

**GOVERNMENT OF INDIA  
HOME AFFAIRS  
LOK SABHA**

UNSTARRED QUESTION NO:3785  
ANSWERED ON:08.04.2003  
ASSAM ACCORD  
SRIPRAKASH JAISWAL

**Will the Minister of HOME AFFAIRS be pleased to state:**

- (a) whether the Government are aware that 1985 Assam accord stipulates that any one entering the country after 25 March, 1971, would be considered an illegal migrant and deported;
- (b) if so, whether the Citizenship Act on the other hand stipulates that children born to these illegal migrants would be accepted as citizens of India by virtue of their birth in the country;
- (c) if so, whether it means that if a couple from Bangladesh entered the country after 25 March, 1971 and a child was born to them, then that child would be an Indian citizen but their parents would be considered as illegal migrants;
- (d) if so, the factual position in this regard;
- (e) whether the Government propose to replace the Illegal Migrants (Determination by Tribunals) Act with the Foreigners Act;
- (f) if not, the reasons therefor;
- (g) whether the Government propose to make IM (DT) Act applicable all over the country instead of only in Assam; and
- (h) if not, the reasons therefor?

**Answer**

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI)

(a) to (h): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN PARTS (a) TO (h) OF THE LOK SABHA UNSTARRED QUESTION NO.3785 FOR 8.4.2003  
SHRI SRIPRAKASH JAISWAL REGARDING 'ASSAM ACCORD'

(a) to (d): A memorandum of Settlement, known as Assam Accord was signed on 15.8.85 between the Government of Assam and representative organizations, the All Assam Students Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) to end the agitation witnessed by the State Government of Assam over the issue of foreigners. Under the Accord, foreigners have been divided into the following categories:-

- (i) Those who came to Assam before 1.1.1966.
- (ii) Those who came to Assam between 1.1.1966 and 24.3.1971;
- (iii) Those who came to Assam on or after 25.3.1971

In pursuance to the clauses of the Assam Accord, Section 6A was inserted in the Citizenship Act, 1955 in the year 1985 which purports to grant recognition to all migrants of Indian origin who 'came into Assam from the specified territory on the prescribed dates.' Those who came, prior to 1.1.1966, are to be treated as full-fledged citizens, whereas those who came after 1.1.1966 up to 24.3.1971 were to be detected and, on detection, their names were to be deleted from the electoral rolls for a period of ten years. This detection was to be carried out on the basis of the Foreigners (Tribunals) Order, 1964 constituted under the provisions of the Foreigners Act, 1946. Those in category (iii) were to be detected and expelled under the Illegal Migrants (Determination by Tribunals) Act, 1983.

'Section 3 of the Citizenship Act, 1955 provides that every person born in India on or after the 26th day of January, 1950 but before 1st day of July 1987 shall be a citizen of India by birth. A person born on or after 1.7.1987 either of whose parents is a citizen of India at the time of his birth shall be a citizen of India by birth. A person however, shall not be such a citizen by virtue of this Section if at the

time of his birth his father possesses such diplomatic immunity and is not a citizen of India, or his father is an enemy alien and the birth occurs in a place then under occupation by the enemy`.

(e) to (h): The Government of Assam had recommended to the Government of India to repeal the Illegal Migrants (Determination by Tribunals) (IMDT) Act, 1983. However, before a decision could be taken by Government of India, one public interest litigation, challenging the constitutional validity of the IMDT Act, 1983 and another opposing the repeal of the IMDT Act, 1983 were filed before the Hon`ble supreme Court of India. Both the cases (PILs) have been clubbed and are pending for hearing before the supreme Court of India. The matter is, therefore, subjudice. At present, the Government has no proposal to extend the IMDT Act, 1983 all over the country.