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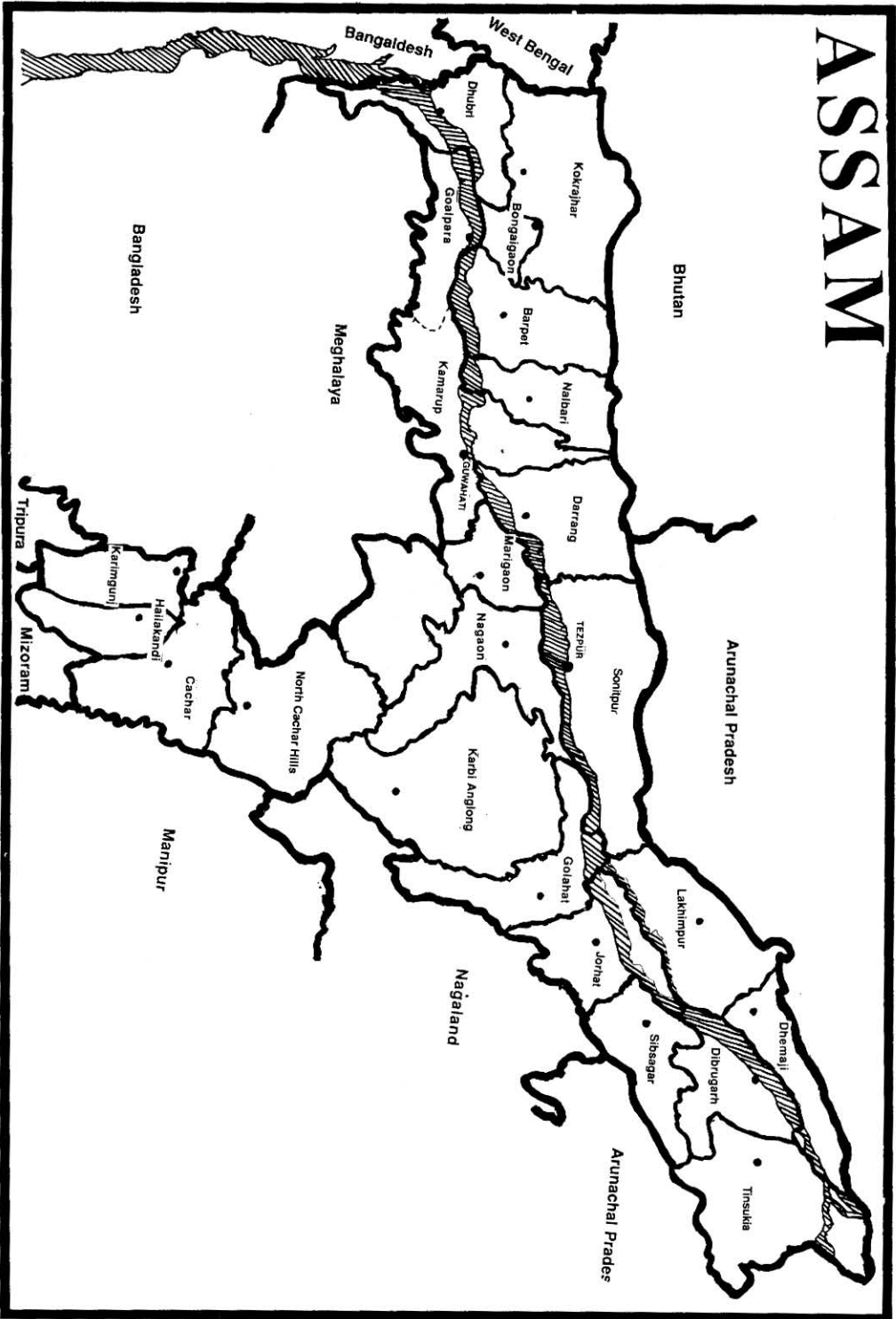
RESTLESS FRONTIER

II.B.5

Army, Assam and Its People

People's Union for Democratic Rights
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ASSAM



The boundaries of the newly created districts, Bongaigaon, Marigaon, Tinsukia, Dhemaji and Hailakandi are not accurately marked here.

Prologue

In the first week of November, last year, when the National Front Government became a minority government there practically was no government to speak of, in Delhi. But on the crucial day, 7 November, someone somewhere took an unprecedented decision. Next day, in the early hours, Indian army and air force were involved in airlifting top executives of Brook Bond, Lipton and Doomdooma Tea companies from the air strip controlled by the Aviation Research Center in Tinsukia. The Center itself belongs to the top intelligence outfit, Research and Analysis Wing (RAW). The entire exercise was conducted in complete secrecy and not even the state government was aware of it till the following day. This decision to let a foreign company use the sacrosanct services of army and air force was rather extraordinary. The foreign companies belong to one of the world's most famous multinational, Unilevers. Manufacturing over a thousand products, through 812 subsidiaries spread in 75 countries, the company's total capital is over Rs. 700,000 crores. Such niceties like the security and sovereignty of a third world country pale into insignificance before its clout. In fact you don't even need a functioning government at the center to take a decision in its favour.

The immediate provocation for this decision was the activities of United Liberation Front of Assam (ULFA) which was building pressure on these tea companies to donate large sums of money. The Front, according to official sources, collected 'between Rs. 400 to Rs. 500 crores' and was held responsible for '113 killings in the period 1986-90' (Confidential Letter of the then Governor D.D. Thakur to the President of India recommending President's Rule, Dt. 26-11-1990).

Three weeks after the tea company executives were moved out of Assam troops moved into Lakhpathar area of Tinsukia on November 28 and laid a siege of ULFA's main camp. The camps believed to be in existence for more than a year were not very far from RAW's Aviation Research

Center. That night President Rule was imposed, for the fourth time in the history of Assam, and the ruling Assam Gana Parishad (AGP) government, whose term was to expire in forty more days, was dismissed. Simultaneously ULFA and the National Socialist Council of Nagaland (NSCN) were banned under the Unlawful Activities (Prevention) Act, 1967 [Clause 3(i); Order S.O. 915(t) Dt:27-11-90, New Delhi]. The entire state of Assam was notified as disturbed under the Assam Disturbed Area Act and The Armed Forces (Special Powers) Act. The expression 'the entire state of Assam' in the notification was somewhat misleading. For, some of the tribal areas of the state were already notified as 'disturbed' by the AGP government that was displaced by President Rule.

The army operations, true to their character, are designed as military manoeuvres that seek to destroy the 'enemy'. In the first one month of its operations army claims to have discovered and destroyed about 40 camps of ULFA spread in thick jungles of five districts, on both banks of the river Brahmaputra. The approach of the army is best reflected in the discourse of its operations. The original moves were named 'Operation Bajrang'. Leave aside the substantial sections of non-Hindus, even to the Hindus of Assam, followers of Shankar Deva's Vaishnavite Hinduism, Bajrang (Hanuman) is no major god. And many in Assam came to believe that the operation named after a 'nondescript north Indian god' is meant to protect the north Indian business interests in the state! Much later an army spokesman gracefully acknowledged that they never realised the implications of the name chosen. But then their second operation, held in early March, was named Operation Sher-e-Dil, a familiar echo of Bombay films and Punjabi dhabas.

Army refers to ULFA as a 'cancerous growth of Assam that needs a surgical operation' (Appeal made in newspapers and through posters). They even enlisted the support of a bunch of quotations from an American political scientist's work on

terrorism, whose Assamese translations greet the public in Upper Assam districts frequently, if incongruously. And then army talks of 'Finishing ULFA' (Indian Army's Open Letter to AASU, 19, March). This kind of militaristic approach in a social crisis inevitably leads to tragedy and farce. First the farce.

On 31 March, in a widely publicised episode, army held a ceremony in a tea estate in Doolahat, Lakhimpur, in which 162 'ULFA militants' surrendered before the governor and Lt. Gen. K.S. Brar, GOC, Eastern Command, with TV cameras in attendance. The civil administration, from the Chief Secretary down to the Deputy Commissioner and police were not involved at any stage (for which later they profusely thanked the army). Journalists, flown by the army to cover the ceremony, were not allowed to talk to the 'surrendered militants'. Initially army handouts claimed that 61 of them were hard core militants (Grade B in army's parlance, meaning those who received arms training not in Burma but in India. There is an ironical element of truth in it as we shall see). Subsequently the figures were scaled down. After handing them over to a reluctant police, it was said that 6 of them have no cases at all on them, 48 were mere sympathisers and there is 'documentary evidence' on 108 of them. Of these 108, about 40 were earlier detained and released, 18 are on bail and one, working in Shankar Deo College, was actually set free by the High Court just a month earlier. It was these bail orders, notings, and such like which are being described now as 'documentary evidence'. We visited Lakhimpur, a few days after this surrender ceremony. Our investigations revealed that most of these young men were rounded up by the army from nearby Phulbari, Nawbaicha, Nahrani, Panigaon and Khaga areas, just four to six days before the event. Some were cajoled, while others were threatened. They were given training in holding of guns and marching in an orderly manner. One of them was a mridang player who found it difficult to recondition his fingers to hold a rickety single barrel gun. A second one was peshkar to the Judicial magistrate and a third an accountant in a college. 19 of them were school teachers and two were headmasters.

Others are unemployed or semi employed youth. Such an assorted group are not perhaps best suited for a short time crash course in arms training. We were given a hilarious account of how the inspecting army bosses discovered at the last moment that the whole show would fall apart. One must recall that unlike Chief Secretary, the TV crew were informed in advance. So in the event, only a few walked with guns in a file in the much hurried ceremony. Four hours later 100 million viewers of Doordarshan's national network saw the surrender of 162 ULFA militants, described by the army as their 'greatest achievement in Assam'.

Beneath this farce lies a greater human tragedy. Rape, molestation, murder, loot, plunder and terrorising raids in village after village have had a debilitating impact on the social life of many districts. Later in the report we give more detailed account of how 'the quality of life of innocent persons...has been seriously affected', as the High Court put it (Judgement on Disturbed Area Act, 20 March, 1991).

The illogicity that serves as a unifying thread for this tragedy and farce is best reflected in army's own figures. From 28 November to 10 April 1991, army arrested 1846 people (exclusive of those arrested by police). Initially army identified three districts, Tinsukia, Dibrugarh and Lakhimpur as the 'focal point of ULFA's base'. Only 32 percent of those arrested are from these districts. 10 per cent were from Sibsagar and Jorhat, considered next. In fact if you exclude Sonitpur where a phenomenally large number of arrests took place, the number of arrested from the affected districts is less than those arrested from districts where ULFA has no base. Thus the army figures, given to us by the spokesman of the army at Guwahati, have no direct correlation to the 'strategic concentration' areas identified by the army. We believe the illogicity that underlies the tragedy and farce of army operations are a direct product of the militaristic approach adopted by the army to what is essentially a social problem.

It is not our contention that the army would adopt any approach other than militaristic. By the

kind of competence and training that it goes through, every army needs a prototype of an 'enemy'. And by definition, such an 'enemy' is devoid of flesh, blood and history. A spokesman of the army at the 4 Core Head Quarters, Tezpur, incharge of the entire operations in the state, constructed, for our benefit such a prototype: "He is young, 18-25, semi-literate, unemployed, foreign trained (by the Kachin Independent Army, KIA, an insurgent group in Burma) and he is motivated to attack India". As in any other such prototypes there are

some elements of truth in this profile of an 'enemy'. But precisely because it is made of disjointed fragments of reality this caricature is unreal. And a search for this elusive 'enemy' becomes interminable. Its consequences for the credibility of army are damaging, for democracy are dangerous and for the people tragic. This report is an attempt to document and reflect on this process in Assam in a hope that those who suggest, seek or support army intervention in civilian social conflicts will pause and think.

Assam and its People

ACOLONIALHINTERLAND?

The floods of Brahmaputra, India's largest river, devastate large parts of Assam every year. Communications are cut off across the state. The two bridges remain the tenuous links between northern and southern parts of the state. In sheer magnitude of devastation after mighty rivers were tamed in the post war period, the Brahmaputra floods have no parallel anywhere in the world. Look at the annual averages for 1953-90: 38 killed, 9.7 lakh hectares affected 2.3 lakh of which is crop area and about Rs. 62 crores of damage per annum. If you put it in cumulative terms, over the last four decades, the total area devastated by floods was equivalent to four times the total area of the state. And the total loss is more than the total money spent in the VII Five Year Plan! In many respects the floods of Brahmaputra symbolise the most commonly shared feeling in Assam that it is a region neglected by the center.

It is perhaps debatable whether in this respect Assam is any different from similar pockets of underdevelopment in the country. But what sustains this feeling that is enmeshed with questions of identity in Assam are other relevant factors. Some of them are common with the rest of the north eastern region. Its integration with the rest of India is of relatively recent origin. Here not only culture but even social tensions have a specific

characteristic of their own. Thus we travelled almost a thousand kilometers in the state without coming across a single slogan, sticker or poster demanding the demolition of the disputed mosque at Ayodhya, a major preoccupation of the mainstream, now. In Assam in particular this self sustaining feeling of neglect by the center is crucially accentuated by the high visibility of its resources; oil and tea.

The oil refinery at Digboi, not very far from which was located the famous Lakhpathar camp of ULFA, is India's first oil refinery. Two years ago it celebrated its centenary. Digboi, Duliajan and other fields in Upper Assam were later joined by new refineries at Noonmati and Bongaigaon. The petroleum resources in the state are owned and operated by Assam Oil, that is now part of Oil India Limited (OIL), Oil and Natural Gas Commission (ONGC) and other central public sector undertakings. As per the invidious division made by the Constitution (VII Schedule) most of the country's underground resources belong to the center while those above the ground may belong to the state governments. Thus the royalty from oil produced in Assam is essentially controlled by the center. Presently the state gets a paltry Rs. 67 crores per year. As per the law the center has to review the rate once in every three years [S. 6-A, Sub-Section (4); The Oil Fields (Regulation and Development) Act 1948]. Yet the

last such revision was done eight years ago, in 1984, when it was fixed at Rs. 132 a tonne. Last year the National Front government granted an ad hoc increase by Rs. 100 a tonne. Meanwhile the state government made an abortive effort to levy a cess under the Assam Rural Development Cess Act, 1988 that would have fetched Rs. 196 crores. But the oil companies have gone to Supreme Court and got a stay. In contrast the oil development cess imposed by the center (Rs. 900 a tonne) continues to fetch money. The amount is never ploughed back into state. In fact the huge funds generated by the oil cess have come handy to successive finance ministers to manipulate budget deficits ! The natural gas generated in various oil fields is flared up and every year, since the last two decades, an amount worth Rs. 130 crores is burnt (There goes another five year plan, in cumulative terms). But the gas cracker project continues to be in pipe line. The industry which has little scope for employment in the first place thus came to be seen as a channel to drain the state of its resources. And oil became a powerful symbol of center's neglect. In fact the agitational programmes of the AASU movement of the early eighties were centered around oil refineries.

