

Analyzing the Third Bodo Accord: whether it would put an end to Bodo Insurgency in Assam?

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Abstract

On 27th January, 2020 a third Bodo Accord was signed among the representatives of Bodo Organizations, Assam Government and Central Government. Bodos have long been fighting to preserve their distinct identity and culture in the region. The reason for their agitation is cultural erosion due to the large scale migration (since pre independent era) and resultant loss of economic activities, livelihood and political recognition. This led to the Bodo insurgency for the demand of a separate state or territory in the form of Bodoland. Responding to the same the first Bodo accord was signed in 1993 but couldn't promise the desired peace in the region as it was less political in nature, didn't substantially recognized the rights of the Bodo Community and also the area to be under administration by BAC was not clearly notified. Therefore, after so many humanitarian crises which followed the first accord, the subsequent second accord was signed in 2003. Unfortunately, this too proved to be a failure like the first accord as it didn't sufficiently address the plight of majority of non-bodo community in a Bodo administered area. Recently, the central government has responded with Third accord to pacify the Bodo insurgency in Assam. Therefore, the paper seeks to analyze that whether the third accord would give a rest to bodo insurgency in the region and ultimately the facilitation of peace to the region or the substantial issues of the Bodos would still remain unresolved?

Research Methodology: The methodology used is Doctrinal and socio-legal research

Key Words: *Bodo insurgency Bodo Accord, Bodo Community cultural identity, BAC.*

Introduction

Democracy would prove to be a travesty, if not adhering to the rights of the minorities. The concession to the minority rights forms the credential for a democratic society. As Jean Jacques Rousseau has propounded that dismissing the idea of minority rights would tantamount to making a man to conform to the wills which are not his own (Chandoke, 1996). However, minorities around the world are subjected to discrimination. Their non-dominant and subservient status renders them excluded from the decision making process and power centers. Also, threat to their distinct identity is another reality (Alam, 2015).

Therefore, internationally and nationally minorities have been bestowed upon with certain rights and privileges to safeguard their culture, identity and individuality. Globally it has been affirmed that such prerogatives are quintessential to save them from oppression, persecution and forceful assimilation (Alam, 2015).

Accordingly, international communities like the United Nations Convention on the Prevention and Punishment of the Crime of Genocide (1948), International Covenant on Civil and Political Rights (ICCPR) and Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, 1992 tend to achieve real and substantive equality in the society by recognizing minority rights. These rights include right to enjoy one's own culture, the right to profess and practice religion, and the right to use one's own language. Nationally, the Constitution of India administers various educational¹, social,²cultural,³ administrative⁴and economical⁵ safeguards to attain the real and substantive idea of equality and the overall development of minority communities.

The constitution doesn't define the term minority. Minorities exist in different forms like religious, cultural, ethnic, tribal, linguistic, refugees etc (Sinha, 2005). In *T.M.A. Pai Foundation v. State of Karnataka*⁶, in a bid to define what constitutes minority the Supreme Court stated that linguistic and religious minorities are covered under the expression minority under Article 30 which to be determined by taking state as a unit. Accordingly, in *D.A.V College v. State of Punjab*⁷ it was held that Arya Samaj is minority in Punjab.

¹Indian Const. Art . 15(4), 15(5), 46.

²Indian Const. Art .14, 15, 19(5), 23, 25-28.

³Indian Const. Art. 29,30.

⁴Indian Const. Art. 244 , 371, 338, 339, 340.

⁵Indian Const. Art 275(1).

⁶AIR 1994 SC 2372 .

⁷1971 AIR 1737.

In the light of above discussion, this paper seeks to discuss, analyze and address the issue of largest ethno linguistic minority group in Assam that is Bodo (Boro) Tribe which has historically been a marginalized community within Assam (Pathak, 2012).

The paper has been divided into three parts. **Part I** of the paper introduces readers to the Bodo community and subsequently highlights their issues. **Part II** of the paper discusses the circumstances which led to the signing of three bodo accords and **PART III** subsequently delineates the reasons of the failure of the two previous accords. Also, accord 2020 has been analyzed.

. PART I

I.1. Who are Bodo people?

Geographically Bodo people occupy the regions of northern areas of the Brahmaputra Valley, mainly in Kokrajhar, Darrang, Goalpara, and Kamrup districts of Assam (George, 1994). They belong to the Tibeto-Burman speaking indo-Mongloid ethnic group (George, 1994). Mostly, they believe in animism, though with the passage of time some has adopted Christianity and Hinduism.

