Chapter – 6
THE ANTI-FOREIGNERS MOVEMENT AND
ASSAM ACCORD - 1985

In March 1979, due to the death of Hiralal Patwari, the sitting MP of Mangaldoi constituency a bye-election had to be held. According to the Central Government instruction the revision of electoral roll started, some 47,000 complaints were lodged challenging the authenticity of citizenship in Mangaldoi constituency alone, 36,000 cases were sustained by the court; out of these 26,000 comprising over 72 percent, were declared illegal entries by foreign nationals.¹ The issue, which generated a very strong fear psychosis of losing the sociocultural and political identity among a large section of Asamiya middle class. This fear psychosis gradually engulfed the majority of Asamiya masses to launch a movement on the foreigner issue. It was the AASU, which had been spearheading the anti-foreigners movement in mid 1979 by declaring 'no revision, no election'. What they wanted was Three D's—“Detection, Deletion and Deportation” of the foreigners prior to the election.² Now it may be asked for the agitation in Assam: is the problem of the 'foreign nationals' the real bone of contention or it is a manifestation of some other cause that lies deeper still? The answer is that the agitation is the political expression of the economic deprivation, which Assamese have experienced due to heavy migration since the early 20 century. Though the

² Voice of AASU, Mass Upheavels in Assam, Pub. By All Assam Students Union (AASU), Gauhati, 1981, p. 2
anxiety and frustration, of which the caste Hindu Assamese leadership complains, are not baseless, the problem is of the state’s indigenes losing their economic position rather than their ethnic or cultural identity. The Movement’s political apprehension that immigration has given rise to the ‘foreigner question.’ On the contrary, immigration has really helped the Assamese to strengthen their political hold over state. Almost the entire immigrant community, except the Bengali Hindu middle class, now describes itself as Assamese speaking in Census records. The Anti-foreigners upsurge has been the most desperate attempt so far to solve recurrent economic maladies through political mobilization.

The Assamese Chauvinists wanted that Muslims should be branded as 'foreigners' and driven out of Assam, so that, their numerical strength may be reduced to a negligible size. Muslims always play a positive and vital role in the formation of Assam Government. The number of Muslim members in the Legislative Assembly, Assam, has been increasing term after term. The Bengali Muslims due to their greater numerical strength, thus, tried to keep a strong hold in Assam politics. This was one of the causes of pre-judice against Muslims. After Independence, Muslims were the strong supporters of Congress. During Janata Party rule, Muslims, ‘vote-bank’ of Congress, was broken for the first time. In Assam, Golap Chandra Barbora became the Chief
Minister on 12 March, 1978.\(^3\) He was supported by eight Muslims along with others. Golap Barbora failed to run his administration peacefully. Some of his dissidents wanted to form their Ministry. Meanwhile, intra-faction struggle for change of leadership had been started. Within three months of his assumption of office, a dissident group led by Tarini Mohan Baruah began to oppose Barbora openly.\(^4\) Congress leaders were also not silent. During this tug of war of powers, a few political leaders for their political gain instigated their supporter-youths to destabilise Assam by raising an issue. Suddenly the walls of Guwahati abounded with graffiti "go back Indians", "go back non Assamese", We want sovereignty, etc.\(^5\) By the middle of the year 1979, the state turned into a land of bandhs, hortals, demonstrations and hunger-strikes etc. which created an unstable atmosphere. According to 'The Times of India.' it was very "difficult to identity who was doing what — and for what purpose or under whose direction." Very soon it became clear that all "outsiders" (Bahiragata) should go out from the Assam State. The agitation started by youths to drive out all the Bahiragata from the state, so that, it might lead into a golden Assam (Sonar Asom) free from any outsiders. Then the question of meaning of Bahiragata (outsiders) arose. The interpretation of the word "Bahiragata" came from different persons that non-Assamese or who came from other states or out-side India might be known as Bahiragata. In fact,

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\(^3\) M. Kar, Muslims in Assam Politics, 1\(^{st}\) Edited, Vikas Publishing House, New Delhi, 1997, pp. 148-149.

\(^4\) Idem.

\(^5\) Idem.
Muslims, Marwaris, Bengalis, Biharis, Madrasis, Sikhs, Punjabis—all these were *Bahiragatas*. So, this meaning became very complicated as well as dangerous for the integrity of the whole of India. With the quick interference of *Jatiatabadi* (Nationalist) groups, the meaning was diverted to 'Bangladeshi foreigners.' Thus, the agitation turned into a new communal line.

From 12 March 1978 to 18 March, 1982, Assam was administered by Chief Ministers like Golap C. Borbora, Jogendra Nath Hazarika, Syeda Anwara Taimur and Keshab Chandre Gogoi, all of them failed to come into understanding with the agitators. The agitators became so adamant that without detection and deportation of so-called Bangladeshi foreigners, they would not call off their agitation. They challenged that until and unless foreigners deported, they would not allow holding any election in the state. They (AASU) dispatched many letters to the Hon'ble Prime Minister and the Home Minister of India in this respect, (For detail see Annexure-12 to 22/ pp. XXIV-XXXVII). The Government of India, specially the Prime Minister and the Home Minister were engaged in many discussions and issued many replies to the President/Secretary, All Assam Student’s Union, Gauhati to compromise the matter. Unfortunately all these endeavours became null and void.

At last, the election was must for Assam due to the Constitutional Provision. On 6 January, 1983, the Election Commission of India announced

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6 Ibid., p. 150.
7 All Assam Students Union, The Foreigner’s Problem, Guwahati, 1983, pp. 22-23.
that bye-elections to the 12 vacant Lok Sabha seats (vacant since 1980) and the general elections to the State Legislative Assembly would be held at the end of the President's Rule.\(^8\) Elections were to be held on the basis of the current electoral rolls revised with reference to 1 January 1979 as the qualifying date. Elections would be held in two phases and the polling dates were 14, 17, 20 and 21 February 1983.\(^9\)

As a result, the agitation was more intensified before the election (1983). The misleading and emotionally misguided agitators advocated in different meetings that there are lakhs of “Bangladeshi foreigners”, who would participate in the coming election of 1983. If they are allowed to be participated in the election, they (especially Bengali Muslims) legally, would become the citizens of India. Once again the identity and culture of Assamese might be affected due to the increased number of Bengali Muslims.\(^10\) This created tension among the Bengali Muslims, because they feared that in the name of so-called foreigner’s lakhs of Indian Muslims would be harassed and some of them would forcibly be driven out from Assam. Because Bengali Muslims already had such kind of bitter experiences. In the legal sense, Muslims had nothing to say about the detection and deportation of foreigners. But gradually, the agitation was directed against the Muslims.\(^11\) Some agitators would not fail to say that all the Bengali Muslims are Bangladeshis.

\(^8\) M. Kar., op. cit., p. 173.
\(^9\) Idem.
\(^10\) The Secretary, the Assam Cultural Association, Gauhati, 1983, p. 1.
\(^11\) Editorial by Homen Borgohi, Janakranti, Gauhati, 5 June 1983.
Bengali Muslim dominated areas were also indicated as Bangladeshi areas.\textsuperscript{12} Almost all the supporters of agitation shouted in their meetings that there were more than forty lakhs of Bangladeshi foreigners in Assam.\textsuperscript{13} As there was no census in 1981 in Assam, so according to the Census Report of 1971, the total number of Muslims (including local Muslims) was about 36 lakhs (Table 6.1 & 6.2) only. Apparently it sees as it was claimed by the agitators that the entire Muslim community (including local Muslims) is of foreigners. The All Assam students union (ASSU) and the All Assam Gana Sangram Parishad (AAGSP) threatened the Government that if the Government fails to delete the names of foreigners from the voters lists of revised electoral roll, they (the so-called majority community) would boycott the coming election of 1983. In fact, it was remarkable that almost the entire Muslim community of Assam was the supporter of the Congress Party since last 35 years of Independence. Hence, one of the primary mottos of agitators was to pressurise the Chief Election Commissioner to drop names of lakhs of Muslims, specially in the name of foreigners from the voters lists, so that, they would get the support of their so called majority community and may be voted to power. Mrs. Indira Gandhi, the then Prime Minister of India had experienced about the agitation that one of its aim directly was to wrest the power from the Congress, the present ruling party.

