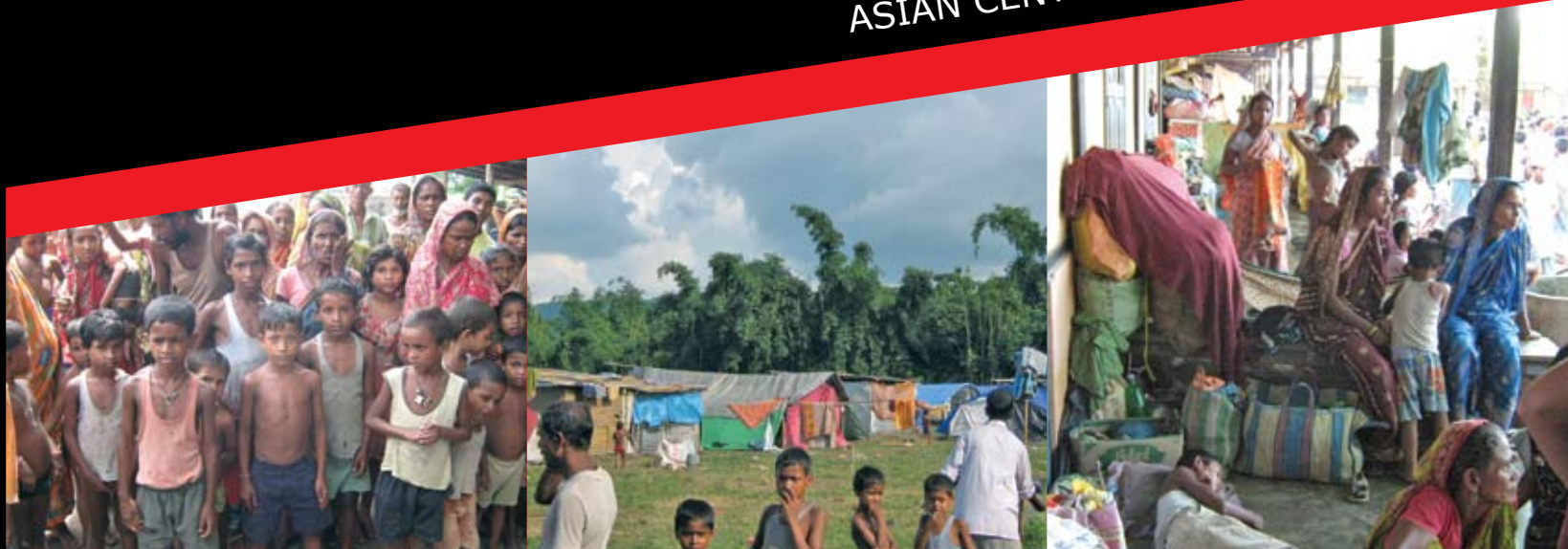




Assam Riots: Preventable but not prevented

ASIAN CENTRE FOR HUMAN RIGHTS



Assam Riots:

Preventable but not prevented



ASIAN CENTRE FOR HUMAN RIGHTS

Assam Riots: Preventable but not prevented

Published by:

Asian Centre for Human Rights

C-3/441-C, Janakpuri, New Delhi 110058 INDIA

Tel/Fax: +91 11 25620583, 25503624

Website: www.achrweb.org

Email: secretariat@achrweb.org

First published September 2012

© Asian Centre for Human Rights, 2012

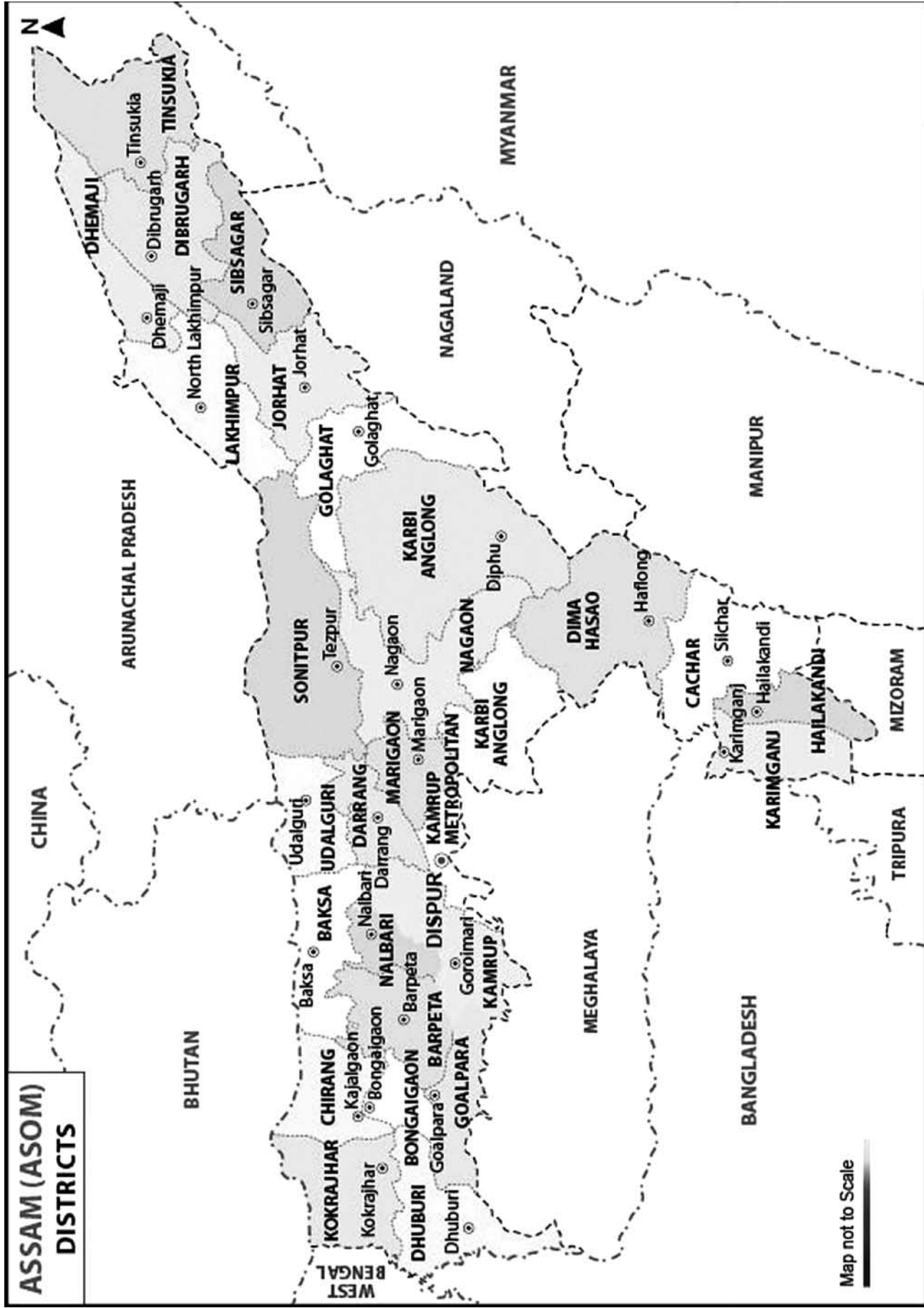
No part of this publication can be reproduced or transmitted in any form or by any means, without prior permission of the publisher.

ISBN : 978-81-88987-25-2

Suggested contribution Rs. 495/-

TABLE OF CONTENTS

1. Prologue: Mainland India's anti-tribal secular activists	1
2. Riots in Assam: Preventable but not prevented.....	4
3. The context	7
i. The Bodos and their movement.....	7
ii. The BTAD and Dhubri: The land of insurgents and guns	7
iii. The current spurt of violence: Distortion of facts.....	9
iv. Beyond illegal immigration: Land rights of the tribals	13
a. Communalisation of illegal immigration	14
b. Illegal immigration - real or imaginary? - The case of Kokrajhar	14
c. Encroachment of the lands of the Bodos and other tribals	17
4. Humanitarian crisis: No Minimum Standards in Humanitarian Response	22
I. Assessment of humanitarian conditions in the Bodo relief camps in Kokrajhar district	22
Food security:.....	22
Utensils	23
Baby food.....	24
Shelter and housing.....	24
Clothing.....	25
Health care.....	25
Water facility	25
Excreta disposal	26
Plight of returnees	26
II. Assessment of humanitarian conditions in the Muslim relief camps in Kokrajhar, Dhubri and Chirang districts	27
Food Security	27
Utensils	28
Baby food.....	29
Shelter and housing.....	29
Clothing.....	30
Health care.....	30
Water facility	31
Excreta disposal	32
Plight of returnees	33
5. Recommendations:.....	34
Annex-I: Chapter X of the Assam Land Revenue Regulation, 1886	35
Annex-II: India's rehabilitation package for the Sri Lankan Tamil IDPs	38
Annex-III: ACHR's critique of the report of the National Commission for Minorities	40



1. Prologue: Mainland India's anti-tribal secular activists

Since 20 July 2012, the riots in the Bodoland Territorial Autonomous Districts (BTAD) consisting of Baksa, Chirang, Kokrajhar and Udalgiri districts, and neighbouring Dhubri district of Assam have claimed about 90 lives as on 31 August 2012 and displaced over 400,000 people. This internal displacement has been variedly described as the largest one since India's partition and the affected areas have been visited by Prime Minister Manmohan Singh, then Union Home Minister P Chidambaram, the current Union Home Minister Sushil Kumar Shinde, Congress President Sonia Gandhi and leader of the Bharatiya Janata Party (BJP) LK Advani.

Some of the affected areas were also visited by Asaduddin Owaisi, a Lok Sabha Member of Parliament from Hyderabad and president of All India Majlis-e-Ittehadul Muslimeen on 28 July 2012¹ and in the first week of August 2012,² and by the International Working President of the Viswa Hindu Parishad (VHP), Pravin Togadia on 4 August 2012.³

It did not take long to paint the riots in Assam as a “communal” one along the lines (Hindus vs Muslims) witnessed in mainland India for centuries. As a violent demonstration was held at Azad Maidan in Mumbai on 11 August 2012 to protest against the attacks on the Muslims in Myanmar and Assam (both unrelated) and over 50,000 people hailing from North East India fled from various States of mainland India due to the physical attacks and threats from religious fundamentalists, a riot that started over local disputes and extortion by the insurgents in Assam became the national issue. Illegal immigration of Bangladeshi Muslims became the hot potato though there is no evidence to suggest that illegal immigration was the immediate *raison d'être* for the riots.

The truth is: had the four Bodo tribal youths not been lynched by a mob belonging to the Muslims after being snatched from the custody of a police party led by Officer In-Charge of Kokrajhar Police Station and Deputy Superintendent of Police, Anjan Pandit on 20 July 2012, the riots would not have started in the first place. Even the killing of two Muslims on 6 July 2012 was attributed to the Kamtapuri Liberation Organisation by none other than Home Minister of India before the Rajya Sabha, Upper House of the Parliament.

Yet, the Bodo tribals (about 1.5 million in total in Assam), who are also religious minorities, were disturbingly demonised as some media and secular activists suggested that Assam riots were another Gujarat riots. The Bodos were accused of “ethnic cleansing” of the Muslims (about 10 million in Assam) - a war crime under the Rome Statute of International Criminal Court and the Geneva Conventions while Assam Government was accused of “incentivising ethnic cleansing”. If indeed the Bodo insurgents were not involved in the killing of two Muslims on 6 July 2012 and the riots sparked off following the killing of four Bodo youths, can the riots be described as ethnic cleansing by the Bodo tribals? It is true that in the riots that lasted over a month, both communities got involved and affected.

A number of secular activists, who otherwise never covered other inter-tribal riots, descended to Assam, and interpreted the riots to public through narrow prism of mainstream India's narrative on majority and

1. <http://www.ndtv.com/article/india/blog-an-mp-describes-his-visit-to-assam-s-relief-camps-252636>
2. http://twocircles.net/2012aug04/far_his_constituency_owaisi_doing_relief_work_assam.html
3. VHP demands deportation of illegal Bangladeshi migrants, The Seven Sisters Post, 5 August 2012

minority (Hindus and Muslims) and the 2002 Gujarat riots. Many described the Nellie massacre of 1983 as the handiwork of the Rashtriya Swayamsevak Sangh (RSS) while the All Assam Students Union (AASU) was clubbed with the BJP and the RSS. That the Bodos started their movement against the Assamese domination was conveniently missed and all those who raised illegal immigration issue were vilified as “anti-Muslims”. This is despite fact that the decadal growth rate of population in Kokrajhar district was 76.75% against 53.25% in Assam during 1971-1991. Irrespective of whether the high decadal growth rate in Kokrajhar was a consequence of migration or illegal immigration, its impact was clear: it caused massive land alienation amongst the Bodo tribals in clear violation of the Chapter X of the Assam Land Revenue Regulation (ALRR), 1886 that prohibits acquiring or possessing “by transfer, exchange, lease, agreement or settlement any land in any area or areas constituted into belts or blocks” by non-tribals.

Even the National Commission for Minorities (NCM) erred on judgements and propriety while addressing the riots in Assam. Apart from the report being biased and self-contradictory, it inexplicably failed to include its member from the North East, Mr H T Sangliana in the team that visited affected areas on 11-12 August 2012 but had included Dr Syeeda Hameed and G B Panda from the Planning Commission.

The North East, because of its history, tribalism and contesting territorial claims together with the fear of losing identities with the loss of land, remains complex. But the illiteracy on the North East continues to plague mainland India. That the otherwise enlightened civil society is not an exception has come to the fore. In this extremely caste conscious society (identified through surnames) of mainland India, “Narzary” (a Bodo surname) and “Nazrul” (a Muslim name) are mistaken to be from the same community.

The riots in Assam were absolutely preventable but not prevented because of the criminal dereliction of duty by officials from the Officer-in-Charge of Kokrajhar Police Station to the highest authorities of India’s military establishment i.e. Secretary to the Ministry of Defence, Chief of the Army Staff, Director General Military Operations and the Commander of the Eastern Command.

Obviously, there is a serious problem when a few secular activists actually laud the Mumbai Police for inadequate action against violent criminal acts unleashed at the Azad Maidan protest rally on 11 August 2012 where policemen were beaten, policewomen molested and their rifles snatched away. It is problematic because it is the same inaction that made the Bodoland an inferno – after all, it is the lynching of the four Bodo tribal youths after snatching them from police custody that sparked the riots. And none has reportedly been arrested so far for the murder of those four Bodo youths.

The inaction did not stop there. The Army stationed in the BTAD areas under the Armed Forces Special Powers Act, 1958 and bound to act under the command of the Unified Command headed by Chief Minister of Assam refused to intervene until the second request was made by the Ministry of Home Affairs on 24 July 2012. By the time the Army started deployment on 25 July 2012, about 44 persons were killed and over 200,000 persons were displaced, and the damage was done.

Assam now faces threats of religious fundamentalism as never seen before. The unwillingness of the Government of India to rehabilitate the displaced Indian citizens at par with what is being provided to Sri Lankan Tamil displaced persons is being replaced by the charities of the religious fundamentalists. The misery of the displaced persons is being used to solidify political support base.

Ironically, a number of secular activists of mainland India blinded by their tunnel vision on secularism have also been contributing to communalisation of the riots in Assam; and they echoed the Muslim fundamentalists' mis-propaganda about ethnic cleansing in Assam. Many of these secularists have conveniently forgotten that the Bodos are tribals and that non-tribals irrespective of whether Hindus, Muslims or Christians and whether Assamese, Bengalees or Haryanvis cannot purchase or become beneficiaries of transfer of lands as per Chapter X of the ALRR, 1886. Essentially many of these secular activists have turned out to be anti-tribal, not only for undermining their land rights recognised since the British period and the constitution of India but also by terming creation of the autonomous councils as "incentivising ethnic cleansing".

Is the discourse on the rights of religious minorities vs the rights of the scheduled tribes in the context of North East India the new challenge of India's human rights movement? Or is it a more fundamental problem - those blinded by groups' interests do not follow the key principles of human rights activism: independence, impartiality and objectivity.

Suhas Chakma
Director

2. Riots in Assam: Preventable but not prevented

Following the spread of the riots, a team of the Asian Centre for Human Rights (ACHR) visited relief camps at Kajalgaon, Daimalu, Basugaon, Ghilabari, Bidyapur in Chirang district; Kokrajhar Commerce College relief camp and Bhotgaon relief camp in Kokrajhar district and Lakhiganj and Bilashipara relief camp in Dhubri district on 27-28 July 2012. Based on the preliminary findings, ACHR filed a complaint with the National Human Rights Commission seeking, among others, development of “Guidelines for Ensuring Security, Humanitarian Assistance and Rehabilitation of the Conflict Induced IDPs” in the light of the displacement in Assam.

ACHR conducted a further field visit to the relief camps in Kokrajhar, Chirang and Dhubri districts on 11-12 August 2012. ACHR team visited six Bodo relief camps and nine Muslim relief camps. ACHR’s team further visited the same relief camps on 27-29 August 2012 to further assess the humanitarian situation.

ACHR is firmly of the opinion that the recent riots in Assam that started on 20 July 2012 were absolutely preventable but not prevented by the State Government of Assam and the Ministry of Defence.

First, there were numerous warnings about the impending riots but the State Government of Assam failed to take note of the early warnings. No security measure was taken following the rally by the All Bodoland Minority Students Union (ABMSU) at Kokrajhar on 7 July 2012 by carrying the dead bodies of Md. Nurul Haque and Md. Mujibar Rahman allegedly killed by the Kamtapur Liberation Organization (KLO) cadres on 6 July 2012. The rally concluded after a memorandum was submitted to the Chief Minister through the Deputy Commissioner of Kokrajhar. The campaign for arrest of the culprits was already building up. As the murderers were not arrested, the ABMSU activists decided to meet the Assam Governor in Guwahati. The police authorities allegedly changed the schedules of the trains from Kokrajhar to Guwahati to prevent the ABMSU leaders from submitting a memorandum to the Governor on 16 July 2011.⁴ Yet, the State government took no further security measures.

Second, with respect to the killing of Md. Nurul Haque and Md. Mujibar Rahman on 6 July 2012, Union Home Minister, Sushil Kumar Shinde, while replying before the Rajya Sabha stated, “*On July 6, Kamtapuri Liberation Organisation terrorists fired indiscriminately at Muslimapara Gaon under Gossaiagaon Police Station killing two persons belonging to Muslim community and injuring three persons. One KLO terrorist was arrested in connection with the case registered in this regard. Though this was communicated to the Muslim people of the area, it was not believed by them and they strongly suspected the hands of Bodo miscreants in the incident.*”⁵

If it was indeed known to the authorities that the persons representing the Muslim community did not believe that the KLO cadres were involved, the State Government could have taken immediate security measures to prevent outbreak of violence considering the history of riots in Assam.

Third, on 20 July 2012, four Bodo youths identified as Pradip Boro (32 years), Dhruvajit Goyary (28 years), Jatin Goyary (24 years), and Jwngsar Boro (27 years) were killed by a mob which had assembled to discuss about *Tarabi Namaj*. These four Bodo youths took shelter in the van of the police patrol team led by the Officer In-Charge of Kokrajhar Police Station and Deputy Superintendent of Police, Shri Anjan Pandit and

4. Interview with ABMSU Central leadership at their office in Kokrajhar, 12 August 2012

5. Clarify stand on Assam Accord: BJP tells Sonia, The Seven Sisters Post, 10 August 2012

lynched to death. When it was known to the police that the riots had started, no visible measures were taken to prevent spread of the riots except asking the help of the Central Government.

