

The Demographic Change in Assam: A Legal Perspective

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Abstract

The distinct and shared demography of Assam, makes the land of Brahmaputra and Barak valley, a unique one among the celebrated seven sisters of North east India. With the 15.09 million Assamese speaking and 6-7.5 million Bengali speaking people among others, the population count is about 3.09 crores. Throughout the passage of time, change in the numbers of people brought a grave concern leading to the signing of the historic 'Assam Accord' and amendment of the citizenship act 1955. The rate of population rolled up to 24.2% in 1991, 18.9% in 2001 and 17.1% in 2011 respectively. Land, language, culture, a matter of pride for the indigenous people of Assam is too upheld by the Convention for Indigenous and Tribal peoples, 1989. The recent NRC updation under the supervision of the supreme court has given some relief until the sudden introduction of the citizenship amendment act, 2019 and legalizing the foreigners unleashing the aspect of xenophobia causing series of violence and difference among the valleys. This paper shall endeavor to learn about the demography of Assam and the changes in course of time. It shall too focus on the relationship between the section 6(A) of the citizenship (amendment) act 1955, Assam accord and rules of NRC updation along with visiting the International covenants and constitution of India. The paper will also touch upon various incidents of protest and clashes to preserve identity and recommendations thereof.

Keywords: Assam, demography, indigenous tribes, Assam accord, NRC, International covenants, constitution, protest, identity.

Objectives

- To give a brief idea of the elegant beauty with location of Assam, its indigenous tribes, its population decadal increase and demography of few districts.
- To have a look on the legal rights of indigenous people through the lens of international documents and the constitution of India.
- To understand the demographic change and resultant happenings of the past in regard of clashes between indigenous communities and non-indigenous settlers in various parts of Assam.
- To put in the certain seeable repercussions in Assam, due to the recent imposition of the citizenship amendment act upon the indigenous communities of Assam.

Research Methodology-

The researcher has tended to use the doctrinal methodology drawing data from the secondary sources such as Books, Research Papers, News Articles, internet sources etc.

Introduction

Assam a land of charismatic beauty, a land of many tales and untold stories, a land once ruled by the Ahoms, is geographically located in the central plains of the northeast India bordering Bhutan and Arunachal Pradesh in its north, Nagaland and Manipur to its east, Mizoram and Tripura to its south and Bangladesh, Meghalaya and west Bengal to its west inhabited by two valleys **Brahmaputra and the Barak**. Assam, with the land area of 78,428 sq. km and population density of 398 persons per sq.km, is the melting pot of different tribes like Tiwas, Kacharis, Mishings etc. with unique cultures and traditions, coming from the same Anglo-Mongoloid race. The large community of Assamese boasts with their own usages and customs, language, festivals, and celebrations from the historical times of the Ahoms. ‘Asomiya’ is the most spoken language in Assam. Religions such as Buddhism, Christianity, Hinduism, Islam etc. are also practiced in Assam. There are various elements which are being used to represent beliefs, feelings, pride, identity, etc and are considered as important symbolic elements in Assamese culture.(2) ST constituting 12.4 per cent of the total population of the state Scheduled Castes (SCs), constituting 6.9 percent of the total population of the state as per 2001 census(3).These people are also called as the indigenous people or the native people. The International Labor Organization defined indigenous people as "People in independent countries who are regarded as indigenous on account of their descent from the populations which inhabited the country, or a geographical region to which the country belongs, at the time of conquest or colonization or the establishment of present state boundaries and who, irrespective of their legal status, retain some or all of their own social, economic, cultural and political institutions".(4)

Population decadal growth (5)

1951	80,28856	13,34066(increase since1941) (19.93%)
1961	1,08,37329	28,08473 (34.98%)
1971	1,46,25152	3,787823 34.95%
1981	1,80,41248	3,416,096 23.36

SC Population in Assam and in few selected districts in 2001(6)

State and Districts	Percentage of SCs to total population of the State/ District	Percentage of SCs to total State’s SC population
1. Assam	6.9	100
2.Bongaigoan	10.3	5.1
3.Morigaon	12.9	5.5
4.Nalbari	7.5	4.7
5. Jorhat	7.9	4.3
6.Cachar	14.4	11.4

7.Karbi Anglong	3.6	1.6
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ST Population in Assam and in few selected districts in 2001(7)