In a similar fashion tea, owned by private capital, some of which is foreign, serves as another symbol. Assam produces about 55 per cent of India's tea spread in over 850 gardens, employing about 10 lakh people. It earns in foreign exchange alone about Rs. 600 crores a year. Its capital and labour both are from outside. The headquarters of most of the companies are located in Calcutta. Doomdooma India Ltd (Unilevers) is among the top companies with over 7 million kgs of output produced in 3000 hectares of plantations spread in 8 gardens, employing 50,000 people and earning every year about Rs. 25 crores. Other major foreign companies include Macneil and Magor, Godricke Warrant and Indian Companies include Tatas and Assam frontier of the Apeejay group. Beneath these high profile companies, however, some imperceptible changes are taking place in recent years. At the lower rungs small plantations have come up in some areas, specially in the south bank. Some of them are on homestead lands

using family labour. Others are run by entrepreneur Assamese youth, or by ex-tea garden labour. The product from these small tea gardens and plots never goes to big tea auction centres but is processed and produced locally. Produced at lesser cost and priced cheap, these small brands have made considerable inroads into the monopoly market in the north eastern region.

The marketing of tea otherwise is controlled by the monopolies. The two Unilever companies Lipton and Brook Bond pick up 50-60 per cent of tea auctioned at the Guwahati center. Another 10 per cent is picked up by the Russians. As a symbol of draining the resources of the state, tea seems to have served the role for ULFA that oil served for AASU.

The continuous linear exploitation of highly visible resources, cultural specificities and social history are among the factors that over the years sustained the feeling of neglect by the center that is woven into the question of identity in Assam. This widely shared perception informs the backdrop of the rise to dominance of the United Liberation Front of Assam.

But one must hasten to add that this otherwise widely shared perception has not become, so far, a sufficient basis for the unity of the people of Assam. The history of modern Assam is also a history of recurring tensions between different social groups within the state. In fact the criterion to identify a social group itself is a source of controversy. Religion, ethnicity, language, nationality - have all served and continue to serve to make or unmake a social group. This complex, if confusing, social kaleidoscope is continuously shaped by history and in turn shapes history. In a way the range of demands, and their heterogeneity, that now marks the politics of these different and differing social groups, reflect this phenomenon. Currently there are communities that are demanding the status of scheduled tribes while others demand autonomous state, there are those demanding separate state while ULFA demands a sovereign state. In each case the demand indicates to varying degrees, suppressed aspirations at one level and subjective perceptions of threat

at the other. The range of organisations and their demands that cloud the political scene now is truly extraordinary. The tangled history of confluence and conflict between different sections of peoples in Assam is perhaps entering a new phase. The movement against 'foreign nationals' in the early eighties led by the All Assam Students Union (AASU) is a reference point to recapture the current situation.

AASU MOVEMENT AND AFTER

In May 1979 by elections were to be held in Mangaldoi parliamentary constituency. The Election Commission announced that there were about 46000 'foreign nationals' in the revised voters list. This episode sparked off the AASU movement that continued to rock the state for five on and off years. The formal demand of the movement was detection, deletion (from the voters list) and deportation of illegal immigrants especially from East Pakistan (or Bangladesh, depending on the cut off date chosen, for the identification). In the early days of the movement AASU led the formation of eleven parties and groups called the All Assam Gana Sangram Parishad (AAGSP). Among others it included the regional party Purabanchaliya Lok Parishad (PLP) and Assam Jatiyabadi Yuva Chhatra Parishad (AJYCP). The movement became very powerful in the Brahmaputra valley. As agitation brought administration and also oil production to standstill, first the North Kamrup district and later the entire state (except the Bengali dominated Barak Valley, Cachar) were declared as disturbed areas (January and April, 1980) The notifications were withdrawn in August but Brahmaputra valley was again declared disturbed in March 1983. The order was withdrawn in July 1985. The agitation, violence and state repression continued sporadically for a long time and according to official estimates about 400 people were killed in firing.

The constituents of AAGSP both in their composition and outlook essentially reflected the Assamiya society. The movement could not uniformly include in its ranks all tribal groups. Over time the ire of the movement was directed not merely against illegal immigrants but against all

immigrant settlers irrespective of their social, historical and legal status within the state. The chauvinistic undertones of the agitation with an edge against minorities (linguistic, tribal and religious) had a lasting impact on the social fabric of the state. During the course of the agitation the immigrants became victims in a number of riots while Assamiyas became victims, to a lesser extent, in other places, especially in Barak Valley. The Indira Gandhi government's decision to conduct elections despite the boycott call given by the AASU and AAGSP in 1983 led to massive carnages. Nellie, Gohpur, Silapathar, Chamaria and Dhula became infamous for the massacres. An estimated four to six thousand people died in these riots that rendered about 3 lakh people homeless. The Hiteswar Saikia government that came to power lacked both legitimacy and credibility. Around the same time parliament also promulgated the controversial Illegal Migrants (Determination by Tribunals) Act, 1983 that still remains a bone of contention between Assamiyas and immigrants. Eventually in August 1985 Rajiv Gandhi government signed the 'Assam Accord' with the agitators. A new regional party emerged and Assam Gana Parishad (AGP) was formed. It swept the elections that were held in December 1985. The AASU movement, many consider, came to reflect, two major threads around which history of modern Assam is woven: Assam's contradiction with the center, and the Assamiyas contradiction with tribals and immigrants.

This legacy haunted the new government. And many policies pursued by it intensified the latter set of contradictions. Its language policy, a marked preference for the Assamiyas and the land policy have all acerbated tensions within the state.

Soon after it came to power, in July 1986, the new government declared all encroachments made after 1st January, 1980 as illegal in accordance with the Assam Accord (Removal of all encroachments from all government and forest land'; Clause 10). In effect it became eviction of tribals from lands on which they are settled, without ever possessing formal pattas. Terrain, history and demography in

Immigrants

The so called immigrants in Assam, Bengalis or Nepalis have come in large chunks at different stages of economic development of the state. The factors that led to their settlement are far too varied and the process of their integration (or lack of it) with the Assamese is far too complex to put all of them in one single block. But electoral compulsions and chauvinistic trends on either side have made them into a single block in so far as power politics is concerned. But beneath this block lies a wide range of people diverse in their culture, occupation and economic status. A part of the immigrant question also carries the legacy of 'Muslim political question' of the partition period. Hailakandi, the only place where communal riots broke out last November is in Barak Valley. The valley comprising of Cachar, Karimganj and Hailakandi (11% of the population of the state) predominantly consists of Bengalis. On the Meghalaya border one can find Nepali settlers. Bengali settlers are found all over the state especially in lower Assam districts. Most of the peasants in char lands in riverine areas are also settlers. The Bengali settlers by and large have been returning Assamese as their language right from 1951.

But over time the process of their integration with the Assamese became tension ridden. They faced intense hostility during the AASU movement in the eighties. All Assam Minority Students Union (AAMSU) came to the foreground around this time. Golam Osmani, a former Janata leader with the help of AAMSU and Jamait Ulema-i-Hind led the formation of United Minorities Front (UMF). The Front effectively replaced Congress-I among the immigrants in the 1985 elections. But soon after it declined and large part of it joined the Congress-I.

The foreign national question remains the focal point of tension between the Assamese and the immigrants. The 1985 Accord distinguishes two streams of illegal migrants, those who entered between 1 January 1966 and 24 March 1971, and the rest who came later. The first stream is to be detected with the help of a range of legislations right from the Foreigners Act, 1946. They are to be disfranchised. The second stream 'shall be detected, deleted and expelled' (to where ?) in accordance with the controversial Illegal Migrants (Determination by Tribunals) Act, 1983. The procedures under the Act the immigrants see as safeguards while almost all Assamiya organisations including the AGP, AASU, AJYCP see them as too cumbersome and impediments to detection. The tensions between immigrants and Assamese are further acerbated by the policies of the AGP government. The very first visit of Prafulla Mahanta to the Barak Valley in July 1987 was marked by violence. During the recent census operations an AAMSU sponsored convention (Kharupetia, Darrang, 27 January) gave a call to the immigrants 'to speak truth' and effectively encouraged Bengalis to return Bengali as their language. The complete results of 1991 census are not yet out. But significantly the border region 'infiltrator districts' show lower growth rates than the other districts.

The immigrant question is far too intricately linked with the exigencies of electoral politics in the state. As Golam Osmani put it in his interview with us, the very idea of individual franchise in democratic electoral process can have paradoxically, undemocratic consequences if individuals vote not as individuals but as representatives of their respective communities. However these electoral considerations have only obfuscated the land question. The immigrant peasant cultivators, despite being settled for decades, have no legal status in the char lands. While we were in Guwahati High Court, we came across a case where Bengali peasant cultivators in Bongaigaon, settled since a long time, suddenly were issued eviction notice. The IPF, which is organising them in this particular area, has filed a petition against the notice. As in the case of tribals, it is land and language which form the material base of the immigrant question.

Assam are such that any juridical approach to the tangled land question (that gets reflected in what is often described as the tangled national question in Assam) is bound to acerbate social and ethnic tensions. In the 45 officially designated tribal belts and blocks where, by law, non tribals are prohibited from acquiring land, land has passed into their hands. These non tribals include not only immigrants and Assamiyas, but also tribals who do not have scheduled tribe status in that particular area. In other parts of plain areas people or communities who have been cultivating lands for decades are still considered encroachers. For, they do not have formal pattas. Some of these lands encroached upon are formally speaking not even considered 'cultivable lands'. For they are classified as forests, reserved or protected. In *char* lands not only the status of cultivators but even the that of 'land' itself is in dispute as the river keeps changing its course. Thus under tremendous demographic pressure the hitherto existing patterns of land ownership were irrevocably dislocated in the recent decades. In the process virtually every community has been both an encroacher and a victim of encroachment. Revivalist ideologies and political exigencies may make some of the representative organisations to target the other group in its campaign. But it is a pointless exercise to appropriate blame on any single community as against the other in a process over which no one had control. Yet if such tendencies have gained around in recent years it is because the state, under AGP, was perceived to be favouring one against the other. In the event the government did suspend its operations to evict the tribals, but the forces it unleashed reverberated through the fragile social fabric. Coupled with the language policy, this only accentuated the move towards a reassertion of their respective identities among different sections of people, including immigrants (see Box) and tribals.

TRIBALS RESURGENCE AND INSURGENCY

The striking peculiarity of Assam is that topography is made the fundamental criterion to make the division among the tribals; plains tribes and hill tribes. The plains tribes do not enjoy the

scheduled status in hill areas (Karbi Anglong and North Cachar Hills). And so is the case with hill tribes in the plains of Brahmaputra.

The plain tribes include large groups like Bodos, Mishings, Sonwal Kacharis and Rabhas and smaller groups like Tiwas (Lalungs), Chutias, Deoris, Mech, Hojai and numerous others. Some of them are Hinduised to become part of the lower rung of Hindu social hierarchy. The plains tribes do not live in geographically contiguous areas. Bodos are spread in Kokrajhar, Udalguri division of Darrang, some blocks of Sonitpur and other areas. Mishings are concentrated in parts of Dhemaji, Lakhimpur and Darrang on the north bank and Sibsagar on the south bank. Rabhas are settled in Goalpara Barpeta in lower Assam and some pockets in the south bank of Upper Assam. Tiwas are settled not only in plain areas like Nagaon, Marigaon and Kamrup but also in hill districts. The absence of geographical contiguity influences the social history of these plains tribal groups. Although all of them are agrarian communities, here too distinctions mark them apart. Some of them practice a form of shifting cultivation in forest areas. But Mishings are known for their preference for river bed cultivation. These communities as a whole are engaged in subsistence agriculture.

In terms of language too wide distinctions set them apart. Some of them, like Sonwal Kacharis and Tiwas are more Assamised than the others. But recent trends indicate that the process of assimilation or integration with the Assamiya society can not be described as complete. In fact in their attempt to reassert their identity some of them have opted for Devnagari script while others like Mishings are opting for Roman script. The significant point to note here that they are not in favour of Assamese script.

The developments of the last four decades, various welfare schemes, educational facilities, employment in state services have contributed, to whatever limited extent, the emergence of a middle class among them. It is this younger generation which is articulating the resurgence among the tribal communities. The formation of the All Assam

BODOS

Of all the tribal movements in the recent history of Assam, if not India, the Bodo agitation is the most bitter and violent struggle. Largest among the plains tribes of the state, they do not live in contiguous areas. Even the two epicenters of the recent agitation, Kokrajhar district and the Udalguri sub division of Darrang district are not contiguous. In agricultural practices they are not homogeneous. Some of them practice shifting cultivation in forest areas while others are settled cultivators well versed with modern farming techniques. In language and literature, in art and culture the Bodos are far more developed than many similar plains tribals. Till the recent fratricidal conflict, it was considered that Bodos are more integrated into Assamiya society than others. It is indeed a tragic irony of post colonial Assam that the Bodos should have now such a violent conflict with the Assamese.

Earliest echoes of attempts to safeguard their identity and interests can be found in activities of Assam Plains Tribal League in the colonial period. In recent history the formation of Plain Tribal Council of Assam (PTCA) in 1967 was a landmark. The PTCA, largely Bodo dominated, initially stood for a separate Udayachal, the notional homeland of plains tribals on the north bank. However over time PTCA became part of 'mainstream politics' and seems to have lost grip over the new generation of Bodos. It is in this background that the militant All Bodo Students Union came to the fore, in 1987.

Initially the demand of ABSU was only, for a separate Union Territory for the Bodo areas on the north banks. Its young ideologue, late Upendranath Brahma, articulated the aspirations and the militancy of the post colonial generation of Bodos. The agitation was carried on relentlessly with mass rallies, hunger strikes and bandhs of increasingly longer durations (leading eventually to a 1001 hour bandh). Inevitably the agitation led to communal clashes between Bodos and Assamiyas. The AGP government unleashed heavy police repression. Arrests under TADA, firings and an infamous mass rape at Bhumka marked this phase of the agitation. However it was suspended in September 1988. But the respite was short lived. It was again revived in February 1989. The ABSU(UB) faction became very assertive and aggressive. Demand for a separate state, Bodoland, on the north bank, autonomous district councils for the Bodo areas of south bank and scheduled tribe status for Bodos in Karbi Anglong now became the main demands. This phase of the movement was marked by more intense violence. Assamiyas in the Bodo areas became victims of violent attacks. The state government declared Kokrajhar as disturbed under Assam Disturbed Area Act in July 1989. Hundreds were arrested under TADA. Personnel of Assam Task Police Force (ATPF), played a blatantly communal role. Sections of Assamese press indulged in a vilification campaign. In a particularly bitter response the agitators blew up bridges, breached roads, burnt schools and health centers and tried all means to prevent the Assamese police from entering their areas. In an infamous incident at Barpet, in Bhagmara a number of Bodo women were subjected to mass rape by the police. Countless people were killed in state violence. Finally in August 1989 tripartite talks between the Bodos, Assam and central governments began. Two rounds took place under the Congress (I) government and five under National Front government. The state government also initially suspended and later withdrew the disturbed area notification in Kokrajhar. In the eighth round of talks (September 1990), a three member expert panel was appointed to examine the problem.