\textsuperscript{12} Seikia, Nagen, \textit{Agni Garbha Asom}, Bani Mandir, Dibrugarh, 1983, pp. 76-77.  
\textsuperscript{13} Idem.
Table 6.1
District Wise total Muslim population of Assam and its percentage
(Census 1961 &1971)

<table>
<thead>
<tr>
<th>Name of the Districts</th>
<th>Total Muslim Population 1961</th>
<th>Total Muslim Population 1971</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Goalpara</td>
<td>6,68,748</td>
<td>9,40,090</td>
<td>42.25</td>
</tr>
<tr>
<td>Kamrup</td>
<td>6,05,524</td>
<td>8,25,658</td>
<td>28.93</td>
</tr>
<tr>
<td>Darrang</td>
<td>2,49,585</td>
<td>2,81,095</td>
<td>16.19</td>
</tr>
<tr>
<td>Lakhimpur, Dibrugarh</td>
<td>88,345</td>
<td>97,329</td>
<td>4.59</td>
</tr>
<tr>
<td>Nowgong</td>
<td>4,99,320</td>
<td>6,62,181</td>
<td>28.93</td>
</tr>
<tr>
<td>Sibsagar</td>
<td>87,911</td>
<td>96,801</td>
<td>39.20</td>
</tr>
<tr>
<td>Cachar</td>
<td>5,39,457</td>
<td>6,83,387</td>
<td>39.88</td>
</tr>
<tr>
<td>Plains total</td>
<td>27,38,737</td>
<td>35,86,840</td>
<td>25.31</td>
</tr>
<tr>
<td>Karbi-Aunglong</td>
<td>NA</td>
<td>4,926</td>
<td>1.30</td>
</tr>
<tr>
<td>N.C. Hills</td>
<td>NA</td>
<td>658</td>
<td>0.86</td>
</tr>
<tr>
<td>Hills Total</td>
<td>3,500</td>
<td>5,584</td>
<td>1.23</td>
</tr>
<tr>
<td>Assam Total (Including Hills)</td>
<td>27,42,287</td>
<td>35,92,124</td>
<td>24.56</td>
</tr>
</tbody>
</table>


Table 6.2
The Total number of Hindus and Muslims in Assam
Censuses 1951, 1961 & 1971

<table>
<thead>
<tr>
<th>Census</th>
<th>1951</th>
<th>(%)</th>
<th>1951</th>
<th>(%)</th>
<th>1951</th>
<th>(%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total population Hindus</td>
<td>8028856</td>
<td>72%</td>
<td>10837329</td>
<td>71%</td>
<td>14625152</td>
<td>72%</td>
</tr>
<tr>
<td>Muslims</td>
<td>5781974</td>
<td>72%</td>
<td>7730698</td>
<td>71%</td>
<td>10604618</td>
<td>72%</td>
</tr>
<tr>
<td>Others</td>
<td>1981859</td>
<td>24%</td>
<td>3592124</td>
<td>24%</td>
<td>2742287</td>
<td>25%</td>
</tr>
<tr>
<td>Others</td>
<td>265023</td>
<td>4%</td>
<td>364344</td>
<td>4%</td>
<td>428410</td>
<td>8%</td>
</tr>
</tbody>
</table>

Source: Ibid
The masses were made emotionally excited in the name of foreigners, so that, they may get support to come power in the state, Mr Kuldip Nayer the renowned journalist and reporter said. If the Assam situation is to be analysed without emotion, it seems apparent that the real issue is to get political power, not foreigners. Foreigners who came to Assam between 1961-71 period figure at nine lakhs, out of which a meager 28,000 are Muslims. Both the Centre and the Assamese realize that it will not be possible to push back Hindus to Bangladesh. Whatever, the agreed base year of Assam agitation rests today without any prospect of immediate break-through.\footnote{Kuldip Nayer as quoted in ‘Sunday’ Delhi, 9 December, 1981, pp. 14-17.}

One may rightly say that, after sacrificing thousands of lives for the independence of sovereign Bangladesh why should Bangladeshi Muslims come to Assam? Are Muslims economically sound and living peacefully in Assam? Are there available job opportunities for Muslims provided by the Government of Assam? Are there more wastelands for Muslims to settle into? Are Muslim students getting more loan facilities from the Government? Are Muslim students getting scholarships on the grounds of educational backwardness? Perhaps no one can answer in affirmative. In fact, there is no substance in saying that lakhs of Bangladeshi Muslims are coming Assam after, 1971. There is no truth in it, except an emotional appeal. Hussain Mohammad Ershad, the then President of Bangladesh had made a statement that," not a single Bangladeshi illegally entered in Assam. There is no sufficient ground to motivate illegal migration into Assam, because the
economic condition of Assamese masses is not better than the Bangladeshi masses." The Ministry of Home and External Affairs (Bangladesh) had also made same kind of statement.\(^{15}\) Hence, illegal migration of Bangladeshi especially Muslims into Assam is doubtful question. Jamiat-UI-Ulema-E-Hindi (Assam) argued on the basis of Reports and facts that there are no illegal Bangladeshi foreigners in Assam.\(^{16}\) All Assam Minority Students Union (AAMSU) on the basis of previous records and facts, also opined that there are no illegal Baniadeshi foreigners in Assam. Mrs. Indira Gandhi, the then Prime Minister was sure that all the Tribunals' established under P.I.P. Scheme were closed in 1969 only because that there were no more Pakistani foreigners in Assam. Even the last Pakistani was deported. During the Liberation War of Bangladesh in 1971, those who entered Assam as war victims' were also officially sent back to independent Bangladesh. Mrs. Gandhi was a leader of international repute and it was impossible for her to raise a baseless issue with the Government of Bangladesh. Moreover, international laws, treaties and agreements were also to be honoured in regard to deportation of foreign nationals.\(^{17}\) Therefore, even the repeated demands and in spite of pressures from the agitators, Mrs. Gandhi did not bow down to the agitators and declared that the election would be held, as planned in 1983,\(^{21}\) The biased agitators, then started to damage Government properties,

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\(^{15}\) Radio News of Bangladesh, April 1983 as quoted by Hiranya K. Bhattacharjee in Agradoot, 25 September, 1983.

\(^{16}\) Proposals of Jamit-Ul-Ulama-E-Hind (Assam) as quoted in Saptahik Mujahid, 16 October, 1981.

made law and order situation to deteriorate. The agitators started disobedience of law, began to insult, assault, murder and kill the Bengali origin Muslims along with other election supporters.\textsuperscript{18} Hundreds of villages were burnt and valuable properties were damaged. According to non-official sources more than ten thousand Muslims were brutally killed by the agitators on or before Assembly Election, 1983. Nellie the place in Assam where largest massacre of Muslims took.\textsuperscript{19} At the cost of Muslim's blood, Congress (I) succeeded in that election, Hiteswar Saikia became the Chief Minister of Assam on 27 March 1983. To protect from illegal harassment in determination of so called foreigners, especially Muslims and also to satisfy agitators, the Government of India promulgated an Ordinance on 15 October 1983. The Ordinance was replaced by the Illegal Migrants (Determination by Tribunals) Act 1983. This IMDT Act was overwhelmingly accepted by AASU while it was opposed by a few Muslim organisations. However, it was beneficial for minorities as it protected them from illegal harassment. Thus, after forming the Congress Government, Mrs. Gandhi tried her level best to dominate the agitation. Before her sudden death in 1984, the Assam agitation was about to die. After becoming the Prime Minister of India, Mr Rajiv Gandhi made an agreement on 15 August, 1985 with a students organisation without knowing the feelings of religious and linguistic minorities in Assam.\textsuperscript{20} The agreement is known as "Assam Accord", 1985. In which 'none of the clauses involving minorities

\textsuperscript{18} Saptahik Mujahid, 11 November, 1983.
\textsuperscript{19} Editorial of Janakranti by Honour Bargohain, 19 July, 1983.
\textsuperscript{20} Osmani, A.F. Golam, Leader of UMF as quoted in Muslim India, February 1986, pp. 55-57.
was acceptable to them.\textsuperscript{21} By doing this agreement Mr. Rajiv Gandhi endeavoured to get Majority Community's support in the next Assembly Election of 1985. Meanwhile, the traditional supporters of Congress, especially Muslims have withdrawn their support from Congress. Few months before the Election, AASU and AAGSP also formed a regional political party, known as Asom Gana Parishad (AGP). The main aim of this regional party was to come to power in the state by defeating Congress (I) in the election of 1985. This Party assured the Assamese Hindus that after having power they must deport foreigners from Assam. To save themselves from expected harassment in the name of foreigners, religious and linguistic minorities also formed a parallel regional political party known as 'United Minorities Front' (UMF) in Assam. This party was formed only fifteen days before the Election and the main aim of this party was to oppose the so-called 'Assam Accord' and to establish democratic right of minorities. The end result of the Assam accord was that Congress (I) did not get full support of either Assamese Hindus or Muslims for the Election of 1985. Congress (I) was badly defeated and lost their strength in Assam. The agreement between Rajiv Gandhi and AASU indirectly helped the AGP, regional party to succeed for the first time in Assam. After assuming power most of the leaders of agitation were busy pursuing sectarian interest.\textsuperscript{22} It is remarkable that this was the first Ministry in Assam comprising the ministers from local party and excluding National

\textsuperscript{21} Idem.

\textsuperscript{22} Election Manifests of United Minorities Front (UMF), Assam, Election, 1985 quoted in Muslim India June 1986, p. 52.
ones. Under Prafulla Kumar Mahanta's Chief Ministership there was not a single Muslim Minister in its initial stage. Some leaders having secular ideal think that Muslims have been pushed backward multiple times under this Ministry during 1985-90. Muslims especially Bengali Muslims have been deprived almost all kind of facilities including Government job opportunities. Sanjoy Hazorika made a statement in 'Indian Express' that"

This ministry (AGP) has not only raised Assamese hopes and aspirations but also aroused the old demons of sectarianism and other fears in the state troubled Bengali speaking Muslim and Hindu Communities."  

