CHAPTER 4

THE ASSAM ACCORD

4.1. INTRODUCTION

Assam has a composite culture of numerous tribes, races each portraying peculiar ethnic identity. As a first step in the study of socio political condition of this northeastern state of India encompassing an area of 78,438 sq. km, it is imperative to begin with the basic element of a society, that is, the inhabitants. It will be unjust and unethical to point out a single tribe or race amongst all, as Assamese. Because Assam not only belongs to that community which speaks the official language Assamese. Assam equally belongs to those communities who might not even understand Assamese. These people even today speak their peculiar dialects or duans as locally called. These tribes like the Bodo, Karbi, Chutia, Miri, Koch, Kachari, Garo, Khamti, Singphos, Deori, Mess, Dimasa, Laloong, etc, each practicing their peculiar traditions, customs, religious beliefs and language, inhabiting the hilly areas, are the original inhabitants of Assam.
In the 12th and 13th centuries Ahoms and Muslims came to Assam. The Ahoms are originally conquerors from Thailand who had come to Assam from the east and were mesmerized by the virgin beauty of this land, settled down here embracing its language and way of life. In fact, the name, Assam, is believed to have been given by the Ahoms who ruled Assam for seven hundred years.

All these facts serve as an introduction to the diverse yet composite culture of Assam. This is a society that has emerged out of the intermingling of diverse races and tribes, yet living peacefully cultivating a feeling of brotherhood and oneness. Assamese, a peace loving community, historically speaking, has always embraced everybody who has come to this land forgetting all religious and communal differences. It is heartening to note that Assam, though infested with violent outfits today, can proudly acclaim it communal unity and peaceful coexistence. One can witness religious unity of rare variety in Hajo, a small town, 35 kilometers from Guwahati:

Serving as the meeting place of pilgrims of three major religions- Hindu, Muslim and Buddhist, Hajo has been most eloquently delivering the message of sarvadharma samabhava in its true spirit… the Buddhists from Bhutan, Nepal and Tibet, who believe that Hajo is the place where Lord Buddha attained his parinirvana, come to worship Mahamuni. (Folk Culture of Kamrup by Paresh Baishya; quoted in Sharma, 2002)

There is the Haigrib Madhab Mandir of the Hindus and along with it is Puwa Macca of the Muslims. Devotees throng in large numbers all-round the year to these places of worship, irrespective of religious boundaries. It is believed that a visit to Puwa Macca is equivalent to a visit to Mecca, and for the fulfillment of wishes one has to offer prayers at both Haigrib Madhab Mandir and Puwa Macca. In his book Drishti Aaru Shrishti, Abdus Sattar says: “The Muslims came to Assam in the year 1206…in the social sphere there was no difference or social divide between Hindus and Muslim…the Ahom rulers were so liberal that as an
honour to their bravery, did not mind in marrying off their daughters to the Muslims (As cited in Sharma, 2002). This reveals the kind of secularism Assam has always believed in. “Fatiha of the Quran was translated into Assamese as Id Stuti by Maniram Dewan, the great patriot, thus displaying social unity of such high order”, says Abdus Sattar.

4.2. ASSAM AGITATION

Assam has been facing a number of movements aiming to achieve a variety of objectives having both ethnic and territorial focus. While some of these issues were partially resolved through the intervention of the Central government, several others remain unresolved. The unresolved conflicts have resulted in a series of flashpoints. Over the years, one of the biggest concerns for Assam has been unauthorised immigration from neighbouring countries. In the absence of reliable data, the demographic impact of immigration remains a highly controversial issue. It led to an anti-foreigner agitation, popularly known as the Assam Agitation, between 1978 and 1985, led by All Assam Students Union (AASU). In the entire history of Assam, the Assam agitation is the biggest mass movement led by a students’ union.

