Annexure 1

INNER LINE REGULATION OF 1873

Whereas the Secretary of the State for India in Council has by resolution in Council declared the Provisions of Act XXXIII Vic, Cap. 3 Section, to be applicable to the districts of Kamrup, Darrang, Nowgong, Sibsagar, Lakhimpur, Garo Hills, Khasi & Jaintia Hills, Naga Hills, Cachar and Cheettelang Hills.

And whereas the Lt. Governor of Bengal has proposed to the Governor-General in Council a draft of the following Regulation, together with the reasons for proposing the same, for the peace and good government of the said districts.

And whereas the Governor-General-in-Council has taken such draft and reasons into consideration and has approved of such draft the same has received the Governor General's assent.

The following Regulation is now published in the Gazetteer of India and will be published in the Calcutta Gazette and thereupon will have the force of law under their by third of Victoria Chapter III.

1. This Regulation shall extend to the districts named in the preamble, and shall come into force on the 1st of November 1873,

2. It shall be lawful for the local Government of Bengal with the previous sanction of the Governor-General-in-council to prescribe, and from time to time after by notification in the Calcutta Gazette, a line to be called "The Inner Line" in each or any of the above named districts. The Local Government by notification in the Calcutta Gazette, prohibit all British subjects, or any class of British subjects, or any persons, sending in or passing through, such districts, from going beyond such line without a pass under the hand and seal of the executive officer to such district of such officer as he may authorise to grant such pass; and the local Government may from time to time cancel or vary such prohibition.

3. Any British subject or other person so prohibited who goes beyond The inner Line' fixed in accordance with Section 2 of the Regulation after its notification in the Calcutta Gazette, without a pass shall be liable, on conviction before a Magistrate to a fine not exceeding Rs. 100/- for the first offence, and to a fine of not exceeding Rs. 500/- or to simple or rigorous imprisonment for a term of not exceeding three months, or to both for each subsequent offence.

4. The Local Government may from time to time, prescribe, by notification in the Calcutta Gazette, a form to pass for each district, and may in such form of pass fix such restrictions or conditions a Local Government may deem fit, and may require the payment of such dues and fees for such passes as to the Local Government may seem proper Any holder of such pass shall on breach of any such restriction or condition be liable on conviction to a fine not exceeding Rs. 500/- or to simple or rigorous imprisonment which may extend to seven months, or to both, for each subsequent offence.

5. Any rubber, wax, ivory, or other jungle product found in possession of any person convicted of an offence under this Regulation may be confiscated to the Government by an order to be passed at the time of conviction by the Magistrate.

6. The Chief executive officer of any district comprised in any notification as aforesaid may subject to the approval of the local Government-authorise, by
a written instrument under his hand, any public servant to arrest and bring before him with the least practicable delay.

Firstly—Any person prohibited from crossing the Inner Line prescribed for such district if such person, shall be found beyond the line and when asked to produce his pass shall refuse or be unable to do so.

Secondly—Any person to whom a pass may have been granted, and who has committed any infraction of its conditions.

7. It shall not be lawful for any British subject, or other persons not being native of the district comprised in the land or the product of this Regulation to acquire any interest in the land or the product of land beyond the said Inner Line without sanction of the Local Government as such officer as the Local Government shall appoint in this behalf. Any interest so acquired may be dealt with as the Local Government or if said officer shall direct. The Local Government may also by notification, in the Local Gazette extend the prohibition contained in this section to any class of persons natives of the said districts, and may from time to time in like manner cancel or vary such extension.

8. Whenever, without the written permission of the officer authorised by the Local Government to grant such permission will or captures or attempts to kill or capture, or abets the killing or capturing of, a wild elephant in any of the districts to which this Regulation extends, shall be liable to a fine not exceeding Rs. 200- for each elephant so killed or captured, and any elephant so killed or captured shall be confiscated to Government provided that no person who kills or abets the killing of, and elephant in protection of himself, his houses or his crops shall be liable to punishment; and provided also that every person who in the like case captures, or abets the capture of an elephant shall not be liable to fine, but shall be bound to surrender such captured elephant to the Government, or to pay such royalty thereon as the Local Government, may from time to time direct.

9. It shall be competent for the Local Government to make rules for the issue of licences to kill or capture elephant and for all purposes connected with the capture of elephants

10. The prosecution for every offence publishable under section 8 of the Regulation shall be commenced within 6 months after the offence is committed.

11. Offences against this Regulation may be tried by Magistrates of the first or second class and shall be bailable.

Annexure 2

GOVERNMENT OF INDIA ACT, 1935

(1) In this Act the expressions "Excluded Area" and "Partially Excluded Area" mean respectively such areas as His Majesty may by order in Council declare to be excluded areas or partially excluded areas.

The Secretary of State shall lay the draft of the order which it is proposed to recommend His Majesty to make under this subsection before Parliament within six months from the passing of this Act.

(2) His Majesty may at any time by Order in Council:

(a) direct that the whole or any specified part of an excluded area shall become, or become part of, a partially excluded area;

(b) direct that the whole or any specified part of a Partially Excluded area shall cease to be a Partially Excluded area or a part of such an area;

(c) alter, but only by way of rectification of boundaries, any Excluded or Partially Excluded Area;

(d) on any alteration of the boundaries of a province, or the creation of a new province, declare any territory not previously included in any province to be, or to form part of, an Excluded Area or a partially Excluded Area, and any such order may contain such incidental and consequential provisions as appear to His Majesty to be necessary and proper, but save as aforesaid the Order in Council made under sub-section (1) of the section shall not be varied by any subsequent order.

(1) The executive authority of a province extends to Excluded and Partially Excluded areas therein but notwithstanding anything in this Act, no Act of the Federal Legislature or of the Provincial Legislature shall apply to an Excluded Area or Partially Excluded Area unless the Governor in giving such a direction with respect to any Act may direct that the Act shall in its application to the area or to any specified part thereof, have effect subject to such exceptions or modifications as he thinks fit.

(2) The Governor may make regulations for the peace and good government of any area in a province which is for the time being an excluded area or a partially excluded area and any regulations so made may repeal or amend any Act of the Federal Legislature or of the Provincial Legislature or any existing Indian law which is for the time being applicable to the area in question.

Regulations made under this sub-section shall be submitted forthwith to the Governor General and until assented to by him in his discretion shall have no effect and the provisions of this part of this Act with respect to the power of His Majesty to disallow Act shall apply in relation to any such regulations assented to by the Governor-General as they apply in relation to Acts of a Provincial Legislature assented to by him.

(3) The Governor shall, as respects any area in a province which is for the time being an excluded area, exercise his functions in his discretion.

THE GOVERNMENT OF INDIA (EXCLUDED AND PARTIALLY EXCLUDED AREA) ORDER, 1936

THE KING'S MOST EXCELLENT MAJESTY IN COUNCIL

Whereas by sub-section (1) of section ninety-one of the Government of India Act, 1935 (hereafter in this order referred to as "the Act"), His Majesty in Council is empowered to declare what areas are to be Excluded Areas and Partially Excluded Areas within the meaning of the Act:

And whereas draft of this Order has been laid before Parliament in accordance with the provisions of sub-section (1) of section three hundred and nine of the Act and an Address has been presented to His Majesty by both Houses of Parliament praying that an Order may be made in the terms of this Order:

Now, therefore, his Majesty, in the exercise of the powers conferred on him as aforesaid and of all other powers enabling him in that behalf is pleased by and with the advice of his Privy Council to order, and it is hereby ordered as follows:

1. This order may be cited as "The Government of India (Excluded and Partially Excluded Areas) Order, 1936".
2. The areas specified in Part I of the Schedule to this Order shall be the Excluded Areas, and the areas specified in Part II of that Schedule the Partially Excluded Areas within the meaning of the Act.
3. Any reference in the said Schedule to any district, administration area or estate shall be constructed as a reference to that district, area or estate as existing on the first day of January nineteen hundred and thirty-six.

M.P.A. HANKEY

Assam
The North-East Frontier (Sadiya Balipara and Lakhimpur) Tracts
The Naga Hills District
The Lushai Hills District
The North Cachar Hills Sub-division of the Cacher District

Annexure 4
THE IMMIGRANTS (EXPULSION FROM ASSAM) ACT, 1950
(ACT X OF 1950)

An Act to provide for the expulsion of certain immigrants from Assam.
Be it enacted by the Parliament as follows:

1. Short Title and Extent
   (a) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.
   (b) It extends to the whole of India.

2. Power to Order Expulsion of Certain Immigrants
   If the Central Government is of opinion that any person or class of persons, having
   been ordinarily resident in any place outside India, has or have, whether before or
   after the commencement of this Act, come into Assam and that the stay of such
   person or class of persons in Assam is detrimental to the interests of the general
   public in India or of any section thereof or of any Scheduled Tribe in Assam, the
   Central Government may by order—
      (a) direct such person or class of persons to remove himself or themselves from
           India or Assam within such time and by such route as may be specified in
           the order; and
      (b) give such further directions in regard to his or their removal from India or
           Assam as it may consider necessary or expedient;
   Provided that nothing in this section shall apply to any person who on
   account of civil disturbances or the fear of such disturbances in any area now
   forming part of Pakistan has been displaced from or has left his place of residence in
   such area and who has been subsequently residing in Assam.

3. Delegation of Power
   The Central Government may, by notification in the official Gazette, direct that the
   powers and duties conferred or imposed on it by section 2 shall subject to such
   conditions, if any, as may be specified in the notification, be exercised or discharged
   also by—
      (a) any officer subordinate to the Central Government;
      (b) the Government of Assam or any officer subordinate to that Government.
   (See Notification No F 17-1/50 Pak III dated 20 March 1950, published in the

4. Power to Give Effect to Orders etc.
   Any authority empowered by or in pursuance of the provisions of this Act to
   exercise any power may, in addition to any other action expressly provided for in
   this Act, take or cause to be taken such steps and use or cause to be used such force,
   as may in its opinion be reasonably necessary for the effective exercise of such
   power.

5. Penalties
   Any person who—
      (a) contravenes or attempts to contravene or abets the contravention of any order
          made under section 2 or
      (b) fails to comply with any direction given by any such order, or
      (c) harbours any person who has contravened any order made under Section 2 or
          has failed to comply with any direction given by any such order, shall be
          punishable with imprisonment which may extend to three years and shall
          also be liable to fine.
6. Protection to Persons Acting under this Act
No suit, prosecution or other legal proceedings shall lie against any person for anything which is in good faith done or intended to be done under this Act.

7. Repeal and Saving

Statement of Objects and Reasons
During the last few months a serious situation had arisen from the immigration of very large number of East Bengal residents into Assam. Such large migration is disturbing the economy of the province besides giving rise to a serious law and order problem. This Bill seeks to confer necessary powers on the Central Government to deal with the situation (Gazette of India 24.12.1949, Pt. V. p. 503).

According to a circular of March 1950, the expression 'having been ordinarily resident of any place outside India' should be held to include the following persons:

(1) Recent Muslim immigrants.
(2) Muslim immigrants who have not settled down permanently, i.e. with their full families and a permanent place of abode.
(3) Muslim immigrants who are not in Assam for permanent settlement.

Annexure 5

NEHRU - LIAQUAT AGREEMENT ON MINORITIES, 8 April, 1950

To following is the full text of the Agreement signed at New Delhi on April-8, 1950 by India's Prime Minister Pandit Jawaharlal Nehru and Pakistan's Prime Minister Mr. Liaquat Ali Khan on behalf of the Governments of India and Pakistan respectively on the minority question:

(A) The Governments of India and Pakistan solemnly agree that each shall ensure to the minorities throughout its territory complete equality of citizenship irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation speech and worship subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country’s civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objective Resolution adopted by the constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment these democratic rights shall be assured to all the nationals without distinction.

Both Governments wish to emphasize that the allegiance and loyalty of the minorities to the State of which they are citizens, and that, it is to the Government of their own State that they should look for the redress of the grievances.

(B) In respect of migrants from East Bengal, West Bengal, Assam and Tripura where communal disturbances have recently occurred, it is agreed between the two Governments:

(i) That there shall be freedom of movement, and protection in transit.
(ii) That there shall be freedom to remove as much of his moveable personal effects and household goods as a migrant may wish to take with him. Moveable property shall include personal jewellery. The maximum cash allowed to each adult migrant will be Rs. 150 and each migrant child Rs. 75.
(iii) That a migrant may deposit such of his personal jewellery or cash as he does not wish to take with him with a Bank. A proper receipt shall be furnished to him by the Bank for cash or jewellery thus deposited and facilities shall be provided, as and when required, for their transfer to him, subject as regards cash to the exchange regulation of the Government concerned.
(iv) That there shall be no harassment by the Customs Authorities. At each Customs post agreed upon by the Governments concerned, liaison of the other Government shall be posted to ensure this in practice.
(v) Right of ownership in or occupancy of immoveable property of a migrant shall not be disturbed. If during his absence such property is occupied by another person, it shall be returned to him, provided that he comes back by the 31st December, 1950. Where the migrant was a cultivating owner or tenant, the land shall be restored to him provided that he returns not later than 31st December, 1950. In exceptional cases, if a Government considers that a migrant's immoveable property cannot be returned to him, the matter shall be referred to the appropriate Minority Commission for advice.
Appendix

Where restoration of immoveable property to the migrant who returns within the specified period is found not possible, the Government concerned shall take steps to rehabilitate him.

(vi) That in the case of a migrant who decides not to return, ownership of all his immoveable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale, by exchange with an evacuee in the country, or otherwise. A Committee consisting of three representatives of the minority and presided over by a representative of Government shall act as trustees of the owner. The Committee shall be empowered to recover rent for such immoveable property according to law.

The Government of East Bengal, West Bengal, Assam and Tripura shall enact the necessary legislation to set up these Committees.

The Provincial or State Government as the case may be will instruct the district or other appropriate authority to give all possible assistance for the discharge of the committee's function.

The provisions of this sub-paragraph shall also apply to migrants who may have left East Bengal, Assam or Tripura for any part of Pakistan, prior to the recent disturbances but after the 15th August, 1947.

The arrangements in this sub-paragraph will apply also to migrants who have left Bihar for East Bengal owing to communal disturbances or fear thereof.

(C) As regards the province of East Bengal and each of the States of West Bengal, Assam and Tripura respectively, the two Governments further agree that they shall:

(1) Continue their efforts to restore normal conditions and shall take suitable measures to prevent recurrence of disorder.

(2) Punish all those who are found guilty of offences against persons and property and of other criminal offences. In view of their deterrent effect, collective fines shall be imposed, where necessary. Special Court will, where necessary, be appointed to ensure that wrong-doers are promptly punished.

(3) Make every possible effort to recover looted property.

(4) Set up immediately an agency with which representatives of the minority shall be associated, to assist in the recovery of abducted women.

(5) Not recognize forced conversions. Any conversion effected during a period of communal disturbance shall be deemed to be a forced conversion. Those found guilty of converting people forcibly shall be punished.

(6) Setup a Commission of Enquiry at once to enquire into and report on the causes and extent of the recent disturbances and to make recommendations with a view to preventing recrudescence of similar trouble in future. The personnel of the Commission which shall be presided over by a judge of the High Court, shall be such as to inspire confidence among the minority.

(7) Take prompt and effective steps to prevent the dissemination of news and mischievous opinion calculated to rouse communal passion by Press or Radio or by any individual or organisation. Those guilty of such activity shall be rigorously dealt with.

(8) Not permit propaganda in either country directed against the territorial integrity of the other or purporting to incite war between them and shall take prompt and effective action against any individual or organisation guilty of such propaganda.

(D) Sub-paragraphs (1), (2), (3), (4), (5), (7) and (8) of ‘C’ of the Agreement are of general scope and applicable according to exigency to any part of India or Pakistan.
(E) In order to help restore confidence so that refugees may return to their homes, the two Governments have decided (i) to depute two Ministers, one from each Government to remain in the affected areas for such period as may be necessary; (ii) to include in the Cabinets of East Bengal, West Bengal and Assam a representative of the minority community. In Assam the minority community is already represented in the Cabinet. Appointments to the Cabinet of East Bengal and West Bengal shall be made immediately.

(F) In order to assist in the implementation of this Agreement the two Governments have decided, apart from the deputation of their Ministers referred to in ‘E’, to set up Minority Commissions, one for East Bengal, one for West Bengal and one for Assam.

These Commissions will be constituted and will have the functions described below:-

(i) Each Commission will consist of one Minister of the Provincial or State Governments concerned, who will be Chairman and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam, chosen by and from among their respective representatives in the Provincial or State Legislatures, as the case may be.

(ii) The two Ministers of the Governments of India and Pakistan may attend and participate in any meeting or any Commission. A Minority Commission or any two Minority Commissions jointly shall meet when so required by either Central Ministers for the satisfactory implementation of this Agreement.

(iii) Each Commission shall appoint such staff it deems necessary for the proper discharge of its functions and shall determine its own procedure.

(iv) Each Commission shall maintain contact with the minorities in districts and shall have administrative headquarters through Minority Boards formed in accordance with the Inter-Dominion Agreement of December, 1948.

(v) The Minority Commissions in East Bengal and West Bengal shall replace the provincial Minorities Boards set up under the Inter-Dominion Agreement of December, 1948.

(vi) The two Ministers of the Central Governments will, from time to time, consult such persons or organisations as they may consider necessary.

(vii) The functions of the Minority commission shall be:-

   (a) To observe and to report on the implementation of this Agreement and, for this purpose, to take cognizance of breaches or neglect

   (b) To advise on action to be taken on their recommendations.

(viii) Each Commission shall submit reports, and when necessary copies of such reports will be submitted simultaneously to the two Central Ministers during the period referred to in ‘E’.

(ix) The Governments of India and Pakistan, and the State and Provincial Governments will normally give effect to recommendations that concern them when such recommendations are supported by both the Central Ministers. In the event of disagreement between the two Ministers, the matters shall be referred to the Prime Ministers of India and Pakistan who shall either resolve it themselves or determines the procedure by which it will be resolved.

(x) In respect of Tripura the two Central Ministers shall constitute a commission and shall discharge the functions that are assigned under the Agreement to the Minority Commissions for East Bengal, West Bengal and Assam. Before the expiration of the period referred to in ‘E’, the two Central Ministers shall make recommendations for
the establishment in Tripura of appropriate machinery to discharge the functions of
the Minority commissions envisaged in respect of East Bengal, West Bengal and
Assam.

(G) Except where modified by this Agreement the Inter-Dominion Agreement of
December, 1948, shall remain in force.

Sd/- Jawaharlal Nehru
Prime Minister of India
New Delhi
8 April, 1950

Sd/- Liaquat Ali Khan
Prime Minister of Pakistan

Source: Government of India, Ministry of External Affairs, Selected Indo-Pakistan

Annexure 6
THE ASSAM OFFICIAL LANGUAGE ACT, 1960

Received the Assent of the Governor on the 17th December 1960, An Act to declare
the Official Language of the State of Assam

Whereas Article 345 of the Constitution provides that the Legislature of a State may
by law adopt any one or more of the languages in use in the State as the language to
be used for official purposes of the State and for matters hereinafter appearing:
It is hereby enacted in the Eleventh year of the Republic of India, as follows:

1. (A) This Act may be called the Assam Official Language Act, 1960.
   (B) It extends to the whole of the State of Assam.
   (C) It shall come into force on such date as the State Government may, by
       notification in the Official Gazetteer, appoint and different dates may be appointed
       for different official purposes and for different parts of the State of Assam:

       Provided that the date or dates appointed by the State Government in respect of
       any of the parts of the State of Assam shall not be later than (ten)\(^1\) years from
       the date of assent to this act is first published in the official Gazette.

2. In this Act, unless there is anything repugnant in the subject or context:
   (a) "Autonomous District" means an area deemed as such under paragraph 1
       (1) of the Sixth Schedule to the Constitution of India.
   (b) "Autonomous Region" means an area deemed as such under paragraph 1
       (2) of the Sixth Schedule to the Constitution of India.
   (c) "District Council" means a District Council constituted under paragraph
       2 of the Sixth Schedule to the Constitution of India.
   (d) (deleted)
   (e) (deleted)\(^2\)
   (f) "Prescribe" means prescribed by rules made under this Act.
   (g) "Regional Council" means a Regional Council constituted under
       paragraph 2 of the Sixth Schedule to the Constitution of India.

3. Without prejudice to the provisions of Articles 346 and 347 of the Constitution of
   India and subject as hereinafter provided, Assamese shall be used for all or any of
   the official purposes of the State of Assam.
Provided that the English language, so long as the use thereof is permissible (for the official purposes of the Union under any law made by the Parliament in this behalf) and thereafter Hindi in place of English, shall also be used for such official purposes of the Secretariat and the offices of the Heads of the Departments of the State Government and in such manner as may be prescribed:

Provided further that—

(a) all ordinances promulgated under Article 213 of the Constitution of India;
(b) all Acts passed by the State Legislature;
(c) all Bills to be introduced or amendments thereto be moved in the State Legislature; and
(d) all Orders, Regulations, Rules and Bye-Laws issued by the State Government under the Constitution of India or any law made by Parliament or the Legislature of the State shall be published in the official Gazette in the Assamese language.

4. Notwithstanding anything in Section 3, only languages which are in use immediately before the commencement of this Act shall continue to be used for administrative and other official purposes upto and including the level of the Autonomous Region or the Autonomous District, as the case may be, until the Regional Council or the District Council, in respect of the Autonomous Region or the Autonomous District, as the case may be, by a majority of not less than two-thirds of the members present and voting decide in favour of adoption of any other language for any of the administrative or official purposes within that region or district.

5. Without prejudice to the provisions contained in Section 3, the Bengali language shall be used for administrative and other official purposes upto and including the district level in the district of Cachar.

6. Notwithstanding anything in Section 3, any examination held by the Assam Public Service Commission which immediately before the commencement of this Act used to be conducted in the English language shall continue to be so conducted till such time as the use thereof is permissible (for the official purposes of the Union under any law made by the Parliament in this behalf).

Provided that a candidate shall have the right to choose the language in use in the State of Assam, which was the medium of his University examination.

7. Subject to the provisions of this Act, the State Government may by notification issued from time to time, direct the use of the language as may be specified in the notification and in such parts of the State of Assam as may be specified therein:

Provided that:

(a) the right of the various linguistic groups in respect of medium of instruction in educational institutions as laid down in the Constitution of India shall not be affected;
(b) the State shall not, in granting aid to educational and cultural institutions, discriminate against any such institution on grounds of language;
(c) the rights to appointments in the Assam Public Services and to contract and other avocations shall be maintained without discrimination on the grounds of language; and
(d) in regard to noting in the offices in the region or district of any member of the staff is unable to note in any of the district language, the use of
English shall be permitted by the Heads of Departments so long as the use thereof is permissible (for the official purposes of the Union under any law made by the Parliament in this behalf).  

8. (1) The State Government shall have the power to make rules for carrying out the purposes of the Act.  

