

**PREVIEW OF ASSAM ACCORD AND UPDATES OF NRC:  
AN IMPLICATION ON THE DEMOGRAPHIC  
TRANSFORMATION OF DHUBRI DISTRICT OF ASSAM,  
INDIA CAUSED BY THE ILLEGAL IMMIGRATION FROM  
BANGLADESH**

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**Abstract**

Since time immemorial, migration of Human beings across the globe has been accepted with logical rights and as a need-based phenomenon irrespective of National and International laws of the land. However, migration when illegal, possess a threat leading to violence, turbulence and intolerance in the society. In similar lines, a logical and lawful study of unrest Assam on the socio-economic, political, cultural and demographic front due to illegal immigrants needs to be intensified maintaining chronological events specifically in a Post Assam movement period (1979-1985). Due to the silent invasion of Bangladeshis into Assam since the second half of the 19th century, the indigenous people of Assam face a strong feeling of insecurity on the demographic and socio-economic front.

The present work is dealt with an analytical approach of Assam Accord, on illegal immigration from Bangladesh into Indian Territory and its impacts on the socio-economic scene, demographic transformation and on illegal trade in the Dhubri district of Assam.

**Keywords:** Assam Accord, Dhubri district, Demographic transformation, Illegal immigrants.

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## Introduction

Dhubri (pronunciation : Dubri) was an administrative headquarter of Goalpara district of Assam prior to 1983 and was finally upgraded to the full-fledged district on 1st July 1983 with three subdivisions namely (a) Dhubri (b) Bilasipara (c) South Solmara- Hatisingrimari - Mankachar. Recently (on 26th January 2016) South Solmara was carved out from Dhubri district and declared as a separate district, named as South Solmara Mankachar district. The geographic coordinates of the district are 89°42'to 90°12'E longitude and 26°22'to 25°28' north latitudes (30 MSL) and acts as the gateway into western Assam. Dhubri district is one of the 7<sup>th</sup> Muslim majority (approx. 75%) districts of Assam with heterogeneous cultural heritage, castes and creeds and assimilation of indigenous ethnic groups. The district shares an International boundary on the south west with Bangladesh (Erstwhile East Pakistan) and interstate boundaries with West Bengal on the west and Meghalaya in the east. Total population of the district is 19,48,632 ( Census 2011) with 2838 sq. km area, sex ratio being 952 females for every 1000 males, the literacy rate being 47.32% (lowest among all districts of Assam) as per census report of government of India, 2011.

Dhubri district currently suffers from socio-economic, cultural and political instabilities probably because of illegal immigration (also known as unauthorized or undocumented immigration) from neighboring Bangladesh, classified as one of the poorest countries of the world. As a result, the demographic profile of the district has changed and is on the verge of facing Constitutional identity crisis. Cross border terrorism, antisocial activities (ISI, Jihads etc) across the unsealed / incomplete International border, are some of the vital issues, which have changed the social set up of the district even after the Assam Accord in 1985. Thousands of illegal migrants were detected by established Laws of the Land (IMDT act in initial phase) but before deportation those people were mostly missing and yet to be traced by the Administration.

NRC (National Register of Citizens) update process is going on for the State and draft final list is published on 30<sup>th</sup> July, 2018), the legacy data will pinpoint the root of the families. Final NRC will be a document of genuine Indian citizens and it will be published on 30<sup>th</sup> December, 2018. NRC authority and Central and State governments repeatedly assured that no genuine Indian Citizen's names will be excluded from the Final NRC. All these are addressed in the later part of this work.

Although the proposed work is confined to study of the impact on the society due to influx of Bangladeshi nationals into Dhubri district and its consequences, it also focuses on guiding to extend constitutional safeguards to the indigenous people of the district so that their identity is not lost. The primary motto of this communication is to bring forth the historic Assam Accord into limelight for readers along with the main hindrances and to focus on the ongoing highly sensational NRC update process.

## Methodology

The present study uses both positivistic as well as interpretivist approaches to study the phenomenon of illegal immigration. Meaning attached to the phenomenon of migration is studied and the results these

meanings bring about from the social actors point of view is interpreted using Max Weber's interpretivist paradigm. There are different causes and consequences of migration, which cannot be studied using a single research methodology. Both qualitative and quantitative data for the study are essential to integrate the assigned problem since migration is a multifaceted phenomenon. In this communication data is obtained from census reports published by government of India as well as district level Organisations, relevant State government departments, NGO's, published and unpublished reports, articles, research papers and the internet. Primary data collection from the study area itself, for the purpose of this work was not possible due to the following reasons.

- (a) Ongoing NRC (National Register of Citizen) update process for Assam with base cut of year 25<sup>th</sup> March, 1971, under the direct supervision of Supreme Court of India.
- (b) Preparation of the voter list.
- (c) Forthcoming Lok Sabha in 2019.

A brief history of the Assam movement, Accord Accord, IMDT (illegal immigrants determined by tribunals) act, D-voters, NRC (National Register of Citizens), International border fencing, human and illegal trades including cattle trafficking are discussed here.

### **The Assam Movement**

The Assam Movement (1979-1985) popularly known as the 'Assam Agitation' is the primary episode in the history of Assam. Its main focus was on expelling illegal immigrants from the territory of the state through a constitutional process. The Assam Movement started in 1979 and was led by the All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) and it lasted for a period of around 5 years. With reference to Sanjib Baruah's analysis via his publication "Immigration, ethnic conflict, and politic turmoil-Assam, 1979-1985", the agitation and the order of its chronological events can be broadly classified into the following phases:

- Festival of Protests (from June'1979 to Nov'1980)
- Series of conflicts with the administration (from Dec'1980 to Jan'1983)
- Breakdown of Law and Order (Feb'1983)
- Conflicts between the State and the Movement (from Mar'1983 to May,1984) and accommodation (from June,1984 to Dec'1985)

The movement was set off as an outcome of a strong feeling of insecurity amongst the indigenous people of Assam. The feeling was of a serious threat being posed by the silent invasion of foreign nationals specifically the Bangladeshis and Nepalis. There was an ever-growing fear amongst the Assamese people of losing their jobs to the foreign nationals and also losing their lands. As such the movement was directed against illegal immigrants and demanded for their expulsion from the state. Another aspect of the movement is the fight to safeguard Assamese language and culture, hence promoting cultural preservation too.

However, just like any other social movement, the Assam movement too did not start all of a sudden. The event that triggered the agitation is in no doubt, the Mongoldoi (a constituency in Assam) bye-elections, seeing the death of Hiralal Patgiri, the sitting member of the parliamentary constituency. During the initial revision of electoral rolls, a surprising 70,000 complaints were lodged against names of foreign nationals being included in the list. Following several protests by various sections of the Assamese people, the movement succeeded in disturbing the functioning of the State Government, including the 1980 parliamentary elections and 1983 State Assembly elections.

