety and freedom from direct and indirect threats of violence. The promotion of human development and good governance, and, when necessary, the collective use of sanctions and force are central to managing human security. States, international organizations, nongovernmental organizations, and other groups in civil society in combination are vital to the prospects of human security.”⁴

The role of the state in providing equal opportunities to each section of the society is very crucial. Because the state’s policies work through multiple levels of subjectivity, they bring ethno racial and class hierarchies into play and ironically, help to create identities through which individuals can articulate challenges and demands
against the state.\textsuperscript{5} The invisible character of the state has been contested in BTAD due to because of its failure to solve the problem of ethnic chauvinism. One of the nerve breaking examples of violation of minority rights was Barpeta massacre. It gains limelight mainly because the militants not only killed the innocents in their homes, fields, forests and villages, they did not spare even those who took shelter at the Banshbari relief camp run by the state.\textsuperscript{6} The state need to re-examine the politicised ethnic movements and the plight of victimised religious minority in different part of Assam in general and BTAD in particular. Over the last two decade muslims are considered to be more vulnerable in BTAD as they emerged as the soft target during political violence. In the past, the state of Assam acts as a melting pot by accommodating diversity. But with the advent of ethnic polarization, collective political violence galvanizes the situation at the societal context.

The dubious role played by the central government during the first AGP government in Assam has far reaching connotations in the entire Bodo movement which later on became more violent in character. There is an urgent need to reconcile security concern and respect for human rights in the context of Assam. Proliferation of small arms and community upsurge increases the degree of spiralling violence in this part of the world. Constitutional values and protection in the context of building peace and framing people centric security is a much needed phenomena in Assam in general and BTAD in particular. A proper deliberation of the political stakeholder is to be required in order to contextualise the cherished ideals of democratic governance in BTAD. The state actors with the help of constitutionalism need to foster the achievement of many goal and the prominent one the establishment of social security to each and every cluster of the heterogeneous society like BTAD.
Amnesty International India in 2002, in its various workshop highlighted that ‘people and organisations in the forefront of the struggle for social and economic justice are facing the brunt of harsh new criminal legislation or the increasingly repressive abuse of existing laws’. All the heinous killings in BTAD by militant groups are due to because of these kinds of dubious role played by the state. In an ethnically exhausted society with social chaos, citizenship rights and equality of the minority especially religious in nature always remains a facade.

The exclusionist tendencies of the institutional mechanism towards minorities has been criticised by psychologist and sociologist. It is argued that the concept of space is used to understand human rights violations and thereby human security syndrome. The spatiality of human security norms certainly could recognize the status of religious minority in an ethnically divided society like BTAD. In this context, inclusive agenda on the part of the state mechanism need to reconcile in order to establish representative citizenship goal for the marginalised minority especially religious in nature. Fear of violence has a paramount effect in political space for religious minority. In the post-trauma situations, the role of the state is considered to be crucial in order to build psychological coping skill in the minds of the marginalised. State must act as a facilitator with its inclusive agenda for peace for the greater purpose of the plural society so that individual may feel safe and protected. Security is a secure condition and feeling. The rights of the religious minority in a deeply heterogeneous society are also intermingled with the embracing concept of Human Security. The essence of human security paradigm needs to be distilled and articulated by the state in order to explore measures for accommodating ethno-religious diversities.
The spate of violence in BTAD by the Bodos against the religious minority has its roots in the process of cultural chauvinism of Assamese language. Clause 6 of the Assam Accord (1985) which guaranteed the cultural identity of Assamese people make the Bodos frustrated again. Dubious role by the state government and pressure on land due to increase numbers of muslim population within BTAD instigated the Bodos to took the path of ethnic cleansing which mostly violates the rights of the religious minority. Erroneous policies and inefficient administration fail to do justice with the religious minorities under the scourge of ethnic chauvinism in BTAD. Lack of space for religious minority in an ethnically divided society is problematic from human security perspective.

5.2 Justice, minority rights and armed violence:

The judicial system has a major role to play for maintaining rule of law in armed conflict situations. The paradox of violence invites widespread atrocities towards the marginalised in a multicultural society like BTAD.

Justice and rights are critical components of peace. In an armed conflict situation, denial of justice leads to the security dilemma for the civilian thereby committing the ‘wrongs’ by the deprived. Justice can be best analysed in two ways- retributive justice and restorative justice.

Retributive Justice may act as a stronger deterrent to future crimes, especially of sexual nature.\textsuperscript{10} It is in this way based on revenge and seeks punishment for the offender. By inflicting pain upon the guilt, punishment is warranted as a sense of reciprocity to a past event of injustice. Restorative justice on the other hand offers opportunities to the offenders to take responsibility for his ‘wrong’ done to the victim.
While dealing with the issue of minority in an armed conflict situation, a sense of insecurity always prevailed which hamper positive and sustainable peace.

The justice mechanism in the contemporary period focuses on the distinction between procedural and substantive justice. Champions of procedural justice repudiate all discrimination between human beings on the basis of class, gender etc and accept equal dignity and moral worth of all human beings.11

On the other hand, substantive justice relates to the ideals of socialism. It holds for expansion of all forms of privileges and opportunities of self-development to the marginalised sections of the society. These concepts of justice have lots of relevance in a conflict prone society like BTAD. Providing justice to the minority especially religious in nature in the post-conflict situation is a challenging task.

