

Research Paper



THE BODOLAND AGITATION AND ETHNIC VIOLENCE IN ASSAM

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ABSTRACT

Assam is a unique case. Its violence has been mostly ethnic, more a function of the complex ties between state interests and demographic patterns. Assamese sub-nationalism started as a linguistic movement where reduced cultural heterogeneity has sharply heightened tensions between the Assamese and other communities. The cultural complexity here demanded a different type of governance. Secessionist movements occurred here and through the 1970s and 1980s massive acts of violence that included massacres/harassment of 'outsiders' blockading of oil pipes and damage to state property became part of the movement. The violence of the ULFA and the Bodo militants have also been rampant and violated political and human rights of people with impunity. Assam has witnessed massive sub-national and ethnic violence since the 1980s and it is one of the starkest cases of democracy and human rights violation proceeding hand in hand.

However, what needs to be asserted is that the state cannot be wholly blamed or made responsible for the situation of human rights violations in all these regions. Human rights are the bedrock on which a civil and democratic society rests. The Indian Constitution acknowledges this. Federalism and the highly segmented character of Indian society enabled the Centre to function when some states were in political turmoil. Conflict that broke out in one state rarely spread to neighboring states. Claims are often mutually exclusive and not easily aggregated.

KEYWORDS: ethnic mosaic, violence, human rights violations.

INTRODUCTION

Human rights seem to refer to some inherent quality or value in human life which demands recognition, is backed by international agreements and defines a boundary in the treatment of our fellow human beings that should not be crossed. In an unequal society, there is need for politics of protest. The popular protest might usher in an egalitarian social order with a human face, where the human rights of the oppressed will never be violated.

The stern iron fist under velvet glove of the Indian Constitution and other devices of the rulers take a repressive form and more often than not the state rescinds its civility and behaves with abject brutality. The proposed dissertation wishes to explain this anomaly at the level of state politics of a few select states of India. The study would be limited to civil and political rights alone. Even amongst civil rights, the rights to freedom of speech, expression, freedom of association and the right to constitutional remedy would be highlighted since these are intimately connected with political rights. This study is limited to Assam.

Assam is a complex ethnic mosaic. The large presence of Bengalis, together with their relatively easy socialization into the native language, has culturally threatened

the Assamese and made them insecure in the face of continuous Bengali immigration across the international border with Bangladesh. The larger tribal groups, the Bodos in particular, have similarly felt culturally, economically and politically marginalized and often engaged in violence against other groups.

OBJECTIVES

While there is a considerable body of work on human rights in India, there is still dearth of systematic accounts of relating political democracy and violations of human rights. The state been more protective of human rights and does the opposition play by the democratic rule when democratic institutions were not challenged by a violent upsurge? This is a major research gap that this study attempts to fill in.

METHODOLOGY

The study has heavily depended on books as primary source for this research. Besides that, newspapers, magazines, internet has provided secondary references as far as data collection is concerned. The study has used the standard historical analytical method of political analysis, along with the appropriate use of limited surveys. The article has dealt with explanations of broad historical trends based on a cluster

of qualitative variables. It has desisted from subjecting the hypotheses to quantitative or formal, empirical tests.

RESULTS

The states are insufficiently committed to the discourse of human rights since expression of political discussion is liable to be met by draconian measures antithetical to prescribed human rights standards. In other words, this study has shown that most human rights violations occur in the hands of the state; the more draconian the state becomes the more violent are the repercussions. The state is the principal though not exclusive agent of human rights violation in the politics of the three states surveyed in this study.

It also appears that India is a country with adversarial politics and many flaws; yet is perhaps the only post-colonial state that has succeeded in sustaining a credible democratic political order. This dissertation has shown that civil society's standpoint on human rights is antithetical to the state but incomplete at times. It has not mobilized against regular violation of political rights of citizens committed not only by the state but also by forces resorting to violent armed tactics. This work also supports the finding that the brief episode of authoritarian rule in India's otherwise respectable record of political democracy had left many lasting legacies including that of popular awareness of civil liberties, and political rights including the freedom of the press. However, it has also been responsible for justifying both draconian laws and violent assertions against the state.