(2) Every rule made under this section shall be laid as soon as may be after it is made, before the Assam Legislative Assembly while it is in Session for a total period of fourteen days which may be comprised in one session or in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, the Assam Legislative Assembly agree in making any modification in the rule or the Assam Legislative Assembly agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

2. The Clauses (d) and (e) were omitted vide Assam Act XXII of 1961.  
3. Inserted by Assam Act XXII of 1964, original Section being renumbered as clause (1).  


Annexure 7

THE SHASTRI FORMULA

The Shastri formula has been before the public for some time now. The author of the formula is the Union Home Minister, Shri Lal Bahadur Shastri, himself. It was evolved on June 6. The object behind this formula was to find out a solution of the language tangle in Assam vis-a-vis the Assam Official Language Act, 1960 and the Sangram Parishad movement in Cachar. Cachar witnessed a series of unhappy incidents in May-June this year involving loss of human lives. It was only natural that our leaders were anxious to discuss the entire situation obtaining in Cachar and solve it. It was after prolonged discussion with the Assam Government, the Assam Pradesh Congress, and a section of the Cachar people that the Union Home Minister unfolded his formula; but none of the organizations in the Brahmaputra Valley including Assam Sahitya Sabha was consulted by Shri Shastri in the process of his efforts to solve the Cachar problem.

The main points of the Shastri formula are:
1. The Assam Official Language Act 1960 may be amended to do away with the provision relating to Mahkuma Parishads.  
2. Communication between the State headquarters and Cachar and Autonomous Hill Districts will continue in English until replaced by Hindi.  
3. At the State level, English will be used for the present. Later English will continue to be used along with Assamese.  
4. Linguistic minorities in the State will be accorded the safeguards
Appendix

contained in the Government of India's Memorandum dated September 19, 1956

5. Clarifications may be used that under the provision of Article 343(3) of the Constitution all Acts, Bills, Ordinances, Regulations and Orders, etc., will continue to be published in the Official Gazette in English, even where these are published in Assamese under the second proviso to Section 3 of the Official Language Act

6. Some arrangements to be considered for effective implementation of development schemes at the district level (Cachar).

7. The agitation in Cachar should be withdrawn.

8. The Assam Government may consider the release of all prisoners detained in connection with the movement, except those charged with crimes involving violence and sabotage, as soon as they are satisfied that the movement will not be resumed.

The eight-point Shastri formula, as detailed above, contains two parts: one part, comprising points 1, 2, 3 and 5, relates to the Assam Official Language Act 1960; and the other part, comprising points 4, 6, 7 and 8, relates to purely administrative matters.

It is clear that in the event of Assam Government's acceptance of the first part of the formula to which the Government and the party in power are committed, the Assam Official Language Act will stand amended in regard to Clause 5 in the aforesaid Act as follows: "Notwithstanding anything in Section 3, the Bengali language shall be used for administrative and other official purposes up to and including the district level in the district of Cachar."

The original Clause in the Act reads: "Notwithstanding anything...until the Mahkuma Parishads and the Municipal Boards in a joint meeting by a majority of not less than two-thirds of the members present and voting decide in favour of adoption of the official language for use in the district for the aforesaid purposes."

Thus it will appear that the Assam Official Language Act, as it stands today, has provided for free use of Bengali in Cachar at the district level with only a future possibility for Assamese (the official language in terms of the Act) being introduced in Cachar, should the people's representatives in the Mahkuma Parishads and the Municipal Boards in Cachar at a meeting in a manner prescribed in the Mahkuma Parishad proviso decide to replace Bengali with Assamese. This clause is apparently not to the liking of a section of the Cachar people. But, considered from the point of the claim of the Sangram Parishad leadership that the Bengali speaking population in Cachar is 80 percent, if not more, the Mahkuma Parishad proviso should have been treated by the Sangram Parishad leadership as a permanent veto against Assamese getting into Cachar as official language even at the district level.

The Sangram Parishad, be it noted, is composed of that section of the Cachar population which is drawn from refugees and the towns people, it is this very section which spearheaded the movement for making Bengali an additional official language in Assam. The majority of the rural people in the district were not acquainted with the manoeuvres of the Sangram Parishad, and, therefore, did not oppose the latter's agitation until they realized the grave implications of the Sangram Parishad movement. It is unfortunate the Union Government and the Congress High Command took it for granted, at the earlier stage of the Sangram Parishad movement, that this organization was representative of Cachar's public
opinion. Shri Lal Bahadur Shastri himself had no other assessment of the situation either before he announced his formula. The crux of the matter lie there.

New the pertinent question is: Is the proposal to delete the Mahkuma Parishad proviso in terms of the Shastri formula warranted by cold facts of logic and constitutional propriety? The claim of the Sangram Parishad that it represents Cachar opinion has been proved hollow by subsequent events in Cachar, particularly the Santi Parishad's challenge to the Sangram Parishad to speak on behalf of the Cachar people. The Santi Parishad has the support of the Muslims (4,29,457), Manipuris (81,127), Hindustanis (1,16,725), others (57,241) and Hindus—original Kacharis—(about 4 lakhs). These figures taken from the 1951 census show that Santi Parishad represents the vast majority of the Cachar people.

The total population of Cachar is 11,15,865 of whom 6,76,540 are Hindus and 4,29,457 Muslims and the rest others.

The Government of India has apparently no knowledge earlier about the exaggeratedness of the claim of the Sangram Parishad to speak on behalf of the people in regard to the language issue. The Union Home Minister approached the issue on the basis of the Sangram Parishad movement. This eventually annoyed the Santi Parishad supporters, who are Muslims, Manipuris, Hindustanis, and the indigenous people and led to the Hailakandi demonstrations, which were nothing but the expression of Cachar's real voice. It would indeed be a distortion of facts if the Santi Parishad movement is characterized as communal; for if it were communal, why has it had the support of Manipuris, Hindusthanis, indigenous Cacharis who are as good, if not better, Hindus like other Hindus of Cachar?

No one would like to forecast the shape of things about the future trends in Cachar regarding the language issue, but considering the mass rising in favour of Assamese being the official language even at the district level there, it is probable that the Mahkuma Parishads and Municipal Boards by simple majority votes may demand introduction of Assamese there. Then, why should the majority of Cachar people and the people of Assam as a whole be deprived of a constitutional right to use the Assamese language, i.e., the official language? (Section 3 of the Assam Official Language Act, 1960 reads: "Without prejudice to the provisions of Articles 346 and 347 of the Constitution of India and subject as hereinafter provided, Assamese shall be used for all or any of the official purposes of the State of Assam.")

It is not understood why the Sangram Parishad, instead of approaching the President of India under Article 347 of the Constitution and abide by his decision in regard to their grievance on the language issue, launched a movement—militant and uncalled for—to paralyse law and order.

To the Assamese people the Assam Official Language Act, 1960 has not been a fair deal, but considering all factors such as the tribal sentiment, Assam's strategic position, etc., the Assamese people accepted the Act. The Shastri formula, if implemented, will render the Assamese language to the status of a regional one in practice, and side by side, Assam will remain a bilingual State with Assamese and English now and Assamese and Hindi when English is abolished later. What is amazing, Assamese will have no access to Cachar and the Hill districts as official language. This position of the Assamese language having the restricted official status in Assam goes contrary to constitutional propriety and to what the Prime Minister says in course of a letter to Shri Atulya Ghosh in reference to the language issue in Darjeeling in West Bengal:
"But it is clear to me that in giving full recognition to the regional language, such as Nepalese, the State language does not cease to function. The State language is anyhow the language for the whole State...In giving a minority language full protection, we should not do something which may adversely affect some other group in the area."

In regard to the second part in the Shastri formula (Points 4, 6, 7 and 8), it has already been pointed that these 'all within the administrative area. The Government of India's Memorandum of September 19, 1956, is intended to safeguard the interests of the linguistic minorities, if the Assam Government has not followed the Memorandum, it is for them to rectify the omissions and commissions, for no Government is infallible. But then, the linguistic majority believes that the Assam Government have faithfully implemented the Memorandum as any other State Governments in India and have, in fact, been liberal to the linguistic minorities in Assam. The hue and cry is raised by the Bengali speaking people of Assam, who constitute only 19.45 per cent of Assam's total population of 88,30,730 (1951 Census) but who make the preposterous claim to speak on behalf of all the non-Assamese speaking people including Hindusthanis, Marwaris, Manipuris, tribals, Nepalis, etc. This amazing behaviour of the Bengalis in Assam is born out of their "grievance complex" and "extra-territorial outlook." The point 6 in the Shastri formula states some arrangements to be considered for effective implementation of development schemes at the district level (meaning Cachar). The Cachar leaders have now and then alleged that the Assam Government have not paid due attention to Cachar's development. Let the Assam Government reply to this charge. The relevant point in this case is that Assam as a whole is a backward State for historical reasons. District wise Goalpara, Darrang, Nowgong with the same population as Cachar's are undeveloped. But Cachar would like to be treated as though this district is at par with the six plains districts of Assam in the matter of securing educational and other institutions of all-Assam importance.

Indeed the points 4 and 6 in the Shastri formula were ultra vires of the language issue for which the Sangram Parishad launched its militant movement. Matters as outlined in points 4 and 5 regarding the interests of the linguistic minorities and development of Cachar have been raised at time when the atmosphere disturbed by the Sangram Parishad movement on official language issue returned to normal.


Dear Sir,

In continuation of our memorandum submitted to you at Gauhati June 4, 1961, we on behalf of Assam Sahitya Sabha beg to make the following submission for your kind consideration.

1. With the passage of the Assam Official Language Act, 1960 it was earnestly hoped by the people of Assam that the language question was set at rest, and that efforts could now be directed towards the restoration of harmony among different sections of the State's people. May it please be noted also that although this piece of legislation did not adequately meet the desire of the Assamese people and those others who unreservedly supported the cause of the Assamese language being the only official language of the State, Assam Sahitya Sabha and the people of Assam accepted the Act in consideration of the special circumstances then prevailing and in the hope that the safeguards given in the Act to the linguistic minorities- even to the extent of more than what should have been reasonably done- would go to bring back peace to this usually peaceful State.

2. It is very unfortunate that a section of the Bengali population of Cachar, mostly East Bengal refugees and refugee leaders drawn from among the urban people, who have always been very vociferous in their unjust demand for Bengali being made a second official language of the State of Assam, launched a militant organisation like the Cachar Zila Gana-Sangram Parishad. To make the situation more awkward, the Congressmen including legislators and members of the Assam Provincial Congress Committee of the district played the rebel role by joining this unwarranted movement in spite of warnings from the Congress President, and formed Bhasa Andolan Samitis. A very unnatural situation was thus created, and this culminated miserably in the death of nineteen persons as results of police firings on May 19 and June 19, 1961.

3. During this critical situation you were kind to come to Assam and explore possibilities of solving the tangle. But the solutions proposed by you in your declaration of June 6, 1961 of amending Clause 5 of the Assam Official Language Act, 1960 to do away with the provisions relating to Mahkuma Parishads, etc., seemed to have come only under duress of circumstances, and the decision of the Government of Assam and the Executive Committee of Assam Provincial Congress...
Committee seemed to be very hasty, perhaps prompted by a sincere desire to give some fulfilment to the wishes of the agitators of Cachar.

4. But the profession of these agitators to be able to speak out the whole heart of Cachar was very seriously falsified by the events in that district very immediately following their movement. Their agitation roused indignation and sharp opposition in the whole of rural Cachar as well as in the outskirts of the few small towns in the district. The unreasonableness of the demand of the Sangram Parishad was clearly proved by the spontaneous rising among the indigenous people, the Kacharis, the Hmars, the Manipuris, the Hindusthanis, and nearly the whole Muslim population of Cachar. The discomfitures of the Parishad started by May 28, when you were still engaged in the negotiations. The menacing hostility offered by the Sangram Parishad could not suppress the people who came out with open support to the official language, Assamese, in meetings, processions and delegations. We can in no way think, that the strong public opinion thus expressed for having Assamese only as the official language of Assam is to be treated with neglect or connivance if we mean to respect democracy.

5. We, therefore, feel it to be our duty to make the submission that the decision to amend the Language Act in the light of your suggestions will be unwarranted from facts and principles of democracy, and will neither be conducive to the "stabilization of the situation regarding the language issue in Assam" nor in any way "facilitate final peaceful settlement fair to all", which must be the sincerest desire of us all now. This decision, taken under duress and based upon the illegitimate demand of an extremely limited section of Cachar's people, cannot naturally have the effects of permanent good.

6. The Assamese people strongly resent that their legitimate demand for the recognition of Assamese as the only official language of the State, which has been only partially fulfilled in the Assam Official Language Act, 1960 as it stands, will be further adversely affected if the Act is amended so as to do away with the provision regarding Mahkuma Parishads. It need perhaps scarcely be pointed out that with all the safeguards for the minority languages as already embodied in the Act and the amendment to it now proposed, the Assamese language will be reduced to the status of a regional official language within the State. This apparently would be in contravention of constitutional propriety, as has been vouchsafed by the Prime Minister of India's letter to the West Bengal Provincial Congress Vice-President:

"But it is clear to me, in giving full recognition to the regional language such as Nepalese, the State language does not cease to T-action. The State language is anyhow the language for the whole State......In giving a minority language full protection, we should not do something which may adversely affect some other group in that area."

We take our stand firmly on this constitutional right of the official language when we demand that Assam's official language, Assamese, cannot or should not be shut off from Cachar or, for that matter, any other part of the State. We pray that the Government may not do positive harm to the acknowledged official language only in deference to a precipitate demand of unreasonableness.

7. We have already, in our memorandum submitted to you on June 4 last, attracted your attention to the provocative writings of the Calcutta papers and the constant incitements provided by irresponsible utterances of the West Bengal politicians. No peaceful attitude is to be expedited from the Bengalis of Assam until and unless there be a quiet on this agitational front. Without this provocation from outside,
Assam can, we are sure, always be expected to be peaceful. We, therefore, earnestly hope that you would kindly use your kind influence so that the extraneous agencies of vilification and provocation do not disturb Assam's calm.

8. The latest resolutions of the Executive Committee of Assam Sahitya Sabha on the language issue vis-a-vis the Cachar trouble reflect, we believe, the public opinion in Assam, and the Sabha has the apprehension that any attempt at this stage to alter the pro visions of the Assam Official Language Act, 1960, despite all unsatisfactory features in them, will seriously disturb Assam's atmosphere now somewhat stabilized as you rightly judge.

In the circumstance, Sir, we beg to request you to reassess the whole situation, and advise the Government of Assam to take very early steps for the implementation of the Assam Official Language Act, 1960 as it now stands.

Yours faithfully,

Maheswar Neog
General Secretary
Assam Sahitya Sabha

Source: Sandhya Goswami, Language Politics in Assam, Ajanta Pub., Delhi, 1997, pp. 149-152.

Annexure 9
Government of Assam
Political (6) Department
No. PLB. 70/66/173, dated Shillong, the 11th July 1969

From: Shri M. P. Bezbaruah, I.A.S.
Joint Secretary to the Govt. of Assam.

To,
President,
Jamiat-Ul-Ulama-E-Hind, Haibargaon, Nowgong
Sir,

I am directed to say that complaints received from the Jamiat-ul-ulama-E-Hind from time to time against the Govt. Policy and alleged police action in connection with deportation of Pakistan infiltrants were duly considered by the State Govt. After careful consideration of the various allegations put forth by the Jamiat, it has since been decided by the Govt. to adopt a revised procedure in the matter of deportation of Pakistani infiltrants from Assam according to which the services of the tribunals would be dispensed with and there would be no fresh reference to the tribunals. Cases of such infiltrants would henceforth be dealt with under the Foreigners Act.

In order to minimise the possibility of alleged harassment resulting from enumerating persons and checking to ascertain who were Pakistanis and also to avoid inconvenience to travellers by check at Railway stations, it was further

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decided to take utmost care not to harass the general public and as far possible, such investigations should be done under the auspices of responsible officers. Further, there will be no wholesale checking of villages and houses hence forward, only when there are specific suspicious circumstances surrounding a case, which needs to be further gone into would such a probe be made.

Yours faithfully,
M. P. Bezbaruah
Joint Secretary to the Govt. of Assam.


Annexure 10
Treaty of Friendship, Co-operation and Peace between India and Bangladesh,
19 March, 1972.

Following is the text of the Treaty of Friendship, Co-operation and Peace between the Republic of India and the People's Republic of Bangladesh signed in Dacca on 19 March, 1972 by the Prime Ministers of India and Bangladesh.

INSPIRED by common ideals of peace, secularism, democracy, socialism and nationalism,
HAVING struggled together for the realisation of these ideals and cemented ties of friendship through blood and sacrifices which led to the triumphant emergence of a free, sovereign and independent Bangladesh,
DETERMINED to maintain fraternal and good neighbourly relations and, transform their border into a border of eternal peace and friendship,
ADHERING firmly to the basic tenets of non-alignment, peaceful co-existence, mutual co-operation, non-interference in internal affairs and respect for territorial integrity and sovereignty,
DETERMINED to safeguard peace, stability and security and to promote progress of their respective countries through all possible avenues of mutual co-operation,
DETERMINED further to expand and strengthen the existing relations of friendship between them,
CONVINCED that further development of friendship and co-operation meets the national interests of both States as well as the interests of lasting peace in Asia and the world.
RESOLVED to contribute to strengthening world peace and security and to make efforts to bring about a relaxation of International tension and the final elimination of vestiges of colonialism, racialism and imperialism,
CONVINCED that in the present day world international problems can be solved only through co-operation and not through conflict or confrontation,
REAFFIRMING their determination to follow the aims and principles of the United Nations Charter, the Republic of India on the one hand, and the People's Republic of Bangla Desh, on the other, have decided to conclude the present Treaty.
ARTICLE 1

The High Contracting parties, inspired by the ideals for which their respective peoples struggled and made sacrifices together, solemnly declare that there should be lasting peace and friendship between their two countries and their peoples, each side shall respect the independence, sovereignty and territorial integrity of the other and refrain from interfering in the internal affairs of the other side.

The High Contracting Parties shall further develop and strengthen the relations of friendship, good neighbourliness and all round co-operation existing between them, on the basis of the above-mentioned principles as well as the principles of equality and mutual benefit.

ARTICLE 2

Being guided by their devotion to the principles of equality of all peoples and States, irrespective of race or creed, the High Contracting Parties condemn colonialism and racialism in all forms and manifestations and are determined to strive for their final and complete elimination.

The High Contracting Parties shall co-operate with other States in achieving these aims and support the just aspirations of peoples in their struggle against colonialism and racial discrimination and for the national liberation.

ARTICLE 3

The High Contracting Parties reaffirm their faith in the policy of Non-Alignment and peaceful co-existence as important factors for easing tension in the world, maintaining international peace and security, and strengthening national sovereignty and independence.

ARTICLE 4

The High Contracting Parties shall maintain regular contacts with each other on major international problems affecting the interests of both States, through meeting and exchanges of views at all levels.

ARTICLE 5

The High Contracting Parties shall continue to strengthen and widen their mutually advantageous and all round co-operation in the economic, scientific and technical fields. The two countries shall develop mutual co-operation in the fields of trade, transport and communications between them on the principles of equality, mutual benefit and the most-favoured nation principle.

ARTICLE 6

The High Contracting Parties further agree to make joint studies and take joint action in the fields of flood control, river basin development and the development of hydro-electric power and irrigation.

ARTICLE 7

The High contracting Parties shall promote relations in the fields of art, literature, education, culture, sports and health.

ARTICLE 8

In accordance with the ties of friendship existing between the two countries each of the High Contracting Parties solemnly declares that it shall not enter into or participate in any military alliance directed against the other party.

Each of the High contracting Parties shall refrain from any aggression against the other party and shall not allow the use of its territory for committing any act that may cause military damage or to constitute a threat to the security of the other High Contracting Party.
ARTICLE 9
Each of the High Contracting Parties shall refrain from giving any assistance
to any third party taking part in an armed conflict against the other party. In case
either party is attacked or threatened with attack, the High Contracting Parties shall
immediately enter into mutual consultations in order to take appropriate effective
measures to eliminate the threat and thus ensure the peace and security of their
countries.

ARTICLE 10
Each of the High Contracting Parties solemnly declares that, it shall not
under take any commitment, secret or open, toward one or more States which may
be incompatible with the present Treaty.

ARTICLE 11
The present Treaty is signed for a term of twenty five years and shall be
subject to renewal by mutual agreement of the High Contracting Parties.
The Treaty shall come into force with immediate effect from the date of its
signature.

ARTICLE 12
Any different in interpreting article or articles of the present Treaty that may
arise between the High Contracting Parties shall be settled on bilateral basis by
peaceful means in a spirit of mutual respect and understanding. DONE IN DACCA
ON THE NINETEENTH DAY OF MARCH, NINETEEN HUNDRED AND
SEVENTY TWO.

Sd/- Indira Gandhi          Sd/- Sheikh Mujibur Rahman
Prime Minster              Prime Minster
For the Republic of India   For the People’s Republic of Bangladesh


Annexure 11
A memorandum submitted by ICRPC for stopping harassment, dt 3.8.1979

To
The Honourable
Prime Minister of India
New Delhi

Dated, Gauhati, the 3rd August, 1979.

Sub: Memorandum for stopping harassment of Indian citizens in different
parts of Assam in the name of finding out infiltrators from Bangladesh.

Sir,
On behalf of afflicted persons in various parts of the state of Assam, who are
going to lose their nationality as Indian Citizens, we put forward before you serious
grievances for their amelioration and preservation of the most essential right to live
in Assam as free citizens of our country.

Sir, for some months past hue and cry has been raised in press and platform in
Assam and in Assembly and Parliament that a huge number of infiltrators have
entered into Assam from Bangladesh. There have been infiltrations going on in the State of Assam and in north-eastern region from erstwhile East Pakistan and present Bangladesh as an easy and accessible ground for infiltration. We the people of Assam are one with the Government for eliminating and driving out such infiltrators and as we love our country and want to see it prosper and go forward we think that for preserving security of the State we should not tarry a while to co-operate with the Government machinery to eject the infiltrators, who are quite undesirables.

But Sir, instead of properly screening out the infiltrators, it has taken another turn, which has endangered the lives and security of a very large number of people, who after the partition of India entered into India, leaving their hearth and home in erstwhile East Pakistan and those people who settled in Assam having all rights of citizenship are now going to be branded as foreign nationals. To cite a few examples, in Darreng District and in some areas of Kamrup District, systematically attempts are being made to brand large number of persons as Foreign Nationals, by trying to disenfranchise them in a hectic manner under the banner of Indian Union. Villagers of areas in Mangaldoi Sub-Division, in Darrang District and of parts of Kamrup District are facing grave ordeal as at random such people, who have made their permanent homes in Assam, after the partition of India are being heckled at police stations and at centres of B.S.B. and at times forced to put signatures on blank forms to name those alleged foreign nationals. Cases of such persons are given in the enclosed schedule of the memorandum which will speak for itself and this is only to show how thousands of people have been dealt with in Mangaldoi Parliamentary Constituency in Darrang District of Assam.

