Chapter VII

Hurdles and prospects of the Movement

The autonomy movement of the Bodos passed through different phases. The movement has certainly to face a chain of major hurdles. In the first place, the Bodos are an ethnic group dispersed over a vast expanse of territory. As an ethnic group they are not concentrated in a homogeneous territory of their own. This was due to various historical reasons. Being one of the earliest ruling tribes of the Tibeto-Burman origin in the valley they moved from one territorial confine to another over the periods of history. They were rather driven out from their original/initial habitat in the Brahmaputra valley by their powerful neighbours. Therefore their territorial jurisdiction did not remain static from the earliest to the present times.

Moreover, they remained scattered branching out into several sub-groups and have been living in the hills and the plains over the centuries. The mode of capitalist production initiated by the British colonial rulers also contributed in the further distribution this tribe into different pockets of habitation making it difficult for them to pursue a homogeneous community life. As a matter of fact they have been living for the past several centuries in disparate regions making it difficult for them to stand united against the powerful social forces.
But in the prevailing situation of a democratic polity, and with the emergence of an educated elite group of their own, they have attained the stage and quality of leadership necessary for organising and leading an ethnic movement for their own survival in terms of socio-economic and linguistic-cultural. The movement for a definite homeland exclusively for the Bodos again may turn out to be counter-productive if not counter-offensive to the other ethnic groups living in the same territory and sharing the same socio-economic benefits in terms of land, agriculture, and employment, etc.

These hurdles can be removed only after the leadership of Bodo autonomy movement eschewed the path of aggressiveness and followed the peaceful democratic means for solving the problems for which the movement has been launched. And, as the history of Assam has shown, there has been no way out. The history of Assam, since medieval times, has been a history of federalism based on mutual respect and tolerance for survival of all. Once this lesson has been lost upon, the emergence of counter-offensive measures become certain and inevitable. The history of the ethnic movements of the recent times has amply proves this.

Despite these hurdles the Bodo Autonomy Movement becomes successful because of the goodwill of the Bodo people themselves behind the movement as well as of the other democratic forces of Assam. The topographical situation of Assam has been conducive for mutual co-operation and toleration, once this is lost everything is lost. Social life has never been a static one, it moves on towards the better one and it moves of dialectically. The successful termination of the Bodo autonomy movement heralded a new era in
the political history of post-independent period. It opened up new vistas for development and progress.

The Bodo Accord, 20 February 1993, received its legitimacy through the 'Bodoland Autonomous Council Act,' 5 April 1993. The Act has provided for the establishment of an administrative authority in the name and style of 'Bodoland Autonomous Council' (BAC) within the State of Assam.

(A) The Area of the BAC

The Bodo Accord provided for the creation of 'Bodoland Autonomous Council' within Assam comprising the contiguous areas between the rivers Sonkosh and Pasnoi (Mazbat). The villages containing 50% or more of the tribal people will be included in the BAC. The reserved forests and the tea gardens situated within the BAC will also be included in the said territory. However, the boundary of the BAC area was subject to change with the mutual consent of the Bodoland Executive Council and the Government of Assam.

(B) Structure of the BAC

The Bodoland Autonomous Council will consist of a General Council, an Executive Council and a Secretariat. The General Council will consist of 40 members of whom 30 will be reserved for the Scheduled Tribes (Plains) and the rest 10 for the general people.

Of the 40 members 35 will be elected on the basis of adult franchise while the Governor of Assam will nominate 5 members. The term of office of the General Council will be for 5 years. The Governor of Assam shall have the power to dissolve it even before the expiry of its term of 5 years.

There will be an Executive Council known as the Bodoland Executive Council (BAC) comprising the Chief and the Deputy Chief of the General
Council, and seven other members from amongst the elected members of the General Council to be nominated by the Chief Executive Council. All the executive powers and functions are entrusted to the BEC. It will maintain the records of the General Council, conduct the financial and executive administration, and control and supervise the officers and employees of the General Council. The Executive Council will remain collectively responsible to the General Council.

The Secretariat of the Bodoland Autonomous Council will be headed by the Principal Secretary appointed by the Assam Government in consultation with the Chief of the BAC. The Principal Secretary will be the principal executive officer of the General Council. He will act under the direction of the Chief Executive Councillor and will remain responsible to the General Council through the Chief Executive Councillor.