For survival, largely they are dependent upon land as there is minimum industrial activity. Majorly they are farmers. Earlier, they used to practice shifting cultivation which now has been replaced by settled cultivation. Additionally, sericulture and weaving of cloth practiced among Kachari people adds to the profitable industrial activities of the region. Bodos therefore, lead a simple life (George, 1994).

I.2. What are the issues of Bodo people?

I.2.1. Migration.

The major cause of concern for these Bodo people is the erosion of their cultural and ethnic identity due to the large scale migration which started even prior to the independence. This process of migration can be divided into following phases to draw a systematic state of affairs.

The **first phase** is colonial era from 1860 to 1937, wherein to meet the demand of European tea-planters, plantation labor from Bihar, Uttar Pradesh Orissa and Madhya Pradesh migrated to Bodo dominated areas (Nathura, 2005) which were converted into tea plantation (Nathura, 2005). The process of migration started in 1853 and it was on a contractual basis according to which these planters were expected to return to their places after the termination of the contract. However, they settled permanently as it was convenient to settle near the tea gardens as cultivators (Nathura, 2005).

The **Second phase** started in around the beginning of the twentieth century wherein Muslim peasants from East Bengal districts of Myemensing, Pabna, Bogra and Rongpursettled down in the riverine lands of Brahmaputra as they were driven by the availability of cheap, plentiful and fertile lands on easy terms in Assam(Nathura, 2005).

The Third phase of migrants consisted of Bengali Hindu refugees mostly from the then Sylhet district to the adjoining areas of Assam and Tripura as a result of partitionThe total number of settlers in the Brahmaputra Valley was estimated to be 300,000 in 1921 Census and over 500,000 in 1931 (Nathura, 2005). The Bodos constituted 49% of Assam's population in 1947; by the 1971 census they had dropped to 29% due to internal and external migration (Nathura, 2005).

I.2.2. Loss of economic activity

The migrant infiltration into the area deformed the structural organization of Bodo polulation in Assam. As mentioned earlier, Bodo people are majorly dependent on land as 90% of the Bodos practiced agriculture which was a major means for survival. Almost 70% of them were rendered landless for which the migration was a major factor. State government also appropriated 600,000 of land for government projects. Moreover, provisions for reservation in jobs for bodos were highly insufficient. And to make the matter worse, the government jobs in the state required the knowledge of Bodo language which became a further barrier to the unemployed Bodo youth (George, 1994).

I.2.3.Language and identity.

The issue of language was directly related to the cause of Bodo agitation in the region. When in 1960 an Act was passed which made Assamese the official language of the state, and the subsequent efforts to impose Assamese on all the inhabitants of the state, including Bodos, the relations between the two communities became more intense. Fear of losing their own identity and culture became the major cause of agitation.

They also felt that they have been ignored by the state because their progress was negligible when compared to the progress attained by hill tribes in neighboring Meghalaya, Mizoram, and Nagaland and the relative advances made by the two hill districts of Assam-KarbiAnglong and North-Cachar Hills-with their autonomous district councils(George, 1994).

I.2.4.Political.

Another major cause for Bodo agitation was the political policies adopted by the Indian government during 1960s and 1970s. Indian government didn't hesitate to create tribal states for populations smaller than the Bodos. This made the demand of plain tribals legitimate in nature (George, 1994).

Use of force by both sides further escalated the demand. Law enforcement agencies too around 1987 responded with suppression and unrestrained force. Several thousand were detained under various "antiterrorist acts," and more than 3,000 people supporting the movement led by the ABSU/Bodo People's Action Committee (BPAC) were at one time or another lodged in jails.

PART II

II.1. Government's response to the problem of migration.

The British Government in a bid to address the immigrants issue devised a means as early as in 1920. A line was drawn on the village map and no occupation of land by the immigrants beyond that line was allowed (Nunthara, 2005). However, the Line System could not solve the problem of unauthorized occupation and encroachment of land by immigrants.

In 1945, the government constituted the Tribal Blocks and Belts and marked all those areas on the map on which the tribal population exceeded 50 percent of the total population (Nunthara, 2005). However, restriction on ownership and transfer of land in the Tribal Belts and Blocks provided in the regulations was not observed by all the revenue officials, immigrant community and the indigenous people. Illegal transfer of tribal land to ineligible persons through sale, lease, mortgage and encroachment within the belts and blocks continued unabated (Nunthara, 2005).

II.2. Demand for Bodoland

Failed policies of the Government could not be relied upon to preserve the distinct identity of Bodo people. Therefore, it was only in the 1930s that they began to organize themselves. The process of the reorganization of the state of Assam in the post independence in which Nagaland was carved out of state of Assam, encouraged the BODO leaders to intensify their organizational effort (Dasgupta, 1997).