During the later part of 1978, in continuation with the earlier 21 Points and 18 Points Charter of Demands, AASU intensified its demand for expulsion of illegal foreigners. The agitation programmes supporting the demands included picketing, stayagrahah, hunger strikes, Assam Bandh and fast unto death etc. After the Sibsagar conference of AASU in March, 1979, the newly elected central executive committee decided to further intensify the agitation programmes. The electoral roll revision and updating process were started by the government for
Mangaldoi Parliamentary Constituency before the bye election due to death of the sitting MP, triggered massive controversies in different corners. Members of intelligentsia, media, as well as AASU demanded a thorough revision of the electoral rolls of the entire state. Politics turned in other way. The Chief Election Commissioner (CEC) of India informed the local authorities that a person whose name has been included in the Electoral Rolls should be ‘presumed’ to be a citizen of India. This ignited the AASU agitation as they strongly objected to the directives, and demanded immediate sealing of Indo-Bangladesh boarders besides deletion. Meanwhile the Lok Sabha was dissolved in August, 1979, and new elections were ordered.

AASU began intensifying the agitation, and started facilitating the participation of all sections of people. AASU formed the All Assam Gana Sangram Parishad (AAGSP) in August, 1979, comprising of AASU, Assam Sahitya Sabha, Purbanchaliya Lok Parishad. The Jatiyatabadi Dal, Asom Yubak Samaj and Young Lawyers’ Researcher also joined the Gana Parishad later on (AASU).


Monirul Hussain (1993) listed three major agenda of Assam Movement as – (a) the illegal immigration of foreign nationals to Assam from the neighbouring countries - Bangladesh and Nepal and their participation in the electoral process in Assam/India, (b) deportation of all foreigners living illegally in Assam and (c) protection of the distinct identity of the people of Assam in their traditional
homeland from threat of foreign nationals. Noted scholar Amalendu Guha (1980) critically examined Assam Movement and argued that though the agitation was national in form, it was not free from strong chauvinistic and undemocratic tendencies. According to Gail Omvedt (1003), "Assam movement has resulted not because of the basic Assamese fear of losing jobs to Bengalis but losing their land." Tilottoma Misra tried to underline economic issues as the motivating factors behind the movement and argued that the Assam movement is reflection of the common people’s awareness of the extra-regional big-business stronghold. She characterized the status of Assam as a colonial hinterland of India. Similarly, Myron Weiner (1983) depicted the Assam movement from a changed demographic context. He observed that the movement was a result of severe breakdown of precarious political system where population are in the midst of political, cultural and economic insecurity. Hiren Gohain (1982) found that the movement was a revolt of the destitute peasants and hard pressed petite bourgeoisie youth against intolerable circumstances. Udayon Misra (1988, 2000) found that this movement achieved unity among different segments of the Assamese society primarily due to the fear of Assamese people of losing their identity.

4.3. GENESIS OF VIOLENCE: THE NELLIE MASSACRE

"One has to let such events take their own course before stepping in."

This was the remark made by the Prime Minister Indira Gandhi, in reply to Financial Times when asked why she had not acted promptly to stop the violence after Assam's Nellie massacre in 1983 (Mantri and Gupta 2014). The Nellie massacre took place in Assam during a six-hour period in the morning of 18 February 1983 by Lalung tribes people (Granville, 1999). The massacre claimed the lives of 2,191 people (unofficial figures run at more than 5,000) from
14 villages - Alisingha, Khulapathar, Basundhari, Bugduba Beel, Bugduba Habi, Borjola, Butuni, Indurmari, Mati Parbat, Muladhari, Mati Parbat no. 8, Silbheta, Borburi and Nellie—of Nagaon district. The ethnic clash that took place in Nellie was seen as a fallout of the decision to hold the controversial state elections in 1983 which was boycotted by the AASU in the midst of the Assam Agitation. It has been described as one of the worst pogroms since World War (Hussain 2009).

The official Tiwari Commission report on the Nellie massacre is still a closely guarded secret (only three copies exist). The 600-page report was submitted to the Assam Government in 1984 and the Congress Government headed by Chief Minister Hiteswar Saikia decided not to make it public, and subsequent Governments followed suit. Police filed 688 criminal cases, of which 378 cases were closed due to "lack of evidence" and 310 cases were charge sheeted, and all these cases were dropped by Government as a part of Assam Accord and as a result not a single person got punishment (Mander 2008).