State and Districts	Percentage of STs to total population of the State/ District	Percentage of STs to total State’s ST population.
1. Assam	12.4	100
2. Kokrajhar	33.7	9.2
3. Dhemaji	47.3	8.2
4.Karbi Anglong	55.7	13.7
5. North Cachar Hills	68.3	3.9
6. Kamrup	9.9	2.2
7. Darrang	16.6	7.6

International documents and the Indian Constitution and Rights of Indigenous people-

The Universal Declaration On Human Rights says that all men are born free and possess equality indignity and rights. A recent report by International Work Group for Indigenous Affairs and UNESCO there are about 370-500 million indigenous people worldwide. India is the home for about 104 million indigenous people as per the 2011 census. So the people living in own lands bearing the fruits of their hard work depending on the forest resources celebrating their own traditional festivals. During the course of time due to various factors i.e natural and manmade, they were made bound to relax their rights and such losing of their rights inspired the United Nations and member states to frame such document for the protection and promotion of their rights.

The United Nations Declaration On the Rights of the Indigenous people has patterned some relevant provisions such as -**Article 2-** The Indigenous peoples and individuals are free and equal to all other peoples and individuals and they should not face any kind of biasness in regard to the **indigenous origin or identity**. **Article 8** – It is the duty of the States to provide for a resilient mechanism which could protect them from any such situations which takes away their right to integrity as distinct people in the land, right to property, forceful transfer of population to other places in order to undermine their human and legal rights. . **Article 11** stresses on the right to practice and revitalize the cultural traditions and customs which includes right to protect their culture, education, language, traditional knowledge, ancestral history. **Article 25** says about the right to sustainable development of their natural resources which could be enough for the use by the next generations. **Article 33** provides that the state should consider the indigenous people as the son of the soil recognize their citizenship rights and give effort to settle their legal issues relating to it. .

International convention on Indigenous and tribal people, 1989(8)

Fundamental Rights with no Discrimination: Article 3 of the declaration provides that indigenous people are entitled to enjoy every fundamental right without any discrimination against them.

Cultural Rights: According to the Articles 4 and 5 they have right to maintain and strengthen their cultural and environmental rights with free from destruction of their culture.

Self-Identification Right: Self-identification, nourishment of own culture, community's distinctness with other community is something that is instilled among the indigenous people.

Rights to use land, territories and other natural resources: All the stakeholder of the society should respect the right to first use of the land and the natural assets in it, of the indigenous people.

Rights to ownership and control: Article 13 to 18 provides of the declaration provides that the state should create trust and respect the ownership and the possession of the land and to frame stringent laws and penalties for the illegal occupation of the land of the indigenous people.

Contacts and co-operation among borders- Article 36 speaks about maintaining effective contacts with the tribes and indigenous people across the international borders in all fields.

The Constitution of India.- The Indian constitution in its preamble says about safeguarding the beliefs and encouraging fraternity among the citizens and all humans. It lays down various provisions to protect the economic rights i.e from article 14 to article 32 of the constitution. The directive principles under article 46 and 48 says about the promote and protect the educational and economic interests of the weaker sections of the society like the SC's and ST's and save them from exploitation and social injustice. To protect the political rights of the scheduled tribes and scheduled castes, we have Art-330, Art-332, Art-334, Art-371 and Art-164 (1). Art-164 (1) which empowers the ministers appointed to hold an additional charge for the welfare of the scheduled tribes in the state like Chandigarh, Madhya Pradesh and Orissa. Article 338 and 338a provides for the establishment of the scheduled caste and scheduled tribes commission. We also have **fifth and sixth Schedule** which ensures proper control and administration of Scheduled Tribes and their areas.(9) and article 275 permits the parliament to make special grants for the welfare of the scheduled tribes.