One recent trend that has become very strong in the Bodo movement is the conflict between different Bodo groups. PTCA and ABSU are in conflict with each other right from the beginning. Later ABSU split into Upendra Nath Brahma faction and the lesser known Ramiachari faction. Recently a new violent group, that calls itself, Bodo Security Force (BSF) has come to the fore. Clashes between these, ABSU(UB) on the one hand and PTCA and BSF on the other, have taken a heavy toll.

The Bodo movement is intrinsically linked with the power struggle between Congress (I) and AGP. Congress (I) appears to have provided tacit support to the movement. AGP sources allege that the intelligence wing, RAW was involved in the attempts to destabilise AGP government through the Bodo struggle. There is some element of truth in this charge. But to a great extent it has become a handy rationale for some sections to evade the social and historic content of the Bodo movement. One can find its worst reflections in the media. On the other hand, ABSU(UB) sources allege that PTCA and especially BSF are being backed by AGP. A former minister's name is often mentioned in this connection.

In the meantime the three member panel constituted by the eight round of talks, headed by Dr. Bhupinder Singh, began its work and visited the state in the first week of April. But unfortunately High Court issued a stay on its functioning. In the prevailing situation at the center and the state, no one seems to have gone for an appeal to the Supreme Court, to restore the credibility of a process that was initiated after four long years of bitter conflict.

Tribal Students Union (AATSU) in the late seventies marks a departure point in this resurgence. By the end of the eighties practically every group has its own distinct representative organisation. This

process, many observers feel, is intensified by the policies pursued by AGP government. The All Mishing Students Union (Takan Mishing Porin Kebang - TMPK), the All Rabha Students Union (ARSU) demand more autonomy. The Tiwa Autonomous District Council Demand Committee (TADCDC) demands an autonomous district on the lines of those that now exist for the hill districts. The All Tai Ahom Students Union (ATASU) demands an autonomous state. Koch Rajbangshis (also called Koch Kshatriya Rajbangshis) are presently notified as 'protected class' in tribal belts and blocks of the Brahmaputra valley under the law (Ch. X; Assam Land Revenue Manual). But they are not recognised as scheduled tribes. Long since Hinduised, like Morans and Chutias, they are classified as Other Backward Classes (OBC). But they now demand Scheduled Tribe status.

Diverse ideological currents influence the ongoing plains tribal movements in the state. At one level one can also find insular approach in some of them. At political level they are described as attempts by the emerging middle class youth to jockey for power. But on the whole these movements cannot be explained away as cynical manoeuvres by the leadership. For they are an inevitable response to long felt suppression.

The position of hill tribes is different in that they are more homogeneous and live in geographically contiguous areas. Both the hill districts Karbi Anglong and North Cachar Hills are notified as Autonomous Districts under the sixth Schedule of the Constitution. In Karbi Anglong the ASDC is in power while in North Cachar Hills Congress (I) is in power. The AGP government had recurrent tensions with these two councils. In fact the very last decision of the AGP government was the undemocratic dissolution of these two district councils, a day before it was dismissed by the central government. Subsequently the High Court stayed the order and the governor later withdrew it. The Karbis are now demanding an autonomous state. In many respects the Karbi tribal movement is unique and exceptional among all such ongoing movements in the state (See Box).

The labourers of tea estates and their progenies comprise a unique group in the state. Almost all of these plantation labourers, right from the establishment of the first company in 1845 were brought from outside as indentured labour. Originally they were Oriyans, Santhals, Mundas Oraons, among others. They were descheduled in 1951. Although they are now settled for generations, they remained, remarkably on the outer fringes of Assamese society. In themselves, the tea garden labourers struggles for their rights remain one of the most bitter and glorious saga of democratic movement in the state. But given the structural and spatial location of the tea industry the plantation workers remained as a separate group. At the formal level they had, unlike other groups, less tensions with the Assamiya society during the AASU movement. In fact many were surprised by the popularity of AGP in the tea areas in the 1985 assembly elections. But in recent times, outside of their economic struggles, they too are emerging as a formidable social, in fact, ethnic group. The tea garden labourers and the ex-tea garden labourers are now estimated to be in the range of two million. They are now called Chai Janjatiya (Tea Tribes) and are demanding a Scheduled Tribe status, as tea tribes. The society around them too treats them as a community, *baganias* (after *bagan*, estate). In a sense the specificity of the social history of Assam is best reflected in this phenomenon. In no other state you would find a working class (wage labourers of an industry) becoming an ethnic community (*baganias*) over time.

In addition to the wide range of organisations representing an equally wide range of tribal communities, in recent times one umbrella organisation also came into prominence, the United Reservation Movement Council of Assam (URMCA).

The organisation had its origins in AATSU. Attempts by the authorities to victimise students in Dibrugarh university who issued a leaflet in favour of reservations generated protest which led to the formation of URMCA in January, 1986. It is associated with a CPI (M-L) group. The striking feature of URMCA is that it is not an organisation that is attempting to articulate sectional interests of a particular minority group but is a conscious political

and ideological attempt to unite all minority groups on the basis of their respective identities. It demands a federal structure for the state and favours a community wise representation in electoral politics against the dominance of 'Hindu upper caste Assamiya chauvinist clique' in power. It has gained considerable following among Tai Ahoms, Mishings in Dhemaji and Lakhimpur and among *baganias* on both banks of the river. Its emergence as a strong organisation, many see, as a result of its determined opposition to ULFA.

REFLEX AND RESPONSE

Any demand for autonomy by any section invokes instantaneous hostility among some of the Assamiyas. They perceive themselves as victims of a process by which they are becoming a minority in their own state. Earlier such demands have led to the division of the state and gradually Nagaland, Mizoram and Meghalaya have become separated from the state. Many observers in Assam feel that the AGP government with the help of state agencies articulated this hostility that has made the process further irreversible.

Other groups and streams that were once part of the AASU movement have in the meanwhile moved away from the AGP. Some of them, at least at the formal level now acknowledge the need to give due place to ethnic groups and immigrants in the political set up of the state. They include the revived Purabanchaliya Lok Parishad, Samjyukta Lok Parishad and even AASU. The idea of a federal structure for the state has gained more currency than, say, a decade ago. Assam Jatiyabadi Yuva Chhatra Parishad (AJYCP), for instance, explicitly suggests autonomy for the tribal communities and envisages regional councils which would have powers to decide their own plan and budget. The Parishad, with about 3 lakh members is among the more powerful of the independent groups in the state. But these nebulous winds of change among those groups which are considered Assamiya in their composition and character are overshadowed by the five year rule of AGP government.

AGP assumed power on the waves of high hopes. It was the most youthful party that ever came

KARBIS

The saga of the struggles of the Karbi people of Assam never really received the attention of the world outside. Not only the national media, but even the Assamese press to an extent willfully ignored their movement. The racial undertones of the policy of colonial rulers to treat the north eastern hill tribes as 'excluded' still continue to influence the post-colonial elite. In the colonial period, they were part of 'Excluded' or 'Partially Excluded' areas, over which the central government had direct control. After independence they became part of 'autonomous district councils', a unique mechanism that exists only for the hill tribes of north east (VI Schedule, Constitution). Presently Karbis are mostly concentrated in one such autonomous district, Karbi Anglong.

The language policies pursued by the government in the sixties led resistance movement among the hill tribes of undivided Assam. Meanwhile the insurgent movements in Naga and Mizo areas also became strong. The formation of All Party Hill Leaders Conference (APHLC) gave an impetus to the movements of hill tribes of the state. Eventually APHLC's demand for autonomous state was conceded and Constitution was amended in 1969 (A. 244-A). The concept was a unique experiment in the development of the Indian Constitution. Not only the state is autonomous but within it the district councils remain autonomous. It had powers to make laws on 61 out of 66 subjects enumerated under the state list in the Constitution. However the people of the two districts that are now called Karbi Anglong and North Cachar Hills did not go with the newly formed autonomous state but chose to remain with Assam. But meanwhile the application of Article 244-A turned out to be short lived as Meghalaya became full fledged state in 1972. The provision itself was not deleted however. Two decades later former CM Prafulla Kumar Mahanta described it as a 'regrettable and costly mistake'.

Now the Karbis are demanding an autonomous state, under the same provision. Eighteen years of staying in Assam, has only created further distances between them and the rest of Assamese society. In particular the policies pursued by the AGP government has accentuated the process. By 1986, Autonomous State Demand Council (ASDC) was formed in Karbi Anglong. The AGP government unleashed repression. Over 100 people were arrested under TADA. The famous leader of ASDC, Dr. Joyanta Rongpi himself was arrested many times. Normal democratic activities were completely disallowed. Finally in January 1989, parts of the district, including the headquarters Diphu, were declared as disturbed under the Assam Disturbed Area Act, 1955. Although ostensibly the notification was due to the border dispute with Nagaland, in effect it became a weapon for the government to suppress the ASDC movement. The Assam Police Task Force, now bestowed with special powers under the legislation, played a communal role. As in the case of the Bodo movement, the use of black laws, like Disturbed Area Act and TADA, by the AGP government did not receive as much wide attention and condemnation as they do now, after President Rule. In the midst of all this in the elections held to the Autonomous District Council in January 1989 ASDC won 22 out of 26 seats. But the AGP government suspended the council, along with that of North Cachar Hills, a day before it was itself dismissed by the center. Later the order was withdrawn by the governor.

Unlike other similar movements in the state ASDC is deeply influenced by Marxist-Leninist trends. In its secular, democratic content and in its progressive vision, Karbi movement has no parallel in the recent history of tribal resurgence in the north east.

to power anywhere in the country. This is the post colonial generation in Assam. It was considered to be the most authentic representative of the aspirations of people of Assam. But soon it lost much of its popularity. The land and language policies have generated tensions with almost all sections of non Assamiyas. Instead of contributing to the consolidation and completion of the evolution of the identity of people of Assam, it accentuated the tensions between them. Corruption, life styles of its leaders, high handedness and factionalism (that eventually resulted in the recent split) have made it unpopular even among those who were earlier considered its social base. As a party that can represent Assam's struggle for justice with the center, it lost its credibility and authenticity. It is in this background that ULFA came to the fore.

ULFA

United Liberation Front of Assam (spelt as Asom by the organisation) was established on 7 April 1979. Many of its earlier members and current sympathisers were part of the AASU movement. Soon after, sometime in the early eighties, it forged links with other insurgent groups in the region. The region as a whole is a meeting point of five countries; China, Myanmar (Burma), Bangladesh, Bhutan and India. The integration of the people of the border regions in all these countries, to say the least, is incomplete. Consequently at least three of them, India, Burma and Bangladesh, have had a long history of armed insurgencies on their frontiers. The geo-historical terrain thus contributed to the emergence of ULFA. In particular it is believed to have forged close relations with the National Socialist Council of Nagaland (NSCN) and the Kachin Independent Army (KIA) of Myanmar. Some of the leading activists (Grade 'A' in the parlance of army) are believed to have been trained by KIA.

The real take off point of ULFA is in the early months of 1986 when its presence began to be registered in the politics and public life of Assam. The acquiescence, if not patronage, given by the AGP government is often cited as the reason for its growth. In cultural, kinship and familial ties, AASU, AGP and ULFA share same background. An oppo-

sition leader described the phenomenon as 'AASU by morning, AGP by noon and ULFA by night'. The setting up of large camps for arms training in a number of areas, the open movement of armed guerillas in many of the Upper Assam districts during the last one year of AGP rule have given credence to this view.

ULFA as an organisation evokes instant and completely diverse characterisations, in the state. Some see in ULFA some kind of 'Marxist Leninist Liberators' while others, that include at least one Marxist-Leninist group, view the organisation as a 'bunch of anti-social terrorists and chauvinists'. A young entrepreneur we met in one of the small towns of Upper Assam said rather eloquently: 'ULFA is not an abbreviation but a word in the dictionary of Assam, it is not an organization but a state of mind'. While in another place we met a social activist who feels that 'ULFA is a sincere nationalist group which however imposed both the demand for sovereignty and armed struggle prematurely on the people whom it seeks to represent'. If anything, the diversity of these sentiments indicates an amorphous group in a state of flux.

ULFA's activities right from the beginning have been two fold; intimidation of businessmen and big companies and programmes that are described as constructive and welfare oriented. ULFA has demanded and extorted large sums of money from businessmen for its 'war funds'. Fear of violence and the suspicion that the state government will not take action against them has made many of them succumb. Among those killed by ULFA in the process were President of Chamber of Commerce in Nalbari, two successive presidents in Kamrup, Surinder Paul of Assam Tea Company and others. Intimidation of these sections increased as the scale of the demand increased. The immediate cause of the Unilevers group to shift its executives was believed to be the demand for about Rs. 4 crores put on the eight major tea companies.

At the popular level the organisation gained ground through its 'constructive activities'. Punishment of corrupt public servants, from teachers who cut their classes to officials who take bribes, was

one of them. As a way of punishment the erring teachers were obliged to take part in ULFA's literacy campaigns. These campaigns became especially popular in some areas. We met one of the lecturers who enthusiastically participated in a literacy campaign in an Upper Assam town even while he refused to join them as a member ('their ideology is wonky'). The organisation also campaigned against poaching of rhinos in Kaziranga National Park and Pabitara Wild Life Sanctuary where 80 per cent of world's rhinos are concentrated (The rhino horns fetch huge amounts in poachers market). ULFA has published names in local news papers of some well known poachers and have owned responsibility for killing some of them. Of all the campaigns that earned them much awe was the campaign against alcoholism and eve teasing, against bootleggers, drug peddlers and prostitution rackets that supply tribal girls to towns and metropolitan centers.

ULFA has also undertaken activities oriented towards the agrarian economy of the Brahmaputra valley. The group involved young people in the construction of embankments in many places, a long felt need in many of the flood prone districts. Experimental community farms were organised in some places like Goalpara, Lakhimpur and Dhemaji. They gave encouragement to small tea gardens and plots, mentioned earlier. ULFA encouraged young men to take over the uncultivated part of large tea estates and surplus land above the ceiling level. This conscious and careful strategy of encouraging tea production from below has created as much tensions for the big tea companies as the much publicised extortions.

We must add however that ULFA itself takes objection to any description of their programmes as constructive or welfare activities. They consider them as 'instruments of political mobilisation', part of what they call *sashastra prachar* (armed propaganda). In fact going by the interviews and pronouncements of ULFA's publicity secretary Sid-darth Phukhan (who even now maintains a column in an Assamese weekly), one gets the impression of political and ideological coherence. How far such

an impression is valid for the organisation as a whole is a moot point. The Marxist phraseology some consider is superficial while others believe that it reflects the view of a significant but numerically small section of the organisation.