Fourth, when the riots started on 21 July 2012, the State Government of Assam refused to rush in its own 27,595 State Armed Police and 27,178 Civil Police⁶ as well as the Central Armed Forces deployed in other parts of Assam. Rather, it waited for the MHA to send its troops from neighbouring States.

It is clear that the State Government failed to learn any lesson including identification of the sensitive areas for necessary security beef up. Chief Minister Tarun Gogoi who came to power in 2001 is aware that four major riots already took place under his regime. These include riots in Karbi Anglong district between the Karbis and Dimasas in September-November 2005 displacing about 45,000 people; between the Bodos and Muslims in Darrang and Udalguri districts in August 2008 leading to displacement of over 200,000 people; between the Dimasas and Nagas in the North Cachar Hills district in March-May 2009 leading to displacement of 11,737 persons and between the Rabhas and Garos in January 2011 leading to displacement of over 50,000 persons. In addition, there were major riots between the Bodos and Muslims in Kokrajhar and Bongaigaon districts leading to displacement of 18,000 persons in October 1993; between the Bodos and Adivasis in Bongaigaon district leading to displacement of 2,62,682 persons in May 1996; and between Bodos and Adivasis in Bongaigaon district displacing 3,14,342 persons in September 1998.

Fifth, the refusal of the Army to obey the orders of the Unified Command actually led to the spread of the riots. The conflict started on 20 July 2012 but the Army who are deployed under the Armed Forces Special Powers Act, 1958 in the State and operate under the Unified Command refused to obey the orders of the Chief Minister, the overall in-charge of the Unified Command. The Minister of Defence Mr A K Anthony while replying before the parliament stated that “*State Government of Assam requested Ministry of Defence (MoD) through a fax on 21.7.2012 (Saturday) evening for deployment of Army in Kokrajhar. The Ministry of Defence on learning of the request sought the assessment of the situation from the Army as they were already in deployment for counter insurgency duties in Assam*”.⁷ The Defence Minister suggested that the Army were deployed for counter insurgency duties and therefore, they could not be deployed for any other purposes without prior sanction of the Ministry. The refusal of the Army to be deployed and seeking permission from the Ministry of Defence for deployment are illegal as the Army are deployed in aid of civil power and further as per Sections 130 and 131 of the Criminal Procedure Code, 1973, the District Magistrate can direct the army to be deployed. Further, even by the yardstick of the Defence Minister, the army should have immediately intervened as the insurgents were involved in the riots.

Yet, no action was taken on the request of the State Government of Assam made on 21.7.2012 as the army was still studying the situation. Finally, the Army was deployed only following a request by the Ministry of Home Affairs. As the Defence Minister while replying to the question in the parliament also stated, “*Further, a fax message was received from the State government on 24th July, 2012 for deployment of Army in aid to civil authorities in the districts of Kokrajhar, Dhubri and Chirang. Ministry of Home Affairs on 24th July, 2012 requested for deployment of Army in these districts. Ministry of Defence issued directions for deployment of Army in aid to civil authorities on the same day*.” When the Army started moving in by 25 July 2012, about 44 people were killed and about 200,000 people were displaced.

6. Data on Police Organisations in India As on January 1, 2011, Bureau of Police Research and Development available at <http://bprd.nic.in/writereaddata/linkimages/7468672195-Data%20on%20Police%20Organization%202011.pdf>

7. STARRED QUESTION NO 222 ANSWERED ON 27.08.2012 in the Lok Sabha by the Minister of Defence and available at <http://164.100.47.132/LssNew/psearch/QResult15.aspx?qref=126421>

Had the Army conducted the flag march on 22 July 2012, the riots would have never spread. According to Mr R N Ravi, who recently retired as Special Director, Intelligence Bureau there were 87 extrajudicial killings in 2011 in Assam.⁸ The Army were involved in many of these cases but it came to defence of the right to life of the citizens of the country, they were waiting for instructions from the Ministry of Defence!

Sixth, there is over reliance on the Ministry of Home Affairs for security response to the riots in Assam.

A clash between the New Year revellers belonging to the Garos and the Rabhas on the night of 31 December 2010 started a major ethnic conflict. The authorities failed to contain the situation while the Ministry of Home Affairs did not consider it necessary to intervene. The conflict was brought under control after a team of MHA led by Joint Secretary (North East) Shambu Singh visited the riot-hit areas and read the riot act to the state governments of Assam and Meghalaya.⁹ The central team advised the district administration of the East Garo Hills, Meghalaya and Goalpara, Assam, to issue shoot-at-sight orders against violators of curfew.¹⁰ As a part of the action plan, the security forces with the help of the army moved in swiftly and cut off all entry and exit routes between the two districts to prevent any escalation of violence and several people from both sides of Assam and Meghalaya were taken under preventive detention as part of the security strategy.¹¹

Similarly, the situation in the BTAD was brought relatively under control following the visit of a MHA team led by Shambu Singh, Joint Secretary on 25 July 2012. The MHA team visited Kokrajhar in a bid to restore normalcy and held a closed-door meeting with high-level officials of Kokrajhar district administration and security forces including the Army.¹² The team asked security forces to enter into the interiors of the districts and carry out area domination operation.¹³ No major incident of violence was reported till 4 August 2012.¹⁴ While there were sporadic reports of clashes, it is clear that coordination by the MHA made the difference.

The question remains as to why the Assam Government cannot ensure such coordination of security response as done by the MHA?

Seventh, there is little policing in the BTAD areas. The security needs were not addressed immediately. A total of 62 fixed security pickets were proposed of which 52 pickets were set up till 4 August 2012.¹⁵ Despite the establishment of these fix security pickets violence took place on 5 and 6 August 2012 in Kokrajhar and Chirang Districts, which resulted in death of eight persons and injuries to two others.¹⁶ This indicates that security arrangement was not adequate and pickets were not established in all the sensitive areas. The police failed to take firm and decisive action at the right time. In a confidential note the Assam Police admitted its failure by stating that the junior police officers were unable and unwilling to take action when required, while the seniors were loath to take responsibility for the lapses.¹⁷

8. No, Prime Minister, Assam needs therapy, by R N Ravi, *The Statesman*, 12 August 2012

9. MHA official visits riot-hit areas, *The Assam Tribune*, 11 January 2011

10. Shoot-at-sight in Garo hills & Goalpara, meet today, *The Telegraph*, 11 January 2011

11. Garo-Rabha clashes: Centre rushes forces to Meghalaya, shoot-at-sight order in Assam, *The Times of India*, 12 January 2011

12. MHA officials review Kokrajhar situation, *The Assam Tribune*, 26 July 2012

13. Toll rises to 40, rail links partially reopened, *Tehelka*, 23 July 2012, available at: http://tehelka.com/story_main53.asp?filename=Ws230712Assam.asp

14. Statement of Sushil Kumar Shinde, Union Minister of Home in Rajya Sabha on the violence in Assam, 9 August 2012, available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=85875>

15. 52 fixed security pickets operational in Kokrajhar, *The Sentinel*, 5 August 2012, available at: <http://www.sentinelassam.com/state1/story.php?sec=2&subsec=2&id=127174&dtP=2012-08-05&ppr=1>

16. Statement of Sushil Kumar Shinde, Union Minister of Home in Rajya Sabha on the violence in Assam, 9 August 2012, available at: <http://pib.nic.in/newsite/PrintRelease.aspx?relid=85875>

17. Assam Police failed to act: Internal note, *The Times of India*, 22 August 2012

3. The context

i. The Bodos and their movement

The Bodos are one of the major tribes of Assam; and they belong to religious minorities as 50% of the Bodos follow their “Bathou” animist religion and 50% follow Christianity. Like all tribes in erstwhile Assam¹⁸, their initial grudge was against the cultural and political domination by the majority Assamese. The deprivation by the Assamese and non-implementation of the Assam Land Revenue Regulation, 1886 led to the demand for a separate Bodoland State. Many of the Bodo leaders participated in the anti-foreigner agitation started by the All Assam Students Union (AASU) in 1979. Following the Assam Accord of 1985, then AASU leadership led by Prafulla Kumar Mahanta founded the Asom Gana Parishad (AGP) and in the elections held in 1985, the AGP came to power.

However, the aspiration of the Bodos were far from being fulfilled. This led to the demand for a separate State by the All Bodo Students Union (ABSU) under the leadership of late Upendranath Brahma. The Special Security Bureau trained the Bodo youths to counter the AGP Government. The Bodos continued to demand for a separate State. The signing of the two accords in 1993 (among ABSU and Bodo Peoples Action Committee, the Union government and the Assam government) and 2003 (among the Assam government, the Union government and the Bodo Liberation Tigers) failed to bring the peace process to logical conclusion. The Government of India and the State Government of Assam are yet to hold discussions with the National Democratic Front of Bodoland (Ranjan Daimary faction).

The 2003 Accord led to the creation of an “autonomous self governing body to be known as Bodoland Territorial Council (BTC) within the State of Assam and to provide constitutional protection under the Sixth Schedule to the said Autonomous Body; to fulfil economic, educational and linguistic aspiration and the preservation of land-rights, socio-cultural and ethnic identity of the Bodos; and speed up the infrastructure development in BTC area.”¹⁹

The Bodo inhabited districts of Chirang, Baksa, Kokrajhar and Udalgari have been declared as the BTC.

ii. The BTAD and Dhubri: The land of insurgents and guns

If Assam is a miniature of India in terms of diversity and conflicts, Bodoland is indeed a miniature of Assam.

In terms of ethnic diversity, Udalguri district is inhabited mainly by Bodos, Rabhas and Koch-Rajbungshis.²⁰ Out of total population of 7,56,671 in Udalguri district, 2,42,686 (32.07%) are Scheduled Tribes²¹ and the rest are Assamese, Bengali Hindus and Muslims.

Baksa district with a total population of 9,53,773 as per 2011 census²² is inhabited mainly by Bodos, Rabhas, Assamese, Sarania-Kachari, Koch-Rajbonshi, Adivasis, Nepalis, Bengalis and religious minorities.²³

18. It must be noted that Meghalaya, Mizoram, Nagaland were part of erstwhile Assam and separated from Assam. In addition to the Bodos, the Karbis of Karbi Anglong district and Dimasas of the North Cachar Hills district have been demanding Autonomous States.

19. The full text of the BTC Accord is available at http://cdpsindia.org/btc_accord.asp

20. <http://udalguri.gov.in/peopleculture.htm>

21. <http://udalguri.gov.in/districtatglance.htm#population>

22. http://baksa.gov.in/district_profile.html

23. http://baksa.gov.in/about_baksa_gedemotopo.html

Chirang district has been carved out of the districts of Kokrajhar, Bongaigaon and Barpeta in 2003 and has a total population 4,81,818 as per 2011 census.²⁴ The main groups are Bodos, Muslims, Hindu Bengalis, Adivasis, Koch Rajbongshis, Assamese, Rabhas etc.

Kokrajhar district with a total population of 886,999 as per 2011 census is inhabited mainly by Bodos, Rabhas, Rajbongshis and Adivasis and the rest are Assamese, Bengali Hindus and Muslims.²⁵

All the groups in Bodoland consider themselves as minorities and expressed their aspiration through insurgencies. The guns, both illegal and legal, dominate the lives in the BTAD as the State Police and the powerful politicians are complicit with the armed groups.

The current active insurgent groups are the National Democratic Front of Bodoland (pro-talks and Daimary faction), Adivasi Cobra Force, Kamtapuri Liberation Organisation (KLO), Muslim United Liberation Tigers of Assam, All Adivasi National Liberation Army, Adivasi Cobra Military of Assam, Birsa Commando Force, Santhal Liberation Tigers and Adivasi Peoples Army.

Other insurgent groups which regularly appeared in the news include the Adivasi Security Force, All Assam Adivasi Suraksha Samiti, Islamic Liberation Army of Assam, Islamic Sevak Sangh, Islamic United Reformation Protest of India, Koch-Rajbongshi Liberation Organisation, Muslim Liberation Army, Muslim Security Council of Assam, Muslim Security Force, Muslim Tiger Force, Muslim United Liberation Front of Assam, Muslim Volunteer Force, People's United Liberation Front, Revolutionary Muslim Commandos, United Muslim Liberation Front of Assam etc.

The insurgency in the area thrives among others as a result of extortion. The BTAD is the gateway to the North East India and each and every truck/lorry carrying goods to the North East India is required to pass through Srirampur gate in Kokrajhar district. All the active insurgent groups collect taxes in complicity of the State Police. Since 2003 Accord, a number of State police officials collected taxes from the Srirampur Gate by using the surrendered insurgents.

Further, the security agencies continue to use large number of armed groups in the BTAD for counter insurgency purposes. In the initial years, the Bodo youths were given arms training by the Special Security Bureau. It is a public knowledge that the Adivasi armed groups and the KLO were used to counter the Bodo armed groups, while there are reports that the Adivasi armed groups are currently being used for countering the Naxalites in mainland India. The porous border in Dhubri provided the Muslims armed groups' access to arms from Bangladesh but it has become difficult since the Awami League government came to power in December 2009.

The BTAD reportedly has the largest number of armed groups and legal and illegal arms in Assam and the governmental authorities are complicit with the armed groups. Though the Central Government and the State Government of Assam have signed the Accord with the Bodoland Liberation Tigers (BLT) which rechristened itself as the Bodoland Peoples Front (BPF), fratricidal killings with the National Democratic Front of Bodoland (NDFB) continue unabated. This proves that both the groups possess arms. The Government of India has failed to take the peace process with the Bodos to logical conclusion despite demands from the NDFB (Ranjan Daimary faction) to hold talks.

24. <http://chirang.gov.in/distprofile.htm>

25. <http://www.kokrajhar.gov.in/aboutdist.htm>

iii. The current spurt of violence: Distortion of facts

The main ethnic groups (especially Bodos, Adivasis and Muslims) virtually live on edges and a small clash between individuals belonging to different ethnic groups have the potential to turn into huge communal riots. At the same time, extortion and killings remain part of daily life in the BTAD and these has reached such proportion that in December 2011, about 28 doctors of the RN Brahma Civil Hospital, Kokrajhar had to flee.

Political leaders, administration and students' union leaders and the armed groups are complicit in the BTAD. As the BTC falls under the Sixth Schedule, a substantial number of contracts are given to the tribals but majority of the sub-contracts are implemented by the non-tribals. The non-tribals who are sub-contractors have connections with the Students Unions and political parties. At the same time, the sub-contractors are also the target of the armed groups and failure to pay extortion or dispute over amount often lead to killings. These killings can turn into major riots.



Four Bodo youths lynched on 20 July 2012 sparking the riots

For the recent riots, the National Commission for Minorities (NCM) which failed to note that the Bodos are also religious minorities sought to blame the Bodos for the current violence and stated that:

“2. It was emphasized that some political dialogue with Bodos and Shri HAGARAMA MAHILARY, Chief Executive of the BTAD was absolutely essential. The Bodos need to be told firmly that they cannot under any circumstances engineer a mass exodus of non-Bodos. Nor would they ever get statehood this way. The C.M. was requested to kindly consider taking up the matter himself with the Bodo Council.”

This above statement is contradictory as the NCM in the subsequent paragraph further stated:

“3. The police must be more forceful with both Bodos and Muslim criminals. Had prompt action been taken after two Muslims were killed on 6th July, or after four Bodos were snatched away from the hands of the police and killed by Muslims, this conflict could have been avoided..”

What the NCM failed to highlight is the fact that there was a gap of 16 days between the killing of two Muslims on 6 July 2012 and the killing of four Bodo tribals on 20 July 2012 and there were no riots during the intervening period. The riots actually started on 21 July 2012 following the lynching of four Bodo tribals

by a mob belonging to the Muslims after snatching them from the custody of the Assam Police on 20 July 2012. If indeed the riots have started following the killing of four Bodo youths, could the Bodos be accused of engineering a mass exodus? The NCM was not alone: a number of media persons and secular activists described the recent riots as a case of ethnic cleansing by the Bodos while the sequence of events indicates that the current spate of violence essentially started over extortion which was mixed up with a dispute over an Idgah as explained below.

The Muslims allegedly occupied a plot of forest land at Bedlangmari under Nayekgaon-Balaghat Tribal Block and put an Idgah Phalak (Signboard). As the land allegedly is a forest land, the Forest Department of the State Government of Assam issued an eviction notice and dismantled the signboard. The Muslims suspected the Bodoland Territorial Council to be behind the eviction drive.

On 29 May 2012, the All Bodoland Minority Students Union (ABMSU) called a Kokrajhar Bandh to protest against the eviction. The protest turned violent and the ABMSU activists attacked a police team led by H.K. Nath, Additional Superintendent of Police. Four persons were injured and admitted at RNB Civil Hospital in Kokrajhar and one critically injured was referred to the Guwahati Medical College and Hospital.²⁶ Those injured belonged to the Bodo community and have been identified as (1) Mr Danen Goyary, son of Kapindra Goyary of Betagaon village under Bilasipara Police Station and a staff of the BTC; (2) Mr Dwimalu Brahma, son of Medha Brahma and a Home Guard; (3) Bimal Brahma, Ambulance driver of Shyamgaon village and (4) Jawngsar Brahma, son of Namalsing Brahma of Shamguri village under Kokrajhar Police Station. The motor cycles of Mr Danen Goyar and Mr Bimal Brahma were burnt. FIRs were registered but the police failed to arrest any person.²⁷

Though unconnected to the issue of Idgah at Bedlangmari, communal tensions have also been building up in Assam over the marriage of Congress MLA Rumi Nath to Mr Jaki Jakir. Ms Nath's first husband Rakesh Singh with whom she has a two-year-old daughter filed an FIR on 6 June 2012 accusing her of bigamy, theft etc. Ms Nath was first elected to the Assembly in 2006 on a BJP ticket from the Borkhola constituency in the Barak Valley and later defected to the Congress. Once she eloped with Mr Jakir and converted into Islam, both the Hindus and Muslims have been provoking communal tensions in social circles and authorities were apprehensive of riots in the Barak valley. On 30 June 2012, Rumi Nath and her second husband Jaki Jakir were assaulted by a mob of 200 people at Karimganj²⁸ which indicated the prevailing tension.

On 30 June 2012, unidentified persons shot at two Muslim labourers at Sapkata under Gossaigaon Police Station, Kokrajhar district, in which one died on the spot and the other was seriously injured. The Bodo insurgents were suspected while police enquiry revealed that Adivasi armed groups were involved in the incident.

The situation worsened after Md. Nurul Haque and Md. Mujibar Rahman were killed near Antihara village under Dotma Police Station on 6 July 2012.

On this incident, the Union Home Minister, Sushil Kumar Shinde, while replying before the Rajya Sabha stated, *"On July 6, Kamtapuri Liberation Organisation terrorists fired indiscriminately at Muslimapara Gaon under Gossaigaon Police Station killing two persons belonging to Muslim community and injuring three persons. One*

26. ABMSU bandh turns violent, vehicle torched, The Assam Tribune, 29 May 2012 available at <http://www.assamtribune.com/scripts/detailsnew.asp?id=may3012/at09>

27. Interview with the leaders of All Bodo Students Union.

28. MLA Rumi Nath, husband assaulted, The Assam Tribune, 30th June 2012 available at <http://www.assamtribune.com/scripts/detailsnew.asp?id=jul0112/at06>

*KLO terrorist was arrested in connection with the case registered in this regard. Though this was communicated to the Muslim people of the area, it was not believed by them and they strongly suspected the hands of Bodo miscreants in the incident.*²⁹

Apparently because of the dispute over the Idgah, the ABMSU blamed the Bodos for the killing on 6 July and organised a protest against these killings on 7 July 2012. During the protest, the ABMSU activists blocked road traffic in several places of Kokrajhar and Gossaigaon and took out a procession carrying the two dead bodies that inflamed the situation. “A section of the mob also set motorbikes ablaze, damaged vehicles and pelted stones”.³⁰

As no action was taken to nab the culprits, the ABMSU continued its protests. On 16 July 2012, the ABMSU decided to meet the Governor of Assam in Guwahati to submit a memorandum for necessary action against the culprits. About 5,000 people were supposed to attend the meeting with the Governor. The ABMSU leaders alleged that all the train schedules were changed. Finally, the ABMSU activists boarded the Charaighat train and reached Guwahati where they submitted the memorandum to the Governor.³¹

On 19 July 2012, two student leaders, namely Mahibul Haque Ratul and Mohammed Abu Siddique, belonging to the ABMSU and All-Assam Minority Student’s Union were shot at near Kokrajhar by unidentified gunmen. While the exact reasons could not be identified, a number of people interviewed by the Asian Centre for Human Rights stated that this particular incident was linked to dispute over extortion.

