

# **IDENTIFYING THE VIOLATIONS OF SOCIO-ECONOMIC RIGHTS WOMEN IN BODOLAND TERRITORIAL AREA DISTRICTS OF ASSAM DURING ETHNIC CONFLICTS**

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## **Abstract**

Ethnic conflicts have consistently formed the vast majority of problems in Bodoland Territorial Area Districts of Assam. Women have often been targeted during the ethnic conflicts and suffer the maximum violations of human rights in Bodoland Territorial Area Districts of Assam. Rape, torture, disappearance, ethnic cleansing, family separation and displacement are some of the human rights violations. Compared to males, women are mostly affected during the ethnic conflicts because of the deliberate gendered-based violence. The ethnic conflicts cause Economic and Social vulnerabilities to women. During the times of ethnic conflicts women are exploited. Moreover, they endure lifelong social and psychological traumas. Food scarcity and inequalities of food distribution aggravates during the ethnic conflicts which cause women more susceptible to malnutrition. Additionally, forced displacement of women during ethnic conflicts are often used to destabilise the social structure reducing women's abilities to access to resources, thus, restricting women to perform household responsibilities and increase physical and emotional violence. During ethnic conflicts, inability to provide basic necessities like proper and secure sanitation, clean drinking water and proper shelter for the displaced women by the Government and authorities can subjugate women to sexual harassments, sexual assaults and even rape.

Thus, it is imperative to discuss about the rights violations of displaced women in Bodoland Territorial Areas District during ethnic conflicts and also to analyse the implications of the violations of the Social and Economic rights. Therefore, this paper shall attempt to study the issue of violations of Economic and Social rights of displaced women during ethnic conflicts in Bodoland Territorial Area Districts with empirical data collection which will be further analysed.

**Keywords: Ethnic Conflicts, Human Rights, Bodoland Territorial Areas District, Displacement, Economic and Social Rights.**

## **Introduction**

Human rights are universal rights or enabling qualities of human beings as human beings or as individual of human race, attaching to human beings wherever he appears, without regard to time, place, colour, sex, percentage or environment. They consist basically of the one all-inclusive right or enabling quality of complete freedom to develop to their fullest possible extent potential capacity and talent of the individual for his most effective self-management, security and satisfaction. The United Nations General Assembly adopted the Universal Declaration of Human Rights on 10<sup>th</sup> December, 1948 one of the most important instruments to protect the socio-economic and political rights of the people. Besides, the Universal Declaration of Human Rights (1948) and many subsequent declarations, including the two United Nations International Covenants, namely Economic, Social and Cultural Rights (UNICESCR) and Civil and Political Rights (UNICCPR) proclaim the equal rights of human beings without regard to their sex. Despite the legal safeguards provided in the United Nations, violence against women continues as a global problem. From the beginning of the Post-Second World War human rights movement, women have been formally included as holders of human rights. The major instrument for safeguarding human rights violations for women is United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) which was adopted by the General Assembly in 1979. Similarly, the International Convention on the Elimination of All Forms of Racial Discrimination (1965), the United Nations Convention against Torture and Other Cruel, Inhuman or Degradation Treatment or Punishment (1984) was also signed.

The struggle of ethnic groups for recognition, equality or autonomy within the framework of an existing territorial state, or for independence from such a state is not a recent phenomenon. It is an attempt by dominant elites to

impose, preserve or extend their hegemony over other ethnic groups or over territory which they claim as their own. Such movements are sometimes accompanied with violent conflicts.

The term 'conflict' describes a situation in which two or more actors pursue incompatible, yet from their individual perspectives entirely just, goals. Ethnic conflicts are one particular form of such conflict: that in which the goals of at least one conflict party are defined in (exclusively) ethnic terms, and which the primary fault line of confrontation is one of ethnic distinctions. Whatever the concrete issues over which conflict erupts, at least one conflict party will explain its dissatisfaction in ethnic terms – that is, one party to the conflict will claim that is distinct ethnic identity is the reason why its members cannot realize their interests, why they do not have same rights, or why their claims are not satisfied. Thus, ethnic conflicts are a form of group conflict in which at least one of the parties involved interprets the conflict, its causes, and potential remedies along an actually existing or perceived discriminating ethnic divide.

