

you may kindly take up Question Nos. 560 and 562 together. In this way you will be able to win victory at two fronts at a time.

[English]

#### Deportation of Foreigners from Assam

\*560. SHRI ABDUL HAMID: Will the Minister of HOME AFFAIRS be pleased to state:

(a) the details of foreigners deported from Assam as per Assam Accord since 1985;

(b) whether such persons have been accepted by the Bangladesh Government; and

(c) if not, their present place of stay?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): (a) According to this State Government of Assam, 7974 foreigners have been expelled from Assam upto 31st January, 1989.

(b) The foreigners mentioned above were pushed across the border in accordance with the commitment given by the Bangladesh Government in 1972 that all the post-25-Mar' 71 refugees from Bangladesh would be accepted back.

(c) There is no specific information about their present place of stay.

#### Enquiries under the illegal migrants (Determination by Tribunals) Act, 1983

\*562. SHRI ABDUL HAMID: Will the Minister of HOME AFFAIRS be pleased to state:

(a) whether Government are aware that under the purview of the Illegal Migrants

(Determination by Tribunals) Act, 1983 a large number of Tribunals have been constituted in Assam;

(b) if so, the number of the Tribunals constituted so far;

(c) the amount being spent on these Tribunals; and

(d) the number of cases disposed of per annum by these Tribunals and the number of cases pending before the Tribunals?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV): (a) and (b). Under this Act, 17 Tribunals have been constituted by the State Government of Assam and one Appellate Tribunal by the Central Government.

(c) According to the information furnished by State Government, approx. Rs. 1.60 crores have so far been spent on these Tribunals (upto 31.3.1988).

(d) According to the State Government these Tribunals disposed of 99 cases in 1986; 105 cases in 1987 and 1676 cases in 1988. The pendency as on 31.1.1989 was 11,406.

SHRI ABDUL HAMID: Mr. Speaker, Sir, the hon. Minister has stated that upto 31st January, 1989, 7974 persons have been deported from Assam as foreigners. He has also stated that there is a commitment between the Government of India and the Bangladesh Government that all the post-25-Mar' 1971 refugees will be as per the commitment accepted by the Bangladesh Government. But in reality what is going on in Assam is, the Assam Police had forcibly driven out the Indian citizens across the border and left them in jungles. But they are not accepted by the Bangladesh Government. Therefore, I want to know from the

hon. Minister whether there is any procedure in law to the effect that those who are declared as foreigners are formally handed over to the Bangladesh Government and what is the complete decision of the Government in this regard.

SHRI SONTOSH MOHAN DEV: Sir, as I have stated in the reply, the procedure is clearly laid down. The Police cannot deport any citizen. Once they have detected and deportation order is given by the tribunal, then only they are handed over to the Border Security Force who are in the border and they are pushed back. According to the Indira-Mujib Pact, the Bangladesh Government is under obligation to accept them and once we push them back, they may come back and again we try to push them back. But there is no such agreement between the Bangladesh Government and the Indian Government that they will be formally handed over. If there is any specific complaint that the Police has forcibly deported anybody, the hon. Member can write to us, we shall definitely take up the matter with the State Government.

SHRI ABDUL HAMID: My second Supplementary is, out of 7,974, most of the people are Indians and have come back to India because they were illegally driven out by the Police. There are some instances. One is, one Mr. Moinamia of Nowgong District, a man of 70, was forcibly driven out from Assam and left him into the jungles. After 6-7 days he came to Assam by foot. There are so many instances like this. The Indian citizens are forcibly deported by the Police, but the Bangladesh Government is not accepting them. All of them are coming back. That is why I want to know from the hon. Minister whether there is any proposal to rehabilitate them because they are Indian citizens and what steps have been taken for giving compensation to them because their belongings have been confiscated by the Assam Government.

SHRI SONTOSH MOHAN DEV: Sir, the idea of the Assam Accord is not to harass an Indian citizen. Time and again such complaints have come to us and we have taken it up with the State Government and I know one or two cases where we have got positive response from the State Government. If the hon. Member has got particular cases, he can draw our attention. We will take them up with the State Government. But we have got complaints of harassment and we have taken up with the State Government and only those who are identified by the tribunals are to be deported, no one else, and we strictly follow these norms and I hope the State Government is also following the same norms. If there is any complaint, we shall definitely look into it.