On 20 July 2012, four Bodo youths identified as Pradip Boro (32 years), Dhrubajit Goyary (28 years), Jatin Goyary (24 years), and Jwngsar Boro (27 years) were killed while they were returning from Bhatipara side towards Kokrajhar on two motorcycles. It was the first day of Ramzan and some persons gathered at Joypur village to discuss about *Tarabi Namaj*. These four Bodo youths were coming from Narabari towards Joypur village, about one kilometer from the police station. A police patrol party led by the Officer In-Charge of Kokrajhar Police Station and Deputy Superintendent of Police, Anjan Pandit was also patrolling the area and reached Joypur village. Once the Bodo youths reached Joypur, they were confronted and surrounded by the Muslim mob who suspected them to be insurgents. In order to save themselves, the Bodo youths took shelter inside the Police van. The mob snatched the four Bodo youths from the police custody and lynched them to death in front of the police.

By 21 July 2012, it turned into a full-fledged conflict.

According to the ABMSU, on 21 July 2012 morning, three Muslims including one woman and one rickshaw puller were killed in Narabari in Kokrajhar district. Another person identified as Sahadat Ali, father of Dhuramari, was killed and five others injured.³²

The All Bodo students union also alleged that as the villagers were busy for cremation of the four youths killed on 20 July 2012, miscreants belonging to Muslims attacked Paroura village under Fakiragram Police Station, burnt down Bodo houses and killed two Bodo women namely Dandi Basumatary (62 years), wife of Laicharan

29. Clarify stand on Assam Accord: BJP tells Sonia, The Seven Sisters Post, 10 August 2012

30. Kokrajhar tense after killings, The Assam Tribune, 8 July 2012 available at <http://www.assamtribune.com/scripts/detailsnew.asp?id=jul0812/at08>

31. Interview of ABMSU Central leadership at their office in Kokrajhar, 12 August 2012

32. Interview of ABMSU Central leadership at their office in Kokrajhar, 12 August 2012

Basumatary, and Dali Basumatary (65 years), wife of Atul Basumatary. In the attack, Atul Basumatary (65 years) was also wounded seriously and admitted to RNB Hospital, Kokrajhar. Another person named Randaram Narzary (70 years), son of late Tekla Narzary, inhabitant under Fakiragram Police Station, was attacked and hacked to death.

Since then, the riot/violence spread to other areas and about 90 persons have been killed as on 31 August 2012.

While a number of inquiries including by the Central Bureau of Investigation and a Judicial Commission of Inquiry may never examine, a number of sources alleged that a section of political leaders of the ruling Congress who have been leading “Oust Tarun Gogoi campaign” utilised the situation to show the Chief Minister as an incapable administrator. Internal infighting within the ruling Congress Party reached a crescendo following induction of Gaurav Gogoi, son of Chief Minister Tarun Gogoi, as a primary member of the Congress Party in May 2012. The induction was seen as Tarun Gogoi attempting to groom his son. The campaign to oust Tarun Gogoi by nominating him as a candidate of Vice President of India also did not materialize as the Congress selected Hamid A Ansari as Vice Presidential candidate.

In this context it is pertinent to mention that on the killing of two Muslims on 6 July 2012, the Union Home Minister, Sushil Kumar Shinde categorically stated, “*Though this (killing by the KLO cadres) was communicated to the Muslim people of the area, it was not believed by them and they strongly suspected the hands of Bodo miscreants in the incident.*”³³ It was alleged that those engaged in showing Tarun Gogoi as an incapable administrator had a hand to convince the representatives of the Muslim community not to believe that the killing of two Muslims on 6 July 2012 were committed by the KLO cadres and they flared up the conflict between the Bodos and Muslims.

Chronology of the major incidents of killings:

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).³⁴

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).³⁵

23 July 2012: Two bodies were recovered in Kokrajhar (one near Patharghat and another in Namapara).³⁶

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.³⁷

25 July 2012: Four persons were killed in Chirang, two in Kokrajhar and one at Thelamora village in Sonitpur.³⁸

33. Clarify stand on Assam Accord: BJP tells Sonia, The Seven Sisters Post, 10 August 2012

34. Curfew in Kokrajhar as strife toll touches 9, The Seven Sisters Post, 22 July 2012

35. Strife spreads to Chirang, DIG attacked, The Seven Sisters Post, 23 July 2012

36. Shoot-at-sight in Kokrajhar, The Seven Sisters Post, 24 July 2012

37. Kokrajhar burns, 4 dead in police firing, The Seven Sisters Post, 25 July 2012

38. Chronicle of deaths foretold, The Seven Sisters Post, 26 July 2012

26 July 2012: Two persons were killed – one at Sapkata in Kokrajhar, and one in Dhubri district³⁹

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.⁴⁰

7 August 2012: Three persons were killed at Raniguli village on Kokrajhar-Dhubri border, and one person was killed in Chirang.⁴¹

8 August 2012: One person was killed at Jaganathjhar village in Goreswar bordering Baksa-Udalguri districts, and one person was killed at Mojhari Ghat in Chirang.⁴²

17 August 2012: One person was shot dead at Bandwsora on Kokrajhar-Chirang border.⁴³

18 August 2012: One person was killed in Bhavanipur of Barbari in Baksa district.⁴⁴

22 August 2012: Two persons were killed at Anujuli near Bangaldoba under Chapor police station of Dhubri, along the border with Kokrajhar district.⁴⁵

23 August 2012: One body was recovered at Bangaldoba under Chapor police station of Dhubri.⁴⁶

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.⁴⁷

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.⁴⁸

28 August 2012: One person was killed in Bhumki and Chautaki areas under Salakati police outpost in Kokrajhar district.⁴⁹

iv. Beyond illegal immigration: Land rights of the tribals

While the issue of illegal immigration from Bangladesh has been turned into a communal issue, it is essential to note that the land rights of the tribals as guaranteed under Chapter X of the Assam Land Revenue Regulation, 1886 have been consistently violated. A number of non-tribal villages have come up in notified tribal blocks in the BTAD in clear violations of the Assam Land Revenue Regulation, 1886. The Government of Assam has never taken any measure to prevent encroachment of tribal lands. This has led to development of consciousness that the Government of Assam because of its vote-bank politics seeks to reduce tribals to minorities in their own land.

39. Violence subsides, pain stays, *The Seven Sisters Post*, 27 July 2012

40. Violence revisits tense Chirang, *The Seven Sisters Post*, 6 August 2012

41. Bloodbath on, Dispur seeks CBI probe, *The Seven Sisters Post*, 8 August 2012

42. 1 killed in Goreswar, body found in Chirang, *The Seven Sisters Post*, 9 August 2012

43. Youth shot dead in Kokrajhar, *The Seven Sisters Post*, 18 August 2012

44. BTAD violence on, exodus eases, *The Seven Sisters Post*, 19 August 2012

45. Gunshots break facade of normalcy, *The Seven Sisters Post*, 23 August 2012

46. MLA held for riots; 2 missing in Dhemaji, *The Seven Sisters Post*, 24 August 2012

47. Five killed, one missing in Chirang dist; two bodies recovered in Dhemaji, *The Seven Sisters Post*, 26 August 2012

48. Assam toll crosses 90, Army begins search to locate weapons, *Times of India* (online), 29 August 2012, http://articles.timesofindia.indiatimes.com/2012-08-29/india/33474870_1_illegal-arms-illegal-weapons-assam-toll

49. Fresh flare-up sings BTAD; one dead, *The Seven Sisters Post*, 29 August 2012

a. Communalisation of illegal immigration

There is no evidence to suggest that the latest violence is a direct consequence of illegal immigration. Had the four Bodo tribal youths were not snatched from the custody of the police and lynched to death by a mob belonging to Muslim community on 20 July 2012, the riots would not have started. Once the riots started, the pent up anger against alleged illegal immigrants swept the BTAD and Assam.

There is no denying that illegal immigration remains the single most cross cutting issue in the North East India. Apart from the Armed Forces Special Powers Act, 1958, it is the issue of illegal immigration which unites the diverse communities of the North East India.

The issue of illegal immigration is not due to figment of imagination but unprecedented migration that has changed demography and politics in North East India as a consequence of partition. At the same time, since the time of undivided India, Assam had substantial Muslim population who are citizens and deserve all the rights.

However, politicisation of illegal immigration has reduced it to a communal issue.

b. Illegal immigration - real or imaginary? - The case of Kokrajhar

Though illegal immigration based on 26 March 1971 as the cut off date is not the immediate *raison d'être* for the recent riots in the BTAD, there is no denying that the BTAD areas had witnessed unprecedented population explosion. The Bodos alleged illegal immigration while the Muslims and a few secularists consider it as “anti-Muslim propaganda” to justify ethnic cleansing.

It is pertinent to point out that illegal immigration as the underlying cause of the conflicts cannot be understood from statistics of the decadal growth rate of the Muslim population in the BTAD or Assam in the last two decades. Rather, migration or illegal immigration does not in the beginning lead to any conflict even in cases where the Governments had sponsored population transfer of the majority communities like in China and Indonesia. Animosity and conflicts start once the migrants/illegal immigrants start acquiring lands, thereby creating loss of identities. The political assertion by the migrants/ illegal immigrants which usually takes couple of decades actually starts the conflicts.

Though no official statistics of decadal growth rate of the population in Baksa, Chirang and Udalguri districts which were created in 2003 are not available, the decadal growth rate of population as provided by the Census of India in Kokrajhar district exposes massive population explosion. Since Kokrajhar has been upgraded to a district from a sub-division, its decadal growth rate is available as given below:

Percentage of decadal growth in Kokrajhar district and Assam state⁵⁰

Census	Kokrajhar district	Assam
1901-11	29.97	16.99
1911-21	26.92	20.48
1921-31	15.76	19.91
1931-41	14.83	20.40

50. <http://www.kokrajhar.gov.in/census.htm#i7>

Census	Kokrajhar district	Assam
1941-51	9.25	19.93
1951-61	46.44	34.98
1961-71	54.28	34.95
1971-81	N/A	N/A
1971-91	76.75	53.26
1991-01	14.49	18.92
2001-11	5.19	16.93

Explanatory note

- i. The decadal growth rate for 1991-2001 and 2001-2011 is based on the information provided in Census of India 2011, Provisional Population Totals – Assam, Paper I of 2011, available at http://www.censusindia.gov.in/2011-prov-results/data_files/assam/Paper-1-I.pdf
- ii. The decadal growth rate for 2001-2011 is deceptive as parts of the district has been curved out to make Chirang district in 2003.

Above table on the decadal growth rate show that after the partition of India, Kokrajhar district bore the brunt of migration more than Assam. While no census was conducted in Assam for the period 1971-1981, the decadal growth rate of population in Kokrajhar district was 76.75% against 53.25% in Assam during 1971-1991.

Irrespective of whether the explosive decadal growth rate in Kokrajhar district during 1971-1991 was a consequence of migration or illegal immigration, its impact was clear: it caused massive land alienation amongst the Bodos in clear violation of the Chapter X of the Assam Land Revenue Regulation, 1886 that prohibit sale and transfer of tribal lands to non-tribals.

While there are no statistics on actual number of illegal immigration in Assam, in a report on illegal migration into Assam submitted to President of India Shri K R Narayanan on 8 November 1998, then Governor of Assam, Lt Gen (Retd) S K Sinha stated, *“The unabated influx of illegal migrants from Bangladesh into Assam and the consequent perceptible change in the demographic pattern of the State, has been a matter of grave concern. It threatens to reduce the Assamese people to a minority in their own State, as happened in Tripura and Sikkim”*.⁵¹

In his report on illegal migration into Assam, Governor of Assam, Lt Gen (Retd) S K Sinha submitted the following:⁵²

“19. Assam specific figures of illegal migrants have been worked out from available statistics as follows :-

51. “Report on Illegal Migration into Assam” submitted to the President of India, Shri K R Narayanan, by the Governor of Assam, Lt Gen (Retd) S K Sinha, D.O. No. GSAG.3/98 dated, 8 November, 1998

52. “Report on Illegal Migration into Assam” submitted to the President of India, Shri K R Narayanan, by the Governor of Assam, Lt Gen (Retd) S K Sinha, D.O. No. GSAG.3/98 dated, 8 November, 1998

- a. Recent enumeration of electors list in Assam by the Election Commission shows more than 30% increase in 17 Assembly constituencies and more than 20% increase in 40 constituencies between 1994 and 1997. Whereas the All India average growth for a three year period intervening the two intensive revisions in 1994 and 1997, is 7%, the growth in Assam for this period is 16.4%.
- b. Relative decadal percentage growth of population of Assam, All India and Bangladesh is as follows :-

Year	Assam	All India	Bangladesh
(i) 1901-1911	16.99	5.75	9.1
(ii) 1911-1921	20.48	-0.31	5.4
(iii) 1921-1931	19.91	11.00	7.06
(iv) 1931-1941	20.40	14.22	17.6
(v) 1941-1951	34.98	21.51	0.1
(vi) 1951-1961	34.95	24.80	29.83
(vii) 1971-1981	23.8	24.66	31.83
(viii) 1981-1991	23.8	23.85	22.00

Explanatory Note

- i. There was no census in Assam in 1981. The figures indicated have been worked out on the basis of 1971-91 growth rate.
 - ii. There was no census in Bangladesh in 1971. It was carried out in 1974. The population grew by 40.4% between 1961-74 and another 21.9% during 1974-81.
 - iii. The much higher percentage of growth rate in Assam from 1911 to 1971 over the All India and Bangladesh figures indicate migration into Assam. The All India growth rate for 1921 should be treated as an aberration but even in that decade Assam's growth rate was higher than neighbouring Bengal districts which now constitute Bangladesh.
 - iv. The reduced percentage of growth rates for Assam in 1971-91 presents a distorted picture unless one relates it to community-wise percentage of growth in Assam as compared to All India figures. This is shown at sub-para (c) below.
- c. Community-wise growth:

Year	Assam		All India	
	Hindus	Muslims	Hindus	Muslims
(i) 1951-1961	33.71	38.35	20.29	25.61
(ii) 1961-1971	37.17	30.99	23.72	30.85
(iii) 1971-1991	41.89	77.42	48.38	55.04

Explanatory Note

The decadal growth rate for both Hindus and Muslims for the period 1951-61 and 1961-71 was higher than their respective All India growth rate, indicating migration of both communities into Assam. However, during the period 1971-91 Hindu growth rate in Assam was much less than the All India figure. Possibly, this was due to large scale population movement of non-Assamese Hindus out of Assam during the Students movement and subsequent militancy in the State. In the case of Muslims the Assam growth rate was much higher than the All India rate. This suggests continued large scale Muslim illegal migration into Assam.

- d. Muslim population of Assam has shown a rise of 77.42% in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89% in this period.
- e. Muslim population in Assam has risen from 24.68% in 1951 to 28.42% in 1991. As per 1991 census, four districts (Dhubri, Goalpara, Barpeta and Hailakandi) have become Muslim majority districts. Two more districts (Nowgaon and Karimganj) should have become so by 1998 and one district (Morigaon) is fast approaching this population.

20. The growth of Muslim population has been emphasised in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims.”

c. Encroachment of the lands of the Bodos and other tribals

The fears of losing land and identities connected with land have been one of the root causes of conflicts with indigenous and tribal peoples.

Special Rapporteur of the United Nations Sub-Commission on Human Rights José R. Martínez Cobo, in volume V of the *Study of the Problem of Discrimination against Indigenous Populations* describing the relationship of indigenous peoples with land stated:

“It is essential to know and understand the deeply spiritual special relationship between indigenous peoples and their land as basic to their existence as such and to all their beliefs, customs, traditions and culture. For such peoples, the land is not merely a possession and a means of production. The entire relationship between the spiritual life of indigenous peoples and Mother Earth, and their land, has a great many deep-seated implications. Their land is not a commodity which can be acquired, but a material element to be enjoyed freely.”

Article 13 of the International Labour Organization Convention No. 169 concerning Indigenous and Tribal Peoples in Independent Countries stated that while applying the Convention “governments shall respect the special importance for the cultures and spiritual values of the peoples concerned of their relationship with the lands or territories, or both as applicable, which they occupy or otherwise use, and in particular the collective aspects of this relationship.”⁵³

In India, the need to protect tribal lands has been recognized since the British period. In order to protect the Adivasis, the British Government of India enacted Chhotonagpur Tenancy Act, 1908 which prohibits sale and

53. India has ratified ILO Convention No.107 relating to indigenous and tribal peoples.

purchase of land belonging to the tribals, and vested with the Deputy Commissioner concerned the power to transfer its ownership on the plea of its rightful owner.

The Government of India Act, 1935 further solidified these protections by identifying the “Excluded Areas” and “Partially Excluded Areas” and protecting land rights in these areas. Following independence, the Constitution of India maintained the provisions of the “Excluded Areas” and “Partially Excluded Areas” respectively under the 6th and 5th Schedule of the Constitution of India.

In the context of Assam, then colonial British Government enacted the Assam Land Revenue Regulation, 1886. Chapter X of the Assam Land Revenue Regulation, 1886 provides for creation of tribal blocks under Section 161 and prohibition of the “transfer, exchange, lease, agreement or settlement any land in any area or areas constituted into belts or blocks” to the non-tribals.

The State Government of Assam has notified 49 blocks and many of the areas in the BTAD are tribal blocks where transfer or sell of land from tribals to non-tribals is prohibited. But for ages, the lands of the tribals have been alienated in these tribal blocks and belts.