But almost everyone concedes that the most positive feature of ULFA is its insistence that it stands for the people of Assam and not merely for Assamese people. The fading slogans on the walls of Guwahati University campus still proclaim that 'ULFA stands for all communities and all communities stand for ULFA'. During October-November last year when riots broke out all over the country over the disputed mosque at Ayodhya, Assam was only marginally affected. About 14 people were reportedly killed in clashes in Hailakandi, Barak Valley, between Hindus and Muslims, both Bengalis. ULFA issued a warning to BJP and VHP that 'any attempt to spread communal tensions in the state in connection with Rama Janambhoomi-Babri Masjid issue would not be tolerated'. Both organisations called off their campaign in Brahmaputra valley.

From what we understand from informed sources, ULFA has been making an effort to acquire a base among the diverse communities of Assam. They include Bengali immigrants in the char lands of lower Assam, Rabhas in Goalpara, Karbis settled in plain areas, Nagaon and Goalpara and to lesser extent among Mishings in lower Assam. According to one official we met, the intelligence reports suggest that the recent batch of recruits sent for training in Burma are mostly tribals. Yet indisputably the social composition of ULFA as of now, is predominantly Assamiya middle and lower middle class youth. Given past history, this is not likely to inspire trust in other communities. And then ULFA's tenuous links with AGP also make them unsure of ultimate consequences of its activities.

ULFA's own actions and activities also contributed to the restiveness that marks its relations with other communities. Kalipada Sen, first president of UMF was killed in 1986. Subsequently ULFA was involved in kidnapping, torture and killing of a number of URMCA activists. In fact

many people attribute the popularity of URMCA in Lakhimpur and Dhemaji districts to an incident that took place early last year. A respected leader of the tea garden labourers was kidnapped from Harmati Tea Estate. Within a few hours thousands of tea garden labourers rallied round. The whole area became tense and restive sensing which ULFA released the abducted leader unconditionally. Subsequently URMCA held massive rallies both at North Lakhimpur and Dhemaji against ULFA, despite its intimidating presence in the area in those days. ULFA's activities against the owners of tea estates and torture and killing of hapless managers who could not pay up the ransom amount demanded, have also created a sense of insecurity among the tea garden labourers. It must be noted that ULFA did not spare the lone labour co-operative tea garden, WOKA. The INTUC led Assam Chah Mazdoor Sangha's strike call on 27 November demanding security, soon after the airlifting of the executives, was a resounding success in almost all of the 800 tea gardens. Similarly ULFA's campaign against liquor did not exempt tribals. Apang, liquor brewed out of rice is quite popular, by custom, with both sexes of all ages among some of the tribal communities. ULFA's attempt to force prohibition alienated them, especially the tribals on the north bank in Lakhimpur and Dhemaji. Political representatives of minority groups have become victims of ULFA's violence. One of the badly tortured bodies identified in the mass grave at Lakhpathar camp for instance was that of Dimbeswar Gogoi, a leader of All Tai Ahom Students Union kidnapped earlier in October 1990. Among others killed was Amitab Rabha a popular leader of URMCA, in October 1990.

The single largest political group that faced the wrath of ULFA was Congress-I. About forty of its members were killed before President Rule. After President Rule ULFA gave a call to members of all national parties (with the exception of CPI and IPF) to resign. And in this round too it was essentially Congress-I that was the main target. Among those killed was an exceptionally popular general secretary of the party, Manabendra Sharma in Guwahati on 19 February. In some cases ULFA

claims that the URMCA and Congress-I people killed by them were killed not because of their political affiliation but because they were acting as informers to the army in the villages. Altogether 68 people, according to official sources, were killed by ULFA after the imposition of President Rule, till end March.

Many people believe that the group began its long battle as a sincere group of young men and women fighting for what they believe to be a just cause but they lost their way somewhere in the early months of 1988. It must be noted that it was during this period that many of the camps sprang up. In Lakhpathar the 225 sq. km. thick jungle goes upto the Burma border through Arunachal Pradesh. The eight camps in the area were set up at the foothills near the oil fields. Similar camps came up in Lakhimpur, Nagaon, Sonitpur and one even near Guwahati. The establishment and growth of these camps was an open secret and thus many came to believe that the AGP government either out of compulsion or opportunism patronised them.

In any case these camps and the rather open functioning of the group indicate the gradual change that took over the organisation in the 18 months preceding President Rule. The extortions that were earlier confined to business houses and big businessmen now affected small businessmen. Entry into the organisation seems to have become very easy. Some of the actions were attributed to what are called 'naquli ULFA', that is, in the prevailing chaotic situation a number of people operated in the name of the organisation. But the organisation, till recently, did not acknowledge their presence. Infiltration in its ranks, now the organisation claims, was primarily responsible for this situation. In fact one of its leading members Ratul Kataki was executed by the organisation for being 'an agent of Congress leader Hiteswar Saikia' in early January, this year. Mr. Saikia denies any involvement. Some observers told us that the typical small town dadas who earlier were targets of ULFA's campaign against anti-social elements, after they made their 'repentance' were given admission into the group. And it is this policy which resulted in the lumpenisation of

the group. One of the TADA prisoners whom we interviewed, we are convinced is one such *dada*. In one of the lower Assam towns a former AASU leader arrested later for his involvement with ULFA we were told, was 'a crook who amassed lakhs'. Similarly we were told that the one of the activists of ULFA (*asli* or *naqli*?) is a *benami* owner of major hotels in an Upper Assam town. Some analysts believe that these kinds of trends are inherent in any organisation where 'the gun commands the politics of an amorphous ideology'. If killings are to be taken as indicator, then one can note that from 1984 to 1987, 19 people were killed by ULFA while in the three years that followed 91 were killed (official figures). Some of those who disappeared after kidnapping ended up in the mass graves of Lakhpathar. Siddarth Phukan, the publicity secretary later claimed that almost all of them were black marketeers, drug peddlers and prostitution racketeers who were tried in presence of their victims. But then as an ATASU statement asked in anguish by what logic its leader Dimbeswar Gogoi comes into this category.

In recent period ULFA seems to be gradually acknowledging the lumpenisation of some its rank of file. Demonstrative action against those who it believes are engaged in anti social activities in the name of ULFA as in Raha, Nagaon in the first week of April, action against what it calls infiltrators are some indicators of it. Aarbinda Rajkhowa, chairman of ULFA in his foundation day address this year, delivered anonymously to all news papers, stated, among other things, that 'mistakes committed during the recent past would not be repeated'. But given the character of the group and the fluidity of the situation it is too early to make any inferences on the basis of these trends.

Perceptions about ULFA are influenced as much by the history of Assam as they are by ULFA itself. One of the leading analysts of Assam we met put it rather blandly, "The '62 war brought us a bridge over the river, ULFA will bring another, at last, in Upper Assam", the demand for which is as old as Digboi oil refinery. Thus ULFA is seen as a pressure group whose presence will get for Assam

what it is denied through normal channels.

Some recent developments give credence to this view, even if they have taken place independently. In October central government finally acceded to the demand that Assam, like the rest of the north eastern states, should be treated as 'special category state' (whereby plan assistance is given at the rate of 90 per cent grant and 10 percent loan instead of 70 per cent loan and 30 percent grant, thus reducing the debt servicing charges enormously).

Big business houses everywhere patronise welfare programmes, art and cultural activities, partly to get tax exemptions and largely to build a good image among the local populace. But in Assam, neither the social obligations nor the need for public relations exercises intruded into the genteel evenings of the tea clubs, those surviving relics of vintage Indo-Angliana. Hitherto in the insular *chai ki duniya* of Assam the companies were never particularly known for such activities. But suddenly in the last few months there is a noticeable jump in such activities. The Indian Tea Association announced Rs. 10 lakhs for a college at Bokakhat. Tata Tea announced Rs. 80 million for a hospital at Chabua. Mcneil and Magor discovered Assamese literature. It instituted an award that was given recently to the famous writer Dr. Bhabendranath Saikia which was presented to him by Mulka Raj Anand.

These gestures either by the central government or by the big capital may be empty symbols. But the point is that many believe that they were made possible by ULFA. And hence perhaps the paradoxes that are woven around ULFA in popular imagination, cutting across classes and communities.

In the end we would like to recount our interactions with three families. At Dibrugarh, we met the father of Dhrubajyothi Gogoi who was tortured to death by the army. The young man was a 'ULFA militant'. By all accounts the father does not share the views and methods of the organisation. But he firmly believes that 'his son died for his country'.

In one of the Upper Assam towns we met the widow and family of a small businessman who was killed by ULFA. It appears that the local commandant of the organisation demanded from him an impossibly large amount of money. He also had an old family feud with the man. The man pleaded inability and even sent desperate appeals to the top leadership (some other members of his family were associated with ULFA at another place). Before long he was shot dead outside his shop in broad day light. But yet, strangely the family we spoke to is not willing to condemn the organisation as a whole and retains some amount of respect for it.

Similarly enroute from Tinsukia to Dibrugarh we met Nripen Sharma. Involved in the freedom movement, he is a follower of Vinoba Bhave and a whole time Sarvodaya worker for decades. He is father of Rajen Sharma a student of Cotton College, Guwahati and an influential member in the formative years of ULFA. Known by his alias Uddipto Hazarika, he was the first publicity secre-

tary of ULFA. Hazarika died in somewhat controversial circumstances in the retaliatory action subsequent to the killing of the President of Nalbari Chamber of Commerce in October 1989. His seventy year old father was on his way to organise a padayatra for peace from 'Sadia to Dhubri' (an expression to indicate the entire length of Assam). He is opposed to all forms of violence. In the preface to a small booklet that he published in memory of his son he wrote that the life and death of his son have 'strengthened his convictions about non-violence'. Yet he believes that in the battle between dharma and adharma, ULFA represents dharma.

These conflicting images and the contrasting emotions they evoke sum up the popular perceptions of ULFA. In present day Assam there are very few who support its call for secession. Its lumpen activities have eroded much of its earlier base. Yet there are a wide range of people who believe that ULFA is fighting for the rights of Assam and its people.

Army Action

Troops moved into Assam in the early hours of 28 November. Jammu and Kashmir, Sikh, Gorkha, Kumaon regiments, Rajputana Rifles and 56 Mountain Division that was engaged in the counter insurgency operations in Jafna, Sri Lanka, among others are engaged in the operations. Initially the 3 Core Head Quarters at Dimapur also seems to have been involved to a marginal extent. But essentially the operation is managed by 4 Core Head Quarters, Tezpur, under the over all supervision of Eastern Command, Calcutta.

In the first five weeks of 'Operation Bajrang' army discovered and destroyed about 40 armed training camps of ULFA. There were no casualties except one, on the army side according to army sources. But wild rumours to the contrary keep circulating in the underworld of ULFA folklore that once in a while find their way into the press also.

Army has classified for operational purposes ULFA cadre into four grades: Kachin trained militants ('A'), militants trained in the destroyed camps ('B'), couriers and supporters network largely unarmed ('C') and sympathisers ('D'). For the purposes of law when they hand over the arrested people, army makes a three fold division: black, gray and white indicating, in descending order, the degree of involvement. Of the 1846 people arrested upto 10 April 1991, by the army, it appears that not more than 25 can be described as 'Grade A terrorists'.

Army claims that its otherwise secret moves were leaked out to ULFA and hence by and large, they vacated the camps by 19 November, a full eight days before the army action. But it must also be noted that the impending action was in the air since the airlifting of tea company executives

earlier. One of the first pronouncements of the new prime minister indicated clearly that government was thinking of drastic action. Early in the second week newspapers also reported that 51 companies of para military forces were being moved into the state. The leakage however was attributed obliquely to the AGP government. Even if there is an element of truth in it, it does not really make any point given the regular front page speculations on the impending action. Later the AGP was more directly held responsible for the leakage of central home ministry circular that was allegedly left behind by ULFA in the camps they vacated. Excerpts from the letter, from Mr. A.P. Sharma, Director Union Ministry of Home Affairs; Dt. 26-9-89, appeared in sections of press. If the contents of the letter as carried by the press are true, then they do not make any sense. The circular asks the Assam government 'to seal its border with Burma'. Assam does not have any border with Burma.

In any case, the army action in the state is facilitated by the notification of Assam as a disturbed area. The notification was issued under two different laws, only one of which facilitates the entry of armed forces.

The Assam Disturbed Area Act, 1955 confers sweeping powers not on the armed forces but on 'police officers not below the rank of sub inspector, or havaldar in case of the armed branch of the police or any officer of the Assam Rifles not below the rank of havaldar'. But since the President Rule for all practical purposes it is the other law, The Armed Forces (Special Powers) Act, 1958 (as amended in 1972) that is in use.

The striking feature of the Act is the extraordinary sweeping powers that it confers on the authorities. It merely requires the subjective satisfaction of the concerned authority to declare an area as disturbed (S. 3); as such no objective criteria are laid down in the Act. Nor there is any scope for legislative review. How it bestows legal sanction to the whimsical ways of the authorities, is best illustrated during the course of court proceedings against the Act.

Courts have been notoriously procrastinating in cases challenging the constitutional validity of this and other similar acts in force from time to time, for instance, in North East, Punjab, Kashmir and Andhra Pradesh. This time the intrepid lawyers of Guwahati High Court forced the government to submit the confidential letter of the then governor D.D. Thakur to the President recommending President Rule. The governor had referred to only six districts on the north bank and five districts on the south bank as being affected areas; a total of 11 out of the 23 districts. In other words, even the pretence of subjective satisfaction does not exist in case of the other 12 districts, also declared disturbed. The High Court struck down the notification in case of these districts, making the exception only in case of the city of Guwahati (20 March). To our knowledge this is the first time a court has struck down, albeit partially, a notification issued under this kind of disturbed area legislation anywhere in the country. The state challenged the decision and got Supreme Court to issue a stay on the High Court order (29 April).

ARMY AND CIVIL ADMINISTRATION

The Act permits the use of 'armed forces in aid of civil power' (S. 3). The expression 'in aid of civil power' has become a cruel joke in Assam. On the very second day of army action, on 29 November, four police personnel became victims of army atrocities. Circle Inspector Nomal Tai (Margherita) along with constables Denti Khanikar, Nibaram Das and Krishna Kanta Chetia, were arrested and severely tortured. Another constable Kanteswar Moran (Naharanigaon) was beaten up. That day it appears the DC and SP of Tinsukia intervened. But the next day they themselves became victims of army high handedness and were detained for a few hours. In Lakhimpur army's conduct with the local Information and Public Relations Officer on 10 December invoked protest from the local journalist community. In Jorhat, following a grenade attack on an army jeep the jawans went berserk (27 January). C.K. Das the local commandant of Home Guards along with his constables was detained and interrogated. In the firing Mr. Sidhu, a DIG of

Assam Rifles was also injured. On 18 December Mr. Purohit, SP, Sibsagar was detained for a whole night and was interrogated. As the news spread among the police rank and file the government got alarmed. Advisor to the Governor personally rushed to the place and got him released before the army's efforts to aid civil power erupted into a major crisis for the government.