Sometimes, a single person has signed complainants are taken from some other villages to complain against persons of other villages. Some of such complainants later on admitted before the authorities that they were compelled and forced to Sign on blank forms of making allegations. A sort of a false hearing date is fixed to counter those allegations, but alas, all in vain as no actual hearing is taken. Refugee cards and deeds of Sale, Land Revenue Receipts, Schools Certificates, Tax Receipts and Voters' numbers are not taken into account. Officials are not ready to listen to submissions, they want only those who migrated and came before July, 1948. But what a pity? Is it the Assam Government policy not to allow those persons who left their hearth and home after partition and settled in Assam having citizenship rights to be branded as Foreign Nationals, instead of keeping real foreign nationals out.

The Chief Minister of Assam declared on the floor of Assam Assembly that migrants from erstwhile East Pakistan till 1971 would remain in Assam and preserved as citizens. This statement also is not cared for by the officers and they demand from the persons some such documents which is not upto that declaration nor are they ready to follow the law of the country.

Till creation of Bangladesh there had been agreements between India and Pakistan on the various problems including migration of people from the latter country to India and at any time there is an eruption of violence in the country, there is flow of persons from that country to India. This has been a perennial problem and should be solved by unequivocal methods.

The formula of preserving migrants upto 1971 is not even upto the declaration of leaders of the nation, who at the time of partition declared from House top that if the Hindu citizen of Pakistan after partition could not live in his country and was molested, India would always be open to receive them and allow them to stay for
making new home here. What is about the present Bangladesh, which is a
Theocratic State. Remaining minorities there are living in fear and might cross
border at any time when any fear up takes place. It is for the Government, including
the Central Government to find out a permanent solution to this perennial problem
by setting to whom and how far citizenship right would be extended.

In consternation and fear, we are approaching your kind self therefore to give
us light as to how your Government is going to deal with the problem of foreign
nationals or infiltrators and at the same time save the lives and security of thousands
of innocent persons who have been settled permanently in Assam after partition of
India by giving up their lands and home in erstwhile East Pakistan and who already
played their roles in democratic function of the country being enrolled as voters and
voting in various elections, including those deserving persons, who have been left
out in previous voters' list, and who are entitled to be registered.

You are therefore humbly solicited to apply your most noble consideration as
a leader to save those large number of innocent persons who have their permanent
homes in the State and have adopted this country as their own and ensure that no
Indian National is harassed and left out from electoral rolls in the name of screening
foreign national and allay the panic of suffering people.

It is also submitted that time is high for the Central Government to formulate
its policy of granting citizenship to those persons, who had come from parts of
Pakistan including areas of erstwhile East Pakistan due to uncertainty in that
country, leaving their hearth and home to settle permanently in India. The policy
should declare how and upto what time, India could make room for migrants from
neighbouring foreign country, which was once a part of India and unless such policy
is declared the complication would continue and large numbers of people in various
States of the country would live at the mercy of State policy, devised from time to
time according to sentiments, without caring for the integrity and safety of the
country.

Yours faithfully

1. sd/- Kalipada Sen.
   President, Indian Citizens', Rights Preservation Committee, Assam.
2. sd/- Kabir Roy Prodmani,
   Ex. MLA, Working President, ICRPC
3. sd/- Binoy Roy,
   General Secretary, ICRPC, Assam.
4. (a) sd/- Ajit Kr. Sengupta,
   (b) sd/- Sudhir Kumar Roy,
   Vice-President, ICRPC, Assam.
5. sd/- Kamaiendu Chakrabarty,
   Joint General Secretary, ICRPC, Assam.
6. sd/- Asok Kumar Roy,
   Joint General Secretary, ICRPC, Assam.
7. sd/- Swaraj Kanta Das,
   Executive Member, ICRPC, Assam.
8. sd/- Sailesh Ch. Bose,
   Executive Member, ICRPC, Assam.
9. sd/- Nagen Sen,
   Executive Member, ICRPC, Assam.
Appendix

10. sd/- Ram Ch. Sharma, MLA
11. sd/- Nagen Sharma, MLA.
12. sd/- Binod Behari Debnath, Executive Member, ICRPC, Assam.

Copy to:
1. The Honourable Home Minister, Government of India
2. All M.Ps (New Delhi).
3. The Chief Minister of all States.


Annexure 12
A letter to the Prime Minister of India by the AASU, dt. 18.1.1980

To, The Prime Minister of India, Guwahati

Subject: Problem of presence of foreign nationals in Assam and continued influx of foreigners into Assam from Bangladesh and Nepal.

Honourable Madam,

I take this opportunity to congratulate you on becoming the Prime Minister of India again.

I am writing this letter to draw your attention to the alarming situation created by the unabated information from the neighbouring countries, particularly Bangladesh and Nepal. The problem, in fact, requires no introduction. It exists from the days of independence. It is now agitating the minds of the people of the entire N.E. Region. The situation has assumed such magnitude that the very existence of the indigenous population is threatened. But we are determined to preserve our identity, our history, our culture and our heritage. The Constitution of India certainly guarantees each Indian nationality to do so.

The huge extent of the problem and the serious threat to the territorial integrity of the nation this influx of foreign nationals poses is clearly revealed by the following figures:

<table>
<thead>
<tr>
<th>Year</th>
<th>Population of Assam</th>
<th>% increase Assam</th>
<th>% increase India</th>
</tr>
</thead>
<tbody>
<tr>
<td>1951</td>
<td>8,028,856</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>1961</td>
<td>10,837,329</td>
<td>34.98%</td>
<td>21.64%</td>
</tr>
<tr>
<td>1971</td>
<td>14,625,152</td>
<td>34.95%</td>
<td>24.80%</td>
</tr>
</tbody>
</table>
Commenting on this huge increase of 34.95% per decade compared to the national figure of 24.80% (one of the highest in the world), no less a person than the Chief Election Commissioner of India said at Ootacamund during the conference of the Electoral Officers held from 24th to 26th September, 1978:

"The influx has become a regular feature. I think that it may not be a wrong assessment to make on the basis of this increase of 34.95% between the two censuses, the increase that is likely to be recorded in 1991 census would be more than 100% over the 1961 census. In other words a stage would be reached when the state may have to reckon with the foreign nationals who may in all probability constitute a sizeable percentage, if not the majority population in the state."

There is absolutely no other explanation for this extremely high increase of population other than that of influx of foreigners. If unabated, Assam will have to reckon with perhaps 50 lakhs foreign nationals in 1981, and the Assamese in Assam shall become a minority.

We are not prepared to face such a situation at any cost. We cannot remain silent spectators when the sovereignty of India is attacked. We cherish our Indian constitution. Our constitution clearly defines who is an Indian and who is not. But the provisions of the constitution have been blatantly violated by the politicians of the state. This is again testified to by the following remarks of the CEC:

"Another disturbing factor in this regard is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not Indian citizens, without even questioning and properly determining their citizenship status."

We are now firm to free Assam and India from the grip of the foreign nationals. The number of foreign nationals in Assam has become explosive. The problem must be tackled. The Problem, Madam, does not defy solution. The foreign nationals must be removed from the voters list. It is our duty to prevent foreign nationals from determining the destiny of our state and our country. Electoral roll of every constituency must be thoroughly revised before the ensuing elections. This is a 'must' for the interest of a free, fair and democratic election.

For the effective solution of the problem, we submit some broad proposals which, we believe, must be implemented to detect and deport the foreign nationals.

1. The National Register of Citizens (NRC) of 1951 should be made up-to-date by including the additions to the number of each family since the time of the compilation of the Register.
2. The comparison of the NRC with the successive electoral rolls since 1951 may also be helpful in making it up-to-date.
3. The entire Indo-Bangladesh border must be demarcated at the earliest and a free zone devoid of trees and houses should be created all along the border and anyone crossing it from either side must be shot at. We attach great importance to this suggestion. We have reached a stage when threat to the state of Assam and to the country can no longer be ignored.
4. Identity Cards must be issued throughout the N.E. Region. The process should start immediately and in all the states and union territories simultaneously. This has been successful in Sikkim and we insist upon its implementation in the N.E. Region. We are glad that the Chief Election Commissioner of India has recommended this step to the Home Ministry. We urge the concerned Ministry to immediately implement it.
5. Birth and Death Register at all Block and village level should be strictly maintained in order to prevent future infiltration into Voters' list.

6. Additional number of armed battalions should be raised to help the BSF to check fresh infiltration into our territory. A river Police Force may also be raised to check infiltration through the reverine portion of the border.

Madam, the problem demands immediate attention of the Central Government. Firm and strong decision to detect and deport foreign nationals from Assam can only case & the minds of the people. We believe, you will not allow the people of Assam to feel neglected any more.

We look forward to discuss the problem in detail. Your personal visit to Assam will facilitate the people of Assam to express their determination to work for a lasting solution of the problem.

We firmly believe that this problem of foreign nationals is a national problem and we strongly condemn the communal forces who are trying to discredit the movement.

With regards,

Yours sincerely,

Sd/- P. K. Mahanta
President,
All Assam Students' Union


Annexure 13
A reply to the AASU by the Prime Minister of India, dt. 22.1.1980

AASU received the following reply to its letter on 22 January, 1980. It was brought by Dr. Shankar Dayal Sharma and Shri Yashpal Kapoor. As emissaries of the Prime Minister, they discussed with the ASSU and fixed 2 February, 1980 as the date for discussion between AASU and the Prime Minister of India.

The Prime Minister in her letter said;

Dear Shri Mahanta,

I have received your letter brought by Dr. Shankar Dayal Sharma and Shri Yashpal Kapoor who have also appraised me of the present situation in Assam as explained by you. They have informed me of your attitude and your anxiety to solve this problem in a peaceful manner at the earliest. I am glad to hear of your emphasis on the Gandhian approach of non-violence and secularism.

We are considering your suggestions. Action on some of them, like ensuring the inviolability of our borders, is being urgently taken.

Thank you for inviting me to Assam. As you perhaps know, parliament is meeting from the 21st and a number of foreign dignitaries are visiting us in connection with the UNIDO Conference and Republic Day celebrations. Therefore it
is not possible for me to come to Assam as soon as I should like to do. I suggest that in the meantime you and your colleagues come to Delhi for a discussion.

As you know, I always had affection for the people of Assam and deep concern for their welfare, immediately after assumption of office on the 14th, I asked the Governor to come here and sent my emissaries to study the situation there so as to get full information regarding the situation. I am anxious to find a speedy solution. I am glad to know that you and your colleagues responded in a constructive manner. Now that the process of discussions and implementation of certain steps has started, any activity like picketing, gherao and protest rallies has become redundant. Unfortunately it has resulted in violence and loss of human life. My thoughts go out to the bereaved families of those who are no more.

Yours sincerely,

Indira Gandhi

Shri P. K. Mahanta
President,  
All Assam Students’ Union

That was the beginning of the discussion. The AASU has had a series of discussions since 2 February, 1980. There of these rounds were with the Prime Minister, Mrs. Indira Gandhi herself. So far about a score of rounds of bipartite and tripartite discussions have been held. But the solution to the problem has not been found yet. It appears that the Prime Minister does not visualise the numerous intricacies of the problem. A lasting and just solution cannot elude us if the political considerations are assigned a back seat and the protection of the border and the citizens of India of this region are given supreme consideration.


Annexure 14
A Letter to the Home Minister of India by the AASU, dt. 22.2.1980

Camp: GAUHATI
Dated Gauhati, the 22.2.1980

To
The Home Minister of India
New Delhi

We, on behalf of the All Assam Students' Union, submitted a memorandum to the Prime Minister of India on 21 February, 1980 fully establishing the explosive problem of the presence of foreign nationals in N.E. Region, particularly Assam. On 3rd & 4th February we had detailed discussions with you in New Delhi on various aspects of the problem.

AASU submitted the following demands for acceptance and implementation for a permanent solution of the problem. (The demands are as follows): -
(1) Foreign nationals must be detected and deported from our country.
(2) (a) Names of foreign nationals must be removed from the concerned electoral roll before holding any election in Assam, (b) Inclusion of foreign nationals' names in the electoral rolls in future must be made impossible with the help of an adequate and strong election machinery.
(3) Border of India with neighbouring countries must be fully protected to effectively check infiltration.
(4) Indian voters residing in Assam should be issued Identity Cards with photographs affixed.
(5) Necessary constitutional safeguards should be provided to the people of North Eastern Region for the next 15-20 years by making necessary constitutional provisions for the protection of the identity of the indigenous people in the Region.
(6) The Government of Assam should be free to reject any certificate issued by the district authorities of West Bengal and Tripura.
(7) We demand that the authority to grant citizenship certificate, delegated to the State Government, should be withdrawn by Central Government immediately from all State Governments, so that those foreigners who are detected and deported from Assam do not come back armed with citizenship certificates issued by other States.

ADDITIONAL DEMAND

Fresh nominations must be invited when election for Karbi Anglong and North Cachar is announced after detection of foreigners and their deportation.

We received a letter from the Chief Secretary to the Govt. of Assam (No. PLA 937/80 dt. 11 February, 1980) intimating acceptance of the demands 1, 2, 3 and 4 by the Government of India. However, the Central Government has initiated specific measures neither to detect and deport foreign nationals nor to revise the electoral rolls deleting names of all non-Indians. Similarly, the steps taken by the Central Government to check the continuing influx of the foreigners merely by increasing the number of checkposts to seventy-one along the Assam-Bangladesh border is totally inadequate to convince the people of Assam that Central Government is really serious about stopping the immigration from Bangladesh.

We have also noted that the Government has not put forward any proposal to contain the flow of Nepalis. On the contrary, the Foreign Secretary of the Govt. of India agreed the other day, with the observations of the Foreign Secretary of Nepal, that Nepalis had not created any problem as such in Assam. The Foreign Secretary should have remained from commenting on such a sensitive issue without having any definite knowledge of the actual position.

We hereby reiterate the content of our previous proposals and add a few more, for consideration, to work out a permanent solution of the problem, which, if ignored any more, has the potentiality of erupting in different directions

1. ON IDENTIFICATION OF FOREIGNERS

Since the Govt. of India has agreed to detect and deport the foreign nationals, the Govt. cannot override the constitution in identifying who the foreigners are.

Section 2a (as amended in 1957) of Foreigners' Act, 1946 is read in the case State Vs. Asfaq Ahmed (1961 Cr. LJ. 201, A.I.R. 1961) by the Court as follows:

"Where a person is neither an Indian citizen nor has been recorded as such he would be a foreigner,"

Since our constitution defines who Indian citizens are, there is no necessary either to form a commission or to hold a conference of political parties to look for definition of a foreigner. We are not prepared to grossly violate the constitutional
provisions regarding definition of a foreigner. No political party is also competent to do so.

Therefore, Govt. of India has no alternative but to fall back upon the National Register of Citizens of 1951 to identify the foreigners in Assam. Govt. of India must assume full responsibility of all the foreigners detected. We shall not allow the foreigners to alter drastically the demographic pattern of Assam.

2. ON PREPARATION OF ELECTORAL ROLLS

Govt. of India has agreed to hold elections only after deletion of all foreigners' names from the electoral rolls. This is only in conformity with Section 18 of the Foreigners' Act, 1946 which reads:

"As a foreigner is not a citizen of India, hence he cannot cast his vote in any election as provided in the Representation of Peoples' Act."

We firmly believe that basis of any revision must again be the NRC of 1951. This is the only authentic document of Indian citizens. We suggest that the Electoral Roll of 1952 would be helpful in revising the existing unconstitutional Electoral rolls. Voting right must be a privilege of only the Indians. Decision to fix any other basis for revision of the Electoral Rolls would be unconstitutional.

3. TO CHECK FUTURE INFILTRATION

In our opinion, to check future infiltration most effectively a free zone all along the border would provided the best solution. Unless a free zone is created or a wall is raised as suggested by the Director of Intelligence Bureau in 1962 to Prime Minister Nehru, merely the increase in the number of check posts would surely fail to contain the flow of illegal immigrants from Bangladesh. Furthermore, BSF must remain alert for its role to be credible.

In this regard we suggest that –

(a) Strength of river Police be enhanced to the extent necessary to guard the 800 Km. long Brahmaputra and its tributaries. Modern equipments like speed boats etc. must be provided at the earliest In absence of a sufficiently strong River Police Force to watch the river routes, other measures would be useless.

(b) For better co-ordination between BSF and State Government agencies, the operational command for guarding the border should be at the disposal of the State Govt. We expect the Central Government to give a serious thought to our suggestion.

(c) All railway station must be patrolled. Foreign nationals have organised pockets of residence on both sides of the railway tracks as revealed by the accompanying map. Railway authority must offer necessary help.

We hope our proposals would receive your active consideration. We reiterate our demand that Assam Govt. should be free to reject any certificate (I.C.C.) issued by West Bengal and Tripura Governments. Regarding constitutional safeguard, we shall communicate our opinions latter.

With regards,

Yours sincerely

Sd/- Prafulla Kumar Mahanta
President: AASU
Sd/- Bhrigu Kumar Phukan
General Secretary: AASU

Annexure 15
A letter to the Prime Minister of India by the AASU, dt. 26.2.1980

The talk with the Home Minister turned out to be extremely disappointing. The Govt. side succeeded only creating in more bitterness and greater uncertainty. It was conveyed to the Prime Minister in the following communication:

Gauhati, Feb 26,1980

To
The Prime Minister of India, New Delhi.

Subject:(i) Our memorandum to the respected Prime Minister on Feb.2, 1980 in New Delhi,
(ii) Our discussion with the respected Home Minister on Feb.22, 23 and 24 at Gauhati.

Dear Prime Minister,

We write this letter with a heavy heart. Our discussion with you and the Home Minister in New Delhi, based on our memorandum, raised hope of a speedy solution. Acceptance of our demand that all foreigners should be detected and deported by the Central Govt. was widely welcomed by everyone who thinks for the future of the State. After our return from Delhi, we called a meeting of the executive body and decided to suspend the Mass Satyagraha till Feb. 24, 1980 and hoped that the Govt. of India would in the meantime, announce some concrete steps to implement the accepted demands. The respected Home Minister arrived here on Feb.22, 1980 and we had three rounds of talks. We regret to inform you that the talks ended in a deadlock. We thought the Home Minister would discuss only about the administrative measures to be taken, since the Central Govt. had already agreed to detect and deport all foreigners. On Feb 22, 1980 the Home Minister assured us that every foreigners residing illegally, since independence would be deported. We requested the Home Minister to make a declaration to that effect, which the Minister promised to do the next day (i.e. Feb.23, 1980). However, the next day the Home Minister completely changed his mind and shocked us by saying that 1971 should be taken as the 'base' year to identify the foreigners. Madam, in reference to the constitution, we cannot accept such a proposition. Identification of foreigners must be on the basis of existing Acts. To quicken the pace of identification 1951 NRC would be a valid document and the 1952 electoral rolls could be another guiding factor. The proposal of the Home Minister only implies fixing a political definition of a foreigner. But Madam, you assured us that the present problem would not be solved politically. Such an approach cannot offer any solace to the anguished souls of the people pf Assam. The foreigners must first be detected in accordance with the constitution. There cannot be two opinions about it. Keeping the security of the country in mind, it is extremely important to know every foreigner from Bangladesh and Nepal setting illegally in Assam. But if 1971 is taken as the 'base' year, the problem remains substantially unsolved and a significant number of foreigners would remain undetected forever. In Assam the foreigners seem determined to exploit the truth that in a democracy Ballots are more powerful than Bullets. That would be a sad day for India and the identity of Assam will only be a
historical event. We suspect that State politicians misguided the Home Minister to change his stand on Feb. 23, 1980.

Madam, we had our first discussion with you. We appeal to you to remove the present deadlock. We have once again postponed our next phase till March 2, 1980 as desired by the Home Minister. We earnestly hope that the Central Govt. will not push the people of Assam to a point of desperation.

With regards.

Yours sincerely,

Sd/-

Bhrigu Kumar Phukan
General Secretary, AASU


Annexure 16
A letter to the Governor of Assam by the AASU, dt. 5.4.1980

To
The Governor of Assam
Shillong

Gauhati
April 5, 1980

Dear Sir,

On our return from Shillong your proposal was discussed in detail in our cell. Apart from the 1951-61 decade, the following Govt. compiled statistics for the 1961-71 decade itself suggest that your proposal (detection and deletion on 1967 basis and deportation on 1971 basis) would not free the people of Assam from the threat which is agitating our minds.

The population of Assam in 1961 (Census Report) was 1,08,37,329 registering a phenomenal growth rate of 34.90%. For the period 1961-71, all-India average growth rate was 24.80% which would have been valid for Assam also had there been no influx of foreigners. At this growth rate the population of Assam in 1971 would have stood at 1,35,24,987. But the 1971 census reported the population to be 1,46,25,152 indicating an excess population of 11,00,065. This increase is definitely attributable to the influx of foreigners as in the previous 1951-61 decade. Against this figure, the number of foreigners detected in the same period, according to the State Govt. was only about 2,40,000 out of which about 5,000 could not be deported. Therefore, a huge number of foreigners (more than 7 lakhs) remain undetected. Sir, please appreciate that we call a person to be a foreigner in legal terms. We reiterate that a foreigner must acquire citizenship without violating the constitutional provisions embodied in the Citizenship Act. Furthermore, Sir, you did not indicate what the Govt. proposed to do with the people in the 1961-71 period without citizenship rights. Also we have full reservations on the pre-1967 entrants. We really do not understand how we can redefine an Indian citizen in defiance of the constitution. This brief analysis clearly justifies our apprehension that your proposal would not ensure guarantee for removal of the threat by the foreigners.
Entry of a significant number of foreigners in the period 1962-67 is also reflected in the percentage increase of electors in Assam. In the preceding period, 1957-62, the increase was 10% in 5 years, but the 1962-67 period showed a growth of 13% in 4 years. The 1952-57 period also reveals a pattern similar to 1952-62 period.

Guided by these figures, we believe that the people of Assam will find it difficult to respond favourably to your proposal. However, we do hope, as Governor of our state you would recommend a solution which will adequately take into account the feeling of insecurity of the indigenous people.

We certainly look forward to your help and guidance in working out a solution.

Lastly, we take this opportunity to offer our gratitude for providing conveyance to Shillong and back.

With regards,

Your Sincerely

Sd - Bhrigu Kumar Phukan
General Secretary, AASU


Annexure 17

A letter to the Prime Minister of India by the AASU, dt. 6.4.1980

Gauhati
April 6, 1980

To
The Prime Minister of India,
New Delhi.