The paradox of democracy and violation of rights being existential to the three states surveyed here, the contrasts among them and the variations manifested in each case over time can only be explained by the extent of political legitimacy of the parties concerned. The lesser the legitimacy of the actor, the greater is the reliance on violence. Logically, therefore, the incidence of human rights violation is a function of legitimacy of political actors.

The Bodoland Agitation

The history of Bodos in Assam is very interesting. They are among the original inhabitants of Assam. Their agony is that despite being the largest tribe, numerically speaking, they lack geographical compactness and continuity that frustrates attempts at state formation. The Bodo demand for a separate state had not drawn support from other plains tribal groups like the Mishings and the Lalungs. Official figures indicate that even in their strongholds the Bodos do not account for more than 40 percent of the total population. Yet the Bodos feel those decades of neglect, snubs and casual treatment of Bodo grievances as intolerable. The attitude of the Assam Government, according to them has been far from satisfactory and New Delhi has failed to come up with a long-term plan to solve the crisis. In fact, as news of insurgency reaches New Delhi, the standard riposte is to dispatch additional army and para-military forces in Assam. Alleges Ashok Mitra, "The contingents have generally behaved in the manner of a conquering army in a vanquished foreign hand; every now and then raping a school girl, every now and then bayoneting a school boy, every now and then snatching the hooch from an old woman who was trying to make a living..."¹

The outbreak of clashes between the Bodos and the Santhals added another deadly dimension to the conflicts already raging in Assam. Over 300 people died in the Bodo-Santhals clashes of May 1996, which carried on for over two

weeks and rendered 2, 00,000 persons homeless. About 60,000 of these languished in refugee camps. Some of them left the refugee camps out of desperation and tried to go back to their old homes. Then killing began anew. Bodo militants were restive at the frequent changes in the Central Government, which had disrupted the momentum of the talks with these groups, so making a negotiated settlement of the Bodo problem more difficult than it need be.² Unlike the ULFA, the Bodo militants were ready for talks to end the prevailing stalemate. The proposal to bring all parties together under a common banner at a national convention was a step in that direction. Most Bodo militant groups realized that fratricidal and ethnic clashes had shown them in a poor light. The Government had tried the federal solution by creating the Bodo Autonomous Council (BAC). However, this experiment had failed although it was not been given a fair chance. The Vajpayee government offered to have unconditional talks with the militant outfits in the north-east. As the Bodo leaders welcomed the efforts for a peaceful solution and the ULFA also appeared to be in disarray at this point, New Delhi sought to seize the opportunity by taking fresh political initiatives for talks with the militant groups.³ New Delhi seemed to favour over all other principles of statecraft the following rule enunciated by Chanakya in his Arthashastra: "The state is responsible for the welfare of its subjects but not at the cost of being held to ransom. The state must unequivocally convey to the citizens that its authority is supreme."⁴ The *Home Ministry's Annual Report, 1998*, furnishes statistics which paint a grim picture in most parts of the region. Lower Assam, Tripura and Manipur continued to be rocked by violence. In Assam, particularly, the lower region comprising Kokrajhar and Bongaigaon districts, the government continued with its efforts to bring the Bodo outfits to the negotiating table. However, they continued to wreak misery on the Bodo people. During 1998, 499 people were killed in 635 incidents. However, coordinated action by security forces led to surrender of 334 ULFA and 51 Bodo insurgents. The government even inducted a few of them in paramilitary forces."⁵