As per election manifesto, the leaders of Assam agitation had to detect and deport lakhs of Bangladeshi foreigners from Assam. The clauses of Assam Accord also incite them to deport foreigners from Assam. During the five years term of 1985-90 of AGP Government which failed to deport a single foreigner. It practically proved that there are no foreigners in Assam. Meanwhile the chauvinist group does not hesitate to renew the old agitation demanding "identification of foreigners" once again.

At the end, it may appropriately be said that, “The agitation was nothing but an anti-Muslim campaign against the Bengali Muslims.”

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FORMATION OF ALL ASSAM MINORITY STUDENT'S UNION
(AAMSU)

By the middle of 1979, when the All Assam students' Union (AASU) intensified their movement against "Bahiragata" (outsiders) was supported by the students of different Communities in Assam. As a result, there arose a necessity of realignment of youth forces belonging to the minority communities. So, a minority convention was held at Jaleswar in Goalpara district on 29-30 March, 1980. In this convention more than 50,000 peoples including 2,500 delegates from different minority communities were attended. As minority leaders Santi Ranjan Das Gupta, Golam Osmani and Afzalur Rahman were also presented. In this Convention it was decided to form the All Assam Minority Student's Union and the All Assam Minorities Yuva Parishad (AAMYP) simultaneously. Muhammad Abdul Hye Nagari became the President of the AAMSU and among other in the Executive Committee were Mukhtar Hussain Khan, Dildar Raja, Ashghar Ali and Mrinal Kanti Roy. The Headquarter of it was established at Hawli under Barpeta Sub-division.  

Thus it became third minority organisation working on the same line after the Jamiat-Ul-Ulema-E-Hind (Assam) and the Citizen's Rights Preservation Committee. The aims and purposes of all these minority organisations were to protect and safeguard the respective communities from the illegal tyranny of the Assamese Chauvinists.

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CITIZEN'S RIGHTS PRESERVATION COMMITTEE (CRPC)

After partition a Bengali Hindu Forum, known as the "Indian Citizen's Rights Preservation Committee (ICRPC) was formed by displaced persons from East Pakistan who had settled in Assam. Though Refugees or Hindu Bengalis were settled under the Relief and Rehabilitation Department of the Government of India, yet they were deprived from many opportunities. As they migrated from East Pakistan, later on, they were also called foreigners. Many Bengali Hindus were also deported to Pakistan along with Muslims. By the middle of 1979, many Bengali Hindus were also killed or harassed by the agitators. The ICRPC took up the cause of the citizens and submitted a memorandum to the Prime Minister on 3 August, 1979. Here they complained that the Assamese Hindus were following a policy against the Bengali Hindu settlers even before the agitation started.28 (For details see Annexure – 11/ pp. XXI-XXIV).

A conference of the ICRPC was held at Tangla in Mangaldoi district, where some necessary changes were made and included A. F. Golam Osmani as one of the veteran leader of it. Under his leadership, the ICRPC decided to take up "issues concerning not only the Hindu refugees, but also the Muslim settlers and the Nepalis"29 Soon after the organisation removed the word "Indian" and renamed itself Citizen's Right Preservation Committee (CRPC).

28 Ibid., p. 150.
29 Idem.
It also gave up its "Refugee angle" and became a spokesman of the Linguistic and Religious minorities, who in the name of foreigners, were being persecuted by the administration and the agitators alike.\textsuperscript{30} Thus, the scope of the CRPC was widened by including Muslims and Nepalis.

By the end of 1980, the Jamiat-UI-Ulema-E-Hind (a Nationalist Organisation) also began to advocate the cause of all the minorities. This organisation also criticised and protested against the unlawful activities of the agitators. Thus Al-Jamiat helped to bring other minority organisations closer to it. The Jamiat-UL-Ulema-E-Hind expressed its apprehensions about the situation prevailing in Assam a year before the signing of the Assam Accord. The 14th Annual Conference of the Party held at Badarpur in the district of Cachar on 24-25 April, 1984, had adopted many resolutions.\textsuperscript{31} (For details see Annexure – 24/ pp. XLVI-XLVII).

By 1982, the minority movement under AAMSU, Jamiat-UI-Ulema-E-Hind(Assam) and CRPC, became intensive against the tyranny of agitators. The tribal organisations also supported it. In keeping with the generally accepted minority stanch, the AAMSU, on its inception demanded the granting of "Citizenship Certificates" to all persons having resident in the State (Assam) on 25 March, 1971. For determination of so called foreigners, the AAMSU demanded the implementation and consideration of the Nehru-Liaquat Agreement of 1950, the Indo-Bangladesh Treaty of 1972 and other

\textsuperscript{30} Idem.
\textsuperscript{31} Kar, M., Muslims in Assam Politics, op. cit., p. 207 & 275.
"relevant international agreements and laws along with the Provisions of constitution." The AAMSU also chalked out the 13 point charter demands as follows:  

1. 25 March 1971 should be the "base date" for detection of foreigners.
2. Full Security to the lives and properties of all sections of the linguistic and religious minorities.
4. Immediate stop to Communal and Secessionist movements in the name of detection of foreigners.
5. Stay of eviction from Government lands till alternative arrangements for resettlement of such evictees were made.
6. Removal of restrictions to transfer of land.
7. Impartial police and administrative machineries in the State.
8. Compensation for the victims of disturbances.
9. Re-opening of all educational institutions and holding of examinations.
10. Immediate opening of academic Sessions.
11. Security and Safety of the Students of linguistic and religious minority communities.
12. Renewal of Scholarships for the students of the minority Communities.
13. Appointments on the proportion of population from the Sub-Divisional level upwards.

32 Ahmad, S.U., Muslims in Assam (1200-2000), op. cit., p. 152.
Now, the different programmes of AASU like bandh, gherao, non-cooperation, picketing of oilfields, demand for the National Register of Citizens etc. were openly counteracting and opposing by AAMSU.\textsuperscript{33} As a result some clashes were occurred between AASU and AAMSU in different places of Assam. The AAMSU decided to observe 26 May as the 'Demands Day' which would include demonstration infront of the Government offices in the districts of Goalpara, Kamrup, Nowgong and Darrang and other immigrant Muslim dominated areas. Among the mass rally's, the rally of Howli was very big and lengthy one. The situation took a serious turn when the Police opened fire on AAMSU led Processions in many places, killing four persons.\textsuperscript{34} Un-official sources said that the number of killing persons were more than 10. At least two persons were killed and several injured within the Nowgong district. The AAMSU claimed that the Polices, who were anti-minority were involved in killing of Muslims.\textsuperscript{35} An AAMSU-CRPC delegation led by Golam Osmani met the Prime Minister at New Delhi on 31 May, 1980. The delegation also submitted to her a Memorandum entitled "\textit{Facts about Assam. Role of Assam Police in the Mass Slaughter on 26.5.80/27.5.80,}" They brought serious allegations

\textsuperscript{33} Ibid., p. 153.  
\textsuperscript{34} Idem.  
\textsuperscript{35} Idem.
against the partisan role of the police, the executive and the press media in Assam.36 (For detail see Annexure – 23/ pp. XXXVIII-XLV).

**ENACTMENT OF IMDT ACT, 1983**

The Government of India promulgated an Ordinance on 15 October 1983 for the purpose of Tribunals “.......for the determination of the question whether a person is or is not an illegal migrant to enable the Central Government to expel illegal migrant from India ......”

The Ordinance was replaced by the Illegal Migrants (Determination by Tribunals) Act, 1983 (No. 39 of 1983). This Act deemed to have come into force on 15 October 1983 (For detail see Annexure – 25/ pp. XLVII-LV).

The power of Central Government of establishing the Tribunals was delegated to the State vide Ministry of Home Affairs Notification No. S 0792(E) dated 5 November approving the State Governments formation of twenty Tribunals vide their notification No. PLB 245/83 dated 29 October 1983.

Rules and Guidelines for the implementation of the Act were issued by the Government of India and Published in the Assam Gazette Extraordinary on 9 February 1984. However, the Assam agitation actually created a Stalemate and nothing worth mentioning was done. The only step was the perfunctory establishment of Tribunals.37 The agitators challenged about the

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36 Idem.
validity of the election of 1983 and the Government of Hiteswar Saikia. But the Supreme Court declared the election constitutionally valid.

The agitator's major demand was the complete sealing of Indo-Bangladesh Border to 'prevent' immigration and also, to detect Post-1961 immigrants. According to the IMDT Act, the qualifying date of deportation of 'foreigners' was 25 March 1971. Therefore, the Government of Hiteswar Saikia could not do so as per demand of the agitators. Instead of complete sealing of border Mr. Saikia declared for fencing with barbed wire costing Rs. 500 crores.38

Few Muslim organisations opposed the Act. The agitators were also, not satisfied. As a result, the tribunals set up under the IMDT Act, was not successful.