The activities of the movement were mainly intended to be Gandhian i.e. non-violent, peaceful and secular. However, it eventually turned violent leading to a heavy loss and damage to human life and property. The 'Nellie Massacre' can be considered as the perfect example of violence experienced in the state on 18<sup>th</sup> February, 1983, where more than 1200 people were massacred. Another massacre of people belonging to the same community was witnessed in Chaulkhowa chapori in Darrang district. Similar incidents followed at Silapathar in Lakhimpur district and Gohpur in Daring district of Assam.

By the time Mr. Jogen Hazarika became the Chief Minister of Assam, the movement had already reached heights. AASU started organising mass squatting and picketing of government offices throughout the entire state during September 1979. The movement was further aggravated when the Election commission declared revision of the electoral rolls for the 1980 mid-term polls. The leaders of the Assam movement were completely opposed to holding of the elections without removal of names of foreigners from the voter's lists. This eventually led to Presidential Rule being imposed in Assam. The movement led to blockade of crude oil in Assam, which experienced sort of a massacre in Duliajan (a town in Assam hosting the Head quarters of Oil India Limited). Soon after in January 1980, Mrs. Indira Gandhi, the then Prime Minister of India decided to hold formal talks with the leaders of the movement. The AASU submitted a written memorandum to the Prime Minister on the various issues faced and demands of the Assam Movement.

The demands being presented in the Memorandum on 2<sup>nd</sup> February 1980 can be broadly classified into the following heads (Hussain, 1993)

- a) Detection and Deporting of illegally migrated foreign nationals,
- b) Removal of existing names of foreign nationals from electoral rolls and undertaking of preventive measures in the future,
- c) International borders of the state to be adequately safeguarded to check infiltration and
- d) Citizenship certificates issuance to be controlled by the centre instead of respective state governments.

The initial round of talks between Mrs. Indira Gandhi and AASU failed. However, with the presenting of the memorandum the stage had been set for future talks for resolution of the issues. The Assam Movement was officially declared concluded on 15<sup>th</sup> August 1985 with the signing of the historic 'Assam Accord' document by the then Prime Minister of India Mr. Rajiv Gandhi and leaders of the Assam Movement from AASU/AAGSP. The year 1966 was accepted as the cut-off year for detection of foreigners and 1971 was decided as the cut-off year for deporting foreign nationals from Assam. It was decided that those foreign nationals who entered in to Assam between 1<sup>st</sup> January 1966 and 24<sup>th</sup> March 1971 would be allowed to continue their stay in Assam. However, they would be de-franchised for 10 years and their voting rights would have to be renewed post completion of 10 years. It was also agreed that the foreign nationals who flowed into the state post 24<sup>th</sup> March 1971 would be deported back. Apart from these primary issues and resolutions, the Government also promised to safeguard the cultural, social, linguistic identity and heritage of the Assamese people.

However, despite the Assam Accord, it seems the detection and deporting in line with the agreement was not executed. There is still a continuous flow of illegal immigrants into the border districts like Goalpara, Dhubri and Kokrajhar. This raises a concern on what had actually been achieved since the issues posed by illegal immigration of Bangladeshi nationals still persist within the state boundaries.

### **Assam Accord**

The All Assam Student's Union (AASU), the All Assam Gana Sangram Parishad (AAGSP) and the Central Government (Government of India) arrived at a common consensus module, placed and signed on 15<sup>th</sup> August 1985 at New Delhi, known as "The Assam Accord"- a historic document for the people of Assam / North east India. In abstracting the contents of the Assam Accord, its merits and demerits, lacunas and probably some amount of hidden agenda will be discussed (Annexure-1).

#### **Annexure - 1**

#### **ASSAM ACCORD**

**15th August, 1985**

**(Accord between AASU, AAGSP, Central and State Government on the Foreigner Problem Issue)**

#### **MEMORANDUM OF SETTLEMENT**

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 Keeness to find such a solution.
2. The AASU through their Memorandum dated 2<sup>th</sup> 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 affects 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 then Prime Minister initiated the dialogue with the AASU/AAGSP. Subsequently, talks were held at the Prime Minister's and Home Ministers levels during the period 1980-83. Several rounds of informal talks were held during 1984. Formal discussions were resumed in March, 1985.

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

**Foreigners Issue :**

5.

(1) For purpose of detection and deletion of foreigners, 1-1-1966 shall be the base date

And year.

(2) All persons who came to Assam prior to 1-1-1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections, shall be regularized.

(3) Foreigners who came to Assam after 1-1-1966 (inclusive) and up to 24<sup>th</sup> March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order, 1939.

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

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

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

(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.

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

**Safeguards and Economic Development:**

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

7. The Government takes this opportunity to renew their commitment for the speedy all round economic

development of Assam, so as to improve the standard of living of the people. Special emphasis will be placed on the education and Science & Technology through establishment of national institutions.

**Other Issues :**

8.

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

(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 of physical barriers like walls barbed wire fencing and other obstacles at appropriate places. Patrolling by security forces on land and riverine routes all along the international border shall be adequately intensified. In order to further strengthen the security arrangements, to prevent effectively future infiltration, an adequate number of check posts shall be set up.

(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 unauthorized encroachers evicted as laid down under such laws.

11. It will be ensured that the 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 Students Unions (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 victimization;

b. Frame a scheme for ex-gratia payment to next of kin of those who were killed in the course in 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 academic and competitive examinations etc. in the context of agitation in Assam :

d. Undertake review of detention cases, if any, as well as cases against persons charged with criminal offences in connection with the agitation, except those charged with commission of heinous offences.

e. Consider withdrawal of the 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/- (R.D. Pradhan) Home Secretary Government of India Sd/- (Smt. P. P. Trevedi) Chief Secretary Government of Assam
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Sd/-  
(Biraj Sharma)  
Convenor  
All Assam Gana Sangram Parishad

In the Presence of  
Sd/- (Rajiv Gandhi)  
Prime Minister of India

Date : 15<sup>th</sup> August, 1985  
Place: New Delhi

1. Election Commission will be requested to ensure preparation of fair electoral rolls.
2. Time for submission of claim and objections will be extended by 30 days, subject to this being consistent with the Election Rules.
3. The Election Commission will be requested to send Central Observers.

Sd/- Illegible

Home Secretary

1. Oil Refinery will be established in Assam
2. Central Government will render full assistance to the State Government in their efforts to reopen.
  - i) Ashok Paper Mill
  - ii) Jute Mills
3. I.I.T. will be set up in Assam.