The notions of exclusive ethnic homeland in a deeply divided society completely undermine the issue of minority rights which increases the degree of injustice to them. Ethno nationalism provides inputs to political violence against the other communities in an armed conflict situation. Principle of justice and rights for the minorities has been violated during the time of armed violence. Due to absence of meaningful dialogue among the communities, civilians exacerbate on community strife in order to become triumphant upon others.

The mechanistic character of state actors is responsible to a large extent in increasing violence in BTAD. During armed violence, mere absence of state from rehabilitation mechanism has severe impact upon the rights of the minority especially religious in nature. It is believed that social or political systems based on hierarchical perspectives of justice are highly biased as they are shaped by the dominant majority
and not by the minority. Due to because of this kind of socio-political and socio-cultural domination of majority over minority, all the theories of justice become futile.

5.3 Religious minority, Armed violence and International Humanitarian Law:

_We must protect especially the rights of minorities, since they are genocide’s most frequent targets._

Kofi Annan

Francesco Capotorti, Special Rapporteur of the United Nations Sub-Commission on Prevention of Discrimination and Protection of Minorities, remarks that a minority is ‘A group numerically inferior to the rest of the population of a State, in a non-dominant position, whose members—being nationals of the State—possess ethnic, religious or linguistic characteristics differing from those of the rest of the population and show, if only implicitly, a sense of solidarity, directed towards preserving their culture, traditions, religion or language’. Religious minority has to face lots of troublesome period during armed conflict. Basically the 19th century world phenomena compel the world leader to think for International Humanitarian Law. Of late the use of increase numbers of weapons of mass destruction accelerated the process of implementation of Humanitarian Law. There is a co-existence between Modern International Humanitarian Law and the Concept of Human Rights. Modern International Humanitarian Law can be divided into those rules that govern the conduct of hostilities and those that deal with the protection of victims of armed conflict. International Humanitarian Law signifies definite forms of principles and rules which can minimise the use of violent atrocities during armed conflict. These laws enforce responsibilities upon the state to look after the issue of human rights abuses. The religious minorities are considered as the prime victims of armed violence in present day circumstances. There are lots of provisions dealing with
wartime prisoner specifically minorities in all four 1949 Geneva Conventions\textsuperscript{15} and other two protocols.

There are lot of United Nations Mechanism dedicated to protecting rights of the minorities. The UN Minorities Declaration contains a more general right to participate in decision-making and requires that the legitimate interests of persons belonging to minorities should be taken into account in national planning and programming.\textsuperscript{16}

According to The Commentary on the United Nations Minorities Declaration by the Working Group on Minorities, ‘any action for the protection of minorities should focus primarily on the protection of the physical existence of persons belonging to minorities, including protecting them from genocide and crimes against humanity. During conflicts, the physical integrity of people belonging to minority groups is at greatest risk and attention should be paid to providing access to humanitarian aid for minorities’.\textsuperscript{17}

The process of national integration in a heterogeneous society leads to the forced assimilation into the dominant culture is a complex phenomena in the third world countries like India. To understand inequality and accommodate difference and diversities the state parties need to reflect on welfare mechanism in a spiral manner. The Committee on the Elimination of Racial Discrimination specified that “special measures should not be confused with specific rights pertaining to certain categories of person or community, such as the rights of persons belonging to minorities to enjoy their own culture, profess and practise their own religion and use their own language. Such rights are permanent rights, recognized as such in human rights instruments, including those adopted in the context of the United Nations and its agencies. States
parties should carefully observe distinctions between special measures and permanent human rights in their law and practice. The distinction between special measures and permanent rights implies that those entitled to permanent rights may also enjoy the benefits of special measure”.  

Article 2 of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious, and Linguistic Minorities says, ‘Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.’ Along with the modern nation state system by encompassing different interest of different caste and community, the problems appeared relating to minority protection. Because within the ambit of Human Right, there are different kinds of impression of liberal democracy get attached. So the issue of assimilation and alienation gather lots of significance in analysing the character of modern day statecraft.

The concept of human rights protection is a legal concept that requires constant perfection and development. In an armed conflict situation the issue of human rights gained significance due to because of atrocities by the dominant upon the marginalised. In an ethnically defined territory like BTAD, violation of rights against the marginalised becomes order of the day. The state mechanism plays a differentiating role by discriminating underprivileged in distributing the assets of relief during armed violence.

Being a signatory of all four Geneva conventions of 1949 and a state party in case of conflicts, Indian state is bound to provide certain minimum guarantees to minorities of different nature. Article 3 which carries certain common provisions for
all the four convention elaborated different issues of non-international character for
the protection war victims.

Article 27\textsuperscript{22}, part II of the Geneva convention relative to the protection of
civilian persons in Time of War, carries lot of significance while analysing the issue
of religious minority rights in an armed conflict situation in the context of India in
general and Assam in particular.

UN Convention against Genocide bans acts committed with the intent to
destroy, in whole or in part a national, ethnic, racial or religious group, and it declares
genocide a crime under international law whether committed during war or peacetime.
According to the Article 4 of the Convention on the Prevention and Punishment of the
Crime of Genocide, persons committing genocide or any of the other acts enumerated
in Article 3 shall be punished, whether they are constitutionally responsible rulers,
public officials or private individuals. Like all civilians, religious minority are
protected during armed violence both against abusive treatment by the party and
against the effects of hostilities. Article 50, para 1 of the protocol relating to Geneva
Convention defines ‘civilian’ as any person who does not belong to the armed forces.
Among the entire civilian, the issue of religious minority is considered to be crucial in
the conflict situations in an ethnically exhausted society like BTAD. In an armed
conflict of ethnic nature in Assam in general and BTAD in particular, these
international mechanisms would have a great applicability as it also addresses the
issue of religious minority in armed conflict situations.