The connection between Assam accord, the citizenship (Amendment) act 1985, and NRC updation. After the Bangladesh liberation war 1971, 1979 witnessed one of the most non-forgettable historic movement called as Assam movement or Assam agitation led by the leaders of the student organization of All Assam Students Union and All Assam Gana Sangram Parishad to drive out illegal migrants, who entered after the partition and changed the political demography, resulting to the death of about 855 martyrs. It was due to their sacrifice the Assam accord was signed on 15 August 1985. In the backdrop of the agitation, year of 1983 engulfed the horrific and unfortunate incidents of Nellie (Morigaon district) and Khoirabari (Darrang district) massacres killing about 2000 and 100-500 Bengali origin Muslims respectively.(10)

As a matter of fact the Illegal Migrants (Determination by Tribunals) Act 1983(11) was struck down by the apex court in the case of Sarbananda Sonowal vs Union Of India, AIR 2005 S.C 2920 (12) on the ground that unlike the Foreigners Act, 1946 where the onus of proof lies on the accused, the onus lies here upon the accuser to prove, if the accused is an illegal migrant or not which thereby became a burdensome for the authorities.

The accord of peace signed, giving a conclusion to the uprising, has laid down several important clauses like Clause 5 which says about the foreigners issue where the foreigners has to be detected and names has to be deleted from the electoral list. Clause 6 says about the protection, preservation and

promotion of the cultural, social, linguistic identity and heritage of the Assamese people through the constitutional, legislative, and administrative mechanisms. Clause 9 says about the security of the international border which determines for the building of the fenced wire, patrolling in the appropriate place etc. to stop the encroachment and restriction on the acquisition of the immovable property by foreigners(13).

The clause 5 has been the main relationship link between the citizenship act 1955 and the accord as the main features of the clause(14) was related to the Foreigners Issue.

The clause implies that to be regularized as a genuine citizen of Assam, 1.1.1966 shall be the base date and year for anybody's entrance into Assam and presence of names in the electoral rolls for 1967 elections. Those coming into Assam after 1.1.1966 to 24th march 1971 shall be detected and will be deleted from the electoral rolls in force, who thereafter have to register themselves to the relevant registration officers of the concerned districts. And with passing of the ten years the deleted names would be simultaneously restored. Subsequently those coming after 24th march 1971 would be detected, deleted and deported to their respective nations. To make this task implemented fruitfully government should take effective steps by ordering and strengthening the machineries.

After the Assam accord, an amendment was brought on the same lines of the Citizenship Amendment act, 1955 where section 6A says about the special provisions required to be satisfied in regard to citizenship of the persons covered by the Assam Accord where sub-section (1) lays down about the definition such as Assam, Specified territory etc. Sub-Sections (2), (3) and (4) of the act provides that all persons of Indian origin who came before the first day of January, 1966 to Assam from the specified territory (i.e Bangladesh) shall be granted citizenship and the rest is same as aforesaid mentioned.

Section 14A of the Citizenship (Amendment) Act 1955 states about the national register of India and issuance of the national identity cards to be undertaken by the central government.

Thus, the exercise of **National Register of Citizens** (NRC) was initiated exclusively in Assam with certain primary rules. These are- a. Existence of a person's name in the pre-1971 period (i.e in electoral rolls)

b. Proving linkage with that person. (i.e the legacy data)

Population and the decadal increase between 1991 to 2011(15)

1991	2,24,14,322	43,73,074 (24.24%)
2001	2,6,655,528	42,41,206 (18.92%)
2011	3,1,205,576	4,5,50048 (17.07%)

In October 1993, Bodo-Muslim clashes affected around 4,000 families in Kokrajhar and Bongaigaon, in 1994, 113 were killed in Barpeta, Bodo-Adivasi clashes in 1996 and 1998 saw almost 400 people killed and over 3 lakh displaced, again in 2008, Bodo-Muslim clashes left 65 killed and over 2 lakh displaced.(16)

As the Bodos, claiming to be the son of soil, living since ancient time in few areas like Kokrajhar, Baksa, Chirang, Udalguri districts etc, driven by the air of xenophobia and protection of ancestral lands, culture and livelihood, in 2012, Assam witnessed one more tragic chapter of conflict between the Bodos and the Muslims leaving 77 people dead and about 4 lac people were displaced taking shelters in 270 relief camps.(17)



Source-(Publication-A study of indigenous fermented foods and beverages of Kokrajhar, Assam)(18) With the release of the 2011 census, the increase in the population including the rise in the dwellers in char areas of certain districts and the incomplete closure of the porous international borders, added more fuel to tensions which led to the call for the National Register of Citizens (hereinafter to be called as NRC) in Assam. The government initiated the NRC drive under the observation of Hon'ble Supreme court in 2013 till its final release on 2019 which included about 3.11 crore and excluded about 1.9 million from the list giving them a chance to prove their citizenship before the Foreigner's tribunal. (19) While the people are moving around the tribunal and courts, the incoming of the controversial Citizenship Amendment Bill 2019 paving way for the six communities (Hindus, Buddhists, Jains, Sikhs, Christians and Parsis) fleeing religious persecution, to gain the citizenship status and fixation of 31 December 2014 as the entry time limit, gave a blow to the indigenous inhabitants who got more insecure. The bill amends the provisions for the citizenship by Naturalization and decreasing the duration of the residency from 11 years to just 5 years. (20) Although it was opposed in the name of violating article 14 and secularism feature of the constitution.

