

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:5349
ANSWERED ON:06.09.2011
IMPLEMENTATION OF ASSAM ACCORD
Chakravarty Smt. Bijoya

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether the Government has signed Assam Accord to resolve the problem of illegal immigrants;
- (b) if so, the details thereof; and
- (c) the number of foreigners detected and deported from the soil of Assam since the signing of Assam Accord?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

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

STATEMENT IN REPLY TO PARTS (a) TO (c) OF THE LOK SABHA UNSTARRED QUESTION NO.5349 FOR 06.09.2011

(a) & (b): 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 of Assam over the issue of foreigners. Action has been taken to implement all the provisions of the Assam Accord. Certain provisions of the Accord are of continuing nature e.g. speedy all round economic development of Assam, measures to prevent infiltration, crossing/attempting to cross the border etc. and therefore, need to be continuously monitored. Central Government has been holding tripartite meeting with Government of Assam and representative of All Assam Students Union (AASU) to review implementation of various clauses of Assam Accord. Present status clause-wise Implementation of Assam accord is annexed. 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 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 Tribunal) (IMDT) act, 1983.

Supreme Court of India vide their judgment dated 12.7.2005 in Writ Petition No. 131/2000 Sarbanand Sonowal Vs Uoi had declared the IMDT Act and Rules made thereunder ultra vires to the Constitution and had struck down the same. The Court had also directed to establish adequate tribunals under the provisions of Foreigners (Tribunals) Order, 1964. Subsequent to the scrapping of IMDT Act, 1983 by the Supreme Court of India on 12th July, 2005 the following Acts have come into force in Assam vis-à-vis detection and deportation of illegal foreigners:-

- (a) The Foreigners Act, 1946
- (b) The passport (Entry into India) Act, 1920
- (c) The Immigration (Expulsion from Assam) Act, 1950
- (d) The passport Act, 1967.

In pursuance of the order of Supreme Court of India following action has been taken by the Government:

- a) Tribunals and Appellate Tribunal constituted under the Illegal Migrants (Determinations by Tribunals) Act, 1983 have ceased to function w.e.f. 12th July 2005.
- b) In pursuance of the Supreme Court judgment, the Central Government had approved the proposal of the Government of Assam on 22.12.2005 for establishment of 21 more tribunals in addition to the existing 11 foreigners tribunals in the State of Assam. Four Additional foreigners tribunals have been sanctioned in August, 2009.
- c) Cases pending in the erstwhile IMD Tribunals stand transferred to the Foreigners Tribunals.

At present, detection of foreigners in Assam is now being done under Foreigners (Tribunal) Order, 1964. Functioning of Foreigners Tribunals are being reviewed periodically.

(c): As per report, Foreigners Tribunals set up in Assam declared 32060 nos. of persons as illegal migrants (pre-1971 stream) during the period between the year 1986-2011 (upto 31st May, 2011). Of which, 12700 declared migrants have registered themselves with the competent authority. Under IMDT, Act between the period 1985 to 2005 (12 July, 2005), Tribunals had disposed of 24021 cases declaring 12846 nos. of persons as illegal migrants/foreigner nationals (post 1971 stream) and 11175 persons as Indian Nationals. 1547 declared illegal migrants were deported during the said period. Between the year 2006 to 2011 (31st May, 2011) 6912 persons were declared illegal migrants/foreigners by Foreigners Tribunals who came to Assam on or after 25.3.1971. Besides, 27103 nos. of fresh/re-infiltrated persons, were deported to their respective country during the period between the year 1985 to 2011 (upto 31st May, 2011).

ANNEXURE

CLAUSE WISE IMPLEMENTATION STATUS OF THE ASSAM ACCORD

CLAUSE 5 – FOREIGNERS ISSUE:

- (i) The Citizenship Act, 1955, Citizenship Rules, 1956 and the Foreigners (Tribunals) Order, 1964, were amended.
- (ii) Special Registration Officers have been appointed for registration of persons detected as foreigners who entered Assam between 1.1.1966 to 24.3.1971.
- (iii) A total of 3153 including 1280 additional posts, sanctioned under Prevention of Infiltration of Foreigners (PIF) scheme to assist State Government and Border Security force (BSF) in detection and deportation of foreigners/illegal migrants and act as a second line of defence.
- (iv) Thirty-six Foreigners Tribunals have been constituted in the State of Assam under the provisions of Foreigners Act, 1946 for detection of illegal migrants/foreigners.

CLAUSE 6 & 7 – SAFEGUARDS AND ECONOMIC DEVELOPMENT:

- (i) A Cultural Centre called the Srimanta Sankaradeva Kalashetra Complex has been established.
- (ii) Sri Jyoti Chitran (Film) Studio at Guwahati has been modernized. Additional Rs. 10 crore has been sanctioned for further expansion/modernization of the Institute in the financial year 2006-07.
- (iii) The Government of Assam has constituted a Cabinet Sub-Committee has been constituted in July, 2011 to deal with the matter of updation of National Register of Citizens (NRC) and Implementation of Clause 6 of Assam Accord.
- (iv) Numaligarh Refinery was set up at a cost of nearly Rs. 2,500 crores.
- (v) Two Central Universities, one at Tejpur, and the other at Silchar, have been set up.
- (vi) An IIT has been set up at Guwahati.
- (vii) Kathalguri Power Project (60 MW) has been commissioned.
- (viii) Work for implementation of Assam Gas Cracker Project and Bogibeel rail-cum road project have started

CLAUSE 8 TO 14 – OTHER ISSUES:

- (i) The power to issue citizenship certificate now vests only with the Central Government.
- (ii) Construction of 2760.12 kms of fencing has been completed against 3436.59 kms sanctioned along Indo-Bangladesh Border. Construction of 3539.35 kms of border roads has also been completed against 44.26.11 kms.
- (iii) Ex-gratia payment was made to the next of kin of persons killed in the course of the agitation.
- (iv) disciplinary cases against employees in connection with the agitation were reviewed.

(v) In the matter of recruitment, orders were issued by the Central Government for relaxation in upper age limit upto a maximum of six years in the case of candidates who had ordinarily resided in the State of Assam during the period 1.1.1980 to 15.8.1985.

(vi) NSA detenues detained in connection with agitation were released.