On 30 December 1982, Shri J N Changkakati, Secretary to the Government of Assam wrote to the Deputy Commissioners of Goalpara/Kamrup, Nowgon, Darrang, Dibrugarh, Lakhimpur and the Sub Divisional Officers of Goalpara, Kokrajhar, Nalbari, Barpeta, Mangaldoi, Dhemaji, Jonai, Sadiya, Tinsukia, and Marigaon asking them to take immediate action for removal of unauthorized occupants from Tribal Belts and Blocks and to ensure that further encroachments are stopped totally. In the letter, Shri JN Changkakati stated that “... *inspite of specific instructions issued from time to time for removal of unauthorised occupants from Tribal Belts and Blocks, large-scale encroachments are not only continuing but seem to be increasing. Govt have taken serious views of the situation arising out of such large scale encroachments in Tribal Belts and Blocks by undeserving and unauthorised persons which has been the greatest hurdle in the fulfilling the desired goal for adoption of Chapter X of A.L.R.R, 1886 as amended from time to time.*”⁵⁴ He further stated that the state government had already issued instruction to all District and Sub-Divisional authorities vide Govt’s letter no. RSS.707/79/pt-I/25 Dated 27th November 1981 to take steps to remove the unauthorized occupants from government waste lands, Professional Grazing Reserves /Village Grazing Reserves/Roadside Reservation and lands kept reserved for public purposes, but little action had been taken. Encroachers who had been once evicted, again encroached the same land or other areas due to lack of proper implementation of the ALRR 1886. He called upon the District Commissioners and SDOs to take stern action including imposition of exemplary punishment such as imprisonment and heavy fine on encroachers, and submit quarterly progress reports in the prescribed proforma to the Director of Land Records, Assam with a copy to Government on or before the 10th day of the month of April, July, October and January regularly.⁵⁵

In order to implement the legal provisions contained in the Chapter X of the ALRR, 1886 more effectively, 6 (six) posts of Additional Deputy Commissioners (Revenue) were created exclusively to deal with the provisions of the Chapter X of ALRR. These ADCs (Revenue) are primarily responsible for implementation of the legal provisions and answerable to the Government for any infringement of the law in the Tribal Belts and Blocks.⁵⁶

54. Letter No. RSD.16/82/10 dated 30th December 1982

55. Letter No. RSD.16/82/10 dated 30th December 1982

56. Letter No. RSD.36/79/84 dated 30th July 1983

In a letter dated 30 July 1983 to the six Additional Deputy Commissioners (Revenue) of Gauhati, Dhubri, Tezpur, Dibrugarh, Lakhimpur, Nowgong, Shri JN Changkakati, Special Secretary to the Government of Assam stated that “*Contrary to the legal provisions and Govt. instructions thereon many irregularities such as alienation of lands by way of transfer, exchange, lease, gift, purchase and registration of documents have been reported to have been executed in favour of undeserving non-protected classes in Tribal Belts and Blocks.*” He asked them to follow the government’s instructions contained in letter No. RSD.16/82/9 dated 30th December 1982 and No. RSD. 15/82/10 dated 30th December 1982 and the following additional instructions:⁵⁷

- a. Strong vigilance be maintained by the Additional Deputy Commissioners (Revenue) within their jurisdiction to ensure total prevention of encroachment in Tribal Belts and Blocks;
- b. A time bound programme be prepared by the ADCs (Revenue) for ejection of the illegal encroachers and submit quarterly reports in prescribed proforma regularly;
- c. Effective measures be taken for restoration of alienated land to the original patta holders in Tribal Belts and Blocks;
- d. Transfer and alienation of lands in Tribal Belts and Blocks except in the manner provided in the Chapter X of Assam Land and Revenue Regulation, 1886 to the ineligible persons be totally prevented;
- e. In case of transfer and alienation of patta lands already mutated in favour of ineligible persons in violation of Chapter X of ALRR, steps for cancellation of such mutations may be taken in consultation with the respective Deputy Commissioner;
- f. ADCs (Revenue) shall prepare lists of genuine and landless persons in each of the tribal belts and blocks under their jurisdiction separately one for “protected classes” and the other for “eligible non-protected classes” for consideration of their cases for allotment/settlement of land with them;
- g. A separate Register for flood and erosion affected people in Tribal Belts and Blocks whose patta lands have been eroded away is to be prepared;
- h. Progress reports as asked for vide No. RSD.16/82/9 dated 30th December 1982 may be submitted regularly;
- i. Steps may be taken to implement the recommendation of the Committee Report for welfare of STs and SCs, 1976; and
- j. A time bound programme fixing targets and showing financial involvement may be prepared immediately and submitted to the Director of Land Records, Assam and to the Government.

Shri J N Changkakati also stated that “many persons on the strength of the certificate they procured from many organization claim to their being a protected class of people and seek benefits in Tribal Belts and Blocks”. He clarified that the communities recognized by government as Plains Tribe and Hills Tribes vide Govt Letter No. Ex/Misc/154/4/80 dated 12 October 1980 and Scheduled Castes as enumerated in Govt letter No.AAP.78/50/11 dated 28 February 1950 only are entitled to protection in the Tribal Belts and Blocks.⁵⁸

57. Letter No. RSD.36/79/84 dated 30th July 1983

58. Letter No. RSD.36/79/84 dated 30th July 1983

Despite all the instructions, guidelines, and available laws, the tribal belts and blocks as notified by the Assam Government have been continuously encroached until today.

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

Kokrajhar district:

1. Santal Colony Tribal Block RSD 9/77/11, dated 14th August 1977, area: 57,930 Bighas.
2. Dotma Tribal Belt, RSD 2/82/10, dated: 16th June 1983, area: 38,174 Bighas.
3. Balaghat Nayekgaon Tribal Block, RSD, 1/83/15, 5th July 1984, area: 78,777 Bighas.
4. Parbatjhara Tribal Belt No. RSD, 5/82/44 dated: 3rd November 1984, area: 3,23,186 Bighas.
5. Ripu Tribal Belt No. RSD 5/82/43, dated: 23rd November 1994 area: 16,064 Bighas.

Chirang district:

1. Sidli Tribal Belts RD, 69/45/29, dated: 30th August 1948, area: 4,61,509 Bighas.
2. (Undivided) Bijni Tribal Block RD 69/45/29. Dated: 30th August 1948, areas: 3,02,545 Bighas

Baksa district

1. Tamulpur Tribal Belt, No RD 74/46/161 dated 22nd August 1949 areas: 4,62,639 Bighas
2. Baksa Tribal Belt No. RD 74/46.161 dated 22nd August 1949 areas: 3,77,512 Bighas
3. Sapaguri Tribal Belt No. RD 74/46/161 dated: 22nd August 1949 areas: 2,64,010 Bighas
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
6. Kharija Bijni Tribal Block No. RD 74/46/161 dated: 22nd August 1949 areas: 27,542 Bighas

Udalguri district:

1. Kalaigaon Tribal Belt No RD 74/46/119 dated: 12th July 1948 areas: 11,16,336 Bighas
2. Tetelibhanguria Tribal Belt RD 74/46/119 dated: 12th July 1948 areas :10,177 Bighas
3. Kasa para 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
5. Bhuya Khat Tribal Block No. RD 74/46/119 dated: 12th July 1948 areas: 9,299 Bighas
6. Dolgaon Tribal Block No. RD 74/46/119 dated: 12th July 1948 areas: 38,299 Bighas

While ACHR has not conducted any study as to the extent of tribal land alienation in the BTAD, the following revenue villages within Bijni Tribal Block currently under Chirang district have been gradually encroached upon allegedly by the Muslims in violation of the Assam Land Revenue Regulation, 1886:

Serial No.	Names of the revenue villages
1	Sonaikola
2	No.2 Darranga
3	Bispani
4	No.1 Dakhinmakra
5	Oxiguri
6	No.2 Dongsiapara
7	Laokriguri
8	Amraguri
9	Bhaoraguri
10	No.1 Bagidara
11	No.2 Bagidara
12	Barlimari
13	No.1 Garabdara
14	No.1 Betbari
15	No.2 Betbari
16	Bagargaon
17	Alengmari
18	Deodhari (Alukhunda)
19	Majrabari
20	No.1 Donsiapara
21	Fwrmaishali/Koraishali
22	No.3 DakhinMakra
23	Jhar Bispani

4. Humanitarian crisis: No Minimum Standards in Humanitarian Response

Since 21 July 2012 when the riots between the Bodo tribals and Muslims in Bodoland Territorial Autonomous Districts (BTAD) and Dhubri district of Assam spread, over 400,000 persons were displaced and they took shelter in over 300 relief camps. Government schools and other buildings have been converted into relief camps thereby affecting school children and general public. With no basic facilities such as adequate food, medicines, doctors, drinking water, clothes, sanitation and hygiene and more people flocking the already overcrowded relief camps, the humanitarian crisis is palpable.

On 27-28 July 2012, a two member team of ACHR visited relief camps at Kajalgaon, Daimalu, Basugaon, Ghilabari, Bidyapur in Chirang district; Kokrajhar Commerce College relief camps and Bhotgaon relief camps Kokrajhar district and Lakhiganj and Bilashipara relief camps in Dhubri district.

A four member ACHR team conducted further field visits to the relief camps in Kokrajhar, Chirang and Dhubri districts on 11-12 August 2012. ACHR team visited the following six Bodo relief camps in Kokrajhar district: Gambaribil Relief Camp, Alayaron High School Relief Camp at Dumriguri, Swarang ME School Relief Camp, Rajadabri LP School Relief Camp, Geolong Bazar Gurudev Kali Charan ME School Relief Camp at Dhonabil, and Boragari ME School Relief Camp.

ACHR team also visited nine Muslim relief camps namely Failaguri Kembolpur Relief Camp, Kokrajhar; Kathalguri/Jacobpur Relief Camp, Kokrajhar; Grahampur HS School Relief Camp, Kokrajhar; Kamandanga High Madrassa School Relief Camp, Dhubri; Hatidhura College Relief Camp, Dhubri; Tinkuri High School and 636 NN Academy Relief Camp, Dhubri; Bhatgaon High School Relief Camp, Kokrajhar; Basugaon High Secondary School Relief Camp, Chirang; and 672 Gilaguri LP School Relief Camp, Chirang. In a couple of camps, a few Bengali speaking Hindu families were also taking shelter.

ACHR's team further revisited the above camps on 27-29 August 2012 to ascertain any improvement of the situations. The camp conditions remained deplorable.

I. Assessment of humanitarian conditions in the Bodo relief camps in Kokrajhar district

ACHR assessed the humanitarian situation of the inmates in the Bodo relief camps as given below.

Food security:

It was found that the state government failed to respond swiftly to provide ration to the inmates who took shelter in the relief camps. The Boragari ME School Relief Camp was set up on 21 July 2012 but only after five days, the state government started supplying ration.⁵⁹ Similarly, at Swarang ME School Relief Camp, the state government started supplying ration only from 25 July 2012, three days after the relief camp was set up on 22 July 2012.⁶⁰ It was the NGOs and the local people who provided food to the displaced people as soon as they arrived in the relief camps.

While the state government continued to provide rice, dal, salt and mustard oil, it curiously did not supply any vegetable, including potato and onion.⁶¹ In the case of Gambaribil Relief Camp, which housed 2,229 persons

59. Interview with Dwimwilu Basumatary, in-charge, Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

60. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar on 11 August 2012

61. Vegetables in all the relief camps visited by ACHR are being supplied by NGOs and local people



A large majority of the inmates were children and women without access to basic amenities

from 436 families, the inmates began to receive mustard oil (which is necessary to prepare dal and vegetables) only from 4 August 2012.⁶² Shortage of dal, mustard oil, salt and vegetables was reported at Rajadabri LP School Relief Camp.⁶³ Vegetables and dal were also not being adequately supplied at Boragari ME School Relief Camp.⁶⁴

Utensils

The state government has provided cash assistance of Rs 500 per family as cost of utensils which the families didn't utilize. The number of utensils like plates and glasses provided by the government are highly inadequate. At Rajadabri LP School Relief Camp, the state government provided glasses and plates only to 32 families whose houses were burnt in the riots.⁶⁵ Bimal Brahma, an inmate at Boragari ME School Relief Camp told ACHR team that his family has four members but got only two plates which meant that the entire family could not have meal together. Brahma said that they usually borrowed two more plates from other inmates, failing which the parents first let their children have meal.⁶⁶ At Geolong Bazar Gurudev Kali Charan ME School Relief Camp, one Komendra Daimary, an inmate, stated that only one plate and one glass was provided to his family consisting of four members, including two children aged 7 years and 4 years. In order to have meal together they required to borrow three plates from other inmates or have food one by one.⁶⁷

62. Interview with Sikendranath Brahma, incharge of Gambaribil relief camp on 11 August 2012

63. Interviews with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012 and Ganesh Basumatary, inmate, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

64. Interview with Bimal Brahma, inmate, Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

65. Interview with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

66. Interview with Bimal Brahma, inmate, Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

67. Interview with Komendra Daimary, inmate, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

Baby food

In most camps visited by ACHR baby food was found to be insufficient. As of 12 August 2012, the state government provided only 10 packets of lactogen at the Boragari ME School Relief Camp where there were 395 minors. On 7 August 2012, the camp in-charge, Dwimwilu Basumatary, sent a request to the Deputy Commissioner to provide more baby food but as of 12 August, he did not receive any response.⁶⁸

At Gambaribil Relief Camp, there were 186 children in the age group of 0-5 years but the baby food (ceralac) supplied to them was not sufficient.⁶⁹ An inmate, Saranjit Basumatary of Gambaribil Relief Camp told ACHR that his two children aged 3 years and one year were not getting sufficient baby food.⁷⁰

In some cases, baby food was supplied very late. The Geolong Bazar Gurudev Kali Charan ME School relief camp opened on 22 July 2012 but baby food (ceralac) was provided only from 6 August 2012 and the baby food was not sufficient.⁷¹ The Rajadabri LP School relief camp was opened on 22 July 2012 but baby food (ceralac) was supplied only from 27 July 2012, but not in sufficient quantity.⁷²

Shelter and housing

Out of six relief camps visited by ACHR, three camps namely, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Boragari ME School Relief Camp and Gambaribil Relief Camp were found to be very crowded. At the Geolong Bazar Gurudev Kali Charan ME School Relief Camp, inmates have to sleep at verandah or in tents set up with tarpaulin on the lawn of the school.⁷³ Some male inmates of the relief camp even go to sleep at the market shed which is about 100 metres away.⁷⁴ Even women were forced to sleep at the verandah due to lack of space inside the class rooms, although they felt very scary at night.⁷⁵ Similarly, at the Boragari ME School Relief Camp, male inmates have to sleep at the verandah due to lack of space.⁷⁶

In all the six relief camps visited by ACHR, the inmates were not provided any bedding, and they slept on the floor. Some of the families were provided tarpaulin sheets to sleep.

Several families have not been provided mosquito nets. At the Gambaribil Relief Camp, at least 25% of the inmates were sleeping without any mosquito net although the relief camp was infested with mosquitoes.⁷⁷ At Alayaron High School Relief Camp, only 16 mosquito nets were provided by NGOs for 137 families.⁷⁸ No mosquito net was provided at Swarang ME School Relief Camp as of 11 August 2012.⁷⁹

68. Interview with Dwimwilu Basumatary, in-charge, Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

69. Interview with Sikendranath Brahma, incharge of Gambaribil relief camp and his assistant Urnya Narzary on 11 August 2012

70. Interview with Saranjit Basumatary, inmate, Gambaribil relief camp on 11 August 2012

71. Interview with Basudev Paul, Camp incharge, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar district, on 12 August 2012

72. Interview with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

73. Interview with Basudev Paul, Camp incharge, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

74. Interview with Komendra Daimary, inmate, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

75. Interview with Ms Meenarani Lohari, inmate, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

76. Interviews with Dwimwilu Basumatary, in-charge and Bimal Brahma, inmate at Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

77. Interview with Urnya Narzary, Assistant to the incharge of Gambaribil relief camp on 11 August 2012

78. Interview with Robi Losan Brahma, Assistant camp incharge, Alayaron High School, Dumriguri, Kokrajhar district on 11 August 2012

79. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar, on 11 August 2012

Women expressed privacy concerns. Ms Rohila Brahma and Ms Jamuna Narzary, inmates at Swarang ME School relief camp told ACHR that there was no privacy in the relief camp as inmates, both males and females and people from different villages (strangers) were staying in the same rooms.⁸⁰

Clothing

In terms of clothes distributed, both the government and the All Bodo Students Union targeted mainly the women but clothes supplied to women were not adequate. In most of the relief camps visited by ACHR, men and children have not been provided clothes.

The state government did not supply any cloth for the inmates at the Gambaribil Relief Camp. While ABSU supplied clothes (“dhokona”) for women, males have not got anything.⁸¹ At Swarang ME School Relief Camp, there were 180 adult males and 220 adult females but the state government provided only 133 pieces of “dhokona” (Bodo women’s traditional dress) and 133 pieces of “gamosa” (for men).⁸² At Rajadabri LP School Relief Camp, the government provided one “dhokona” and one “gamosa” per family irrespective of number of family members but nothing for children.⁸³ At the Geolong Bazar Gurudev Kali Charan ME School Relief Camp, the government provided 405 pieces of “dhokona” and 405 pieces of “gamosa” although there were 1,454 adults in the relief camp.⁸⁴

Health care

The overall healthcare service was found to be good in all the six Bodo relief camps visited by ACHR. Doctors visited the camps daily. However, medical facilities were being provided only during the day, but not at night.

The pregnant women received regular check ups and if needed, shifted to nearby hospitals for better facilities.

Water facility

In all the six relief camps visited by ACHR, the inmates drank water directly from the tubewells, though not at all fit for drinking, due to lack of water purifiers or filters.

At the Gambaribil Relief Camp, one filter was provided for the doctors but not for the inmates.⁸⁵ There were four water filters at Alayaron High School Relief Camp for 1,286 persons,⁸⁶ one water filter for 497 persons at Swarang ME School Relief Camp,⁸⁷ one water purifier at Geolong Bazar Gurudev Kali Charan ME School Relief Camp for 1,910 persons,⁸⁸ and two water purifiers for 1,539 persons at Boragari ME School Relief Camp, which are not at all adequate for the inmates. No water filter was provided at Rajadabri LP School Relief Camp.⁸⁹

80. Interview with Ms Rohila Brahma and Ms Jamuna Narzary, inmates, Swarang ME School relief camp, Kokrajhar on 11 August 2012

81. Interview with Sikendranath Brahma, incharge of Gambaribil relief camp and his assistant, Urnya Narzary on 11 August 2012

82. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar, on 11 August 2012

83. Interview with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

84. Interview with Basudev Paul, Camp incharge, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

85. Interview with Urnya Narzary, Assistant to incharge of Gambaribil relief camp on 11 August 2012

86. Interview with Robi Losan Brahma, Assistant camp incharge, Alayaron High School, Dumriguri, Kokrajhar district on 11 August 2012

87. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar on 11 August 2012

88. Interview with Komendra Daimary, inmate, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

89. Interviews with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012 and Ganesh Basumatary (52 years), inmate, Rajadabri LP School relief camp, on 12 August 2012

Interviews with inmates at the relief camps confirmed that the inmates drank water directly from the tube-wells. The only water purifier kept in the office at Geolong Bazar Gurudev Kali Charan ME School Relief Camp was inaccessible to the inmates.⁹⁰

Excreta disposal

In two relief camps namely Boragari ME School Relief Camp⁹¹ and Swarang ME School Relief Camp⁹², the inmates were allowed to use the existing (permanent) toilets of the schools. In other four relief camps visited by ACHR, the permanent school toilets are locked and therefore out of bounds for the inmates. Temporary makeshift toilets have been constructed with plastic sheets but these are not adequate, nor were they hygienic. For example, at Geolong Bazar Gurudev Kali Charan ME School Relief Camp, only four temporary makeshift toilets have been constructed for 1,910 people.⁹³ At Rajadabri LP School Relief Camp, four temporary toilets have been constructed for 1,705 inmates including 797 adults.⁹⁴

As a result, if the inmates wanted to use the toilets they had to stand in the queue waiting for their turns. Therefore, most inmates defecated in the open. The women faced a lot of problems while accessing the toilet facilities and they have privacy concerns as the toilets are just covered with plastic sheets as “doors”. There is no separate toilet exclusively for women.

Plight of returnees

The inmates are not willing to return due to security concerns. However, some families, mostly agriculturists whose houses were not burnt down returned home to cultivate their paddy fields. But the returnees have reportedly neither been provided adequate monetary compensation nor security.