Reporting on the incident Hamendra Narayan wrote in Indian Express on February 19, 1983: “It was absolutely horrible. Though impossible to describe, I will try.” Many described it as a nightmare and were unable to describe what happened. Termed as one of the worst genocidal massacres after the independence, the Nellie Massacre took place on February 18, 1983.

Nellie, a small city in Nagaon district of Assam about 40 km away from Guwahati city, comprised 16 villages – Alisingha, Khulapathar, Basundhari, Bagduba Bil, Bagduba Habi, Borjora, Butuni, Indurmari, Mati Parbat, Muladhari, Mati Parbat No 8, Silbheta, Borburi and parts of Nellie were attacked. Nellie organized massacre left 2191 men, women and children killed and 370 children orphaned. Most of the victims were butchered by dao (machete), fala, spears, tridents, guns etc. Nellie inhabitants informed me in a recent visit that February 1983 was full of tension all over Assam due to agitation against foreigners. They were avoiding going out those days (Begum 2009).
On February 17, 1983 two truckload police contingents came to Borbori and assured the inhabitants that they are patrolling nearby and full security has been provided to them. Being assured of security by the security personnel, Nellie residents went to work outside as usual on February 18, 1983. At around 8-30 AM, suddenly the village was attacked by mobs from three sides surrounding the villagers and pushing them towards river Kopili. People armed with dao, spears, and a few guns, advanced towards Nellie in an organized manner. The attackers encircled the whole village and left open the side that ends towards river Kopili. There were attackers in boats too. Killing started at around 9 am and continued till 3 pm. Most of the victims were women and children. CRPF arrived around 3 PM and the survivors were taken to Nagaon police station. Most of the survivors were put into Nellie camp at Nagaon and they returned to their village after 14 days (Begum 2009).

February 18, 1983 was a Friday, an important day for the people of Islamic faith. Official report says Nellie massacre left 1819 people dead and several thousand others injured. Unofficial sources and people of Nellie believe that death toll could be around 5 thousand. In terms of brutality committed just in few hours, probably this is the highest figure of people killed with crude weapons.

The question arises: could this massacre have been avoided? There are several clues that speak that state authorities were alerted on possible attacks on minority community in Nellie. Several literatures on Nellie have established that officials of Home Ministry were alerted three days before the massacre about the possibility of the attack. Diganta Sharma (2007) wrote that Jiauddin Ahmed, officer-in-charge of the then Nagaon police station, had sent an urgent message to Morigaon 5th Battalion Commandant, sub district police officer and Officer in Charge of Jagiroad police station, Sri Nobo K Chetia. The message was:
CO: 5TH AP.

INFO: O/C/J/ROAD PS/SDPO (M)

FROM: O/C NWG PS (.) DT. 15.2.83.

INFORMATION RECEIVED THAT L/NIGHT ABOUT ONE THOUSAND ASSAMESE OF SURROUNDING VILLAGES OF NELLIE WITH DEADLY WEAPONS ASSEMBLED AT NELLIE BY BEATING OF DRUMS (.) MINORITY PEOPLES ARE IN PANIC AND APPREHENDING ATTACK AT ANY MOMENT (.) SUBMISSION FOR IMMEDIATE ACTION TO MAINTAIN PEACE (.)

This alert was totally ignored though it gave clear indication about the possibility of attack on Nellie, still thousands of innocents lost their lives within a few hours on Friday, February 18, 1983. Corroborating this negligence the National Police Commission in a report published on April 3, 1983, wrote:

The national police commission has found that there is a tendency among the police officer to shun responsibility for dealing with communal situations. They either avoid going to the spot or when they happen to be present there, they try not to resort to the use of force when the situation so demands or better still slip away from the scene leaving the force leaderless (Sixth Report dealing with Recent Communal Riots and Role of the Police, 1983).