SHRI KHURSHID ALAM KHAN: Sir, I would like to know from the hon. Minister whether it is a fact also that those citizens who have been living there for the last three generations and speak Assamese language have got their land in Assam and they are voters for the last three generations, are being harassed and asked to go as they are considered foreigners.

SHRI SONTOSH MOHAN DEV: Sir, as I said, the spirit of the accord is those who have come before 1.1.1966 are accepted as citizens of India and for them the Citizenship Act has also been amended in this House. Those who have come to India between 1.1.1966 and 24.3.1971, after their detection they will be debarred from voting only for 10 years, but the Act has been passed in Parliament by which they have been given all facilities including issue of passport and visas. Sir, it is not the spirit of the accord to harass any Indian citizen. Yes, complaints are there and we are intervening now and then and the State Government is also cooperating. If such instances have come to us, we will draw their attention.

SHRI SUDARSAN DAS: Mr. Speaker

Sir, during the process of detection of foreigners, Indian citizens are being harassed. In view of the harassment meted out to the Indian citizens, may I know whether the Government of India is satisfied that the State Government of Assam is administering the State as far as the elementary norms of Constitution are concerned, and if not, whether the Government of India is going to apply the relevant provisions as per the Constitution against the State Government?

Secondly, I want to know what are the number of foreigners detected and deported before the introduction of IM (DT) Act?

SHRI SONTOSH MOHAN DEV: Sir, in between 1952 and 1985, 3,82,668 foreigners' cases were instituted by the previous Governments and they have sent back 3,23,396 persons. Now, after the present Government came and MI (DT) Act was changed as per the Assam Accord the Act was implemented for those who have come from 1966 to 1971. The information that I have with me, as received from the State Government, is: inquiries initiated in 1,95,672 cases; inquiries completed and referred to screening committee- 1,24,761 cases. Cases referred to the tribunals are 13,437. Persons found to be illegal migrants are 1,779. This under the IM (DT) Act.

And also under the Foreigners Act, 4,86,850 cases were initiated; cases completed are 3,58,739; cases referred to the Tribunals are 27,904. Tribunals have given opinion on 7,749 persons.

From these data, you will see that the cases initiated under both Acts were huge in number. But when the tribunal has given its judgement, the number as identified is minimum, which means that some people were harassed. But the idea is to detect and in the process, about this harassment...*(Interruptions)* We are very sad about it.

But I think, it can be avoided. Efforts will be made; that the harassment can be avoided. *(Interruptions)*

SHRI ABDUL HAMID: 3 lakh people have been harassed and out of which only 7,000 people have been found to be illegal migrants.

SHRI ATAUR RAHMAN: I kept quiet when the questions were asked by Mr. Hamid and my hon. friend, Mr. Sudarshan Das. They have been using the general term saying "harassed" and "harassed". He has cited only one example. I have visited minority areas with my Chief Minister, Mr. Prafulla Kumar Mahanta and he has very emphatically said, those who have come right up to 1971 will not be deported. Hence there is no question of harassment. There is, of course, verification. If verification is called "harassment", then really anything can be said as "harassment".

SHRI ABDUL HAMID: It is nothing but undue advantage taken by the Assam Police. *(Interruptions)*

SHRI ATAUR RAHMAN: I have not finished. After the Assam Gana Parishad came into power Mr. Sontosh Mohan Dev has given the figures that only a few thousand alleged foreigners have been sent out after trial. But in the '70s, 3 lakhs, even 4 lakhs were sent. No cases were registered against them. I had seen those things. Foreigners were loaded at midnight bundled out and sent to Bangladesh border without any charge of any kind. We are not doing that sort of thing. We are verifying. We are taking care to see that they are not being harassed. There is no harassment at all, because I have not got any complaint from anybody.

*(Interruptions)*

MR. SPEAKER: Shri Banwari Lal Bairwa.