

**The Immigrants (Expulsion From Assam)**

**Act, 1950**

(10 of 1950)

[1<sup>st</sup> March, 1950]

*An Act to provide for the expulsion of certain immigrants from Assam.*

**1. Short title and extent.-** (1) This Act may be called the Immigrants (Expulsion from Assam) Act, 1950.

(2) It extends to the whole of India.

**2. Power to order expulsion of certain immigrants.-** If the Central Government is of opinion that any person or class of persons, having been ordinarily resident in any place outside India, has or have whether before or after the commencement of this Act, come into Assam and that the stay of such person or class of persons in Assam is detrimental to the interests of the general public of India or of any section thereof or of any Scheduled Tribe in Assam, the Central Government may by order--

(a) direct such person or class of persons to remove himself or themselves from India or Assam within such time and by such route as may be specified in the order; and

(b) give such further directions in regard to his or their removal from India or Assam as it may consider necessary or expedient;

Provided that nothing in this Section shall apply to any person who on account of civil disturbances or the fear of such disturbances in any area now forming part of Pakistan has been displaced from or has left his place of residence in such area and who has been subsequently residing in Assam.

**3. Delegation of power.-** The Central Government may, by notification in the Official Gazette, direct that the powers and duties conferred or imposed on it by section 2 shall, subject to such conditions, if any, as may be specified in the notification, be exercised or discharged also by--

(a) any officer subordinate to the Central Government;

(b) the [ Government of Assam, Meghalaya] or any officer subordinate to that Government.

**State Amendment.**

**Nagaland:** In Section 3, for the words 'Government of Assam' in Clause (b), substitute the words "Government of Assam or Nagaland" State of Nagaland.

[(A.L.U.S.) Order. 1965 (G.S.R. 1761, dated 29-1-1965) (w.e.f. 1-12-1963)].

**4. Power to give effect to orders, etc.-** Any authority empowered by or in pursuance of the provisions of this Act to exercise any power may, in addition to any other section expressly provided for in this Act, take or cause to be taken such steps, and use or cause to be used such force, as may in its opinion be reasonably necessary for the effective exercise of such power.

**5. Penalties.** Any person who--

- (a) contravenes or attempts to contravene or abets the contravention of any order made under section 2, or
- (b) fails to comply with any direction given by any such order, or
- (c) harbours any person who has contravened any order made under Section 2 or has failed to comply with any direction given by any such order, as/line shall be punishable with imprisonment which may extend to three years and shall also be liable to fine.

**6. Protection to persons acting under this Act.-** No suit, prosecution or other legal proceeding shall lie against any person for anything which in good faith done or intended to be done under this Act.

**7. Repeal and saving.-** [*Rep. by the Repealing and Amending Act, 1957 (36 of 1957), sec. 2 and Schedule 1 (17-9-1957).*]

### **State Amendment**

**Nagaland :** After Section 6 insert the following :-

**“7. Construction of reference to Assam.** – In this Act, except in Section 3, references to Assam shall be construed as including also a reference to the State of Nagaland”. [(A.L.U.S.) Order, 1965 (G.S.R. 1761, dated 29-11-1965) (w.e.f. 1-12-1963)].

### **NOTIFICATION**

*Delegation of powers of Assam Government and certain officers subordinate to it*

**No. F. 17-1/50-Pak. III, dated the 20<sup>th</sup> March, 1950** – In exercise of the powers conferred by Section 3 of the Immigrants (Expulsion from Assam) Act, 1950 (10 of 1950), and in supersession of the Notification of the Government of India, Ministry of External Affairs No.F.12-27 / 49-Pak.-III, dated the 30<sup>th</sup> January, 1950, the Central Government is pleased to direct that the powers and duties conferred or imposed on it by Section 20 of the said Act shall be exercised or discharged also by the Government of Assam or by the Deputy Commissioners, Commissioners, Additional Deputy Commissioners, Sub-Divisional Officers and the Superintendent, Lushasi Hills subordinate to that Government.

**ANNEXURE-3**

## **Agreement Between India and Pakistan On Minorities**

### **A**

THE GOVERNMENTS of India and Pakistan solemnly agree that each shall ensure, to the minorities throughout its territory, complete equality of citizenship, irrespective of religion, a full sense of security in respect of life, culture, property and personal honour, freedom of movement within each country and freedom of occupation, speech and worship, subject to law and morality. Members of the minorities shall have equal opportunity with members of the majority community to participate in the public life of their country, to hold political or other office, and to serve in their country's civil and armed forces. Both Governments declare these rights to be fundamental and undertake to enforce them effectively. The Prime Minister of India has drawn attention to the fact that these rights are guaranteed to all minorities in India by its Constitution. The Prime Minister of Pakistan has pointed out that similar provision exists in the Objectives Resolution adopted by the Constituent Assembly of Pakistan. It is the policy of both Governments that the enjoyment of these democratic rights shall be assured to all their nationals without distinction.