THE ASSAM ACCORD, 1985:

Mr. Rajiv Gandhi Succeeded to the throne of his mother on the day of her assassination. In the Lok Sabha election of 1984, the Congress won with a great Victory, due to the sympathetic attitude, that it had already generated in India for the murder of Mrs. Indira Gandhi. As a result, the Prime Ministership of Rajiv Gandhi was confirmed. After becoming confirmed Prime Minister Rajiv Gandhi wanted to solve some problems that were prevailed. The solution of Punjab Problem appeared first as the "Rajiv -
Longowal Pact of 24 July 1985. Similarly Mr. Rajiv Gandhi, paid attention to solve Assam Problem. After several rounds of talks between the state and the

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38 Saptahik Mujahid, 28 October, p. 3.
central Government and the AASU-AAGSP combine came to an agreement. The final round of talks between the Prime Minister and the student leaders were held on the night of 14 August 1984. Before agreement the Student leaders had promised to remove Hiteswar Saikia by any means. But at the time of agreement, neither the AASU nor the AAGSP insisted any more on Saikia's removal. Moreover, no objection, was raised against the electoral rolls of 1979, against of which, they were alleged that a large numbers of foreigners names included.  

As a result Rajiv Gandhi compelled to feel that the main reason behind the agitation was economic. Therefore, he assured that the economic issues would be considered earnestly. He further, promised them safeguard for their linguistic and cultural identities through some constitutional measures. All this made the young leaders happy and pleased.

Mr. Rajiv Gandhi told them repeatedly:

"You trust me, if you have faith in me, what ever there is to be done, will be done and you be assured about it".

In an atmosphere of happy and joy, faith and belief, an agreement was signed on 15 August, 1985 at 7. a.m. between the Government of India, the Government of Assam and the AASU-AAGSP representatives. This is known as Historic Assam Accord, 1985. (For details see Annexure – 26/ pp. LV-LVIII).

40 Ibid., p. 299
After this agreement, Mr Rajiv Gandhi, the Prime Minister of India very proudly declared from the ramparts of Red Fort, Delhi as follows:-

"We have just reached an agreement, signed just five hours earlier at 2.45 a.m. with the Assam students.......The six year old Assam problem has been settled following an Accord arrived at between the Assam students and the Government. This will eliminate tension from the body-politics of the country and help accelerate its growth. Ten months ago there was a distinct threat to the unity and integrity of the Country. The Government on assuming power had made Punjab and Assam Problems, its numbers one priority. Now with the singing of the Accord and lessening of tensions, nobody can countenance even the existence of a threat."  

At the same time, P. K. Mahanta, B. K. Phukan and Biraj Sarmah, the Principal signatories of the agitators also issued a joint statement as follows:-

".......this agreement is the happiest news for Assam in decades and all of us must accept this.......the spirit of amity and humility.......welcome the historic agreement......."  

On 16 August, 1985, Sri Hiteswar Saikia the Chief Minister of Assam also made the following statement from Janata Bhawan, Dispur (Guwahati) in respect of the "Memorandum of settlement."

"The issue of foreign nationals in Assam, which had agitated the popular mind, has been resolved to the satisfaction of all sections of the

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42 Ibid., p. 154.
43 Idem.
people of the State. The memorandum of settlement, signed by the Union Government with the AASU and AAGSP which had Spearheaded a movement on the issue, brought to an end the prolonged agitation and has opened up new possibilities of social and economic development in the state. The Memorandum, which accommodates all shades of opinion and satisfies all concerned sections apart from taking into full consideration the national commitments and international and humanitarian obligation, will go down in the country's history as a shining example of popular wisdom so brilliantly symbolised by the country's Prime Minister.\textsuperscript{44}

**IMPLEMENTATION OF THE ASSAM ACCORD:**

The Assam Accord was regarded by the high caste Assamese Hindus as a victory of the AASU and the AAGSP. The AASU and AAGSP were inseparable at its initial stage. Later on, through the AASU image, the AGP fought the elections. As a result the caste Hindus by and large voted its candidates. It was noticeable that none of the Victors of the Party (AGP) hailed from constituencies with a high concentration of Bengali Hindu and Muslim populations.\textsuperscript{45} The gaining of political power by AGP was thus, the direct outcome of Assam Accord.

However this Accord was opposed and criticised by many parties and organisations. For example, Purbanchaliya Loka Parishad directly rejected the Accord. According to them the Accord "wholly betrayed" the six year long

\textsuperscript{44} Ibid., p. 155.
\textsuperscript{45} Kar, M., op. cit., p. 376.
movement, that it was made "only for political power" was now crystal clear. By this agreement no foreigners could be detected. After signing the Accord, Debananda Bora very badly criticised the "Memorandum of Settlement" as 'Fake' and 'Negated' the object of the agitation. He wrote an article against the Accord, where he himself said, “it would take at least one hundred years first to identify the ten lakhs foreigners since 1971 through the tribunals, even if the IMDT Act was made amended.”46 The Accord did not lay down how the language and culture of the Assamese would be protected. Moreover, the proposals for economic development had nothing to do with the basic demand of the agitation.

**REACTION OF MUSLIMS TO THE ASSAM ACCORD:**

Jarniat-Ul-Ulema-E-Hind, the non-political Muslim organisation of Assam Unit was the first among the existing minority organisations to make public its reaction and opposition to the Assam Accord. Immediately after the signing of the Accord, the minorities permanently residing in Assam for generations grew apprehensive of their future. They expressed the fear that it would lead to discord instead of bringing lasting peace in the state. Therefore, within seven days of the signing of the Accord, the minorities demanded the scrapping of the settlement. The Central Executive of the Party which met on 8 September, 1985 endorsed the demand. Again the State Executive Committee in a joint meeting of the Presidents and the Secretaries of the Districts Committees on 27 September, in presence of Maulana Asad Madani,

46 Ibid., p. 376.
its All India President, echoed the voice. The main cause of fear of the minorities was the "Threatened Massive Eviction" under the provision of the agreement. Therefore, many minority organisations specially the Jamiat, CRPC, AAMSU and the All Assam Minorities Forum etc. unitedly formed a "New Platform" to protect minorities from the possible harassment to be done under the Assam Accord.

Under the leadership of Golam Osmani, a Co-ordination committee of the Minority organisations, religious and linguistic was formed with Imran Shah as the Convener. It was aimed at brining them together on a common platform to formulate a common programme to meet the situation faced by them. This co-ordination committee published a pamphlet, entitled, "The memorandum of settlement and the minorities" in September 1985. (For detail see Annexure – 27/ pp. LVIII-LXI).

In this way, the coordination committee bitterly criticised the Accord and to prepare an action plan, a broad-based convention was called to meet on 28 and 29 September, 1985 at Haji Musafir Khana in Guwahati city under the auspices of the Co-ordination Committee of the CRPC, Jamiat, AAMSU, the Minority Juba Parishad and the All Assam Minority Forum. The convention was presided over by Hazarat Maulana Ahmed Ali (Baskandi) who was the President of the State Jamiat-UI-Ulema-E-Hind (Assam). After detailed analysis, the convention adopted a number of resolutions. (For detail see Annexure – 28/ pp. LXI-LXV).

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Maulana Asad Madani, a Congress (I) member of Rajya Sabha and President of the Jamiat-UI-Ulema-E-Hind reacted sharply. He wrote a letter to the Prime Minister of India on 9 October, 1985, alleging atrocities and discrimination against Muslims and protesting against the agreement. According to him, the agreement was done with those agitationists, who were responsible for murdering thousands of innocent people and also who burnt our "National Flag."48 Asad Madani further said:

"The Accord will encourage people in other parts of India to start such agitations to achieve their objects reasonable or unreasonable. They including Government official will now be rewarded for their unlawful and illegal activities while those who suffered will be subject to still more atrocities in the implementation of the Accord. The Accord encourages Separatisms by treating Assam for Assamese and thus, it is unconstitutional. This Accord is against international Conventions. Cut-off year for determination of citizenship has been shifted back from 1971 to 1977 converting several lakhs of Indian citizens into "foreigners" without taking into consideration its repercussion without consulting those who were to be affected only to please the agitationists. It is surprising that those who were Indian citizens in 1983 and so far and the Congress Manifesto also declared them as such are today foreigners."49 Many: discussions were also held between Asad Madani and Rajiv Gandhi even with Arun Nehru etc. The Home Minister S.B. Chavan

48 Saptahik Mujahid, 18 October, 1985, p. 2.
49 Idem.
also, participated with them. The discussion was not fruitful due to the indifferent attitude of the Central Government in respect of the grievances of minorities in general and Muslims in particular. The foregoing discussion had shown that the people of Assam were divided into Pro-Accord and Anti-Accord Camps. The Assamese Hindus under the influence of the AASU and AAGSP combined supported it, while the Muslims and the tribal people considered it detrimental to their interests and so opposed it.\(^{50}\)

**EMERGENCE OF UNITED MINORITIES FRONT (UMF)**

In order to unite Immigrant (Bengali) Muslims with Displaced Persons (Bengali Hindus) a convention was held under the leadership of A. F. Golam Osmani at Hojai in the district of Nowgong on 9 and 10 November, 1985, where more than 3000 delegates attended from Bengali Muslims and Hindus and other tribal organisations. Many representatives from different organisations like, All Assam Minority Student’s Union, Citizens Right Preservation Committee, All Assam Minority Juba Parisad, Tribal Organisations, Nepali Organisations and the Jamiat (Assam) also attended. The Delegates' session was presided over by Santi Ranjan Das Gupta and the open session was chaired by Maulana Ahmed Ali.

