

A State Level Consultation on AFSPA, Extra Judicial Killings, displacement due to big dams, Struggle of tea garden workers and Kokrajhar Violence was held on 3rd March, 2013 in Guwahati.

The consultation brought to fore a diversity of issues and challenges underpinning the agitations of tea garden workers, protests against big dams and displacement, Armed Forces Special Power Act (AFSPA) induced human rights abuses, Kokrajhar ethnic violence and the several ongoing ethnic conflicts in the state of Assam.

The consultation saw a range of participants, speakers and audience around 75 in all merging in from different backgrounds of law, journalism and grassroots activism. Civil society groups such as Action Aid, Childline, Sangrami Chah Samrik Sangha, Aman Biradri amongst others also participated in the deliberation. The meeting served as a platform for mutual interaction and interface between progressive social and political activists and lawyers active in Assam thus reinforcing the possibility of providing effective legal aid to movement going on people's issues in the state.

Introduction:

North-East of India as since independence harbinger due to historical, ethnic and cultural reasons a genuine feeling of alienation from mainstream India. This grievance has been reflected in several ethnic based movements with aim of seceding from India. Assam being the largest of North-Eastern States is no exception to the widespread resentment shared by people of North-East India in common. The Union government on its part has largely relied on armed suppression of these movements and enacted draconian Acts like Armed Forces Special Power Act, 1958 (AFSPA, 1958) to facilitate such suppression by providing impunity to armed forces in all kinds of human rights violations. Extra judicial killings, inhuman torture, fake encounter and sexual harassment in the state are routinely carried out to suppress the movement of indigenous people fuelled by feeling of alienation. The draconian AFSPA has not been repealed till date despite several protests against it by people from North-East including Assam.

Assam may be the only conflict area in the country which faces multitude nature of human rights violations at one time ranging from extra judicial killing and rapes under cover of AFSPA to communal clashes along with displacements due to big dams and pathetic conditions of workers in Tea Garden. Assamese people have been at the forefront of the struggle against all human rights violations like extra judicial killing, police torture and abduction and movements against big dams along with struggles by tea workers for their due rights. The mainstream media though has avoided giving adequate coverage to these struggles due to obvious reasons.

Protest against big dams

The one month full scale protests against Lower Subansiri Mega-Dam in December, 2011 and an effective blockade against National Hydro Power Corporation in Lakhimpur and Dhemaji districts have fired the Assamese public imagination though barely reported in the national or international media. People in the state has started fighting together against a proposed network of 168 mega-dams across Arunachal Pradesh, one of the world's most seismically active regions, since these dams are likely to have huge social and ecological impact in downstream Assam areas. But the oblivious Assam government is taking no stand in regard to these

downstream anxieties of people of Assam. After a public hearing in the state capital of Guwahati in September 2010, even former environment minister Jairam Ramesh was forced to write in his letter to the prime minister: "Personally, I believe some of the concerns that were expressed cannot be dismissed lightly...Right now the feeling in vocal sections of Assam's society particularly appears to be that 'mainland India' is exploiting the north-east hydro-electricity resources for its benefits, while the costs of this exploitation will be borne by the people of north-east." North Eastern people thus seem to be facing some form of internal colonization in India.

Kokrajhar Violence

The main stream political parties are playing divisive politics in Assam and are pitting people against each other by igniting communal tensions as witnessed in Kokrajhar last year in clashes between Bodos and Muslims. The communal clashes in Kokrajhar were one of the biggest tragic events of recent times as hundreds of people died and lakhs were displaced from their homes. The government failed in fulfilling its constitutional duty in curtailing communal violence. Had the state and central governments responded promptly, the violence could have been contained at a much earlier stage. But crucial time was lost as army intervention got delayed apparently on procedural grounds and violence was allowed to escalate. With the state found wanting in terms of administrative initiative and political will, fear and insecurity rapidly engulfed the lower Assam districts of Kokrajhar, Dhubri and Chirang. In an unprecedented instance of mass exodus nearly half a million people were compelled to seek shelter in relief camps with extremely poor sanitation and insufficient medical care in the camps.