Both Governments wish to emphasise that the allegiance and loyalty of the minorities is to the State of which they are citizens, and that it is to the Government of their own State that they should look for the redress of their grievances.

### **B**

In respect of migrants from East Bengal, West Bengal, Assam and Tripura, where communal disturbances have recently occurred, it is agreed between the two Governments:

- (i) That there shall be freedom of movement and protection in transit;
- (ii) That there shall be freedom to remove as much of his moveable personal effects and household goods as a migrant may wish to take with him. Moveable property shall include personal jewellery. The maximum cash allowed to each adult migrant will be Rs. 150/- and to each migrant child Rs. 75/-;
- (iii) That a migrant may deposit such of his personal jewellery or cash as he does not wish to take with him with a bank. A proper receipt shall be furnished to him by the bank for cash or jewellery thus deposited and facilities shall be provided, as and when required, for their transfer to him, subject, as regards cash to the exchange regulations of the Government concerned;
- (iv) That there shall be no harassment by the Customs authorities. At each Customs post agreed upon by the Governments concerned liaison officers of the other Government shall be posted to ensure this in practice;
- (v) Rights of ownership in or occupancy of the immovable property of a migrant shall not be disturbed. If, during his absence, such property is occupied by another person, it shall be returned to him, provided that he comes back by the 31<sup>st</sup> December, 1950. Where the migrant was a cultivating owner or tenant, the land shall be restored to him, provided that he returns not later than the 31<sup>st</sup> December, 1950. In exceptional cases, if a Government considers that a migrant's immovable property cannot be returned to him, the matter shall be referred to the appropriate Minority Commission for advice.

Where restoration of immoveable property to the migrant who returns within the specified period is found not possible the Government concerned shall take steps to rehabilitate him.

- (vi) That in the case of a migrant who decides not to return, ownership of all his immoveable property shall continue to vest in him and he shall have unrestricted right to dispose of it by sale, by exchange with an evacuee in the other country, or otherwise. A Committee consisting of three representatives of the minority and presided over by a representative of Government shall act as trustees of the owner. The Committee shall be empowered to recover rent for such immoveable property according to law.

The Government of East Bengal, West Bengal, Assam and Tripura shall enact the necessary legislation to set up these Committees.

The Provincial or State Government, as the case may be, will instruct the District or other appropriate authority to give all possible assistance for the discharge of the Committee's functions.

The provisions of this sub-paragraph shall also apply to migrants who may have left East Bengal for any part of India, or West Bengal, Assam or Tripura for any part of Pakistan, prior to the recent disturbances but after the 15<sup>th</sup> August, 1947. The arrangement in this sub-paragraph will apply also to migrants who have left Bihar for East Bengal owing to communal disturbances or fear thereof.

## C

As regards the Province of East Bengal and each of the States of West Bengal, Assam and Tripura respectively, two Governments further agree that they shall:

- (1) Continue their efforts to restore normal conditions and shall take suitable measures to prevent recurrence of disorder.
- (2) Punish all those who are found guilty of offences against persons and property and of other criminal offences. In view of their deterrent effect, collective fines shall be imposed, where necessary. Special Courts will, where necessary, be appointed to ensure that wrong-doers are promptly punished.
- (3) Make every possible effort to recover looted property.
- (4) Set up immediately an agency, with which representatives of the minority shall be associated, to assist in the recovery of abducted women.
- (5) NOT recognize forced conversions. Any conversion effected during a period of communal disturbance shall be deemed to be a forced conversion. Those found guilty of converting people forcibly shall be punished.
- (6) Set up a Commission of Enquiry at once to enquire into and report on the causes and extent of the recent disturbances and to make recommendations with a view to preventing recrudescence of similar trouble in future. The personnel of the Commission, which shall be presided over by a Judge of the High Court, shall be such as to inspire confidence among the minority.
- (7) Take prompt and effective steps to prevent the dissemination of news and mischievous opinion calculated to rouse communal passion by press or radio or by any individual or organization. Those guilty of such activity shall be rigorously dealt with.