The representatives at the Hojai convention deliberated to create a United Minorities Front (UMF) to fight against the atrocities, might be done under the auspices of Assam Agreement. It would be a Political Party "for the Minorities, by the Minorities and of the Minorities." Thus, the birth of the

\(^{50}\text{Idem.}\)
United Minorities Front (UMF) was the direct outcome of the Assam Accord. The main pledge of it was:—

“To secure a fair deal for the minorities of the state……..because the Congress (I) could not any more be trusted with their fate……..the UMF would devote itself to the well being of the minorities……..all of whom are living in a fear psychosis, because of the feeling that the protector of their interest, Congress(I) had left them in the lurch by the Assam Accord and switched its preference for the majority Assamese speaking people of the Brahmaputra Valley.”

It was decided that the UMF would be a "political platform" and a "Political Party" replacing the coordination committee. The birth of UMF was a reaction to the Assam Accord and the plans and programmes of the AASU-AAGSP combine. Therefore, naturally UMF had to oppose the Congress (I) as this party did agreement with the agitators without taking into confidence the minorities. It was the main reason for which Congress (I) defeated in the election of 1985.

AGP GOVERNMENT'S EVIL INTENTION AGAINST MINORITIES:

The people of Assam hoped that the AGP Government would take up welfare schemes in place of Congress culture. They would prevent corruption in Administration. But this expectation soon became reversed. In such a situation, the AGP Government neither could fulfill any aspiration of the

51 Kar, M., op. cit., p. 35.
52 Idem.
people in general nor could it make serious efforts for the implementation of the Assam Accord in particular for which the party was formed. At last the AGP Government tried to aloof by saying that "the responsibility of implementing the Assam Accord is not ours, it is the centre's, we have no power in this regard." 53

More over they, now tried to raise some difficulties of the Assam Accord for which it could not be implemented. For example, clause 5.9 of the Assam Accord had provided that the Government will give due consideration to certain difficulties expressed by the AASU/AAGSP regarding the implementation of the Act. Interestingly, what were the difficulties, were not made public. Even all knowing press was also remained silent about these difficulties. Perhaps these difficulties were the conditions that were included in the IMDT (Illegal Migrants Determination by Tribunals) Act, 1983 for which one couldn’t determine arbitrarily or harass the so called foreigners easily. For example the conditions that are mentioned in Section 8(2), 3(3), 8(4) and section 5 of the Act can briefly be summarised as follows :-

Firstly, the complainer has to deposit at least Rupees twenty five (Rs. 25/-) as complain fee before putting complain against a "foreigner".

Secondly, the complainer must be within the range of three kilometers distance i.e. "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 of residence of the application."

Thirdly, there is a limitation to the number of objection filed by any person. Section 8(3) provides that one can complain not more than two at a time about so-called foreigners accompanied by affidavits.

Fourthly, the complainer has to fill up prescribed complain form, supplied from the Tribunals or Authority concerned before giving complain about a foreign person. Moreover, he has to mention his name and address clearly as complainer.

Fifthly, each tribunal shall consist of three members. One of the members of which would be District Judge or an Additional District Judge from any other state. Moreover, out of the three members of a Tribunal, the Central Government would appoint its chairman.

Sixthly, there is a scope of appeal in the Act.

All these conditions put in the Tribunal, helped minorities specially Bengali Muslims and Bengali Hindus from the illegal and unnecessary harassment in determination of so-called foreigners. The agitators at the Authority could not determine 'foreigners' whimsically as they did in earlier i.e. in 1962-69. Therefore, the AASU and its allies demanded soon the amendments of the IMDT Act. Even they warned the Governments that, "if this was not done, the Brahmaputra Valley would be on fire again." What was their motive would become clear from their warning and forceful activities.

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54 Idem.
The AASU and the AGP Government demanded the following amendments to the IMDT Act:

1. Removal of the territorial restrictions with respect to application for determination of the Indian citizenship of the person concerned. For this they put forward the funniest of argument. The Chief Minister said that such a provision would expose a complainant to unnecessary risk. More absurd was his contention that, "Such a complainant would be Subjected to intimidation and attack by the foreigner the complainant would like deported. There are areas in Assam, particularly in the 'chars' (riverine island) inhabited only by immigrants where the writ of Assam Government or its police do not run at all."

2. There should be no limitation to the number of objection filed by any person. The motive behind this demand needs no elaboration.

3. The Tribunals should each consist of one Judge only.

4. The number of each Tribunal should be from the state of Assam only, and not from any other state.

5. Instead of prescribed forms, applications on plain paper should be accepted.

6. No application fees should be charged.

7. No right to appeal against or for revision of the Tribunals judgments should be there.

8. The onus of proof should be shifted from the complaint to the
accused.55

Now our question is, why the AASU and the AGP Government demanded the amendments of IMDT Act even it passed in the parliament and also agreed in the Assam Accord? Are they not wanted to drive out the so called foreigners forcefully and illegally by amending it? Therefore, the motive behind this demand needs no elaboration.

It may be observed that the objections were quite expected as the restrictions would provide some safeguards to the persons affected. Moreover if those restrictions and safeguards were not done away with, the undemocratic and fascist forces would find it difficult to challenge the genuine Indian citizenship of thousands and thousands of the so called illegal migrants. They had a taste of such unhindered opportunity during the revisions of the electoral rolls for the elections of 1979 and 1985: They wanted to take same taste further amending it according to their own whims and opportunity. They never challenged the validity of the Act, but raised only a hue and cry over the alleged flaws of the Act.56

Almost simultaneously with the AASU-AAGSP demand for amendment to the IMDT Act, the minority opposition to any amendment was voiced by the UMF. Even it submitted a memorandum to the Union Home Minister on 10 May, 1986. They argued against its any amendments, because, it has

55 Idem.
provided reasonable safeguards against harassment of minorities in the process of detection of the so-called foreigners, But:

"Any amendment as desired by the present Assam Government affecting removal of the territorial restriction to bring allegation and to stop appointment of judges of the tribunals from outside the state would invites mischief. The Indian citizens will be harassed and made foreigners." 57

The UMF pointed out that during the preparation of the electoral rolls for the election of 1985, the Election Commission allowed objection petitions on plain paper, violating the Peoples Representation Act. As a result, about a million Indian Citizens lost their right of franchise" Therefore, it became clear that this time the proposed amendments were aimed at deportation of as large number of Muslims as possible, in the name of foreign nationals. In its first Annual conference held on 7 and 8 February, 1987 at Goalpara, the UMF adopted the following resolutions in this regard.

"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

57 Ibid., pp. 178-179.
and extreme difficulties for these minorities who will be subjected to intolerable harassment."\textsuperscript{58}

This conference also draw the attention of the Government of India to the fact that not only UMF but also Congress(l), 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 IMDT Act, 1983 to please the agitationists and to push the minorities into an intolerable position. (For detail see Annexure – 29/ pp. LXV-LXIX).

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. But very few were proved as foreigners.

The following figures were furnished by the Chief Minister and the Home Minister inside and outside the House\textsuperscript{1} on various occasions with regard to detection and deportation of foreigners since 25March 1971 :

1. Total number of inquiries instituted 50064
2. Total number of cases referred to Tribunals 2497
3. Total number of persons declared foreigners 669

\textsuperscript{58} Ibid., p. 179.
From the facts and figures mentioned above it became clear that only 1.33% of the accused were found to be foreigners. Therefore, the AGP Government wanted to amend the IMDT Act according to their own opportunity, so that, they might be able to expel a large number of foreigners. The AGP Government always blamed Centre in respect of non-implementation of the Accord. The rift between the Central Government and the Government of Assam widened further by the middle of 1987. After a full-fledged conference between the state Government represented by the Chief Minister and the Home Minister and Rajiv Gandhi and his Cabinet colleagues, Mahanta said that the talks were unsatisfactory. Mr. Rajiv Gandhi was not willing to make another blunder by amending IMDT Act. However strong pressure was created by the AASU and AGP combine, again on the Centre to amend the Act. After about three years of State-Centre quarrels over the various provisions of this IMDT Act, at last it provided a good excuse and justification for the AGP Governments inaction. Henceforth, the IMDT Act was pushed through the Parliament in 1988 for its amendments. The Act was amended in the following sections:-

1. Section 5 sub-section 3 stipulated that - Each Tribunal shall consist of two members,

2. Section 8 sub-section 2 which earlier read, "within three Kilometers" was substituted by "within the jurisdiction of the same police station.