Sd/- Illegible

Home Secretary

### **Basic Analysis**

The basic concept and motto of Assam Movement was expulsion of illegal foreign nationals from the soil of Assam,

After prolonged movements at different phases and at the cost of lives of a few hundred martyrs (855), finally an agreement (Memorandum of settlement) was issued, where in four main issues namely—

- a) Foreigners Issue
- b) Constitutional Safeguard and economic development,

- c) Other issues like IMDT Act, Citizenship Act and
- d) Restoration of normalcy was addressed.

One group of people from AASU welcomed the Assam Accord and the other group was not happy and therefore as a mark of protest they left from New Delhi immediately. However, majority of the people of Assam was in favour of Assam Accord and honoured the Accord. Clause 6 and & 7 will be considered as heart and soul of the Accord wherein it was stated under Clause 6 that “Constitutional, legislative and administrative safeguards as may be appropriate shall be provided to protect, preserve and promote the cultural, social and linguistic identity and heritage of the Assamese people.

However, no proper action or initiation of any process as per Assam Accord was taken in time by Government of India or by State Government of Assam. AASU played an active role over the issues on Assam Accord and therefore after one year, that is 14th August, 1986 they have submitted one memorandum to the Prime Minister of India where AASU expressed their discontentment over the issue of taking burden of about 40 lakhs illegal foreigners and granting Indian citizenship as per provisions of the Assam accord. One step further as per the Accord, Assam has to bear the burden of another 14 lakhs of Bangladeshi foreign nationals after creation of Bangladesh. Thus, all together, 54 lakhs of people of illegally entered foreign nationals to be accommodated and right of Indian national citizenship to be conferred to them.

Before addressing this issue with pros. and cons. the main barrier of the Clause 6 of the Assam Accord needs rethinking and attention needs to be drawn on “Assamese people”- the last two words of the Clause 6 of Assam accord. Who are Assamese people? Is there any proper definition? What our History Indicates? A more realistic and logical explanation is required. This was the main hindrance in not executing the process of initiation of the clause 6. Surprisingly 32 years have passed, yet the issue is not resolved.

### **Assamese People**

A gist of the above definition of “**Assamese people**”, is discussed here for easy references.

The **Assamese people** are an Indo-Aryan ethnic group native to the East Indian state of Assam who speaks the Assamese language as their mother tongue. This region is home to over 220 separate ethnic groups and more than 30 of them are in Assam, which has over 70 per cent of the region’s population. We need to guard against a definition that uses religion or language as a discriminatory tool (*Saikia, 2004*). The Assamese word for indigenous people or sons of the soil is known as ‘Khilonjia’.Historically, the basic definition of the "Assamese people" has remained in a state of flux not only in the colonial (1826–1947) but also in the post-colonial (after 1947) period (Webster, 2014). Traditionally Assamese speaking people includes Hindu groups like Ahoms, Assamese Brahmins, Moran and Motok, Kaibarta, Kalitas, Koch Rajbongshis, Sutiyas and Assamese Muslims, Assamese Sikhs and Christians (*mostly Tea tribes*) and others.

Although it is unfortunate but it's a fact that lack of a proper definition of Assamese people has put stumbling blocks in implementing Clause 6 of the [Assam Accord](#). Since a legal definition is important to provide "Constitutional, legislative and cultural" safeguards to the Assamese people, the [Government of Assam](#) had formed a ministerial committee to finalise the definition in March 2007. To address the *clause 6* issue, [AASU](#) had announced a definition on April 10, 2000, which was based on residency with a temporal limit: *All those whose names appeared in the 1951 National Register of Citizens and their progenies should be considered as Assamese.*

Even today also, there is no politically acceptable definition of the 'Assamese People'. A statement by an umbrella group of Organizations led by AASU declared that "those whose names, irrespective of caste, community or religion, were included in National Register of Citizens (NRC) 1951 were Assamese and eligible to enjoy safeguards as promised by Clause 6 of the Assam Accord". But this in turn raises more questions? What about those who moved out of Assam pre-independence or post-independence, post-1951 to other parts of India and the Northeast? What about those who were residents of Meghalaya when it was carved out of Assam in 1972? What about the migrants who moved into Assam post-1951? Amidst all sorts of debate on the definition of an 'Assamese People', the All Assam Students' Union (AASU) along with a group of 26 other ethnic bodies met the Assembly Speaker, Pranab Gogoi and reported him about their consensus on those who should be provided constitutional safeguards and seat reservations in local bodies, the State Assembly and the Parliament. The Speaker Gogoi told the delegates that he will raise the issue in the ongoing budget session of the Assembly on March 29, 2016.

**"Assamese People" definition rocked the Assembly when** the Speaker in his two-page report, which he read out, stated that 1951 Census Report defined indigenous people of Assam thus: "Indigenous person of Assam means a person belonging to the State of Assam and speaking the Assamese language or any tribal dialect of Assam, or in the case of Cachar the language of the region."

The issue of determining the definition of the "Assamese People" triggered an uproarious scene in the Assam Assembly on the last day of the ongoing budget session with the ruling Congress. The Speaker recommended, after consultations with 53 different organisations, that the year 1951 be taken as the cut off period and the National Register of Citizens (NRC), 1951, be taken as the basis for the definition of the "Assamese People" for the purpose of reservation of seats and constitutional safeguards as required by the Assam Accord. The members of Asom Gana Parishad (AGP), Bharatiya Janata Party (BJP) and the Bodoland People's Front (BPF), however, backed the Speaker's definition of "Assamese People" and insisted that the Speaker's recommendation be treated as a recommendation of the House.

We will conclude our discussion by analysing the definition provided by speaker Pranab Gogoi and its political implications. He defined indigenous Assamese people by taking 1951 as the base year. However,

his definition goes against the basic tenets of Assam Accord, as the accord didn't incorporate the term '**indigenous**' while prescribing constitutional safeguard for the **Assamese People**. Secondly, Mr. Gogoi could not address the questions raised by many Organisations, which strongly oppose his divisive definition of 'Assamese' (who is **Bhumiputra** - Sons of the Soil).

There are some practical problems with this definition –

- a) Assam Government has informed the assembly on record that the 1951 NRC is not available for all the districts of Assam, some of the districts have partial records. Census report says that in 1951 census many areas were not included in the census due to poor transportation and connectivity.
- b) As per government record 53,000 Muslim families fled to the then East Pakistan in 1950 due to communal violence in Assam, out of which 41,000 came back under Nehru-Liyaqat pact. Naturally, those families are not figured in 1951 NRC as well as 1951 census. Hence, speaker Pranab Gogoi's definition is impractical *ab initio*.