- (8) Not permit propaganda in either country directed against the territorial integrity of the other or purporting to incite war between them and shall take prompt and effective action against any individual or organisation guilty of such propaganda.

#### D

Sub- paragraphs (1), (2) , (3), (4), (5), ( 7) and (8) of C of the Agreement are of general scope and applicable, according to exigency, to any part of India or Pakistan.

#### E

In order to help restore confidence, so that refugees may return to their homes, the two Governments have decided (i) to depute two Ministers, one from each Government to remain in the affected areas for such period as may be necessary; (ii) to include in the Cabinets of East Bengal, West Bengal and Assam a representative of the minority community. In Assam the minority community is already represented in the Cabinet. Appointments to the Cabinets of East Bengal and West Bengal shall be made immediately.

#### F

In order to assist in the implementation of this Agreement, the two Governments have decided, apart from the deputation of their Ministers referred to in E, to set up Minority Commissions, one for East Bengal, one for West Bengal and one for Assam. These Commissions will be constituted and will have the functions described below.

- (i) Each Commission will consist of one Minister of the Provincial or State Governments concerned, who will be Chairman, and one representative each of the majority and minority communities from East Bengal, West Bengal and Assam, chosen by and from among their respective representatives in the Provincial or State Legislatures, as the case may be.
- (ii) The Two Ministers of the Governments of India and Pakistan may attend and participate in any meeting of any Commission. A Minority Commission or any two Minority Commissions jointly shall meet when so required by either Central Minister for the satisfactory implementation of this Agreement.
- (iii) Each Commission shall appoint such staff as it deems necessary for the proper discharge of its functions and shall determine its own procedure.
- (iv) Each Commission shall maintain contact with the minorities in Districts and small administrative headquarters through Minority Boards formed in accordance with the Inter-Dominion Agreement of December, 1948.
- (v) The Minority Commissions in East Bengal and West Bengal shall replace the Provincial Minorities Boards set up under the Inter-Dominion Agreement of December, 1948.
- (vi) The two Ministers of the Central Governments will from time to time consult such persons or organizations as they may consider necessary.
- (vii) The functions of the Minority Commission shall be :-
  - (a) To observe and to report on the implementation of this Agreement and, for this purpose, to take cognizance of breaches or neglect.
  - (b) To advise on action to be taken on their recommendations.
- (viii) Each Commission shall submit reports, as and when necessary, to the Provincial and

- State Governments concerned. Copies of such reports will be submitted simultaneously to the two Central Ministers during the period referred to in E.
- (ix) The Governments of India and Pakistan, and the State and Provincial Governments, will normally give effect to recommendations that concern them when such recommendations are supported by both the Central Ministers. In the event of disagreement between the two Central Ministers, the matter shall be referred to the Prime Ministers of India and Pakistan who shall either resolve it themselves or determine the agency and procedure by which it will be resolved.
  - (x) In respect of Tripura, the two Central Ministers shall constitute a Commission and shall discharge the functions that are assigned under the Agreement to the Minority Commissions for East Bengal, West Bengal and Assam. Before the expiration of the period referred to in E, the two Central Ministers shall make recommendations for the establishment in Tripura of appropriate machinery to discharge the functions of the Minority Commissions envisaged in respect of East Bengal, West Bengal and Assam.

### G

Except where modified by this Agreement, the Inter-Dominion Agreement of December, 1948, shall remain in force.

JAWAHARLAL NEHRU.  
Prime Minister of India.

LIAQUAT ALI KHAN.  
Prime Minister of Pakistan.

NEW DELHI  
April 8<sup>th</sup>, 1950

**ANNEXURE- 3A**

(COPY)

Copy of Express letter No. 1/7/61-F.III dated the 22<sup>nd</sup> March, 1961 from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi to the Chief Secretary to the Govt. of Assam, Home Department, Miscellaneous Branch SHILLONG.

Sub : Foreigners Act 1946 Delegation of powers under Section 3(2) thereof to Civil Authorities.

Reference para 3 of this Ministry's express letter No. 6/47/60-F.I dated 29<sup>th</sup> October, 1960 on the above subject.

2. A copy of this Ministry's notification No. 1/7/61-F.III dated the 22<sup>nd</sup> March, 1961 delegating the powers under clauses (c) and (cc) of sub-section (2) of the section 3 of the Foreigners Act, 1946 to the Superintendents of Police and Deputy Commissioners (in charges of Police) under the Govt. of Assam is enclosed for information. It is requested that the Notification may be published in the State Gazette also.