In relating to the Protection of Victims of Armed Conflict, Protocol I
additional to Geneva Convention in its article 51 states that, the civilian population
and individual civilians shall enjoy general protection against dangers arising from
military operations. International Humanitarian Laws are considered to be those laws which are operated in order to deliver justice to marginalised section during wartime. Geneva Convention to a large extent encompasses majority sections of International Law relating to armed conflict.

The evolving recognition of international community that armed conflict affects the common civilian the most thereby inflicting atrocities towards the marginalized. Security Council in it resolution 2250 (2015), recall its resolution 1265 (1999) and 1894 (2009) on the protection of Civilian in Armed Conflict, and reaffirmed that, “Today civilians comprise the vast majority of the casualties in armed conflict. In the first resolution on the protection of civilians, Resolution 1265 (1999), the Security Council affirmed that certain situations of grave violations of international humanitarian law and human rights law constituted a threat to peace and security, and therefore, an issue to be addressed by the Security Council. On 11 November 2009, the Security Council further adopted resolution 1894 on the protection of civilians. This resolution reaffirms the Security Council’s determination to remain seized of the issue and covers several issues at stake for the protection of civilians. Resolution 1894 asserts the Security Council’s willingness to respond to situations of armed conflict where civilians are being targeted or humanitarian assistance to civilians is being deliberately obstructed.”

Security council express concern that among civilian, youth account of many of those adversely affected by armed conflict, including as refugees and internally displaced persons, and that the disruption of youth’s access to education and economic opportunities has a dramatic impact on durable peace and reconciliation.
In conflict prone areas like BTAD, the increased numbers of militant upsurge due to because of huge enrolment of youth in different militant groups.

Optional protocol II, 1977 as a part of International Humanitarian Law carries lots of significance in the context of India which basically relates to the protection of victims of non-international armed conflict i.e. internal conflicts within a state boundary. In the post-cold war phenomena these kinds of internal conflicts spread in different parts of the world, basically in the third world region. Though India signed and ratified a number of international treaties relating to protection and preservation of human rights, but it is not a signatory to additional protocol of 1977 which is crucial for India’s point of view.

India can show its commitment towards international peace and security by signing and ratifying the additional protocol which is considered to be an international document for protection of vulnerable sections. As a largest democracy of the entire world India need to ratify this treaty. The constitution of India also stressed upon the interest of the marginalised within the state boundary. Both the protocols are considered to be an essential document for a developing country like India. It gives birth to a “new human rights route” and may become a starting point for developing and implementing domestic law in the conflict affected areas. Though these international instruments are not directly applicable in case of the issue of religious minority in BTAD because of India’s non-signatory status, but it can provide a basic framework by guarantying fundamental protection of human rights. For a conflict affected areas like BTAD, benefits of these international treaties is a distant cry. The conflict in BTAD remained essentially a local issue within the state boundary. The
state Human rights commission along with Minority commission need to take up the issue of violence against religious minority.

5.4 Implementation of policies and role of the institution:

*Government will always play a huge part in solving big problems. They set public policy and are uniquely able to provide the resources to make sure solutions reach everyone who needs them. They also fund basic research, which is a crucial component of the innovation that improves life for everyone.*

*Bill Gates*

In a democratic environment, the institutional mechanism always plays a very significant role by taking policy initiative. But for effective implementation of policy, the democratic government must be capable enough to keep vigilance in both normal and tense situation. The effective role of the state actor basically tested during the time of conflict situation. In the context of BTAD, the role of the state is very crucial.

After twenty one rounds of talks, a Memorandum of Settlement (MOS) was signed on 10 February, 2003 which leads to the formation of BTAD (Bodo Territorial Area Districts) under sixth schedule to determine the fate of the people residing within the four districts under BTAD namely- Kokrajhar, Baksa, Chirang and Udalguri. The successful completion of MOS leads to the formation of Bodoland Territorial Council Comprised of maximum 12 executive members, including a chief and a deputy chief. Different developmental projects were included in the MOS for the betterment BTAD area as a whole which signifies positive response on the part of the state apparatus regarding the demand of the Bodo Accord.

There are numbers of plans and projects\(^2\) which were proposed during the time of signing of MOS. But regarding the implementation of all those plans and projects, willingness on the part of the central and State government as well as BTC
government and also people centric approach by the institutional mechanism is urgently required. Need based approach is more applicable in terms of realisation of social justice in BTAD. Due to the prolonged armed violence in this part of the world, proper rehabilitation mechanism is considered to be a necessary task by the administrative mechanism.

However, there is a total absence of any special provision that could handle specific needs of religious minority during armed violence. But on the contrary there are lots of governmental schemes have been operated in BTAD as a whole under different departments in order to develop an indigenous focused centric framework. Among all the plans and schemes, some are common to all conflict prone areas of Assam and some are very specific to BTAD. These are: 28