Fear of losing identity, language and demographic change and spread of hatred and violence in different areas of Assam.

Identity is something that makes one feel to be recognized in the society. As per the Collin's dictionary it is the state of having unique identifying characteristics held by no other thing or person (21). So the ingress of the bill caused series of violence like Guwahati witnessed the death of 2 persons and all total the number is death toll is 5 in Assam and many were arrested. Persons making derogatory or provocative social posts were detained too (22):

The intense effects of the bill, creating a division between the Barak and Brahmaputra valleys as the indigenous Assamese people and tribes, were the influx and legalizing of illegal migrants, tribes along

with the main Assamese groups like Tiwa, Karbis, Mishings etc. to become minority groups, apprehension of cultural threat. It was also moving around that Assamese language would remain no longer the official language of Assam as in fact the state has been formed on the basis of language just like Punjab on Gurumukhi language and Bengal on Bengali language (23).

Additional Repercussions on allowing the illegal migrants to enter or legalizing them through the bill.

Presence of the illegal migrants or legalizing them through the route of bill can have ramified repercussions for the indigenous inhabitants. This can cause population burden which Assam is already going through. Rise of unemployment weakens the socio-economic condition of a society. Assam is suffering with 8.5% unemployment rate at present as per a recent report by a non-government think tank Centre for Monitoring Indian Economy (24). So the state may face more unemployment challenges if it has to take more burden. Losing of Non-Renewable resource like the land shortages or land loosing can be another negative impact for such unwanted situations.

Clause VI of Assam Accord and call for Inner line permit

One of the contentious issue circling in the news is the yet to be implementation of the Clause VI of the accord which mandates the constitutional, legislative and administrative safeguards as may be appropriate shall be provided for the preservation, protection and promotion of the cultural, social, linguistic identity and heritage of the Assamese people. Keeping in view of it, few steps like Sankardeva Kalakhetra was established to preserve and promote artifacts of the indigenous tribes, establishment of the Jyoti Chitran (25) etc. but the bricks of establishment could not satisfy the public and thereby effective implementation was demanded in letter and spirit. The Northeast division of Union Ministry has formed a committee under Retd. Justice Biplob Kumar Sharma of term "Assamese" (B) Reservation of Assamese in Parliament, state assembly and formation of the legislative council of Assam whose seats will be reserved for the Assamese people only. C. Quotas in the government jobs and implementation of the inner line permit system.(26)

Inner line permit (hereinafter referred as ILP) is a document of permission started by the Britishers with an aim to protect the salient unique features of the indigenous tribes of the selected northeastern states like Arunachal Pradesh, Nagaland and Mizoram. Under this system a visitor has to take and collect the official permission to enter the said states, reason and duration of their visit and violation and misrepresentation of any legal data shall call forth legal consequences. Therefore the permit system was called for to protect the non-ILP states like Assam, Meghalaya and Tripura from the incoming of the illegal migration from Bangladesh specially and deporting them therewith.

Conclusion and Recommendations-

William Shakespeare once said " We know what we are but not what we may be." (27)

Bearing upon the tag of pride called 'Awesome Assam', indigenous Assamese community is known for its hospitality, caring and sharing for ages. People from different walks of life visit Assam and take away mesmerizing memories. The seducing songs of indigenous culture, taste of food, love towards crop festivals and mother land can never be omitted or denied. With a big heart Assam and its indigenous community has been offering shelters and accommodations to many time to time in need and history is indeed a witness but when there is a penetration by someone who is unwanted then it is not acceptable to

living indigenous community. Time is recorded when there occurred movements resulting to the sacrifice of many martyrs. Although the signing of peace accord, recognition of rights under international declarations gave a balm to the healing wound but it was scratched by a contentious bill which leads to more anxiety and alarm among the indigenous people and their unique identity. Thus few recommendations as peaceful measures are like completion of the international border fencing within a time bound manner, quick deportation of the illegal migrants wherever residing in the state, non-imposition of the bill against the Vox Populi, bring a framework for inner line permit within the state or a bill like Manipur people's protection bill, 2018, and strengthening government policies.