On 7 August 2012, a total of 708 persons returned to Rajadabri, and No. 1 Alinagar from Rajadabri LP School Relief Camp. The returnees included 478 adults and 230 minors. The state government allegedly provided a mere financial assistance of Rs 500 as advance per family to those who returned. No security has been provided to them.⁹⁵

A total of 1,286 persons from four villages namely Alengmari, Sainasipara, Sonapur, and Mauriagaon in Kokrajhar district returned home on 4 August 2012 from Alayaron High School, Kokrajhar district. However, 100 families who returned to Mauriagaon village were now wanting to return back due to lack of security.⁹⁶ On 6 August 2012, 89 persons left Swarang ME School Relief Camp (which housed Bodo IDPs from Muslim-dominated Dhubri district) but most of them were staying with relatives or own accommodation in and around Kokrajhar. They did not return to their villages. The government has not provided any assistance to those who left the camp.⁹⁷

At the relief camps the inmates are concerned about their future. An inmate at Swarang ME School Relief Camp said his village is surrounded by Muslim dominated villages in Dhubri district. In the riots on 24 July

90. Interviews with Ms Meenarani Lohari and Mr Komendra Daimary, inmates, and Mr Basudev Paul, Camp incharge, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

91. Interview with Dwimwilu Basumatary, in-charge, Boragari ME School Relief Camp, Kokrajhar on 12 August 2012

92. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar on 11 August 2012

93. Interview with Basudev Paul, Camp incharge, Geolong Bazar Gurudev Kali Charan ME School Relief Camp, Dhonabil, Kokrajhar on 12 August 2012

94. Interview with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

95. Interview with Amarendra Nath Narzary, Secretary, Local Committee, Rajadabri LP School relief camp, Kokrajhar on 12 August 2012

96. Interview with Robi Losan Brahma, Assistant camp incharge, Alayaron High School, Dumriguri, Kokrajhar district on 11 August 2012

97. Interview with A. Mohanta, incharge, Swarang ME School relief camp, Kokrajhar on 11 August 2012

2012, his house and properties were totally burnt down and his total loss stood at over Rs 80 lakhs. He owns 25 bighas of land but he could cultivate only seven bighas of paddy which is now left unattended.⁹⁸

II. Assessment of humanitarian conditions in the Muslim relief camps in Kokrajhar, Dhubri and Chirang districts

Food Security

There was delay in providing basic minimum ration such as rice, dal, salt, mustard oil etc in the relief camps.

At Failaguri Kembolpur Relief Camp, Kokrajhar, government supplied ration from 28 July 2012, five days after the camp was opened on 23 July.⁹⁹ Similarly, government ration reached the Kathalguri/Jacobpur Relief Camp, Kokrajhar on 27 July 2012, four days after the camp was opened on 24 July.¹⁰⁰ At Grahampur HS School Relief Camp, Kokrajhar, food items have been provided by the government from 26 July 2012, four days after the camp was opened on 22 July.¹⁰¹ Ration was provided to Kamandanga High Madrassa School Relief Camp, Dhubri from 26 July 2012, four days after the camp was opened on 22 July 2012.¹⁰² Ration was provided to Hatidhura College Relief Camp, Dhubri by government from 26 July 2012, three days after the camp was opened on 23 July 2012.¹⁰³ At Tinkuri High School and 636 NN Academy Relief Camp, Dhubri ration has been provided from 26 July 2012, two days after the camp was opened on 24 July.¹⁰⁴ Ration reached Bhatgaon High School Relief Camp, Kokrajhar¹⁰⁵ and Basugaon High Secondary School Relief Camp, Chirang on 25 July 2012, a day after the camps were opened.¹⁰⁶ At 672 Gilaguri LP School Relief Camp, Chirang, ration was provided from 25 July 2012, two days after the camp was opened on 23 July.¹⁰⁷

The civil society organizations (CSOs) supplied food to the inmates of these camps initially.

Out of the nine Muslim camps visited, two camps namely Failaguri Kembolpur Relief Camp and Kathalguri/Jacobpur Relief Camp, both in Kokrajhar district, were declared closed officially. However, the inmates are unwilling to vacate due to fear and security reason. At the Kathalguri/Jacobpur Relief Camp, after the camp was officially closed down on 6 August 2012, all facilities including ration were stopped but the inmates refused to leave the camp. The CSOs are providing food items to the inmates.¹⁰⁸ The Failaguri Kembolpur Relief Camp was closed down officially on 10 August 2012 and the inmates were asked to leave by 15 August. However, as the inmates refused to leave the camp, authorities provided ration for another seven days.

98. Interview with ACHR researchers on 11 August 2012

99. Interview with camp In-charge Abu Sayed Ahmed and Wazid Hussain (Assistant Teacher of Idelghutu LP School) of Failaguri Kembolpur Relief Camp, Kokrajhar on 11 August 2012

100. Interview with Camp In-charge Sirajul Hoque of Kathalguri/Jacobpur Relief Camp, Kokrajhar on 11 August 2012

101. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

102. Interview with A. K. Sheikh, Headmaster of the Kamandanga High Madrassa School Relief Camp, Dhubri on 11 August 2012

103. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

104. Interview with Camp In-charge Badshah Sheikh of Tinkuri High School and 636 NN Academy Relief Camp, Dhubri on 11 August 2012

105. Interview with Camp In-charge of Bhatgaon High School Relief Camp, Kokrajhar on 12 August 2012

106. Interview with Camp In-Charge Haroon Rashid Mandol of Basugaon High Secondary School Relief Camp, Chirang on 12 August 2012

107. Interview with Camp In-Charge Amzad Hussain of 672 Gilaguri LP School Relief Camp, Chirang on 12 August 2012

108. Interview with Camp In-charge Sirajul Hoque of Kathalguri/Jacobpur relief camp under Gossaigaon police station in Kokrajhar district on 11 August 2012



All the relief camps were overcrowded without basic amenities

The food items provided to the inmates were inadequate and the inmates were surviving on rice and dal. Except dal, no vegetable was provided to the inmates. At Bhatgaon High School Relief Camp in Kokrajhar district, food items were provided irregularly, after a gap of four-five days. Firewood was also not provided in this relief camp.¹⁰⁹ The inmates of 672 Gilaguri LP School Relief Camp in Chirang district complained that no vegetable has been given except dal.¹¹⁰

ACHR was informed that no government official from Kokrajhar visited Hatidhura College Relief Camp, Dhubri and Basugaon High Secondary School Relief Camp, Chirang. This was despite the fact that majority of the displaced persons were from Kokrajhar. Ration was provided by the Chirang and Dhubri administration.¹¹¹

Utensils

The state government has announced cash assistance of Rs 500 per family to buy utensils. Out of the nine Muslims camps visited by ACHR, the cash assistance of Rs. 500 was provided only at Grahampur HS School relief camp under Gossaigaon police station in Kokrajhar district.¹¹²

The inmates of eight other camps had to either arranged utensils by themselves or provided by civil society organizations. Even these utensils are inadequate. As a result, the majority of the inmates of these camps are suffering, in particular by those having big families.

109. Interview with Camp In-Charge of Bhatgaon High School Relief Camp in Kokrajhar district on 12 August 2012

110. Interview with the camp inmates of 672 Gilaguri LP School Relief Camp in Chirang district on 12 August 2012

111. Interviews with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012 and Camp In-Charge Haroon Rashid Mandol of Basugaon High Secondary School Relief Camp, Chirang on 12 August 2012

112. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

Baby food

Baby food was provided in all the nine relief camps visited by ACHR. However, majority of the camp inmates except three camps namely Grahampur HS School Relief Camp, Kokrajhar Basugaon High Secondary School Relief Camp, Chirang and 672 Gilaguri LP School Relief Camp, Chirang complained that the baby food provided was insufficient to meet the demand. At Hatidhura College Relief Camp, Dhubri, baby food was provided from 30 July 2012 after a delay of seven days. The camp was set up on 23 July.¹¹³

Shelter and housing

Schools, colleges, Madrasas and other government buildings have been turned into relief camps. All the nine Muslim camps visited by ACHR are found to be overcrowded.

Out of the nine Muslim relief camps, five camps were very overcrowded namely Failaguri Kembolpur Relief Camp, Kokrajhar with a total of 13125 inmates (2306 families); Grahampur HS School Relief Camp, Kokrajhar with 6569 persons (2959 females, 2610 males and 1017 minors below the age of 5 years was 1017); Kamandanga High Madrassa School Relief Camp, Dhubri with 7647 inmates (1422 families); Hatidhura College Relief Camp, Dhubri with 14465 inmates (about 2600 families); and Basugaon High Secondary School Relief Camp, Chirang with 8990 persons (5759 adults and 2387 minors). There was hardly any space to sleep.

ACHR noticed several plastic/polythene made makeshift houses built by the inmates in and around the relief camps. Many of the school rooms are closed and the inmates are using the verandahs as shelter. While some inmates were seen using the school benches due to lack of space. Several inmates were taking shelter in relatives' houses. Camp In-Charge Haroon Rashid Mandol and the inmates of Basugaon High Secondary School Relief Camp, Chirang told ACHR team that there is urgent need of accommodation for those families who are taking shelter in relative's houses as they cannot stay there for long.¹¹⁴

Many inmates had shifted to other relief camps due to lack of space. ACHR was told that 5000 inmates shifted from Grahampur HS Relief Camp, Kokrajhar,¹¹⁵ over 2500 inmates shifted from Hatidhura College Relief Camp, Dhubri,¹¹⁶ and some shifted from 672 Gilaguri LP School Relief Camp, Chirang¹¹⁷ to other relief camps.

In the absence of sufficient space the inmates are forced to live in cramp and humid conditions. The absence of electricity supply compounded the situation. At Basugaon Relief Camp, ACHR was told that the children suffered the most due to humid condition in particular at night. The open spaces like the verandah are being used as shelter in most of the relief camps visited. ACHR was told that many school rooms of the Basugaon High Secondary School Relief Camp were closed and the inmates were using the verandahs as shelter.¹¹⁸ ACHR noticed that food items, utensils, clothings, etc were lying scattered in the verandahs of all the camps.

The authorities have not provided any mosquito nets to the inmates of all the nine Muslim camps despite prevalence of mosquito borne diseases in particular malaria. Inmates of two camps namely Kamandanga High Madrassa School Relief Camp and Hatidhura College Relief Camp, Dhubri stated that mosquito coils were

113. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

114. Interviews conducted at Basugaon High Secondary School Relief Camp, Chirang on 12 August 2012

115. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

116. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

117. Interview with Camp In-Charge Amzad Hussain of 672 Gilaguri LP School Relief Camp, Chirang on 12 August 2012

118. Interview with Camp In-Charge Haroon Rashid Mandol of Basugaon High Secondary School Relief Camp in Chirang district on 12 August 2012

provided but ineffective.¹¹⁹ ACHR was told that the authorities had supplied baby nets at Failaguri Kembolpur LP/MV School Relief Camp in Kokrajhar, but grossly inadequate.¹²⁰ At Kamandanga High Madrassa School Relief Camp, only two baby nets were provided to two babies.¹²¹

The authorities did not provide bedding. Majority of the inmates had to sleep on the hard floor. Some use jute or polythene sacks as bedding.

Lack of privacy remained the main concern of women inmates in all the Muslim camps visited by ACHR. The women inmates having their monthly menstrual cycles are mostly facing problems due to lack of privacy.

Clothing

The government announced Rs. 500 to each of the displaced families to buy clothes. However, no cash assistance was provided in the nine Muslim camps visited by ACHR. Instead one lungi and one saree were given to per family.

However, the government failed to provide any clothing to the inmates of three relief camps of Kamandanga High Madrassa School Relief Camp, Dhubri, Hatidhura College Relief Camp, Dhubri and Tinkuri High School and 636 NN Academy Relief Camp, Dhubri. No cash assistance was given either.

One lungi and one saree was provided to each family of Failaguri Kembolpur LP/MV School Relief Camp in Kokrajhar district, Kathalguri/Jacobpur Relief Camp, Kokrajhar, Basugaon High Secondary School Relief Camp, Chirang, 672 Gilaguri LP School Relief Camp, Chirang and Bhatgaon High School Relief Camp, Kokrajhar. Surprisingly, at Grahampur HS School Relief Camp, Kokrajhar each family was provided two lungis and two sarees.¹²²

However, the inmates complained that the clothing of one lungi and one saree was grossly inadequate as majority of the families has more adult members. In all the nine Muslim camps, majority of the minors were seen with bare minimum clothes thereby indicating that no clothes were given to the children.

Health care

Health care is provided in all the camps visited. Medicines for common diseases such as viral fever, dysentery, diarrhoea, cough, etc are given. Doctors visit regularly in five camps namely Failaguri Kembolpur Relief Camp, Kokrajhar; Kathalguri/Jacobpur Relief Camp, Kokrajhar; Grahampur HS School Relief Camp, Kokrajhar; Kamandanga High Madrassa School Relief Camp, Dhubri; and 672 Gilaguri LP School Relief Camp, Chirang. The inmates expressed satisfaction with the health services provided. ACHR noticed doctors and nurses attending the patients in these camps.

However, medical facilities were found to be poor at four relief camps namely Hatidhura College Relief Camp, Dhubri; Tinkuri High School and 636 NN Academy Relief Camp, Dhubri; Bhatgaon High School Relief Camp, Kokrajhar; and Basugaon High Secondary School Relief Camp, Chirang was poor. The visit by doctors was irregular, after a gap of three-four days. Medicines provided are insufficient and ineffective.

119. Interviews at Hatidhura College Relief Camp and Kamandanga High Madrassa School Relief Camp, Dhubri on 11 August 2012

120. Interview with Camp In-Charge Abu Sayed Ahmed of Failaguri Kembolpur LP/MV School relief camp in Kokrajhar on 11 August 2012

121. Interview with A. K. Sheikh, Headmaster of Kamandanga High Madrassa School Relief Camp, Dhubri on 11 August 2012

122. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

At Hatidhura College Relief Camp, Dhubri, medicines were not provided in time and ACHR was told that 24×7 health care availability is required considering the large number of inmates.¹²³

There are a number of pregnant women in all the nine Muslim camps. Some of the pregnant women gave birth while in the relief camps but most of the deliveries took place in hospitals. However, ACHR was told that pregnant women of Tinkuri High School and 636 NN Academy Relief Camp, Dhubri were not provided proper care. The list of number of pregnant women in the camp was collected by ASHA workers only on the day of ACHR's visit i.e. 11 August 2012.¹²⁴

There was no outbreak of any disease in the camps visited. However, the dismal conditions of these camps poses health risk to the inmates in particular women, aged and children. The camps are shabby and litters lying everywhere. Children were seen having meals with flies attacking their plates. ACHR was told that three persons died due to diseases in two camps. One person namely Abbas Ali died at Failaguri Kembolpur Relief Camp, Kokrajhar¹²⁵ and two persons namely Noorun Nahar Bewa, resident of Palashguri No. 2 village and Saheb Ali, son of Gaffur Ali of Hudumhata No. 2 village, and at Kamandanga High Madrassa School Relief Camp, Dhubri.¹²⁶

The authorities even failed to provide sufficient number of soaps and phenyle. No soap and phenyle was given in a number of relief camps. As on 11 August 2012, these items were not supplied at Grahampur HS School Relief Camp, Kokrajhar with more than 6000 inmates.¹²⁷ At Tinkuri High School and 636 NN Academy Relief Camp, Dhubri ACHR was told that soaps were provided on 10 August 2012, after 17 days of camp opening.¹²⁸

Water facility

The water facilities, both for drinking and other purposes, available in the camps are grossly inadequate in the Muslim camps visited.

Drinking water is scarce in all the nine Muslim camps visited by ACHR. Packaged drinking water was provided to the inmates of some camps. But the quantity was insufficient. For example, ACHR was told that only about 500 number of packaged drinking water supplied at Grahampur HS School Relief Camp, Kokrajhar having over 6000 inmates.¹²⁹

The authorities also provided water filters but not in proportionate to the camp population. However, ACHR was told that only one filter was provided at Failaguri Kembolpur Relief Camp, Kokrajhar, for a population of more than 13,000;¹³⁰ one filter provided at Hatidhura College Relief Camp, Dhubri having a population of over 14000,¹³¹ two filters were provided at Tinkuri High School and 636 NN Academy Relief Camp, Dhubri with a population of about 2000,¹³² three water purifiers given at Basugaon High Secondary School Relief

123. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

124. Interview with Camp In-charge Badshah Sheikh Tinkuri High School and 636 NN Academy Relief Camp, Dhubri on 11 August 2012

125. Interview with Camp In-charge Abu Sayed Ahmed of Failaguri Kembolpur Relief Camp, Kokrajhar on 11 August 2012

126. Interview with A. K. Sheikh, Headmaster of Kamandanga High Madrassa School Relief Camp, Dhubri on 11 August 2012

127. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

128. Interview with Camp In-charge Badshah Sheikh of Tinkuri High School and 636 NN Academy Relief Camp, Dhubri on 11 August 2012

129. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

130. Interview with In-charge Abu Sayed Ahmed of Failaguri Kembolpur Relief Camp, Kokrajhar on 11 August 2012

131. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

132. Interview with Camp In-charge Badshah Sheikh of Tinkuri High School and 636 NN Academy Relief Camp, Dhubri on 11 August 2012

Camp, Chirang having a population of almost 9000,¹³³ and four purifier, of which only one given by the government, at 672 Gilaguri LP School Relief Camp, Chirang¹³⁴ while no water filter was provided in three relief camps namely Kathalguri/Jacobpur Relief Camp, Kokrajhar,¹³⁵ Bhatgaon High School Relief Camp, Kokrajhar¹³⁶ and Grahampur HS School Relief Camp, Kokrajhar.¹³⁷

In the absence of adequate water filters, the inmates of all the nine camps had to drink water directly from the tube wells, ring wells, etc. Further, the inmates have to stand in queue to get their share of drinking water from the water purifiers.

For bathing, washing and other purposes, the inmates use the tube wells, ring wells, nearby ponds, etc. As most of the camps are overcrowded, the existing tube wells, ring wells, etc are far from adequate. For example, there are five functional tube wells at Basugaon High Secondary School Relief Camp, Chirang¹³⁸ which remained highly inadequate for a population of almost 9000.

There is no drainage system. The water used for washing and bathing get stored on the ground due to lack of drainage facility. The stagnant water poses risk to the inmates of water born diseases.

Excreta disposal

Toilet facilities were inadequate in all the nine Muslim relief camps. There were 20 toilets at Failaguri Kembolpur Relief Camp, Kokrajhar, having over 13000 inmates;¹³⁹ 32 toilets, seven permanent and 25 temporary made of polythene sheets constructed by the PHC department at Grahampur HS School Relief Camp, Kokrajhar with a population of over 6000;¹⁴⁰ 15 temporary toilets at Kamandanga High Madrassa School Relief Camp, Dhubri with over 7000 inmates;¹⁴¹ and six toilets at Hatidhura College Relief Camp, Dhubri for a population of over 14000 inmates.¹⁴²

The situation of women and girl inmates is worst as the toilets in particular the temporary toilets have no doors. Out of the nine camps visited, only one camp namely Kathalguri/Jacobpur Relief Camp, Kokrajhar has separate toilet facility with six toilets for women out of 22 toilets.¹⁴³

In the absence of adequate toilets, the inmates of the camps have to stand in queue in particular in the morning. Many defecate in the fields or nearby jungles.

All the toilets were highly unhygienic which posed great health risks. Majority of the inmates go to the toilets bare footed.