- National Old Age Pension Scheme
- Micro-credit schemes of DRDA & Social Welfare Department of State government
- Rs 10,000 to families below the poverty line, which lose their bread earner for any reason
- Widow Pension scheme
- Welfare schemes for self-employment
- Several grant-in-aid schemes on training-cum-employment programmes
- Twenty four numbers of ICDS Scheme
- Indigenous peoples planning framework
- Comprehensive Spatial Decision Support System for forest management
- Construction of houses under IAY
- Proper implementation NREGA, SGSY and PMGSY
- Distribution PDS card
The numbers of people belonging to religious minority, who actually get the benefit by such plans and schemes, are very few in numbers. In most occasion these schemes hardly benefited the victims belong to religious minority due to the ethnic chauvinism and coercive attitude of different officials of administration. For instance, District Primary Education Programme (DPEP) which is also started in BTAD has faced a serious setback due to ongoing armed violence in the region. As a result people belonging to marginalised section failed to develop capability. Amartya Sen, a renowned economist identifies basic capabilities as a subset of all capabilities. Since, education helps in developing different assets of capability on the part of the individual the institutional mechanism need to reconcile and further the spirit of education among the marginalised. In educational studies, there has been much concern with the relationship between educational and social inequalities. In BTAD, due to armed conflict children have to lose their educational year which increases the burden in the individual as well societal level. Human development which is closely related with the paradigms of human security has been undermined in BTAD. Development as freedom as expressed by Amartya Sen is yet to realise in BTAD.

While analysing state response to the prevailing insecurity in BTAD, the issue of religious minority come to the forefront. Baseline surveys on Minority Concentrated Districts, conducted by OKDISCD, Guwahati express concern about the relative backwardness of the religious minorities more particularly the Muslim as a religious community in India. The Sachar Committee which was also instituted to look into social, economic and educational status of the muslim community in India, exhibited deficits and deprivations of Muslims in all dimension of development. The socio-cultural spaces for the Muslims in India are very daunting. Muslims carry a
double burden of being labelled as ‘anti national’ and as being ‘appeased’ at the same time.\textsuperscript{31}

BTAD is a miniature of Assam comprising people belongs to Bodos, Rabhas, Koch Rajbongshis, Assamese, Sarania Kacharis, Adivasis, Nepalis, Bengalis, Religious Minorities etc. But the killings in 2012 BTAD violence shows the unresponsive attitude of the government in maintaining law and order situation thereby results in security dilemmas towards the minority. The major incidence of killings\textsuperscript{32} in 2012 BTAD violence are--

\textbf{21 July 2012:} Five persons were killed in Kokrajhar district (These included one person killed at Duramari village at Simbargaon; one near Narabari LP School on the outskirts of Kokrajhar town, and three persons killed at Paraogura under Fakiragram police station).

\textbf{22 July 2012:} Seven persons were killed including four persons in Chirang district and three in Kokrajhar district (bodies of an infant and a woman were recovered from near a railway bridge on the bank of Gaurang river and another body was recovered from Kathalbari, Kokrajhar district).

\textbf{23 July 2012:} Two bodies were recovered in Kokrajhar (one near Patharghat and another in Namapara).

\textbf{24 July 2012:} Five persons were killed at separate places in Kokrajhar district and four persons killed in police firing (two at Sapkata and one each in Srirampur and Simultapur) in Gossaigaon sub division in Kokrajhar district.

\textbf{25 July 2012:} Four persons were killed in Chirang, two in Kokrajhar and one at Thelamora village in Sonitpur.
26 July 2012: Two persons were killed – one at Sapkata in Kokrajhar, and one in Dubri district

4-5 August 2012: Six persons were killed in Chirang district (including two bodies recovered from Champamati river on the borders of Kokrajhar and Chirang on 5 August) and two persons killed at Borlaogaon in Bijni sub division of Chirang.

7 August 2012: Three persons were killed at Raniguli village on Kokrajhar-Dhubri border, and one person was killed in Chirang.

8 August 2012: One person was killed at Jaganathjhar village in Goreswar bordering Baksa-Udalguridistricts, and one person was killed at MojhariGhat in Chirang.

17 August 2012: One person was shot dead at Bandwsora on Kokrajhar-Chirang border.

18 August 2012: One person was killed in Bhavanipur of Barbari in Baksa district.

22 August 2012: Two persons were killed at Anujuli near Bangaldoba under Chapor police station of Dhubri, along the border with Kokrajhar district.

23 August 2012: One body was recovered at Bangaldoba under Chapor police station of Dhubri.

25 August 2012: Five persons were killed at a place between Choudhurypara and Malipara under Bijni police station in Chirang district, and two bodies who were earlier missing were recovered in Dhemaji.

27 August 2012: One person was killed in Barpeta during a group clash, one person was killed in police firing at Pakharitol village in Dhubri district.

28 August 2012: One person was killed in Bhumki and Chautaki areas under Salakati police outpost in Kokrajhar district.
In analysing series of violence in BTAD, two contested term placed at the forefront- alleged illegal immigrant issue and ethnic cleansing. In both cases, state has lot to do in order to maintain equilibrium. Land rights of the tribals had already guaranteed under Chapter X of the Assam Land Revenue Regulation, 1886. But due to encroachment of their land by the non-Bodos in BTAD, their land rights have been violated. The successive government never take any measurable action due to because of vote bank politics. But it is to be noted that Assam has lot of Muslims population of their own since the time of undivided India and they deserves all the rights as a citizen of largest democratic Country. But politicisation of illegal immigration has reduced it to a communal issue. In the context of BTAD, due to because of insecurity that has been prevailed upon the religious minority people, somehow they get polarised and the issue of communalism came into existence. Some communal leaders also provide fuel in this respect. The discriminatory attitude on the part of the institutional mechanism in providing facilities equally to both Bodos and non-Bodos further worsen the situation in terms of minority.

Population explosion in BTAD is a clear indication of increased numbers of non-Bodos within the territorial council. For example Kokrajhar districts shows decadal growth in case of population explosion.