Dear Prime Minister,

Once again we write to you to express our determination to strive for a satisfactory solution of the foreigners' issue. Once again we present movement has the limited objective of making the future of our state and our country secure from the threat of the foreigners. We are anxious to go back to studies. But Madam, future identity of our state is at stake. We still look forward to you as Prime Minister of the world's largest democracy to adequately respond to our hopes and aspirations.

We do appreciate the Governor's efforts to work out a solution. We, however, regret to inform you that the Governor's proposal could not make us confident about our identity in future as we would like to be. A copy of our letter to the Governor is enclosed herewith for your kind perusal. Madam we are human beings not without hearts. On humanitarian consideration we are prepared to keep a part of the pre-1971 non-Indians in Assam. We call a person to be non Indian as per laws of our country, but Prime Minister, in appreciation of our apprehension in socio-economic, cultural spheres please do not impose the burden of all of them on us. An acceptable formula was indicated to Shri Kampani by us on March 25 at Gauhati. We earnestly request you to suggest a solution reflecting our expectations.
There is no dispute regarding post-1971 non-Indians as the Govt. has already agreed to deport them. No political leader must question your authority as prime-Minister of India to take a decision to safeguard the existence of a small Indian nationality composed of the indigenous population of Assam. Time alone will justify such an historic decision and for many generation to come, everybody in Assam will remember your endeavour.

Madam, optimism is the fountainhead of our struggle. We are still hopeful that a solution would soon emerge and the crisis of our identity will gradually disappear.

With Bihu greetings and regards,

Yours sincerely,

Sd/-Prafulla Kumar Mahanta
President, AASU
Sd/-Bhrigu Kumar Phukan
General Secretary, AASU

N.B. The Prime Minister did not reply to this letter.


Annexure 18
A letter to the Prime Minister of India by the AASU, dt. 18.6.1980

JUNE 18, 1980

To
The Prime Minister of India,
New Delhi.

Respected Prime Minister,

This Letter is, once again, to convey to you as the Prime Minister of India that A.A.S.U. wants to settle the foreigners' issue through negotiations. As we have been consistently demanding a solution within the framework of the Constitution taking into account the N.R.C. and other relevant documents your declaration on the floor of the Parliament on June 11, that foreigners' problem would be tackled in accordance with the Constitutional provisions is duly noted by the A.A.S.U.

We are convinced that the 1971 has no constitutional sanction even as a 'starting year' for identification of foreigners. As we are determined to solve the problem permanently, we demand the use of N.R.C. prepared in 1951 and the electoral rolls of 1952 which are definitive documents nearest of the constitutional date line of July 19,1948. Again, the persons affected by the communal disturbance in 1950 would be free to produce other authentic documents to establish that they were in India prior to 1951.

Prime Minister, we have also seen newspaper reports that you have an open mind regarding solution of the problem, if the Government announces its policy to detect the foreigners on the basis of the constitution, the N.R.C. and other relevant documents, A.A.S.U. is prepared to respond favourably, withdrawal of repressive
measures including those against the Government employees would create the congenial atmosphere for negotiations.

We look forward to your reply.

With regards,

Yours Faithfully

Sd/ - PRAFULLA KUMAR MAHANTA
President, All Assam Students' Union
Sd/- BHRIGU KUMAR PHUKAN
General Secretary, All Assam Students' Union


Annexure 19
A letter to the Prime Minister of India by the AASU, dt. 25.6.1980

To
The Prime Minister of India,
New Delhi.

GAUHATI
JUNE 25, 1980

Respected Prime Minister,

We have received your letter dated 22nd June, 1980, transmitted to us through the Principal Adviser to the Governor of Assam.

At the very outset, we express our deep condolence at the premature demise of your son Shri Sanjay Gandhi, who was also a member of the Parliament, on June 23, 1980.

We acknowledge your assurance that the foreigners' issue would be solved within the frame work of the constitution. However, you have neither accepted nor objected to using the N.R.C. and the earliest electoral rolls as documents for detection. This raises a question which is of vital importance to us. We would like to know how the Government propose to identify the foreigners. We firmly believe that there exists no documents alternative to the N.R.C. and the first Electoral Rolls prepared after adoption of the Constitution, to detect the foreigners within a reasonable period of time. We request you to clarify this aspect.

There is another important aspect of the problem. Regarding deportation, you have unambiguously stated that those who entered India after 1971 must go back to their own country. We also appreciate your statement that all re-infiltrators would be deported. However, the Government has expressed its inability to deport the persons who came before 1971. Under such circumstances, we would like to know what the Government propose to do with those persons whom the Government cannot deport. Any solution aimed at keeping the entire bulk in Assam, would surely be unacceptable to us. Any practical solution must be capable of removing the sense of insecurity from the minds of the people of Assam in the socio-political, cultural and economic life.

In this regard, as reported in newspapers, you told parliament (June 11) that no burden should be imposed on Assam because of the presence of foreigners. Again on May 5, 1980 the Home Minister announced in Chandigarh that the persons who
could not be deported would be settled in other States. AASU has also been suggesting that the persons who entered Assam between 1951-70 (Fifty one to Seventy) period should be distributed among all the States.

We believe that negotiations on the above basis can lead to a solution. We are ready for talks once the repressive measures including those against the Government employees are withdrawn.

Lastly, looking forward to your reply we would like to inform you that copies of this letter will be released to the press in due course.

With regards,

Yours Faithfully,

Sd/- PRAFULLA KUMAR MAHANTA
President, AASU

Sd/- BHRIGU KUMAR PHUKAN
General Secretary, AASU


Annexure 20
A reply to the AASU through Chief Adviser Govt. Assam, dt. 7.7.1980

The PM's Office replied to the letter on July 7, 1980
Principal Adviser to the Governor of Assam.

No. PRIN ADV/63.

July 9. 1960

Dear Shri Mahanta,

The following reply has been received from PM's office with reference to your letter of 25th June 1980, addressed to the Prime Minister:

D.O. No. 7406/AS (K)/80
New Delhi
Dated 7th July, 1980

Dear Shri Mahanta,

Prime Minister has received your letter of 25th June. In your letter you have sought clarification on certain points. I am directed to say that the PM has mentioned in her letter of the 18th June that the Government of India are not rigid in their approach. During discussion, various aspects of the matter could be gone into. You would have ample opportunity to express your views and make such constructive suggestion which will lead to a practical solution of the problem.

Government regrets that you have started another phase of the agitational programme commencing from the 4th July. Government hopes that you will give up the path of agitation and begin the process of dialogue so that a solution to the problem can be found soon.

Yours sincerely
Sd/- C.R. Krishnaswamy Rao,
(Sahib Krishnaswamy)

Yours sincerely
H C Sarin
Shri Prafulla Kumar Mahanta,
President, All Assam Students' Union.
Gauhati

According to AASU, the reply was silent on all the vital points raised in their letter of June 25, 1980. Message of the reply, however, was clear: Govt. lacked political will and initiative to face the basic issues. The public statements of the Prime Minister had always been in favour of the foreigners.

On July 12, 1980, AASU and AAGSP offered to suspend the agitation if the Govt. agreed on a detection principle within the framework of the constitution. This was made known to the Home Minister, Govt. of India, in letter signed by the General Secretary of AASU and convenor of AAGSP.


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**Annexure 21**

A letter to the Home Minister of India by the AASU, dt. 12.7.1980

July 12, 1980

The Home Minister
Government of India
New Delhi

Respected Home Minister,

On behalf of the All Assam Students' Union and the All Assam Gana Sangram Parishad, we would like to inform you that the current phase of the agitation excepting blockade would be suspended if the Government declares the policy of detection of the foreigners as follows:

"The foreigners would be detected on the basis of the constitution and the laws, as exist today, including the Citizenship and the Foreigners Acts framed and adopted under it. In doing so the N.R.C., 1951, the 1952 Electoral Rolls and other relevant public documents shall be made use of."

Please communicate your decision to us. Simultaneous declarations along the lines, as indicated above, would greatly help in relaxing the atmosphere.

In the next stage the Govt. should withdraw all the repressive measures including those against the Government employees before starting the negotiations.

With regards,

Yours Faithfully

Sd/- BHRIGU KUMAR PHUKAN
General Secretary, AASU
Sd/- JATIN GOSWAMI
Convenor, AAGSP.

Annexure 22
A letter to the Home Minister of India by the AASU, dt. 13.11.1980

To
Union Home Minister
New Delhi-110001

Respected Sir,

We have received your letter dated Nov. 12, 1980.

We find it difficult to accept your contention that we have chosen to remain adamant. In the last meeting at Delhi we were the first to invite you to Assam for any further talks on the foreign nationals’ problem. We therefore, hope that our proposal will be accepted by you.

We shall be happy if you kindly spell out which concrete measures have been initiated to implement the demands contained in our memorandum to the Prime Minister submitted on February 2, 1980. The last 33 years, the history of neglect and apathy to which the indigenous people of Assam have been subjected to, have taught us not to be satisfied with mere assurance of the Central Govt. Only yesterday the Prime Minister mentioned the Assam problem in the NIC meeting and said that any solution must not harm the minorities. Will you kindly explain to the people of Assam how detection of foreigners, on the basis of 1951 NRC only to avoid harassment to any genuine Indian, would harm the Indian minorities irrespective of religion? On the other hand, in the last Delhi meeting you suggested that the ‘displaced persons’ should be given special treatment, implying thereby that religion should be a factor in the detection process. We are all opposed to it. If the Central Government adopt such an attitude, the unity of the different sections of Indians residing in Assam and belonging to different religious groups will be jeopardised. We can never allow such a situation to develop. The detection process, therefore, must be on the basis of the constitutional provisions and the 1951 NRC.

We hope, you will come to Assam and announce a solution satisfactory to the people of Assam. Unless the Central Govt. comes forward, Assam shall continue to suffer.

With regards

Yours sincerely,

BHRIGU KUMAR PHUKAN
General Secretary, AASU

A Memorandum Submitted by ICRPC on role of Assam police in the Mass manslaughter, dt. 31.5.1980

To,
The Prime Minister of India,
New Delhi.

Subject: Facts about Assam: Role of Assam police in the Mass manslaughter on 26.5.80/27.5.80.

Madam,

On behalf of the oppressed and down-trodden members of the minority communities of Assam, I beg to bring to your notice the reign of terror and inhuman atrocities let loose by Assam Police in close concern with AASU and AGSP and other communal elements. The police atrocities have assumed menacing proportions in the wake of the peaceful demonstration organised by AMSU on 26.5.80. Recent events have made it crystal clear that the right to demonstrate and agitate are the exclusive preserve of the “King’s race”, viz, the majority community, while the minority community must silently suffer all the indignities and atrocities heaped on them.

Background

It may be recalled that scores of houses belonging to the minority communities at Tulsibari near Rangia were burnt in Kamrup District during the second week of March, 1979 by the communal elements, with the connivance of the Assam police. After that in the name of detection and deletion of names of foreigners, from the voters list, Assam police launched a systematic campaign of harassment from April 1979 to October, 1979. In this process, thousands of Indian Nationals belonging to religious and linguistic minorities were deprived of their most sacred right of franchise in an arbitrary and illegal manner. Almost simultaneously from the month of August, 1979 onwards at the instigation of the Assam police the communal elements led by the AASU and AGSP started their much vaunted peaceful democratic movement to detect and deport so-called foreign nationals, in consequence of which at least 100 people belonging to the minority communities were murdered, 7,500 houses were but and 20,000 people rendered homeless all over Assam. The police never resorted to firing to protect the lives and properties of minority communities since March, 1979, till today. Even during the Nalbari carnage where at least 44 people were brutally murdered 4000 homeless, no firing took place. The lone police firing Sarthebari was directed against the minority communities in consequence of which two helpless displaced persons were killed.

In peculiar contrast to the callous and calculation inaction of the Assam police, the over-zealous action, nay sadistic and inhuman atrocities let loose by them on the minority communities from 26.5.80 onwards is most significant. We are convinced that the Assam police in league with AASU and AGSP have hatched a sinister conspiracy to deny freedom of expression through peaceful procession by the minority communities. We would like to point out that 8 (eight) Bengalis and Biharis have been killed at Tinsukia, 2 Bengalis were murdered at Morigaon, 1 (one) Bengali was stabbed to death at Barpeta road and another Bengali was murdered at Howli on the eve of the protest demonstration staged by AAMSU.
Assam police remained absolutely passive when AASU brought out Torch-light processions and organised demonstration with martial music in blatant violation of the Cr P.C. orders. It goes without saying that no firing was resorted to by Assam police any where so long as demonstrations, processions, gheraos were being organised by AASU and AGSP, but the moment peaceful processions were brought out by AAMSU on 26.5.80 they were subjected to a combined assault by the AASU and the Assam police. We would like to point out the gross and partisan behaviour of the Assam police on the 26th and 27th of May, 1980, by citing the following few concrete instances:

1. 60 houses belonging to the minority communities were set on fire by armed hooligans of the majority community at Chaprakata, Bageswari and Bakrivita under Bongaigaon P.S. and 2 persons belonging to the minority community were murdered in the very presence of the police.
2. At Doloigaon, Dhaliigaon and New Bongaigaon many houses of the minority communities were burnt and one person was killed.
3. At Dhekiajuli P.S. many houses belonging to the minority communities were burnt, ladies and children were brutally assaulted, houses and belongings were ransacked by the miscreants belonging to the majority communities.
4. 15 houses belonging to the minority communities at Oubari near Thelamara in Darrang District.
5. At Dhing, the AASU and AGSU volunteers obstructed processionists belonging to the minority communities at Balisatra village under Dhing P.S. and firing from a shot-gun took place resulting injured 20 persons belonging to the minority communities.
6. At Nowgong and Samaguri AAMSU processionists were obstructed by AASU and AGSP volunteers preventing them from submitting their memoranda.
7. At Samaguri the local Sub-Deputy Collector was confined belabored by AASU volunteers for receiving the memorandum from AAMSU which was snatched away and torn to pieces.
8. At Chaprakata and Abhayupuri, nearly 100 houses belonging to the minority communities were burnt in the presence of the Assam police.
9. At Tulungia Chariali 25 houses and at Amtola, 40 houses belonging to the minorities were set on fire without any resistance from police.

**Police Atrocities**

In close contrast to police inaction in the above incidents the over-zealous, vindictive and brutal atrocities of the Assam police on the 26th and 27th May are listed below.

1. Police opened fire on peaceful processionists belonging to the minority communities, killing 10 persons and injuring numerous people, merely because they violated prohibitory orders and expressed a desire to submit a memorandum to the local S.D.O. of Bijni in Goalpara District.
2. Police opened fire at Lengthisinga killing two persons belonging to the minority communities and injuring scores to people for violation of prohibitory orders.
3. Police opened fire at Rupahi, Juria, Dohgaon, Mukundati, Leteripar and other places in Nowong District in a most brutal and indiscriminate manner, killing at least 10 persons belonging to the minority community.

It would appear from above that minority community cannot expect any justice from Assam police which has become a tool in the hands of the chauvinistic
and communal elements. They are taking direct orders from AASU and AGSP and are engaged in killing, maiming and torturing minority communities in an attempt to deny basic human and civil rights to the minorities.

Without your personal intervention the situation is bound to deteriorate and it would be impossible for the minority communities to live in Assam with human dignity and honour.

Submitted by:
Indian Citizen Right Preservation Committed, Assam.

Latest Assam Situation: The Partisan Role of the Executive and the Police and the Contribution of the Mass Media

What is happening in Assam now in the wake of the prolonged agitation on the issue of 'foreign nationals' has brought to focus the near-helplessness of the authority in ensuring proper law and order on the one hand and the protection of the linguistic, religious and ethnic minorities as well as those who differ with the agitationists' approach on the other. Side by side have appeared in bold relief the harmful effects of false propaganda unleashed through the mass media in the Brahmaputra Valley. As the press here is monopolised and controlled by the socio-economic cum caste forces spearheading the chauvinist-jingoist campaign bordering on secessionism, the people are subjected to unrelenting pressure of their campaign day in and day out.

The powerful forces behind the present agitation with their ramifications inside the state Government apparatus have also pressurised the news agencies to dish out lies and slanted versions with a view to misleading the public opinion within the State as well as outside. How nationwide misunderstanding was caused due to catering of slanted stories about promulgation of the P.O. Ordinance and the Assam Disturbed Areas Act, the Armed Forces Special Powers Act, etc. and wide publicity given to the Section 4 of the Assam Disturbed Areas Act and the Section 4 (1) of the Armed Forces Special Powers Act with disturbed versions like 'Shoot At sight' "Shoot To Kill" etc. is too recent to merit further elaboration.

Then the news agencies circulated false stories about 'detection of Bangladeshis by people' when actually Indian nationals belonging to religious or linguistic minorities were wrongly harassed by the volunteers of the agitation and the matter resulted in institution of cases of wrongful confinement, etc. against the agitaitonist volunteers.

In connection with the observance of the 'Demand Day' by the All Assam Minority Students Union on May 16 last the press in the Brahmaputra Valley and the news agencies reporting from the Valley deliberately distorted facts by dubbing the minorities as Bangladeshis and thus created a wrong impression throughout the country and abroad.

Happenings at Tinsukia during the middle of May 1980 have already shown the sad and sordid consequences of the partiality of the executive and the State police despite earnest efforts made by the Assam Government under the able and imaginative leadership of Mr. H.C. Sarin to salvage whatever had remained of an effective machinery of Government in the state.

The way in which a section of the executive and the police acted on May 26 in parts of Goalpara, Nowgong etc. has clearly demonstrated that the riot in Assam required to be tackled more thoroughly, particularly when the Assam Civil Service Association had openly thrown discipline, norms of conduct etc. to the four winds through resolutions pledging full support to the agitation. While full reports are still
awaited from all areas, it is sufficient to cite the instances of Bongaigaon, Bijni, Abhoyapuri and Gossaigaon in Goalpara district and those of Nowgong district to stress that the Assam Civil Service officers posted in these places and some of the police officers to unprovoked firing on the minorities while the minorities coming in peaceful unarmed processions were attacked by pro-agitation elements who came armed. Not a single shot was fired upon armed pro-agitation volunteers or crowds when they attacked peaceful minority processionists or when they attached with bow and arrow, other arms etc. and raided minority habitations near Bongaigaon. Any impartial inquiry into these incidents will throw, more light on this aspect.

Now that the all Assam Students Union and the All Assam Gana Sangram Parishad have openly threatened dire consequences to the minorities and others (including political workers holding views opposed to the agitation) and been raising a volunteer crops named S.S.B. and training it, the Central Government should view the situation with all seriousness. For the Central Government to correctly assess the developing situation is needed proper and objective gathering of information and intelligence, while it is not possible for people not connected with the Government to know whether the authorities are getting correct 'intelligence', there are reasons to believe-from the continued state of paralysis and partiality to which the State Government machinery has fallen-then there are big deficiencies in this sphere. This handicap should be overcome at the earliest so that the authorities get correct information and intelligence. They like their counterparts, in Assam know that any independent agency like army and intelligence agencies are entrusted with the preservation of law and order their so called movement reared are entrusted with the preservation of law and order their so called movement reared under the local administrative protection would collapse.

Circulated by:
Indian Citizen Rights Preservation Committee, Assam.

Note on Incidents and Attacks on Minorities in Goalpara District, Assam

1. Bijni incident on 26th May by Police Firing.
   (i) A procession of Minority students and supporters started from Bijni Vidya Pith high School field numbering about 40 thousand people to observe demand day and submit a Memorandum to the S.D.C. Bijni. They were not given written permission but A.D.C. Dhubri D.S.P. Dhubri and S.D.C. Bijni met the processionists at the field and allowed them verbally to proceed with the procession. When the procession came on the road over a wooden bridge the S.D.C. Bijni (Chandi Ram Saikia) ordered unwarrantedly to fire on the procession and the O.C. Bijni also asked the armed forces to fire in air (blankfire) and the processionist turned back, when the procession was going back over the bridge the S.D.C. Bijni, Chandi Saikia took a rifle from a policeman and fired on the procession which was going back. He fired about ten rounds and asked the armed forces to fire at random. More than hundred rounds were fired and about fifty persons were killed and innumerable injured.
   (ii) The D.C. Bijni P/S had an intention to disburse the processionists by Lathi Charge, Tear gas and blank fire and accordingly he did so, but the S.D.C. with his ill motive turned situation to a tragic one by firing himself and asking the Assam Police to fire on the processionists.
(iii) The O.C. Bijni P/S was beaten by S.D.C. Bijni himself and some other Assam Police men. Some other police persons were also beaten and injured by some furious Assam Police, who had ill motive to fire and kill the minorities.

(iv) Some AASU members were present there and helped the S.D.C. Bijni and police to make such a tragic incident. The AASU members also supplied some weapons like lathi, surki, arrows, stones and brick etc. after the police firing so as to make the police and S.D.C. enable to say and show that as if they were attacked by the violent mobs of processionists and accordingly for their defence they made a statement and reported to the authorities.

(v) It is presumed that it was a pre-plan conspiracy of few officers with some AASU members. When the A.D.C., D.S.P. Dhubri were present there well ahead and trapped them on a wooden bridge to kill the minorities an inhumanely and ruthlessly.

(vi) During Curfew the AASU members are freely moving with cycle in the Bijni town and guiding the police for terrorising the minorities. At Ghutmi Ghar Bijni Bazar areas was burnt during the curfew hours by the AASU members. One Swapan Paul, employee of Hotel Balaka was called out at night by one Bandjit Das and 30/40 AASU members beaten him along with the home guard and police on the pretext that he burnt the Ghuntighaire. Later Sri Swapan Paul was arrested by police and reminded to jail hazat.

(vii) Death and injuries - Death -14 (fourteen) dead bodies sent for postmortem at Dhubri, about 35 dead bodies hidden and taken away by Assam police. Injured about hundred (100) persons.

2. On 26th May when some minority students of Sapatgram and Fakrigaon of Goalpara district were coming to Kokrajhar by bus to join the observance of demand day at Kokrajhar town, mid way at Futkibari village they were obstructed and attacked by a violent mob of AASU members and about 15 minority students were injured, 3 minority students were seriously injured and hospitalised, no legal steps were taken by the local authority to weed out the miscreants and maintain peace and order in the Futkaibari area where a few more stray incidents took place.

3. In Bongaigaon several attacks on the procession of the minorities by the miscreants and police and 5 persons were killed and injured innumerable others.

4. In Dhaligaon several houses of minorities were burnt by the miscreants and the AASU members and two persons of the minority community were burnt to death.

Submitted by:
Indian Citizen Rights Preservation Community,
Kokrajhar, Assam

Assam Population Pattern and Its Devolution

When the horizon of India is clouded with the cry of foreigners in Assam and when the Government of India is engaged in finding out a solution with the students of Assam and their fellow travellers of Gana Sangram Parishad it is obvious that the issue of foreigners endangering Assamese culture is a camouflage to conceal their real motive and objective. Public memory is proverbially short but it is a pity that the politicians and the people at the helm of the Government forgot the population pattern of Assam and the significance of the same as explained by the census commissioner of Assam. Let us begin with the year 1931 as the base year, as the
1931 census in Assam was never challenged from any quarter and it is accepted by all sections of the people. The population of Assam (major linguistic groups) as per 1931, 1951 and 1971 census are given hereunder. Assam had two valleys namely Assam Valley and Surma Valley (now Barak Valley).