Tarun Gogoi, Chief Minister of then Assam Government in 2016, informed the Assam Assembly that the Government has been unable to finalise the definition of an "Assamese" yet and as a result, cannot implement the clause 6 of the Assam Accord which provides constitutional, legislative and administrative safeguards for the Assamese people. This led to a fresh debate over the question- who is an Assamese (Source: The Citizen, July'2017). A petition has been filed in Supreme court of India, challenging Indian constitution and cut off year for foreign national in 24<sup>th</sup> March 2017.

Working President Motiur Rahman (2017) of the Assam Sanmilita Mahasangha, an indigenous people's organisation of Assam who placed the matter as a petitioner before the Honourable Supreme Court on 28<sup>th</sup> April, 2017, noted that "The petitioners, Assam Sanmilita Mahasangha, an organisation that seeks to safeguard the rights of the indigenous people of the state, believe that the provision is discriminatory because it has a different date for Assam and the rest of India and is not even legal. "How can a memorandum of settlement [the Assam Accord] between a students' organisation and the home ministry be a legal document?" asked Motiur Rahman of the Assam Sanmilita Mahasangha. "If the Supreme Court considers Assam a part of India, it will rule in our favour. This whole provision of a different cut-off date for a single state is extremely discriminatory. Are we a colony of India or part of it?" Rahman said his organisation was not against the Indian union and was not a revolutionary outfit. "All we want is uniformity," he claimed.

Similarly, Upamanyu Hazarika (2015), a Supreme Court lawyer and convener of the "Prabajan Virodhi Mancha"- A forum against infiltration submitted a 53 pages report on the abnormal growing influx of Bangladeshi in 2015. His text was as follows:

“Upamanyu Hazarika said the outcome of the case would go a long way in deciding the fate of Assam’s indigenous people. He further quoted as “The effect of Assam having a later cut-off date than the rest of the country is that it has acted as a magnet for all Bangladeshi migrants to come to the state”. Relating to constitutional validity of section 6A of act, the apex Supreme Court asked the Centre and other concerned parties, including Assam Government, to file their written submissions in the matter by May 1, 2016 and fixed the matter for hearing on May 8. The bench, also comprising Justices R K Agrawal, P C Pant, D Y Chandrachud and Ashok Bhushan, said that apart from these 13 questions, it might also deal with related issues raised by the parties if required.

### **Clause 6 of The Assam Accord**

Relating to Clause 6 of the Assam accord, AASU put forth a series of suggestions. **Inner line permit is granted to all the states of the Northeastern region, excepting Assam, which would have some impact of the right of living of the indigenous people of Assam.** Question arises, why such provision is not applicable by the respective laws of the land? In addition, out of all the special provisions set forth in the case of Jammu and Kashmir, at least a few like:

- a) Dual citizenship
- b) Restriction of purchase of land and properties.
- c) Citizenship by constitutional framework and so on by amendment of section 3 of the Indian citizenship act 1955.

It is necessary for the people of Assam to have constitutional safeguard so that “citizenship by birth cannot be claimed by a person whose parents are foreigners who have entered India illegally without valid passport and visas or if his father or mother is a foreigner who have entered India illegally without a passport or visa.” (Source: AASU’s recommendations).

### **IMDT (Illegal Immigrants Determined By Tribunals) Act**

One nation, one law, guided and administered by the Constitution of India does not matter whether he or she is from undivided Assam or from rest of the parts of the country. A person without valid documents including visa if entered into Indian territory, he or she is an illegal migrant and detection and deportation to be done by a single foreigners act of the nation. Why then IMDT is necessary? If 1951 is taken as base year for detection and deportation of foreigners in Indian subcontinent or territory, why then another base year, 25<sup>th</sup> March, 1971 is necessary in case of Assam? Can we say simply that the second base year for detection of foreigners is the cause and effect of Assam accord signed by Government of India, AASU and AAGSP? How far this is logical? Unfortunately, IMDT act was imposed by Central Government in one side and on another side, Assam accord was signed. Hidden agenda in both the cases is suspected as a result done and undone - both become vice versa. On October 15<sup>th</sup> 1983, the Government of India headed by Mrs. Indira Gandhi as Prime Minister passed an ordinance to set up tribunals for determination of the question

whether a person is or is not an illegal migrant and in a planned way the ordinance was introduced and passed in Parliament on 12th December 1983. (Government of India notification)

### **Salient Features of both the Acts**

The Foreigners Act, 1946 defines a foreigner as a person who is not a citizen of India. Section 9 of the Act states that, where the nationality of a person is not evident as per preceding section 8, the onus of proving whether a person is a foreigner or not, shall lie upon such person.

However, under the Illegal Migrants (Determination by Tribunal) (IMDT) Act, the burden of proving the citizenship or otherwise rested on the accuser and the police, not the accused. This was a major departure from the provisions of the Foreigners Act, 1946.

The accuser must reside within a 3 km radius of the accused, fill out a complaint form (a maximum of ten per accuser is allowed) and pay a fee of ten Rupees.

If a suspected illegal migrant is thus successfully accused, he is required by the Act to simply produce a ration card to prove his Indian citizenship.

If cases of illegal migrants are coming up, then only, a system of tribunals made up of retired judges would finally decide on deportation based on the facts. The act also provided that 'if the application is found frivolous or vexatious' the Central Government may not accept it. It excluded the migrants who entered India before March 25, 1971 from the illegal-migration accusation. For post-1971 migrants too, the procedure for deporting was tough.

AASU submitted a set of changes of recommendation relating to IMDT act to the Home Minister, Government of India, New Delhi on 28<sup>th</sup> November 1985. The definite changes are related to sections 4 and 5 of the Act, Section 8 (sub section 1 to 4,) Section 10, 11, 12, 13, 15, 16, 25 and 27 ([Details can be obtained from AASU's memorandum of suggestions on IMDT Act submitted to Government of India.](#))

Many years have passed since the introduction of IMDT Act and Assam Accord but executions of both become virtually either insignificant or unexecuted throwing the ball from one court to the other. Hiteshwar Saikia, Chief Minister of Assam on 10<sup>th</sup> April 1992 stated that there were three million (30 Lakhs) Bangladeshi illegal migrants in Assam, but unfortunately after two days he had changed his comment and said that there were no Bangladeshi illegal migrants in Assam. What does it indicate? Is it not due to some amount of pressure from party high command? In between government changed in the centre and NDA came to power. After about two decades on 7th May 2003, Sri Lal Krishna Advani, Deputy Prime Minister and Union Home, Minister introduced the illegal migrant laws (repealing and amending) bill 2003 in Lok

Sabha and Rajya Sabha. Main opposition party was congress and other left parties joined congress and walkout from houses in protest. Therefore, the bill could not be passed due to non adequate support.