*Source: Annexure – 30/ p.*
3. Section 8 sub-section 3 which earlier read, "within three kilometers of the area in which the person referred to" was substituted by "within the jurisdiction of the same police station" and the application fee of Rs. 25 was" reduced to Rs. 10 only,"

4. Section 8 sub-section 4 was amended as under : 8 (4) Every, reference under sub-section (1) shall be made to the Tribunal within the territorial limits of whose jurisdiction the place of residence of the person named in such reference is, at the time of making such reference, situated. Provided that where such person has no place of residence the reference shall be made to the Tribunal within the territorial limits of whose jurisdiction such person is, at the time of making such reference found.

8 (5) Every application under sub-section (2) shall be made to the Tribunal within the territorial limits of whose jurisdiction the person named in such application is found or as the case may be has his place of residence, at the time of making such application.

Moreover, a new section 8(1) and (2) were inserted in the amended Act. It provided that an application must be made on prescribed Form and one person could make more than ten applications but no person could give more than ten declarations. Every application shall be accompanied by a declaration
by any other person residing within the jurisdiction of the same Sub-Division in which the applicant resides.\textsuperscript{59}

Immediately after the amendment had been brought about, there was change of administration in Delhi. The National Front Government took over with Viswanath Pratap Singh as the Prime Minister. The Assam Government became the partner of this Central Government. Now whatever the Government of India did or did not with respect to the implementation of the Assam Accord, had to be accepted by the government of Assam. Though the amendment to the IMDT Act was made, yet the centre-state conflict was not ended. Soon after amendment of the Act, Buta Singh, the Home Minister declared that, "all actions required to be taken by the centre had now been taken and now, it depended on the detection machinery of the state Government to identify the illegal immigrants."\textsuperscript{60}

The Union Minister of State for Home Affairs, Chidambaram, alleged that the Assam Government failed to carryout the Border survey for the purpose of fencing and construction of border roads. But the state Government accused the Central Government and it did not do the same. Mr. Rajiv Gandhi, who did agreement with the student leaders complained that "the agitation leaders misled the people by trying to makeout as if a massive number of foreign nationals had illegally entered the state". But practically, they were able to deport only 150 foreigners since coming to power. He

\textsuperscript{59} Ibid., pp. 180-181.
\textsuperscript{60} Buta Singh, The Home Minister, Govt. of India, as quoted in The Sentinel, Guwahati, 7 November, 1988, p. 3.
therefore wondered whether, it is only for these 150 odd expelled foreigners that thousands had died and the state had to undergo an agitation for six years. He had then declared, “On our part, we do not have anything more to be done about the Act.”

During the second tenure of the AGP Government under Prafulla Kumar Mahanta since 1996 to 2000, the Government of Assam submitted to the Supreme Court of India an Annexure to affidavit on the Performance Indexan of IMDT Tribunals since 24 March 1971 to 31 May 1999.

**Table 6.3**

**Performance Index of IMDT Tribunals**

(24 March 1971 to 31 May 1999)

<table>
<thead>
<tr>
<th>S. No.</th>
<th>Items</th>
<th>Absolute Nos.</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Total number of enquiries of initiated</td>
<td>3,02,554</td>
</tr>
<tr>
<td>2</td>
<td>Total number of enquiries completed</td>
<td>3,00,165</td>
</tr>
<tr>
<td>3</td>
<td>Total number of enquiries referred to Screening Committee</td>
<td>2,96,564</td>
</tr>
<tr>
<td>4</td>
<td>Total number of enquiries made by Screening Committee</td>
<td>2,93,639</td>
</tr>
<tr>
<td>5</td>
<td>Total number of enquiries referred to IMDTs</td>
<td>31,264</td>
</tr>
<tr>
<td>6</td>
<td>Total number of enquiries disposed of by IMDTs</td>
<td>15,142</td>
</tr>
<tr>
<td>7</td>
<td>Total Number of persons declared as Illegal Migrants</td>
<td>9,625</td>
</tr>
<tr>
<td>8</td>
<td>Total Number of Illegal Migrants physically expelled</td>
<td>1,461</td>
</tr>
<tr>
<td>9</td>
<td>Total Number of IMS to whom expulsions were served</td>
<td>5,667</td>
</tr>
<tr>
<td>10</td>
<td>Total Number of enquiries pending with Screening Committee</td>
<td>2,920</td>
</tr>
<tr>
<td>11</td>
<td>Total Number of enquiries pending with the Tribunals</td>
<td>16,122</td>
</tr>
</tbody>
</table>

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61 Saptahik Mujahid, Guwahati, 5 August, 1988, p. 2.
In the true sense, the agitation was emotional and against of minoriries specially Muslims. Through making foreigners issue, the agitator leaders wanted to come into state power in true sense. The number of so called foreigners as the agitators shouted in the different meetings proved to be untrue, that was admitted by Rajiv Gandhi himself. Moreover expelling only 150 foreigners during the whole tenure of Mahanta Ministry had proved itself that there were no further more foreigners in Assam.

Clause 10 of the Assam Accord had provided for eviction of encroachers from Government lands and lands in Tribal Belts and Blocks by ensuring that the relevant laws were strictly to be enforced. Accordingly the Ministry of Mahanta served notices for eviction. In the true sense, most of the Reserved Forests of Assam were encroached by Tribals. Hiteswar Saikia, the then Chief Minister of Assam himself admitted it. In the name of eviction from Government lands and forests, notices were served to the Tribal peoples also. Mr. Samar Brahma Choudhury, MP of Plains Tribal Council of Assam who told the Loka Sabha on 11 April 1986 that, "Six hundred Tribal families had been ruthlessly evicted". According to him, many homes and hearths of tribal people were being demolished. He asked in the Loka Sabha that, "Is it not a strange way of implementing Assam Accord? At last the Central
Government had instructed the Assam Government not to evict any tribal family.\(^{62}\)

Similarly, the UMF in its memorandum submitted to the President, Prime Minister, Home Minister and Law Minister of India on 30 April 1987, Complained that about thirty thousand families comprising about 150,000 people belonging to Linguistic, Religious, Nepalis and Tribals were evicted. Thus, in the name of implementing clause 10 of Assam Accord ruthless eviction of immigrant Muslims, Bengali Hindus, Rajbangshis and Nepalis, had been started with the coming of AGP into state power. (For details see Annexure – 30/ pp. LXIX-LXXX).

The evictions militated against the Government own policy decision and even "periodic patta holders were not spared. High court stay orders were also ignored." “The victims of this inhuman eviction operation have been thrown on the streets in these days of rain and sun.......they are passing their days in open spaces with their kids and women fold.” There was no doubt that the whole exercise was directed against the minorities and mostly the Muslim peasants and farm labourers were its main targets. Evictions were done mainly on Char lands, Railway lands and other Government lands. The memorialists demanded among other things the immediate stoppage of the eviction operations of landless minority agriculturists. In a Press Release dated 23 June 1986 the UMF observed:

\(^{62}\) “5 years of AGP rule”. This was a collection of Articles which had been published on behalf of the Assam Pradesh Congress (I) committee by Mukut Sarma & Jiba Kanta Gogi, 1991, pp. 23-24.
"The arbitrary eviction of poor agriculturists, continuous harassment of minorities of the religious, linguistic.........and state patronage to the Privately formed armed bands to grab cultivable land from the rightful possession of the minority cultivators are all clear indications of a sinister design of hegemonistic Chauvinism at work."\(^{63}\)

At last on the basis of Report of the D.D. Thakur, the then Governor of Assam, Presidential Rule was clamped on 28 November, 1990. After that the Assam Accord remained as a dream to be fulfilled further. Of course, during the later period few developmental work was done in Assam. Establishment of Oil refinery at Numaligarh, one IIT at Guwahati etc. are the outcome of Assam Accord.

**POLITICAL GLOSS FOR ECONOMIC WOES:**

As Tilottama Misra pointed out "A positive outcome of the agitation in foreigners issue is the growing awareness among the Assamese people of being subjected to gross economic exploitation on a large scale comparable to, and some times even worse then in the pre-independence days."\(^{64}\)

Although the anti-foreigners movement was formally launched by the AASU in big way only a year back, its preparation were being made by the Asamiya bourgeoisie since 1978. Hard pressed by big capital from above and the rising labour find peasants movements from below and at the "same time being internally divided by cast politics, the Asamiya upper class were terribly

\(^{63}\) Kar, M., op. cit., p. 111.

agitated about the economic stagnation. Unable to push out big capital from
dominant positions in trade and industries, they sought to monopolize small
industries, petty trade, professions and services in their state. They perceived
that their survival was contingent on three factors:

(i) Exclusion of Bengali and other competitors (for instance, at one stage
the AASU demanded the abolition of all reservation in the matter of
jobs and scholarships for scheduled castes and tribes).

