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Constitutional safeguard of Assamese: A Study of Assam Accord **Nipan Haloi**

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Abstract

After a long six years of Assam Movement the significant Assam Accord was signed in the year 1985. Though through the various provision of Assam Accord the leaders of the movement promised to give constitutional safeguards to the people of Assam but in reality this leaders have failed to do so. As a result till today the various political parties who came to power are unable to decide the cut-off year for detection of foreign nationals. And even today all the political parties have failed to prepare a proper and correct National Resister of Citizens (NRC), and till today we are making confusion among us to define who the Assamese are. Moreover, the present BJP government trying to see the issue through religious ground and as a result detection of foreigners became a harsh reality. So, through this work an attempt has been made to deal with the issue for implementation of Assam Accord and trying to look at the government's role and positive attitude for proper implementation of the Accord.

Key Words: Assam Movement, Assam Accord, Assamese constitutional safeguards, Assam.

Introduction: Assam has been facing a number of movements aiming to achieve a variety of objectives having both ethnic and territorial focus. While some of these issues were partially resolved through the intervention of the Central government, several others remain unresolved. The unresolved conflicts have resulted in a series of flashpoints. Over the years, one of the biggest concerns for Assam has been unauthorized immigration from neighboring countries. In the absence of reliable data, the demographic impact of immigration remains a highly controversial issue. It led to an anti-foreigner agitation, popularly known as the Assam Agitation, between 1978 and 1985, led by All Assam Students Union (AASU). In the entire history of Assam, the Assam agitation is the biggest mass movement led by a students' union.¹

¹ Islam, Baharul. (2015) *Transitional Justice in Post Peace Agreement Societies: A Study of the Assam and Mizo Peace Accord*, thesis submitted to Assam Don Bosco University, department of Social Work, p.86

We know that the historic Assam movement was the spontaneous expression of the indomitable urge of the people of Assam to protect their socio-cultural identity and to ensure their economic survival in the face of the threatening presence of a very large number of foreign nationals in their midst and continuous infiltration across the State's international borders.² The saga of the struggle and sacrifices made by the people of Assam resulted in the signing of the Assam Accord—an agreement: which had been reached in course of prolonged negotiations and exchange of opinions between the leaders of the movement and the Union Government. It called a historic document holding out brilliant possibilities towards the final settlement of the foreigners' question as well as the growth of vibrant progressive society and achievement of economic prosperity.

Objectives of the Study:

This study tries to deal with following objectives-

1. To study the Assam Accord and its significance in present context.
2. To study the role and response of governments and various organizations on Assam Accord in different point of time.

Statement of the Problem: The foreign national issue is one of the most important issues in Assam. And on the basis of this issue the Assam Movement was started. In 8 June 1989 there was 12 hour Assam Bandh called by All Assam Students Union from which Assam Movement i.e. Anti-foreigner movement was started. After so many strikes, so many Bandhas, even so many people had died (according to government report 850 people) and eventually after so many discussions the Assam Accord was signed on August 15, 1985 which brought to the end of Assam Movement. The central government was compelled to agree the anti-foreigner issue of Assam and consequently they were agreed to sign historic Assam Accord. But it is very sad to mention here that till today almost 31 years have been passed but in this last 31 years the Central as well as the Assam Government has not taken any initiatives for implementation of the Accord. Till today government are unable to decide which year will be the cut off year for foreigner detention from Assam?³ It is needed to mention here that where whole India have been following Citizenship Act 1955 why not Assam? And the biggest question is why such type of question comes to arise after 31 years? Relating to the Bangladesh independent the cut off year for foreigner detention had decided 24 March, 1971. But after these 31 years the question has arisen that which will be the cut off year 1971 or 1951?

While looking at the Assam Accord it is found that the provision of the Accord demands that Foreign national must be detected and deported from our country. Secondly, Names of foreign nationals must be deleted from the electoral roll before holding any election. Thirdly, Borders of India with neighboring countries must be fully protected. Fourthly,

² Deka, Hitesh. (2004) *All Assam Students Union and its Impact on the Politics of Assam Since 1979*, thesis submitted to Gauhati University, department of Political Science, p.154.