Ethnic conflicts are often accompanied by gross human rights violations, such as crimes against humanity, and by economic decline, state failure, environmental problems, internal displacements and refugee flows. Similarly, ethnic conflict invariably leads to severe violations of human rights namely death, torture, imprisonment of innocent people, destruction of livelihoods, internal displacements of affected persons, genocide, mass rape, ethnic cleansing, to name a few. Women increasingly bear the major burden of ethnic conflict. In recent years particular attention has been given to the question of violence against women in conflict. The significance of these developments is considerable. Women experience distinctive economic problems in ethnic conflict. In many cases women are separated from the men who traditionally may be their source of income. Many other cultural factors exacerbate the economic problems suffered by women in conflict. For instance, conflict often forces women from their homes. In fact, women civilians are generally the first to be evacuated when hostilities break out. Evacuation, although desirable in many ways, can lead to considerable hardship. Evacuees are generally exposed to often inadequate living conditions and consequently, tend to be more prone to accidents, injuries and disease. In this context, it is pertinent to mention a working of human rights, especially women's rights which will be useful for this study.

The whole of South Asia which includes India, Sri Lanka, Bangladesh and Pakistan is presently facing acute ethnic conflict. In the Indian context, ethnic conflict not only remains an important part of the reality but it also happens to be the source of a series of major problems faced by many Indian states. This in turn has led to many human rights violations, especially of Socio-economic rights of women affected by the ethnic conflict.

### **Review of Literature**

The available literature on this issue may be classified as general theoretical literature on ethnic conflict and human rights and literature on ethnic conflict and human rights violations in India and North-East India.

Raymond C. Taras, Rajat Ganguly in their book, *Understanding Ethnic Conflict, The International Dimension* (1998), provides theories of nationalism and ethnic conflict and tests their applicability to a number of contemporary cases: the more confident nationalism of Putin's Russia, the intensification of ethnic war in Sri Lanka, and the struggle to change the face of nationalism in former Yugoslavia, to name a few. After a look at the sources of nationalist conflict in a country, each case study then asks how the international system reacted and also examines how successful the international system has been in managing the many ethnic conflicts that erupted after the Cold War.

Donald L. Horowitz in his book, *Ethnic Groups in Conflict* (1992), describes various factors leading into ethnic conflict namely; socio-economic, religious and cultural nationalism. The author also points about ideological and institutional factors that have underpinned the growth of ethnic conflict. The spread of norms of equality has made ethnic subordination illegitimate and spurred ethnic groups everywhere to compare their standing in society against that of groups in close proximity. The author argues that advance groups are less likely to secede while the backward groups in the backward regions are most likely to persuade in their interest to secede from the state of which they are part of.

Uddipana Goswami in her book, *Conflict and Reconciliation, The Politics of Ethnicity in Assam* (2014), delves deep into history of the state of Assam, especially Bodoland which is still being considered as the conflict prone in the region where all conflict resolutions methods adopted by the State have failed to mitigate the raging violence. The author also by interweaving history, culture, literature, politics, and sociology of the region holistically deals with the causes, current contours and societal consequences of ethnic conflicts in Assam. It strongly advocates a process of ethnic reconciliation as a means out of the shadow of violence.

Anuradha Dutta, Ratna Bhuyan in their book (ed.), *Genesis of Conflict and Peace, understanding Northeast India views and reviews* (2007) deals with the documents related to Peace Accords, Ceasefire Agreements, and Constitutions of different insurgents outfits and Memorandums submitted by different conflicting parties to the

concerned State Governments and Central Government to look into their problems and grievances. The Volume-1 of the book deals with the issues relating to Assam, namely like Bodoland, Karbi Anglong and N.C. Hills.

Pahi Saikia in her book, *Ethnic Mobilisation and Violence in Northeast India* (2011), provides important analyses and data on contemporary ethnic movements and violence in North-East India. It addresses some of the reasons for the failure of ethnic conflict management in northeast India and for the frequent emergence of violence in the region. The book addresses an epistemological lacuna, and compare and contrast different movements involving the Bodos, Dimasas and Missing – three ethnic groups of India's northeast who have resorted to violent mobilization and agitation for the maintenance of their unique identity, political recognition by the state and have called for rearrangement of territorial boundaries in their favour.

Anthony Woodiwiss in book, *Human Rights* (2005), explains the critical enigma of human rights in contemporary world by drawing on a neglected body of work in classical social theory, and combining it with ideas derived from Barrington Moore, Norbert Elias and Michel Foucault, the author poses and answers the questions like, how did human rights become entangled with power relations?, how might the nature of this entanglement be altered so that human rights better serve the global majority?. In doing so, the author explains how and why rights discourse developed in the distinctive ways it did in four key sites: Britain, the United States, Japan and the United Nations. On this basis he provides, for the first time, a general sociological account of the development of international human rights discourse. This account represents a striking challenge to current thinking and policy in this increasingly fraught but nonetheless critical area of global concern.