3. The Central Intelligence Bureau have reported that the infiltration of Pakistani nationals into Assam without travel documents is still going on at a fairly high rate. It has been stated that considering the very large number of such cases and others where the Pakistani nationals after entering India throw-away or destroy their passports or allow their passports to expire with a view to staying on in this county, it is very difficult to take effective action expeditiously if the procedure laid down in this Ministry's circular express letter No. 1/16/57-F.III (Pt.XIII), dated the 6<sup>th</sup> August, 1950, is strictly followed. This is posing a serious security problem in Assam. The matter has been carefully considered by the Govt. of India and they have no objection to the issue of deportation orders straightway against the persons who are without travel document and regarding whose Pakistani nationality there is no doubt, and to their being deported to Pakistan under the Foreigners Act without a reference being made to the High Commissioner for Pakistan in India as envisaged in this Ministry's circular express letter No. 1/16/57-F.III (Pt.XIII), dated the 6<sup>th</sup> August, 1959, Full particulars of all such individuals along with the evidence on the basis of which they were hold to be Pakistani national should, however be furnished by the State Govt. to Ministry of External Affairs and this Ministry simultaneously with the deportation of the individuals concerned.

Notification No. 1/7/61-F.III dated 22.3.61 published by the Govt. of India, Ministry of Home Affairs, New Delhi.

"In exercise of the powers conferred by Clauses (I) of article 258 of Constitution and all other powers enabling him in this behalf, the President, with the consent of the Govt. of Assam, hereby entrusts also to the Supdts. of Police and the Deputy Commissioners (in charge of Police) under the Government of Assam within their respective jurisdiction the functions of Clauses (c) and (cc) of the Sub-Section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946), subject to the following conditions, namely:-

- (a) That the functions so entrusted shall be exercised in respect of nationals of Pakistan.
- (b) That in the exercise of such functions the said Supdt. of Police and Deputy Commissioners (in charge of Police) shall comply within such general or special directions as the Central Govt. may from time to time issued; and
- (c) That notwithstanding this entrustment, the Central Govt. may itself exercise any of the said functions should it deem fit to do so in any case".

**TRUE COPY**

**EXTRAORDINARY**

**PUBLISHED BY AUTHORITY**

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**No. 51 Shillong, Tuesday, Oct.6, 1964, 14<sup>th</sup> Ashina, 1886  
S.E. \_\_\_\_\_**

**GOVERNMENT OF ASSAM  
ORDERS BY THE GOVERNOR  
POLITICAL (B) DEPARTMENT**

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**NOTIFICATION**

**The 6<sup>th</sup> October, 1964.**

No. PLB/64/45 :- The following notifications published by the Govt. of India, Ministry of Home Affairs, New Delhi are re-published for general information :-

No.1/1/64-(I)-F.III, dated 3<sup>rd</sup> October, 1964 :- In exercise of the powers conferred by clause (i) of Article 258 of the Constitution, the President hereby entrusts to the Govt. of Assam, with their consent, the functions of the Central Govt. under the Foreigners (Tribunals) Order, 1964, subject to the following conditions, namely :-

(a) that in the exercise of such functions the Govt. of Assam shall comply with such general or special directions as the Central Govt. may from time to time issue ; and

(b) that notwithstanding this entrustment ; the Central Govt. may itself exercise any of the said functions should it deem fit to do so in any case.

2. No.1/1/64-(II)-F.III, dt. 3<sup>rd</sup> October, 1964 – In exercise of the powers conferred by clause (i) of Article 258 of the Constitution, the President, with the consent of the Govt. of Assam, hereby entrusts also to the Superintendents of Police and the Deputy Commissioners (in-charge of Police) under the Govt. of Assam within their respective jurisdictions the functions of the Central Govt. under the Foreigners (Tribunals) order, 1964, subject to the following conditions, namely :-

(a) that in the exercise of such functions the said Supdt. of Police and the Deputy Commissioners, (in-charge of Police) shall comply with such general or special directions as the Govt. of Assam or the Central Govt. may from time to time issue ; &

(b) that notwithstanding this entrustment, the Central Govt. may itself exercise any of the said functions should it deem fit to do so in any case.

Sd/- A.N. Kidwai,  
Chief Secretary to the Govt. of Assam.

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(c)

**IMMEDIATE**  
**SECRET**

Copy of express letter No.1/7/61–F.III dated the 22<sup>nd</sup> March, 1961 from the Under Secretary to the Govt. of India, Ministry of Home Affairs, New Delhi to the Chief Secretary to the Govt. of Assam, Home Dept., Miscellaneous Branch SHILLONG.