Table 17: Percentage of decadal growth of population in Kokrajhar district and Assam

<table>
<thead>
<tr>
<th>Census</th>
<th>Kokrajhar district</th>
<th>Assam</th>
</tr>
</thead>
<tbody>
<tr>
<td>1901-11</td>
<td>29.97</td>
<td>16.99</td>
</tr>
<tr>
<td>1911-21</td>
<td>26.92</td>
<td>20.48</td>
</tr>
<tr>
<td>1921-31</td>
<td>15.76</td>
<td>19.91</td>
</tr>
<tr>
<td>1931-41</td>
<td>14.83</td>
<td>20.40</td>
</tr>
<tr>
<td>Year</td>
<td>Total</td>
<td>Male</td>
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<tr>
<td>--------</td>
<td>-------</td>
<td>------</td>
</tr>
<tr>
<td>1951-61</td>
<td>46.44</td>
<td>34.98</td>
</tr>
<tr>
<td>1961-71</td>
<td>54.28</td>
<td>34.95</td>
</tr>
<tr>
<td>1971-81</td>
<td>N/A</td>
<td>N/A</td>
</tr>
<tr>
<td>1971-91</td>
<td>76.75</td>
<td>53.26</td>
</tr>
<tr>
<td>1991-01</td>
<td>14.49</td>
<td>18.92</td>
</tr>
<tr>
<td>2001-11</td>
<td>5.19</td>
<td>16.93</td>
</tr>
</tbody>
</table>

Source: [http://www.kokrajhar.gov.in/census.htm](http://www.kokrajhar.gov.in/census.htm)

In the BTAD, the following tribal belts and blocks have been notified under the Assam Land Revenue Regulation, 1886:

**Kokrajhar district:**


**Chirang district:**

2. (Undivided) Bijni Tribal Block RD 69/45/29. Dated: 30th August 1948, areas: 3,02,545Bighas

**Baksa district**

1. Tamulpur Tribal Belt, No RD 74/46/161 dated 22nd August 1949 areas: 4,62,639Bighas
2. Baksa Tribal Belt No. RD 74/46.161 dated 22nd August 1949 areas: 3,77,512Bighas
3. Sapaguri Tribal Belt No. RD 74/46/161 dated: 22nd August 1949 areas: 2,64,010Bighas
4. Gobardhana Tribal Block No. RD 74/46/161 dated: 22nd August 1949 areas: 38,348 Bighas
5. Bajegaon Tribal Block No. RD 74/46/161 dated: 22nd August 1949 areas: 6,526 Bighas

**Udalguri district:**

1. Kalaigaon Tribal Belt No RD 74/46/119 dated: 12th July 1948 areas: 11,16,336Bighas
2. Tetelibhanguria Tribal Belt RD 74/46/119 dated:12th July 1948 areas :10,177 Bighas
3. Kasapara Tribal Block No. RD 74/46/119 dated:12th July 1948 areas: 9,656 Bighas
4. Tezial Tribal Block No. RD 74/46/119 dated:12th July 1948 areas: 8,857 Bighas

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5. BhuyaKhat Tribal Block No. RD 74/46/119 dated: 12\textsuperscript{th} July 1948 areas: 9,299 Bighas

6. Dolgaon Tribal Block No. RD 74/46/119 dated: 12\textsuperscript{th} July 1948 areas: 38,299 Bighas

But in the age of liberal democracy and respect for human rights, the constitutionally defined territorial council must be capable enough to cope up with changing diversity. The ethnically defined territorial council must be viable enough to accommodate the interest of all the cultural groups residing within BTAD. Due to historical context and colonialism, North East India always experience with demographic change and cultural pluralism. The Muslim population which came to this part of the world due to because of different historical circumstances and gradually formed their own religious homeland discourses and in the process it has been confronted with other primordial homeland discourses namely Bodos. Irony of the fact is that the issue of illegal infiltration has been submerged with the issue of Indian Muslim thereby it gets polarized due to because of the feeling of insecurity that develop by the religious minority i.e. muslim in the hands of ethnic chauvinistic forces. The rehabilitation mechanism initiated by the state government for conflict induced displaced people is not to the satisfactory level.

Uddipana Goswami has analyzed the rehabilitation process adopted by Assam government in a very explicit way: “The cycle of state response to conflict-induced displacement in Assam usually runs along the following pattern: immediately after the violence, temporary relief camps are set up in local educational institutions and government office buildings. Subsequently makeshift cramped shelters are built on government land. While there is a security outpost near the camp to provide
protection to the camp inhabitants, field interviews have revealed that security personnel also sometimes cause insecurity inside the camps. The government provides Gratuitous Relief (GR) in the form of rice; lentils, and oil regularly for a few years till the makeshift camps take on the nature of permanent settlements. When the GR stops and the people are forced to vacate the camps and to look for rehabilitation, they are provided only with a small rehabilitation grant (RG).”

In case of Khagrabari violence in 2014, Government has provided Rs 50,000/ against the house burnt and no other compensation is given to the victims against the economic loss incurred in the violence.