Subsequently Assam's State Government headed by Tarun Gogoi as Chief Minister from the Congress party and other minority organisations also raised their protest in this context. Reference can be cited that one of the cabinet Minister (Ardhendu Dey) of Tarun Gogoi's Ministry on 11<sup>th</sup> May 2003, stated that if IMDT act is repealed, and a section of the minority people is deported from Assam by force then there will be another Palestine. Another minister (state home) Rakibul Hussain said that the Nille and Gohpur massacres will be repeated if IMDT act is repealed. (Harlalka, 2008). What status do they maintained when IMDT Act itself is struck down by honourable Supreme Court of India on 12 May, 2005?

Mr. Indrajeet Gupta, the then Union Home Minister of India informed in the parliament on May 6, 1999 that there were 10 million illegal migrants residing in India out of which West Bengal illegal Bangladeshi in Assam as per government records and Census report of latest 2011. Even though Mr. Tarun Gogoi, Chief Minister of Assam claims in 2016 that he will leave his political career if someone can prove that there is one single illegal Bangladeshi in Assam. On the other hand, Bangladesh census report indicates a reduction of 39 lakhs of Hindus between 1971-81 and 36 lakhs between 1981-98, totaling 75 lakhs. Governor of Assam, **Lt. Gen. S.K. Sinha** submitted a report to the President of India on 8th November 1988 where he noted that "unabated influx of illegal migrants of Bangladeshi into Assam has led to a perceptible change in demographic pattern of the state and has reduced the Assamese people to a minority in their own land".

Amidst all dissatisfaction and discontentment, the IMDT Act was repealed by Honourable Supreme Court on 12th May 2005 by the bench of the chief justice R. C. Lahuti and companion judge Sri. G. P. Mathur, P.K Balasubramaniam. Petitioner was Sri Sarbananda Sonowal, then MP from Assam Gana Parishad, a regional party of Assam and former president of AASU.. **All case pending before the tribunal under the IMDT Act shall be transferred to the tribunals constituted under the foreigners (tribunals) order 1964 and shall be decided by the single law of the nation and not by law meant for Assam alone**".

"What is the difference between IMDT and Foreigners Act? In simple way one can say the former is meant for Assam and the latter is for rest of the country. Is it not discriminatory? Under IMDT Act the onus of proving ones nationality or otherwise lies on the complaint whereas under the foreigners act the onus is on the accused".

#### **Present Status of Clauses 6 and 7 of Assam Accord**

The present status as on August 2017 of the clause 6 and 7 of the Assam Accord issued by Shri Kiren Rijju, Ministry of Home affairs, Government of India in reply to a question raised by Rani Narah, congress MP of Rajya Sabha is as follows: (Annexure -2)

**Annexure -2****Ministry of Home Affairs****(02-August, 2017 16:15 IST )**

“Constitutional safeguards under Assam accord: The details of Clause 6 and 7 of the Assam Accord are as under:-

Clause 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.”

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

Government of Assam has established a department which is named ‘Implementation of Assam Accord Department.’ To implement the above Clauses, a number of steps have been taken which have resulted into:

- Establishment of Srimanta Sankardeva Kalakshetra with total construction cost of Rs. 20.35 crore, of which Rs. 18.85 crore was contributed by the Government of India.
- Implementation of Jyoti Chitran Film Studio (Phase-I & Phase-II). The modernisation of Jyoti Chitran Film Studio (Phase-III) has been undertaken.
- Rs. 21.00 Crore was granted as financial assistance to 219 Nos. of Satras of Assam.
- Rs. 7.00 Crore was provided as financial assistance for 11 Nos. historical monuments for their protection, preservation and development.
- Archaeological Survey of India has taken up the protection, preservation and development of 5 monuments. These are (i) Singri Temple’s ruins (ii) Urvashi Archaeological Site (iii) Poa-Mecca, Hajo (iv) Kedar Temple, Hajo and (v) Hayagriva Madhava Temple, Hajo.
- An Autonomous Institution namely Anandaram Borooah Institute of Language, Art & Culture Assam (ABILAC) has been established on 12th December, 1989 with the Financial Assistance from Govt. of Assam.
- The Directorate of Higher Education provides annual grants to various Voluntary Organisations for upliftment of the Language, Art and Culture.
- A Central University at Tezpur, an IIT at Guwahati and Numaligarh Refinery, Golaghat district have been established.
- 100 Foreigners Tribunals have been established for the detection and deportation of illegal migrants in Assam.
- Government of India released Rs. 44.45 crore to Government of Assam towards settlement of loan and payment of outstanding dues of employees in respect of Ashok Paper Mill.
- Other activities include measures taken for flood control, fencing and floodlighting along Indo-Bangladesh Border, Rail-cum-road project, commissioning of Assam Gas Cracker Project/ Brahmaputra Cracker and Polymer Ltd. (BCPL).

The implementation of Assam Accord is a continuous process. This is reviewed time to time”.

### **National Register Of Citizens (NRC)**

The entire country is aware of that **Updates of NRC** is in process and the first draft has been published on 31<sup>st</sup> December 2017 where document based genuine Indian citizens names are included. First draft of NRC is published on 31<sup>st</sup> December, 2017 midnight and second final draft is published on July 30, 2018 and final NRC with photograph will be published on 30<sup>th</sup> December, 2018 without fail as directed by the Honourable Supreme Court of India. The present study faces a lot of crisis and situations arising out of the present turmoil relating to preparation of NRC and even cut-off year (24<sup>th</sup> March, 1971) set forth by government machinery as per Assam Accord.

The following are the reasons for the difficulties faced:

- 1) NRC updating
- 2) Controversy over cut-off year whether detection, deletion and deportation of persons migrated from Bangladesh will be based on 1951 as in the entire India or 25<sup>th</sup> March 1971 as agreed upon as per Assam Accord signed by Government of India and Assam agitators (AASU, AAGSP).
- 3) D-voters marking as instructed by Election Commission of India.
- 4) Vote bank policy of some political persons/leaders. Specifically because of no agreement between Bangladesh and India regarding acceptance of illegally displaced/migrated persons by Bangladesh. This pushback policy is the main hindrance and that is why even if illegal immigrants are detected and deleted their names from the voter list but deportation is not physically possible. The government has to accommodate them in the detention camp but unfortunately a large number of people either manage to escape from detention camp or the detected persons are missing due to some mysterious reasons.

Why NRC update process was initiated? We know that a nationwide citizenship register was maintained based on census report of 1951 and same was the case for Assam. Although in Assam accord, NRC updating provision was not directly mentioned, but as regards cut of year set forth as 24<sup>th</sup> March midnight, 1971, therefore in the process of detection of illegal foreigners, deletion of their names from subsequent electoral roles and deportation as per Central Government mechanism needs to be taken care of. Therefore, National register of Citizen, 1951 require revision. Updating of NRC was taken up under the leadership of AASU, chief minister of Assam Tarun Gogoi and the Government of India.

