

## IMMIGRATION, ETHNIC ASSERTION AND HUMAN RIGHTS IN POST COLONIAL ASSAM

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**Abstract:** Assam, the most populous state of North East India has been experiencing different complex problems since the colonial period. But the problem which played the dominant role in creating the sense of ethnic assertion, identity movements and large-scale human rights violation is the problem of immigration. The problem of immigration has drawn the attention of not only the social scientists, political leaders, academicians, human rights activists and the civil society and the international community for a long period. The reasons for the perpetuation of this problem cannot be understood without addressing the phenomena of ethnic and linguistic plurality, colonial legacy and the partition of the sub-continent on the basis of religion in 1947. Considering this backdrop in the present study an attempt has been made to focus on the issues of immigration, partition, identity assertion, and human rights violations in post-colonial Assam.

**Keywords:** Immigration, ethnic assertion, insurgency, violence, human rights.

### Historical Background of Immigration into Assam

The immigration of outsiders into Assam is an old phenomenon. It is very difficult to identify the actual indigenous population of the state because “almost all groups living here have migrated to this state from different places at different points in time”. (Hussain 1993,287) It is said that the Karbis were the first to enter this region. The Kiratas belonging to the Mongoloid Race have migrated to this region from southern part of China. It was the “Bodo Tribes who built up first civilization in the Brahmaputra valley. But in the 13<sup>th</sup> century the most important group known as Ahom entered to this region from the Maulung Province of Burma. The Ahoms defeated the local kings and the Tribal chiefs and established powerful Ahom kingdom. The Ahoms could resist and protect their kingdom from the Mughals. But there was cultural and religious interaction with the Ahom kingdom and the rest of India. They invited Brahmin priest from different parts of the country and granted them vast area of land and converted themselves into Hinduism. But due to some internal disorder Ahom ruler became weak and their kingdom was invaded by the Burmese. To save the Asamese from the atrocities of the Burmese the British interfered with the support the local people they defeated the Burmese and course of time tak-

ing advantage of the weakness of the puppet kings they annexed the Ahom kingdom under their administrative control and gradually occupied the whole north eastern region.

### **Immigration during British Period**

The occupation of entire north eastern region by the British gave new directions to the process of immigration. During this period Bengali, Marawari, Bihari, Nepali and the Tea Tribes migrated to the state. As a result, the colonial Assam became more diverse than the pre-colonial Assam. The incorporation of this region into the colonial system led to the discontinuation of the earlier system of administration and introduction of British system of administration based on bureaucratic principle. Modern western education became a precondition to get jobs in the new colonial Administration. So, the British brought with them educated Bengali from Bengal as clerks' lawyers and for other profession. According to Guha without any investment in western education in Assam, the colonizers availed the service of already surplus educated unemployed persons from Bengal Presidency. (Guha: 1977, 27) Again, in 1874 for administrative convenience Assam proper together with Cachar, Goalpara and Garo hills was formed into a Chief Commissioner Province. Although vast in area this new province with its small population of 24,43,000 had limited revenue potential. To make it financially viable the authority decided to incorporate into it the populous Bengali speaking district of Sylhet which historically as well as ethnically was an integral part of Bengal. A memorial protesting against the transfer of Sylhet was submitted to the authority. Though the authority refused the prayer but the petitioner obtained the assurance of no change whatsoever either in the system of law and judicial procedure. (Guha: 1977, 27). This colonial arrangement weakened both the Assamese and the Bengalis and paved the way for Assamese competition and conflict in colonial as well as post colonial Assam. It changed the demographic and linguistic structure of the state. Though the province was named Assam, it was in fact "an amalgam of Asamiya speaking, Bengali speaking and myriad tongued hill and tribal areas in which Asamiya was claimed mother tongue to less than a quarter and Bengali more than 40% of the population"(Guha: 1977, 58). Thus the colonial decision transforms the Assamese in to a minority community in the state. Again in order to bring barren land under cultivation the British Government with the support of the Assamese Zaminders encouraged Bengali Muslim peasants into the Brahmaputra Valley. Thus the demography and society of colonial Assam become more diverse than that of the pre colonial Assam.

### **Partition and Immigration**

Assam along with other parts of the country went into its post colonial history from 15<sup>th</sup> August 1947. Like, Bengal and Punjab Assam was also affected badly by the curse of partition. The fate of Sylhet district of Assam

was decided with a referendum. As per the result of the referendum major portion of Sylhet went to Pakistan. Only three thanas of Patharrkandi, Ratabari and Badarpur and about one half of the thana of Karimganj remained with Assam. (Guha: 1977,320) When the result of the referendum was declared there was a feeling of relief in the Brahmaputra Valley because for Assamese it was a lifetime opportunity to get rid of Sylhet and to carve out a linguistically more homogenous province. On the other hand as a consequence of partition thousands of Hindus and Sikhs had to cross border. The Indian state of Punjab, Assam and West Bengal had to face the humanitarian crisis for the food, shelter and rehabilitation of the refugees/ partition victims. As a neighboring state of Bengal large number of East Bengals Hindu refugees/ partition victims moved to Assam. Many of them were rehabilitated by the government. Later on the declaration of Pakistan and Bangladesh as Islamic state and the communal violence aggravated the problem of immigration in post colonial Assam. Moreover, during the liberation war of Bangladesh in 1970 about 1 crore people both Hindu and Muslims took shelter in India. Many of them came to Assam also.