<table>
<thead>
<tr>
<th>Linguistic Groups</th>
<th>1931 Census</th>
<th>1951 Census</th>
<th>1971 Census</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assamese Speaking</td>
<td>19,78,823</td>
<td>49,13,929</td>
<td>89,04917</td>
</tr>
<tr>
<td>In Assam Valley</td>
<td></td>
<td>Increased by 150%</td>
<td>Increased by 350% after 1931 census</td>
</tr>
<tr>
<td>In Surma Valley</td>
<td>3,692</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

(No Separate figures are available for Cachar district where Assamese speaking population is very negligible)

<table>
<thead>
<tr>
<th>Bengali Speaking</th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>In Surma Valley</td>
<td>28,48,454</td>
<td>6,32,021</td>
</tr>
<tr>
<td>In Assam Valley</td>
<td>11,05,581</td>
<td>8,14,979</td>
</tr>
<tr>
<td>Total</td>
<td>39,54,035</td>
<td>28,80,000</td>
</tr>
</tbody>
</table>

Minus-Sylhet district in Bangladesh Decreased by 25% Increased over 1931 census by 50%

<table>
<thead>
<tr>
<th>Total</th>
<th>20,00,000</th>
</tr>
</thead>
<tbody>
<tr>
<td>19,54,035</td>
<td></td>
</tr>
</tbody>
</table>

Other Linguistic Groups Bodo, Hindi, Kuki, Chin, Khasi, Naga, Mikir, Manipuri, Nepali, Abort, Oriya etc.

| Grand Total      | 61,66,000 | 87,13,929 | 1,46,80,000 |

N.B. At the time of partition of the country nearly 20,00,000 has Bengali speaking people of Sylhet District and gone with East Pakistan leaving a balance of 19,54,000 in Assam (11,00,000 in Assam Valley and 8,54,000 lacs in the District of Cachar and 4 Thana of the Karimganj Sub-division of the erstwhile Sylhet District which has been tagged with India and later formed a Sub-division in Cachar District).

Bengali speaking population in Assam as per the 1931 census was twice that of the Assamese speaking population. But after the partition of the country, the number of Bengali speaking people was reduced by 20,00,000 lacs, the number of Assamese speaking and Bengali speaking people in Assam became equal in number according to 1931 census. In 1941, there was census but due to our economy classification on linguistic basis was not made. But curiously enough after 20 years from 1931 to 1951. Assamese speaking people increased from 19,00,000 to 49,00,000 lacs that is by 150% and by another 20 years, that is from 1951 to 1971, they have increased to 89,00,000 lacs, that is an increase by 350% in the span of 40 years of time (1931 to 1971).

On the other hand the equal number of Bengali speaking people according to 1931 census had gone down from 19,00,000 lacs in 1931 to 14,47,000 lacs in 1951, that is they were reduced by 25% from their original number. A part from the
natural growth of population figure there was a large scale influx of refugees in Assam from East Pakistan during the period of 1947-1950. In 1971 census however, the Bengali speaking population has gone up to 28,80,000 lakhs in Assam, there by causing an increase of only 50% after 1931 census. The Assamese group having a population of 19,00,000 in 1931 has gone up to 89,00,000 lacs in 1971 that is an increase by 350% but the equally large Bengali speaking population of 19,00,000 lacs in 1931 has increased to 28,80,000 lacs in 1971 that is an increased by 50% only.

yet :-

The Assamese speaking population which has increased by 350% has raised a hue and cry that there is an influx of more than 4 million foreign nationals. Now let us consider here certain facts. After 1951 census the then Census Commissioner of Assam, Mr. R.B. Vaghaiwalla, I.C.S. made the following comments on the census report of 1951 (Vol. XII, part 1-A, pp. 413-14) about the Biological miracle of the growth of the Assamese people.

A comparison with the percentage of population speaking three different languages in 1931 for which alone figures are available, reveals an interesting tale. There was no tabulation in 1941 as a measure of war economy. Hence we have no figures regarding the distribution of Assam's population according to language for 1941. There is a striking increase in the percentage of people who speak Assamse in 1951 (56.7 over those of 1931 which was only 21.4%). There is an equal decrease in the percentage of the people speaking Bengali in 1951 which is only 16.5% against 26.8 per cent in 1931. With the solitary exception of Assamese every single language or language group in Assam shows a decline in the percentage of people speaking in Assam. All this decline has gone to swell the percentage of people speaking Assamese in 1951. The figures do not fail to reflect the aggressive linguistic nationalism now prevailing in Assam....."

The above comments are self-explanatory. But it is quite surprising that the Government of the country accepted such an absurd increase of population for political reasons and allowed one linguistic group to eliminate the real majority group of people who were none but the sons of the soil. Though by juggley of figures, the Assamese people collusion with their state Government officials converted a majority community into a minority in the census report and the members of the community are actually living continuously and permanently in Assam and are still there.

There was a severe holocaust tri 1960 in Assam. After the holocaust a Parliamentary delegation headed by the late A.P. Jain was sent to Assam and this delegation submitted a Report to the Government of India (quoted below the relevant portion of this report):

The Bengali speaking people question the accuracy of the 1951 census figures in so far as they relate to the Assamese speaking population. According to the 1931 census, the Assamese speaking population numbered only 19.8 lacs which during the 20 years 1931 to 1951 jumped to over 49 lacs or by 150% against an increase of about 4 lacs during the preceding 50 years beginning from 1881. The Bengalees have questioned these figures before the State Reorganisation Commission. Their contention is that these figures were inflated to provide justification for the introduction of Assamese as the state language. We have tried to seek an explanation for this extraordinary increase, which is not warranted by natural growth of population. From the Assam Government we were told that all the
Muslim Bengalees of the Brahmaputra Valley who had formerly registered themselves as Bengali speaking, had in 1951 voluntarily declared themselves as Assamese speaking. We are not altogether satisfied with the explanation.

The delegation was not satisfied with the explanation given by the Government of Assam. It is evident that in course of last 30 years there has developed a fear complex amongst the Assamese speaking people that the Muslim population would no longer support them as they have been estranged by the linguistic atrocities committed on them. The Assamese people now feel that they cannot depend or rely on the support of the Muslim population any more and hence the fear complex of being ousted from power has exercised their mind and coloured their vision as they are apprehensive of the 1981 census. **If the Muslim population withdraw support and register themselves as Bengali speaking, then the Assamese speaking population becomes a minority.** Hence to conceal the fear complex, they have started disorder and lawlessness and raised a hue and cry about the imaginary influx of foreign nationals and have partly become successful in diverting the attention of the country to them. No politician has ever questioned them how there was an increase of 350% in the Assamese speaking population within a span of 40 years of time and how there was a decline of other linguistic groups permanently residing in Assam. Most of the officers of the Assam Government and also of the Central Government never tried to correct the anomalies of the 1951 report as pointed out by the Census Commissioner and the late A.P. Jain.

Besides these, there is the Immigrants Expulsion Act of 1950 which clearly gives protection to the people who entered Assam from the territory of the erstwhile East Pakistan either being oppressed or due to the fear of oppression.

1. Let it be first decided which group of people has swelled their number fictitiously with ulterior motives.

2. If the census records of Assam from 1931 to 1971 be compared with that of the rest of India can a single such instance be cited that a particular group of people increased by 350% in course of 40 years? The cry for deportation of other groups of people from Assam relates to those who have been dishonestly eliminated from the census record but who have all along been living in Assam. But will they be deported and branded as foreign nationals merely because chauvinistic groups do not like their presence?

Circulated by:
N.C. DAS, Secretary
Indian Citizen rights Preservation Committee, Assam
3.6.1980

Annexure 24

Resolution of Jamiat-Ul-Ulema-E-Hind, Assam, dt. 24/25.4.1984

Extracts of proceeding of the 14th Conference of the State Jamiat-E-Ulema-E-Hind, Assam held on 24th and 25th April 1984 at Badarpur under the Presidentship of Hadrath Moulana Ahmad Ali Shaheb the President of the State Jamiat-E-Ulema-E-Hind, Assam.

Resolution No. 1: This conference expresses a deep sense of condolence and pays homage to the departed souls of General Shah Nawaj Khan former Central Minister, Sri Bishnu Ram Medhi, Former Chief Minister of Assam, Moulana Montaj Uddin shaheb Ex-Mohtamim, Darul-Uloom, Deobond, Shekui Hadith Hadrath Moulana Zakaria Shaheb, Sharenpuri and Shri Kamakksya Prasad Tripathi, former Minister of Assam.

Resolution No. 2: The Central Government arrives at a consensus in the matter of fixing the cut-off year and date to be 25th March 1971 after due consultation with and the National Political Parties taking the Minority organisation namely the Jamiat-E-Ulema-E-Hind, Citizens Rights Preservation Committee and Minority Students Union into confidence and this Conference reiterate their demand once again for determination of 25th March 1971 to be the cut-off year in view of the Indira-Mujib pact and other allied laws of the countries concerning citizenship as embodied in the Constitution of India.

This conference urges upon the Government not to deviate from the declared policy arrived at on the basis of National Consensus otherwise it may cause, confusion and complicity.

Resolution No. 3: This conference expressed grave concern over the unnecessary harassment maeted out to religious and linguistic minority residing permanently in the State of Assam due to abnormal situation arising out of the result of so called foreigners movements launched by the extremist secessionist force since the last 4/5 years constantly threatening the sense of security from the minds of the people belonging to all minority communities irrespective of caste, creed and religion and at the same time this conference welcomes the decision of the Government to set up tribunals to detect the illegal migrants, in this connection the Government be urged upon to take necessary steps so that no citizen be harassed in the process of screening or otherwise.

This conference legitimately demands the inclusion of a member from the organisation of Jamiat-E-Ulema-E-Hind as associated member in the Screening Committee.

Resolution No. 4: This conference expresses grave concern at the attempt of the Central Election Commission to correct the Voters’ List on the basis Voters’ List of 1971 which is contrary to law and justice in view of the simple fact that no name of a citizen can be dropped from the pending Voters’ List of 1979 unless and until they are declared by the Tribunal to be illegal migrants.

Hence be it resolved that the Government be urged upon not to take cognizance of any such recommendation if any of the Election Commission to disfranchise the citizen and deprive him of his political right granted in the Constitution.

Resolution No.5: This conference condemns the atrocities committed on the life of innocent people of the State in the name of so-called Foreigners Movement at the instance of AASU and Gana Sangram Parisahad for the last few years and
expresses deep sense of sorrow and condolences on the death of innumerable persons and pays homage to their departed souls.

Resolution No. 6: In spite of the declaration of the state Government to accommodate the religious minority in the matter of services as per population pattern, on tangible development is visible in different departments of the Government.

Therefore be it resolved that the Government be urged upon to implement its assurance to accommodate the religious minority community in the different services so that the population pattern may be reflected.


Annexure 25
THE ILLEGAL MIGRANTS (DETERMINATION BY TRIBUNALS) ACT, 1983 (ACT NO. 39 OF 1983)

An Act to provide for the establishment of Tribunals for the determination, in a fair manner, of the question whether a person is an illegal migrant to enable the Central Government to expel illegal migrants from India and for matters conceded therewith or incidental thereto

Whereas a good number of the foreigners who migrated into India across the borders of the eastern and northeastern regions of the country on and after the 25th day of March, 1971, have, by taking advantage of the circumstances of such migration and their ethnic similarities and other connections with the people of India and without having in their possession any lawful authority so to do, illegally remained in India:

And whereas the continuance of such foreigners in India is detrimental to the interests of the public of India.

And whereas on account of the number of such foreigners and the manner in which such foreigners have clandestinely been trying to pass off as citizens of India and all other relevant circumstances, it is necessary for the protection of the citizens of India to make special provisions for the detection of such foreigners in Assam and also in any other part of India in which such foreigners may be found to have remained illegally;

Be it enacted by Parliament in the Thirty-fourth Year of the Republic of India as follows:

CHAPTER I. PRELIMINARY

1. Short title, extent commencement: (1) This Act may be called the Illegal Migrants (Determination by Tribunals) Act, 1983.
(2) It extends to the whole of India,
(3) It shall be deemed to have come into force in the State of Assam on the 15th day of October, 1983 and in any other State on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different States and references
in this Act to the commencement of this Act shall be construed in relation to any State as references to the date of commencement of this Act in such State.

2. Application: Nothing in this Act shall apply to or in relation to:
   (a) any person who was in any State and who had been expelled from that State or India before the commencement of this Act in that State or in relation to whose expulsion from such State or India any order made before such commencement under any other law is in force;
   (b) any person detected as a foreigner at the time of his entry across any border of India;
   (c) any foreigner who, having entered into India under a valid passport or travel document, continued to remain therein after the expiry of the period for which he was authorized to remain in India under such passport or travel document.

3. Definitions and construction of references: (1) in this Act, unless the context otherwise requires.
   (a) "Appellate tribunal" means an Appellate Tribunal established by the Central Government under sub section (1) of section 15;
   (b) "foreigner" has the same meaning as in the Foreigners Act, 1946 (31 of 1946);
   (c) "Illegal migrant" means a person in respect of whom each of the following conditions is satisfied, namely:
      (i) he has entered into India on or after the 25th day of March, 1971;
      (ii) he is a foreigner;
      (iii) he has entered into India without being in possession of a valid passport or other travel document or any other lawful authority in that behalf;
   (d) "notification" means a notification published in the Official Gazette;
   (e) "prescribed" means prescribed by rules made under this Act;
   (f) "Tribunals" means a Tribunal established by the Central Government under sub-section (1) of section 5.

(2) Any reference in this Act to any law which is not in force in any area shall, in relation to that area, be construed as a reference to the corresponding law, if any, in force in that area.

4. Overriding effect of the Act: (1) The provisions of this Act or of any rule or order made thereunder shall have effect notwithstanding anything contained in the passport (Entry into India) Act, 1920 (34 of 1920) or the Foreigners Act, 1946 (31 of 1946) or the Immigrants (Expulsion from Assam) Act 1950 (10 of 1950) or the Passport Act, 1967 (15 of 1967) or any rule or order made under any of the said Acts and in force for the time being.

(2) in particular and without prejudice to the generality of the provisions of sub-section (1), nothing in the proviso to section 2 of the Immigrants (Expulsion from Assam) Act, 1950 (10 of 1950) shall apply to or in relation to an illegal migrant as defined in clause © of sub-section (1) of section 3.

CHAPTER II. ESTABLISHMENT OF TRIBUNALS

5. Establishment of Illegal Migrants (Determination) Tribunals:
   (1) The Central Government may, by notification, establish, for the purposes of this Act, as many Illegal Migrants (Determination) Tribunals as it may deem
necessary and specify the principal place of sitting of, and the territorial limits within which, each such Tribunal shall exercise its jurisdiction.

(2) No person shall be appointed as a member of any such Tribunal unless he is or has been a District Judge or an Additional District Judge in any State.

(3) Each Tribunal shall consist of three members.

(4) On the establishment of a Tribunal, the Central Government shall appoint one of the members there of as the Chairman of such Tribunal.

(5) Each Tribunal shall sit in its principal place of sitting and in such other place or places as its Chairman may, from time to time, appoint.

(6) **Filling of Vacancies:** If, for any reason, any vacancy occurs in the office of the Chairman or any other member of a Tribunal, the Central Government may fill the vacancy by appointing any person who fulfils the qualification specified in subsection (2) of section 5, as the Chairman, or, as the case may be, member of such Tribunal.

(7) **Staff of the Tribunals:** The Central Government shall make available to every Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(8) **References or applications to Tribunals:** (1) If any question arises as to whether any person is or is not an illegal migrant, the Central Government may, whether such question has arisen on a representation made by such person against any order under the Foreigners Act, 1946 (31 of 1946) requiring him not to remain in India or to any other effect or has arisen in any other manner whatsoever, order such question to a Tribunal for decision.

(2) Without prejudice to the power conferred on the Central Government by sub-section (1), any person may make an application to the Tribunal, for its decision, as to whether the person whose name and other particulars are given in the application, is or is not an illegal migrant;

Provided that no such application shall be entertained by the Tribunal unless the person in relation to whom the application is made is found, or resides, at a place within three kilometers from the place of residence of the applicant.

(3) Every application made under sub-section (2) shall be made in such form and in such manner as may be prescribed and shall be accompanied by affidavits sworn by not less than two person residing within three kilometers of the area in which the person referred to in the application is found, or residing, corroborating the averments made in the application, and shall also be accompanied by such fee/being not less than twenty-five, and not more than one hundred rupees, as may be prescribed.

(4) Every reference under sub-section (1) and every application under sub-section (2), shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference or application, as the case may be, is situated:

Provided that where the person named in such reference or application has no place of residence, the reference or application, as the case may be, shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is found.

(9) **Powers of the Tribunal:** Every Tribunal shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:

(a) Summoning and enforcing the attendance of witnesses and
(10) Procedures with respect to reference under sub-section (1) of Section 8: On receipt of a reference under sub-section (1) of section 8, the Tribunal shall serve on the person named in such reference, in a notice, accompanied by a copy of such reference, calling upon him to make, within a period of thirty days from the date of receipt of such notice, such representation with regard to the averments made in the reference, and to produce such evidence as he may think fit in support of his defence:

Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making his representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

(11) Procedure with respect to applications under sub-section (2) of section 8: (1) On receipt of an application under sub-section (2) of section 8, the Tribunal shall issue a notice, accompanied by a copy of the application, to the prescribed authority calling upon it to furnish, after making such inquiry as that authority may deem fit, a report to the Tribunal with regard to the averments made in the application.

(2) If, on a consideration of the report made in the prescribed authority, the Tribunal is satisfied that—

(a) the person named in the application is not an illegal migrant or that the application is frivolous or vexatious, or has not been in good faith, the Tribunal shall, after giving the applicant an opportunity to be heard, reject the applications;

(b) There are reasonable grounds to believe that the person named in the application is an illegal migrant, the Tribunal shall issue a notice accompanied by a copy of the application, to the person named in the application, calling upon him to make, within thirty days from the date of receipt of the notice, such representation with regard to the averments made in the application and to produce such evidence as he may think fit in support of his defence;

Provided that if the Tribunal is satisfied that the person aforesaid was prevented by sufficient cause from making this representation and from producing evidence in support of his defence within the said period of thirty days, it may permit him to make his representation and to produce evidence in support of his defence, within such further period, not exceeding thirty days, as it may, by order, specify.

(12) Determination of the question as to whether a person is an illegal migrant:

(1) The Tribunal to which is reference has been made under section 8, or to which an application has been made under that section, shall, after taking such evidence as may be adduced before it and after making such inquiry as it may think fit and after hearing such persons as it may deem appropriate, by order, decide the question as to whether the person named in such reference or application, as the case may be, is or is not an illegal migrant.
Provided that where for the determination of such question in any case the decision on any issue renders any decision on any other issues or issues unnecessary, the Tribunal may not decide such other issues or issues,

(2) Where the members of the Tribunal differ in their opinion on any point, the decision on such point shall be according to the opinion of the majority of such members.

(3) The Tribunal shall send a copy of order passed by it to the prescribed authority and to the parties to the reference, or the application, as the case may be.

(4) Every order passed under sub-section (1) shall, subject to the decision of the Appellate Tribunal, be final and shall not be called in question in any court.

13. Reference and application to be disposed of within six months: Every reference made to a Tribunal under section 8 or application made to a Tribunal under that section shall be inquired into as expeditiously as possible and very endeavour shall be made to conclude such inquiry within a period of six months from the date of the service, on the person concerned, of a copy of such reference or application.

14. Appeal: The Central Government, or any person, named in a reference or an application under section 8, or any applicant under sub-section (2) of that section may, if it or he is not satisfied with any order made by a Tribunal under section 12, prefer an appeal to the Appellate Tribunal against such order.

15. Appellate Tribunal: (1) The Central Government may, by notification establish for each state in which this Act is in force an Appellate Tribunal to be known as the Illegal Migrant (Determination) Appellate Tribunal for deciding appeals prefered under section 14 against orders made by Tribunals, in the state and specify the principal place of sitting of such Appellate Tribunal.

(2) No person shall be appointed as a member of an Appellate Tribunal unless he is or has been, a Judge of a High Court,

(3) An Appellate Tribunal shall consist of as many members, not being less than three and more than six, as the Central Government may think fit.

(4) The Central Government shall appoint one of the members of an Appellate Tribunal to be the President thereof.

(5) An Appellate Tribunal shall sit in its principal place of sitting or any such other place or places as the President thereof may, from time to time, appoint.

(6) The powers and functions of an Appellate Tribunal may be exercised and discharged by benches constituted by the President thereof from amongst members thereof and each bench shall consist of not less than two members.

(7) The Central Government shall make available to every Appellate Tribunal such staff as may be necessary for the discharge of its functions under this Act.

(8) Every memorandum of appeal to an Appellate Tribunal shall be made in such form and in such manner as may be prescribed, and, in the case of an appeal preferred by an applicant under sub-section (2) of section 8, shall also be accompanied by such fee, not being less than twenty-five and more than one hundred rupees, as may be prescribed.

(9) Every appeal shall be preferred within thirty days from the date on
which the order sought to be appealed against was communicated to
the appellant:

Provided that the Appellate Tribunal may, if it is satisfied that the appellant
was prevented by sufficient cause from preferring the appeal within the said period,
admit an appeal after the expiry of the aforesaid period of thirty days.

(10) Every Appellate Tribunal shall have the same powers as are vested in
a civil court under the Code of Civil Procedure, 1908 (5 of 1908)
while trying a suit, in respect of the following matters, namely
(a) summoning and enforcing the attendance of witnesses and examining
them on oath;
(b) discovery and production of any document;
(c) reception of evidence of affidavits;
(d) requisitioning of public records from any court or office;
(e) issuing of any commission for the examination of witnesses.

16. **Order of the Appellate Tribunal:** (1) The Appellate Tribunal may, after
giving the parties to the appeal a reasonable opportunity of being heard, pass such
orders thereon as it may think fit, confirming, modifying or annulling the order
appealed against or may remand the case to the Tribunal which had passed such
order with such directions to that Tribunal as the appellate Tribunal may think fit,
for fresh determination after taking additional evidence if necessary.

(2) Where an appeal had been heard by the Appellate Tribunal and the
members thereof differ in their opinion on any point, the decision on
such point shall, where there is a majority, be according to the opinion of
such majority, and where there is no majority and the members are
equally divided in their opinion, they shall draw up a statement of the
facts of the case and the point or points on which they differ in their
opinion and make a reference of the point or points or of the appeal, as
the case may be, to the President of such Tribunal, and on receipt of such
reference, the President of the Tribunal shall arrange for the hearing of
such point or points, or the appeal, by one or more of the members of the
Appellate Tribunal, and such point or points, or the appeal, as the case
may be, shall be decided according to the opinion of the majority of the
members of the Appellate Tribunal, who have heard the appeal,
including those who had first heard it,

(3) The Appellate Tribunal shall send a copy of every order passed by it
under sub-section (1) to the parties to the appeal and to the Tribunal
concerned.