(ii) Opportunities of intensification of labour exploitation, unhindered by
trade unions (for instance, on 6 November, 1979, Nibaran Bora
publicly gave out his call to smash the Bengali-dominated trade unions
and still earlier, Jatiyavadi volunteers had helped city bus owners to
break the strike of Guahati city bus workers).

(iii) Monopoly control over the state administration for the creation of
bureaucratic capital of which the Asamiya upper classes could be made
the beneficiaries.\textsuperscript{65}

The economy of Assam has two basic divisions: agriculture, including
plantation and industries including mining, factory and administrative sectors.
Immigrants who came after 1947 were engaged in agriculture (mainly,
Muslim and Hindu Bengalis and also Nepalis to some extent) and white-collar
jobs in the private and public sectors (Bengali Hindus and to some extent
Bihari Hindus also). It is in the field of these white-collar jobs that the

\textsuperscript{65} Amalendu Guha, “Little Nationalism turned Chauvinist- Assam’s Anti-Foreigners Upsurge, 1979-
competition became most acute and generated inter-ethnic tensions. Since Bengali presence was felt all over the state both in agriculture and in white-collar jobs in the urban areas, Assamese narrow nationalism found this community the most convenient object of attack. The conflict was further compounded by the stagnation in the economy of Assam, as well as by the latest partition by which Assam lost Mizoram and Meghalaya. This naturally curtailed employment opportunities in the public sector. Scholar like Tilottama Misra pointed out that the economic backwardness is the main cause behind the Assam movement. It is true that the immigrants dominated the economic life of Assam in such a manner that the local Assamese entrepreneurs found themselves in a helpless position. Raw materials of the state have been taken out to other regions of India for developing industries in those areas.\textsuperscript{66}

We will discuss how pressure on land has been a real source of grievances along with lack of employment in the commercial and industrial sectors.

**THE LAND ISSUE:**

Despite the paring down of Assam between 1961 and 1972 by about 65 percent (from 2,19,877 sq.km. in 1961 to 78,523 sq.km. in 1972), the population of residual Assam in 1972 was about 3.8 million more than in

\textsuperscript{66}Mishra, T., op. cit., p. 1357-65.
1962. It is not difficult to foresee possible economic and social tensions arising out of the pressure on land—186 persons per sq.km. according to 1971 census—indicated by these figures. It is 221 persons per sq.km. (or 572 persons per sq.mile) for the Brahmaputra Valley districts—a population density surpassed only by comparatively industrialized West Bengal, Punjab, Haryana and Tamil Nadu. Even these figures do not provide a fair idea of the pressure on land in Assam, since only part of the land is allowed to be under cultivation. Vast tracts of uncultivated land are classed as reserved forests or grazing reserves. The tribal blocks being closed to non-tribals, only a fraction of estate lands owned by tea estates are under the cultivation with the rest held in reserve.

In view of the 1970 land policy the Government of Assam in collaboration with the Panchayat (a village level administrative body) undertook during early 1970s a survey of landless persons. A study of the number of landless persons in Kamrup in 1969 reveals that the total number of such persons, 6,22,295 includes three different categories. First, persons having no land numbered 2,28,833; next, persons having 1.65 acres numbered 2,85,894; and lastly, persons having 1.65 to 2.64 acres numbered 1,07,568.

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70 S.N. Baruah, Rural Economy of Assam (art.), The Assam Tribune, March 8, 1972, p. 4.
Of the population of Assam, over 90 per cent are rural and dependent on agriculture and ancillary occupations. This population is rapidly increasing. Yet the area available for cultivation is relatively small, resulting in agrarian unrest, especially since 1972. After 1979 confrontations over land policy took a 'communal' turn, as a large proportion of the peasantry were Bangladeshi Muslims, the so-called 'foreigners' opposed by the Movement.\footnote{Assam Legislative Assembly Debates, Vol. I (Nos. 1-3), 16-21 March, 1973, p. 85.}

Despite propaganda to the contrary, during the Anti-foreigner Movement the pressure of population on land has remained rather constant. A second economic problem, unemployment, more acute, since 1972 has restricted job opportunities for the Assamese.\footnote{With the formation of Meghalaya, Mizoram and Arunachal Pradesh (as per Reorganization of Area Act of 1971) by early 1972, the physical territory of pre-1963 Assam underwent severe reduction.}

The current distribution of landholdings intensifies class differentiation in rural Assam. As land disputes from the core of the Assamese Movement, an overview of land reforms issue during the post-independence era is relevant. In keeping with the Congress party's pre-independence pledges for land reforms to protect tenants' rights, the Congress government of Assam took several measures after 1947. Some of these are: (i) the Assam Adhar (share cropper) Protection and Regulation Act, 1948; (ii) the Assam State Acquisition of Zamindari (landed estates) Act, 1951; (iii) the Fixation of Ceiling on Landholdings Act, 1956.\footnote{Dutta, N.C., Land Problems and Land Reforms in Assam, S. Chand & Co., Delhi, 1968, pp. 53-54.}
Until 1957, however, there was no ceiling on private landholdings in Assam and even the petty landowners could easily live on the *bargadars* (share croppers) labours. The post-partition influx of Bengali Hindu refugees from East Pakistan (later Bangladesh) brought fortune to the Assamese landowners, who welcomed the refugee as rates for local agricultural labourers or share croppers were cheaper. As the introduction of land reform legislation in 1957 resulted in a ceiling on private ownership of landholdings, the utility and worth of these Bengali refugees suddenly diminished to the Assamese landowners. However, as the government responsibility ended with the introduction of legislation rather than in its implementation, the demand for the Bengali Hindu refugees persisted.\(^\text{74}\)

During Mahendra Chowdhury's Chief Ministership in 1969 the number of landless families in Assam was estimated at 2,29,000. Shortly before that the Communist Party of India (CPI) had initiated "a land reform agitation". During 1970-71 two important laws were introduced: first, an amendment of the Assam Fixation of Land Holdings Act (1956) brought down the ceiling on private holdings from 50 to 25 acres and restricted the tea gardener's holdings, and second, the enactment of the Assam (Temporarily Settled Areas) Tenancy Act, 1971.\(^\text{75}\) However, as during the internal emergency (June 1975-February 1977), the ceiling was further reduced to 16.6 acres, the government felt obliged to implement the earlier land reform measures. Thus, the decision to

\(^{74}\) Aaj Kaal, 19 March, 1983, p. 4.  
grant ownership under the Tenancy Act (Rights of Tenants’ Act) 1971, entitled the Bengali refugees of the early 1950s, who had been mere bargadars, to become land owners in the 1970’s. In fact, following the operation of the tenancy Act, the distribution of ceiling surplus land which stated only on 15 July, 1975, suddenly put some of the landed gentry and rich—farmers into extreme economic hardship. They became bitter with the so-called socialistic land reform measures of the Congress. In the circumstances, the only alternative to the Assamese landholders for getting back the alienated lands was through liquidation of this new land owning class of foreigners, the Bangladeshi Bengali refugees.

The population of Assam as estimated on the eve of the Movement was 18 million. In short, taking an overall average, for each person in Assam there were 5.93 acres of land in 1901, 2.43 acres in 1951 and only 1.1 acres during 1977-78.

IN THE SPHERE OF EMPLOYMENT:

The figure of unemployment at the end of 1980 is 16.72 lakhs. Out of this 12.4 are from rural areas and 4.32 lakhs are from urban areas. According to the records of the Employment Exchanges, the number of educated youths without employment was 78,050 in 1970. In 1978 the number of unemployed educated youth rose to 2,86,700 and it has been estimated that the number has increased to 4.8 lakhs in 1981. However, in the Government undertakings and

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78 Dutta, N.C., Land Problems and Land Reforms in Assam, op. cit., p. 53.
in industries run by private and public sectors the opportunities for securing jobs by the indigenous people are very thin.

The Employment Review Committee of the Assam Assembly made a sample survey in 1978 on the basis of employment of local youths in 11 units of public sector undertakings, 26 private sector industries, 5 units of nationalized Banks, one Reserve Bank unit and 241 tea gardens. From their survey it was found that out of a total number of 45,398 employees in the above concerns, 21,367 are not permanent residents of Assam.\footnote{Basic Statistics of NER, 1981, p. 177.}

**AGRO-INDUSTRIES:**

**Tea**

The British were the first to start the tea industry in Assam. They gradually increased the production and it soon found a place in the international market. After independence they still continued to run their companies. Over and above that, due to the inefficiency of the State Government many sick gardens were taken over by some capitalists from other parts of India. However, to meet this sort of situation, the Assam Tea Corporation was formed in 1978.

The Central Government controls the tea industry through the Tea Board which is the apex organization vested with overall powers to regulate the registration of tea estates, extension of area under tea cultivation, regulation of exports and allied matters. Government assistance in the shape of loans, subsidies, labour welfare grants, etc. is also routed through the Tea
Board to the tea planters. The Head office of the Tea Board is located in Calcutta, completely disregarding the elementary interest of Assam, which produces 52 percent of tea produced in India and has a much heavier concentration of tea gardens throughout the State.\(^8^0\)

What are the implications? Larger tea companies got their registered offices located in Calcutta on the ground of convenience afforded by contiguity to the Tea Board. By sheer reason of the geographical location of the registered offices of the companies in Calcutta, share from the Export Duties, Central Excise, Income Tax, etc. is also allocated to that state out of the Central divisible pool. Assam produces tea but West Bengal derives the benefits.