Book References-

1. Sathak Sengupta, Tribes of Northeast India: Biological and cultural perspectives, Publisher- South Asia Books, Publication date-1 January 1994, ISBN 13-9788121120446637,
2. B.M Das Publisher, The People of Assam, Origin and Composition, Gyan Publishing House, Edition-01,2003, ISBN- 978-8121-2083-90,
3. Rituraj Basumatary, The impact of Illegal Bangladeshi migrants in North East India, Publisher- Notion Press, Edition- 1st, 2020 ISBN- ISBN- 978-1636-691-83
4. B.B. Kumar, Illegal Migration from Bangladesh, Edited, publisher- Concept Publishing Co., Edition- 1st, 2006
5. Sangeeta Barooah Pisharoty, Assam: The Accord, The Discord, Publisher- Penguin eBury press, Publication Date- 23 august 2019, ISBN- 978-0670-0915-53
6. Abhihek Saha, No Land's People: The Untold Story of NRC Crisis, Publisher- Harper Collins, Publishing Date- 12 march, 2021, ISBN- 978-9390-3518-55
7. Rituraj Basumatary, Assam Movement (1979-85) and Beyond, Publisher- Notion Press, Edition- 1st in 2020, ISBN-978-1636-6941-22.
8. M.P Jain, Indian constitutional Law, Publisher- Lexis Nexis, Publishing date- February 4, 2018, ISBN- 978-9386-5150-49, Edition- 8th Edition.

Other relevant References-

1. 1.Research Scholar, Assam University, (A Central University) in Sihar, Assam.
2. Retrieved from <http://www.assam.gov.in> as last accessed on 4/11/2023.
3. Retrieved from <http://www.censusindia.gov.in> as last accessed on 4/11/2023.
4. Retrieved from <http://www.latestlaws.com> as last accessed on 4/11/2023
5. Retrieved from <http://www.statisticstimes.com> as last accessed on 5/11/2023
6. Retrieved from <http://www.censusindia.gov.in> as last accessed on 5/11/2023.
7. Ibid.
8. Retrieved from [http://www. Ilo.org](http://www.Ilo.org) as last accessed on 10/11/2023.
9. Retrieved from <http://www.tribal.nic.in> as accessed on 10/11/2023
10. Retrieved from [http:// www.northeasttoday.com](http://www.northeasttoday.com) as last accessed on 10/11/2023
11. Retrieved from <http://www.indiacode.nic.in> as last accessed on 10/11/2023.
12. Retrieved from Indiankanoon.org as accessed on 10/11/2023
13. Retrieved from [www.http://assamaccord.assam.gov.in](http://www.assamaccord.assam.gov.in) as last accessed on 10/11/2023
14. Retrieved from www.indiankanoon.org as last accessed on 10/11/2023.
15. Retrieved from <http://www.censusofIndia> as last accessed on 10/11/2023

16. Retrieved from <http://www.economictimes.indiatimes.com> as last visited on 12/11/2023
17. Retrieved from <http://www.wikipedia.com> as last visited on 12/11/2023.
18. Retrieved from <http://www.researchgate.net.in> as last visited on 12/11/2023.
19. Retrieved from <http://www.indiatoday.com> as last visited on 12/11/2023
20. Retrieved from <http://www.economictimes.com> as last visited on 12/11/2023.
21. Retrieved from <http://www.collinsdictionary.com> as last visited on 12/11/2023
22. Retrieved from <http://www.theprint.com> as last visited on 16/11/2023.
23. Retrieved from <http://www.decanherald.com> as last visited on 16/11/2023.
24. Retrieved from <http://www.guwahatplus.com> as last accessed on 16/11/2023
25. Retrieved from <http://www.assamaccord.assamgov.in.com> as last accessed on 16/11/2023
26. Retrieved from <http://www.indianexpress.com> as last visited on 16/11/2023.
27. Retrieved from <http://www.goodreads.com> as last accessed on 16/11/2023.