(4) Subject to the provisions of section 17, every order passed under sub-
section (1), other than an order remanding the case, shall be final and no
order passed under that sub-section shall be called in question in any
court.

17. **Revision:** The High Court may call for the record of any case which has been
decided by the Appellate Tribunal situate within its local jurisdiction, and if such
Appellate Tribunal appears—
(a) to have exercised a jurisdiction not vested in it by law, or
(b) to have failed to exercise a jurisdiction so vested, or
(c) to have acted in the exercise of its jurisdiction illegally or with material
irregularity, the High Court may make such order in the case as it thinks
fit:
Provided that the High Court shall not, under this section, var or reverse any order made or any order deciding an issue in the course of a proceeding with respect to an appeal, except where

(i) the order, if it had been made in favour of the party applying for revision, would have finally disposed of the proceeding, or
(ii) the order, if allowed to stand, would occasion a failure of justice or cause irreparable injury to the party against whom it was made.

Explanation—In this section, the expression "any case which has been decided" includes any order made or any order deciding an issue in the course of a proceeding with respect to any appeal.

CHAPTER III. PROVISIONS APPLICABLE TO ALL TRIBUNAL

18. Procedure: Subject to the provisions of this Act and the rules made there under, every tribunal and every Appellate Tribunal shall have the power to regulate its own procedure in all matters arising out of the exercise of its powers or for the discharge of its functions.

19. Proceeding before every Tribunal to be judicial proceeding for certain purposes: Every proceeding before a Tribunal or the Appellate Tribunal shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228, and for the purposes of section 196 of the Indian Penal code, 1860 (56 of 1860) and every such tribunal or Appellate Tribunal, as the case may be, shall be, deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

CHAPTER IV. ENFORCEMENT OF THE ORDERS MADE BY THE TRIBUNALs

20. Expulsion of illegal migrant: Where a person has been determined by a Tribunal, or, as the case may be, by the Appellate Tribunal, to be an illegal migrant, the Central Government shall, by order served on such person, direct such person to remove himself from India within such time and by such route as may be specified in the order and may give such further directions in regard to his removal from India as it may consider necessary or expedient.

CHAPTER V. MISCELLANEOUS

21. Delegation of powers: The Central Government may, by notification, direct that the powers and duties conferred or imposed on it by this Act other than the powers conferred by section 28, and the powers conferred by this section, may, subject to such conditions as may be specified in the notification, be exercised or discharged also by—

(a) any officer subordinate to the central Government;
(b) any State Government or any officer subordinate to that Government.

22. Power to give effect to the orders, etc.: Any authority empowered by or in pursuance of the provisions of this act to exercise any power, may, in addition to any other action expressly provided for in this Act, take, or cause to be taken, such steps, and use, or cause to be used, such force, as may be its opinion be reasonably necessary for the effective exercise of such powers.

23. Bar of jurisdiction of civil courts: Where a Tribunal or Appellate Tribunal has been established for any area for the purpose of determining whether a person is or is not an illegal migrant, no civil court shall have jurisdiction to entertain any
question relating to that matter in that area and no injunction or any other order in respect of any action taken by, or before, the Tribunal or Appellate Tribunal in respect of that matter shall be granted or made by any civil court.

24. Transitory provision: Wherein any suit or other legal proceeding pending, whether in a civil court or in any Tribunal established under any other law for the time being in force, immediately before the commencement of this Act, a question arises as to whether a person is or is not an illegal migrant, such court or Tribunal shall, without deciding such question, made an order transferring such suit or other legal proceeding to the Tribunal under this Act within the territorial limits of whose jurisdiction such court or other Tribunal is situate and on such transfer such question shall be dealt with by such Tribunal in accordance with the provisions of this Act.

25. Penalties: Any person who:
   (a) Contravenes of attempts to contravene, or abets the contravention of any order made under section 20; or
   (b) fails to comply with any direction given by any such order; or
   (c) harbours any person who has contravened any order made under section 20 or has failed to comply with any direction given by any such order, shall be punishable with imprisonment for a term which may extend to three years and shall also be liable to fine,

26. Protection of action taken in good faith: No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act.

27. Power to remove difficulties: (1) if any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order to be published in the official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

   Provided that no such order shall be made after the expiry of a period of two years from the commencement of this act.

2. Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament

28. Power to make rules: (1) the Central Government may, by notification, make rules to carry out the provisions of this Act.

   (2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely;

   (a) the form and the manner in which an application may be made and the fee which shall accompany such application, as required by sub-section (3) of Section 8;

   (b) The authority to be prescribed under section 11;

   (c) The form and the manner in which an appeal to the Appellate Tribunal may be preferred and the fee which shall accompany such appeal, as required by sub-section (8) of section 15;

   (d) Any other matter which is required to be, or may, be prescribed.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any
Appendix

modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

29. Repeal and saving: (1) The Illegal Migrants (Determination by Tribunals) Ordinance, 1983 (8 of 1983) is hereby repealed.

(2) Notwithstanding such repeal, anything done or any action taken under the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Act.

Commentary
The object of this Act is to establish Tribunals for determination or persons who are illegal migrants and to expel the illegal migrants from India who has entered into India on or after the 25th of March 1971, without being in possession of a valid passport or other travel document or any other lawful authority in that behalf.


Annexure 26
MEMORANDUM OF SETTLEMENT (ASSAM ACCORD), 1985

1. Government have all along been most anxious to find a satisfactory solution to the problem of foreigners in Assam. The All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) have also expressed their keenness to find such a solution.

2. The AASU through their Memorandum dated 2nd February, 1980 presented to the late Prime Minister Smt. Indira Gandhi, conveyed their profound sense of apprehensions regarding the continuing influx of foreign nationals into Assam and the fear about adverse effects upon the political, social, cultural and economic life of the State.

3. Being fully alive to the genuine apprehensions of the people of Assam, the Prime Minister initiated the dialogue with the AASU/AAGSP. Subsequently, talks were held at the Prime Minister's and Home Minister's levels during the period 1980-83. Several rounds of informal talks were held during 1984. Formal discussion were resumed in March 1985.

4. Keeping all aspects of the problem including constitutional and legal provisions, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows : Foreigners issue:

5. (1) For purposes of detection and deportation of foreigners, 1.1.1966 shall be the base date and year.

5. (2) All persons who came to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls in 1967 elections, shall be regularised.

5. (3) Foreigners who came to Assam after 1.1.1966 (inclusive) and upto 24th March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.
5. (4) Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act 1939 and the Registration of Foreigners Rules, 1939.

5. (5) For this purpose, Government of India will undertake suitable strengthening of the Government machinery.

5. (6) On the expiry of a period of ten years following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.

5. (7) All persons who were expelled earlier, but have since re-entered illegally into Assam, shall be expelled.

5. (8) Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.

5. (9) The Government will give due consideration to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the illegal Migrants (Determination by Tribunals) Act, 1983.

Safeguards Economic Developments

6. Constitutional legislative and administrative safeguards, as may be appropriate shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.

7. The Government take this opportunity to renew their commitment for the speedy all round economic development of Assam, so as improve the standard of living of the people. Special emphasis will be placed on education and science and technology through establishment on national institutions.

Other Issues

8. (1) The Government will arrange for the issue of citizenship certificates in future only by the authorities of the Central Government.

8. (2) Specific complaints that may be made by the AASU/AAGSP about irregular issuance of Indian Citizenship Certificates (ICC) will be looked into,

9. (1) The international border shall be made secure against future infiltration by erection by physical barriers like walls, barbed wire fencing and other obstacles at appropriate places. Patrolling by security forces on land and reverine routes all along the International Border shall be adequately intensified. In order to further strengthen the security arrangement to prevent effectively future infiltration, an adequate number of check posts shall be set up.

9. (2) Besides the arrangements mentioned above and keeping in view security considerations, a road all along the international border shall be constructed so as to facilitate patrolling by security forces. Land between border and the road would be kept free of human habitation, wherever possible. Riverine patrolling along the international border would be intensified. All effective measures: would be adopted to prevent infiltrators crossing or attempting to cross the international border.

10. It will be ensured that relevant laws for prevention of encroachment of Government lands and lands in tribal belts and blocks are strictly enforced and
unauthorised encroachers evicted as laid down under such laws.

11. It will be ensured that the relevant law restricting acquisition of immovable property by foreigners in Assam is strictly enforced.

12. It will be ensured that Birth and Death Registers are duly maintained.

**Restoration of Normalcy**

13. The All Assam Student Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) call off the agitation, assure full co operation and dedicate themselves towards the development of the country.

14. The Central and the State Government have agreed to:
   a) review with sympathy and withdraw cases of disciplinary action taken against employees in the context of the agitation and to ensure that there is no victimisation;
   b) frame a scheme of ex-gratia payment to next of kin of those who were killed in the course of the agitation;
   c) give sympathetic consideration to proposal for relaxation of upper age limit for employment in public service in Assam, having regard to exceptional situation that prevailed in holding of academic and competitive examinations, etc. in the context of agitation in Assam;
   d) undertake review of detention cases, if any, as well as case against persons charged with criminal offences in connection with the agitation, except those charged with the commission of heinous offences;
   e) consider withdrawal of prohibitory orders/notifications in force, if any.

15. The ministry of Home Affairs will be the nodal Ministry for the implementation of the above.

Sd/- P.K. Mahanta
President, All Assam Students’ Union

Sd/- B.K. Phukan
General Secretary, All Assam Students’ Union

Sd/- Biraj Sarma
Convenor, All Assam Gana Sangram Parishad

Sd/- R.D. Pradhan
Home Secretary

Sd/- B.K. Phukan
Government of India

Sd/- Smt. P.P. Trivedi
Chief Secretary

Sd/- - Smt. P.P. Trivedi
Government of Assam

In presence of
Sd/- - Rajiv Gandhi
Prime Minister of India

Dated: 15th August, 1985
Place: New Delhi

In his statement the Home Minister said:
"I would like to inform the House about two other relevant matters.
Firstly, the AASU and AAGSP had strongly represented about electoral rolls currently being prepared. Government have agreed to the following.
(a) The Election Commission will be requested to ensure preparation of fair
electoral rolls;
(b) Time for settlement of claims and objections to be extended by 30 days, subject to this being consistent with the election rules; and
(c) The Election Commission will be requested to send Central Observers.

Secondly, in order to accelerate the industrial and educational development, the Government of India have agreed.

(a) To establish an oil refinery in Assam. Government will render all possible assistance in terms of institutional and Bank finance to facilitate the establishment of a refinery in the Private Sector.

(b) Central Government will render full assistance to the State Government in their efforts to re-open:
   (i) Ashok Paper Mill,
   (ii) Jute Mills.

(c) An I.I.T. will be set up in Assam.

I am confident that this House will share our hope that this settlement will usher in an era of harmony, good will and prosperity for the people of Assam.

I take this opportunity to make a fervent appeal to all sections of the people of Assam and also members of this House to Co-operate in bringing about normalcy and good will and also in implementing the Provisions of this statement.

Sd/ Home Secretary
Government of India
New Delhi

Source: Assam Accord: Designed and Produced by the Directorate of Advertising and Visual Publicity, Ministry of Information and Broadcasting, Govt. of India and Printed at Gowardhan Kapur and Sons., New Delhi, August, 1985.

Annexure -27
A pamphlet on “The Memorandum of Settlement” and the Minorities.
Published in September 1985

The " Memorandum of Settlement" and the Minorities

A 'Memorandum of Settlement' was signed in New Delhi at about 2.45 a.m. on August 15, 1985 between the representatives of the AASU-AAGSP and of the Government of India and the Government of Assam in the presence of the Prime Minister.

Contrary to the claim about the Accord solving the six-year old Assam problem which saw unprecedented agitations, violence and even bloodbath, it has actually created more problems without solving any. For the different minorities - religious, linguistic and ethnic including the tribals - the Memorandum of Settlement has unsettling effects besides posing threats to national unity and integrity. The Memorandum while giving recognition to the hegemony of the dominant ethnic group makes no mention of the inalienable rights of different minorities provided under the Constitution and minimum norms of democracy.
The decision of the Government to sign the Accord with the leaders of the AASU led agitation without consulting the different minorities and various recognised political parties about the implications of terms of the Accord is not only unfortunate but wholly undemocratic in so far as it gives a go-by to the politics of consultation and consensus.

The myopic agreement about shifting of the base year of detection of foreigners from 1971 to 1965 has led to understandable indignation in the minds of different minorities who see no justification behind the abandonment of the election commitment of the ruling party, deviation from the national commitment and violation of international agreements.

The decision to detect and disfranchise the foreigners of the period 1.1.66 to 24.3.71 is fraught with very grave consequences as it will create a new category of people who would virtually become 'stateless' - a concept unknown to the Indian Constitution. Even the Union Home Minister admitted in the Parliament after the signing it. This particular admission of the Home Minister exposes the ignorance about implications of the Accord.

It is not surprising in this context that the Accord has opened the floodgates for harassment of the minorities in all spheres. Striking at the very root of national unity, the so-called Assam Accord has not only become an Accord of Discord but also a document of discrimination, disruption and destabilisation. The claim that "all aspects of the problem including constitutional and legal provisions, international agreement, national commitments and humanitarian considerations" were kept in view while deciding about steps proposed in the Memorandum does not stand scrutiny.

The clauses in the Accord relating to detection of foreigners of the period 1.1.66 to 24.3.71 under the provisions of the Foreigners Act 1946 through Tribunals constituted under the Foreigners (Tribunal) Order 1964 and their disfranchisement for a period of ten years from the date of detection are violative of the Constitution, the laws, the national commitment and the international agreements. These are also not in consonance with the latest legislation, the Illegal Migrants (Determination by Tribunals) Act, 1983.

The motive behind application of the Foreigners Act 1946 and the Foreigners (Tribunals) Order 1964 is to subject the linguistic, religious and ethnic minorities under constant pressure, harassment and intimidation - reminiscent of the harassment to which the religious minorities were subjected during the early sixties in the name of detection of illegal infiltrators.

The Memorandum maintains conspiratorial silence about the status of the disfranchised people and their children. However, the Union Law Minister later explained that as these people, along with their children, would cease to be Indian citizens, they would not be entitled to get the Indian passport. (The children of these people born in Indian soil have automatically acquired citizenship under the Constitution. As such the reference to the children by the Union Law Minister sounds an ominous ring indicative of the further motive to disfranchise them also through an amendment changing the basic feature of the Constitution).

Thus contrary to oft-repeated refrains in political lullabies that the disfranchised "foreigners" under the term of the so-called Accord would continue to have all other rights and privileges while losing the voting right only for ten years, these people as registered foreigners would suffer from all sorts of disabilities.
As detected and registered "foreigners" they would lose their right on land, other properties, job, trade and contract, professions and callings. Their children would not get even admission into ordinary educational institutions at different levels not to speak of becoming eligible for stipends and scholarships or seats in higher technical, medical, engineering, agricultural and veterinary institutions.

The Muslims among the detected "foreigners" would not be able to go to the Haj pilgrimage as they would not be eligible for passports and other valid travel papers. Refugees among the detected "foreigners" would find it difficult to continue in employment including employment under the Government and public sector undertakings for which refugees coming upto 24th March 1971 were eligible according to a policy decision of the Government of India.

The ethnic minority of Nepali origin have also been placed in a position of unwarranted harassment. The Memorandum by prescribing 1.1.66 as the cut-off date for detection and 25.3.71 as the cut-off date for expulsion of "foreigners" has violated national commitments, laws and treaties in respect of the people of Nepali origin. In case of the people of Nepali origin the cut-off point should by July 30, 1976 - the date from which the Restricted Area Permit for the N.E. Region was made applicable in case of Nepali nationals.

The taking away of franchise from the citizens on the basis of his/her place of origin and ethnic background is an example emulated from the fascists as it is unheard of in democracy - more so in a country hallowed by the illuminating footsteps of giants among men like Mahatma Gandhi, Netaji Subhas Chandra Bose, Prandit Jawaharial Nehru and Maulana Abut Kalam Azad.

The clause in the Memorandum about "immediate and practical steps" about expulsion of foreigners who came to Assam on or after March 25, 1971, is silent regarding the place to which they would be expelled. As expulsion is quite different from deportation, this particular clause is violative of laws, natural justice, international agreement and humanitarian considerations.

Similarly the clause in the Memorandum relating to protection of tribal belts and blocks is an attempt to stage Shakespeare's "Hamlet" without the Prince of Denmark as the accredited representatives of the Plains Tribals people were not consulted while signing the Memorandum of Settlement with the agitationist leaders none of whom represented the Plains Tribals.

Besides, in a welfare state committed to establish democratic socialist society there cannot be any justifiable move to evict actual tillers of soil in the name of evicting encroachers, without making provisions for alternative lands and avocations. The same principle holds good in case of cultivators wiling Government land or lands in Tribais Belts and Blocks.

There are many more disturbing implications of the so-called Assam Accord about which no right-thinking person having abiding faith in democracy and concern for national unity can afford to remain silent. Moreover the arbitrary and discriminatory procedures adopted in the preparation of electoral rolls in Assam have already jeopardised the precious and inalienable voting right of millions of people belonging to the religious, linguistic and ethnic minorities. The connivance of the Government of India and direct discriminatory instructions of the Election Commission have given rise to a dangerous situation reminiscent of the Hitler Germany because on being confronted with discriminatory circular.

It is against this disquieting background that a broad based Convention will be held at Haji Musafirkhana in Guwahati city under the auspices of the Co-ordination
Committee of the Citizens Rights Preservation Committee, Assam, the Assam State Jamiat-Ul-Ulema, the All Assam Minority Student’s Union and the All Assam Minority Forum, on September 28 and 29, 1985 to discuss the situation in all its aspects with a view to formulating steps to be taken to mobilise public opinion for securing due redress.

Source: Imran Shah, Convenor, Co-ordination Committee of Minority Organisations (Jamiat-Ul-Ulema-Hind, Assam, Citizens Rights Preservation Committee, Assam, All Assam Minority Student’s Union and All Assam Minority Forum), Printed and published at Gupta Printers, Guwahati, September, 1985.

Annexure – 28

Resolutions of the Convention of the Minority Co-ordination Committee by CRPC, AAMSU, Jamiat-Ulema-Hind, Minority Juba Parishad and Minority Forum of Assam held on 28th and 29th September, 1985 at Guwahati on the premises of Haji Musafirkhana, Guwahati, under the Presidentship of Hazrat Maulana Ahmed Ali (Baskandi), the President, Jamiat-Ulema-Hind, Assam.

Condolence Resolution

This Convention of the Minority Communities of Assam keeps on record its deep sense of sorrow and horror at the sad demise of Smt. India Gandhi the then Prime Minister of India on the 31st Day of October, 1984, when some assasins brutally killed her. This convention also strongly condemns the assassinations and similar cowardly attacks on late Harchand Singh Longowal and other leaders in Punjab and also where by the extremists.

This Convention further expresses its sorrow for the death of our brethren in Assam who have been killed before and after Assam Accord at the hands of the anti-socials and terrorists and pray to Almighty God for eternal peace of the departed souls and conveys its deep sympathy to the bereaved members of their families.

Resolution No. 1

On Memorandum of Settlement on Foreigners Problem in Assam

This Convention of the Minority Communities of Assam views with grave concern that the Government of India has entered into an Accord with the leaders of Assam agitation and Government of Assam without taking the representative bodies of the minorities into confidence.

The Convention considers the Accord detrimental to the interests and safety of the minorities living in Assam. It has created a fear psychosis in the minds of the minorities.

Though the Constitution and Legal provisions, International Agreements, National Commitments and humanitarian considerations have accepted as guiding principles for the settlement but no respect for these principles have been shown in the terms of the settlement.

Fixation of 1.1.66 as the base date and year for the detection and deletion of the names of Foreigners, violates the term of Indira-Mujib Agreement 1972 and National Commitments in respect of displaced persons from earstwhile East Pakistan. Besides, it violates the protective provisions of the Immigrant Expulsion from Assam Act 1950, in respect of displaced persons. The Convention asserts that
the displaced persons are protected by the National Commitments and Laws of land and therefore are not liable to detection and deletion.

The memorandum of settlement provides that - those who entered in Assam after 1.1.66 (inclusive) and upto March 24, 1966, shall be detected, then their names shall be deleted from the Electoral Rolls and lastly they shall have to register themselves as foreigners according to the provisions of Foreigners Registration Act and Rules 1939. Right of franchise shall be restored to those persons so detected and registered after ten years from the date of detection.

These provisions of the Accord are decisively anti-minority and contrary to the provisions of Indira-Mujib Agreement, National Commitments, Citizenship Act and immigrant (expulsion from Assam) Act 1950 and above all the Constitution of India. The Constitution does not provide for double standard in respect of citizenship and therefore any steps for implementation of the Accord will be ultra-virus of the Constitution. Moreover this will put the entire minority subjected to persecution.

The provision as laid down in clause 5(7) of the Accord for expulsion of those who were earlier wrongfully expelled and were compelled to re-enter prior to 24.3.71, and these minorities who had to leave India and compelled to flee to the then East Pakistan, but came back to India in accordance with the protection provided under Assam Evacuee Act, also violates the Indira-Mujib Agreement and Provision of Assam Evacuee Act.

Beside, keeping the entrants between 1.1.66 to 24.3.71 as Stateless for ten years and clause 5.5 of the Memorandum of Settlement, violates the declaration of human rights and National Commitments. The manner in which 5.2 of the Agreement is constructed, when implemented, the detection and deletion would not remain to the period of 1.1.66 to 24.3.71 as stated. To find out who came before 1.1.66 as required in the clause, the enquiry can stand even to a period to the partition of the country and as such the entire minority communities of Assam will become liable to scrutiny, consequent harassment and ultimately loss of citizenship of millions.

In respect of post-1971 entrants, the Accord has made departure from the accepted principles of Convention of Law of Nations observed by the civilised State, by making provision for expulsion instead of deportation which is a bilateral Act enjoined by the Indira-Mujib Agreement 1972. The convention condemns all attempts, now being made to push so-called foreigners forcibly across the border by unilateral acts.

In fine, this convention of the Minority Communities of Assam views with dismay and horror that the Memorandum of settlement signed among the representatives of the Government of India, Government of Assam and Leaders of Assam agitation of Assam and hence it is not acceptable to the minorities of the State.

In view of the above, the convention urges upon the progressive and democratic force and the minorities of the State to stand united, in this hour of crisis to face with courage and determination, the persecution that may follow the implementation of the accord.