Tea Garden Workers' Issue

Assam tea is a household name for most lovers of the brew. However the story behind the cultivation, plucking and processing of tea leaves in the plantations is one of exploitation and untold hardships for the toiling workers who are the singular reason that this industry is one of the pillars of the Assam economy, and in making the entire Northeast Indian region the largest tea-growing region in the world.

Adivasis brought in as indentured slave-labour from Central India by the British form the vast majority of the workers, with the rest consisting of other local tribal communities, as well as Nepalis, Bengalis, Oriyas and so on. Even today, the working conditions are a far cry from the regulations of the Plantation Labour Act brought out in 1951 to protect the interests of workers in plantations, who form the single largest organized sector workforce in Assam and the entire Northeast region numbering anywhere between 8 to 10 lakhs depending on the season.

In order to support the ongoing progressive movement in Assam against human rights violations a State Level Consultation on 'AFSPA: Extra Judicial Killings, displacement due to big dams, struggle of tea garden workers and Kokrajhar Violence' was organised by Human Rights Law Network, Guwahati Chapter. It was held in Bosco Reach Out, Guwahati on 9th March 2013. It was attended by around 70 participants from various NGOs, law students, social and political activists, lawyers and various members from different civil societies.

The main aim of the long day state level consultation was to render support to the ongoing progressive people's movement in Assam against human rights violation.

The welcome address was delivered by Debasmita Ghosh, Joint Co-ordinator, HRLN. Then this was followed by Saurabh Naruka. He on behalf of HRLN Guwahati Chapter Unit and had inaugurated the workshop on the topic "AFSPA: Extra Judicial Killings, displacement due to big dams, struggle of tea garden workers and Kokrajhar Violence" address by warmly welcoming all the respective resource persons and all the participants present in the event.

Saurabh Naruka introduced Mr. Harsh Dobhal, Executive Director of HRLN, Delhi Head office to all the participants and requested him to give a brief introduction of the purpose behind the meeting and about HRLN.

Harsh Dobhal started the session by stating the Assam is a Land of ethnical Diversity. The situation is very conflicting like we have seen in Kokrajhar, we are from Human Rights and so through courts and other agencies we try to raise different issues relating to Human Rights Violation. The main question raised by him to all the participants present in the hall about AFSPA was: "Does the law of AFSPA have provided any security to people of Assam?" and he also requested to discuss on AFSPA and its ill effects in Assam. There were several instances where comparison was made with Israel.

A law similar to AFSPA, infact much tougher was introduced in Israel which could not benefit the country. So what was the point behind introducing such a draconian law in India?

A Simple question was regarding the number of militants in 1950's and the number in 2013?

The answer was plain and simple.

"It had not reduced"

Then "If APSPA is not reducing any militancy, then what is the use of it?"

We are for peace, but what have these laws done?

The next basic question raised by him was: "What have this law done to make police efficient?" and the answer he gave was a big NO.

If the world is Global then why in certain parts of India people demand for identity.

Dr. Shyam Bhadra Medhi

Dr. Medhi was one of the most distinguished and experienced guest among the panel of speakers. A retired IAS officer, Dr. Medhi had a long 20 years experience in the field of Human Rights.

Dr. Medhi said that only laws and legislations are not going to help us. According to him the main reason behind all the violence is the lack of GOOD GOVERNANCE.

He emphasized on the fact that Globalization had led to the destruction of Local Culture.

He stressed on the issue of good governance.

He suggested measures to be adopted by the Human Rights Commission for further expanding the scope of Human Rights.

He contended that State Commissions and NHRC should be pro-active, visit border areas and approach panchayats.

He concluded saying that "Lack of access to justice is the root cause of violence."

Session 1: AFSPA: Extra Judicial killings & Rapes.

Speaker I (Legal Aspects of Armed Forces): Dr Ramesh C. Borpatragohain, Reader of law department, Gauhati University

After the tea break the first session was started by Dr. Ramesh C. Borpatragohain. He specially emphasized on Legal Aspects of Armed forces Special Power Act, 1958. While discussing the issue he mentioned about the Constitution of our country. He questioned the kind of democracy in India. According to him the preamble also empowers the people to form the law they need. It secures the sovereign socialist secular republic democratic powers to citizen of every stature.