### **Fear Psychosis and Identity Movements**

A section of Scholars, academicians and leaders believes that many Muslim who left Assam following the partition came back to the state again and settled down permanently. In this connection it is pertinent to mention here that about 2.2 lakh such Pakistani (Muslims) was identified as foreigners on the basis of census data of 1961. But there is lack of reliable data on how many of such foreign nationals were deported and how many stayed in Assam. In 1979 during the time of revision of electoral roll for bye election of Mongaldoi Parliamentary constituency, suddenly some 70,000 complaints were lodged hurriedly challenging the authenticity of citizenship of a large number of citizens most of whom had already exercised their constitutional rights to vote. Later, it was discovered that the services of the state police force was utilized to inflate the number of alleged foreign nationals / illegal immigrants in the state. The inflated number of foreigners created fear psychosis among the majority as well as minority community in Assam. The magnification of the Mongaldoi issue by press generated very strong fear psychosis among the Assamese middle class. This fear psychosis gradually engulfed the Assamese masses. The press and the leadership very systematically persuaded a large section of people to become their ally in their movement for asserting their identity. Hussain1993, 104) The way in which the number of illegal immigrants was raised to astronomical digit by the Assamese Press made the Bengalis / non-Assamese extremely apprehensive about the motive of the press and the state government. The names of many Muslims and Hindu Bengalis who were living in Assam for generations were removed from the electoral rolls. It was alleged that an Assamese DIG of Assam Police who was later dismissed from service by a Presidential order was involved in lodging a large number of fabricated

complains using the state police apparatus with the tactic support from the government (Hussain 1993,187). Dinesh Goswami an MP along with other leaders of the Congress party submitted a Memorandum to the State Election Commissioner which alleged that the police were used to lodge complaints against the bonafide citizens. In course of time the leaders of the AASU exploited the Mongaldoi issue started the Anti foreigner's movement demanding determination and deportation of illegal immigrants.

### **Ethnic Assertions, Insurgencies and Violence**

The Assam movement (1979-1985) against foreign nationals living in Assam illegally generated unprecedented terror, counter terror and incidents of human rights violations for a quite long period. In 1980, when rest of the country went for Loksabha election the thickly populated northern part of Kamrup district was rocked by violence which displaced a large number of people belonging to linguistic and religious minority. As the civil government failed in north Kamrup Army was called to contain violence. The Asamiya press selectively highlighted the atrocities of army over the Asamiya but remained silent regarding plight of the displaced people. On February 12, 1963 where 1200 persons were butchered to death at Nellie 70 K.M. east of Guwahati, the capital city of Assam. An eminent Assamese journalist estimated the death toll at 3000. All the victims were Muslim. According Prof. Monirul Hussain the Nellie massacre is the single largest and severest programme that the post 2<sup>nd</sup> world war south Asia history has witnessed. Nellie was not the end it was followed by the massacre at Caulkhowa Chapori at Darrang district where the victims were of same group that of Nellie. Another massacre took place at Lakhimpur district where most of the victims were Bengali Hindus. At Gohpur in Darrang district several people died many were displaced in attack and counter attack. However, the movement came to an end with the signing of Assam Accord on August 15, 1985. The leaders of the movement form a political party and captured power. Everybody expected that peace and harmony would return to the soil of Assam. But soon after the Asam Gana Parishad came into power ULFA raised the demand for sovereign Assam. The Assam Movement which formally came to an end with the signing of the Assam Accord in 1985 became a reference point/movement for the Bodo movement. The Bodo leaders considered the Assam Accord as an effort to protect the interest of the Assamese Hindus. They felt neglected and the ABSU declared—“The problems of the Bodos and other plain tribes are nothing but a nationality issue. The Bodos have genuine aspiration to establish a distinct Bodo nationality and to get recognized in the world as being civilized and advanced. Without a separate state this is not possible” (Sharma, 2006:146). The ABSU claimed that “Bodos have become the oppressed of the land due to the domination of the Assamese who came in as immigrants during the Ahom rule. The outsider Assamese unjustifiably overthrew the original masters the Kacharis” (Sharma, 2006:146) Thus the Bodos alienated from