The convention also demands to the Government of India to take note of the wounded feeling of the minorities of the State and to scrap the accord in the greater interest of the State and the Nation.
Resolution No. 2
On Preparation of Electoral Roll

This convention of the Minority Communities of Assam expresses its grave concern at the illegal and arbitrary procedures adopted by the Election Commission of India in preparation of Voter List in Assam as a result of which a few lakhs of Indian Citizens belonging to Religious, Linguistic and Ethnic minority are likely to be deprived of their right of franchise.

The Election Commissioner has done irreparable damage to the Citizenship right of the minorities by issuing illegal circulars, one after another which created great confusion to the minorities and partisan officers taking advantage of contradictory type of the circulars, depriving lakhs and lakhs minorities from their constitutional rights of franchise. The minorities are going through unthinkable harassment in sustaining their claim and in facing innumerable objection petitions filed by interested parties and individuals on flimsy and misleading grounds. The four documents viz. Entry of Names in 1971 or pro-1971 Rolls, Copy of N.R.C. 1951, Citizenship Certificates and Birth Certificates are the only documents, which are being insisted upon are arbitrary, whereas reconstructed copies of 1971 electoral rolls on which 1972 elections were held. Citizenship Certificates have not been issued in most cases to the naturalised Indian citizens and Birth Register has not been maintained. Insistence upon the above documents is nothing but a conspiracy to deny right of franchise to the minorities. Other reliable public and private documents like academic certificates, licence, land record, ration card and other facts as admissible under the Indian Evidence Act should be accepted as proof in support of right of Franchise for inclusion In the Electoral Rolls. The Election Commissioner in its guide line issued for preparation of the Electoral Roll and other circulars issued on racial and partisan lines are clear in violation of provisions of peoples Representation Act and Rules there under and Regulation of Electors Rules of 1960.

The convention therefore strongly protests against the procedures followed and urges both the House of Parliament to held an enquiry through the petition committees to enquire into the conduct of the Election Commission. Unless the Electoral Roll is prepared in accordance with relevant Act and Rules, the Convention apprehends that not less than 1.2 million Indian citizens would be deprived of their right of franchise. The manner in which the Electoral Roll is prepared in Assam currently, it has become evident that the Election Commission has usurped the power of the Tribunals as envisaged in the Immigrant Expulsion (Determination by Tribunal) Act, 1983, in essence it has assumed the role of determination of Foreigners in course of preparation of Electoral Roll. This is contrary to its own declared policy that the Election machinery is not proper forum to go into the question of citizenship in respect of persons already enrolled or enlisted in any Electoral Roll. Contrary to the Supreme Court Judgement in 1984 in Indirajit Barua's case the Election Commission has arbitrarily chosen 1971 Electoral Roll as Reference Roll in preparation of Electoral Roll of 1985. The Supreme Court upheld 1977 Electoral Roll on the basis of which 1979 Electoral Roll was prepared declared free from all infirmities and as such the election of 1983 was upheld as valid.

This convention further resolves that legal and extra legal remedies be sought to protect the rights of Indian Citizens from arbitrary deletion of names from Electoral Roll.
Further resolved that the national political parties, representing in Parliament be requested to send Parliamentary Delegation to Assam to study the situation arisen due to issuance of illegal, arbitrary and racial circulars issued by the Election Commission of India for preparation of voters list in Assam

Resolution No. 3
Action Programme

Convention of the Minority communities of Assam calls upon all — progressive forces, parties and organisations in general and religious, linguistic and ethnic minorities of Assam in particular to observe a Protest Day throughout the State to voice its strong resentment against the illegal, undemocratic and unconstitutional Assam Accord and depriving lakhs of Indian citizens belonging to all sections of minorities, from their right of franchise by undertaking the following programme.

1. Peaceful demonstrations and rallies where Resolutions to be adopted against Assam Accord and defranchisement of lakhs of people belonging to above mentioned categories of people, wearing black badges and to send telegrams to the Prime Minister, Home Minister and Election Commissioner to the effect.

2. Undertaking fasting from sunrise to sunset and to donate the value of the food staff to the "Fighting Fund" of the co-ordination committee to meet the huge fund necessary to carry on the movement.

The convention further calls upon the people to boycott all meetings organised by the pro-accord organisations and leaders who are out to disrupt the unity and integrity, and propagate in favour of the unconstitutional, immoral and undemocratic Assam Accord and who have led down the cause of the minorities.

Resolution No. 4

This convention empowers the co-ordination committee to formulate policies and plan of Action time to time to fulfill the demands of the Minority organisations united for launching a vigorous movement to achieve its objectives in the light of the resolutions adopted in the Convention.

Resolution No. 5
On Eviction

In pursuance of Clause 10 of the Assam Accord, the Government has started serving Eviction Notices on peasants primarily belonging to the Minority Communities, occupying for a long time as pate and tauji holders, Government land and lands of tribal belts and blocks. Taking advantage of the Clause and in connivance with the revenue and forest officials, the agitationists and anti-social elements have taken upon themselves, the responsibility of forcibly evicting helpless poor peasantry from land in their possession and looting their properties.

Already a large number of such families belonging to displaced persons, immigrant Muslim and Nepali communities in the district of Kokrajhar, Darrang, Sonitpur and Lakhimpur are evicted and some of them were attempted to be pushed out of Assam to Bangladesh. Unless this inhuman process of eviction and harassment is stopped forthwith, the future of 2-5 million people belonging to the above categories is going to be threatened and the whole socio-economic fabric will be destroyed with disastrous consequences.
Further, direct pursuance of Clause 11 of the Assam Accord in respect of transfer of land by and from persons who are not citizens of India are being interpreted and applied in a manner giving rise to apprehension in the minds of minorities about sale and purchase and also other transactions relating to lands owned and in possessions of the minorities.

**Resolution No. 6**  
**Problem of Nepalese**

This Convention notes with grave concern that the Assam Accord infringes the rights of Nepalese living in Assam conferred in pursuance of the Indo-Nepal Treaty of 1950, In the case of the Nepalese the Government introduced Restricted Area Permits for entering Assam with effect from 30.7.76 and in the case of the Nepalese who entered Assam prior to this date and settled in Assam, the question of cut-off year and disfranchise-

The Government and Election Machinery have started arbitrary action touching the Nepalese depriving them from registering their names as electors settled permanently in India and Assam in particular. Eviction has also started in various rural areas and terrorising of bonafide citizens.

This Convention urges upon the Government to provide all necessary safeguards and protection to the Nepalese in Assam and also give justice in view of the Indo-Nepal Treaty and other relevant orders and laws.

Sd/- Ahmed Ali (Baskandi)  
President


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**Annexure – 29**  
**Resolutions Adopted in the Delegate Session of 1st Annual Conference of United Minorities Front, Assam held on 7th February, 1987 at Goalpara Town.**

**Resolutions**

1. This first conference of the United Minorities Front, Assam held at Goalpara on 7th and 8th February, 1987 keeps on record its horror at the sad murder of Sri Kalipada Sen, founder President of UMF and CRPC, Assam, by some miscreants at his Guwahati residence. He was great social worker and life long friend of suffering humanity specially the minorities. This conference conveys its sympathy to the bereaved and prays to Almighty God for the eternal peace of the departed soul.

2. This conference reiterates its earlier stand on the Assam Accord and stands by the pledge to get it annulled by mobilising public opinion through democratic movements. After the singing of the accord many par lies welcomed it stating that it would solve the vexed problem which plunged Assam for past couple of years. Many of such parties have now realized that Assam Accord far from solving the problems have further complicated the situation. The UMF thinks its imperative that all concerned parties should sit together to reconsider the situation and try to find out solution on the basis of a consensus.
3. This conference expresses its great concern for the deteriorating law and order situation and the failure of the AGP Government to halt the harassment and intimidation of the minorities. The minority people are being continuously harassed by the police in the towns and villages and it is very unfortunate that the authorities are callous to the protection to them in spite of information to the law enforcing authorities.

During the tenure of the AGP Government prominent political leaders, student leaders and social workers including Shri Kalipada Sen, President UMF, Saurav Bora, a student leader were murdered but the AGP Government failed to apprehend the culprits. Demands were raised from various quarters including the UMF, for CBI enquiry into the cases but Government kept silent.

This conference therefore, demands from the Government of India and the State Government to hold CBI enquiry into the killings and apprehend the culprits without any further delay and to stop harassment of the minorities so that they can move freely.

4. Amendment of the Illegal Migrants Determination (by Tribunals) Act, 1980

This conference is very much concerned at the harmful and destructive demand of AGP and AASU for amending IMDT Act, 1983, which is motivated for harassment of innocent minorities. The amendment is sought only to pave the way for harassing the linguistic, religious and ethnic minorities in the name of finding out so-called foreigners. This amendment if accepted will create a situation which may lead to discrimination of the State and extreme difficulties for these minorities who will be subjected to intolerable harassment.

This conference also draw the attention of the Government of India to the fact that not only UMF but Congress (I), Congress (S), CPI (M), SUCI Legislators in Assam Assembly strongly protested against these demands of the AGP Government and AASU for amendment of the above mentioned Act.

This conference therefore, puts its demands to the Government of India not to amend the IMTD Act, 1983 to please the agitationists and to push the minorities into an intolerable position.

5. This conference expresses its serious concern for the continuous large-scale eviction operation in different parts of the State in the areas inhabited mostly by the minorities, linguistic, religious and ethnic. The authorities in the name of eviction from Government land, forest land, char land, railway Sand and land under tribal belt and blocks are taking recourse to arson, Sooting and beating of innocent people, in many case the mandatory notices are not being served, High Court stay orders are violated, land allotted by the previous Government under MNP Scheme were forcibly acquired through eviction process.

There is no land policy of the AGP Government. As a result people possessing land for thirty to fifty years are being thrown out without making any alternative arrangement for their shelter and rehabilitation.

The AGP Government on the plea of social afforestation are uprooting the minorities from the land though the soil is mostly unfit for such scheme.

During the last one year more than sixty thousand people have been evicted and made homeless. The evicted people are not allowed to reap paddy and jute grown by them and as such there is likely to take place starvation, deaths on large scale.
This conference, therefore, places its demands to the Government to stop eviction forthwith and to make alternative arrangement for land for rehabilitation of the persons already evicted from the land and issue patta to cultivators who are in possession of land for three to five years in Char, reserves and other Khas land.

6. **Detection and Deportation**
   
   This conference notes with concern about the harassment of Indian citizens in the name of detection and deportation of so-called foreigners by the AGP Government. Notices are being served on thousands of Indian citizens in different parts of the state to prove their nationality. There are instance of throwing minority families out of the border without giving any scope to prove their nationality. This is quite illegal and unconstitutional. This conference therefore, places its demands before the Government of India to take immediate action against the illegal expulsion and harassment of the minorities by the AGP Government.

7. **Infringement of Fundamental Rights**
   
   This conference expresses its discontent for virtual eclipse of fundamental rights by introduction of a new circular by the AGP Government for the grant of permanent Resident Certificates. This certificate is required in the matter of admission educational institutions securing employment as well as for other venues of life. This is contrary to the fundamental rights enshrined in the constitution of India. Employment has come to a dead end for the minorities and there is no hope of its improvement resulting into utter disappointment and black out of minority communities living in the State permanently.
   
   This conference therefore, places its demands to the State Government to scrap the circular forth with.

   **Seba Circular**

8. That a circular has been issued by the Secondary Board of Education, Assam, making Assamese a compulsory subject for non-Assamese students. This has given rise to mass discontent among the students and guardians of different linguistic minority communities including tribals.
   
   Though after long agitation launched by the affected students of the minorities the Government suspended for the time being the implementation of the circular but the conference apprehends that any moment this can be implemented.
   
   This conference therefore, demands the categorical withdrawal of the said circular immediately.

9. **Discrimination in matters of Employment, Admission, Trade Contracts etc.**
   
   This conference strongly resents the discriminatory policy of the AGP Government in the matter of employment, admission, trade licences and contracts etc., whereby the minorities and weaker sections are being deprived of their legitimate claims.
   
   This conference therefore, demands to follow the population pattern in the matter of above mentioned venues of life of the minorities.

10. **Voters List**
    
    In preparation of 1985 voters list large number of genuine voters of minority communities were deprived of the right of franchise. A large number of claims are pending for hearing and the election authority inspite of their assurance for speedy disposal of the cases are sitting tight for a long time.
    
    This conference places its demand to the election authority to complete the hearing immediately to enable the genuine voters to get their rights of franchise by enlisting their names in the voters' fist.
11. **Census**

This conference urges the Government of India to undertake census operation in Assam, immediately, as it is not done for the last 16 (sixteen) years.

12. This annual conference of the United Minorities Front, Assam, do here by resolve that a memorandum be presented to the President of India against the mischief's of the Assam Accord which has resulted in human tortures, injustice and oppression to the people of the religious, linguistic and ethnic minorities of Assam.

    Proposed by: Ardhendu Kr. Dey
    Supported by: Brajen Sarcar

13. This annual conference of the United Minorities Front, Assam, do here by resolve that a charge sheet be presented to the Governor of Assam, against the misdeeds, discriminations, corruptions, failure in maintaining law and order and failure to save the lives and properties of minorities in Assam by the AGP Government, Assam.

    If the AGP Government is not stopped from all these misdeeds within a reasonable time there will be no other alternative in front of the minority communities of Assam but to launch a movement.

    Proposed by: Ardhendu Kr. Dey
    Supported by: Brajen Sarcar

14. The annual conference of the United Minorities Front, Assam, do here by resolve that a clarion call be given to the workers, supporters, members of legislators and executive members to be prepared for any sacrifice to establish and protect the interest, cause and right of the people belonging to minority communities.

    Proposed by: Ardhendu Kr. Dey
    Supported by: Brajen Sarcar

15. The annual conference of the United Minorities Front, Assam, expresses its concern over the printing in the "Bhogal Parichhaya" of class III, published by the Assam State Text Book Corporation and Publication Ltd. that the Char area of Dhubri district are inhabited by Bangladesh Nationals and feels that this kind of publication is deliberately brought forth with ulterior motive to defame and harass the Indian Citizens of minority communities. Hence be resolved that "Bhogal Parichhaya" be banned by the State Government, immediately.

16. **Birth and Death Register Office**

    The present Government has selected only one place in the Development Block for registration of Births and Deaths it may be recalled here that the office of the births and deaths registration was previously attached to the offices of the Gaon Panchayats. But the present system in this regards is nothing but adding sufferings to the rural people.

    So it is resolved that the Government be demanded to reopen the offices of the births and deaths registration to Gaon Panchayats offices as it had been earlier.

17. The present Karimganj district would form a part of the permanently settled area of the British regime so far as its land revenue system is concerned. The permanent settlement system was abolished by the Zamindary Abolition Act, 1952 and the survey for resettlement was started in 1963 from which year no revenue was received by the Government is insisting upon realising the
revenue at the enhanced rate for 23 years at a time which drags the owners, 99 percent of whom pre-peasants to a deplorable economic hardship.

In view of the above, the Government be moved and urged upon to exempt the owners from paying the revenue for these 23 years or to accept the revenue at the rate prevalent in 1963 from which year the collection was discontinued.


Annexure –30
A memorandum Submitted to the President, Prime Minister, Home Minister and Law Minister by UMF. dt. 30.4.1987
United Minorities Front, Assam
7, MLA Hostal (Old)
Dispur, Gauhati -6

Camp: Assam House (New)
New Delhi
Date: 30.4.1987

To,
The Hon'ble President of India, New Delhi
The Hon'ble Prime Minister of India, New Delhi
The Hon'ble Home Minister of India, New Delhi
The Hon'ble Law Minister of India, New Delhi

Memorandum on behalf of the United Minorities Front, Assam, in the Matter of Problems faced by the People belonging to Linguistic, Religious and Ethnic Minorities of Assam

Respected Sir,

On behalf of the United Minorities Front, Assam, we beg to place the following for your kind consideration and necessary action:

Assam Accord was signed on the 15th August 1985 with the high hope ushering in an atmosphere of peace and stability by putting an end to the six years long agitation.

After twenty months it has now become evident from the fallout that the accord has become counter-productive.

When the decision of the Government of India to sign the Accord with AASU and AGSP was made without consulting the involved minority groups and recognised political parties of the State, about the implications of the terms of the Accord, grave reservations were expressed about the outcome.

Now, though the Signing parties are blaming each other for non-performance of their respective parties, we would like to bring to record about the mischief and sufferings that have already been caused to religious, linguistic and ethnic minorities of Assam in the name of implementing the Accord.

The situation that has since arisen is stated below Topic-wise.
1. Problems Arisen in Implementing the Clauses 5.3 and 5.4 of the Assam Accord

Clause 5.3 says:
"Foreigners who came to Assam after 1-1.1966 (inclusive) and upto 24th March 1971 shall be detected in accordance with the provisions of the Foreigners Act 1946 and the Foreigners (Tribunals) Order 1964."

Clause 5.4 says:
"Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons wilt be required to register themselves before the Registration of Foreigners Act, 1939 and the Registration of Foreigners Rules, 1939."

To give effect to the political understanding reached through the Accord, the Citizenship Act 1955 was amended in 1985 creating a new class of non-citizens.

The above two clauses in effect imply that these Indian Citizens who cast their votes in 1985 Assam election by virtue of having their names in the Electoral Rolls of 1985 which was in term prepared on the basis of 1971 Electoral Roll, will lose their status of Indian Citizenship for a period of ten years after which they will again become Indian citizens in all respects. It is unfortunate to think that right of citizenship of a class will remain suspended for a period to give electoral advantage to another class of citizens. This has set up a dangerous precedent in the Constitutional Laws of the country and runs contrary to basic propositions of all laws of Citizenships "once a Citizen-always Citizen."

Leaving aside the questionable aspect of the above decision to detect and disenfranchise the migrants of the period 1.1.66 to 24.3.71, contrary to the national commitment made to the victims of the partition of the country, this is fraught with grave consequences as it envisages a new category of people who would virtually become stateless, a concept hitherto unknown to the Indian Constitution. The manner in which the detection, identification and disenfranchisement of the above category is being undertaken, has already caused immense harassment and sufferings, both physical and financial to lakhs of people belonging to religious and linguistic minorities, irrespective of the fact whether they entered Assam before or after 1.1.66.

Since AGP Government coming to power the Chief Minister as well as other ministers, stated inside and outside Assembly on various occasions that Tribunals set up under the Foreigners (Tribunal) Rules 1964 has done the following work from December 1985 to January 1987. 1985 to January 1987.

No. of cases investigated by the police : 2,45,167
No. of cases referred to Tribunal : 7771
No. of persons declared foreigners : 528

From the above, data, it is not difficult to understand the extent of harassment made to large number of persons. Out of 2,45,167 ultimately 528 persons were adjudged foreigners liable to disenfranchisement whereas, it was quite possible to find out who came after 1.1.66 and before 24.3.71 by comparing the Electoral Roils 1967 and 1971. People were indiscriminately summoned to the Police Stations to prove their antecedents. A regular racket is now prevalent in the name of investigation and identification.

This type of harassment is not always at the violation of the Police alone. The Superintendent of police at the instance of the State Government if compelling the Police Officers, entrusted with investigation to forward cases to the Tribunal on
II. Problems arising out of Identification and Expulsion of post 1971 Entrants vide clauses 5.8 on the Assam Accord read with Illegal Migrants Determination (By Tribunal) Act 1983 hereinafter called IMDT Act.

Clause 5.8 says:
"Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and expelled in accordance with law. immediate and practical steps shall be taken to expell such foreigners."

The above clause enjoins identification and expulsion of the migrants who have entered Assam on or after 25th March 1971.

This clause incorporates the decision already made by the Government of India to detect and deport post 1971 entrants and accordingly a Law was passed in 1983 known as IMDT Act and a set of Rules were framed to regulate its procedure.

The salient features of the Act of 1983 read with the Rules are:

(a) In the Act, the primary responsibility was given to the police to investigate the cases of Illegal Migrants. The police after investigation is required to forward the case to the District Advisory Committee consisted of Officials and Non-Officials. If the Committee is satisfied, it would forward the cases to the Tribunal for adjudication.

(b) In addition to the power given to the police to investigate such cases, the private person is given the scope to lodge complains about the presence of a post 1971 migrant, provided:
   1. The person complaining is residing within 3 kms. of residence of the person against whom he complains.
   2. The private complaint has to swear on affidavit about the genuineness of his allegation.
   3. The complaint has to pay Rs. 25 alongwith the complaint which would be forfeited if the complaint is found to be false.

(c) The adjudicating Tribunals are to be composed of 3 Judges one from Assam, two from rest of India.

(d) In matters of procedure, the Tribunals are to be guided by the provisions of Civil Procedure code and Indian Evidence Act.

(e) In 1983 Act a right of appeal against the verdict of the Tribunal has given to an Appellate Tribunal consisting of two judges and a further right of revision to the High Court.

From the above, it is clear that when the Act of 1983 was finalised due care was taken so that in the name of detection and adjudication no Indian citizen is either harassed or made foreigner by design.

After the passing of the Act as many as 20 Tribunals were set up having their offices at the district headquarters by the middle of 1984 and started to hear the cases.

As soon as the AGP Government came to power in December 1985 functioning of the Tribunals slowed down. The Assam agitationists were all along against the Act and wanted its amendment. Assam agitation gained momentum because of a tremendous propaganda offensive based on distorted and whipped up data that there are at least 40 lakhs of so called foreigners which is not only a threat to Assamese identity but also a security risk to the whole country. But they knew that their whole case would fall through if the identification and adjudication was
done in a due process of Law. That is the reason of their opposition to the Act of 1983.

The AGP Government suggested to the Central Government to amend the Act of 1983 on the following points:

1. To do away with the territorial limitation 3 km. so that any one can lodge complaint against any one from any where in the State.
2. Numbers of the presiding Judge to be reduced to one dispensing with two outside Judges.
3. The fee of Rs. 25 to be abolished.
4. Tribunals verdict to be treated as final with no right of appeal or revision.
5. Onus of proof to be shifted from the complaint to the person complained of.

Since coming to power, the AGP Government has not renewed the contract with some Judges who were brought from outside. This fact has been corroborated by Shri P.Chidambaram, Union Minister for State, Home Affairs in the floor of the Lok Sabha on 2.4.87. In the meantime the number of Tribunals have been reduced from twenty to four.

All these things are being done with a deliberate design. Had the AGP Government been sincere in speedy identification and adjudication and for putting an end to this Sensitive problem once for all, they ought to have increased the number of Tribunals far from decreasing. With four Tribunals now functioning, the affected people have to go, sometimes as far as 500 kms, incurring heavy expenditure and running the risk of Exparte hearing.