When a statute is enacted it has to go through a proper procedure. It must be laid before both the houses of the parliament. There should be a debate upon it and when it is passed by two third resolutions, it becomes law.

While making legislation the legislatures should not violate the fundamental rights or any other provisions of the Constitution because it makes the legislation or Act ultra vires. But the union government on its part has largely relied on various arms operation enacted Armed forces Special Power Act, 1958. AFSPA is an Act which is contrary to the public policy. It is providing impunity to armed forces in all kind of human rights violations. It includes various human rights violations like extra judicial killings, police atrocities, inhuman tortures, abductions, fake encounter and sexual harassment in the state are routinely carried out to suppress the various movements of indigenous people. The draconian AFSPA has not been repealed till date despite several protests against it by people from North-East including Assam.

Generally in India this type of Acts are enacted specially for the disturbed areas where the armed forces are fully given the power rather than the police and civil administration. Here he raised a question that if this kind of defaults is accepted by the people of a democratic country then we are actually deprived of the true taste of democracy, isn't it?

We know that India is a participant of Universal Declaration of Human Rights (UDHR). Therefore it is the duty of India to fulfill the provisions of the declaration. In Article 1 of UDHR it is said that everyone is born free with dignity and nobody can suffer from any kind of discrimination on the basis of caste creed community place of birth. India accepted this declaration and if there is any kind of violation performed by any other country or state, it can approach United Nation. But when India itself violates the provision there is rectification or relief for it.

In India the presumption of innocence is a basic rule to be followed by judiciary whereas the President has also the power to pardon any criminal by following definite procedure. But under Section 4 of AFSPA the armed personnel can shoot any person under suspicion and destroy his property which is totally violating the provision of UDHR and Constitution specially Article 21 of the Constitution of India. Whereas in Section 5 of the AFSPA it was said that when in an area was declared as disturbed area then the people under suspicion of keeping explosive items can be arrested and can be taken to the nearby police station and when he was handed over to the police he should be produced before the nearby magistrate. But in 99.9% of case without following any procedure they keep the arrested person with them.

In the conclusion he said that there is a need to remind the legislative council to establish equality amongst the people and there should be a movement in order to remove an arbitrary Act.

Speaker II (AFSPA and Media) :Naba Thakuria, President, Guwahati Press Club

Naba Thakuria delivered his speech specially emphasizing that “WE DO NOT NEED AFSPA.” While discussing AFSPA he said that the media focused on the news that around 13000 ULFA cadets were killed but there was no attention on the killing of 22 journalists by the AFSPA militants in last 5-6 years. He specially mentioned about the tragic murder incident of the well known journalist Parag Kumar Das that he was murdered by suspected ULFA people in front of at least 25 witnesses but due to various circumstances the witnesses became hostile and ultimately the suspect was released by the court due to lack of evidence.

He also added that the journalists are the neglected and vulnerable section of the society. Their earning is very meagre and they are the worst sufferers of violence.

Mr.Thakuria emphasized on the need to provide security to journalists in Assam. He talked about their demand for a special law for the protection of journalists on duty in Assam. According to statistics, Assam had lost more than 20 editors and journalists in the past two decades. The suspected perpetrators include surrendered militants, goons and government agencies. The authorities and probing agencies have allegedly shown reluctance in safeguarding the interest of the media persons, which is established by the fact that not a single perpetrator has been punished under law till date.

The demand for a special protection of law for journalists on duty is being pursued by many media organisations in India as well. The National Union of Journalists, an active working journalist’s organization, has demonstrated in the national capital and sent a memorandum to the President of India, demanding a law such as the Working Journalist Protection Act.

A young Reporter named Raihanul Nayum, who worked for Gana Chabuk, a weekly newspaper published from Dhubri in west Assam, was killed by a mob on September 8. Nayum was a victim of circumstance –the situation in Dhubri town had suddenly turned violent after the damage of a Hindu temple and its deity by miscreants.