The Latest Spate of Ethnic Violence in Assam

In the recent spate of violence that hit Assam on July 6 and Jul 19, 2012, four persons from the minority community were killed while on July 20, 2012, four ex-Boro Liberation Tigers cadres were shot dead. The situation turned worse in Kokrajhar, Baska and Chirag regions. The Assam Chief Minister, Tarun Gogoi who was holding the home portfolio, was criticized for not taking matter seriously and deploying adequate forces to man the disturbed areas. The Bodos tried to reassert the same old charge: the outsiders, whose numbers were increasing, had put the native under threat. The charge was primarily against the minority community, comprising outsiders, even if such people have been residing in these parts for the last 60 years or more. Those representing the minorities on the other hand complained that the administration was not doing enough for their security. Meanwhile, the crisis went on snowballing and finally exploded in the form of a communal riot, throwing every aspect of public life out of gear. The Chief Minister confirmed that 50,000 people found shelter in relief camps. The government, while trying to bring the riot under control, looked to be in no position to set time frames to effect any

change for the better. The Ministry of Home Affairs, as per the Assam government's plea, deployed more troops to the violence-hit areas.⁶

Maoists have also entered into the fray. They attempted tapping ethnic discontent to make inroads into an already volatile region. Tehelka magazine has accessed a recent intelligence report sent to the Union home ministry that points out that the Maoists have come into an "understanding" with ULFA commander-in-chief, Paresh Barua and that the ULFA has provided the Maoists with Chinese grenades and firearms. The report also says that Naga insurgents are training a group of new Maoist recruits in Myanmar. Add to these the fact that the Maoists in Assam have brought former ULFA sympathizers and cadres into their fold, and one could be staring at a long, bitter battle in the Northeast with strong ethnic dimensions.⁷ Assam has witnessed more tribal violence in recent years. Clashes between two tribes in northern Assam in early January 2014 left 16 people dead and forced thousands of others to flee their homes. More than 3000 people from the Karbi and Rengma Naga tribes evacuated their homes and took shelter in relief camps. The state's ethnic violence comes from overlapping claims for territory between rival tribal groups. The then Assam Home Secretary Gyanendra Dev Tripathi conceded, "The exodus began after the attacks last month and over 3,500 people from both communities have taken shelter in nine relief camps opened by the government."⁸ 2013 also witnessed the arrest of 341 militants, in addition to 534 militants arrested in 2012 and 407 in 2011. Sustained pressure on the various rebel formations had resulted in the surrender of another 2055 in militants during 2013. Summing up the situation, Chief Minister Tarun Gogoi, while speaking at the Chief Ministers' conference at New Delhi on April 15, 2013 observed, "In the past few years, there has been a declining trend of militant violence and talks are on with several militant outfits. However, it would be overoptimistic to declare that the nightmare of militant violence is over."⁹ The Union Ministry of Home Affairs, while extending the term of the 'disturbed area' tag for the State for another year from December 4, 2013, stated, on November 23, that the "law and order situation' in the state continued to be a matter of concern".¹⁰ Meanwhile, ethnic turbulence continued to haunt the state. The year witnessed the emergence of a new ethnic fault line in the south bank of River Brahmaputra. On February 12, 2013, at least 20 persons were killed in the Rabha Hasong Autonomous Council (RHAC) areas in Goalpara District, as violence engulfed the region during the third and final phase of Panchayat (village level local self-Government institution) elections in Assam.¹¹

Referring to the ethnic and communal situation in the state, Union Minister of Home Affairs, Sushil Kumar Shinde, on November 21, 2013 noted that agitation for separate states by various groups had made lower Assam and Karbi Anglong "vulnerable to ethnic and communal" tensions.¹²

The reversal of Government's earlier and principal stand resulted in the renewal of demands for various separate Tribal States to be carved out of Assam, including Bodoland, a Hill State comprising Dima Hasao and Karbi Anglong, and Kamatapur. On the other hand, the State Government has ruled out any division of Assam. Meanwhile, the communist Party of India – Maoist (CPI-Maoist) remained a worry. MHA Joint Secretary (Northeast) Shambhu Singh noted, on November 22, 2013, "Maoist presence in Assam and border

areas of Arunachal Pradesh has been noticed and hence their activities were noticed in Golaghat, Dhemaji, Lakhimpur, and Tinsukia Districts of Assam and Namsai area of Lohit District in Arunachal Pradesh"¹³.