Following figures as supplied by the Chief Minister and Home Minister Assam inside the outside the House on various occasions will show the intensity or otherwise of the desire of the State Government to identify the post 1971 foreigners since the institution of Tribunals:

(a) Total numbers of enquiries instituted : 50,064
(b) Total numbers of cases referred to the Tribunals : 2,497
(c) Total numbers of persons declared Foreigners : 569
(d) Total numbers of persons expelled : 41

According for obvious reasons the AGP Government wants Amendment of the 1983 Act in a manner which will make possible for any one against any one from any place to a Tribunal manned by one Judge from within the State whose racial prejudices will in effect ensure a decision on desired lines, specially when the onus is thrown on the shoulder of the person complained against. Only through this modus operand, the present Government of Assam, would some how come nearer to figure of the so called foreigners they brandished before the country.

III. At the time of Formulation of Assam Accord, the framers, now it appears, could not comprehend its implication that of all the clauses, clause 5.7 was fraught with dangerous consequences. Clause 5.7 of the Assam Accord says:

“All persons who were expelled earlier but have since re-entered illegally into Assam shall be expelled.”

In the sixties, there was a drive in Assam to expell Pakistani Nationals who infiltrated into Assam. Initially thousands of people were thrown out by the police on the basis of a Questionable power exercised under Section 3 of the Foreigners Act 1946. When the figure exceeds two lakhs, hue and cry was raised about the arbitrary nature of this type of expulsion by the police without Judicial intervention.
Accordingly, Tribunals were summed up by Foreigners (Tribunals) order 1964 to adjudicate over these cases. These Tribunals were abolished in 1969 by the State Government as it was of opinion that the number of Pak infiltrants did not justify their continuance till then. Tribunals said to have identified 1,54,777 Pak infiltrants in between 1964 to 1967 (vide Assam Government's press Release dated 30th March, 1980). Accordingly taking the pre-Tribunal and post-Tribunal periods together, more than five lakhs of people were deported.

The Assam agitationists were all along claiming that those who were deported at that time, had surreptitiously came back and as such they are to be deported again. No doubt, the wish of the Assam agitationists has been given effect to in the above clause. But strangely enough no condition is made for the reference of these cases to any Tribunal or any other Judicial authority set up by relevant Laws.

Accordingly the police is punching upon the people belonging to Religious and Linguistic community, mostly in the dead of night on the plea that they were earlier deported but they re-infiltrated. As they have re-infiltrated they were liable to be deported forthwith. Already hundreds of families have accordingly been uprooted and taken to the border.

It is not difficult to visualise what a havoc has now been created in Assam in persuance of the above clause of Assam Accord which refers to a transaction took place twenty-twenty-five years ago. No one is in a position to ascertain or verify the list of such infiltrants or how they were adjudged foreigners by whom and whether and how they were earlier deported on the basis of which the police is operating. The sense of insecurity and helplessness of minority community is further highlighted due to the notorious racial attitude of the substantial section of the Assam police. In many cases minority people are taken to border for deportation in spite of having proof of Indian citizenship.

The miseries of the people is indescribable due to the fact that on the one hand when they are taken away from their abodes, their properties are looted, on the other hand when they are pushed out of the Indian border, Bangladesh authorities do not allow them to enter in their country and as such they are compelled to come back as destitutes facing further persecution.

It is high time for the Government of India who is the authority on whom rests the responsibility to see the implementation of Laws for the Foreigners to spell out the implications of the terms expulsion and deportations. Even assuming that these persons are foreigners whether their deportation is complete if they are pushed out of Indian Border but not accepted by the other side and compelled to come back.

It is also high time to know the legal position as to this category of so-called reinfiltrants. The legal position as it is now obtained is that if a person was already adjudged a foreigners by a competent authority and duly deported, if he comes back without valid papers he commits an offence and as such liable to be prosecuted under passport Act and other allied laws.

Government of Assam as the delegated authority of the Central Government is committing serious abuse of the process of laws for which Central Government too cannot shirk its responsibility.

Again clause 5.7 contradict clause 5.8 which makes 25th March 1971 as cut-off date for deportation. It is ammusing to see that a person who has come to Assam even on 24th March 1771, cannot be deported but a person who was alleged to have been expelled but had to come back being refused entry to East Pakistan, will have
to be deported as per terms of the Accord. On the other hand clause 5.7 has created further complications, so far the India and Bangladesh is required to take back only those of her nationals who have gone to India after 24th March 1971. Had the persons who were expelled being found to be Pakistan nationals can now be expelled as Bangladeshis in pursuance of the Assam Accord and whether the Bangladesh would accept any Pak national or any one who has not come to Assam before 25th March 1971.

Assam Accord was made with the pious intention to bring back an era of peace and stability. But the manner in which these clauses relating to foreigners issue is implemented will open the Pandoras Box— if the AGP Government of Assam succeeds in manipulating the Foreigners clauses of the Assam Accord, lakhs of people will roam hither and thither for it is certain that Bangladesh will not accept these people forcibly left at Bangladesh border, unless there is a bi-lateral arrangement with that country.

In this premises it is high time that the Government of India, the nodal authority for the exercise of the laws relating to the Foreigners and citizenship should take up the direct responsibility for the enforcement of the above laws through its own personnel and machinery as the AGP Government which is exercising the above power as the delegated authority is acting in a manner prejudicial to the interest of all the minorities in Assam.

**Topic "B" - Eviction**

**Eviction Operation Carried out in Pursuance of Clause 10 of Assam Accord**

To give effect to clause 10 of Assam Accord large scale eviction operation is going on in different parts of the state, in the areas inhabited mostly by minorities, and the authorities, in the name of eviction from the Government land, Forest land, Char land, Railway land and land under Tribal Blocks and Belts taking recourse to arson, looting and beating of innocent people. In many cases the mandatory notices are not being served, High Court stay orders violated, land allotted by the previous Governments under MNP scheme were forcibly acquired through eviction process. Already about thirty thousand families comprising about 150000 people belonging to linguistic, religious, Nepalese and Tribal minorities have been uprooted from their hearth and homes, lands shops, places of worships were also not spared.

**Clause 10 of Assam Accord says:**

"It will be ensured that relevent Laws for prevention of encroachment of Government lands and land in tribal Belts and Blocks are strictly enforced and unauthorised encroachers evicted as laid down under such laws."

(i) The eviction operation is mainly directed against the landless peasantry belonging to immigrant Muslims and Bengalee Scheduled Castes communities inhabiting water logged areas known as chars and chaparis and riverine areas of Brahmaputra, and its tributaries. Because of the shifting nature, settled lands ----are constantly formed due to ---- and river eroded people takes up settlement in the newly formed lands by bringing such lands under cultivation. Though those people occupy and cultivate those lands year after year within the knowledge of the Government and in some cases for two or three decades. But such areas never included in the periodic settlement surveys and as such shown as Government Khas land. Nevertheless, the Government in most cases realised rent from those cultivators in the form of Licence fees known as Touji Bahar (TB) rent.
According to a rough estimate nearly three lakhs hectare of such Government land are presently under occupation of the above landless peasantry numbering six to eight lakhs in the riverine areas of Brahmaputra and its tributaries.

Whoever came to power in Assam in the last few decades knew about the magnitude of the problem. For expediency and political, though those people were not given settlement, no attempt was ever made to persuea policy of wholesale eviction in the plea of encroachment of the Government land obviously because of the fact that such eviction would have affected eight to ten lakhs of people and the consequent loss of agricultural products. Rather from time to time piecemeal allotment of such land were made in some such areas under 20 point and MNP programmes and they were also enumerated and enrolled in voters' lists.

(a) From the last part of 1986 a new tactic has been adopted by the AASU under the patronage of the AGP Government, to forcibly evict the families belonging to religious and linguistic minorities from their lands. Organised armed gangs have been formed in Magaldoi sub-division of Darrang District and have been engaged to forcibly evict the minority families at Moamari Chapari and Chaulkhowa area. Already a few hundred families have been dislodged from their lands. Their houses were burnt and looted and the lands under their possession have been forcibly occupied. This attempt is fraught with great danger and may lead to large scale disturbance.

From the facts stated above it is clear that a systematic design is hatched to uproot the minorities from the riverine area of Darrang district. The present Assam problem had its beginning in this area. In 1979 during the revision of the electoral rolls, attempts were made to disenfranchise about half a lakh of people of this area by taking recourse to fraud and intimidation. During 1983 election, these areas were attacked and as a result large scale racial riots took place, thousands rendered homeless, hundreds killed. The name of Chaulkhowa became a household word throughout the world along with Neli, Barbori, Gohpur, Khairabari and Silapathar.

The ugly pattern that is raising its head in the Chars and Chapari areas of Mangaldoi, if not nipped in the bud, will set a chain of reaction in the form of confrontation and conflagration which will inevitably engulf the whole state and for this state Government will remain squarely responsible.

(b) In the name of evicting encroachers from the Government land in pursuance of clause 10, landless peasantry having occupation as long as 30 years or more are made destitutes because they belong to minority community. The classical example of such an eviction operation can be found in the eviction operation which was carried on from February 6 to 10, 1987 in the Lotoria professional Grazing Reserve (PGR) in the district of Kamrup were by 2434 families involving not (less than 12000 heads were made destitute. These rivers eroded people took shelter in the above Reserve in the fiftees and from time to time attempted to get settlement of the land under their possession. Various lists of these people were made by the Revenue Authority from time to time, but allotments were not finalised barring a few families.

On being apprised about the wretched condition of the affected people of the said area a team of UMF MLAs and office bearers visited the area on 29.3.87 and saw themselves the serious condition of the victims and atrocities committed on them and took full account of the atrocities committed by the Government officials from the leading personalities of the locality.
Appendix

(c) Present eviction operation is also directed against the Non-Tribal people who settled themselves in areas known as Tribal Belts and Blocks. Assam Land Revenue Regulation prohibits non-tribal people acquiring land in tribal Belts. But the river eroded landless immigrant Muslims, Bengalee Hindu mostly belonging to Scheduled Caste community, Rajbangshis, Hajongs and other weaker sections made destitutes due to partition, got themselves settled and lands in Tribal Belts, wherever, possible. Tribal Blocks and Belts were being created since 1949 and the restriction that applied to the non-tribal belonging to various communities got themselves settled on lands within tribal blocks and belts by purchasing lands from the local tribals thought registered deeds and got their names mutated in Land Revenue Records. In some areas displaced persons from East Pakistan were settled in tribal belts under programme of refuge rehabilitation though non-tribals were debarred from tribal lands, the whole transaction took place with tacit approval of the Government.

Now in the name of implementing clause 10 of Assam Accord ruthless eviction of immigrants Muslims, Bengalee Hindus, Rajbangshi and Nepalees, have begun with the coming of AGP Government in power. Already twenty thousand people of above category have been evicted rendering them destitutes. If such eviction operation is allowed to continue, its logical conclusion, as dictated by the Accord, more than eight lakhs of people, have to become destitutes shortly, as there is no scheme of the Government for alternative rehabilitation.

(d) In forest areas large tracts of land were encroached upon by landless peasantry mostly belonging to immigrant Muslims, Bengalee Hindus, Nepalese, Bodos, Missings and other tribal communities of Assam. As these Sands were fit for wet cultivation, for which reasons it was not brought under plantation operation by the Forest Department. For last two decades, the landless agriculturists wanted settlement of agriculturally suitable land under their occupation. From time to time the Government surveyed such areas of land and also in few cases made allotment. Not less than eight to ten lakhs people have brought under cultivation such land fit for agriculture within the Forest Reserves, such as, Howaitnang, Longai, Bilaipur, Lakshmichhara, Daranga, Aievalray and many other forest reserves of Assam. It is quite possible to demarcate such areas and give settlement. In any view of the case, if these people are evicted without making alternative arrangement, nearly a million people will became pauper, having no sheds on the heads of their family members, creating a great socio-economic problem.

Who ever ruled Assam in last four decades, had to face this problem of so-called encroachers, desisted from making wholesale eviction, not to speak of Congress Government of Assam when Janata Government came to power in 1978, a circular was issued to the effect that those who occupied Government and Forest land prior to 1978, would not be evicted. During "Saikia" Ministry a similar circular was issued vide No. RSS 76/84/C dated 6th June 1985 staying the eviction of the people who were found to be in possession of Government land before 1.1.1980.

Any attempt by the present AGP Government to implement clause 10 of the Assam Accord in utter disregard to the realities of the situation will be counter productive, unless backed by a reasonable land policy, providing land to the landless and making alternative arrangements in case of unavoidable eviction.
Reviewing the situation as a whole the UMF has no option but to conclude that taking advantage of the fact the State is being ruled by AGP Government the forces which all along wanted to uproot the minorities, have renewed their efforts with more vigour. It is a pity to observe that the Law and Order enforcing authorities are not made ineffective but are utilised by political pressure groups to wage this racial war to a successful conclusion.

**Topic "C"**

**Discriminatory Policy Adopted by the AGP Government**

The AGP Government has adopted discriminating policy in appointment, formation of Government Boards and committees, in developmental activities, in granting financial and admission to educational institutions, in registration of names in employment exchanges, in issuing licence for trade, in allotment of contract work etc.

Some of the glaring instances of discrimination by the AGP Government are cited below:

One of the first acts of the AGP Government after assumption of power was the cancellation of a valid panel of names of successful competitors for the posts of Lower Division Assistants in the State Secretariat prepared after regular selection tests held in different District Headquarters. Candidates for the posts and submitted fees and competed in selection tests duly and the panel was from successful candidate in order of merit.

After cancelling the valid panel, the State Government advertised for fresh applications with fees for the same posts but with a discriminatory stipulation about knowledge of Assamese (to be tested through a paper of General Assamese with 50 marks). This was clearly done with the ulterior motive or denying equal opportunity to candidates belonging to linguistic, ethnic and tribal minorities in general and those from the the Barak Valley districts and the two Hill Districts and the plains tribals of the Brahmaputra Valley. Moreover, such instance of knowledge of Assamese as a precondition for recruitment under the State Government is violative of the Government commitment at the time of passing of the Assam Official Language Act and also of the act itself.

Another instance from the some State Secretariat highlights similar discrimination. In 1986 a list of 31 successful candidates for the post of English (Grade III) Stenographers was prepared in order of merit through the regular Stenographer Examination held in June-October 1986 by the Board constituted by the Government, The results of the examination were announced through the Notification No. SAF 36/84/57 dated 30th October, 1986 of the State Department of Personnel. There were twenty-seven posts of English Stenographers (Grade -IH). But as candidate belonging to linguistic, religious and ethnic minorities had done well in the Selection Test, seventeen of the twenty-seven posts were diverted for Language (Assamese) Stenographers (Grade-III) in violation of the prevailing Rules and Procedures of the Assam Secretariat.

The AGP Government has also been violating the Constitution and the laws like the public Employment (Requirement as to Residence) Act, 1957 and Citizenship (Amendment) Act, 1985. Employment notices of the State Government invite applications from "Candidates who are citizens of India and bonafide permanent residents of Assam", the State Government and bodies under it always demand the permanent Residence Certificates from applicants for jobs, for their...
confirmation and also for issue of contracts, licences, permits etc. Besides, citizenship registration certificates are often demanded from former displaced persons from erstwhile East Pakistan while "all persons of Indian origin who came to Assam before the 1st day of January, 1966" have attained citizenship and no citizenship certificate can be demanded from them. Even the persons of the 1966-71 stream who would be detected as "foreigners" and registered as such "shall have the same rights and obligations as a citizen of India except the right to be enrolled as voters for a period of ten years. As such the Assam Government cannot shut out these people from applying for jobs and other rights. The Government of India has an obligation under law to uphold all other rights of citizens even for these people.

Another highly discriminatory and racial policy of the present government will be sufficient to illustrate the point.

Recently 233 Sub-Inspectors of Police were recruited directly against vacancies of 120, by passing the existing rules that 50 percent of vacant post are to be filled up by promoting the Assistant Sub-Inspector of police. The whole business was done more or less surreptitiously by the State Home Ministry at a political level. Of these 233 only three were from the minority communities. Though there is a guideline to the effect that in matters of employment the population pattern to be reflected. The present government is pursuing a naked racial policy.

Recently 1600 constables were recruited to raise additional police Battalion. Not even 1 percent representation is given to linguistic and religious minorities in the batch of recruitment. This is in utter violation of the guidelines issued by the Union Home Ministry, Minority Commission of Indian and National Integration Council of India to the effect that at least in the matter of recruitment in the lower level constabulary, due representation is to be given to all sections of the people so that such forces are to be of Presently situation is such in Assam that the unemployed youths of minority communities are not getting any scope of employment. They cannot register their names in Employment Exchange and these whose names are already registered are not forwarded to employment.

Public representation to opposition groups are deprived from their democratic rights as they are totally neglected information of Government Committees and Boards. For example Sub-Divisional Advisory Board for Elementary Education are constituted in utter disregard to the population pattern, in such Boards though MLAs of AGP party were made Chairman etc. member belonging to opposition MLAs were kept out. In case of Barpeta Sub-Divisional level committee all the even non-official members belong to Assamese Caste Hindus and not a single representative is taken from Assamese Muslims, Bengali Muslims, Bengali Hindus, Tribals and OBC who constitute overwhelming majority of the population of the district.

In payment of building grant for primary schools the AGP Government has created another glaring instance of discrimination.

In case of constitutions of AGP MLAs, they got building grants ranging from 34 to 65 schools whereas the opposition members' constituencies building grants were sanctioned only 12 to 14 schools. Some Constituencies did not get a single school. Funds for these building grants is made cut of eight Finance Commission Grant.
Constituency wise of some such discrimination are shown below:

<table>
<thead>
<tr>
<th>Constituency</th>
<th>Party</th>
<th>No. of Schools</th>
</tr>
</thead>
<tbody>
<tr>
<td>Baghbar</td>
<td>UMF</td>
<td>12</td>
</tr>
<tr>
<td>Jania</td>
<td>UMF</td>
<td>12</td>
</tr>
<tr>
<td>Chenga</td>
<td>UMF</td>
<td>12</td>
</tr>
<tr>
<td>South Abhayapuri (SC)</td>
<td>UMF</td>
<td>11</td>
</tr>
<tr>
<td>Tinsukia</td>
<td>Congress (I)</td>
<td>11</td>
</tr>
<tr>
<td>Digboi</td>
<td>Congress (I)</td>
<td>11</td>
</tr>
<tr>
<td>Margeritha</td>
<td>Congress (I)</td>
<td>0</td>
</tr>
<tr>
<td>Doondoma</td>
<td>Congress (I)</td>
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</tr>
<tr>
<td>Undalguri (ST)</td>
<td>UTNLF</td>
<td>0</td>
</tr>
<tr>
<td>Kokrajhar</td>
<td>PTCS</td>
<td>12</td>
</tr>
<tr>
<td>Sorbhog</td>
<td>CPM</td>
<td>14</td>
</tr>
<tr>
<td>Barpeta</td>
<td>AGP</td>
<td>36</td>
</tr>
<tr>
<td>Sarukhetri</td>
<td>AGP</td>
<td>36</td>
</tr>
<tr>
<td>Bhabanipur</td>
<td>AGP</td>
<td>38</td>
</tr>
<tr>
<td>Pathacharkuchi</td>
<td>AGP</td>
<td>38</td>
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<tr>
<td>Sadia</td>
<td>AGP</td>
<td>36</td>
</tr>
<tr>
<td>Nowgong East</td>
<td>AGP</td>
<td>56</td>
</tr>
<tr>
<td>Sipajhar</td>
<td>AGP</td>
<td>65</td>
</tr>
</tbody>
</table>

In sanctioning this building grants discrimination has not only made in case of number of schools but in most cases the schools were selected by the Education Department themselves by passing in suggestion given by the opposition MLAs.

**Discrimination in Payment of Ex-Gratia Grant**

That the AGP Government has sanctioned Rs. 30,000 to the nearest heir of the persons killed or wounded during the agitation on foreigners issue. But this payment has been made or doing being made to Assamese people, who participated in the agitation, but though about ten thousand of people belonging to minorities communities were killed and thousands received grievous injuries and become invalid for life, neither got even Rs. 5000 not to speak of Rs. 30,000 as in the case of agitators. We demand equal compensation for all irrespective of caste, creed and community.

**Topic "D"**

**Deteriorating Law and Order Situation**

That the law and order situation in the State is alarming and far from satisfactory. The law and order enforcing authority has lost its effectiveness due to political bias and as such the people especially the minorities has lost faiths on Police administration. In very many cases partiality of Police is exposed and their naturality being questioned. The crimes during AGP rule has been increased. The Home Minister himself stated in the Assembly of the last December Session that the number of murder for 1985 was stated to be 593 and 631 respectively. The figure of 631 for 1986 is a clear sign of deterioration. Eight political murders took place in 1986 involving Congress (I), UMF, CPM, CPI (ML) etc. The most alarming feature is that in cases of political murders the culprits could not be apprehended. Late Kalipada Sen, founder President of UMF was murdered in his residence situated at the heart of the city, on 17th September 1986 but till today the police failed to arrest.
the culprits. The State Government did not hand over the case to the CBI in spite of repeated demands from all political parties both outside and inside the Assembly. This failure to apprehend the culprits has given rise to a sense of insecurity among the law abiding citizens. Curiously enough the AGP Government could entrust the investigation in the case of ex-DGP Shri Sarma Pathak to CBI but they were not willing to hand over the case of murder of Shri Kalipada Sen and other political persons killed to CBI is a mystery. On 24.4.87 a Congress(I) leader and ex-vice-chairman of Tezpur town in Sonitpur district Shri Hamalay Roy was gunned down by the so-called extremists. There is a general feeling among the minorities that this case will also see the fate of past ones. It is high time to institute national level probe to find out whether there is a deliberate design behind these type of political assassination thereby to eliminate political opposition.

Under the circumstance, we are of definite opinion that unless corrective measures are applied immediately, situation in Assam will further deteriorate destabilising the whole region.

We, therefore, demand that:

(i) Harassment to the Indian citizens in the name of detection, deletion and deportation of so called foreigners should be stopped immediately.

(ii) No amendment of the illegal migrants determination (by Tribunal Act.1983).

(iii) Increase the number of the Tribunals at least one in each district as before instead of four in the whole state.

(iv) No expulsion under clause 5.7 of Assam Accord alleging expulsion of reinfiltants without reference to the Court/Tribunal.

(v) Eviction operation be stopped immediately and ensure non-eviction of landless minority agriculturists. In any case no eviction without alternative arrangements.

(vi) To stop discrimination in methods of appointment and offer allied subjects and in discriminatory utilisation of Central Grant to Assam.

(vii) To send Central Monitoring Team to enquire into complaints of discrimination and misutilisation of Central Funds including Eight Finance Commission Grants under 20-points, MNP and other programmes.

(viii) A high level probe to be initiated to assess the law and order situation in Assam and deployment of CBI to find out the root causes of political assassination.

(ix) Deployment of CRPF to trouble-prone areas of Assam like Memari and Dhaulpur of Darrang district.

(x) To make arrangement for immediate repatriation of the persons displaced from Assam in 1980 and 1983 numbering nearly eleven thousands and now camped at Dangi in West Bengal.

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