In 1969, Prime Minister Indira Gandhi decided to further restructure Assam on a federal basis. Therefore, anticipating further changes in the political landscape of Assam, the Bodo leadership in 1967 formed a political party called the Plains Tribals Council of Assam (PTCA). By 1973, the PTCA has categorically demanded a union territory for the Bodos and other Plains tribals of the region called Udayachal. Also, The

All Bodo Student Union (1967) formed in 1967, was already making progress as a more prominence with its demand for a separate state (Dasgupta, 1997).

Initially, both the ABSU and the party worked together. However, ABSU later on withdrew its support as the party couldn't achieve the desired result. By the late 1980s, the ABSU sponsored popular movements for realizing its objective (Dasgupta, 1997). When the Assam Accord was signed and new PDP Government was formed, it revived the hopes of Bodo people (George, 1994). Unfortunately, the stance of the new government on the rights of the Bodo people was not much different from the earlier ones.

As disenchantment spread among the youth, the ABSU took over the leadership of the Bodos and in around 1987 continued to exert pressure on the political authorities for about 6 years (Dasgupta, 1997) with the demand for creation of a fully fledged state of Bodoland outside of Assam. Following headings depict that how the events unfolded in Assam for the signing of third accord.

II.2.1. Signing of first accord.

An insurgent organization Bodo Security Force (BSF) was formed when the AGP Government's negotiations with the ABSU turned out to be highly unsatisfactory to the BODO leaders (Dasgupta, 1997). There were various insurgency operations in and around the region, like, kidnapping, extortion and murder. It finally resulted into signing of accord between Assam govt and BODO leaders (Dasgupta, 1997).

II.2.2 Aftermath of First Accord

The inherent infirmities and debilities in the accord led to its failure. The failure to implement the Accord was resulted in the large-scale ethnic cleansing, many lives of immigrant communities were lost and not less than 70,000 people were rendered homeless in 1993-94. The ABSU revived the statehood movement in and also demanded the scrapping of the Bodo Accord (1993). Ethnic riots broke out between the Bodos and the Adivasis (Santhals) in which hundreds lost their lives and over 250000 were rendered homeless (Nunthara, 2005). The people displaced during these prolonged clashes continued to live in camps till 2002 and some have still not returned to their home village (Pathak, 2012).

In 1996 militant wing of ABSU formed Bodo Liberation Tiger Force (BLTF), demanding a separate Bodoland state. it joined hands with BSF in ethnic cleansing. In July 1999, the BLTF called for ceasefire to initiate peace talks, which ultimately led to the second Bodo Accord (2003) (Nunthara, 2005).

II.2.3. Aftermath of Second Accord

The fight for Bodoland which was resulted finally in the Bodo Accord of 2003 also proved to be a major failure. Since it didn't ensure the rights of non-bodo communities, gave rise to repeated clashes between the Bodos and other communities, especially the Santhals and the immigrant Muslims. There was continuous encroachment to the forest areas. Bodos couldn't exercise their autonomy in the areas where they were in minority (Mishra, 2012).

Subsequently, Bodo militancy started becoming weak and the non- Bodo communities also started consolidating themselves under new banners. The region witnesses massive humanitarian crises. There were demonstrations and counter-demonstrations by the Bodo and non-bodo organizations. Bodos apprehended whether their demand for separate Bodoland would be achieved.

The outbreak of violence was between Bodos and immigrant Muslim communities which were the long time settlers of the region and were more organized. Also, Muslim immigrants' dependency largely on land made them major threat to tribal land and the protected reserves. The higher decadal birth rate among Muslim population further escalated the Bodo fears of getting marginalization.

In November 2010, National Democratic Front of Boroland carried out a massive attack on non-bodos, mostly Hindi speaking people. In 2012, violence caused 4 lakh people to take shelter in relief camps from 400 villages due to riots that broke out between indigenous Bodos and Bengali speaking Muslims.

To resolve the unsettled dispute, finally third accord was signed.

PART III

III.1 Analysis of the accords

III.1.1. First accord 1993

Instead of fulfilling the demand for a full fledged Bodoland state, the Bodo Accord provided for the establishment of Bodoland Autonomous Council (BAC), an administrative authority for governing the bodo areas specified in the Bodoland Autonomous Council Act, 1993.

The territory earmarked for the BAC encompasses the contiguous geo- graphical areas between the Sankosh River and Mazbat Pasnoi River. A benchmark for the inclusion of areas in the BAC was that Bodos should constitute 50% or more of a village's population. Under terms of the Accord, the BAC is to be organized

with 38 departments, mostly corresponding to the subjects earmarked for autonomous district councils, such as education, forests, health, land, and revenue.