The plight of the IDPs in the context of North East India in general and Assam in particular have varied circumstantial evidences. People get displaced due to earthquake, flood, erosion, ethno-religious conflict, linguistic conflict, armed violence, developmental schemes, forced inclusion of people of varied culture etc. But among all, the impact of conflict induced displacement has long standing phenomena. The North East India and most particularly Assam has witnessed a number of major causes of conflict induced displacement in recent years basically displacement of Bengali Hindus and Muslims from and within Assam and displacement of Adivasis and Bodos within and from western Assam. The Northeast India accounts for almost half of India’s conflict induced internally displaced persons. Among all the internally displaced persons, muslims are considered to be higher in comparison to other caste and community due to their increase numbers of population and mostly vulnerable in the last two decade in Western Assam. But they have the capacity of hard labour and have the potentiality to develop a huge labour force. They are considered to be more expertise in agricultural activity especially in paddy fields. Due
to because of these much of advantages, slowly and gradually they posed a challenge to Bodo agrarian economy.

The migrants were not only adept at settled cultivation but also more enterprising and commercially inclined, for instance, brinjals and potatoes were introduced by immigrant Muslims in many Bodo areas. The ethnic bitterness and tension in BTAD get evaporated due to because of different historical circumstances. The protracted demographic invasion in the post-1826 era from erstwhile eastern Bengal to Assam created distorted version of confrontation and discord. But due to because of unwillingness or ignorance on the part of different successive government, the issue more tangible in today’s perspective and problems of over-population or under-representation came into existence. Social justice which is crucial for human security paradigm in a democratic government, need to be reflect by the political regime. Categorization or compartmentalization is problematic in a heterogeneous society like India and more particularly Assam. In this context, Sanjib Baruah argues ‘Minimally we need a framework that does not involve the state for ever categorising groups of people in ethnic terms and making descendants of immigrants into perpetual outsiders.’

By Re-visiting the issue of immigration, one of the eminent academician of Assam Nanigopal Mahanta argues, “The immigrants don’t live in a world of isolation and they are also constantly in touch with the Assamese or tribal culture. The immigrants didn’t come to Assam with a great ideological baggage behind them with the intension to Islamise the state of Assam. Islamisation could be the agenda of the DGFI and ISI, but it would be grossly wrong to visualise the immigrants as the agents of these agencies. A few individuals could also be involved- for that one can’t punish
the whole community or generalise on their behaviour. Bangladesh is the most densely populated country on earth with about 900 people per sq km. They come purely for survival strategy. People generally talk about an ‘Islamic Conspiracy’. But it’s not the Muslims alone who have left Bangladesh but there are 5,000,000 Hindus who have left Bangladesh.”

The ethnic identity politics over land and culture has been one of the contested terrains in terms of Assam and particularly BTAD. While contextualising the prism of Human Security, the issue of governance get reflected. Capacity of governance is highly dependent upon the capacity of resource mobilization on the part of the government. In a third world country like India, due to because of lack of economic resources, different social groups involves in group clashes in order to capture the spaces for their survival. Sometimes there is a miss-conceptualisation that increased numbers of muslim population in Assam due to because of illegal immigrants. But, Assam has its own requisite amount of muslim population. In this context, Sazzad Hussain has put his own analysis, “In the river island of Brahmaputra in Assam, the Muslims are often alleged to be illegal Bangladeshi infiltrators, having a population explosion because of early marriage and polygamy. This increased population has been moving to various other places of the states or other country in search of livelihood and poses a threat to the local demographics which have become xenophobic over the years due to the various orientations.”

Some of the field work findings say that the ethnic factor and communal factor is very much attached in terms of BTAD. People analyse the issue of security either in ethnic line or in communal line. It shows the presence of ethnic chauvinism as well as religious bigotism in BTAD. Moreover, due to the attached ethnic and religious
marker and animosity, people from both side has been targeted in different circumstances even if in the normal situation. In this context, the institutional mechanism must keep vigilance not only in terms of granting rehabilitation schemes but also structural improvement of the society.

Proper rehabilitation of the riot affected people in BTAD is a necessary requirement in order to restore peace and security in the region. Commenting on the initiative of the institutional mechanism in BTAD, BPPF president Rabiram Narzary, the main opposition in BTC, demanded a CBI enquiry into the alleged corruption in the functioning of the council and also demanded proper rehabilitation of the riot-affected people on the basis of law of the land and proper implementation of welfare schemes like Roads, irrigation, flood control, agriculture development programmes. The state in the context of North East India and particularly in Assam from the perspective of human security has the three primary responsibilities to protect, provide and empower its people. By taming the tools of violence, the human security framework can be best applicable for the establishment of durable peace in a conflict-prone area.

5.5 Role of regulatory mechanism in protecting minority rights in India in general and Assam in particular:

In a democracy, the majority of the citizens is capable of exercising the most cruel oppressions upon the minority. Edmund Burke

For upholding justice in the society and rule of law, the Indian State along with the state government has taken up certain measures by establishing various regulatory bodies. The basic roles of these regulatory mechanisms are to protect minority rights and to keep a vigil in the conflict situations. There are lots of
contentious issue in Assam and particularly in BTAD that need to resurfaced, refined and redefined with sort of dialogue. BTAD as a trouble periphery has lots of grievances like loss of self-determination, exploitation, relative deprivation, minority suppression, migration, cultural domination, landlessness etc. In the context of whole of Assam, people residing in BTAD like Bodos, Non-bodos, muslims all are considered to be marginalised. But at the micro-level BTAD’s present scenario, Bodos are considered to be dominant group and others remain in the periphery. While analysing the security scenario in BTAD, Muslims are considered to be most vulnerable side in the last two decades.