Sub. : – Foreigners Act, 1946 Delegation of Powers Under Section 3(2) thereof the Civil Authorities.

Reference para 3 of this Ministry's express letter No. 6/47/60–F.I dated the 29<sup>th</sup> October, 1960 on the above subject.

2. A copy of this Ministry's Notification No. 1/7/61–F.III dated the 22<sup>nd</sup> March 1961, delegating the powers under clauses (c) and (cc) of Sub–section (2) of Section 3 of the Foreigners Act, 1946, to the Superintendent of Police and Deputy Commissioners, (in charge of Police) under the Govt. of Assam is enclosed for information. It is requested that the Notification may be published in the State Gazette also.
3. The Central Intelligence Bureau have reported that the infiltration of Pakistani nationals into Assam without travel documents is still going on at a fairly high rate. It has been stated that considering the very large number of such cases and others where the Pakistani nationals after entering India throwaway or destroy their Passports or allow their Passports to expire with a view to staying on in this country, it is very difficult to take effective action expeditiously if the procedure laid down in this Ministry's circular express letter No. 1/16/57–F,III(Pt. XIII), dated the 6<sup>th</sup> August, 1959, is strictly followed. This is posing a serious problem in Assam. The matter has been carefully considered by the Govt. of India, and they have no objection to the issue of deportation orders strong away against the persons who are without travel documents and regarding whose Pakistani nationality there is no doubt, and their being deported to Pakistan under the Foreigners Act without a reference being made to the High Commissioner for Pakistan in India envisaged as in this Ministry's circular express letter No. 1/16/57–F.III (Pt.III) dated the 6<sup>th</sup> August, 1959. Full particulars of all such individuals along with the evidence on the basis of which they were held to be Pakistan nationals should, however, be furnished by the State Govt. to the Ministry of External Affairs and this Ministry simultaneously with the deportation of the individual concerned.

DIRECTORATE OF INFORMATION AND PUBLIC RELATIONS:  
NO.137

PRESS NOTE

GOVERNMENT OF ASSAM

SHILLONG : July 27, 1965

Sravana 5, 1887.

INFILTRATION AND DEPORTATION OF PAKISTANIS

Assam's Chief Minister Clarifies Position

The Chief Minister of Assam, Shri B.P. Chaliha, in course of a statement issued to the Press to-day in connection with the problem of the infiltration and deportation of Pakistanis from Assam has cautioned the people to be vigilant of the reactionary forces working in and outside the State and urged upon them not be swayed by motivated propaganda. Following is the full text of the statement:

“The problem of Pakistani infiltration has always been engaging the attention of the Government as well as the people of our country. The size of this problem became increasingly known after the 1961 census. According to the assessment of the Registrar General of India, there were in the Eastern States of India over 10 lakhs of Muslims who could have come only from Pakistan during 1951-61 decade. The break-up of this estimated figure is shown below:

West Bengal	-	4,59,494
Assam	-	2,20,691
Bihar	-	2,97,852
Tripura	-	55,403

“During recent times, various statements have appeared in the Press relating to the question of infiltration and deportation of Pakistanis. A number of statements and resolutions have also been published by some political organizations touching upon the problem. Besides, the question of procedure of deportation figured prominently in some of these reports. I have, therefore, considered it necessary to clarify the whole position and indicate the manner in which the State of Assam is dealing with this problem.

“Although the country was partitioned in 1947, there were no restriction on the movement of the citizens from one country to the other. It was only in October, 1952 that the system of passport and visa was introduced. Even then, instructions were issued to take a very liberal attitude in the matter of issuing passports and visas. Late Gopinath Bordoloi who

was the premier of Assam at the time of partition of the country felt the necessity of imposing restrictions on the movement of the people from one country to the other. The Government of India, however, felt that as these restrictions were intended to be reciprocal measures, the minorities in East Pakistan were likely to be put to a disadvantage by this measure of restriction. It is on this consideration that Government of India preferred to follow a liberal policy. It is only since 1957 when the Foreigners' Act was made applicable against the Pakistani nationals in this country that our Government have been armed with requisite powers to deal with the problem of infiltration effectively. It may also be recalled that during the pre-partition days, there was a steady stream of cultivation agricultural and other labourers migrating from East Bengal to Assam on economic grounds. Besides, the encouragement given by the then Muslim League Ministry was responsible for migration of a large land hungry population from the District of Mymensingh to our State.