III.1.2. Reasons for the failure.

1. Informal or less political in nature.

The Bodo Accord was only a bipartite affair between the government of Assam and the leaders of the ABSU/BPAC combine. It didn't include the central government. Further, unlike the other agreements which were signed in New Delhi, the Bodo Accord was signed in Guwahati, the state capital. Indeed, the document itself nowhere mentions the place of politics. By reading out the preamble only it suggests it has been signed only to frame an administrative institution within Assam to provide autonomy to Bodos to manage their affairs for their social, economic, educational, ethnic, and cultural advancement. There is no talk of the political rights and aspirations beyond the existing administrative and political organization.

2. Limited Legislative Powers to BAC.

Another reason to its failure was the extent of law making power which was assigned to BAC. The general council of BAC was not to give power to make laws but the power was given only to make by-laws, rules and orders for application. Even on matters of concern only to the Bodos, the state government retains the power to make laws, the only stipulation being that the general council is to be consulted and its views given due credence before any law made on the following subjects is implemented in the BAC area: (1) religious or social practices of the Bodos; (2) Bodo customary law and procedures; and (3) ownership and transfer of land within the BAC area.

Law and order was retained by the state, along with the right to dismiss the elected council under exceptional circumstances. The Accord also provided for the leaders of the movement to ensure the surrender of all arms, explosives, and ammunition by their followers, and bring those who had gone underground back into the national mainstream. Also, all the rights of nontribals living in the BAC area were to be protected, and their language, culture, and land kept intact (George, 1994).

3. The BAC area was not clearly defined.

The major cause of failure of the accord was that BAC was defined in so ambiguous terms. The demand for territory by the Bodo leaders was to be determined on the basis of majority demography; areas with 50% or more Bodo population would be a part of BAC (Pathak, 2005). However, to maintain the continuity it also included the areas in which Bodos were not in majority. And, the actual territory of the

BAC was yet to be defined. The accord mentioned only of contiguous geographical areas between the western and eastern boundaries on the north bank. It stated that in reserve forest areas, the BAC will include reserve forests according to guidelines laid down by the Defence and Environment ministries of India, and significantly, it says nothing in detail about the southern boundary of the BAC, which directly impinges on territories occupied mostly by nontribal or mixed populations.

The only important feature of the accord was that at least it provided a base to fulfill their demands (George, 1994).

III.1.3 Post Accord Situation

A demand followed to include more villages in BAC domain. Non-compliance with the same resulted in ethnic cleansing in Kokrajhar and Bongaigaon districts in 1993. These riots left nineteen dead, most of them belonging to the minority settler community, and over thirty thousand fled their homes and sought shelter in relief camps. In 1994, in the second outburst 22 were dead and many were rendered homeless in Kokrajhar Districts. Most serious incident occurred on July 24, 1994, at Bashbari in Barpeta District-close to the Manas Wild Life Sanctuary-in which, 68 persons lost their lives and hundreds of houses were destroyed by Bodo militants.

To counter the violence mounted by the Bodo militants/Bd.SF, the army has been deployed in strife-torn areas of lower Assam. Operation Kranti was launched in Barpeta District in an effort to rid the 2,837 km² Manas Wild Sanctuary of the Bd.SF militants who have held this area since 1986. At the political level, the Bodo leadership was divided. The BdSF was opposed to the accord and was committed for an armed struggle for a separate Bodoland. ABSU also split vertically (George, 1994).

III.1.4. Second Accord

In 2003, a new accord established the BTC guided by the principles of the Sixth Schedule. Like the previous accord, this accord too didn't clearly demarcate the Bodo administration areas and also included those areas wherein, non-Bodos and non-scheduled tribal population were in majority. Therefore, the fears of ethnic violence remained strongly entrenched in the minds of Bodo people.

Non-bodos were not satisfied with the proposed map of BTC. Therefore, Sanmilita Jana- gosthiya Sangram Samiti (sjss) was formed by 18 non-Bodo organisations to oppose the proposed map of btc. Before and after the signing of the accord, the sjss had led protests opposing the territorial demarcation and reorganisation of the areas of lower Assam and the north bank of Bhramputra. Because they feared that if

BTC formed, then it would concentrate power in the hands of the Bodos and would jeopardise the lives of the non-Bodos.

The following points substantiate the cause for its failure.