Sharma (2007) further wrote:

The nationalist groups got information that on 14 February, 1983 that many ‘Bangladeshi’ people had cast votes in Nogaon (now Morigaon) district. Instantly a plan of attack was made in the villages where Assamese people live surrounding Nellie by the initiative of agitating peoples.
Strategies were formed as to how, when and where attacks would be made on the "illegal Bangladeshis". The date was fixed on 18 February. Agenda was genocidal to save the existence of mother Assam. Place of carrying out the plan was Nellie.

Sen and Shourie (2006), recounting the cover story published by India Today magazine on 15 March 1983, in its report on Nellie in 1983 pointed out that “the All Assam Students Union (AASU) is believed to have played a very active part in the massacre”. People of Nellie believe that the organized massacre on them was well organized by the agitators of Assam movement. The agitators fulfilled their ambition by inciting the neighbouring Tiwa community to carry out the carnage.

On April 10, 1983, the then Assam chief minister Hiteshwar Saikia held a press conference and released certain papers of AASU activist. Among these were papers prepared by AASU leaders on the religious minority inhabited areas. This report on the press conference was published at that time in a newspaper called, ‘Janakranti’ on April 17, 1983 (Begum and Sharma, 2009). A conference was held by AASU at the premises of J B Law College, Guwahati, on April 11-12, 1983 and a resolution was passed where Muslim members of AASU adopted 15 point resolution and submitted to the leaders of AASU.

The massacres of ‘Nellie’ and other places of Assam in February 1983 made a turning point in the agitation when Muslim members of the AASU started to protest against the atrocities done by them. At last Muslim members of the organization met on 11 and 12 April 1983 in the Premises of J.B. College at Guwahati with Md Nurul Islam its Vice President in the chair. In this meeting different activities done by AASU were discussed. A letter addressed to the AASU president was duly signed by 11 Muslim student leaders (Begum and Sharma 2009).
4.4. POST CONFLICT SCENARIO

After the Nellie massacre of 1983 the situation in Assam became extremely complex, Prime Minister Indira Gandhi came to visit Nellie and Gohpur. She reviewed relief and rehabilitation operations and inspected different camps. Hemendra Narayan was one of the four journalists who were present in Nellie by sheer chance on the fateful day of the massacre. Narayan (2008) wrote that the rehabilitation package announced by the government of Assam consisted of the following:

1. Rs. 5000/ cash grant to each of the bereaved families for every person killed.
2. Rs 5000/ grant towards reconstruction of houses destroyed in the recent disturbances.
3. Maintenance of relief assistance on the same scale as in the relief camps up to period of three months after return to respective villages till the harvesting of the next crop.
4. Distribution of free seeds at the rate of 10 kgs per bigha subject to a maximum of 20 kgs for two bighas for every agriculturist family for sowing summer paddy.
5. Assistance to replace lost bullocks at the rate of two bullocks per family subject to a maximum of Rs. 1,500.
6. Subsidy of Rs. 500 per family for lost milch cattle.
7. For small traders and businessmen, it has been decided to give business loan of Rs.2500/ per family together with a loan subject to a maximum of Rs. 1000/ in an urban area and Rs. 200 in rural areas for the repair and reconstruction of shops damaged in the disturbances and for maintenance relief for a period of one month.
It may be noted here that a year after Nellie, another violent massacre was carried out against the Sikhs soon after the assassination of Prime Minister Indira Gandhi (31 Oct 1984). The victims of this massacre were given Rs. 35 thousand as compensation for every death, while victims of Nellie massacre were given only Rs. 5 thousand. A Nellie victims lamented over this unequal treatment and expressed his anguish saying that ‘our life is equal to the cost of 1 kg of fish in the market. Later on those killed during Assam agitation were declared as ‘shaheed’ (martyrs) by the government of Assam. Next kin of each dead was given Rs. 35 thousand as honour to the departed soul. Names of the Nellie massacre were simply not included in that list (Begum and Sharma 2009).