These individual instances of policemen or other officials on duty becoming victims of army high handedness are only symptomatic of the state of relations between army and civil administration. On paper there are supposed to be co-ordination committees between the two authorities from Dispur down to the district level. The civil administration however complains that leave alone involving them, the army doesn't even inform them of its actions. Prolonged detentions, torture, rape, molestation, killing or death or rumours about any of them immediately evoke strong public reaction. And it is civil administration that has to handle the situation. This seems to be a recurring source of tension between the two of them. The rumour that the arrested ULFA leader Rubul Das was killed by the army in Sonitpur led to a potentially explosive situation till a deft civil administration persuaded the army authorities to physically take him to his village. The funeral processions of both Krishna Chetia in Tinsukia and Durgeswar Bora in Lakhimpur also created similar situations for the civil administration. The army, unfamiliar as it is with both geographical and social terrain and the ways of ULFA, refused to take the help of civil administration. In fact the latter point out that the rate of those who are released by the army for not having any case is about 50 to 60 per cent while in the case of police it is not more than 10 per cent. Even the documents seized from the campus were not given to the police. ('why do they treat these documents as war trophies?', a police official was reported to have said). In one case, army put up posters announcing Rs. 2 lakh reward for a person already in jail! The army authorities suspect civil administration, especially if they are Assamese and treat them with the same contempt that they have for any functioning within the framework of a set of rules.

Through the first 8-10 weeks there were regular and intense tensions between the two authorities in almost all of the upper Assam districts, especially in Lakhimpur, Tinsukia, Dibrugarh, Jorhat and Sibsagar. The situation seems to have improved by the time of our visit in April. But the relations can not still be described as cordial, as one of the DCs we met put it rather mildly.

In the minds of many people an impression has gained ground that all major policy decisions are taken at Calcutta, where the head quarters of Eastern Command is located. One latest example cited is the surrender drama in which the civil administration was kept in the dark. This impression may or may not be true but its evocative power in Assam seems to have escaped the minds of the army authorities. Although the civil administration formally shifted from Calcutta to Assam in late nineteenth century itself, the 'rule of Bengal' haunted Assam till independence. And even after that the rule of capital, from tea and oil companies to big trading groups, continues to be from Calcutta. And the only medical institution that the governor D.D. Thakur could mention, referring to the treatment of businessmen victims of ULFA violence was 'the Woodlands Nursing Home in Calcutta' (para 9, D.D. Thakur's Letter to the President). The superimposition of army over the civil administration thus came to acquire a historical root in retrospect in the unhappy collective memories of Assam.

MASS RAIDS

The Act permits armed forces to 'destroy any structure', to 'arrest without warrant' and 'to search any premises' [S. 4; (b), (c) & (d)]. It provided the context for the massive and horrendous raids conducted by the army. It is impossible to list all such areas and villages. But the pattern is the same always. A convoy of army vehicles descends on a village, the army rounds up all males in the age group of 15-60 and gathers them at a central place, usually school grounds or near the namghar. One lot of jawans interrogates them. In numerous instances people were forced to stand for as long as 50 hours even while it was raining. Another set of jawans goes house to house searching for the 'militants'.

Most of the instances of loot, plunder, destruction and molestation of women that came to light took place at this stage. It is difficult to understand the logic behind the generalised pattern of these massive raids and the madness with which the entire population of villages was subjected to them. An army spokesman in his conversation with us hinted that they were necessitated by the 'lack of actionable intelligence' from the civil authorities. But as one DC commented 'they beat and torture a hundred people in order to catch one suspect the case against whom may turn out to be weak'. Army while admitting mass raids denies any harassment. They claim that magistrates accompany all raids and the help of *gaonburahas* (village headmen) is taken. If the instances we came across in at least six places in Sonitpur, Lakhimpur, Tinsukia and Dibrugarh are any indication, what the army seems to be doing is to force the helpless headman, or the villagers themselves in some cases, to sign blank proformas after every operation.

In the initial period army conducted mass raids in all the villages suspected to be ULFA strongholds and/or in the vicinity of an ULFA camp. Largest number of such raids took place in Lakhimpur, Tinsukia and Dibrugarh. In Lakhimpur area about 7 to 10 thousand people were forced to live in relief camps for a few days. Even the oil pumping operations in the nearby fields were temporarily suspended. These raids continued till about the third week of January. Second set of villages subjected to such raids are the native villages of wanted ULFA militants. These villages are subjected to repeated raids. They were continuing at the time of our visit. The day we were in Tinsukia, Jaraigaon was raided for about the tenth time. It is the native village of both ULFA secretary and Commander in Chief. The third type of raids are some sort of reflex action to a particular incident. Any major incident like an encounter, or an ambush immediately provokes the army to go berserk. In this respect towns suffered as much as villages. We have already referred to the incident at Jorhat following a grenade attack. These random raids were also continuing at the time of our visit.

In the second phase, army conducted intensive 24 hour raid and search exercises for a week from 9-15 March under Operation Sher-e-Dil. It was largely confined to Tinsukia and Dibrugarh. The second operation, from all accounts, seems to have been conducted with more restraint than that in the earlier phase. We visited some of the villages affected by Operation Sher-e-Dil.

On 9 March army virtually stumbled on Saurabh Gogoi a commandant of ULFA, in the jungle near the village Baruahula, Panitola, Tinsukia. The entire village became suspect in the eyes of the army. In an operation starting in the early hours the jawans rounded up all males from 9 to 60. Initially they were all gathered in a paddy field but later were shifted to the grounds opposite the school. The most tense ridden were school boys and their parents. The annual examinations were in progress.

In fact boys and girls of schools became the worst victims of army operations. In many places they could not give their exams. In places like North Lakhimpur the Higher Secondary students were permitted to appear for their examination from prison. But such is not the case with hundreds of boys and girls whose whole year was ruined as the army authorities remained impervious to the impassioned appeals from parents and teachers. In such a situation how the authorities expect their oft repeated appeal, to the 'flower of youth of Assam' to help them, to be taken seriously is a different matter.

In Baruahula the boys, their teachers and all other males were interrogated one by one. They were made to remain in the open grounds for about 28 hours as winds and an unseasonal rain lashed at them. Meanwhile the jawans went into every single one of the village's 470 houses where the women and babies were alone. In this village there were no instances of assault on women, except one attempt at molestation of a woman (35), mother of five children. As she began resisting and shouting for help the two jawans retreated. But the village namghar was ransacked.

In a school on the main road from Dibrugarh to Tinsukia, we met a large number of teachers from different villages who gave detailed account of raids in their villages. The story is the same every where. In almost all these places army forced them to sign blank proformas affirming that no physical assault or torture or rape or destruction took place.

One common complaint everywhere relates to language. The jawans are mostly from Gorkha, Kashmir, Kumaon, Sikh regiments. Their language is Hindi the lingua franca of Indian army. The villagers from whom they seek 'actionable intelligence' are by and large speakers of Assamese or a tribal language. Army spokesman claimed that they are always accompanied by translators and interpreters. But the people deny it. What is worse is that this communication problem remains even in interrogation exercises in army camps. The terrorising raids and the inhuman torture are not just exercises in madness. They are also pointless.

Neither the civil administration nor the army authorities have a record of the list of villages raided. At least we were not able to get hold of it. We made an attempt to arrive at the total picture from scanty newspaper reports, informed senior citizens, helpful officials, enterprising journalists and political activists. The diverse sources and scattered information makes any such attempt highly tentative. Our very, very rough estimate is that approximately 3800-4200 villages were raided, affecting 4 to 4.2 million people in Lakhimpur, Dhemaji, Sonitpur on the north bank, Tinsukia, Dibrugarh, Jorhat, Golaghat, Sibsagar, Goalpara on the south bank for which we were able to gather some information. This excludes other districts where also sporadic mass raids took place, such as Nalbari, Bongaigaon, Kamrup, Darrang and even Karbi Anglong.

GENDER BASED REPRESSION

The continuous mass raids in the villages, under siege for days together gave scope for sexual assaults on women. The army was also involved in quite a few cases of raids on girls hostels and colleges. In these raids, reports suggest, they were

neither accompanied by female police nor by magistrates. Notable among them include raid on Girls College in Sibsagar on 20 December, raid on the girls hostel at Biswanath Chariali (Sonitpur, 13 March) and on the girls hostel of D.R. College, Golaghat (18 March). Among the well known cases of repression against women that came upto High Court was the account of two Arunachali girls. On 24 January newspapers reported that two Assamese girls Asomi Gogoi (16) and Minoo Saikia (16) were arrested by the army in Sibsagar. An advocate, during the course of argument in court against the disturbed area legislations pointed it and asked the court to direct the army to produce the girls before the court. After some initial hesitation, the court issued the order. Next day not two but four girls were produced. The other two were Anonla and Sunchla from Arunachal Pradesh. They were arrested in Sibsagar on 2 January and were shifted from camp to camp for 19 days without ever being produced before any court. The experience of these two girls led to widespread public indignation. In the event court ordered medical treatment and handed them over to the custody of Kasturba Niketan, Guwahati. They were subsequently released. Later the court passed a general order stating that 'no woman should be taken into army camps for interrogation' (5 February).

Of all the instances of army atrocities, the one that evoked widespread revulsion is reports of rape. The public is most agitated about sexual assault while the army flatly and blandly denies all allegations. In fact Lt. General Baljit Singh Chief of Staff, Eastern Command, has even averred that 'these allegations have been made only in Dibrugarh, Tinsukia and Sibsagar where ULFA had their strongest bases. So the charges have not come as a surprise' (*India Today*, 31 December). Even while dismissing them as ULFA propaganda, the learned Lt. General seems to be ill informed. Far more 'allegations' were made in Sonitpur and Lakhimpur, than in Sibsagar (See Annexure).

As a matter of fact in the Hindu society of Assamiyas, as elsewhere, rape has a social stigma attached and thus many rapes actually went

unreported. In contrast there is no such social stigma in tribal communities. But here, by custom the family of the victim has to treat the entire village for a feast. Since most of them are too poor to afford such an expensive affair, they too go unreported. In a number of places in Sonitpur, Lakhimpur, Tinsukia and Dibrugarh we were repeatedly told that the number of rapes is far more than those that came to light. If after breaking out of these social barriers incidents do come to be noted and registered, they encounter the more formidable barriers of law.

Take the case of an incident in the village Tangana on the outskirts of Gohpur, Sonitpur. The small village, of not more than a hundred households, is not in one compact block. A small river Kukurjan, a state high way and a railway line divides the village. During the night of an unseasonal rain on 14 December two jawans came and started banging the door of the victim's family, a landless labourer. They entered the house, put off the kerosene lamp, and asked first for 'ULFA militants' and later for liquor. They first made an attempt to catch the 13 year old girl child. She ran into the fields. One of the jawans then forced out with bayonet the father and brother while the other jawan raped the 40 years old mother. The young girl meanwhile ran through the marshy fields along the river, faltering, falling and injuring herself, crossed the river over the wooden bridge, ran further, crossed the high way and went into the house of a teacher. As he opened the door the frightened girl told him that jawans are following her. The teacher's family immediately put off the light, bolted the door and waited, in fear. The jawans didn't come since they had not pursued her. The girl gradually recounted the incident to the teacher and his wife and finally broke down ('I am safe but what will happen to my mother?'). This family while recounting the event almost after four months still appeared shaken by the traumatic flight of the girl for more than a mile through the dark rainy night. But the girl herself recounted her experience with chilling restraint.

Now look at the legal aftermath. Initially, next morning no one in the village high society was willing to help the family. But an activist of AJYCP

(who along with IPF played a similar courageous role in many places) went and formally lodged a complaint with the police. A medical examination was ordered. In case of this poor labourer woman she only had one set of clothes which she was wearing that night. She washed and dried them in order to go to the medical examination. In any case too much time had lapsed to make such an examination conclusive. Later an identification parade was also held in which all the ten jawans of the camp located just about 5 kms. from the village were paraded. But how could she have recognised the two jawans whom she had not actually seen that night. The case closed.

But what if the identity is established? In Chengahali, Thelamara in the same district a woman was raped in similar manner by two jawans, in darkness. Much later when the DC and SP of the district went for an enquiry, the only thing the woman was able to recall was that both of them were bearded. As chance would have it, in the nearby army camp of ten men only two were bearded. The district administration promptly lodged a complaint with the army authorities. The two jawans were not prosecuted or punished for rape ('no medical evidence') but were dismissed for 'dereliction of duty'. Sonitpur district also has the distinction of having the sole case where an army jawan was sentenced for rape involving 16 year old Ritu Karmakar in Chala Village. The case is now the show piece of the establishment. The Prime Minister mentioned it in his first public meeting at Guwahati on 2 April. In fact almost all instances of attempts to take action are all from Sonitpur. Indisputably a determined civil administration should take the credit for it. But we suspect that the army top brass was not very keen in having adverse publicity in the vicinity of their 4 Core Head Quarters. The fate of follow up action in other districts has no such chance.

Magisterial enquiries were conducted in a number of cases in Lakhimpur, Tinsukia, Dibrugarh, and Bongaigaon. We talked with concerned people including some of the magistrates themselves, in some places. Firstly, the medical exami-

nation after a long time gap serves no purpose. The siege of the villages some times had stretched for days together. There simply was no one whom the victims could have approached, till after the siege was lifted. The medical examination conducted thereafter, predictably, did not result in any conclusive evidence. We found such instances in Baragaon, Dundanahar (Tinsukia), Phulbari (Lakhimpur), Dayalpur (Sonitpur), Amguri (Sibsagar) and Kajalgaon (Bongaigaon), to name a few. Secondly, the army systematically shifted the jawans out of the area as soon as an allegation was made. The anonymous jawans thus are quietly moved to an undisclosed place the details of which usually are never disclosed to the public, including civil administration in this case, 'in the interests of the security of the state'. If after all these hurdles the magistrates did indict some jawans, as seems to be the case in some instances, the army simply refused to hand them over for prosecution. There ends the matter. A requiem for the law.

As a matter of fact all this elaborate legal procedure is a fraud being committed on the law of the land. After the famous amendment in 1983, when a 'public servant' is involved in rape the onus of proof shifts to the accused [S. 376,(2) (b) IPC and S. 114-A, Indian Evidence Act]. Thus going by law it is the army men who are obliged to prove that they are not involved in a rape. The law explicitly includes army personnel in its definition of 'public servant' (S. 21, Second, IPC). But there is not a single instance of this law being applied to army personnel in Assam.

These legal barriers imposed over social constraints have only helped in clouding the issue of sexual assault. In the initial period there were wide spread reports of mass rapes in Upper Assam districts. At least in some case they could be exaggerated accounts. We did find some statements, especially by AGP leaders, highly irresponsible, to say the least. But as our account above shows the allegations can not be dismissed out of hand. Nor can shelter be taken behind the fact that they are not 'proved'. We have given a somewhat incomplete list of some of the more well known instances in the

annexures. But the significance of these details lies beyond the individual instances, reported or unreported, proved or not proved.