Suggestions: Theoretical and empirical studies on human rights have been concerned with specific aspects of the problem. Most studies of human rights in India deal with the misuse of certain draconian legislative measures like the Armed Forces Special Powers Act, Preventive Detention Act, etc. Legal aspects of the problem have been highlighted with emphasis on human rights law. Political implications of the rights have been largely ignored. While there are works on demystifying the myths woven around human rights, meaning and scope of the concept in India, understanding human rights values, internal link between human rights and democracy, human rights movement, relation between human rights, gender and environment; there is hardly any systematic investigation and in depth analysis of factors like political violence in human rights violations, role of democratic structures and their compulsions, if any at all in India and state repression. While the need for a true human rights culture is acknowledged, less care has been taken to comprehend the relation between politics of human rights and the state which often imposes its own agenda on the people.

Assam went back to electoral democracy after decades of ethnic violence; however, the record of human rights in the post-aberration period has varied considerably. Assam has seen continuous ethnic violence.

CONCLUSION

Regions of armed conflict have a heavy presence of security forces as well as armed non-state actors and consequently are marked by militarization. Human rights violations take place in areas of insecurity and militarization. According to recent reports from Assam, though violent actions by armed groups declined in 2003-2004, the number of killings went up in the same period.¹⁴ In fact deaths of civilians, insurgents as well as security forces increased from 1994. From 1994 till 2010, 8660 civilians died in the North-East. With underground activities flourishing in Assam, the frequency and intensity of army atrocities multiplied manifold and the number of enforced or involuntary disappearances cases increased in the state. Many individuals 'disappeared' from the custody of the security forces in the 1990s. Such unlawful termination of individuals (no matter whether they were involved in unlawful activities or not) has been seen as deliberate terror tactics by the state.¹⁵ The Assam State Human Rights Commission has received 6,500 complaints from 1993 to 2008, many of which are still pending.¹⁶

There has been much concern about police and army officials who have been killed or injured when carrying out state duties in insurgent crossfire. Violence and human rights violation are not monopolies of the state. The state has its own justifications for carrying out certain actions. The state views national security as its primary concern that forms the basis of their internal security and foreign policy. Armed struggles are considered an assault on the state. The modern state is a Weberian construct, claiming legitimate right to violence and force to maintain its rule based on the consent of its citizens. As Walter Benjamin pointed out, "Law making is power making and to that extent, an immediate manifestation of violence."¹⁷ Personnel of the state in conflict zones have elements of risks built into the service or occupational hazards. When state servants are killed state honours them as martyrs.

However, this is not enough to keep their morale high. Senior army officers are distressed by the repeated use of the Army in counter-insurgency operations (nearly 200,000 security forces personnel, including local police are presently deployed in the north-eastern states “in aid of the civil society”) because of the natural reluctance of the soldiers to use force against their own people which soldiers plainly perceive is the result of the failures of the politicians.¹⁸ In the words of the eminent Assamese intellectual, Prof. Hiren Gohain, “The Army’s morale was eroded gradually under the temptation and stresses of this unsavory business. And if it has ferreted out a number of ‘terrorists’ it has also profoundly antagonized the rural population with its drastic disregard for civil rights.”¹⁹

It is well known that the Armed Forces Special Powers Act 1958 gave unfettered powers to security forces operating within a “Disturbed Area”—the term used to designate certain conflict regions for example Assam is one of them. In the Third National Convention on the Right to Information held in Shillong in 2011 army generals across the board argued that their men cannot operate in conflict regions with their hands tied. Their contention is that if they have to abide by normal laws such as the Criminal Procedure Code they would not be able to deter militants from subversive and violent activities. Civil society activists take the diametrically opposed viewpoint. For them, the Armed Forces Special Powers Act has become a foil in the hands of the security forces to operate with impunity.²⁰