Working in trouble torn Assam, which publishes 25 daily newspapers and has six satellite news channels is increasingly becoming dangerous for journalists. The ongoing insurgency that has more than 15 armed outfits fighting the Indian Government for various demands poses a serious threat to journalists, most not even covered by insurance.

Speaker III (Political Dimensions): Vivek Das, CPI (ML) Liberation

In the starting of his session Vivek Das stated that though the Constitution provides various provisions for the protection of human rights and fundamental rights, how an Act like AFSPA still exists in our country.

He stated that in its initial stage AFSPA came as an ordinance, but subsequently by both the Houses of the Parliament and the President it was approved as an Act.

He gave example of how after an incident of killing of 16 persons in Manipur by Assam Rifles , Iron Sharmila started her fast-unto-death in 2000 which continues till today.

He stated that how the Verrapa Moilly Commission had recommended that AFSPA should be striken off, which was given no attention.

Instead it was announced that the Act would be given a humanitarian direction.

At times the government had shown its helplessness regarding control over AFSPA.

In K. Subramaniam lecture, the present finance minister P. Chidambaram had accepted that AFSPA could neither be strike off nor could it be diluted. The main reason behind this is the lack of consensus between the Army Chief and the Government regarding it.

In Assam, AFSPA was extended for 1 year which was announced on November, 2012. The Government contended that it was under pressure that they had to take such a step.

The Jeevan Reddy Commission had contended that those officers against whom there are complaints, they should be tried under civilian law. But it was also never implemented.

AFSPA Act which was meant for protection, itself is keeping people's safety at stake.

A question arose at this point

Whether we are a democracy or under Army Rule?

Just because Army Chief does not give consensus, AFSPA is not repelled

What stops government?

Is it some fear?

Open discussion

In the starting of the open discussion session Gaurav Goswami from People's Solidarity for Human Rights had asked various questions on the topic AFSPA.

The questions are as follows-

Where AFSPA has not provide for any definition of the ACT which are punishable so Is there an ex post facto law for the offence of AFSPA.

Whether or not this question are asked in the court?

What is the legal position of the AFSPA ACT?

In this regard Dr Ramesh Chandra Barpatrogohain stated that earlier this Act was regulated by the state government. But after 1972 the central government has taken the power to regulate the Act from the state government.

Also he stated that army should not have the power to give punishment. It's only upon the judiciary.

In navy and army the punishment for any offence is definitely given but in AFSPA it is not given. The punishment is uncertain.

The UDHR and also the criminal procedure had follow the principle of presumption of innocence. But in AFSPA there is no such principle is followed.

Session II- Kokrajhar Violence

Speaker 1(Reasons of the violence): Ravi Shankar (Journalist)

He started his speech by saying that the Kokrajhar violence was not a sudden act of violence. It occurred due to different reasons which have been prevailing from long. In the recent violence 5 lakhs people were displaced and many were killed. This was the first boiling point of the violence. If we go to the history we can find the main reason behind this. Earlier the Bodo communities extended to a large area. But later on there are only occupying the north bank area of the Brahmaputra. While the autonomous council was established under the sixth schedule of the Constitution they were basically used to reside or occupy that particular area. When people came to Assam for agriculture the mentality of one community didn't mix with the other community. When India got his freedom Gopinath Bordoloi said that Bodo had assimilated with Assamese which was a great blunder because in reality they both were different communities. If separate law would have come then today this violence wouldn't have occurred. A very dangerous period came when different organizations were formed and internal conflict arose. Internal clash started where more than 10000 people were killed. After such situation BTC wanted an independent area. When the bodo land came into force a new dimension was seen. When many communities stay in one place and if one community dominates that area then conflict is bound to arise. Same thing happened with the Bodo. Many problems arose and so thus apprehension arose. People had the feeling of teaching each other a lesson. Muslims were killed in Bodo land. All people had to run for their lives and a big violence occurred. A Muslim family residing for 200 years in Kokrajhar had to flee. This is creating a situation of distrust. There were good relations between the bodo and muslim villages, but due to this distrust this was affected. Later on the Central Government had agreed that there was a huge delay in sending army by them.

NDFB is a very big problem of Bodoland. Everyone is affected due to extortion by NDFB including Bodos.