Credit goes to Pillai in 1999, which made a milestone in initiating the dialogue between Assam State and the Central Government. It took another 6 years to arrange a tripartite talk in 2005. But no modalities were formulated till 2010. For the first time, the foreigners issue has been placed in Supreme Court in 2008 by a petitioner Abhijit Sarma, leader of APW (Assam Public Works), a public organisation. The petition was admitted in Supreme Court on 28<sup>th</sup> July 2009. By the time a pilot project was initiated in two sensitive areas of the state, namely Barpeta (21 July'2010) and Chaigaon which leads to violence killings as many as (9)

persons. Kokrajhar violence was another incident in 2012. During the entire journey to file a petition in Supreme Court, it needs to mention that, the initial drafting of the petition was made by very silent yet committed Pradip Bhuyan, who was inspired by Banti Bhuyan, the proprietor of Faculty High School, Guwahati and in subsequent time by Jayanta Barua of Sadin Pratidin Group. They act as background force and Abhijit Sarma sets a milestone in updating the NRC into reality. The man who has given the idea to initiate the initial process for NRC was Sri Naba Deka Barua, an employee of Govt. of Assam (the name was kept secret for last couple of years till declaration of the final draft of NRC on 30<sup>th</sup> July, 2018).

After Supreme Court's directive NRC updating process was started with effect from 5<sup>th</sup> October 2013. Prateek Hajela was appointed as state coordinator of NRC. Entire NRC updation was monitored by Supreme Court under their strict observation. About 18000 service holders of State Government contributed their active cooperation and dedication in preparing the draft NRC in due course of time. A number of documents in support of Indian citizenship was enlisted by government machinery and Guwahati High Court set aside Panchayat documents, one of the above listed documents, but finally Supreme court upheld the validity of panchayat documents as supporting linkage documents.

Two stages of verification was considered by NRC authority

- 1) Documents verification
- 2) Building up family tree

However, it was reported by NRC authority that 37 lakhs cases are still pending for verification out of which 10 lakh applicants have submitted ration card and rest 27 lakhs Gaon panchayat documents. Prateek Hajela has informed supreme court on 29<sup>th</sup> November 2017 that the NRC authority could complete verification of about 2 cores applicants, out of which, 1.30 crore are OI (original Inhabitants). But, legal counsel of Supreme Court gives directives to NRC authority, not to use "OI" category which is not a yard stick. Hence, once the name of the persons concerned is included in NRC he or she need not be categorized under OI.

Supreme Court further rejected the plea made by Prateek Hajela for extension of submission date of NRC till 31<sup>st</sup> July 2018 and Attorney General K. K. Benugopal and scheduled date is fixed on 31/12/2017 with whatever cases are verified. Finally, NRC authority has published the first draft of NRC updation on the midnight of 31 December midnight of 2017. Prateek Hajela reported that 1.90 crore are included in NRC, Out of 3.29 crore total applications. The names included in draft NRC have been recognised as legal citizens of India. The rest names of the applicants are at various stages of verification. This information has been made public at a press conference held on midnight go 31<sup>st</sup> December 2017 by Sailesh, the Registrar General of India. Prateek Hajela reveals the fact about non-respondents of the different states of the country, namely West Bengal, Tripura, Bihar, Rajasthan, U.P, and many others whatever information are asked for.

Altogether 1,11,000 thousand Bengali speaking West Bengal people applied for inclusion of their names in NRC in Assam with all related and relevant documents. These documents were send to West Bengal Government for verification about one year back, but till now only 5,800 cases are verified and submitted to NRC authority of Assam, while 1,05,200 cases are still pending. Whereas Tripura Government verified the submitted relevant documents, more than 60%, Similar is the case of other states where from verifications are not forwarded till date.

Prateek Hajela further stated that as many as 38 lakhs names will not be included in draft NRC. Similarly, D-Voters names are also excluded from the first draft NRC. He further assured that no genuine Indian citizens names will be left out from NRC and final NRC would be published within 2018. The earlier date of publication of the second final draft of NRC by 30<sup>th</sup> June, 2018 has been extended upto 30<sup>th</sup> July, 2018 by Honourable Supreme Court based on the confidential report submitted by Sri Prateek Hajela on the ground of devastating flood in some districts like Cachar, Karimganj and Hailakandi of Barak valley and some other district of Brahmaputra valley. It has been brought to the knowledge of the Apex Court by Hajela that either due to verification error or wrongly placed illegal documents, about 1.50 lack names were included in the first draft and after thorough scrutiny they were found to be ineligible to be included in the final draft. Hence needs deletion. The Supreme Court **permitted deletion** of 1.50 lack names from the final draft. Further D- voters issue was another burning topic where the Supreme Court has given ruling that the names of 64,000 doubtful voters 4,500 foreigners' names will be kept on **hold** and their descendents will be identified.

It's a matter of pride that finally Final draft of NRC is published on 30<sup>th</sup> July, 2018 at sharp 10.00AM as indicated below:

Total applicants .....	3,29,91,385
After verification included in final draft.....	2,89,83,677
Not included in final draft.....	40,07,708
Rejected applicants.....	37,59,705
On hold.....	2,48,000
Final NRC list will be published on 31 <sup>st</sup> December, 2018	

Those whose names are not included in final draft will get a chance to submit their required documents after 10<sup>th</sup> August, 2018.. Exclusion of 40 lakhs names creates a turmoil and jerk in Lok sabha, Rajya sabha, in print/elctronic media for couple of days. NRC authority, Chief Minister of Assam Sri Sarbananda Sonowal , Central Home Minister Sri Rajnath Singh categorically stated that exclusion of 40 lakhs from draft NRC does not mean that they are foreigners. The left out persons will get a chance to file claims and objection within a specific period-30 August to 28<sup>th</sup> Sept, 2018 and neither they will be kept in the detention camp for foreigners nor deprive of getting benefits like other Indian citizens.

In Dhubri district, altogether 136 NRC Seva Kendra are established and altogether 3,86,055 family with applicants 17,12,631 applied for citizenship. 6,12,420 person's name are included in the first draft NRC and the rest documents were verified for final draft. Reports portray that in Dhubri district 8.2% applicant's names are not included in the final draft. Details are not officially revealed.

Next step to be taken by government machinery to prepare a genuine voter list based on NRC to be published within the stipulated time framework set forth 30/12/2018 before coming Lok Sabha elections, 2019.