133. Interview with Camp In-Charge Haroon Rashid Mandol of Basugaon High Secondary School Relief Camp, Chirang on 12 August 2012

134. Interview with Camp In-Charge Amzad Hussain of 672 Gilaguri LP School Relief Camp, Chirang on 12 August 2012

135. Interview with Camp In-charge Sirajul Hoque of Kathalguri/Jacobpur Relief Camp, Kokrajhar on 11 August 2012

136. Interview with Camp In-charge of Bhatgaon High School Relief Camp, Kokrajhar on 12 August 2012

137. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

138. Interview with Camp In-Charge Haroon Rashid Mandol of Basugaon High Secondary School Relief Camp, Chirang on 12 August 2012

139. Interview with In-charge Abu Sayed Ahmed of Failaguri Kembolpur Relief Camp, Kokrajhar on 11 August 2012

140. Interview with Camp In-charge Abdul Khaleque Mandol of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

141. Interview with A. K. Sheikh, Headmaster of Kamandanga High Madrassa School Relief Camp, Dhubri with over 7000 inmates on 11 August 2012

142. Interview with Camp In-charge Mustafa Hussain Prodhani of Hatidhura College Relief Camp, Dhubri on 11 August 2012

143. Interview with Camp In-charge Sirajul Hoque of Kathalguri/Jacobpur Relief Camp, Kokrajhar on 11 August 2012

Plight of returnees

Out of the nine camps visited, only some inmates of Kathalguri/Jacobpur Relief Camp, Kokrajhar returned to their respective villages. ACHR was told that 785 families, whose villages are not affected by the violence, returned to their respective homes. They had fled their villages out of fear and insecurity. However, the rest of the inmates were unwilling to return home despite the camp was closed on 6 August 2012. As per government records, there are no inmates at this camp.¹⁴⁴

No inmate has returned home from the rest eight Muslim camps at the time of visit. The inmates of Failaguri Kembolpur Relief Camp, Kokrajhar who were displaced from 41 villages did not vacate despite the camp was declared closed on 10 August 2012.¹⁴⁵

Fear and lack of security remained the primary concerns of all the camp inmates for unwillingness to return. However, the inmates told the ACHR team that they are willing to return if permanent security is provided in their villages and adequate compensation given to them for the losses suffered.

The remaining inmates of Kathalguri/Jacobpur Relief Camp, Kokrajhar who were unwilling to return to their respective villages stated that their houses and properties have been fully damaged.¹⁴⁶ The houses of the inmates of Grahampur HS School Relief Camp, Kokrajhar were both fully and partially burnt during the violence.¹⁴⁷

The provision of permanent security in their respective villages is the shared demand of all the camp inmates. The inmates alleged that the police colluded with the miscreants involve in the riots. Some inmates of Grahampur HS School Relief Camp, Kokrajhar alleged that they were attacked and their houses and properties damaged despite presence of security personnel between 21 and 23 July 2012.¹⁴⁸ While highlighting the security concern, a group of inmates of Bhatgaon High School Relief Camp, Kokrajhar alleged that the dead body of one Umar Ali, son of Lt. Suraj Jamal of Hekkaipara village who died in the violence could not be recovered till date as no security was provided.¹⁴⁹ The disarming of the former extremists is another unanimous demand of the inmates.¹⁵⁰

144. Interview with Camp In-charge Sirajul Hoque of Kathalguri/Jacobpur Relief Camp, Kokrajhar on 11 August 2012

145. Interview with In-charge Abu Sayed Ahmed of Failaguri Kembolpur Relief Camp, Kokrajhar on 11 August 2012

146. Interviews with inmates of Kathalguri/Jacobpur Relief Camp, Kokrajhar on 11 August 2012

147. Interview with Camp In-charge Abdul Khaleque Mandol and inmates of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

148. Interview with Camp In-charge Abdul Khaleque Mandol and inmates of Grahampur HS School Relief Camp, Kokrajhar on 11 August 2012

149. Interviews with inmates of Bhatgaon High School Relief Camp, Kokrajhar on 12 August 2012

150. Interviews with inmates of all the camps on 11-12 August 2012

5. Recommendations

Asian Centre for Human Rights makes the following recommendations for consideration by the State Government of Assam and the Union Government of India:

A. State Government of Assam

- i. Prohibit public protests carrying dead bodies and prosecute the organisers/ violators for wantonly giving provocation with intent to cause riot and promoting enmity between different groups on grounds of religion, race, place of birth, residence, language, etc., and doing acts prejudicial to maintenance of harmony;
- ii. Identify the riot prone vulnerable areas, increase the number of police stations and set up Police Station Level Monitoring Committees who shall fortnightly submit reports to the District Magistrate about the prevailing situations relating to ethnic tensions for further appropriate action to prevent the riots;
- iii. Establish accountability by prosecuting all those responsible for acts of violence in the riots since 20 July 2012;
- v. Implement Chapter X of the Assam Land Revenue Regulation, 1886 relating to protection of tribal land and take measures to restore the tribal lands encroached by non-tribals in the BTAD and other parts of Assam in violation of the Assam Land Revenue Regulation, 1886;
- vi. Ensure that no non-tribal is rehabilitated in tribal belts and blocks notified under Chapter X of the Assam Land Revenue Regulation, 1886 unless the non-tribals can proof their residence prior to the notification of the concerned tribal belts and blocks;
- vii. Improve the humanitarian situations in the relief camps including access to adequate shelter, food, utensils, baby food, clothes, health care, water facility, excreta disposal etc;
- viii. Ensure that no relief camp is forcibly closed down and the inmates are not forced to leave the relief camps; and
- ix. Ensure non-discrimination for access to rehabilitation.

B. Government of India

- i. The Prime Minister of India should inquire into the refusal by the Army to be deployed in the riot affected areas, fix the responsibility and take including necessary disciplinary action for criminal dereliction of duty and develop the Standard Operating Procedure to establish the supremacy of the Chief Minister as the Chairman of the Unified Command and deployment of the Army on the Chief Minister's instruction without any sanction from the Ministry of Defence in case of riots or natural calamities;
- ii. The Ministry of Home Affairs (MHA) should hold a national consultation on the issue of illegal immigration, take effective measures to stop illegal immigration and raise the issue with the Government of Bangladesh;
- iii. The MHA should ensure rehabilitation of the displaced persons by providing assistance at par with what is being provided to the Sri Lankan Tamil displaced persons by the Government of India including Rs 4.95 lakhs as housing assistance per family, setting up of trauma centres for the victims of violence and providing of food rations for six months to enable them to prepare for the next harvest season;
- iv. The MHA should provide security to those returning to their villages;
- v. The MHA should seize all the illegal arms and review the arms licenses issued in BTAD; and
- vi. The MHA should ensure that cease fire ground rules with the insurgent groups are fully respected.

Annex–I: Chapter X of the Assam Land Revenue Regulation, 1886

CHAPTER X Protection of backward classes

160. (1) Notwithstanding anything herein before curtailed, the [State] Government may adopt such measures as it deems fit for the protection of those places who on account of their primitive condition and lack of education after or material advantages are incapable of looking after their welfare in so far as such welfare depends upon their having sufficient land for maintenance.

(2) The [State] Government may, by notification in the official Gazette, specify the classes of people whom it considers entitled to protection by such measures as aforesaid.

161. The protective measures may include the constitution of compact areas, in regions predominantly people by the classes of people notified under the provisions of sub-sections (2) of section 160, into belts and blocks. The boundaries of the areas so constituted shall as far as possible coincide with mauza boundaries to be otherwise easily distinguishable.

162. (1) The [State] Government may, by notification in the official Gazette, direct that the provisions of this Chapter shall apply to the areas, or any of the areas, constituted into belts or blocks under the provisions of sections 161. On such application, the disposal of land by lease for ordinary cultivation, the nature and extent of rights conveyed by annual or periodic leases, the termination or forfeiture of such rights the ejection of persons in occupation who have no valid right in the land, the management or letting out in farm of land in certain circumstances by the Deputy Commissioner, and other allied or connected matters shall, so far as possible, be governed by the provisions of this Chapter and the rules made thereunder. Where this is not possible, the Deputy Commissioner shall be guided by the spirit of the provisions of the foregoing Chapters of the Regulation and rules made thereunder.

* (2) Notwithstanding anything to the contrary in any law, usage, contract or agreement no person shall acquire or possess by transfer, exchange, lease, agreement or settlement any land in any area or areas constituted into belts or blocks in contravention of the provisions of sub-sections (1).

* (3) From and after the commencement of the Assam Land and Revenue, Regulation (Amendment) Act, 1964 no document evidencing any transaction for acquisition or possession of any land by way of transfer, exchange, lease, agreement or settlement shall be registered under the Indian Registration Act 1908 if it appears to the registering authority that the transaction has been effected in contravention of the provisions of sub-sections (2).

(4) The [State] Government may in like manner, direct that the provisions of this Chapter shall cease to apply to any area or areas or portions of any area or areas, to which they have been applied under the provisions of sub-sections (1).

(5) The application of the provisions of this Chapter to any area as aforesaid will not affect –

(a) land settled for special cultivation or purpose ancillary to special cultivation (including grants made for tea cultivation).

(b) lakheraj, nisf kheraj or special estates settled with non-cultivators for their maintenance, which land and estates and the rights and interests therein shall continue to be governed by the provisions of the forgoing Chapters of the Regulation and the rules made thereunder.

163. (1) The disposal of land, in areas to which the provisions of this Chapter apply, for the purpose of ordinary cultivation or purposes ancillary thereto shall be in accordance with such policy and procedure as may be adopted and directed by the [State] Government.

(2) In adopting and directing such policy or procedure the [State] Government shall take into consideration –

(a) the bona fide needs of those who are permanently residing in the area on the date of the notification under sub-section (1) of section 162.

(b) the bona fide needs of those who are temporarily residing in the area, but who are settlement holders of land within the area, on the aforesaid date, and who are likely to undertake to become permanently resident therein within a reasonable time,

(c) the bona fide needs of members of the classes notified under sub-sections (2) of section 160, who are living elsewhere in the district, and

(d) If the extent of cultivable land available for settlement in the belt or block be large enough, the bona fide needs of other classes of persons residing in the neighbourhood of the belt or block. Preference shall be given to persons whose religion, mode of life, agricultural customs and habits are more akin to those of the classes for whose protection the belt or block was constituted.

164. (1) A settlement holder other than a land-holder shall have no rights in the land held by him beyond such as are expressed in his settlement lease.

(2) A land-holder shall have a right of use and occupancy in the land held by him subject to any restrictions or modifications prescribed in rules made under this Chapter, and to the provisions of section 9.

(3) The rights of a land-holder derived from a periodic lease in respect of land to which the provisions of this Chapter have been applied, and issued before the date of the notification under sub-section (1) of section 162 shall, for the period during which the area remains subject to the provisions of the Chapter, be the same as described in sub-section (2).

165. (1) In the case of unsettled land, any person who without valid authority has encroached upon or occupied it shall be liable to ejection forthwith.

(2) In the case of annually settled land, persons other than settlement-holders, members of their families and hired servants, if found in occupation thereof, shall be liable to ejection forthwith. The settlement, earlier for infringement of the conditions of the lease or for any action contrary to or inconsistent with the rights conferred on him by the lease, automatically terminate at the end of the period covered by the lease.

(3) (a) In the case of periodically settled land, persons who have entered into occupation without valid authority from the land-holder or whose entry or occupation is or has come about in a manner inconsistent with the provisions of this Chapter shall be liable to eviction.

(b) Such eviction shall be preceded by service of notice requiring the occupants to vacate the land, and to remove all buildings and other constructions erected, and crops raised, within a period not exceeding one month from the date of receipt of the notice.

(c) The Deputy Commissioner may, after the persons concerned have evacuated or been evicted from the land, take the land under his own management, or may let it in farm, for such period as he thinks fit, but shall give the land-holder a reasonable opportunity of undertaking in writing that he will do everything in his power to prevent unauthorized occupation by other persons in future, and of agreeing in writing that, on his failure to do so, he will forfeit his land. If satisfied with an undertaking and agreement as aforesaid, the Deputy Commissioner shall accept them, and they shall be deemed to govern the land-holder's future rights and status in respect of the land and the land shall then be restored to the land-holder. If the land-holder subsequently contravenes the undertaking as aforesaid, or any of the provisions of section 9, he shall be liable to forfeiture of his rights and status in respect of the land, which will then be available for settlement afresh, subject to any lawful encumbrances subsisting upon it.

166. No suit shall lie against any public servant for anything done by him in good faith under this Chapter.

167. No Civil Court shall exercise jurisdiction in any of the matters covered by this Chapter.

168. The [State] Government may, by notification in the official Gazette, invest any Revenue Officer with the powers of the Deputy Commissioner under all or any of the provisions of this Chapter within such limits, with such restrictions and for such period as may be specified, and may withdraw from any such officer any of the powers so conferred upon him.

169. (1) an appeal shall lie under this Chapter –

(a) to the Deputy Commissioner, from any original order passed by any officer subordinate to him, and

(b) to the [(2) Board] from any original order passed by a Deputy Commissioner.

(2) Except in regard to orders relating to periodically settled land an order passed on appeal under sub-section (1) clause (a) shall be final.

(3) In regard to orders relating to periodically settled land an appeal will lie to the [Board] from an appellate order of the Deputy Commissioner.

170. The [Board] or the Deputy Commissioner may call for the proceedings held by any officer subordinate to it or him, and passed such order thereon as it or he thinks fit.

171. The (State) Government may, by notification in the official Gazette, make rules for purpose of carrying out the provisions of this Chapter.

Annex-II: India's rehabilitation package for the Sri Lankan Tamil IDPs

RTI MATTER



सत्यमेव जयते

BY REGISTERED POST WITH AD

विदेश मंत्रालय, नई दिल्ली
MINISTRY OF EXTERNAL AFFAIRS
NEW DELHI

No. RTI/551/1062/2011

Dated: 18th January, 2012

Shri Suhas Chakma,
C-3/441-C, Janakpuri,
New Delhi – 110 058.

Sir,

Please refer to your RTI application dated 7th December, 2011 (received on 09/12/2011) seeking information regarding total amount sanctioned for construction of 50,000 houses for IDPs, cost of each house, copy of the contract with Hindustan Prefab Limited by the Government of India for commencement of construction of 1000 houses as a "Pilot Project" in the Northern Province and related matters. This to acknowledge receipt of Rs. 65/- towards additional fees.

2. Relevant information as provided by the deemed PIO under section 5(5) of the RTI Act, 2005 on points 1, 2, 3 & 11 is enclosed. Remaining information has been sought from our Mission & will be provided as & when received. Till then, you are requested to kindly bear with us.

3. If you are aggrieved with this reply, you may file an appeal with Shri Sudhir Vyas, Secretary (ER) & Appellate Authority, Ministry of External Affairs, South Block, New Delhi within a month from the date of receipt of this letter.

Yours faithfully,

(Manish Chauhan)
Director (RTI)/CPIO

Ministry of External Affairs
BSM Division

1. *Total amount sanctioned for construction of "50,000 houses for IDPs "and the cost of each house.*

Reply: The total sanctioned cost for the construction of 1000 houses under the Pilot project which is currently under execution is Rs 53 crores. The cost of each house under the Pilot project is Rs 4.95 lakhs. For the remaining 49,000 houses competent authority has accorded approval for a total amount of Rs 1319 crores.

2. *Copy of the contract with Hindustan Pre Fab Limited by Government of India for commencement of construction of 1000 houses as a "Pilot Project" in the Northern Province.*

Reply: Copy of the Agreement is placed as Annexure 'A'.

3. *Copy of the Agreement signed for the "Project for war widows by SEWA".*

Reply: Copy of the agreement placed as Annexure 'B'.

11. *Copy of the Agreements signed with Government of Sri Lanka.*

Reply: Copies of the MoUs signed with the Sri Lankan Government for SEWA and for Small Development Projects is placed as Annexures 'D' and 'E' respectively.

Annex-III: ACHR's critique of the report of the National Commission for Minorities



ASIAN CENTRE FOR HUMAN RIGHTS

[ACHR has Special Consultative Status with the United Nations Economic and Social Council]
C-3/441-C, Janakpuri, New Delhi-110058, India Phone/Fax: +91-11-25620583, 25503624
Email: secretariat@achrweb.org; Website: www.achrweb.org

Embargoed for : 21 August, 2012

NATIONAL COMMISSION FOR MINORITIES: COMMUNALISING ASSAM RIOTS?

1. Introduction

On 11-12 August 2012, a team of the National Commission for Minorities (NCM) consisting of Planning Commission Member, Dr. Syeda Hameed, Advisor Dr. G. B Panda, and Member of NCM, Keki N. Daruwalla visited the riot affected areas of western Assam.

The NCM's report was covered in the press on 16 August 2012 suggesting that it was released on 15 August, India's Independence Day and an official holiday. On 16 August 2012, in one hand, *The Indian Express* in its front page reported about fleeing of over 6,000 people hailing from North East India from Bangalore because of threats and fear of attacks, *The Hindu* on the other hand reported about the findings of the NCM that the conflict was unequal as the Bodos were killing Muslims with AK 47s and there is impending fear of militant Jihadis supplying arms to Assam.

The report of the NCM contains biased and inflammatory comments with the potential to radicalize Muslims and increase the risks of the North Eastern people who have nothing to do with the riots in Assam but being attacked simply because of their "Tibeto-Mongoloid" features.

There is a clamour growing demanding the visit of the National Commission for Scheduled Tribes (NCST) as the Bodos are scheduled tribes. A report by the NCST focusing on the rights of the tribals at this moment is neither likely to contribute to the reconciliation nor undo the communalisation of the riots in Assam by the NCM.

By 20 August 2012, about 50,000 people hailing from various parts of North East have fled from mainland India. A majority of them are Christians and therefore fall within the mandate of the NCM. It is deeply regrettable that the NCM instead of protecting these minorities have actually made their situation more vulnerable by compromising independence and impartiality that is least expected from a National Human Rights Institution. The NCM must not repeat the mistakes raised in this report.

Suhas Chakma
Director

2. Is NCM communalising Assam riots?

Conflicts over land, resources and identity are not new in Assam. These often remain localized even in Assam. Portends were clear about an impending clash between the Bodos and the Muslims. On 6 July 2012, two persons belonging to Muslims were killed at Anthihara under Dotma police station in Kokrajhar district by unidentified persons. On 19 July 2012, two student leaders belonging to All-Bodoland Minority Student's Union (ABMSU) and All-Assam Minority Student's Union were shot at near Kokrajhar by unidentified people.

In alleged retaliation of these incidents, four Bodos were killed on 20 July 2012.

These killings triggered a spate of attacks and counter-attacks across Kokrajhar, Chirang and Baksa districts in the Bodoland Territorial Administered Districts (BTAD), as well as in Dhubri district, which is outside the BTAD.

IN THIS ISSUE

1. Introduction	1
2. Is NCM communalizing Assam riots?	1
i. Minorities in Western Assam: Did NCM violate its mandate?	2
ii. NCM's failure to ensure parity during the field visit	2
iii. Ill-timed release of the report: NCM adding fuel to the fire	3
a. Attacks on the North Easterners	3
b. Release of the report by the NCM to the media ill-timed	3
c. NCM's failure to stand up by the North Eastern minorities in mainland India	4
3. Conclusion: Should NCST visit BTAD to counter the NCM?	4
Annex I: Report of the NCM	5
Annex 2: News clippings from <i>The Indian Express</i> and <i>The Hindu</i>	8

2 NCM : COMMUNALISING ASSAM RIOTS?

However, the State Government of Assam failed to address the root causes like illegal immigration or learn any lesson despite the following riots since 1993:

- October 1993:** Bodos and Muslims clashed in Kokrajhar and Bongaigaon districts leading to displacement of 18,000 persons
- May 1996:** Bodos and Adivasis clashed in Bongaigaon district leading to displacement of 2,62,682 persons
- September 1998:** Bodos and Adivasis clashed in Bongaigaon district displacing 3,14,342 persons
- September-November 2005:** A total of 1,7980 families consisting of 43,819 persons were displaced in Karbi Anglong district due to ethnic clashes between Karbi and Dimasa tribals
- August 2008:** Bodos and Muslim clashed in Darrang and Udalguri districts leading to displacement of over 200,000 people
- March-May 2009:** Dimasa and Naga tribes clashed in the North Cachar Hills district leading to displacement of 11,737 persons
- January 2011:** Rabha-Garo tribes clashed leading to displacement of over 50,000 persons

For the first time, the consequences of the riots in Assam in July 2012 have been felt in mainland India because of the communalisation of the riots. It did not spread to other parts of Assam where tribals and Muslims live side by side but people from the North East India have been facing attacks in mainland India since 8 August 2012 because of their Tibeto-Mongoloid features. The violent protest against the attacks on Muslims in Assam and Myanmar at Azad Maidan, Mumbai on 11 August 2012 was indicative of the impending attacks on the North East people.