R.J. Vincent in his book, *Human Rights and International Relations* (1986), provides detail accounts about the impact of human rights on the relations among states. It seeks to bring together in one place an account of the theory of human rights (what they are; where they come from; whether they are universal); a discussion of the part they play in contemporary international politics (including East-West and North-South relations); and a view of what ought to be done about them – especially by the western powers.

Alan R. White in his book, *Rights* (1984), examines the notion of a right and its relation to other notions which is commonly, in everyday moral, legal, and political thinking, accompanying it. In stressing the variety of things to which we are said to have rights, he aims to free the analysis of the notion from the narrow restrictions to which many philosophers and jurists confine it. By examining in close detail the logical and linguistic features, not only of 'a right', but also of 'liberty', 'privilege', 'power', 'claim', 'duty', 'ought', etc., he tries, positively to establish the exact position in our thinking of these notions and negatively to disapprove many current theories about them and their inter-relations. The author argues about the variety of subjects of rights and of areas of rights, whether legal, moral, political or conventional.

The above review of literature shows that there are studies on ethnic conflicts and human rights violations in India and in North-East India. With regards to ethnic conflicts and human rights violations in BTAD of Assam, there has been some works but there has been no significant work done on the violations of women's rights. In this view, the proposed study will seek to examine violations of women's rights in BTAD of Assam and therefore, shall attempt to fill the existing literature gap.

### **Objective**

1. To focus on violations of socio-economic women's rights arising out of ethnic conflicts in BTAD.
2. To analyse the responses of the government towards women's rights violations during ethnic conflicts.

### **Methodology**

The study included both primary and secondary sources. The primary sources included Government reports, manifestoes, and memorandums. The primary data was also collected through structured questionnaire conducted with a total 100 respondents who were randomly selected from affected female during the ethnic conflict.

The secondary sources included relevant books, newspapers, journals, articles, internets, related research works and from magazines. Data collected from both sources were qualitatively analysed.

### **Discussion and Results**

BTAD consists of areas located in the extreme north on the north bank of Brahmaputra river of Assam. According to the Memorandum of Settlement (MoS), 2003, BTAD comprises of 3082 villages and areas notified by the state Government. The above villages were divided into four contiguous districts after reorganization of all the existing districts of Assam within the six months of the signing of the agreement. An agreement by a committee comprising one representative from each from the Union Government, the Assam Government and Bodoland Liberation Tigers Force (BLTF) further included additional 13 villages and areas on the basis of the criteria of tribal population being

not less than 50 percent. It covers an area of 8,785 square kilometers. The area is predominantly inhabited by the Bodo people. It is a multi-ethnic region with diverse people, language, religion and culture, etc. BTAD comprises of four districts namely; Kokrajhar, Udalguri, Baksa and Chirang. As per 2011 census, out of total population of 31,51,047, 16,00,712 are male and 15,50,335 are female. According to one estimate, the Bodos represents 35 percent of the population, the Bengali-Muslim are 20 percent, the other tribals and non-tribals (especially Scheduled Caste, OBC, etc.) represents 30 percent and the rest 15 percent represents Assamese Hindus, the Bengali Hindus and others.

While debating about the ethnic conflicts in BTAD, it is pertinent to point out that illegal immigration as the underlying cause of the conflicts cannot be understood from statistics of the decadal growth rate of the Bengali-Muslim population in the BTAD or Assam in the last two decades. Rather, migration or illegal immigration does not in the beginning lead to any conflict. Animosity and conflicts start once the migrants/illegal immigrations start acquiring lands, and political assertion, thereby creating loss of identities. The fear of losing land and identities has been the root causes of conflicts for the indigenous tribal peoples. In the context of Assam, the then colonial British Government enacted the Assam Land Revenue Regulation, 1886. Chapter X of the Assam Land Revenue Regulation, 1886 provided for the creation of tribal belts and blocks under the Section 161 and prohibition of the “transfer, exchange, lease, agreement or settlement on any land, in any area or areas constituted into belts and blocks” to non-tribals. The State Government of Assam has notified 49 blocks and many of the areas in the BTAD are tribal blocks where transfer or sell of land from tribals to non-tribals is prohibited. Despite this measure, the lands of the tribals have been alienated. North East Heritage Foundation, an organization recently filed a Public Interest Litigation at Gauhati High Court seeking derailment of encroachment and steps taken by the Government of Assam to evict the encroachers where the Government has mentioned that over 4.5 lakhs bighas of land under tribal belts and blocks has been illegally occupied by non-tribals.