### **Demographic Scenario Of Dhubri District**

Dhubri district records highest population density (896/sq.km) as per Census report of India in 2011 while it was 266/sq.km in 2001 against total population 15,66,396 in 2001 and 19,49,259 in 2011. It is noted that Assam's population density was 340/sq.km in 2001 and 398/sq.km in 2011. Religion wise, statistical record indicates that Muslim population was 70.45% in 1991 where as it increases upto 74.29% in 2011 i.e.3.84% increase. On the other hand Hindu population is decreasing from 28.73% to 24.74%, a total decrease of 3.99%. Sikh, Christian, Buddhist, Jain and other religious group are invariably less than 1%. Decadal variation of population growth of Dhubri district (%) was as low as 12.74% during 1947-1951 but from 1951-1961 it has shoots up to 43.74 and in subsequent two decades, it was 43.26% and in 1971-1991 it is 45.65% (in 1981 there was no census in Assam because of Assam agitation). In 1991 -2001 it has been recorded 22.97% while in 2001-2011 as 24.44%. This growth % is again much higher than Assam state (17.07%). This indicates clearly that preventive steps are to be undertaken or initiated to address the issues arising out of such a demographic profile.

### **D- Voters Issue**

According to a statement in Parliament in 2004, there were around 1.2 crore illegal Bangladeshi immigrants in India on December 31, 2001, of which 50 lakh were in Assam. With this finding, steps are being taken in course of time with 100 foreigners' tribunals in Assam to detect illegal immigrants.

**D-voters** are those persons who are identified during electoral roll revision as doubtful (D) Voters. **D-voter**, sometimes also referred to as **Dubious voter** or **Doubtful voter**. Such category of voters in Assam are disenfranchised by the Govt. on the account of their alleged lack of proper citizenship credentials (The Hindu, 10 April, 2012). A special tribunals under the Foreigners Act, identified such voters and declared as D-voter. D-voters are not allowed to have photo identity card, not to cast their votes and contest election. In 2011, D voters to be transferred to Foreigners Tribunals set up under Foreigners Tribunal Order 1964 and

be kept in detention camps (Gauhati High Court, 2011) which directly effects the Bengali Hindus who migrated from East Pakistan and Bangladesh before and after 1971 numbering to 6 lakh.

Official sources from EC record has indicates that there are about 1.52 lakh "D" voters but if suspected foreigners, whose cases are being heard by different tribunals are also taken into account as per the high court order, the number of 'D' voters would be about 3.5 lakh. (Dutta,Choudhry : 2011)

The maximum number (26,484) of "D" voters are recorded in Sonitpur district followed by 24,247 in Barpeta. **Similarly, there are 14,898 such voters in Dhubri**, 10,299 in Goalpara, 11,481 in Udalguri, 17,128 in Nagaon, 6877 in Cachar, 3118 in Karimganj, 2601 in Karbi Anglong, 1976 in Kokrajhar, 1395 in Bongaigaon, 2196 in Kamrup, 5293 in Kamrup (metro), 3604 in Nalbari, 5112 in Morigaon, 2396 in Golaghat, 20 in Jorhat, 2 in Sivasagar, 2822 in Lakhimpur, 5506 in Dhemaji, 1065 in Dibrugarh and 2854 in Tinsukia districts. In the final draft of NRC, the D- voter cases are **kept on hold** as per instruction of the Supreme Court of india.

### **Border Fencing**

International boundary between India and Bangladesh is measured as 409 kilometres which is the 5th longest land border of the world, out of which Assam shares 262 kilometres , Out of 262 kilometres International border between Bangladesh and Assam (recent study indicates 223.7 kilometres), Dhubri district alone covers 134 kilometres with 45 number of border outposts ( 17 outposts are situated in riverine areas). It is the talk of the talk shows in the electronic media and print media that fencing in the border zone is in full swing in Assam but the reality might be otherwise.

Cross border terrorism (CBT) is a common problem observed in many International boundaries all throughout the world. In Dhubri district too such activities like infiltration of foreign nationals unlawfully, smuggling, threatening and other illegal activities are often witnessed. Border outpost at Moslabari, Mantrirchar, Bhogdodar and Mankachar are identified as most sensitive zone". Clashes between BSF jawans and cattle smugglers are often reported. Most of the smugglers are not Bangladeshi, but Indians? These are unfortunate, but facts. Therefore recently in last September 2016, Assam's Chief Minister Sarbananda Sonowal made an appeal to the NDA government that army be allowed to supervise the construction work of fencing along the porous zones of Dhubri district for speed up, the way it was done in the western zone between India and Pakistan.

In May 20, 2015 Supreme court had constituted one man commission to inspect and prepare a status report on the border in response to a write petition filed by Assam Public Works (APW), an NGO under the leadership of Abhijit Sarma, alleged information on Bangladeshi nationals and trans border smuggling through the porous and riverine areas of Dhubri district. Upamanyu Hazarika, Senior lawyer of Supreme

Court was appointed as one man commission for the said status report. He had submitted his report to the Supreme Court on 24th November 2015.

Rajnath Singh, Union Home Minister was unhappy about the progress of border fencing inspite of allocation/sanctioning the required fund from the Central government. However, he has committed that entire border between Bangladesh and Assam will be sealed and border fencing will be completed by middle of 2018. He has further committed that “we are committed to clause 6 of the Assam Accord and will protect it even if we have to amend the Constitution”. Question arises why border fencing progress is slow or has been made slow? What are the main causes why the fencing construction could not be completed in due time?

There are a few main causes: (a) Natural physiographic phenomenon, (b) Borderland demarcation dispute, (c) No man’s land area’s people sentiments and their identity crisis, (d) Border fencing regions in stable and unstable land masses, (e) Border fencing zones belonging to riverine areas, (f) Inhabitant’s of the border villages- their religion-culture-socio economic status, (g) Shifting behaviour of the villages- Char areas which are unstable land block.