The National Commission for Minorities which is a statutory body enacted by the Parliament by an Act, National Commission for Minorities Act 1992, implemented different plans and policies for the betterment of the minorities. Since the time of its inception, National Commission for Minorities always try to do justice with the marginalised by safeguarding their rights and privileges. The National Commission for Minorities basically would like to focus on the following functions:

(a) Evaluate the progress of the development of minorities under the Union and the States,
(b) Monitor the working of the safeguards provided in the Constitution and in laws enacted by the Parliament and the State Legislatures,
(c) Look into specific complaints regarding deprivation of the rights and safeguards of the minorities and take up such matters with the appropriate authorities.

Under The National Commission for Minority Educational Institutions Act 2004, the commission advise the Central Government and the State Government from
time to time on any question relating to the education of minorities. Over the last two
decade the increase numbers of violent activities among the two social groups namely
Bodos and muslim in BTAD placed the religious minority group i.e. muslims in the
receiving end. The magnitude and intensity of violence in BTAD surpass the every
limit and establish itself as one of the hottest spot of armed violence. Homogenising
and assimilative character of the post-colonial state structure is problematic for a
heterogeneous society like Assam. In the pursuit of political goal, different identity
groups take the path of violence which consequences are long standing and it
gradually erode a particular society. A disorder always prevails in a conflict affected
area due to because of the discontentment on the part of the huge masses.

In case of conflict induced displacement, the minority section always get
displaced and have to survive with the feeling of severe insecurity. The prevention of
Communal and Targeted Violence (Access to Justice and Reparation) Bill, 2011 was
introduced in the parliament with a view to look after the issue of IDPs. This Bill not
only defines the term “internally displaced person” as a person who has been forced
or obliged to leave his or her home or place of ordinary residence as a result of or in
order to avoid the effects of organized communal or targeted violence to any other
location within India. India is a secular republic, with all religions offered equality
before law. India is the birthplace of several religions, Hinduism, Buddhism, Jainism,
and Sikhism, and homeland to Jewish, Zoroastrian, Muslim, and Christian
communities for thousands of years. The experience of partition has a lot of negative
impact regarding the relationship between Hindus and Muslim in India. Keeping in
mind the issue of religious minority, the framers of the constitution of India provides
certain institutional arrangement to safeguard the minority rights. Article 30(1) of the
Constitution of India gives linguistic and religious minorities a fundamental right to
establish and administer educational institutions of their choice. It was religious minorities who spearheaded minority rights concerns onto the regional and, later, international level. The constitution of India also made lot of provision for the protection of minority rights.

Articles 29 and 30 read as follows.

**Article 29: Protection of interests of minorities**

(1) Any section of the citizens residing in the territory of India or any part thereof having a distinct language, script or culture of its own shall have the right to conserve the same.

(2) No citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

**Article 30: Right of minorities to establish and administer educational institutions**

(1) All minorities, whether based on religion or language, shall have the right to establish and administer educational institutions of their choice.

(2) The state shall not, in granting aid to educational institutions, discriminate against any educational institution on the ground that it is under the management of a minority, whether based on religion or language.

Constituent Assembly debates also show the sincere attempt on the part of government regarding the issue of minority rights. There was a separate Minority Sub Committee was setup to study and review the policies for the minority rights under the Chairmanship of H.C. Mukherjee. The Minorities Sub-committee recommended that the following provisions among others be included under the Fundamental Rights in the Constitution:
(a) All citizens are entitled to use their mother tongue and the script thereof, and to adopt, study or use any other language and script of their choice.

(b) Minorities in every unit shall be adequately protected in respect of their language and culture, and no Government may enact any laws or regulations that may act oppressively or prejudicially in this respect.

(c) No minorities, whether of religion, community or language, shall be deprived of its rights or discriminated against in regard to the admission into State educational institutions, nor shall any religious instruction be compulsorily imposed on them.

(d) All minorities, whether of religion, community or language, shall be free in any unit to establish and administer educational institutions of their choice, and they shall be entitled to State aid in the same manner and measure as is given to similar State-aided institutions.

(e) Notwithstanding any custom, law, decree or usage, presumption or terms of dedication, no Hindu on grounds of caste, birth or denomination shall be precluded from entering in educational institutions dedicated or intended for the use of the Hindu community or any section thereof.

(f) No disqualification shall arise on account of sex in respect of public services or professions or admission to educational institutions saves and except that this shall not prevent the establishment of separate educational institutions for boys and girls.\textsuperscript{48}

But over the last few decades, issue of migration created a legitimacy vacuum in terms of minority right especially religious in nature. Northeast India is one of South Asia’s last land frontiers and through much of the twentieth century these sparsely populated areas attracted large-scale migration from the rest of the
subcontinent. As a result of influx of people from different places to this part of the world, the region turned itself into hotspot with lots of contestation and political ramifications.

But in a democratic political set up, recognition of each and every caste and community by the institutional mechanism is considered to be an important task on the part of the political regime. In due course of time the institutional apparatus with the support of regulatory mechanism tries to realise the basic human rights norms to each section without any difference on the basis of caste, religion, sex, language etc. The state’s response to the armed violence in BTAD has been two folds: Firstly, dependence and deployment of army personnel leads to the violation of human rights norms and secondly, increased numbers of developmental activities in order to accommodate diversity leads to the formation of certain juxtaposition among different minority groups. It is generally noticed that the rights of marginalised section are always neglected in a plural society. In the context of BTAD, the rights of religious minority people have been continuously snatching away by the dominant forces.