The following statistics will serve to indicate the enormity of the problem:

1. Total No. of Tea Gardens in Assam Nos. 756
2. Area under tea gardens in Assam Hectares 1,89,338
3. (a) Production of tea per year in Assam (in 1977) Tonnes 2,91,411
   (b) Production of the whole of India per year
4. Value of tea produced per year Tonnes 5,60,808
5. Tea sold through Gauhati Auction Market Rs. in crores 400
   (1/9 of the total Production) Tonnes 35,140
6. Royalty received by West Bengal from Assam's tea per year Rs. in crores 42
7. Royalty earned by Assam Rs. in crores 20
8. Employment opportunity in West Bengal for Assam Tea Nos. 3,00,000


\(^{80}\) Mishra, T., op. cit., p. 1359.
The people of Assam are thus deprived of their legitimate rights relative to the tea gardens. What is called for is nationalization of the tea gardens and shifting of the Tea Board Headquarters to Assam.

**Jute Industry**

Jute is another major commercial crop grown in Assam. The total production was 7.04 lakh tonnes in 1976-77. Only in Nowgong, the total production in 1976-77 was 1.65 lakh bales or 29.70 thousand tones (approx.), which is sufficient for running four jute mills there. It is, however, disappointing to note that 2 jute mills proposed to be established in Assam could not come into existence as the Government of India withdrew the Letters of Intent. The obvious reason for ostracising Assam in this respect was that jute produced in Assam was required to feed the Jute Mills in West Bengal. Thus discouraging the growth of Jute Industry in Assam also means grave injustice to Assam and the Assamese.  

**Sugar Industry**

Sugar is also another important cash crop of Assam. The total production of sugarcane in 1976-77 was 16.65 lakh tonnes. There is only one sugar mill at Dergaon in the Co-operative Sector. The capacity of the said mill is 10,000 tonnes of sugar annually while the total consumption in the state is 80,000 tonnes. Taking into account the total production of sugarcane and total consumption of sugar, there is enough scope for the establishment of some more sugar mills in Assam. But unfortunately no sincere efforts have been

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81 Guha, Amalendu, op. cit., p. 1713.
made even for early establishment of the proposed three sugar mills at Dibrugarh, Nowgong and Kamrup.\(^{82}\)

**FOREST-BASED INDUSTRIES:**

**Plywood Industry**

Assam is rich in forestry. There is enough scope for establishing forest-based industries in Assam. The plywood industry was established mainly to supply tea chests. But these factories are not meeting even 50 percent of the total requirement, rather they are more interested in producing commercial varieties of plywood. It is disappointing to note that the industry sends 80 percent of its products to sale depots outside the state causing loss of many crores of rupees to the state exchequer. Further, 14 factories have their Head Offices outside the state. They send their products outside for storage, which also causes a loss to the State Revenue to the extent of a crore of rupees.\(^{83}\) Facts cited below speak for themselves:

| 1. | No. of plywood factories in Assam | 37 |
| 2. | Production per year (Assam produces 60% of the total production of India) In sq.m. | 2,37,06,000 |
| 3. | Yearly Income from plywood Rs. in crores | 80 |
| 4. | Yearly Income Tax earned by the Centre from Assam's plywood Rs. in crores | 6 |
| 5. | Yearly taxes earned by Assam Rs. Lakhs | 35 |
| 6. | Value per c.ft. received by Arunachal Rs. | 17.00 |
| 7. | Value per eft. received by Assam Rs. | 10.75 |

*Source: Report of the Employment Review Committee (Plywood Industries), 1978*

\(^{82}\) Ibid., p. 1714.

\(^{83}\) Misra, T., op.cit., p. 1360.
Table 6.4
Distribution of Employees in the Plywood Industry by Status with Birthplace in Assam and outside Assam

<table>
<thead>
<tr>
<th>Birth Place</th>
<th>Managerial/ senior staff</th>
<th>Supervisory/ clerical</th>
<th>Skilled workers</th>
<th>Semi/ unskilled workers</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Assam</td>
<td>21</td>
<td>452</td>
<td>199</td>
<td>2,937</td>
<td>3,609</td>
</tr>
<tr>
<td></td>
<td>(24.1%)</td>
<td>(57.9%)</td>
<td>(52.4%)</td>
<td>(56.0%)</td>
<td>(55.6%)</td>
</tr>
<tr>
<td>Outside</td>
<td>66</td>
<td>329</td>
<td>181</td>
<td>2,304</td>
<td>2,880</td>
</tr>
<tr>
<td>Assam</td>
<td>(75.9%)</td>
<td>(42.1%)</td>
<td>(47.6%)</td>
<td>(44.0%)</td>
<td>(44.0%)</td>
</tr>
<tr>
<td>Total</td>
<td>87</td>
<td>781</td>
<td>380</td>
<td>5,241</td>
<td>6,489</td>
</tr>
</tbody>
</table>


MINERAL-BASED INDUSTRY:

Assam is also rich in mineral deposits. Assam produces 5.40 million tonnes of crude oil per annum. There are only 3 toy refineries in Assam at Digboi, Noonmati and Bongaigaon. The Digboi Refinery refines 0.5 m. tonnes. Noonmati refinery 0.84 m. tones and Bongaigaon refinery 1.0 m. tonnes (estimated). Thus out of 5.4 million tonnes of crude oil produced in Assam, 3.1 million tonnes flow out to the Barauni refinery. In spite of this, it is proposed to raise the Barauni refinery capacity to 5 million tonnes. It is very distressing to find that Assam produces oil, but the major refinery was established at Barauni, which is 1,158 kms. away from the source. Thus by completely ignoring the technical feasibility and the cost factor, the finery
was established at Barauni trampling under foot the legitimate interests of Assam and the Assamese.\footnote{Guha, Amalendu, op.cit., pp. 1715-1716.}

The finished goods turned out by the Barauni Refinery earn a huge amount of Sales Tax. This goes to the coffers of the Government of Bihar. Assam would have been earning this huge amount of Sales Tax besides other benefits, had it not been deliberately deprived of the refinery in utter disregard of all norms, scientific, economic or otherwise.\footnote{Ibid., p. 1716.}

The 36th Report of the Lok Sabha Committee on Public Undertakings in 1967 stated as follows:

The Committee feels in this respect that it was entirely wrong decision to have located the refinery at its present site (Barauni), a decision taken in spite of strong objection on technical grounds both by Indian and Russian experts.

The entire finished products are taken to Siliguri by means of the product pipeline. The much-needed essential item, kerosene, is also released from Siliguri for consumption even by the people of Assam and the North-East Region. It is for this reason that the people of the North-Eastern Region suffer often from an acute scarcity of kerosene, even when the refineries go on in full swing.

The sales Depot for the petroleum products of the Assam Refineries being at Siliguri, the Sales Tax goes to the coffers of the Government of West
Bengal. The entire Marketing Division—right from the Marketing Manager down to the Depot Chowkidar—at Siliguri is the monopoly of a particular linguistic group i.e. Bengali.

**Annual Production of Mineral Resources in Assam**

<table>
<thead>
<tr>
<th>1. Production of Coal</th>
<th>Tonnes</th>
<th>5,58,288</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Crude Oil (60% of Indian production)</td>
<td>Tonnes</td>
<td>54,96,000</td>
</tr>
<tr>
<td>3. Value of Crude Oil (present)</td>
<td>Rs. incrores</td>
<td>1,040</td>
</tr>
<tr>
<td>4. Royalty received by Assam from Crude Oil at the rate of Rs. 42 per tone</td>
<td>Rs. incrores</td>
<td>22</td>
</tr>
<tr>
<td>5. Royalty earned by Barauni from Assam's Crude</td>
<td>Rs. incrores</td>
<td>60</td>
</tr>
</tbody>
</table>

In summary, the real problem being economic, not cultural, it needs to be tackled on an economic basis, as has been done in the Assam Accord. Repeated attempts to denounce a vast number of bona fide immigrants as "foreign" nationals to solve recurrent economic maladies through political mobilization will complicate rather than help resolve Assam's difficulties, as no constitutional authority—Parliament, the Union Cabinet or the Supreme Court—can disregard the historical reality. Legal as well as conventional wisdom, tempered with compassionate political understanding of the background to and consequences of the partition, must determine the constitutional status of immigrants. As things stand at present, the immigrants cannot be labelled "foreign nationals" simply because they have succeeded in the economic sphere and have contributed substantially to the still insufficient economic growth and prosperity of Assam.

86 “Consequent on the singing of the Assam Accord (August 15, 1985), the status of 1966-71 immigrants disfranchised for ten years has led to serious complications and drawn sharp criticism even from eminent Congress politicians,” in the Telegraph, May 29, 1986, p. 6.