Speaker 2(Existing Situation): Zamser Ali, President BTAD Citizens Rights Forum

In the starting of his speech he cited an incident of Bijni area. On 15th January 2013 when he came to the respective area he saw some of the people were beaten up and some were half naked. He reported this news to the Assamese Daily named Sadin. Some of the inhuman

activities were going on like the killing of Bashumatari. The birth ratio of BTAD area is far average than the national level. In chirang district also the birth ratio is lower than the national level. The decade growth of BTAD was -0.8% growth and that of Kokrajhar was only 5.4 % only.

The Muslim residing in BTAD area said that they are Bangladeshi. Most of the Muslim people were missing from the South Salmara area specially known as Char area. Now only 12 families are residing there. All this happened because of the internal clashes.

The following data are given by him in respect to the various clashes.

In 1994 two clashes happened in the Baksa and Kokrajhar district. All were killed in bullet injuries. In 1996 also at Kokrajhar and Chirang district the Adivasi peoples were killed in bullet injuries. But not a single Bodo people were killed in the said incident.

In 1998 200 adivasi were killed and 40 bodos were there.

In 1952 the Bodo sahitya sabha was formed. He said that it is a political crisis amongst the Bodos not social identity. He stated that in 1991, only 10 seats were won by the bodos in the Assam legislative assembly elections and in the year 2001 the number of seats were not changed. So the bodo people think that there is a need of political identity for their betterment and for this purpose the Bodo land territorial council were formed and when it is formed they assume that there is a safe and secure bodo land.

But in reality it is not so. In the Violence that occurred about 4,82,000 people were displaced and forced to stay in relief camps. Till July no Muslim people were killed, only two extremist were killed as per the police report. And now the main problem faced by the people is that the government only provides rehabilitation to the people who have Land Pattas.

In the end of his speech he stated that the entire issue of Kokrajhar violence is against the Article 21 of the Indian Constitution which guarantees us the right to life and liberty. And so the people should do something and stand up for their Rights.

Speaker III::Mrinal Gohain

In the starting of the speech Mr. Mrinal Gohain thanked HRLN for organizing such informative workshops.

He began with the Bodo movement which was started by Kalicharan Brahma for using their own script while writing which was taking violent form. He emphasized on good governance, the lack of which resulted in clashes like the one in Kokrajhar. He also stated that No Justice can be attained through violence. The government never enquired about the actual reasons of the violence. Communal Violence is not created by Bodos and Muslim. The main responsibility is upon the government to do something so that such things do not happen, but the government failed miserably on its part. So there is a need to protect our own rights. He also added that if the government wants peace and harmony in the state, then there is a need to implement the Assam Accord. Some of the important implementation he pointed out are----Identification of foreigners and establish tribunals.

Sealing of borders

Kokrajhar violence is a result of conflict amongst the majority and minority groups of people for their cultural identity clash. A reason stated by him for such conflict was influx of Bangladeshis which was increasing the problem of unemployment for the local people.

There is a need to establish a New Assam with common brotherhood system which includes economic, cultural and political development. There is a need to establish a new agenda for all these purpose.

Bodo land Territorial Council was established to solve problems but now it's on the way to ruin due to different clashes among its own people.

Speaker IV (Political Dimension): Vivek Das, CPI (ML), Liberation

In the starting of his speech Vivek Das stated that the tribunals which were to be established for the identification of the illegal foreigners were not established. As per the government report only 15 tribunals are established in Assam and most importantly the number of magistrates which were to be appointed till now is not done yet. Along with this the government is fails to take the necessary steps to seal the Assam Bangladesh border. When Assam Accord was signed about 30 years ago it became very good news for the Assamese people. But even after 30 years of this accord it is not properly implemented by the Central as well as the State Government.

Though Kokrajhar violence was regarded as a communal one but actually its not so. It is a long process of fights by the people to protect their respective identity, culture and basic human rights. In Assam, now most of the areas are occupied by Multi National Companies and surprisingly they are creating a situation of unemployment in the local areas due to which youth from the different villages of Assam are forced to seek employment outside the state. So now there is a need to control these types of problem and to establish common brotherhood amongst all tribal and non-tribal people of Assam. Along with this the problem of illegal foreigners are to be solved by identifying the people who were residing before 1971's and those who came after 1971's should be deported.