To conclude in the words of Hillary Clinton,

“If a country doesn’t recognize minority rights and human rights, you will not have the kind of stability and prosperity that is possible”
References and Notes:


15. Geneva Conventions:
a. Conventions for the amelioration of the condition of the wounded and sick in armed forces in the field

b. Conventions for the amelioration of the condition of the wounded and sick and shipwrecked members of armed forces at sea

c. Conventions relative to treatment of prisoners of war

d. Convention relative to the protection of civilian persons in time of war

16 Declarations on the Rights of the Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, A/RES/47/135, art.2


19 Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, A/RES/47/135, art-2


21 Article 3 in case of armed conflict not of an international character occurring in the territory of one of the High Contracting parties, each party to the conflict shall be bound to apply, as a minimum, the following provisions:

1. Persons taking no active part in hostilities, including members of armed forces who have laid down their arms and those placed hors de combat by sickness, wounds, detention or any other cause, shall in all circumstances be treated humanely, without any adverse distinction founded on race, colour, religion or faith, sex, birth or wealth or any other similar criteria. To this act the following acts are and shall be prohibited at any time and in many place whatsoever with respect to the above mentioned persons:

a. Violence to life and persons, in particular murder of all kinds, mutilation, cruel treatment and torture

b. Taking of hostages
c. Outrages upon personal dignity, in particular humiliating and degrading treatment
d. The passing of sentences and the carrying out of executions without previous
judgement pronounced by a regularly constituted court, afforded all the judicial

guarantees which are recognized as indispensable for civilians.

2. The wounded and sick shall be collected and cared for

According to Article 27, protected persons are entitled, in all circumstances, to respect for
their persons, their honour, their family rights, their religious convictions and practices,
and their manners and customs. They shall at all times be humanely treated, and shall be
protected especially against all acts of violence or threats thereof and against insults and
public curiosity. Women shall be especially protected against any attack on their honour,
in particular against rape, enforced prostitution, or any form of indecent assault. Without
prejudice to the provisions relating to their state of health, age and sex, all protected
persons shall be treated with the same consideration by the party to the conflict in whose
power they are, without any adverse distinction based, in particular, on race, religion or
political opinion.

Security Council Resolution (2250) adopted by the Security Council at its 7573rd meeting
on 9 December, 2015

Security Council Resolution (2250) adopted by the Security Council at its 7573rd meeting
on 9 December, 2015

India has ratified the following relevant international documents of human rights and
humanitarian treaties - The Geneva Convention of 1949 (9 November, 1950), Genocide
Convention (27 August, 1959), Convention on Elimination of Racial Discrimination (3
December, 1968), ICCPR (10 April, 1979), ICESCR (10 April, 1959), CEDAW (9 July,
1993)

Shekhar Ranjan, Should India become a party to 1977 protocols additional to the Geneva
Convention of 1949?, in Indian Journal of International Law, Vol 40, No-2, April-Jun,
2000, p-249

www.satp.org, 1. To establish a centre for development and research of Bodo language;
2. Upgradation of existing educational infrastructure by way of renovation/addition of
buildings, providing modern facilities for teaching such as computers, science laboratories
etc. from primary level to college level in BTC area; 3. A cultural complex to be
established at Kokrajhar to promote and develop Bodo tradition and cultural heritage; 4.
To establish a super-speciality hospital with all modern facilities at Kokrajhar Government
Hospitals shall be established in all district, sub-divisional and block headquarter; 5. To establish sports complexes in all the district headquarters; 6. Food processing plants and cold storage facilities at Kokrajhar, Kajolgaon, Udalguri and Tamulpur; 7. Construction of a bridge over river Aai to connect Koilamoiha, Amguri etc. with the rest of the district; 8. To build a Bodoland Bhawan in Delhi; 9. To set up integrated agro-processing park and textile-cum-apparel park; 10. Revitalisation of Kokilabari Agricultural Farm; 11. To develop adequate infrastructure to promote Manas sanctuary as an international tourist spot; 12. To complete Champa, Suklai and Dhansiri irrigation projects; 13. To construct a highway on the Indo-Bhutan border from Jamduar to Bhairabkunda to connect remote places located adjacent to the border; 14. To set up model dairy, fishery, horticulture and poultry farms/training centres at different places in all the 4 districts to encourage youth for self-employment; 15. To enhance the existing facilities in veterinary hospitals in BTC area.

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33 Assam Riots: Preventable but not Prevented, a report by Asian Centre for Human Rights, p-20
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35 One Year of Khagrachari Massacre: Quest for justice continues, A Report by Jhai Foundation, p-21
36 Bhoumik, Subir. (2005). India’s North East Nobody’s people in No man’s land in Internal Displacement in South Asia, Delhi, Sage Publication, p-14
37 Goswami, Uddipana. (2008). Nobody’s people: Muslim IDPs of Western Assam, in Samir Kumar Das, Blisters on their feet: Tales of internally displaced Persons in India’s North East, Sage, p-179.

38 Baruah, Sanjib. (2005). Durable Disorder, New Delhi, Oxford University Press, p-123

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39 Mahanta, Nani Gopal. (2013). Confronting the State: Ulfa’s Quest for Sovereignty, Sage, p-320

40 The Assam Tribune, 30th May, 2014, p-3

41 Field Observation, 11th October, 2015

42 The Telegraph, May 17, 2013

43 Mahanta, Nani Gopal. (2013). Confronting the State: Ulfa’s Quest for Sovereignty, Sage, p-335

44 National Commission for Minorities Act 2002

45 Section 3(g), The Prevention of Communal and Targeted Violence (Access to Justice and Reparations) Bill, 2011


47 The Parliament of India

Available at http://parliamentofindia.nic.in/1s/debates/facts.htm,1, accessed on 11th February, 2016