Any account of sexual assault on women in our environment must acknowledge the patriarchal obfuscations that cloud the issue. Almost all the agitating groups in the region, including ULFA, in their social outlook emphasise the image of 'ideal woman', as part of the heritage of the people or community for whom they are fighting. The female is called upon to assume the shape of the divine, a symbol of power and preservation. Chastity is integral to this image. This kind of anthropomorphism is part of the ideology of resistant groups. (That such an ideology is usually a rationalisation of traditional patriarchal practices within that community goes without saying). In such a context a single instance of sexual assault becomes a violation not merely of that woman but that of the idealised and divine woman, of the honour of the community itself. On the other side the security forces are also equally imbibed in deep rooted patriarchal values. At one level it is pure physical lust and the view that women are sexual objects. 'Our jawans are away from their families since a long time' or 'some of the tribal women of north east are loose' are comments one can hear in the upper echelons of the army in private conversations even while they publicly deny all allegations. But more importantly sexual assault is an unstated policy instrument of repression. Violating 'his' woman becomes a vicarious victory over an elusive enemy. Harassment and intimidation of women members of the family of wanted men becomes an instrument of patriarchal blackmail. There is some evidence to indicate that army is pursuing rape as an instrument of repression in Assam.

If democratic opposition to sexual assault is to include conscious attempt to transcend patriarchal values, then the credit for taking up the issue goes not to the leading political parties or to the media but to the women's groups. The struggles, accounts and reports of the Dibrugarh University Professional Women's Forum, Sodon Asom Nari Santha, Nari Samsya Samadhan Samiti, Lakhim-

pur, Takam Mishing Mimey Kebari (TMMK-All Mishing Womens Association) are an authentic testimony to the sexual repression of women, unleashed by the army.

DETENTION AND TORTURE

The Act gives powers to the armed forces to 'arrest without warrant any person who has committed a cognisable offence or against whom a reasonable suspicion exists that he has committed... (such an) offence [S. 4(c)]. But it also specifies that the arrested persons should be handed over to the police 'with the least possible delay' (S. 5). Whereas the ordinary law of the land specifies a definite duration of 24 hours [A.22(2) Constitution and S. 5, Cr. P.C.], the Act uses a sufficiently vague expression 'least possible delay'. It gives army scope for detaining persons for many days together. The Act nowhere explicitly permits the armed forces to indulge in interrogation. Nor are there any material reasons for the delay. In Assam even the farthest village in the interior jungle is no more than a few kilometers from the nearest police station. The state has more than 200 police stations and 150 police outposts. In reality the army followed the dictum of 'as much delay as possible'.

Approximately 150 habeas corpus petitions were filed in the High Court in the last five months. The longest detention that we learnt of was that of Bapdhan Koch, Besseria, Sonitpur who was detained for 33 days. The famous case of the two brothers Rituraj and Padmaraj Barua is another instance. They were picked up by the army in Tingrai, Tinsukia on 1 and 2 December respectively. After the habeas corpus was filed on the 17th they were produced in the court on 21 December. Seeing their condition the court ordered medical treatment at Guwahati Medical College Hospital (GMCH). But here again they were chained to their beds. The court was moved again. After a personal inspection by the Registrar of the court, the chains were removed on court order. The court also ordered Rs. 5000 by way of compensation for the torture they had undergone. Eventually on 4 April, they were released on bail. We met them the day before their release. The court also awarded compensation of

Rs. 200 to Dipankar Barua, for illegal detention (15 March).

In quite a few cases the persons picked up by the army disappeared without any trace. In Tinsukia we were told about Prafulla Gogoi, a student of Naharakotia College picked up in presence of his fellow students and lecturers. He is still not traced. In the court the army failed to produce Jyoti Prasad Saikia, Udalguri [CR/26,(HC)/91] and Rajan Doley, Dhemaji, arrested on 15 December. Both of them are 'missing', after their arrest. In the case of Minto Bora, after prolonged denial, army finally produced him. Dhrubajyoti Gogoi was more unfortunate. He was arrested on 17 March, habeas corpus was filed on 18. But, meanwhile his body was handed over to the police. ('The corpse your lordship, is dead').

Most of the persons detained by the army were tortured. Both in inhumanity and scale torture perhaps is the most disturbing feature of the army operations in Assam. We have interviewed many torture victims, visited three hospitals, met concerned doctors and gone through a number of court documents.

Beating, stripping and hanging them upside down and then beating on head and chest, thumping on chests with boots, pouring ice cold water, burying them upto chest and then beating or keeping a bucket over the head, squeezing testicles with clamps, dipping in cold water drums, forcefully keeping them awake for days together, denial of food or water are some of the forms of torture used. But the most common form is electric shocks. Sensitive parts of the body including ears, tongue, armpits, genitals and head were repeatedly given electric shocks sometimes in progressively higher voltages. With electrodes at each temple the brain was subjected to electric waves.

Sanatanu Kumar Deka (28) is a government servant from Nalbari. On 24 January he was travelling in a bus when in a routine search, the jawans picked him up. He was taken to a nearby army camp. He was stripped, tied upside down to a ceiling fan. Then the fan was rotated. Later, with

TADA IN ASSAM

Assam was not one of the states referred to in the 'statement and objects of reasons' that prefaced the introduction of Terrorist and Disruptive Activities (Prevention) Act, when TADA was first introduced in the parliament in 1985. At that time Assam was not represented in the house. Later the Act was repromulgated in 1987 and 1989. Both the times AGP, among others, voted against the Act.

But the AGP government invoked the Act in April 1989. Initially there was only one designated court, at Guwahati. Later all districts had their own designated courts as the number of arrests increased. Altogether about 1870 people were arrested by the AGP government under TADA, upto the end of its rule. Most of them are Bodos. Others include Karbis, Cachar Karimganj students Union leaders. Some of them were also suspected ULFA supporters. One such was Sunil Nath, from Guwahati, who later became famous as Siddhartha Phukhan.

A number of ULFA detainees under TADA, it was alleged, were let out on bail without any serious opposition from the state. The designated courts at district level, it was alleged, were acting under pressure. Governor D.D. Thakur also endorsed this allegation in his Letter to the President. Under pressure from various quarters, the government annulled its earlier decision and made a single designated court at Guwahati again. And then the deluge started.

After President Rule almost any one and every one arrested is charged under TADA. To have just one court for a large state in effect means untold hardship for hundreds of the people arrested from different parts of the state. Most of these people are poor and can not afford to bear the expenses of travelling to Guwahati and staying there till their case comes up before the court saddled with thousands of cases.

In the All Assam Lawyers Association Office we came across the case of Nirmaliya, a student of Dibrugarh and a resident of Karbi Anglong. He was arrested in connection with some case at Dibrugarh (FIR No. 157/90, Howraghat PS, S. 3 and 4, TADA). His seventy year old father came all the way from Diphu to apply for bail. The case was adjourned twice in the week. The money he had about Rs. 140, was not sufficient for staying or for return fare. In his case the Association lawyers provided some help and shelter. But no such luck with hundreds of others in similar circumstances. If the bail is rejected they can again apply in the same court after while. But they can not go to High Court, in TADA cases. The next court of appeal is Supreme Court, not very near Guwahati, leave alone Diphu. Difficulty of getting bail, trial where the accused has to prove his innocence, the facility with which any serious offence can be charged against anyone and then detain him in prison for long years - have all made TADA the most draconian of such legislations. Presently over 25000 people from 22 states and Union Territories are facing charges under TADA who have little hope of redressal.

In Assam however lawyers have made some ingenious attempts to get some relief for the people, most of whom are innocent and poor villagers from far off places. Getting notoriously vague FIRs quashed in High Court invoking the 'inherent powers' of the Court (S. 482 Cr.P.C.) is one such. Similarly they forced the police to submit case diaries to the designated court and prove that 'credible suspicion' exists against the accused, as per Cr.P.C. In this way about 400 people on whom there practically was no case, were set free by the court. Some others were granted bail. Altogether after President Rule, 3100 people were arrested under TADA in the state.

hands tied behind, a bamboo was inserted between arms and body and he was rotated in that fashion. Subsequently wires were fastened to his wrist, shoulders and temples. Then electric shocks were given. Four days through this treatment, he was denied food. This brutal treatment went on for nearly two weeks, till 7 February, when he was handed over to the police.

Dhiman Kumar Chowdary, a third year student of English Literature from Howly (Barpet) was arrested on 11 March. He was hung upside down continuously for five days. And then electric shocks were given through temples periodically. For the first two days he was denied water. Eventually he was handed over to the police on 16 March and was shifted to GMCH under court orders. Courts as far as we were able to ascertain made interventions on health and medical aspects in as many as 800 cases.

According to the doctors whom we met most of the torture victims are suffering from maelena (passage of thick black tarry stool), stress ulcer, sleeplessness, intestinal hemorrhage damaged motor sensory reflexes, inability to co-ordinate their body movements, memory lapses, neurological and physiological disorders.

Hundreds of youth were subjected to these horrible methods of torture. In a number of cases the consequences will remain with them for the rest of their lives. A representative sample of cases is given in the annexure. Peasants, labourers, students, unemployed youth, school teachers and college and university lecturers, political and social activists of well known organisations, doctors and businessmen - the range of people subjected to torture is reflected in the list.

DEATH ENCOUNTERS, MURDER AND SUICIDE

From 28 November to 10 April army official figures include only eight deaths in 'encounters'. Even by the army's own account only four of these were due to 'exchange of fire'. The rest are attributed to other causes such as accidental mine explosion, epilepsy, suicide, or shot while fleeing. The Act gives powers to the armed forces to 'fire upon

or otherwise use force even to the causing of death, against any person who is acting in contravention of any law..' (S. 4a)).

In the very first week of army action, journalists on a sponsored visit were shown a fully covered corpse at Tinsukia as that of ULFA militant killed in exchange of fire at Saraipung area of Lakhpathar forest. Much later the body was identified as that of Gambhir Gogoi. Army also subsequently modified its version. It now claimed that he was an ULFA militant, who was taking them around the camps and accidentally stepped on a mine and got killed in the explosion. Gambhir Gogoi was an employee of Savitri Tea Estate. He was arrested by the army in the early hours of 30 November from his house in Nagajan. Morning family made enquiries at the police station who did not have any information. But the police informed the family that he was dead, five days later, on 5 December, the same day army was exhibiting its 'prize catch' to the visiting journalists. The badly tortured body was handed over to the family, a further three days later. Gambhir Gogoi was the secretary of the Nagajan Aanchalik unit of AJYCP and was a popular figure. The Parishad leaders we met, both at Guwahati and Dibrugarh gave us an account of his activities which made him and the organisation popular in the area. Currently the Parishad is fighting a case against army over the murder of Gogoi.

Pradeep Singh (35) was a Punjabi businessman at Sibsagar. On 10 December, around 10 p.m. he was crossing the bridge at Darika. It was reported that he was coming from a party and was in an inebriated condition. Probably he was either slow or terrified when army signalled him to stop for the routine check. He didn't. He was shot instantly and died later.

One of the most controversial deaths was that of Suresh Phukhan. Phukhan, a lecturer in the Girls Colleg at Sibsagar was a popular figure in art and cultural circles. He was also the Vice President of Jatiya Unnayan Parishad, considered close to ULFA. He was arrested on 7 December. He was brutally tortured and finally was detained under TADA. Later he was admitted to the Assam Medical Col-

lege Hospital, Dibrugarh. While still in detention, he was found hanging in the bathroom of the hospital on 13 March, two days after a bail petition was moved for him.

Durgeswar Bora alias Polash Bora (22) was a wanted ULFA militant. On 3 April, three days before our visit to Lakhimpur army laid a siege of his village Gamangaon (Lakhimpur). They surrounded his house. Bora, unarmed, ran into the paddy fields behind. He was shot from the back and was wounded in the thigh. The jawans, we were told, stood on his chest and stomped on him. Later he was taken to a doctor in Dholpur and from there to Civil Hospital, North Lakhimpur, where he died.

Dhruvajyoti Gogoi, according to his father, joined ULFA, while in his XII class in Dibrugarh. Although he got admission in B.Sc. in the local college, he didn't join. Later he seems to have joined B.A. course at Moran. He was arrested under TADA in late 1989 and was subsequently released on bail. Sometime later the wife of local S.P. was killed in an ambush, on the road from Tinsukia to Dibrugarh. It appears police suspected his involvement in the incident. Gogoi went underground, after informing his mother. The family lost all touch with him. He apparently joined the Lakhpathar camp. Like many others in the camp, he contracted malaria. Just before President Rule, when the camp was effectively vacated, ULFA managed to shift him to a private nursing home (probably in Dibrugarh town itself). Later when army began raiding all private doctors, clinics and nursing homes, looking for malaria patients and gun shot injured patients, he was swiftly moved out. We could not ascertain the details of his recovery. But by the first week of March he was back to normal functioning. On 17 March he was picked up by the army at Doomdooma (Tinsukia) in broad day light. Someone immediately informed the family. By next morning 10 o'clock habeas corpus was filed at Guwahati. Instead of asking for his immediate production court asked the government to file a return in a week. Meanwhile on the night of 19th March the army handed over the corpse of Dhruvajyoti Gogoi to the

police. The routine daily briefings by the army PRO at Guwahati described the cause of death as epilepsy. The photograph of his body shows both arms broken, one stab wound, roller marks on the legs and injuries on the face. The report of the post mortem, conducted at the Assam Medical College Hospital noted a perforated liver and 28 injuries on his body. The body was subjected to as many forms of brutal torture as a human body can take in a span of 36 hours. His reported refusal to answer any questions in the army interrogation made him a heroic figure. On 21 March 10000 people attended his funeral at Dibrugarh.

These are among the instances of killings that took place during the army operations. Details of 26 cases are given in the annexure. One of them, Pradweep Nath died as a result of the torture long after his release. Apart from the death of Suresh Phukhan, three other deaths are attributed to suicide in army custody. At least five of the dead were unarmed citizens, killed while fleeing in panic. In three cases there exist some evidence that an exchange of fire took place (with no casualties or even injuries on the army side). At least 12 of them were tortured to death in custody. In one case death took place in police firing.

NAGAON: FIRING IN HOSPITAL

In the Civil Hospital at Nagaon, as in practically every other Civil Hospital in the Brahmaputra Valley, a number of TADA prisoners are going through treatment. On the fateful day there were 14 of them as in patients in the two small blocks marked for prisoners in the otherwise over crowded hospital. (350 in-patients in a 200 bed hospital). Earlier the local doctors recommended that some of the prisoner patients required an examination by specialists (Urology, Gastro Enterology and Neurology). On 28 March Dr. J.N. Talukdar, Superintendent of the Hospital was informed by the Chief Medical and Health Officer that all the prisoner patients should be sent back to jail, for examination by the specialists. By around 4 p.m. DM, SP and a battery of policemen arrived. The prisoners became restive and apprehensive. The police first ordered one of them, Gauri Kamal Bora to move out with

them. When he ran the CRPF personnel guarding the two blocks were ordered to catch him. Immediately a scuffle broke out and prisoners ran helter skelter within the block. Suddenly without any warning, CRPF opened fire and a bullet hit Shamburam Saikia. Saikia (30) was a peasant from a nearby village. The army jawans from Moukhuli camp had picked him up in December and tortured him for six days before handing him over to police custody. He was remanded to judicial custody under TADA. The jail authorities sent him to the Civil Hospital.