Against this backdrop, a team of the NCM visited Assam on 11-12 August 2012 and published a report which further contributed to communalisation of the conflict in Assam.

i. Minorities in Western Assam: Did the NCM violate its mandate?

The mandate of the NCM is protection and promotion of the rights of the minorities who are defined as “a community notified as such by the Central Government” under Section 2(iii) of the NCM Act, 1992. The Government of India has so far notified only the religious groups as minorities. Those who have been notified as minorities are Muslims, Christians, Sikhs, Buddhists and Zoroastrians (Parsis). The NCM’s mandate is therefore limited to religious minorities.

At least 15% of the Bodos are Christians while about 50% of the Bodos follow their own animist religion, “Bathou” and the rest are Hindus. By definition, the Bodos fall under the definition of “minorities” under the NCM Act.

However, the NCM effectively reduced the riots in Assam to “Bodos” Vs “Muslims” wherein Muslims have been defined

as “minorities”, therefore, falling within the mandate of the NCM. The Bodos who are followers of Christianity and animist “Bathou” religion have been effectively defined as a majority in clear violation of the NCM Act.

This extrapolation of “ethnic minorities” not defined under the NCM Act is not a mere semantic but raises fundamental questions about enjoyment of the rights recognized under law and the way an institution such as the NCM supposed to function. Since Indian laws do not define “ethnic minorities”, any extrapolation of the same by the NCM will require clear definition and identification of ethnic minorities.

The feeling of being minority is all pervasive in the Bodoland. The NCM in its report stated that the Bodos are about 30% of the total population in the BTAD. The Bodos consider themselves as minorities in comparison to “Non-Bodos” who by the own admission of the NCM are about 70% of the total population. However, each community feels they are minorities. The Koch Rajbongshis feel minority in comparison to the Bodos. The Adivasis bear the same grudge. The Assamese and Hindu Bengalis too feel they are minorities. The Muslims too feel they are minorities as large majority of the Bodos and Adivasis are Hindus, in addition to the Assamese and the Bengali Hindus.

The NCM failed to identify the minorities as per its mandate or any other extrapolation used for the report.

ii. NCM’s failure to ensure parity during the field visit

The delegation of the NCM visited only one Bodo camp i.e. Vidyapeeth High School at Kokrajhar town and six Muslim relief camps at Jaogliapara, Srirampura, Grahampur High School (Gossaigaon, Kokrajhar), Matiabag M E School (Dhubri), Indra Narayan Academy (Dhubri) and Bilasipara College (Dhubri).

The Vidyapeeth High School is in the heart of Kokrajhar town, the headquarters of the BTAD. The situation in this camp is better than other Bodo relief camps simply because it is in the heart of the town. The NCM has failed to expose the deplorable conditions of the Bodo relief camps outside the main towns. Therefore, the inferences drawn by the NCM are inaccurate.

Further, the report of the NCM is self-contradictory. In one hand, the NCM’s report states, “*Had prompt action been taken after two Muslims were killed on 6th July, or after four Bodos were snatched away from the hands of the police and killed by Muslims, this conflict could have been avoided*”. At the same time, NCM recommends that “*A serious and detailed dialogue between the MHA, State Government and the BTAD led by Shri HAGARAMA MAHILARY is absolutely essential. A forcible mass exodus of non-Bodos from the area, engineered through threats or killings will not be allowed*”. The conflict is not necessarily due to conspiracy to drive out the Bodos but

assertion of dominance by different groups always lead to conflict and these conflicts inflame neighbouring areas.

Further, the NCM concluded “4. *The fact that when Muslims abandoned their villages their houses were looted and gutted might indicate a design to see that they do not return to their own villages. The Bodos who fled from their villages have also in most cases had their houses looted and gutted. Conspiracy theories abound.*”

This conclusion is inflammatory and contradictory. In the case of the Muslims abandoning their villages and their houses being looted and gutted, the NCM concludes that there is a “*design to see that they do not return to their own villages*”. However, the same design has not been stated with respect to the Bodos despite the NCM noting that “*there was no way they (Bodos) could go back as they were surrounded by Muslim villages*”. Further, a plain reading of the content also implies that while the houses of the Muslims were burnt by others, with respect to the Bodos, they “had their houses looted and gutted” as if the Bodos did to themselves.

The NCM failed to ensure impartiality at a time when it is clear that both the Bodos and Muslims are scared to return to their respective villages surrounded by other communities.

It is regrettable that the NCM also failed to make any comment about the failure of the State government to take appropriate action to prevent escalation of the conflict.

iii. Ill-timed release of the report: NCM adding fuel to the fire

a. Attacks on the North Easterners

Though the rest of the people in Assam, other States of North East India and Darjeeling region of West Bengal had nothing to do with riots in the BTAD, Assam, the attacks on the people from the North East India has been building up. The people who were attacked had to be “Tibeto-Mongoloid” origin for the attacks. It did not matter even if the person is Tibetan.

The attacks on the North Eastern people or with Tibeto-Mongoloid features to be precise have been building up since 8 August 2012. The news reports covering the attacks are given below:

On 8 August 2012, a student of Poona College belonging to the northeast was beaten up by a group of eight people in the vicinity of the Poona College. This was the first incident of assault against Northeast people in Pune, Maharashtra.¹

On the evening of 8 August 2012, Infosys employee Kahomdai Panmei of Manipur, who lives in Kondhwa, Pune, was attacked by a group with iron rods and bamboo sticks without any reason. He had gone out to drop his sister to her residence in Shivneri Nagar.²

On 9 August 2012, four students were allegedly beaten by a mob near Poona College in the Pune Camp area.

The victims filed an FIR at the Cantonment police station on 10 August.³

In a separate incident on the same day (9 August 2012), Thuike Ywang of Manipur and a student of Poona College, was beaten up by two persons in Kondhwa when he went to buy rice at a shop around 7 pm.⁴

On 13 August 2012, two persons identified as Sarva Bahadur Devang and Mathiyani were allegedly beaten up by unidentified persons in two separate incidents in Kondhwa, Pune. Sarva Bahadur Devang is from Darjeeling, West Bengal and beaten up suspecting him to be from the north east while he was on his way to home when five men traveling in a car accosted him without any provocation and attacked him on the NIBM road. While Mathiyani was beaten up by two unidentified persons at Shivnerinagar. The police registered two separate non-cognisable cases in connection with these attacks.⁵

On 13 August 2012, a person from Assam, working as a security guard, was allegedly intercepted and beaten up by three unidentified persons in Raidurg, Hyderabad. The attackers also snatched away his mobile phone.⁶

On 14 August 2012, a Tibetan student Tenzin Dhardiyal was stabbed on Dhanwantri Road in Mysore, Karnataka allegedly due to his Mongoloid features.⁷

The attacks on the North Easterners have obviously been building up. On 11 August 2012, a mob of nearly 50,000 assembled in Mumbai’s Azad Maidan to protest against the attacks on the Muslims in Assam and Myanmar turned extremely violent. Two youths were killed and 52, including 44 policemen, injured as the protesters went on a rampage, attacking the police, including molesting women constables, burning of media and police vehicles, smashing cameras of photo journalists and damaging buses.⁸

b. Release of the report by the NCM to the media ill-timed

Despite such building up of attacks on the North Eastern people, the NCM selectively released its report which was covered in print edition of *The Hindu* on 16 August 2012 thereby implying that the report might have been released on 15 August, an official holiday. As on date, the report of the NCM is available on the website of the NCM at <http://ncm.nic.in/pdf/tour%20reports/Assam.pdf>

Based on the report of the NCM *The Hindu* reported:

“Bodoland Muslims might turn ‘militant,’ warns minorities panel

There is a possibility that Muslims in the Bodo districts of Assam will turn “militant,” influenced by jihadi outfits from across India, in case their security is not ensured by the State government. This warning was sounded by the National Commission for Minorities (NCM) in its report on the recent communal violence

4 NCM : COMMUNALISING ASSAM RIOTS?

in Assam and has been communicated to Assam Chief Minister Tarun Gogoi. The report was prepared after it visited the conflict-torn districts in the Bodoland Territorial Autonomous Districts (BTAD) and Dhubri district in Assam.

...Its report said the cause of the riot originated from the conflict between the Bodos and the resident Muslims of BTAD, and not between Bangladeshi migrants and the Bodos, even though it said infiltration from Bangladesh did take place throughout the year.

“The conflict this time as far as we could see was not between some exodus of Bangladeshi immigrants and the Bodos but between the Bodos and the resident Muslims of the BTAD.”

“The conflict was unequal because the Bodos had leftover arms from the Bodo Liberation Tigers [AK 47 etc]. The Muslims are very poorly armed in comparison,” the minority panel report said, with a warning about the potential jihadi influence on the Muslim population in Bodoland.

“There can be grave danger in future in case militant jihadi outfits from the rest of the country start supplying lethal weapons in this area,” it said”.

These comments of the NCM were like adding fuel to the fire as the North Eastern people were fleeing in thousands from mainland India. While *The Indian Express* in its front page on 16 August 2012 reported about fleeing of over 6,000 people of North East India from Bangalore, other news agencies were reporting about the findings of the NCM that the conflict was unequal as the Bodos killed Muslims with AK 47s and there is an impending fear of militant Jihad supplying arms to Assam.

The NCM failed to note that in order to prevent spread of the communal tension, the authorities of Assam have not disclosed the names of the victims killed or the number of displaced persons from each community. Even the media refrained from such disclosure. Yet the NCM after visiting only one Bodo camp and six Muslim camps gave definitive comments and figures on the number of displaced (roughly 300,000 Muslims and 100,000 Bodos) from different religious communities when no such census was conducted.

c. NCM's failure to stand up by the North Eastern minorities in mainland India

As on 20 August 2012, according to various reports, at least 50,000 North Eastern people have fled from mainland India leaving behind their education, jobs, provident funds etc to an uncertain future. The North East India is also the home of the majority Christians and fall within the mandate of the NCM. The NCM instead of protecting these Christian minorities from the North East India further contributed to their vulnerability and the feeling that NCM is not for their protection even if majority of them are Christians.

5. Conclusion: Should NCST visit BTAD to counter the NCM?

The consequences of the riots in Assam have for the first time been felt in mainland India because of the “communalization” of the riots which often occur in Assam because of the unwillingness of the State administration to make effective interventions. The NCM has its own contribution to this communalisation of the local conflict.

There is a clamour growing demanding the visit of the National Commission for Scheduled Tribes that is mandated to protect the rights of the Scheduled Tribes. The Bodos are scheduled tribes and fall within the mandate of the NCST.

A report by the NCST focusing on the rights of the tribals at this moment is neither likely to contribute to the reconciliation that is indispensable nor undo the “communalisation” of the riots in Assam by the NCM.

It is essential that an institution such as the National Commission for Minorities understand their legal mandate (protection of religious minorities), complexities of the issues and history of the conflicts between different communities in the entire State before making ill-timed, inflammatory and biased comments which have the potential to radicalize particular communities and/or increase the risks of other communities such as the North Eastern people who have nothing to do with the riots in Assam. Shoddy reports based on hearsay have the potential to reduce an important institution such as the NCM to be less than independent and impartial. The NCM's reputation is at risk as its report has compromised independence and impartiality; and this is unexpected from a National Human Rights Institution.

Endnotes:

- ¹. Northeast exodus: Cops to secure place from where it all started, Daily News and Analysis, 19 August 2012
- ². Mystery attackers target North-East students in Pune, The Indian Express, 10 August 2012
- ³. Mystery attackers target North-East students in Pune, The Indian Express, 10 August 2012
- ⁴. Mystery attackers target North-East students in Pune, The Indian Express, 10 August 2012
- ⁵. 2 more from Northeast beaten up in Pune, Daily News and Analysis, 14 August 2012
- ⁶. Fearing attacks, several Assamese leave Hyderabad, The Hindu, 15 August 2012
- ⁷. Probe into attack on Tibetan student in Mysore under way, The Hindu, 17 August 2012, <http://www.thehindu.com/todays-paper/tp-national/tp-karnataka/article3783366.ece>
- ⁸. “Mumbai: Police custody of 23 accused in Azad Maidan violence extended”, CNN-IBN, 19 August 2012, <http://ibnlive.in.com/news/azad-maidan-violence-custody-of-23-accused-extended/283593-3-237.html>

Annex I: Report of the NCM

Report on Visit to Bodoland Territorial Autonomous Districts (BTAD) and Dhubri District in Assam

Member Planning Commission, Dr. Syeda Hameed, Advisor Dr.G.B Panda, and Member NCM, Keki N. Daruwalla proceeded to Guwahati and from there to Kokrajhar by road, at fairly short notice on August 11th, 2012. Ms. Sheetal Sharma, North East Network Coordinator also accompanied Dr. Syeda Hameed. We were received at Guwahati airport by Principal Secretary Food and Civil Supplies Govt. of Assam, Shri Shyam Mewara, who accompanied us throughout our tour through Kokrajhar, Gossain Gaon and the Dhubri district, including Bilasipara. We left Guwahati for Delhi on 12th evening.

Our intention was to see the Camps, observe the quality of relief being given and assess the plight of four lakh refugees (roughly 300,000 Muslims and 100,000 Bodos).

Another issue was when the refugees could return to their villages and resume normal life.

The NCM was also keen to probe the flare up and causes underlying the bloody conflict. Assam as a whole and Bodoland Territorial Autonomous Districts (BTAD) have had a history of ethnic strife backed by armed groups and terrorist outfits, often aided by foreign powers. Assam had also to face considerable immigration from Bangladesh/East Pakistan over the last half a century. This is one of the major causes of ethnic strife in Assam.

It needs to be mentioned that the Bodoland Accord was struck in 2003 primarily with a view to end insurgency there, to give autonomy to the Bodos and the region, and “provide constitutional protection under the Sixth Schedule” to people belonging to the four contiguous districts which were marked out as BTAD.

The DC and SP Kokrajhar briefed us to the effect that 63 Police pickets were being established in villages throughout the district, each manned by a platoon, mostly of the CRP and a few by the Assam police. (The previous DC and SP have both been transferred)

Both Bodos and Muslims had fled out of fear, and their homes had been looted once they ran.

11,000 houses were gutted. As regards the Camps 22 deaths had taken place.

This report is in two sections – (i) Camps and (ii) Law and Order

Camps

Before we comment on the state of the Camps, the hygiene prevailing, and the food served it would be only fair to say at the outset that the administration was confronted with the herculean task of suddenly dealing with 4 lakh refugees during a torrid monsoon.

The first Camp we visited was the Kokrajhar Vidyapeeth High School which housed 768 Bodos (392 men 396 women and the rest children mostly from Laliapura). Compared to the later Camps we visited, this Camp was comparatively neat. The Bodos appeared frightened and stated there was no way they could go back as they were surrounded by Muslim villages. Muslims had weapons like talwar and dao. Mosquito nets and garments for women had been provided in the Camp. A doctor’s team of NRHM was present. Clothes and utensils had been distributed. A community kitchen run by women inmates ran efficiently.

The Camps where Muslims were housed were in a pathetic condition mainly because of the much larger numbers. For instance, at the Shri Rampur Camp in Guossain Gaon there were 4304 inmates. We visited the Camp in driving rain and wind.

Visit to Torched Houses in Jaogliapara

3 villages Hekaipara, Duramari and Mozabari, dominated by Muslims were torched by miscreants. We met few Bodo villagers who live across the burnt houses but who said that they were not aware who had done the arson. The Muslims outnumbered the Bodo but ran because of the firearms which Bodo possessed.

Relief Camp Srirampura, Gossaigaon and Kokrajhar

There was no electricity and the place was water logged. The rations were lying outside exposed to natural hazards. Inmates stated that the Bodo came in military fatigues and had automatic weapons, so Muslims fled in fear. There were about 1 lakh Muslims in various relief Camps in Gossaigaon. Toilet facilities were minimal with 10 toilets for 4,300.

The inmates named two policemen, said to be terrorizing Muslims, namely, TSI – Tapash Das and IC Rangmai of Sabkata Police Outpost. There was a universal demand for transfer of one Jayanta Basumatary of Sabkata Police Outpost

6 NCM : COMMUNALISING ASSAM RIOTS?

who was hounding Muslims. When we broached this with the Chief Minister, he told us that his orders for transfer had already been issued.

Many inmates stated that Assam police were silent spectators when firing occurred.

Grahampur High School, Gossaigaon

This was a horrendous Camp, with 6,569 inmates from 31 villages. Because of overcrowding, conditions were abysmal. 25 latrines had been provided for 6000 people.

There were over 30 pregnant women, some of them overdue. They were thin, anaemic and malnourished. No one knew that Government had announced Rs. 500/- per capita for clothes and utensils. For the last 20 days many were wearing same clothes.

People stated their houses were burnt though just 200mtrs from the Police Station but the Police did not act. They alleged that the Assam Police was biased. On 12th August, 2012 we visited:

1. Matiabag M E School, a roadside Camp, Dhubri

No clothes were available for children. They stated that all assets including their cattle were looted. Medicines were not effective. Even their cattle were looted.

2. Indira Narayan Academy, Bilasipara, Dhubri

The Camp had 3,500 inmates from 10 villages, mainly Hekaipara and Duramari where we had already seen the torched houses. The stink around the Camp was horrible.

Some inmates complained that only 200gm of rice per person was given once in five days. This seems unbelievable for nowhere were such allegations made. But some inmates persisted with this assertion. Children were suffering from skin infections.

Inmates complained that FIRs had not been written. This was a general complaint against the Police. There were just three latrines and no place to take a bath. Garbage had not been picked up for 15 days.

Inmates also stated that more men were killed but fewer deaths had been reported.

A man from the Camp went home in Gossaigaon but on his way he was picked up by army. His father has complained about his missing, but no action taken yet.

3. Bilasipara College, Dhubri

The Camp had 2504 inmates (800 women, 1699 men and 258 children) from 6 villages. Some of the expecting women were suffering from fever and mostly from severe anaemia. No one had heard about Horlicks, available in one Bodo Camp.

Among the inmates Guljan Begum's husband Amjad Ali is missing; Rohima bibi's daughter Rojina (12yrs) is missing for 25 days; Rajaul Sheikh (7 yrs.) went to bathe and got drowned; Khodezad Bibi had a bullet wound on a badly swollen hand.

Ambreen Bibi had a gash on the side of her head where she was struck with a sharp weapon. She said all hospital expenses were borne by her and when she went to the Police her report was not filed.

Rehabilitation: The Government has promised a rehabilitation package of Rs.20, 000/- and three bundles of GCI sheets to rebuild houses /or another Rs.30, 000/- in lieu thereof.