With modern technology either with the laser beam control application or by placement of the drone may help to control illegal influx of immigrants from Bangladesh. The indirect affect of climate and rainfall of the North Eastern region in introducing such modern devices may not be ignored. Construction of border fencing will not help to resist illegal influx of foreign nationals but, commitment of the Indian nationals in the bordering districts of Assam towards development is equally important. Therefore, it’s the time to make an appeal to “make India, be Indian and contribute your endeavour to build up a world’s best democratic country”

### **Economic And Social Impacts**

Contribution by illegal immigrants towards development in the field of agricultural sector cannot be denied. If we look back to the early 60s of the 20th century the total output of agricultural products was low as against the year 1980 which clearly indicate that the hard working class of immigrants of Bangladesh as a directly related in the healthy growth of the agricultural sector but indirectly due to such influx there is a reduction of waste land, wet land as well as hilly areas including reserved forest and char areas. Such surplus growth of rice, jute, vegetables, tobacco, oil seeds, sugarcane, watermelon, is inversely proportional to the population explosion of suspected illegal Bangladeshis infiltrators and the demographic transformation is influenced by these factors. Thus the indigenous people are gradually losing their identity and therefore fighting for their constitutional safeguard by reviewing the present status of illegal infiltrators through a system of law of the land (INDIA

Agriculture is still the principal occupation of majority of the rural people of the Dhubri district. Food security and proper nutrition to the people by implementing various schemes, supplying modern technologies, quality proven seeds- even highbred types are the present day basic motto of the government. Motivation programmes are conducted, but in understanding the basic formulations of the modern technological approaches, there is probably a main barrier as for example, illiteracy which stands like a rigid wall in understanding and implementation of the programme concerned. In the agricultural sector traditional implements like plough and bullock are still the most. But unofficial sources disclosed that beneficiaries are mostly confined to muslim communities and rarely it goes to Hindu community people. Such discrepancies are also reported by a study group conducted by Omeo Kumar Das institute of Social changed development, an autonomous Research institute of the ICSSR, New Delhi.

## **Conclusion**

The issue of illegal foreigners into India is not new, neither is an old problem that cannot be solved nor does not like to be solved. This is the burning issue of present day Assam and still an issue which needs to be looked into by Government of India. Illegal immigrants are detected by existing laws of the land, there names were deleted from the voter list, doubtful voters are marked as D- Voters and detected illegal immigrants are kept in detention camp for years together, but could not be deported back to their respected homeland because of non existence of agreement between India and neighbouring Bangladesh. If Central Government do not do such agreement then why not the people of Assam feel bad that they are neglected? In India 1951 is the cut off year for granting Indian citizenship (detection year). Where is the ground that 1971 March 25 be the cut off year for detection of foreigners in Assam. People say is it as per agreement signed by AASU, AAGSP and Government of India, in the form of historic document Assam Accord. How people of Assam can accept this document? Who have given authority to AASU and AAGSP to sign this document on 15 August, 1985? Are they the only representative of the people of Assam? Moreover, what was the geographical and political configuration of NE India on 1985? If cut off year 1971 is agreed upon by Assam agitators, then another question may come up what was the geographical and political configuration on 1971? Whether there were representatives from Arunachal Pradesh and some other northeastern states when the historical Assam Accord was signed? Certainly not, as the Assam Accord portrays. We mean Assam accept 25<sup>th</sup> March ,1971 as cut off year but other states of NE India who was an integral part of Assam, for them cut off year is 1951 like rest parts of India. How surprising it is? Therefore, regarding validity of cut off year 25<sup>th</sup> March 1971 is challenged in the Supreme Court of India. If Government of India is really sympathetic to the illegal immigrants issue why then it took around 33 years even to implement the clauses 6 and 7 of the Assam Accord on the plea of no proper definition of Assamese People. NRC updating system is still continuing thus, the ball is in the Court of Law. Therefore, in the truest sense the illegal foreigners issue is subjudice matter and till final verdict, we probably cannot establish who is a illegal immigrant.

Impact of culture between neighbouring countries is well documented through the recent visit of Prime Minister of India Mr. Narendra Modi to Bangladesh on 6<sup>th</sup> June, 2015 when another historic document “Land Boundary Agreement”(LBA) was signed along with another 22 other agreements. In spite of large scale protests by the people of Assam, LBA was signed and disputed International boundary problem is solved (this negotiation was initially started by UPA Government under Dr. Manmohan Singh, the then Prime Minister of India). But surprisingly the issue of illegal influx of Bangladeshi personnel into Assam/India and their deportation problem was neither discussed nor included in their agenda. Why this silence? Why the problem is not taken up for amicable solution? Culture is the largest vehicle of peace, friendship and development in the region and Modi categorically stated that panchhi (Bird), pawan (Wind) and paani (Water) need no visa, why then we the people need visa to move from one country to another?

### **Suggestions**

The following suggestions are made for the present study. It is only an observation and a humble submission:

- 1) It is noteworthy that Bangladeshi who illegally entering into Assam/India without any legal documents is one of the burning issues of the state of Assam. The solution of the problem is to be addressed from multi corners, i.e. existing constitutional obligation, established laws of the land, social obligation, religious sentiments, political design and aspiration and human rights. Although Bangladesh government categorically denied that as per their Government records no Bangladeshi people have illegally entered into India. This is a blatant lie. As per reports of Home Ministry, Government of India, Supreme Court of India, Government of Assam and census report of India there are lakhs of illegal infiltrators (illegal foreigners) or illegal immigrants in India. Unless border fencing is done and proper security check is maintained, if necessary using DRONE and other modern sophisticated laser beam detection techniques are used, the human trafficking or cattle trafficking, illegal trading, including arms and ammunitions will continue and lakhs of illegal foreigners will cross over India mainly because of their economic survival. It is suggested the like 3d formula- detection, deletion and deportation of illegal foreigners, proper 3c-care, caution, and commitment to the people to be fulfilled by the Government of India.
- 2) Not that a single illegal Bangladeshi is there in Assam but around 1.7 lakh Bangladeshi foreigners were deported from Assam during 1957-1970 when B.P. Chaliha was the Chief Minister of Assam and in subsequent times most of them have again entered into Assam illegally. Now they are all missing. After liberation of Bangladesh deportation becomes inoperative because of no agreement between two countries- India and Bangladesh. Government of India should take initiative for deportation of those who are detected as illegal foreigners, their names should be deleted from voters list and finally put them in the detention camps within Assam. .

- 3) If detected illegal Bangladeshi nationals (in absence of deportation agreement) be given work permit which is subject to renewal annually but no voting rights in elections in India , then at least the fear of losing the indigenous people of Assam will not be endangered.
- 4) Trade between two countries be open up, economic blockade may not help to raise economic status of the people of both the countries.
- 5) Genuine Voter ID photo card be issued as a proof of nationality after completion of updated of NRC. If necessary biometric system to be introduced at all levels, so that misuse of the system will be minimum.
- 6) A transparent data base be prepared initially at district level and finally at Central level including all aspects of women empowerment, social welfare, road, communication, right to education medical, control system of population explosion and formulation of schemes to reach common poor people.
- 7) One country one law system should prevail whatever the situation may be. Therefore cut off year of detection of foreigners 1951 or 1971 in India should be looked into seriously. As the matter is still subjudice in the court of Law, therefore no more comments/recommendations are further dealt with.

### **Acknowledgements**

The authors are grateful to Dr. R.Kamble, present Head of the Department of Sociology and Prof B. Kendre, the former Head, Mumbai University for providing facilities to carry out the work. Thanks are also due to other faculty members of the department and my close associates for their cooperation during the period of the study.

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