Additionally, BTAD reportedly has number of armed groups and illegal arms. After signing the BTC Accord, the BLTF reformed itself as a political party known as Bodoland Peoples Front (BPF), yet fratricidal killings with the National Democratic Front of Boroland (NDFB) continued unabated. This proves that both the groups possess arms.

After the formation of BTAD, on 10<sup>th</sup> February 2003, the territorial council experienced series of ethnic conflicts. On 3<sup>rd</sup> October, 2008 the ethnic violence between Bodo and Bengali-Muslims in the districts of Darrang and Udalguri claimed 55 lives and displaced almost 1,50,000 people who were sheltered in 97 relief camps. More than 2,500 houses were burnt or damaged fully or partially. Similarly, in 2012 the riots in the BTAD consisting of Baksa, Chirang, Kokrajhar and Udalguri districts, and neighbouring Dhubri district of Assam claimed 90 lives and displaced over 4,00,000 people and they took shelter in 300 relief camps. Again, following the attacks by NDFB-Songbijit faction on 23<sup>rd</sup> December, 2014 in which more than 80 innocent civilians were killed, Asian Centre for Human Rights (ACHR), reported that 3,00,273 displaced persons were sheltered in 85 relief camps.

It was reported that the State Government failed to respond swiftly to provide ration to the inmates who took shelter in the relief camps. It was the NGOs and the local people who provided food to the displaced people as soon as they arrived in the relief camps. While the State Government continued to provide basic necessities like rice, lentil, salt and mustard oil, it did not supply any vegetables. The State Government provided cash assistance of Rs 500 per family as cost of utensils. In most camps baby food was found to be insufficient. It was reported that there was no proper monitoring over the distribution of government relief. Government relief namely rice, pulses and other food stuffs were distributed only once in some of the relief camps. Relief camps were found to be overcrowded. It was reported that due to lack of space even women were forced to sleep outside of the camps in some of the relief camps. In most of the relief camps women expressed concern for their privacy, safety and security. Reports of rapes and attempted rapes, sexual violence were reported from several relief camps. It was reported that the State Government did not supply any cloth for the inmates in most of the relief camps. The overall healthcare service was found to be substandard in most of the relief camps. The pregnant women received regular checkups and if needed, shifted to nearby hospitals for better facilities. It was reported that visits from doctors were irregular and medicines provided were insufficient in most of the relief camps.

Similarly, the water facilities, both for drinking and other purposes available in the relief camps were grossly inadequate. During the field survey conducted in Jiaguri Relief Camp, Kokrajhar district, it was found that the relief camp had only one tube well. There were no water purifiers and the inmates used to stand in a queue to get their share of drinking water. Furthermore, there was no drainage system. Due to lack of drainage facility, the stagnant water used for bathing and washing was serious risk of water borne diseases to the inmates. It was also found that, there was no facility of bathrooms for women. Women were taking bathe in the open space due to lack of bathrooms. Similarly, it was found out that in most of the relief camps, temporary toilets had no doors; polyethylene

tarpaullins were used instead of doors. It was also reported that no lady police officer was stationed in any of the relief camps when most of the inhabitants were women, girls and children. Due to the lack of electricity and insufficient security personnel, many of the inhabitants, especially women felt insecurity in most of the relief camps.

In most of the affected districts of BTAD, it was reported that most of the affected people had lost their food grains which were either burnt or destroyed by the cattle. In many villages, reports of property being burnt or destroyed during the conflicts were reported. Due to complete destruction of houses and property, reports of scarcity of food and food insecurity were reported.

### **Concluding Observations**

Due to series of conflicts in BTAD fact remains that displaced women are more deprived sections of the society. The effects of displaced women can range from psychological traumas to social ostracism because of the sexual violence. During ethnic conflicts women are forced to manage households. As family are not provided with any kind of support or alternative sources of livelihood, it is often reported that displaced women have to resort to selling liquor, or even prostitution to make enough money to run their house. Due to lack of awareness, illiteracy, lack of interaction, unable to access information and other economic and non-economic resources socio-economic rights of displaced women are violated in BTAD.

India has not recognized the nature of targeted violence. Without any framework, any statutory, uniform, nationally recognized justifiable norms even for immediate relief and compensation, lakhs of desperate and scared human beings had to languish in hundreds of makeshift camps with no standard for medical care, food or clean water – let alone special provision for women and children. There is no policy or law in India that recognizes the grave gendered implications of conflict displacement. The failure to implement the Prevention of Communal and Targeted (Access to Justice and Reparations) Bill in 2011 which attempted to bring crimes in the name of the religious and linguistic minorities under the legal ambit as these groups need protection created a legal and policy vacuum that the bill tried to fill.

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