1. No Provision for Non-bodos.

The creation of the Bodoland Territorial Council (BTC) and the Bodoland Territorial Region (BTAD) though certainly politically empowered the Bodos, but in those territorial limits in which they were clearly a minority, constituting just around 3% of the total population of the btad area. The question of sustaining peace in btc was dependent on the negotiations with non-bodos. The region already witnessed intercommunity tensions and violence (Pathak, 2012). In such scenario, failure to recognize the rights of non-bodos in the areas where they were in majority, definitely proved to be a reason for the failure of the accord.

2. Denial of assent by the governor.

Second accord also didn't fully empowered the BTC in its law making power as law passed by it required the assent of the Governor to finally become a law. This also agitated the Bodo leaders as the desired autonomy in law making power for the Bodo affairs was not achieved. Also, the another problem was insufficient representation of Bodo people in BTC out of the 46 members, 30 were supposed to be from scheduled tribes.

3. BTAD was not defined clearly.

The major drawback again proved to be the letting BTAD undefined. The BTC was to comprise of Bodo majority villages, however, the status of 93 villages remained unresolved. Such instances reflect the unlearning attitude of the Government from the past mistakes.

III.1.5. Third Bodo Accord.

The Third Bodo accord was signed on January 27, 2021 by representatives of Bodo organisations with the Central and Assam governments, presents a new model of power sharing and governance in Assam under the Sixth Schedule of the Indian Constitution. The Bodo parties to the agreement include the All Bodo Students' Union (ABSU), the United Bodo People's Organisation (UBPO) and all the four factions of the National Democratic Front of Boroland (NDFB).

III.1.6. Major Deficiencies in the accord

Though the accord has been signed with an intention to bring an end to Bodo insurgency in the region and to protect their distinct identity, however, the following points doubts the successful operation of the accord.

1. No proper demarcation.

Now, according to the accord, the BTAD (Bodoland Territorial Area District) has been renamed as Bodoland Territorial Region (BTR), giving more legislative, executive, and financial powers to it as now eight additional subjects have been added to it. Also, the requirement as to take the assent of the Governor to the laws passed by the laws made by BTC has been done away with.

However, the issue of inclusion of 95 contiguous villages from Dhubri, Barpeta, Bongaigaon, Nalbari and Darrang districts in the BTAD has remained unresolved. it is stipulated in the accord that to that effect A committee will be appointed under Paragraph 14 of the Sixth Schedule to examine and recommend the inclusion of villages contiguous with the BTAD and having a majority tribal population, as demanded by the Bodo organisations. It will also examine and recommend the exclusion of villages currently under the BTAD, which are contiguous with non-Sixth Scheduled areas and have majority non-tribal populations.

Therefore A lack of proper demarcation reflects the repetition of earlier mistakes which could be a cause for its failure.

2. No provision for non-bodos.

Following the second accord, this accord also doesn't take into consideration the plight of non-bodos in the BTR region. For the contiguity of the BTR region again large number of villages with non-bodo population has been added into it. Therefore, the objection of non-bodo groups is based upon the premise that Bodos community who account less than one third of the total population of the BTR region will have the ruling political power to rule over two third of the majority of the non-bodo community.

In the absence of any provision for recognition of the rights of the non-bodo communities, the shadows of failure have been casted upon the Bodo Accord 2020 also.

3. No provision for taking care of further influx of refugees in the region.

One of the reasons for failure of second accord was that it didn't include nay provision to curb future immigration from Bangladesh or any strict land regulation to prevent further alienation of tribal land. The

same issues have not been addressed in the accord of 2020 also. Moreover, the accord in its provisions has failed to protect the remaining reserve forest areas. Accordingly, such loopholes make the accord similar to the previous ones.

Because unless the root cause is not recognized and solved accordingly, the situation will not be settled(Mishra, 2012).

Conclusion

The long course of Bodo struggle in preserving their distinct identity and culture lead to various Bodo insurgency in Assam. The same was tried to be pacified by the Government at various Assam Accords in 1993, 2003 and in 2021. The demand of Bodos for a separate state could not be accepted in its original sense, but a separate territory to manage their internal affairs was demarcated, which to be administered by Bodoland Autonomous Council (BAC). The first accord couldn't clearly establish the limits of the said area and therefore, proved to be a major cause of failure. The same issue remained in second accord also. Also, the Bodo demarcated areas included large number of non-bodo population whose interests were not catered to.

The subsequent third accord though aims to empower Bodos politically, economically and socially but again the failure to address the issues of non-tribe, no clear demarcation of BTR region together with not having any provision to prevent further influx of the refugees, cast doubt on the successful implementation of the accord in the region.

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