An alternative opinion on the use of armed forces in counter-insurgency operations comes from a highly respected analyst of the Indian Army’s role in counter-insurgency operations, Y. M Bammi, who noted in *The Pioneer*, (April 1998) that though the powers of the Armed Forces Act (Special Powers) gives full authority to the security forces to carry out searches and detain suspects without fear of legal action, troops take special precautions not to cause undue hardship. The security forces are assigned their tasks under grave and serious conditions where the normal law and order situation has failed. Such operations require special powers for the security forces as they deal with their own people using violence against the state. Security analysts have taken the stance that to investigate and deal with any violation of human rights involving members of armed forces, a senior retired army officer must be coopted as a member of the Commission at the state levels. Only then can the security forces operate without fear but within the laid down parameters.²¹

The ULFA, which has projected itself as the self-styled custodian of the Assamese interests, arrogated to itself the power of determining the culture of the community. It not only contributed to an escalation of violence in society but also wiped out the other possible alternatives and disciplines, the other possible cultural forms, with a single, pre-defined type. ULFA’s complain that ‘the agony of Assam’ is proportional to the prosperity of New Delhi did win support of the masses for a while. However, as they became instruments of mindless violence and ruthless extortionists, their legitimacy was lost.²² Politics of ULFA, which is an offshoot of Assam politics, falls in line with the politics of Bhindranwale, many differences notwithstanding. While Bhindranwale’s messianic vision did not stop short of ruling the world, Assam’s politics as manifested in ULFA seemed caught in a perplexing paradox of anti-statism and a cult of violence.²³ On the one hand it agreed that Assam could only mark the beginning of an all-round process of the liberation of

India. On other hand, it believed that due to the variegated nature of the Indian society, it is impossible to liberate Bihar and Assam in the same way.²⁴

It now appears that ULFA and the Government has been sending signals at cross purposes. While for ULFA as well as the Citizens’ Forum, the real challenge was to arrive at a settlement – more than simple cessation of hostilities or what in strategic circles is known as ‘suspension of operations’, the Government thought in terms of getting ‘the majority of ULFA leaders’ to first ‘surrender’, agree to come forward and sit around the negotiating table. Bertil Lintner wrote after his visit to the Northeast: “The word here in Guwahati is that New Delhi may try to neutralize ULFA with money and promises of representation in local administrations – as it has done with other separatist movements in India’s north-eastern region.”²⁵

Assam is home to a vibrant ethnic nationalism that becomes violent from time to time when this nationalism is perceived as a threat from outsiders. In late 1970s, it became evident that a huge section of the illegal Bangladeshis in the state had become voters. The Assamese started retaliating against the outsiders, starting off a politically volatile situation. The insurgency took shape in order to protest against the alleged negligence by the Indian state that put the state’s socio-political life into further turmoil. However, the recent spate of violence posed a simple question: why is that the Indian state still unable to resolve a problem that has continued for such a long period? Is 65 years not enough to set into force an administrative mechanism which can ensure a proper rule of and protect ordinary human lives? The latest riots yet again exposed the inefficiency of the Indian state machinery in plugging the gaping holes in the process of nation-building and also find answers to key border issues in the geographically sensitive north-eastern region. The threat perception of the native Assamese against the influx of illegal migrants is not exceptional. The rise of Islamic militancy and the forces of globalization have made the problem more complex. Bangladesh has failed to provide any hope of sustenance to its huge population, both economically and politically, and the spill-over effects have affected India. In such a situation, many political elements in India find it convenient to capitalize on the issue for electoral gains but at the cost of threatening the social fabric of unity.²⁶ New Delhi’s Northeast policy has aggravated the situation. State polices have both created the context for ethnic violence and been a disincentive for a politics of accommodation.

The greatest challenge for the national leadership is to overcome the alienation of the Assamese people. The atmosphere has been vitiated with distrust and recruitment and the philosophy of hate disseminated by the advocates of violence. Peace and confidence building measures can be most effective if they involve the participation of popular mass leaders and people of known integrity and credibility, who enjoy the confidence of the Assamese people.