Conclusion - In General

While the Administration has worked very hard, the women are malnourished, children unclad, toilet facilities meagre and hardly any place for people to take a bath.

They also complained that their reports were not taken down as FIRs by the Police. Recurrence of violence was a major issue with most inmates.

Law and Order

A few important points need to be flagged here:

1. The conflict between Bodos and non-Bodos whether Muslims, Santals or Adivasis (Koch Rajbansis) has been going on for long. There were ethnic conflicts/riots in 2004, 2006, 2008 and now 2012. (In 1996 also the Bodos tried to drive out the Adivasis – 'Santals' and 'Tea-Tribes' viz., Orang and Munda)

2. Most people feel that this strife is caused because Bodos think that driving out other ethnic people is in their interest. The Bodo population is near the 30% mark in the area. They feel that if their population goes up to 50% and more they will be able to demand statehood for Bodo Land. This is possibly a fallacious premise. The Government needs to tackle the BTAD and especially the Chief Executive Shri HAGARAMA MAHILARY, the BTAD Chief (who was formerly the Chief of the Bodo Liberation Tigers) firmly in this connection.

3. The conflict this time as far as we could see was not between some exodus of Bangladeshi immigrants and the Bodos, but between the Bodos and the resident Muslims of the BTAD. Of course, some infiltration is taking place in all pickets of Assam all the time, but there has been no sudden influx from Bangladesh to trigger off such a major conflict.

4. The fact that when Muslims abandoned their villages their houses were looted and gutted might indicate a design to see that they do not return to their own villages. The Bodos who fled from their villages have also in most cases had their houses looted and gutted. Conspiracy theories abound.

5. There is a big rumour that Bodos will strongly oppose the return of those Muslim refugees who have left the BTAD. This would mean all those in Camps in Dhubri district (which is not a part of the BTAD) may find it difficult to go back to their villages. Any such obstruction by the Bodos need to be stoutly resisted by the administration.

6. The conflict was unequal because the Bodos had left over arms from the BLT (AK 47 etc.,). The Muslims are very poorly armed in comparison. There can be grave danger in future in case militant Jihadi outfits from the rest of the country start supplying lethal weapons in this area.

7. We were also left with the distinct impression that the lower rungs of the police were afraid of taking action against the Bodos, possibly because of the armaments they possessed and the fact that they ruled the area.

Meeting with the Chief Minister Shri Tarun Gogoi :

1. It was brought home to the C.M. that while the task before the administration was indeed stupendous the Camps suffer from poor hygienic conditions and there was fear of inmates falling prey to various diseases. We also repeated that there was no shortage of food.

2. It was emphasized that some political dialogue with Bodos and Shri HAGARAMA MAHILARY, Chief Executive of the BTAD was absolutely essential. The Bodos need to be told firmly that they cannot under any circumstances engineer a mass exodus of non-Bodos. Nor would they ever get statehood this way. The C.M. was requested to kindly consider taking up the matter himself with the Bodo Council.

3. The police must be more forceful with both Bodos and Muslim criminals. Had prompt action been taken after two Muslims were killed on 6th July, or after four Bodos were snatched away from the hands of the police and killed by Muslims, this conflict could have been avoided.

5. More police should be recruited from the minorities. The C.M. replied that as it is, each district has a quota and Dhubri which has 80% Muslim population recruits a majority of Muslims to the constabulary.

6. The danger of Muslims in the BTC becoming militants in the future, in case their security was not ensured, was brought home to the C.M.

Dr. Syeda Hameed
Member
Planning Commission

7. Remedial action was necessary in view of the fact that conflicts in which Bodos were involved have been taking place over the last 15 years. Administration and the police especially have to deal with recalcitrants forcefully.

Overall Recommendations:

1. A serious and detailed dialogue between the MHA, State Government and the BTAD led by Shri HAGARAMA MAHILARY is absolutely essential. A forcible mass exodus of non-Bodos from the area, engineered through threats or killings will not be allowed.

2. The police in the BTAD areas needs to behave much more firmly with law breakers of all communities, including Bodos and Muslims.

3. Most of the FIR's are omnibus, lodged by police itself. Thus specific entitlements of individuals to establish ownership, or recover Insurance money or naming people who committed criminal acts, becomes impossible. Individual reports from those affected needs to be recorded.

4. The idea of investigating major incidents by setting up SIT needs to be considered. This will restore confidence in the justice delivery system.

5. Issuance of ID cards should be legitimised to promote transparency in giving entitlements.

6. Long term rehabilitation plans will have to be developed 'bottoms up' with the help of the people and civil society. Women, young people and children who may have had intense negative experience of trauma will need counselling sooner than later.

7. It is important that parity is maintained in dealing with both sides.

8. Most Camps are located in school buildings and community spaces. Schools need to start soonest so the spaces must be vacated and cleaned before children are allowed in. State needs to provide intermediate shelters such as were provided to Tsunami victims at UT Andaman and Nicobar. This massive work was undertaken in partnership with NGOs'. It is recommended that NGO's across the country who have developed this expertise be mobilised for Assam. After the state has identified the land, the inmates should be given materials, funds and with strict standards pertaining to sanitation be asked to build their own shelters under NGO oversight.

K. N. Daruwalla
Member
National Commission for Minorities

THE HINDU • THURSDAY, AUGUST 16, 2012

Bodoland Muslims might turn 'militant', warns minorities panel

Mohammad Ali

NEW DELHI: There is a possibility that Muslims in the Bodo districts of Assam might turn "militant", influenced by jihadi outfits from across India, in case their security is not ensured by the State government. This warning was sounded by the National Commission for Minorities (NCM) in its report on the recent communal violence in Assam and has been communicated to Assam Chief Minister Tarun Gogoi. The report was prepared after it visited the conflict-torn districts in the Bodoland Territorial Autonomous Districts (BTAD) and Dhubri district in Assam.

The NCM delegation, that included Planning Commission member Dr. Syeda Hameed and NCM member K. N. Daruwalla, visited Kokrajhar, Gossaigaon, Dhubri and Bilaspur in July. Its report said the cause of the riot originated from the conflict between the Bodos and the resident Muslims of BTAD, and not between Bangladeshi migrants and the Bodos, even though it said infiltration from Bangladesh does take place throughout the year.

"The conflict this time as far as we could see was not between some exodus of Bangla-

deshi immigrants and the Bodos but between the Bodos and the resident Muslims of the BTAD."

"The conflict was unequal because the Bodos had leftover arms from the Bodo Liberation Tigers [AK 47 etc]. The Muslims are very poorly armed in comparison," the minority panel report said, with a warning about the potential jihadi influence on the Muslim population in Bodoland.

"There can be grave danger in future in case militant jihadi outfits from the rest of the country start supplying lethal weapons in this area," it added.

The panel has also recommended the formation of a Special Investigative Team (SIT) to investigate the major incidents of violence during the riots in the State as, "this will restore confidence in the justice delivery system."

It has also called for a "serious and detailed dialogue" between the Ministry of Home Affairs, Assam Government, and the Bodoland Territorial Council. Such an interaction, it said, was "absolutely essential." The report also observed that the Bodos think that "driving out other ethnic people" was in their interest and that is why the NCM delegation told the

Chief Minister that "Bodos need to be told firmly that they cannot under any circumstances engineer a mass exodus of the non-Bodos and that they would never get Statehood this way."

Accusing the administration of failing to stop the first round of violent clashes between Muslims and Bodos in the BTAD areas, the delegation told the Chief Minister to instruct the police to be "more forceful with both Bodos and Muslim criminals."

"We were also left with the distinct impression that the lower rungs of the police were afraid of taking action against the Bodos, possibly because of the armaments they possessed and the fact that they ruled the area," observed the delegation.

While visiting the camps of the Bodo and Muslim victims, who fled after their homes were gutted down and looted by arsonists, the delegation expressed concern at the "pathetic condition of the camps where Muslims were housed" and noted that overcrowding was a major problem. Describing the condition at the Grahampur high school camp in Gossaigaon district, the report said: "This was a horrendous camp with 6,569 inmates from 31 villages."

The Indian EXPRESS

www.indianexpress.com NEW DELHI | THURSDAY | AUGUST 16 | 2012

Amid attack fears, people from NE flee Bangalore

PANIC ■ Assamese leave Hyderabad too, PM, HM call up Karnataka to ensure safety

JOHNSON TA
BANGALORE, AUGUST 15

MORE than 6,000 people from the Northeast fled Bangalore in panic on Wednesday following rumours that they could be attacked like elsewhere in the country, in the aftermath of the clashes between Bodos and migrant Muslims in Assam.

The Bangalore City railway station was flooded with them waiting to board the Guwahati Express scheduled to leave the city at midnight. Most of them were from Assam. The Railways sold as many as 5,600 tickets for the three unreserved coaches on the train. With more people arriving at the station, a special train was scheduled to leave an hour after the express.

Late on Wednesday evening, Prime Minister Manmohan Singh and Home Minister Sushilkumar Shinde spoke to Karnataka Chief Minister Jagadish Shettar and asked him to ensure the safety of people from Northeastern states. Shettar, who also got a call from Assam CM

Tarun Gogoi, sent Deputy CM R Ashok to the station to assure the people travelling to Guwahati that they would be safe in the state.

Shettar told PTI that police officials had also been using the public address system at the railway station to reassure the people.

Karnataka DGP Lalrokhuma Pachua, who incidentally hails from the Northeast, clarified that no complaints had been filed at any police station on threats or harassment to the people from Assam.

The panic came a day after a 22-year-old Tibetan college student was stabbed by two unidentified motorbike-born men in neighbouring Mysore, who apparently suspected he was from the Northeast. Although those fleeing Wednesday didn't seem to have heard about the incident, they spoke about violence against people from the Northeast in other parts of India.

Assamese were fleeing Hyderabad too on Wednesday, although the panic was on a much smaller scale and only small groups left by

CONTINUED ON PAGE 2

The Indian EXPRESS
www.indianexpress.com

NEW DELHI | THURSDAY | AUGUST 16 | 2012

People from N-E flee Bangalore

two trains during the day, police said. Some of the scare here was attributed to the attack on a security guard in Cyberabad last Saturday even though it was not related to the clashes in Assam.

The hundreds of Assamese at the Bangalore railway station, mostly men in their 20s and a handful of families, were leaving construction, security, retail and office administration jobs after the panic triggered by word of mouth over the last few days.

"There have been attacks on people from Assam and the Northeast in different parts of India. People are saying there will be attacks in Bangalore as well after Ramzan. There were reports of some people from Assam being troubled in one part of Bangalore. We want to go back to our families," said Ranjith, 22, who worked at a retail outlet after arriving in the city about a year ago. "We

have spread the word among all our friends. It may be a rumour but we don't want to take a risk. We want to be with our families in Assam at such a time. We will see the situation for a while and decide if we want to return," said Ripen, 21, a friend and colleague of Ranjith.

Some at the station claimed the government of Assam had sent out a message asking all Assamese to return. "Our government has asked us to return. Our employers and landlords in Bangalore have suggested we go back if we apprehend danger," said Mitra Lal Upadhyay, a security labour contractor who claimed he was sending 40 boys back to Assam as they feared for their lives.

An office boy and security guard at a private firm for nine years, Jayanth, 27, said he was going back because his family was panicking over news of attacks on Assamese

people and the violence in Mumbai was a factor as well. Some employees referred to direct threats of violence after Ramzan being made to them, others referring to an alleged video of a brutal attack in Assam being circulated among Muslims for which reprisals are being planned, while still others referred to alleged warnings from the police itself.

The Bangalore police however claimed they had not initiated any measure asking people from the Northeast to move out of the city. The police seemed unaware of the situation until senior state intelligence officials visited the railway station. "People from Assam are going back home for the festival period, that is why they are present in large numbers," a police official at the railway station said.

In Hyderabad, Kiran Tiwari, director of a security agency that employs hun-

dreds of people from the Northeast and Orissa, said that some of his employees told him they received calls and text messages saying they would be attacked after Ramzan. "I think someone is trying to create mischief and scare them. Some of my staff asked to go home after they received calls from other employees but all of them chose to stay back as of now. I believe it is more about a scare due to everyone calling each other rather than a specific threat from anyone," Tiwari said. Some Bodos who work in restaurants in the city left last week as they were concerned about their families back home due to the violence there.

Hyderabad Police Commissioner Anurag Sharma said that the police were trying to probe the origin of the rumours. But there were no attacks on people from the Northeast, he added.

WITH ENR, HYDRABAD



Hundreds flooded Bangalore City station Wednesday.

JOHNSON TA

M/KND/ASSAM/2011-14/NCM/54



केकी एन. दारुवाला
सदस्य

Keki N. Daruwalla
Member



राष्ट्रीय अल्पसंख्यक आयोग
भारत सरकार
National Commission for Minorities
Government of India

24th August 2012

Dear Shri Suhas Chakma,

I have read your electronic mail to the Prime Minister, copy to Shri Wajahat Habibullah. I would like to clarify a few things, for it is not healthy that misunderstandings should linger.

Firstly, Dr. Syeda Hameed, Member, Planning Commission and I along with her team did not go on behalf of any single Minority, ethnic or religious. We were looking at human suffering whether of the Bodos or Muslims. The Planning Commission had a stake in the welfare of the Camps and the means that could be deployed to bring relief to the victims. There was no violation of any mandate.

Our report was, to my mind, neither biased nor inflammatory. The report has been mis-quoted to the effect that "the conflict was unequal as the Bodos were killing Muslims with AK 47s and there is impending fear of militant Jihadis supplying arms to Assam". We need to be very correct while 'quoting' others.

What the report actually said was "*The conflict was unequal because the Bodos had left-over arms from the BLT (AK 47etc.,) The Muslims are very poorly armed in comparison. There can be grave danger in future in case militant Jihadi outfits from the rest of the country start supplying lethal weapons in this area*". This was stated so that the security apparatus in the area may take adequate precautions in future and guard against gun-running.

Similarly the ACHR has misunderstood the statement that "The Bodos who fled from their villages have also in most cases had their houses looted and gutted". This precisely means that Bodo houses too were looted and burnt.

I can assure you that we are as concerned over the plight of the Bodos as of the Muslims. Incidentally the immigration from Bangladesh into Assam has been mentioned in the report. "Assam as a whole and Bodoland Territorial Autonomous Districts (BTAD) have had a history of ethnic strife backed by armed groups and terrorist outfits, often aided by foreign powers. Assam had also to face considerable immigration from Bangladesh / East Pakistan over the last half a century. This is one of the major causes of ethnic strife in Assam."

In your newsletter of 21st August you have said our team visited the Muslim Relief Camp at Jaoglipara. There was no camp at this place, just burnt out hutments of Muslims.

.....2/-

लोक नायक भवन, (पांचवीं मंजिल) खान मार्केट, नई दिल्ली -110 003
Lok Nayak Bhawan, (Fifth Floor), Khan Market, New Delhi-110 003
दूरभाष / Tel. : 011-24621177 ; फैक्स / Fax : 011-24693302
ई-मेल / Email : keki.75@nic.in वेबसाइट / Website : www.ncm.nic.in

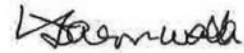
-2-

In the past also I have in my various capacities, highlighted the cancer of immigration from Bangladesh into the North East.

I fully support your plea that the NCST & NHRC should visit the Camps in BTC. The need of the hour is applying balm to wounds and to see that there is no further violence from either side. I hope the above would clear the air.

In sympathy for Bodos and other residents of BTAD.

Yours sincerely,



K. N. Daruwalla

Shri Suhas Chakma
Director,
Asian Centre for Human Rights (ACHR)
C-3/441-C, Janakpuri,
New Delhi 110 058



ASIAN CENTRE FOR HUMAN RIGHTS

C-3/441-C (2nd Floor), Janakpuri, New Delhi - 110058, INDIA

Tel/fax: +91-11-25620583, 25503624; Email: director@achrweb.org; Website: www.achrweb.org

ACHR has Special Consultative Status with the United Nations Economic and Social Council (ECOSOC)

5th September 2012

Mr Keki N Daruwala
Member
National Commission for Minorities
5th Floor, Lok Nayak Bhavan
New Delhi-110003

Subject: Request for clarification on the status of Bodos as religious minorities

Reference: Your letter dated 24th August 2012 on comments/report of Asian Centre for Human Rights titled "*National Commission for Minorities: Communalising Assam Riots?*"

Dear Mr Daruwala,

This is to acknowledge your letter dated 24th August 2012 pertaining to the comments/report of Asian Centre for Human Rights.

Unfortunately, your letter does not respond to the report and instead focuses on the cover letter. Kindly allow me to clarify the following:

First, Asian Centre for Human Rights (ACHR) has not alleged that the NCM team has visited "on behalf of any single minority, ethnic or religious". ACHR stated that there was "failure to ensure parity during the field visit" by the NCM team. A field visit report is prepared based on what the team hears from those interviewed. This is what the NCM report reflects. Therefore, ACHR is essentially questioning basic research methodology.

Second, ACHR has not questioned the inclusion of any member of the Planning Commission in the NCM team. In our view it is the discretion of the NCM. Having said that ACHR is not convinced by your argument that "the Planning Commission had a stake in the welfare of the Camps and the means that could be deployed to bring relief to the victims". It is our understanding that the Planning Commission has no direct role to bring relief to the victims and such a role will raise questions of constitutionality given

the federal nature of the country. ACHR can state with confidence that it is the MHA which funds to meet expenses for emergency situations, and the MHA can release upto Rs 25 crore without the prior sanction of the Ministry of Finance for addressing emergency situation. Further, the Ministry of Home Affairs also reimburses the costs for maintenance of all the refugees (mainly Sri Lankan Tamil refugees in Tamil Nadu) and internally displaced persons (Assam, Chhattisgarh, Jammu and Kashmir and Tripura) to the concerned State governments. Therefore, assertion that “the Planning Commission had a stake in the welfare of the Camps and the means that could be deployed to bring relief to the victims” is not convincing and begs answers.

Third, with respect to the violation of the mandate, the ACHR has raised specific question as to whether the NCM has failed to consider the Bodos as “religious minorities” as provided under the NCM Act. This issue has not been replied to.

Fourth, with respect to alleged misquoting by ACHR as you highlighted, ACHR conveyed what the NCM report implies. In its report, ACHR not only quoted from the NCM report but actually attached the copy of the NCM report which leaves no doubt as to the content and substance of what was said by the NCM. Therefore, there is no question of any mis-quoting.

Finally, ACHR requests the NCM through you to respond to the report of Asian Centre for Human Rights and specifically clarify the status of the Bodos as religious minorities considering that majority of the Bodos follow their animist “Bathou” religion and Christianity.

We shall look forward to hearing from the NCM if it has any further comments on the report.

With kind regards,

Yours sincerely



Suhas Chakma
Director

Asian Centre for Human Rights is dedicated to promotion and protection of human rights and fundamental freedoms in the Asian region by:

- **providing accurate and timely information and complaints to the National Human Rights Institutions, the United Nations bodies and mechanisms as appropriate;**
- **conducting investigation, research, campaigning and lobbying on country situations or individual cases;**
- **increasing the capacity of human rights defenders and civil society groups through relevant trainings on the use of national and international human rights procedures;**
- **providing input into international standard setting processes on human rights;**
- **providing legal, political and practical advice according to the needs of human rights defenders and civil society groups; and**
- **by securing the economic, social and cultural rights through rights-based approaches to development.**



ASIAN CENTRE FOR HUMAN RIGHTS

C-3/441-C, Janakpuri, New Delhi 110058 INDIA

Phone/Fax: +91 11 25620583, 25503624

Website: www.achrweb.org

Email: suhaschakma@achrweb.org