(C) Powers and Functions


The General Council will have the power to make bye-laws, rules and orders, if required, for implementaion within the territory. Such bye-laws, rules and orders must be "subject to the maintenance of the security and safety of the State of Assam and the Government shall have the power to take such step as may be deemed necessary for this purpose."3 The State Government retains supreme power of law-making over the General Council. The Act says "If any provision or any regulation or bye-law made by the General Council is repugnant to any provisions of a law made by the Legislature of the State of Assam with respect to that matter, then the regulation or bye-law so made, whether before or after the law made by the Legislature of the State of Assam, shall to the extent of repugnancy, be void and the law made by the Legislature of the State of Assam shall prevail."4

The General Council shall have the power to make appointments of Class III and Class IV employees within the jurisdiction of the BAC. The General Council shall have to reserve jobs for scheduled castes and scheduled tribes within the jurisdiction of the BAC.
(D) The Fund of the BAC

A 'Council Fund' will be created under a separate head within the State Budget as per guideline laid down by the Government of India from time to time. The Government of Assam will have no power to divert this fund except in exigencies of unavoidable budget deficit in the state. Moreover, the BAC will receive grant-in-aid from the Central Government. The General Council will have the power to raise finances from levies, fees, taxes, etc., on subjects allotted to it and have the power to regulate trade and commerce within its jurisdiction in accordance with the existing law. For this purpose it will issue permits and licences to individuals within the BAC area giving preference to the Bodos. The BAC will get the revenue from the tea gardens falling within the BAC area that will be deposited to the BAC Fund by the Government of Assam after the end of each financial year. The General Council will manage the finances of Bodoland and the annual audited accounts will be placed on the table of the State Assembly.

(E) Others

The Bodo Accord has made some special arrangements that may be helpful in the maintenance of peace and tranquility and development of the people living in the BAC area. First, it made provision for the establishment of special courts within the BAC area in consultation with the Gauhati High Court, such as (a) Village Courts, (b) Subordinate District Law Courts within Civil Sub-divisional territory, and, (c) District Customary Law Courts. The suits and cases between parties, all of whom belong to scheduled tribe or tribes will be tried in accordance with the tribal customary laws and procedures.5

Secondly, the Assam Government and the Bodoland Autonomous Council have jointly agreed that all rights and interests of the non-tribal Indian citizens...
within the boundary of the 'Bodoland' on the date of its creation will be protected in matters pertaining to their land and language.  

Thirdly, the ABSU- BPAC leaders have agreed that they will take steps for the surrender of arms and ammunitions of their own supporters and co-operate with the administration in bringing overground all Bodo militants along with their arms and ammunitions. The Government of Assam will initiate measures for the rehabilitation of the Bodo militants coming overground and consider sympathetically to withdraw all cases against persons connected with the Bodoland Movement, excluding those related to heinous crimes.

Finally, it was decided to form an interim Bodoland Executive Council (BEC) comprising the leaders of the movement prior to holding of election to the BAC. An ad-hoc budget also be prepared by the interim Bodoland Executive Council after due consultation with the State and Central Governments for necessary financial support.

Thus the Bodo Accord as well as the Act appear to have provided political and administrative autonomy to the Bodos. They are certain to ensure the all round development of the Bodos and help in maintaining their ethnic identity within Assam. It is expected that the Accord will bring to an end their age-old sufferings and exploitation. It appears the leaders of the Bodo Autonomy Movement put the seal of repudiation on their demand for a separate state. The Accord has made Bodo the official language within the BAC area. But the BAC appears to have contained certain defects in its constitution. First it has been rendered powerless since it is not an independent body. The General Council and the Executive Council of the BAC could hold office at the pleasure of the Governor of Assam. The Governor has the power to dissolve both the
Councils before the expiry of their term of office and appoint other persons to exercise all the powers and functions of the BAC on his behalf.

Secondly, the State Government has been the supreme law-making authority over the BAC. All the laws and regulations made by the General Council should have the approval of the State Government. Apart from this the State Government has the powers to issue instructions to the BAC from time to time for proper implementation of the BAC Act.

Thirdly, the BAC has been made completely dependent on the State Government in matters of finance. Though 38 departments have been transferred to the BAC, the State Government retained the finance thereby making the BAC dependent on the latter. The Bodoland Autonomous Council Act, 1993, has the effect of reducing the BAC "to an entity lower than that of a gaon panchayat and this is definitely not the maximum autonomy envisaged in the Memorandum of Settlement".