Immediately the prisoner patients in fear and panic took shelter under their beds. The area was cordoned off. The hospital staff including nurses and doctors were not allowed to enter despite their request. For almost an hour Saikia lay unattended. Eventually his unconscious body was lifted and was sent to Guwahati Medical College Hospital where he died the same night. Next day the specialist doctors, instead of asking the patients to come to jail for examination, themselves came to the Civil Hospital and examined them there itself. A sensible measure taken too late.

GENERALISED REPRESSION

'Army's brief seems to be' commented a leading daily editorially, 'to treat everyone in Assam as terrorist and treat every Assamese as a non-Indian and deal with him or her in as brutal a manner as you can' (*Sentinel*, 24 February). Truly, the range of people and organisations that are affected by army operations is extraordinarily wide. Technically army's brief is confined to 'finishing ULFA'. And over time almost anyone and every one became ULFA, in the eyes of the army. The ordinary people are its worst victims.

An otherwise amusing episode recaptures the panic that has become part of peoples life. On 3 March the municipal authorities in Jorhat were suddenly flooded with thousands of people crowding the counters to pay their bicycle tax. The office had to issue in a single day 8700 bicycle tickets. Soon the receipt forms and tickets got exhausted ending in a collection of Rs. 38,000. This mad rush

started with a minor incident that took place a day before. An army routine check up stopped some pedestrians and cyclists for questioning. Some jawans asked a cycle owner for the tax receipt which he didn't have. A jawan picked up a bucket of water from the check post and poured it over the poor man. As news of the incident spread like wild fire, Municipal Corporation of Jorhat became richer over night!

Check posts that dot the highways and by ways of Brahmaputra valley, incessant questioning, in Hindi, thorough and sometimes humiliating searches have all become permanent features. In most towns the social and public life comes to a standstill by evening. Night shows are cancelled in many places. The face and pace of what used to be described as the *lahe-lahe* land has completely changed in the last few months.

That for the authorities political and social distinctions do not matter is amply illustrated by the number of organisations and institutions affected by the army operations. In the first week of December Braja Kishore Saikia, Secretary of Indian Peoples Front was arrested at Garoimari checkpoint, Tezpur. He was arrested under TADA. Later IPF central office was raided in March. An AGP leader was arrested in Nalbari. Over a hundred members of AJYCP were picked up by the army and were sent to jail under TADA. At least 10 leading state level leaders and 20 district level leaders of AASU were arrested. The state's two leading universities, at Guwahati and Dibrugarh, Darrang College, Tezpur, DR College, Golaghat, Law College, Golaghat, B.H. College, Howly, Girls College, Sibsagar, DDR College, Chabua, Naharkotia College, Naharkotia, N.L. College, North Lakhimpur, Kamrup College, Nalbari were among the educational institutions that were raided by the army. In the early days of operation near Lakhpathar at least 150 employees of Oil India were detained or beaten up, in and around the Digboi and Duliajan fields. Organisations that can not be considered close to ULFA, also became victims. Members of ATASU, AAMSU, AANSU, ABSU, TMPK were arrested by the army and were detained under TADA. In fact practically

every community became victim of army repression.

In the early days Garos living on the Meghalaya border became victims. In mass raids in Pedaldoba, Bajengdoba, Tikrikilla areas of Garo Hills district of Meghalaya, according to Garo Students Union (GSU), three girls were gang raped in two separate incidents (23 and 30 December). Jawans of the army camp set up at Rongdengiri (East Garo Hills) in particular were reportedly involved in atrocities. Eventually all parties in Meghalaya, including Congress (I), took up the matter with the center and the army withdrew its camps.

Within Assam in the very initial days Karbis on the border of Golaghat, Karbi-Anglong became victims of combing operations. One innocent bystander Samsen Singh Ingti was shot dead on 5 December. Later Namber, Dhasiri and Landung areas of the Karbi Anglong district were subjected to mass raids. In the plains, Rabhas in Bardamal,

Bamundanga, Maldara in the West Goalpara Nepali settlers on the Goalpara-Meghalaya border, Bengali settlers in Bongaigaon have all become victims of army action. In Sonitpur district army conducted, along with police, combined operations in the Bodo areas north of Rangapara and Charduar, for almost a week, 19-25, January. According to a fact finding report of the Plain Tribal Council of Assam (PTCA), 12 tribal villages were burnt down, 15000 people were rendered homeless, 6 women were raped and 3 children died in the operations. Representatives of Mishing student and women's organisation we met gave us account of army raids on Mishing villages in Lakhimpur and Dhemaji. In particular villages around the army camp at Leclabari (Lakhimpur) were repeatedly raided. Incidents of attempts to molest became common. Eventually after both TMPK and TMMK represented the matter to the DC, the army camp was removed. In a sense for the army, ironically like for ULFA, it is the people of Assam, who mattered.

Army in the Dock

The Armed Forces (Special Powers) Act, grants immunity to the armed forces from 'prosecution suit or other legal proceedings', except with 'the previous sanction of the central government' (S. 6). In any case armed forces enjoy such protection even otherwise (S. 45 and S. 475, Cr.P.C. and S. 139, IPC). Whether such a blanket immunity should be bestowed upon the armed forces especially when they are engaged in civilian conflicts is moot point.

Except for the lone case of the prosecution and punishment of the jawan involved in the Sonitpur rape case, there is no instance of any prosecution. The required permission was either not sought or was not granted in other cases where the magistrates have indicted the army personnel. However, an army spokesman points out that they have an internal mechanism (Army Rules, 180) to enquire into allegations. In a number of instances in court

army counter affidavits claimed that their own enquiries have established that the charges are baseless. These enquiries are not public nor are the reports made public. The message this gives to the personnel of the army is clear and loud; they can get away with anything.

The mostly widely talked about phenomenon, in Assam, in hushed tones, is corruption. ULFA as it is now established has collected large amounts of money. The money was paid in cash since a good part of it is black anyway. Now army is engaged in seizure of the money in their operations. We were told of two incidents. In Dibrugarh the amount seized from the house of a suspect is Rs. 120 lakhs. In the court when he was eventually produced, only Rs. 75 lakhs were presented. In another case in Sibsagar only Rs. 7 lakhs out of the Rs. 70 lakhs were handed over to the police. Needless to add in our country corruption is the most talked

about but the least provable phenomenon. So we do not know the veracity and extent of this phenomenon. But the possibility of monetary incentives is fraught with dangerous potential.

The army personnel's disregard for the courts has also been very brazen. Anticipatory bail orders produced by persons whom they sought to arrest were routinely thrown away. Such was the case with Anata Phukhan, Makhum, Tinsukia, Lambit Gogoi, Dhemaji Paresh Pujari, Golaghat and Dulai Bora, Sibsagar. In the case of Meghnad Dutta, a junior engineer, Lakhimpur, High Court explicitly restricted the armed forces not to arrest him without the permission of the court. They simply disregarded the order. The court directed the concerned official, Captain A.K. Obreoi (8th Rajputana Rifles) to appear in court and give an explanation. His appearance without uniform and refusal to express regrets made court admonish him in strong language. But so far neither the government nor the army has initiated any action against the erring captain.

The extent of which the government was willing to go to defend the armed forces is illustrated by the Rajan Doley case. He was arrested in Dhemaji on 15 December. A habeas corpus was filed by Nibaran Bora. 70 year old Bora is a quite well known figure in the turbulent politics of Assam since over four decades. Presently he is the leader of Samjyukta Loka Parishad. Although not an advocate himself he has filed and argued himself in over 400 cases. In Rajan Doley case army initially maintained that he was not arrested. Later when evidence to the contrary came to light the army changed its story. They now claimed that he was arrested on 26 December but was released the following day. Bora counter argued that under Section 5 of the Act army can only hand over the arrested person to the police but cannot release him on their own. Court directed, on 22 February, that the concerned officer Major A. Arun should be present in court and give his explanation. The government immediately went for an appeal to Supreme Court which refused to intervene. Back to the Guwahati High Court the state came up with a new line of defence. It objected

to Nibaran Bora arguing the case since he is not a lawyer. It violates Advocates Act (S. 39). At this stage Nibaran Bora lost. The court upheld the arguments and assigned the case to another lawyer. For the present the case rests there. The might of the Indian state is still engaged in preventing a mere major appearing before the court. And Rajan Doley remains missing. In the end, it is not the courts and the judiciary that are able to restrain the unbridled powers of the armed forces but democratic opposition.

DEMOCRATIC OPPOSITION

The opposition to disturbed area legislations and the army operations under them is far more widespread, one should note, than to President Rule. Some amount of prevarication by Congress-I, BJP and CPI(M) apart, practically every major and minor political and ethnic group in the state has condemned the black laws. It includes even those groups like UMCRA which are opposed to ULFA.

AASU, AGP and AJYCP have given bandh calls and blackout calls. AJYCP activists at the field level in villages and small towns are involved in taking up individual instances of army atrocities. Among the left CPI and IPF have unequivocally condemned the black laws. After initial shock, rallies and demonstrations became quite common in the state capital.

IPF is actively engaged in organising protest against army operations, along with ASDC and SLP. Together the three of them constituted Struggling Opposition Front (SOF). The Front held a massive rally on 26 February which was brutally lathicharged. A seventy year old woman Champa Das was injured. Among others injured was Anil Barua, President of IPF. Earlier Barua led a similar demonstration at DC office, Tinsukia. The demonstrators were locked up in the police station. In complete contravention of all norms, army men in plain clothes came and interrogated them. They gave profane abuses to women activists. They were in particular incensed by the presence of Biharis, Bengalis and baganias in the group. The overtly

communal approach adopted by them ('Why are you bothered about Assamese?') has invoked widespread protest. It appears later a senior official of the army met Anil Barua and expressed regrets over the incident. In Bongaigaon, Kamrup, Sonitpur, Lakhimpur and Tinsukia IPF was actively involved in organising field level resistance to army operations.

Organisations representing various ethnic groups that held rallies, protests against the army operations and black laws, especially TADA, include URMCA, AATSU, ARSU, ANSU Madhya Anchal Rabha Samaj, ABSU, PTCA, Chah Janjati Sangram Samiti and others.

One little known but significant dimension of the protest was the struggle of the prisoners. The three week fast by IPF secretary in Tezpur jail, the fast by Bubumoni Goswami in Morigaon jail were among the notable individual cases. TADA prisoners as a whole went on hunger strikes in Guwahati, Tezpur, Dibrugarh, Jorhat and Nagaon jails.

Army's indiscriminate arrests of leading professionals has not only led to protest by their associations but landed the army in difficult situations. On February Karuva Bhattacharya, Assistant Cashier of a bank was beaten up by an army captain. Next day, the first day of a month, the entire banking transactions came to a halt in Tinsukia. Army authorities immediately expressed apologies. Similarly the arrests of Dr. Rudra Gogoi, Asst. Professor of Radiology, AMC, Dibrugarh (31 December), and the arrest of Dr. Girinder Nath Das, General Secretary of Assam Medical Service Association and honorary secretary of Indian Medical Association (17 January) brought medical services to a halt.

The most courageous resistance is being organised by the fledgling women's groups. Fighting in an environment that is socially hostile and politically repressive, these groups are attempting to organise women's resistance in the interior villages. One of the first group to investigate sexual

assault in Lakhpathar area was the Dibrugarh University Professional Women's Forum. In Tinsukia, Sodom Asom Nari Santha (SANS) not only investigated a number of cases but also organised protest rallies and dharnas. In February a SANS team walked through 25 kms. stretch of Lakhpathar area and held public meetings to restore confidence among the terror stricken villagers. In one of the villages they held a public meeting, right next to an army camp. A rape victim herself chaired the meeting while scores of women stood forming a human chain around the meeting place (9 February). A co-ordination committee of women's groups held a silent demonstration, with black bands on their mouths in protest against army repression of women in Tinsukia (10 January). At the offices of district administration rallies were held in Moran Margherita and other places. In Lakhimpur Nari Samasya Samadhan Samiti and TMMK along with others held protest marches. This year in North Lakhimpur eighth March, International Women's Day, was commemorated as a day of protest against army atrocities on women. About 100 women defied prohibitory orders and courted arrest.

From about early March onwards people spontaneously began gheraoing the army camps. Unlike the early days of Operation Bajrang, Operation Sher-e-Dil faced stiff resistance at a number of places. In Panitola, Sasoni, Bargoan, Sirpuria, Margherita, Naharkotia and other places people surrounded the small ten member army camp and gheraoed them. In some of these places the camps were immediately withdrawn. In fact we understand that the army authorities are most perturbed by these new developments. In Naharkotia two weeks before our visit one thousand people, mostly women, surrounded the army camp till they released the two boys from Sasoni whom they were holding in detention. We found these instances of peaceful and complete immobilisation of armed forces, even though far and few as of now, the most cheering happenings in an otherwise depressing tale of torture, rape and death in Assam.

'The India Problem'

On 28 February United Liberation Front of Assam announced 'unilateral ceasefire'. Later the Prime Minister, among others, has indicated willingness for talks with ULFA. Leading academicians, dailies, senior citizens and almost all major political and social organisations who matter in the state have all immediately welcomed the idea. ULFA, while demanding withdrawal of army and black laws before any such talks, has also indicated its willingness. Unlike in Punjab and Kashmir, in Assam there is only one commanding group to negotiate with. But at this juncture it is in Delhi that such a party with coherence and clarity is absent. The talks were never held.

Meanwhile the government announced elections to the parliament and assembly in the state. They are now scheduled to be held in June, with or without floods in the Brahmaputra. Assam awaits restoration of electoral process but with trepidation. For as a leading daily reminded, there is 'many a slip between a cup and lip'.

But the question of black laws and army operation remains. Withdrawal of Terrorist and Disruptive Activities (Prevention) Act, The Assam Disturbed Area Act and The Armed Forces (Special Powers) Act are a precondition for the restoration of democratic process and for its credibility and legitimacy.

Any further continuation of army operations is fraught with danger. Army has become very unpopular in this state. Practically every section of society is opposed to the army action. The relations with the people that are necessary for any army to be effective are completely being destroyed in this border state. We met a group of young men tortured by the army in an abominable manner. The lone English speaking youth among them became our translator. (We later learnt that he had lost his only brother in the 1962 war.) He was translating for us the harrowing tales of torture that the others were recounting. This young man sporadically lost track,

kept waving his hands and kept on interjecting "You know, it is our army, you know it is our army". The doctors say that he is suffering lapses and also occasional inability to coordinate his body movements and thoughts. Hopefully they will be able to cure him of the neurological and psychological disorders that he is suffering from. But the lasting impact of army operations on him and his generation should be obvious. The antipathy towards army will linger on for a long time to come. In the face of such popular and deep rooted hostility, this army will not be able to defend the sovereignty of the country.