³ Phukan, Adip Kumar. (2017) "BJP Sarkaror Sidhanta Ki? 1971 ne 1951?" *Dainik Agradut* an Assamese daily, May 4, p.4.

Indian voters in Assam must be provided with Photo Identity Cards. Fifthly, Constitutional safeguard must be provided to the people of the North Eastern Region for the protection of identity of the indigenous people. Moreover the proposals also include that the National Register of Citizens (NRC) of 1951 shall be made up to date. Again, a free zone devoid of trees and houses should be created all along the border and any one crossing without a valid travel document from either side is shot at. But till today we don't find that this demand has been fulfilled by any government during their tenure. Contrary to that the political parties are trying to make use of this issue for their own benefit only. So it is serious issue to study the conscience of different political parties to solve the issue peacefully.

Therefore, it is very important to study the Assam Accord and its implementation in real sense. Moreover, it is also important to study the role of Central as well as State government for solving the issue properly. Because as we have seen that since 1985 both BJP as well as Congress had come to power but we did not have seen active role from any of this party. Gitartha Pathak in his article "Asom Suktit Nagarikatta Bidheyakar Madhamar" mentioned that the main hurdles for solving the foreigner issue in Assam is politics of gaining vote. On the one hand if Congress did not take any step or delayed for solving the issue for getting minority votes, on the other hand BJP are doing politics on this issue for getting majority supports.⁴

Assam Accord and ASSU's Demands: It is pertinent to mention here that the main focus of the Assam Accord was providing constitutional safeguards to the people of Assam and it was signed based on the question of foreign nationals, and the Accord spelt out a clear policy and elaborative measures to sort it out in the best and the most realistic manner possible. Apart from that the well-defined steps to effectively deal with the foreign nationals already present in the State, the Accord also stipulated a wide ranging measures to ward off future infiltrators and to strengthen border security to fully seal all penetration. Other clauses like those relating to issue of citizenship certificates, restriction of acquisition of landed property by foreign nationals and tribal belts and block also stipulated imaginative steps with a direct bearing on the basic issue.

Though the Memorandum of Settlement, better known as Assam Accord was primarily focused on the foreign nationals issue, clauses 6 and 7 were in fact the 'heart and soul' of the Accord, ensuring not only constitutional, legislative and administrative safeguards to preserve and promote the cultural, social and linguistic identity and heritage of the Assamese people but also ensuring speedy economic development of Assam, so as to improve the standard of living of the people. ASSU's demands of Assam Accord can be discussed as follows- The demands included:

1. Foreign national must be detected and deported from our country
2. Names of foreign nationals must be deleted from the electoral roll before holding any election.
3. Borders of India with neighboring countries must be fully protected
4. Indian voters in Assam must be

⁴ Pathak, Gitartha. (2017) "Asom Suktit Nagarikatta Bidheyakar Madhamar", Dainik Agradut an Assamese daily, May 3, p.4.

provided with Photo Identity Cards 5. Constitutional safeguard must be provided to the people of the North Eastern Region for the protection of identity of the indigenous people.⁵

The proposals included:

1. The National Register of Citizens (NRC) of 1951 shall be made up to date.
2. A free zone devoid of trees and houses should be created all along the border and any one crossing without a valid travel document from either side be shot at.

But till today there were mixed reactions to the Accord in Assam, some denouncing it while others welcoming it. But it must be said that if the foreign nationals issue is viewed without emotion, the Assam Accord should be regarded as a welcome move in dealing with the problem.

Problem for implementation of Assam Accord: Basically, though the Assam Accord was signed to end a six year-long mass movement demanding detection and deportation of illegal immigrants, mostly from Bangladesh, who threatened the culture, identity and economic future of the indigenous people of Assam but successive central and state government failed to implement key clause of the agreement.