Moreover, the Act could not satisfy the Bodos of the south bank of the Brahmaputra as it contains nothing for the protection of their rights and interests. S.K. Bwismutiary said, "Hopes and aspirations of the Boros could not be realised unless there is a separate full-fledged state of the Boros." Prof Barpujari also remarks, "It was only a question of time when the Boros will demand radical amendments and even Statehood falling which joining hands with the Br.S.F., then at large, renew agitation vigorously to achieve their ultimate goal."

Apart from these hurdles, there was the continuation of the extremist and violent activities of the Br S F. They rejected the Bodo Accord, remained adamant to the original demand for a separate state and started a "cleansing
operation" against the immigrant Muslims immediately after the formation of the interim Bodo Executive Council. By so doing they wanted to restore the ethnic character of the Bodoland area. The Br.S.F. resorted to a series of violent activities in the districts of Kokrajhar, Bongaigaon and Barpeta after the signing of the Accord. They did not spare even the inmates living the refugee camps in Kokrajhar.

Other practical defects of the Accord are the scattered nature of the Bodo population. The Bodos are not concentrated in a particular area or areas except in a very few pockets, hardly larger than a mouza or a thana. The non-tribals are in majority in the present BAC area. There are only 18% scheduled tribes, including non-Bodo scheduled tribes in the said area. The percentage will be much lower if conceding the demands of the Bodo leaders the 515 villages with less than 2% tribal or without tribal population, were included in the said area.

The Accord, on the other hand, has reduced the non-Bodos, both tribal and non-tribal comprising nearly two-thirds of the total population to the status of a second class citizen. Not to speak of other non-tribals, even the scheduled tribes were not given the similar opportunities at par with the Bodos.

The scheduled tribes in the north bank of the Brahmaputra come to total of 16.31 lacs, of whom, apart from the non-tribals, the non-Bodo scheduled tribes alone is 5.24 lacs. The Expert Committee has, therefore, recommended similar autonomy like the Bodos for the Mishings in the eastern sector on the north bank of the Brahmaputra where the latter were numerically larger.

The other plains tribes were to get opportunities for representation in the three-tier socio-political set-up, but no such arrangements were made in the Bodo Accord.
In the sphere of language and culture the policy of discrimination has been discernible in so far as only the Bodo language has been made the official language. Neither the Bodo Accord nor the Act made any provision for the other ethnic language(s). Thus the Act has the effect of keeping the non-Bodo tribes in a state of discontentment and dissatisfaction. Autonomy has been granted to an ethnic group that is numerically a minority in the autonomous area on the plea of maintaining its ethnic identity. Nothing can be farcical than this. "It may, in practise, turn out to be a veritable tyranny over the majority, which is downright negation of democratic principles."17

If the Bodo Autonomous Council happen to act in a tyrannical way, which might have occurred, then there is every possibility of the majority non-Bodo ethnic groups coming out against the Bodos. This emerging situation could have been avoided if the warning of Dr. Bhupinder Singh was taken into consideration.

"As we see it, there is no escape from building in India a pluralistic society, composed already as it is of multi-racial, multi-ethnic, multi-religious, multi-lingual constituents. Any approach in the reverse direction will not only be unnatural and unrealistic, but also fraught with grave risks of internecine conflicts, collisions and conflagrations. As against the parochial and fundamentalist forces in the country, the liberal and secular forces should strengthen themselves to counteract and contain them. Indeed, the challenges posed by narrow sectarian forces can be made only by liberal, tolerant thought and action. In the ample, over-flowing spaces of the Indian Constitution, there is room to accommodate the legitimate needs and aspirations of all groups for fulfilling the vision of a bright future."18
Notes and References

1. The Assam Gazette Extra-ordinary No.60 dtd. 15 May 1993
2. Bodoland Autonomous Council Act, 1993, Chapter II, Clause 23 (2)
3. Ibid., Chapter VII, Clause 49 (1)
4. Ibid., Chapter VII, Clause 54
5. Ibid., Clause 65
6. Ibid., Clause 51
7. Ibid., Clause 49 (1) and (2)
9. News-item, Sadin, 18 June 1993
12. Ibid., p.98; Roy, A., 1995, p.73
13. Ibid.
16. Ibid., Sections 14-18, pp 258-61