Our rulers by extending the concept of sovereignty inwards have let the army fight 'for the nation', within the boundaries of the nation. The consequences are that, leave alone sovereignty, democracy is in danger. Army's consistent and persistent refusal to respect any law, norm, code or court has made it a power unto itself, in Assam. Added to this is the possibility of corruption on a large scale. Any monetary incentives make army operations self perpetuating. In all of this process army is also making decisions and statements of decidedly political nature, regularly. Its wide ranging comments on Assam, its people, its economy, on the politics of ULFA, its open letter to AASU, its comments on the interim report of our fraternal organisation Committee for the Protection of Democratic Rights (CPDR), Bombay are all things one would have thought are best left to the political authority. This temptation to replace executive authority and political process by any army has long range implications as the experience of our neighbouring South Asian regimes show. By its training and its methods army brooks no rules, regulations and restraints. And that includes the fundamental rights guaranteed by the Constitution. And it is through these violations of the constitution that our rulers hope they can win over the loyalty of the recalcitrant groups to that very constitution.

The army of our secular republic, let us care to note is not constituted on secular lines. Regiments are raised on caste, communal and ethnic lines. Now an army with such a structural composition is being used in conflicts which are among other things, ethnic. The deployment of army in any civilian social conflict is dangerous to democracy but in the Indian case it is even more so. Regiments from the North in the operations against Tamils in Sri Lanka. North-Eastern regiments are engaged in Kashmir and, sporadically in Punjab while Kashmir, Kumaon and Sikh regiments are now engaged in Assam. This conscious and deliberate policy of deploying regiments of one ethnic group against another, whatever may be its short-term gains will inexorably lead to the communalisation

of army and its relations with the people. Army intervention in civilian conflict thus is a threat to democracy and secularism. And it is an armed threat.

The ruling elite in Delhi talks about 'Assam Problem', 'Punjab Problem' and 'Kashmir Problem' and offers periodically, some package solutions. The problems are defined in such a way that ordinary people of these restless border regions get obscured in the dominant discourse. Images of violence devoid of their social origins are presented to the public. And then army is sent as a solution to the 'problem'. The consequences of these army operations are, in essence, 'the India problem' that we must have the courage to admit.

Annexures

ANNEXURE-I

DISTURBED ASSAM: A Chronology 1980-1991

January 1980	North Kamrup**
April 1980	Entire state except Barak Valley**
August 1980	Both withdrawn
March 1983	The whole of Brahmaputra Valley***
July 1985	Withdrawn
January 1989	Parts of Karbi Anglong including Diphu*
July 1989	Kokrajhar*
September 1989	Kokrajhar notification suspended
October 1989	Withdrawn
November 1990	Entire State***
20 March 1991	High Court struck down the notification in case of 12 districts
29 April 1991	Supreme Court stay. The entire state is notified disturbed now.

* *Notified as disturbed under the Assam Disturbed Area Act, 1955*

** *Notified as disturbed under the Armed Forces (Special Powers) Act, 1958.*

*** *Both*

ANNEXURE-II

TORTURE AND ILLEGAL DETENTION: Some Cases

1. Nomal Tai., CI, Digboi, Tinsukia, 29-11-90
2. Sarbeswar Moran (50), Dimaruhola, Tinsukia, 29-11-90
3. Amril Sonowal, Bipuria, Lakhimpur, 3-12-90
4. Mrs. Ananda Datta (53), Nagakhelia, Dhemaji, 5-12-90
5. Rajan Phukhan, Chapatali, Tinsukia, 7 days, 7-12-90
6. Roopjyoti Gogoi, Tezpur, Sonitpur, 4 days, 12-12-90
7. Kamal Bez Barua (28), peasant, Moukhuli camp, Nowgaon, 13 days, 16-12-90.
8. Padmaraj Barua (24), employce of CIL, Tingarai, Tinsukia, 20 days, 21-12-90
9. Rituraj Barua (21), student, Tingarai, Tinsukia, 19 days, 21-12-90.
10. Raju Bhonali (18), student, Dibrugarh, 3 days, 27-12-90.
11. Rudra Gogoi, Asst. Professor, AMC, Dibrugarh, 6 days, 5-1-91.
12. Ajay Das, (18) student, Hatkula, Barpet, 4 days, 7-1-91.
13. Dulal Bora (38), peasant, Moukhali camp, Nowgong, 18 days, 15-1-91.
14. Dandeshwar Moran, Dimoruhula, Tinsukia, 7 days, 31-1-91.
15. Bapadhan Koch, Missamari camp, Sonitpur, 33 days, 5-2-91.
16. S.N. Das, Principal, B.H. College, Howly, Barpet, 5 days, 6-2-91

17. Raju Hazarika (21), student, Misamari Camp, Sonitpur, 20 days, 6-2-91.
18. Sanatanu Kumar Deka (28), govt. employee, Nalbari, 2 days, 17-2-91.
19. Anil Majumdar, lecturer, N.H. College, Nalbari, 2 days, 17-2-91
20. Phulak Majumdar, lecturer, N.H. College, Nalbari, 2 days, 17-2-91
21. Phalik Sarma, lecturer, AGP leader, Nalbari, 3 days, 19-2-91.
22. Rajumoni Bezbarua, law student, Golaghat, 5 days, 28-2-91.
23. Dipul Das (18), student, Nowgaon College, 6 days, 28-2-91.
24. Bubul Halloi, Doomdooma, Tinsukia, 12 days, 1-3-91
25. Jayant Kumar Bhuyan, student, Chabua, Tinsukia, 4 days, 10-3-91
26. Minto Datta (23), student, Nalbari, 7 days, 10-3-91
27. Prasant Saikia, brick kiln worker, Makhum, Tinsukia, 2 days, 11-3-91
28. Labakar Barua (28), student, Mangaldoi, 4 days, 11-3-91
29. Dhiman Kumar Chowdary (23), student, Howly, Barpet, 5 days, 16-3-91
30. Ananta Phukhan (28), AASU, Makhum, Tinsukia, 2 days, 20-3-91.

(The days mentioned refer to the duration of army custody. Date given is the date on which they were handed over to the police or court. Almost all of them were tortured. Details of most common methods adopted are given in the text)

ANNEXURE II

DEATHS DURING ARMY OPERATIONS

1. Lakhi Orang (60), shot while he was fishing near his village Amgndi, Lakhpathar, Tinsukhia, 29-11-91.
2. Ms. Puhari Das (51), Borjan, Dibrugarh, 29-11-91.
3. Mahendra Phukan (22), student, Mahdev College, Narayanpur, Shot in his own home, Gosai Pathar, Lakhimpur, 30-11-91.
4. Samseen Singh Ingti, shot near Karbi-Anglong Golahat border on the banks of the river Koliiani, 5-12-90.
5. Ms. Paramadoi Payeng (36), shot in her own house. SDM enquiry indicted the jawans. State government made ex-gratia payment of Rs.5000/-; Charihuthi goan, Chabua, Dibrugarh, 5-12-90.
6. Gambhir Gogoi, tea estate employee; arrested on 1 December, tortured, body handed over after five days; Duliajan, Tinsukia, 6-12-90.
7. Bipin Gogoi, employee of OIL, detained on 4 December, tortured, body handed over to police two days later, Duliajan, 6-12-90.
8. Sarat Sonowal (30), teacher in local Higher Secondary School, arrested 30 November at Bhador Pachali, tortured, admitted to Armed Forces Hospital, Raroiah, Jorhat, died 9-12-90.
9. Pradip Singh (35), Punjabi businessman, shot at Darika Bridge, Sibsagar. Army claims he did not stop, 10-12-90.
10. Siba Chutiya (27), killed while fleeing, Baragaon, Tinsukia, 20-12-90.

11. Jatin Gohain, small businessman, arrested near Arunachal Pradesh border, Dhemaji; tortured, brought dead to Dhemaji Civil Hospital; case registered (No.967/90, Dhemaji P.S.), 30-12-90.
12. Dhiraj Chowdary, arrested in Bamundi, Kamrup. Army claims he jumped into a well, but others maintain that he was tortured to death, 1-1-91.
13. Someswer Gogoi, army claims he was shot while fleeing but local people allege he was tortured to death, Bakata Khamongoan Sibsagar, 15-1-91.
14. J. Shyam, injured in shoot out, died next day in hospital, Kakatibari, Bhola Area, Sibsagar, 16-1-91.
15. Puran Rabha (50), Badia, Lakhimpur, Goalpara, died in army custody, 19-1-91; army claims suicide; magisterial enquiry ordered.
16. Azad Barua, died in an encounter, Terechia, Nalbari, 3-3-91. 17. Munindra Rava (35), died in an encounter, Daroni Nama Para, Goalpara, 3-3-91.
18. Krishna Chetia, bodyguard of Paresh Baruah, C-in-C, ULFA; died in an encounter, Tinkhong Panitola, Tinsukia, 11-3-91.
19. Suresh Phukhan, TADA detenu, believed to have committed suicide in Assam Medical College Hospital, Dibrugarh, 13-3-91.
20. Robin Bora, alias Dhiren Bora (23), arrested from Meleng Sudama, Jorhat; army claims he jumped off a running jeep and died but an eye-witness, a fellow detenu, says he was tortured to death, 14-3-91.
21. Pradeep Nath (28), arrested at Bihaguri, 31 January; brutally tortured, was admitted to hospital; suffered psychological and physical trauma; died in Tezpur Civil Hospital, 18-3-91.
22. Dhurva Jyoti Gogoi, arrested near Digboi, tortured to death, 19-3-91.
23. Chandrika Hazarika, died in army custody, near Dibrugarh, 23-3-91.
24. Sambhuram Saikia, died due to CRPF firing in Nagaon Civil Hospital, 28-3-91.
25. Durgeshwar Bora alias Polash Bora (22), shot while fleeing in search operation, Gamangaon, Lakhimpur, 3-4-91.
26. Rudreswar Deka, army claims he committed suicide in custody, Balilessa, Nalbari, 10-4-91.

ANNEXURE IV

SOME REPORTED RAPES

1. Bijumoni Bora (18), Phulbari, Lakhimpur, 29-11-90
2. Bina Gogoi, Dhunda Nahar, Tinsukia, 30-11-90
3. Niru Gogoi, Dhunda Nahar, Tinsukia, 30-11-90
4. Phulmani Tapna (15), Dongibili, Lakhimpur, 4 and 5-12-90. (FIR No. 404/90, Bipuria P.S., S. 34,376, 506, IPC).
5. Karuna Tani (19), Dongibili, Lakhimpur, 4 and 5-12-90 (FIR No.405/90, Bipuria P.S., S.34,

376, 506.)

6. Anjumoni Bora (18), Chamuwa, Lakhimpur, 7-12-90 (FIR No.400/90, Bipuria P.S. S.34, 376, 506, IPC)
7. Ashibala Boro (30), Teligaon, Sonitpur, 13-12-90.
8. Mubu Bora (40), Teligaon, Sonitpur, 12-12-90.
9. Amika Nath (40), Tangena, Sonitpur, 14-12-90.
10. Lakhi Samroni, Chengahali, Thelamara, Sonitpur, 17-12-90 (FIR No.92/90, Thelamara P.S., S.34, 376 IPC (two jawans dismissed).
11. Subhadra Saikia (33), Borgaon, Tinsukia, 20-12-90.
12. Nijumoy Saikia (13), Dhemagarh, Lakhimpur, 6-1-90
13. Nayanmani Hazarika (25), Saboti, Lakhimpur, 6-1-91
14. Labanna Hazarika (16), Saboti, Lakhimpur, 6-1-91
15. Rani Mushahari, Kajalgaoon, L.P. School Army Camp, Bongaigaon, 16-1-91 (FIR No.5/91, Dhaligaon P.S. S.34, 376 IPC)
16. Kesonti Moran (28), Dimoruhola, Tinsukia, 23-1-91
17. Sonnu Rautia (22), Bodatighat, Lakhimpur, 26-1-91
18. Rubi Konwer, Amguri, Sibsagar, 27-1-91
19. M. Roy (23), Satgaon, Guwahati, 31-1-91
20. Ritu Karmakar (16), Chala Sonitpur, 3-3-91 (jawan sentenced)

Note: S. 34 refers to criminal act 'done by several persons'
S. 376 to rape and;
S. 506 to 'criminal intimidation'

We have not included the cases of women who subsequently denied rape, although we have reasons to believe that their denial is due to social pressure.

ASSAM: PLANTER RAJ TO SWARAJ

He (the planter) can arrest without warrant any worker absconding from his tea garden, within the jurisdiction of his district.

The Transport of Native Labourers Act, 1863 (as amended in 1865).

Any Commissioned officer, Warrant officer or any other person of equivalent rank in the armed forces may, in a disturbed area arrest without any warrant, enter and search without a warrant any premises, fire upon or otherwise use force, even to the causing of death....

S. 4(a), (b) and (c)

The Armed Forces (Special Powers) Act, 1958 (as amended in 1972).

ECONOMY OF ASSAM

STOP

- Loss of State Revenue.
- Discouraging Tourists.
- Scaring Business Houses and Traders.

LOOK

- What happens ? More Unemployment.
- Who suffers ? You
- What you Invite ? Poverty & Starvation

GO

- Co-operate with the Govt & Security Forces.
- Revive the States Economy.
- Fight the Menace of ULFA.

March Ahead Towards
Peace And Prosperity

An army propaganda poster

PUDR AND THE NORTH-EAST

In August, 1977 PUDR (the known as PUCL & DR) held a convention on the release of political prisoners still remaining in jails even after the Janata Party came to power. Activists from north-east gave an account of the harrowing tale of repression in Nagaland and Mizoram, then virtually under army rule for almost a quarter century. Beginning with their participation in the convention, PUDR has been involved in taking up issues concerning the region. In 1980 a team investigated the movement in Assam. In 1982 PUDR filed a petition challenging the constitutional validity of the Armed Forces (Special Powers) Act, in the supreme court. In 1983 it published a critical account of the Act and its consequences (*Endless War: Disturbed Areas of the North-East*; January 1983). In 1984 it was associated with the famous case in Supreme Court which awarded Rs. 1 lakh compensation each to the widows of C. Paul and C. Daniel who had disappeared after the army arrested them in Ukhrul, Manipur. PUDR is also associated with the long drawn out struggle of Naga Peoples Movement for Human Rights (NPMHR) against army atrocities committed under Operation Blue Bird in Oinam and brought out a brief report (*Army Atrocities in Naga Areas*; October 1987). This report on Assam thus is a reaffirmation of long standing bonds of warmth and solidarity with those who are fighting for the rights of the people of north east.

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