the Assamese society, the All Bodo Students Union (ABSU) and the Bodo Peoples Action Committee (BPAC) gave the call for “divide Assam fifty-fifty” and started agitation. In order satisfy the Bodos the Assam Government signed Memorandum of Settlement in 1993 with ABSU and BPAC and created the Bodo Autonomous Council (BAC). Altogether 2570 villages from westernmost part of the Kokrajhar district in the west to the Majbat of the then Darrang District in the east were included in the Bodo Autonomous Council (BAC) but the government demarcated the boundary excluding 525 villages where Bodos constituted less than 2 percent of the population. The government asserted that the Bodos constituted majority in only 1100 villages. The Bodo society resented such attitude of the state government and the the Bodo accord failed. But the leaders of the Bodo movement realized that without proving majority it was not possible for them to get a separate homeland. Moreover, at this stage The United Liberation Front of Assam (ULFA) an extremist organization fighting for the secession of the Assamese from the Indian Union became a reference point for the Bodo extremists’ groups who believed that government in Delhi and Dispur would not pay any heed to the non-violent movement. Accordingly, the Bodo militant groups in order create majority of their community started ethnic cleansing process which led to the displacement, violations of human rights of lacs of people in the Bodoland Territorial Region.

#### **Issues of Doubtful (D) Voters and National Register of Citizens (NRC)**

The Assam Accord (1985) along with other provisions promised for detection and deportation of all the illegal immigrants who entered into the state the after 24<sup>th</sup> march 1971 and the updating of National Registrar of Citizens. After the signing of the Accord the leaders of the movement form a political party accordingly captured power in the state. The regional party ruled the state for nearly ten years but failed to deport even 1000 foreigners. Even after the lapse of 39 years the issue of illegal immigrants continues to persist with same magnitude as it was before the outbreak of the Anti-Foreigners Movement in 1979. In 1997 the nationalist organization of the state again started to claim that names of large number of foreigners had been incorporated in electoral rolls of the state. Accordingly, the Election Commission started the process of revision of electoral rolls and identified 220,209 persons as Doubtful Voters (D voters) most of whom were women and uneducated villagers. The voters once identified as Doubtful (D) could not exercise their right to vote till they were declared bonafide citizen of India by the Foreigners Tribunal/ High Courts. Many such voters who failed to attend hearing in the Foreigners Tribunal due to their ignorance or other causes have been sent to detention camp along with the declared foreigners.

As per the provisions of Assam Accord the process of updating the NRC was started in 2015 at the supervision of the apex Court of the country. List of the same was published on 30.08.2019 excluding over 190,6,657

people out of 3.27 core applicants who applied for inclusion. The inclusion of names in the NRC depended on documents but the record of documentation in the state is not rich. To prove his or her citizenship the applicants had to produce proof of an ancestor who entered in the state before 25th March 1971. Unfortunately, many could not find their names in even after submission of valid legacy data and proper linkage with the legacy person. Moreover, there are many instances where two persons tracing legacy with same ancestor but the name of one person have been included and another has been left out. Thousands of documents sent to other states especially to West Bengal were not verified by concerned authorities of the state Governments. As a result, lakhs of Hindu Bengali could not incorporate their names in the list. A large number of Bengali Hindus of the state were tagged as D voter without proper verification of their documents. Many of them were declared bonfide citizen by the Foreigners Tribunal later but names of many such persons along with the names of their descendants did not appear in the List. In some cases names of the children included but the name of father / mother or both parents have been excluded from the NRC.

### **Conclusion**

There is no doubt on the fact that continuous migration from East Pakistan / Bangladesh and other neighboring countries has deep impact on the society, demography and politics of post colonial Assam. The process of immigration of people from present Bangladesh (erstwhile East Pakistan) is largely responsible for fear and identity crisis among the vast section of the Assamese society leading identity movements, riots and social disorder in the state. These identity movements / identity crisis of the natives have led to the human rights of many bonafide citizen of the country. It is true that in order to protect the languages, cultures, and identities of the indigenous communities of the state the problem of illegal immigrants should be solved on priority basis but while doing so it is also necessary to take into account that India was partitioned on the basis of religion. The Bengalis Hindus as well as other religious minorities and their ancestors of present Bangladesh and Pakistan were the citizen of undivided India. The movement of such people into divided India / Assam may be termed as internal displacement. In fact they were the victims of unscientific partition. They were compelled to leave their forefathers land for no fault committed by them. The Immigrants (Expulsion from Assam) Act 1950 also made clear distinction between illegal immigrants and the victims of partition/ refugees. But after the Assam movement IMDT Act 1985 the waved out the difference between illegal immigrants and Partition victims/ Refugees. Later on this act was declared unconstitutional by the Supreme Court yet people belonging to both categories (illegal immigrants and refugees) are being considered/ treated as illegal immigrants by the machinery of the state government. As a result, the partition victims/ Hindu refugees who settled down in Assam even before 1971 also faces problem of Citizenship, D Voters, Foreigners

notice and so on leading mental torture and violations of fundamental rights guaranteed by the constitution of India. For a durable solution of the problem the Policy makers, leaders, scholars and the government should realize the difference between immigrants and refugee/ partition victims in letter and spirit and change the citizenship law of the land accordingly with a humanitarian approach to solve the humanitarian crisis.

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