In the end he suggested that the government should be pressurized to seal the borders within a definite time limit. To increase our economic situation by establishing different industries which can give employment to the local youth this can solve their identity, economic problems. But most importantly there is a need to protect, respect the ethnic people as well as the tea garden workers.

Open Discussion: Session II

In the starting of the open discussion session Dhirjyoti Deka (LLM Student) from NERIM Law College had asked various questions on the topic Kokrajhar Violence.

The questions are as follows-

Does the answer of Kokrajhar Violence is the formation of a new bodoland state?

When we talk about indigenous people of Assam, will not the Bodos come in the category of indigenous people of Assam?

There are so many ethnic groups in Assam. Will it be possible to give every ethnic group their own sovereign state?

Is the influx problem of illegal migrants is affecting only the Bodos or the whole state of Assam?

In this regard Ravi Shankar stated that he doesn't think so that there should be any kind of new bodoland as it is impossible to satisfy the ethnic groups anyhow. And the question relating to the identity cultural political which are the basic things are to be protected. Along with this there is the need to protect their own land. Because in the upcoming days land will be the main issue of violence. In case of rehabilitation given by the government for the kokrajhar victims land pattas are important. In bodoland there are other ethnic groups who are the bhoomiputras. So there is also a need to protect them. There is an economic blockage amongst all the community. There is a great difference in the markets or roads they use.

In this regard he also stated that in BTDA area Assamese people cannot purchase lands and the extremist groups NDFB etc. used to demand huge amount of money from the small earners and service holders.

According to Harsh Dobhal, there is some kind of stigma that whatever illegal act happen it is done by Muslim people. Muslims and Bodos both have respective histories of their own. And somehow both are minorities. But the recent violence makes their life pathetic.

Again Ravi Shankar said that land rights and political rights should be settled between the ethnic groups and the government should try its best to remove all the problems otherwise there will be a great increase in violence day by day and it will spread in the entire Assam. It should be permanently settled by establishing Constitutional safeguards. Even the NDFB problem is a great one and it need to be tackled soon by the state government.

According to Zamser Ali, consultation among the people is going on as entire Bodo and Muslims were affected. There is a need to understand the basic thing they want. Again he stated that the Bangladeshi issue is a big one because it actually affects the society as a whole. There is also the need to preserve the rights of the people of the entire state.

Session III: Displacement and Peoples Movement in Assam Against big dams

Speaker I: Dr. Samujjal Bhattacharjee (AASU)

He started the speech by stating that he came here with a dream to follow up after discussion.

According to him AFSPA should be scrapped. There is no question of any amendment.

Why all the powers have been given to Jammu and Kashmir and no powers are given to Assam. Iron Sharmila has been on fast from one decade but there is no positive response towards it. Is government responsible towards such non violent movements? The mindset of all the leaders is that they are beyond everything. The mindset should be changed. AFSPA must go.

He spoke about the Kokrajhar violence. According to him any violence is unfortunate. Since the last 27 Years no result has been yielded even though of all the peaceful movements. A great harassment is going on the minorities and the problem requires an urgent solution. In India if a police officer detects an unknown foreigner then he can be immediately detained, then why not the same thing applies in Assam. In Assam a foreigner can even go to the tribunal. Why such discrimination occurs in India itself.

Next he spoke about the big dam issue. In the year 2006 NHPC send a letter to the AASU regarding the process on study on the dams. Then AASU demand for the expert committee from the Assam itself. The expert committee had submitted its interim report on 2009 and AASU demanded that until the final report came the construction of the lower Subansiri was to be stopped. AASU along with 26 ethnic groups fought against big dam because firstly it's a seismic zone area, secondly big dams was constructed on Himalaya foothills or else the high capacity of the project should be redesigned. North east is a possible earthquake zone so there should be small dams which are to be designed through experts. There are 168 proposed dams.