4.5. ACCOUNTABILITY

In order to understand the accountability issues and lack of the same in transitional justice context we may refer to a victim of the conflict. Begum and Sharma (2009) recounted the story of Nuruzaman Bhuyan who was about 75 years old in 2009. He is still “waiting for justice”:

On the fateful day (Feb 18, 1983), about 13 persons whom he knew very well attacked his house and killed 12 of his family members and property worth Rs. 36,200/ were lost. He himself was injured. With agony in mind he helped fellow villagers to overcome the trauma. Within two days of the massacre he filed FIR to the Jagiroad police station (FIR no 86/1983, GR number 231/1983). Thirteen people belonging to Tiwa community who were his friends, neighbours and with whom he worked together in fields, markets were named as the accused in the FIR. He named 13 accused in the FIR. They were Bidhu Roy, Bharat Hazarika, Uma Kakaty, Bakul kakoty, Horeshwar Rabha, Rajaram Rabha, Bodana das, Loknath Das,
Bogiram Das, Nogen Das, Bimol Deka, Bhumi Senapati, Prafulla Master, and others. They were charged under section 147/148/326/379/436/302/307 of Indian penal Code. This case was investigated and the accused were charge sheeted. Charge sheet number 70 was submitted in 1985. Nuruzaman, however, did not get justice. The case was never called for hearing in the court of justice. It was dropped. Some of those charge sheeted already died by now (Begum and Sharma, 2009).

It is reported that 688 cases were filed before the Jagiroad police station of which 310 were charge sheeted. No investigation was carried out for the remaining 378 cases. Later on investigation and legal proceedings were dropped against all the cases. Further, the Inquiry Commission headed by Tribhubhan Prasad Tiwari was constituted by the government under the Commissions of Inquiry Act 1952 vide notification No. PLA/658/8319, dated July 14, 1983. The Commission was assigned to enquire the disturbances in the state of Assam during January to April 1983. The Commission was expected to submit its report within six months. Later on, the tenure of the commission was extended till January 16 1984. The commission submitted its report to the government and the report is neither tabled before the State Assembly as per the provisions of the Commissions of Inquiry Act 1952 nor made public till date. In an interview with journalist Hamendra Narayan (2008), T P Tiwari who was later appointed as the Governor of Pondichery, said that the report is a secret. The report has 547 pages and only three copies were made for the Union Home Ministry, the Assam Government and Sri Tiwari. There is little hope on the report being made public in recent future.

Another non-official Judicial Commission headed by Justice Mehta (retired chief justice of Himachal Pradesh High Court) was formed by the Assam Rajyik Freedom Fighters Association to enquire into the incidents that occurred from January 1, 1983 to April 30, 1983. The report was released on January 26,
1985. Mehta Commission reports that before the carnage, there was cordial relationship among the people in and around Nellie. The main reason of discord was the election. The commission conducted 36 sittings in the village from May 14, 1983 onwards and examined 600 witnesses. Since it was a non-judicial enquiry, no action was taken on it (Begum and Sharma 2009).

Inquiry commission usually constituted in India under the Commissions of Enquiry Act 1952 has become a ritual in India to answer a public outcry. And so the stories flowed, writes Mander (2008), “like a deluge of muddied waters of grief - long unaddressed and denied - gushing from a breached dam. The forgotten massacre in Nellie in 1983 established a bloody trail of open State complicity in repeated traumatic bouts of ethnic cleansing and massacres both in Assam and in India…Assam in turn has seen a series of violent ethnic clashes between various oppressed communities, each bitterly and ferociously ranged against other ethnic groups which may be as dispossessed, if not more so.”

4.6. SIGNING OF THE ASSAM ACCORD

Nellie massacre had enormous impacts on Assam movement. The agitation was rushed to closure soon after Nellie massacre. Assam Accord was signed and Illegal Migration Determination Tribunal Act (IMDT) was passed in 1985. (Later on, in 2006, IMDT was declared unconstitutional.) Nellie, a forgotten massacre, is hardly a matter of discussion at present. General opinion is that if Nellie is brought forth, there is a possibility of emergence of communal tension. Still a few questions remain unanswered. Legal proceeding remains unclear for Nellie massacre. Chargesheeted cases were dropped to maintain communal harmony in the state. No arrests were made. No one was made accountable for this massacre. Enquiry commission report became a secret
document. Who will answer these questions? For governments, all files related to Nellie massacre are closed now. Nellie massacre reminds a famous Sarajevo joke, “When someone kills a man, he is put in prison. When someone kills twenty people, he is declared mentally insane. But when someone kills 200,000 people, he is invited to Geneva for peace negotiations’. There will be no better example for this joke except Nellie massacre.