The insurgency has exhausted the Assamese people and left them yearning for peace. More than anything else, they want to get on with their lives with dignity and in peace. The insurgent groups claiming to be the messiahs of the people have often degenerated into warlords. The ULFA is a case in point. The ULFA’s quest for Swadhin Asom has obviously been pushed to the remote background by the character of its current activities and associations, and its present agenda is at complete variance—indeed, appears to have nothing to do

with the weighty ideologies, visions, principles and popular aspirations to which it ascribes its origins.²⁷ The tragedy of Assam is that the entire edifice of civil society institutions has crumbled as well.

This chapter has looked into select aspects of Assam's politics and surveyed the long history of violence that has never left the state in entirety. Assam is thus one of those cases where democracy and violence have gone together, leading to ceaseless tragedies and wanton human rights violations. The existing democratic institutions have proved grossly insufficient to protect people's rights. Thus, no matter which political party or combination of parties came to rule the state, the fate of some groups did not change. If the hallmark of a democratic political system is to manage and negotiate differences peacefully, Assam is a paradoxical case. It has practiced democracy like most states of the India, and yet, it has witnessed a consistent politics of violence alongside it. The case of Assam is complicated by the demographic heterogeneity of the state, with the ethnic Assamese of the plains seldom feeling democratically empowered amid a wide mélange of ethnic communities and tribes that have from time to time resisted the attempt to impose the dominance of the former. The large presence of Bengalis, together with their relatively easy socialization into the native language, has culturally threatened the Assamese and made them insecure in the face of continuous Bengali immigration across the international border with Bangladesh. The larger tribal groups, the Bodos in particular, have similarly felt culturally, economically and politically marginalized and often engaged in violence against other groups. The rise and weakening of the militant ULFA, and the subsequent securitization of the threat by the Indian state, has been largely responsible for the enormous crisis of human rights in Assam over three decades. This chapter thus reveals that there is little guarantee that normal institutions and practices of democracy will ipso facto secure human rights. The politics of numerical majoritarianism and the increasingly territorialized notions of power and governance eat into the vitals of a democratic process and paralyze it before draconian strategies of dominance and denial of the other, either by the militant groups or by the state. The conventional finding that civil societal groups target the violence of the state against and neglects the criminality of groups as against the opposite portrayal by the apologists of the state and security experts is also validated in the case of Assam. For this study, the most critical aspect remains the inefficacy of democratic institutions and practices to protect the rights of individuals and groups and create a credible buffer against large-scale violence.

AREA OF FURTHER RESEARCH

Despite the existing works, there is little systematic research done on the relationship of political rights and domestic political systems within the contours of Indian federalism. There is a serious lacuna that justifies in-depth research in this direction.

Civil rights are basic building blocks of a good society. They lay down basic norms on how states should treat their own citizens. Political and civil rights in political theory seen as minimal conditions for human well-being; they are considered purely formal rights till the moment that the institutionalization of social and economic rights transforms them into substantive rights. But it is precisely civil and political rights, which are now emancipated from the very preconditions that make them substantive that are privileged

today by dominant global civil society actors as crucial to political arrangements. No particular attention has been paid to the factors for the curtailment and violations of political rights in India. This can be an area of further research.

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⁹ Source: <http://www.eurasiareview.com/14012014-india-assam-assessment-2014-analysis/>

¹⁰ Ibid

¹¹ Ibid

¹² It is noteworthy that the ethnic mistrust increased dramatically after the July 30, 2013 Congress Working Committee (CWC) declaration supporting the formation of a separate Telangana state, to be carved out of Andhra Pradesh, and its subsequent endorsement by the Union Cabinet on October 3, 2013. The earlier position taken by the Government was that no new states could, in principle, be established unless a new State Reorganization Commission (SRC) had defined the fundamental criteria for such Division.

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