Sammujal Bhattacharya again added some points that there should be a downstream study and what will be the impact of the dams. There should also be the need to define the access to river flowing through Arunachal Pradesh. Define what extent of power we can get from this dam. And most importantly the economic development we can get through this dam. He also said that flood and erosion problem should be termed as national problem. 12% power should be free which can be raised through dams. In this regard he cited the incident of Dambaru Dam which was constructed in the year 1976 with 10 megawatt capacity due to which 30000 peoples were displaced and no rehabilitation was done.

Speaker II: Jyotirindra Narayan Khatuniar, Social Activist

Jyotirindra Narayan Khatuniar started his speech by saying that displacement is a global problem but now it has become secondary problem. Examples are the Subansiri project.

If the dams produce more than 500 megawatt then only it is included in the meaning of the term big dams. There is a huge involvement of large sum of money and big controversies.

He emphasized on the point that everything is possible if right technique is adopted. Assam and north-east is in a high seismic zone. Infact No.1 in India and No. 6 in the World.

So there arise three questions-
Whether Big Dams are feasible?
Whether it is Safe?
Whether it is Advisable?

The water of Subansiri contains glacier water as well as rain water which meet the Brahmaputra.

Brahmaputra Board was the first on whom responsibility was entrusted to study the feasibility of a Dam on the Lower Subansiri. The then Brahmaputra Board comprised of eminent scientists, geologists and environmentalists of that time.

Brahmaputra Board submitted its report to the Government of India in 1983. There were many safeguards mentioned which were to be taken if a dam was too constructed at Lower Subansiri.

In 2000 NHPC came to the picture and they took over the project from the Brahmaputra Board. Brahmaputra Board handed over all the documents to NHPC. NHPC started a new survey of the site.

Brahmaputra Board had suggested the following objectives and measures for the dam:

- Flood Control
- Power Generation
- It was to be a rock-filled dam of 256m
- There should be Under Ground Power

NHPC changed the objectives to:

- Single power project
- Concrete Dam 116m
- Over-ground power

The construction Started on 1st January, 2005.

Session IV: Issue of Tea gardens

Speaker I: Balinder Sakia, Sangrami Chah Samrik Sangha

Documentary on tea Workers

In the first part of his session, Balinder Sakia showed one documentary highlighting the poor living conditions of the tea garden workers in Majan District, Dibrugarh.

Plight of tea garden workers

In this session he started his speech by thanking HRLN for taking such an initiative process for the development of the tea garden workers. He then sang a song depicting the culture of the tea garden workers. In Assam, total 5.50 acres of land are covered with tea gardens and about ten lakhs of tea garden workers is working there. The conditions of the tea garden workers are very pathetic from the initial itself. They are deprived from all the modern necessities along with hygienic food, environment, education, medical facilities etc. In the year 1988 Bindashree Dubey started a movement to assist the tea garden workers that they can directly file a complaint to the management. But it was not successful and it was not established till now. There is no application of any modern law as the person does not know anything about the present scenario of the law. There is more number of female employees residing then the male employees. But there are not sufficient numbers of houses to stay. Even the sanitation facility for the women is worst. There is no toilet for women and they have to so deep inside the jungle. And added to it the scene of children are even worse. From many years continuous torture of the tea garden workers is going on but still there is no law enacted until now by the government. In this regard he also mention about the Bonus Act 1965 which says the ration amount should be incorporated with the bonus amount which they are bound to pay but it is not followed by the tea garden management. The problems of the tea garden workers were prevalent in Assam during British

Rule also. They basically emphasized only upon the importance of the freedom of the country not the economic movement of the tea garden labours.

In Assam they are treated as tea tribal community. Even they do not have a Patta for their own land. So there is a need of a new Act to give benefit to the tea garden workers.