Several rounds of talks with the government were held by the agitators led by AASU. Many memorandums had been submitted detailing the problems and the demands. The Assam Agitation got its full international publicity with BBC’s continuous coverage of the happenings in the state of Assam. At national level, a huge group of supporters from the intellectual researchers, journalists, and the opposition parties started supporting the causes and concerns raised by the AASU.

AASU has compiled the full details of the background of the problems and supported with facts and figures. The charter of demands was pinpointed, and proposals were formulated. The composite document was then submitted to the Prime Minister of India in the form of a memorandum. The demands included:

1. Foreign national must be detected and deported from our country
2. Names of foreign nationals must be deleted from the electoral roll before holding any election.
3. Borders of India with neighboring countries must be fully protected
4. Indian voters in Assam must be provided with Photo Identity Cards
5. Constitutional safeguard must be provided to the people of the North Eastern Region for the protection of identity of the indigenous people

The proposals included:

1. The National Register of Citizens (NRC) of 1951 shall be made up to date
2. A free zone devoid of trees and houses should be created all along the border and any one crossing without a valid travel document from either side be shot at.

While AASU was initially sticking with the demand for deportation of illegal foreigners who have come to India after independence, the government was insisting on 1971 as the cut off year. The government’s suppression with police and military forces has resulted in terrorizing the entire state of Assam. Despite this the mass people have supported the movement with full heart, and co operations. AASU had to declare tough strategies as the centre continued to use force to suppress the democratic and peaceful movement. AASU directed to all its regional units to carry on the mass satyagraha with full strength, and appealed to the people to be ready for the supreme sacrifice. Curfew, Lathicharge, Firings became common incidences. Number of Killings started increasing. The death count touched hundreds, including students and supporters.

Many rounds of direct talks with government failed. The 1983 general election of state legislative assembly and by-election to 12 parliamentary constituencies were boycotted. The agitation turned violent. Tens of people were brutally killed by police firings. The central government passed in the parliament and imposed upon in Assam the IM (DT) act; the Illegal Migrants (Determination by Tribunals) Act, in October, 1983. The number of people killed by the government forces touched several hundreds.

The 1983 violence had a traumatic effect on both sides, which once again resumed negotiations in earnest. Finally, the Rajiv Gandhi government was able to sign an accord with the leaders of the movement on 15 August 1985. All those foreigners who had entered Assam between 1951 and 1961 were to be given full citizenship, including the right to vote; those who had done so after 1971 were to be deported; the entrants between 1961 and 1971 were to be denied voting rights for ten years but would enjoy all other rights of citizenship. A parallel package
for the economic development of Assam, including a second oil refinery, a paper mill and an institute of technology, was also worked out. The central government also promised to provide ‘legislative and administrative safeguards to protect the cultural, social, and linguistic identity and heritage’ of the Assamese people.

And ultimately on August 15th, at 2-45 AM, the historic Assam Accord was signed by the parties in presence of the then prime minister Sri Rajiv Gandhi, ending the six years long struggle which took so many lives. Signatories of the Assam Accord were:

**Representatives of Assam Movement:**

1. Prafulla Kumar Mahanta, President, All Assam Students Union
2. Bhrigu Kumar Phukan, General Secretary, All Assam Students Union
3. Biraj Sharma, Gen Secretary, All Assam Gana Sangram Parishad

**Representatives of Governments of India and Assam**

1. R D Pradhan, Home Secretary, Government of India
2. P P Trivedi, Chief Secretary, Government of Assam

In the presence of

Sri Rajiv Gandhi, Prime Minister of India