Another important problem for the implementation of Assam Accord is after 32 years of the signing of Accord, question has been arising who are the Assamese or even today people of Assam are searching for the definition of Assamese and nobody knows how long the search for a definition of 'Assamese People' will continue.⁶

Again, till today the government has been failed to decide what will be the cut-off year for deporting foreigners. In this regard it can be said that Assam is a part of Indian Union and therefore question has come to the mind of conscious citizens that to identify the foreigners of Assam why government are not following same rules for every state. After India achieved independence for every state of India the cut-off year for identifying the foreigners were declared as 19 July, 1948 but for Assam it has decided the year of 1971. Moreover, due to Assam Movement Assamese people have lost so many things such as almost 900 people killed, Nellie Massacre took many lives and so on. But, as consequences of all this Assam has forced to accept the foreigners who come during the period of 1948-1971. Apart from that if we accept the 1971 as cut-off year there is no such government evidence to identify the foreigners entered to Assam. And if the governments decide 1951 then they have proper evidence of NRC for entire India as well as for the state of Assam. Moreover, the most important difficulties for the success of Assam Accord is the government does not proper information and clear picture about the child of the people who

⁵ Islam, Baharul. (2015) *Transitional Justice in Post Peace Agreement Societies: A Study of the Assam and Mizo Peace Accord*, thesis submitted to Assam Don Bosco University, department of Social Work, p.97.

⁶ Talukdar, Sushanta. (2010) "The Assam Accord is 25 years old, but many of its provisions are yet to be implemented", *Frontline*, Volume-27, Issue-17

have come after 1971.⁷ Thus, we find so many difficulties for getting success of Assam Accord.

Apart from that, the Assam Accord could not settle the long standing disputes is clear from the recent protests lodged by one of the signatory of the accord - the All Assam Students Union (AASU). The All Assam Students' Union launched a 27-hour hunger strike to protest "failure" of the government to implement in letter and spirit the Assam Accord 26 years after its signing. AASU members launched the hunger-strike in all district and sub-divisional headquarters this morning (PTI, 2011). A recent tripartite talk with officials and representatives of Government of Assam, Ministry of Home Affairs, Government of India and representatives of the All Assam Students' Union (AASU) was held in 2000 to assess the progress in implementation of the 1985 Assam Accord.

Role of Government for implementation of Assam Accord: While looking at the success of implementation of Assam Accord it can be said that all the political parties come to power till now are unable to implement the various provision of Assam Accord. For instance, the main purpose of Assam Movement and Assam Accord was to detect the foreigners, delete their names from electoral rolls and deport from Assam/India. But no political parties are able to get any success in this purpose. While talking about AGP parties, it can be said that due to the failure to fulfill the promises to deport foreign national they have lost their power from Assam. During their first five year tenure they are unable to detect even 1000 foreigners as a result of which they have lost faith from Assamese people.⁸ Again, congress government also does the same. So, regarding the deportation of foreigners the roles of all political parties are very sad. Moreover, the Assam Accord assured to provide certain constitutional, legislative and administrative safeguards to protect and preserve the cultural, social, and linguistic and heritage of Assamese people. But in this part of this accord also we do not find progress at all. Apart from this, it needs to mention here that though the last tenure of Congress government tried to make a correct National Resister Citizens (NRC) but at present the Bharatiya Janata Party (BJP) governments are still making confusion for preparation of NRC as they are not allowing proper funds to the worker and not giving due importance for speedy correction etc.

Conclusion: After going through this discussion it can be said that till today Assam Accord has not been implemented by any political party in real sense. And for getting success of the various provision of Assam Accord, government of Assam should play an important role. Rather making politics of this issue government must try to fulfill the interest of the citizens of Assam and should try to give a constitutional safeguard for protection of indigenous communities of Assam. Moreover, the role of various non-governmental organizations basically the role of AASU should be positive. But, we have seen that at present the role of

⁷ Saikia Nandita, (2017) "1951-1971 aaru Asomiyar Abegsharshota", Asomiya Pratidin an assamese daily, May 18, p.4.

⁸Hussain, Manirul. (1993) *Assam Movement: Class, Ideology and Identity*, New Delhi: Manak Publications, p.158.

various organizations and ASSU is not so active in this regard. Moreover, the role of various intellectuals also very significant to resolve this issue and they should try to give positive suggestion to the government for solving the issue for protection of the rights of common interest.

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