Speaker II: Stephen Ekka

Stephen Ekka started his speech by saying that the tea garden labourers of Assam/ (Adivasis) have been playing an indispensable role in the birth, growth and expansion of the tea industry. Each tea company makes huge profit on the sweat and blood of these labourers. Based at Guwahati, Assam has the world's largest CTC auction centre, where around 140 million kg of tea is auctioned annually. Assam produces nearly 400 million kg or 53 percent of the all-India production. The total estimated turnover of the industry is Rs. 2,000 crore and the industry's contribution to the state exchequer is Rs. 140 crore.¹ There are over 800 large tea gardens. The tea producing is mainly done in the upper areas of Assam. There are nearly one lakh small and mini tea gardens. The main players in the industry are the Tatas, Williamson Major, Hindustan Liver and the big tea giant Tata Tea manufactures 70 million kilograms of tea in India, controls 54 tea estates, ten tea blending and packaging factories and employs around 59,000 people. The trade union, Assam Chah Mazdoor Sangh is the launching ground for the Congress leaders. In the last election to the parliament, Sri Tarun Gogoi has stated to the media that the party has received Rs. 12 crores from the tea company as donation for election. The industry also has been paying handsomely to the extremist groups particularly the ULFA and the NDFB. Unilever is owner of the world's highest selling tea brand, Lipton, with US\$4.1 billion in sales. The company purchases 12% of total global black tea production, making it the world's largest buyer of tea contrary it has been reducing the number of workers drastically each year in order to reduce its cost and enhance the profit. Between 2005 and 2006 Hindustan Unilever managed to divest itself of the responsibility of more than 12,000 permanent workers.

Next he spoke about the exploitive nature of the gardens. The tea gardens pay the lowest wage to its workers. While the minimum wage for unskilled workers such as tea industry is Rs.120 it pays Rs. 88 only per day. The companies try to justify this wage with the few fringe benefits they give such a two room house, ration. It was for a long time pegged at 58.50 till the other day. About 2 years now some increment has taken place. There is no other source income.

Discouraged to have any Income generating activities in Bhuban valley, it is leading to starvation deaths. The literacy rate in the tea garden there is not more than 12% where as that of the states is 73%. Education is the prerogative of the Government but here it is left to the whims and fancies of the tea company. According to Stephen Ekka the health facilities of the tea gardens workers are very bad. He said that the primary health centres in the tea garden areas though exist are poorly equipped with doctor, nurses or facilities. More than 3000 to 5000 population where a mere 'compounder' or a nurse who were left to take care. Every year people die due to malnutrition. The tea gardens do not enjoy the government development program. And the NREGA, PDS programs not operational in the tea garden. Survey of PAD in Lakhimpur – in 800 households not a single BPL card. Tea gardens do not enjoy the government development program. The industry employs the highest number of the women and also child labour. By

terming the children as adolescent workers, the companies pay half wage to them. A kind of ruthless situation exists in tea gardens. People are kind of harassed. But they are left with no choice. There is a great discrimination between men and women. There are no proper sanitation facilities and women have to wake up at 4 in the morning to go deep in the forest to fulfill their needs.

Stephen Ekka ended his speech by saying that the people have no space to express and in human treatments are going on behind the scene of huge tea gardens.

Session V: Legal Intervention in Emerging Situations

Speaker I: Debashish, HRLN, West Bengal

Debashish started his speech by saying that AFSPA should be scrapped. It's a bad law and wherever its applicable it's an insult to that place likes that of Assam or Jammu and Kashmir. West Bengal share Bangladesh border and if anyone is seen crossing the border the AFSPA can shoot them at that moment without any proceedings. This is total a bad law. In India law has been made as such that no army or AFSPA can be prosecuted by Code of Criminal Procedure. They can only be prosecuted by Court martial. But if a person was not in duty then he can be prosecuted. He said to the crowd to be aware and try to complain in the courts. If a proper petition is filled then high courts are bound to entertain them.

After the Narmada projects Supreme Court directly said no to life of the people who voted for the dams. The situation is very tricky and on the basis of a good report a case can be filled in the high court. The problems of the displaced people should be highlighted. He also said that just on basis of RTI replies a good petition cannot be filled and the Supreme Court will not entertain it. He also added that BPL cards were not provided to the tea garden workers. On the question of one student Debashish replied that the refugees are provided citizenship by the government but the Bangladeshis are not included in it.

Vote of Thanks by Alin Mahanta, HRLN, Guwahati Chapter

Thereafter, Alin Mahanta, HRLN Guwahati Chapter, had delivered the vote of thanks addressing all the invited dignitaries and participants present in the workshop.