“ The infiltrators can be dealt with under the Passport Act and the Foreigners' Act. Under the Foreigners' Act any foreigner illegally staying in our country may be deported without going to the law court. When the magnitude of the problem of infiltration could be gauged, it was felt necessary that the Government should have resort to the special powers delegated to them under the Foreigners' Act to deal with the infiltrators. Since the year 1962, there has been an intensification of the drive against the infiltrators both by use of special powers under the Foreigners' Act and by resorting to prosecution in the court of law. In all cases, however, Government have always been anxious to scrupulously avoid harassment of any Indian citizen. With a view to avoiding harassment, Government took up for consideration the necessity of regulating the procedure from time to time. It was in early 1964, that under executive orders special officers with judicial background were appointed to scrutinize cases of Pakistani infiltrants before issuing any Quit India Notice. The infiltrants were also given the opportunity to submit representations to the special officers against the issue of Quit Notices. With a view to improving upon the procedure, Government of India issued an order under the provisions of the Foreigners' (Tribunals) Order 1964 for appointment of statutory Tribunals. Tribunals were accordingly appointed. Any aggrieved person on whom the Quit India Notice is served by the Registration Officer has the opportunity to represent his case before the Tribunal within 14 days from the date of the order. The Tribunal, after necessary scrutiny, disposes of the representation and his findings become final. It may be mentioned in this connection that the above procedure does not debar anybody from approaching the Court of Law for relief, if he is not satisfied with the findings of the Tribunal.

“Some complaints were received to the effect that a person on whom deportation notice has been served does not sometimes get sufficient time to submit his representation before the Tribunal because of the delay in serving the notice. The Government appreciated this grievance and agreed that the period of 14 days' time allowed for submitting the representation would be counted from the date of serving the order instead of from the date of the order. Another complaint received was that a person on whom deportation notice is served should be furnished with the reasons for which he is considered to be an infiltrator. The State Government has recommended to the Government of India that the Tribunals on representations being made to them, be required to indicate the main grounds on account of which such infiltrants are considered to be Pakistanis.

“It appears that in Assam, the estimated figure of infiltrators during 1951-61, as shown in the Census report of 1961, was 2,20,691. Over and above this figure, there has been further infiltration after 1961 as is evident from the fact that 8,000 of such new

infiltrators have been detected and dealt with according to the law. Against the total number of infiltrants till the end of June, 1965, 1,22,476 infiltrators have been deported and their departure has been confirmed by the Check Posts. Government policy in this regard is clear and firm. It envisages deportation of all the illegal infiltrants from the State and at the same time ensures any person claiming to be an Indian citizen the opportunity for representing his case before the appropriate authorities.

“It is, however, noticed that while a section of the people blames the Government for their inaction in the matter of deportation of infiltrants another section finds fault with them for overdoing it. I want to make it clear that the Government will not be influenced by any extremist view either way but will follow a firm but balanced course of action. I regret to note that some of the political organizations have been making misleading and mischievous statements. They have also acted in a cowardly manner by accusing members of the Cabinet without naming them. Some interested parties have also taken advantage of a representation submitted by some Members of our Legislature for improvement of the procedure of deportation. As the Assam Pradesh Congress Committee has already taken notice of this representation, I would not like to make any comment on this issue at the moment.

“It is highly regrettable that the Government of Pakistan have never appreciated our genuine feelings and efforts for safeguarding the interest of the minorities in this country. The paternal role which they seek to assume over the minorities in India is not only presumptuous but is also extremely ridiculous. On the contrary, what consideration has been weighing with Pakistan in squeezing out the minorities from their country? Apart from the large numbers of refugees who migrated to India from Pakistan earlier, the influx of nearly 1,80,000 refugees belonging to the different religious groups from East Pakistan to Assam during the period from January, 1964 to January, 1965 is a clear evidence of the oppressive treatment meted out to the minority communities in Pakistan. So far as the minorities in the State of Assam are concerned, I can boldly say that they are quite happy and secure. If the Government of Pakistan continues to indulge in mischievous propaganda with a view to undermining the secular policy of the Government of India while deliberately concealing their lapses in providing securities to the minorities, they will be only doing harm to both the countries. I wish the Government of Pakistan could see reasons and refrained from such malicious propaganda.

“Finally, I would like to assure the people of Assam that the Government is fully aware of the problem of infiltration of Pakistanis and will not slacken its vigilance and efforts in dealing with the same. The Government is also determined to ensure that all infiltrants illegally staying in Assam are expelled and for that purpose whatever steps becomes necessary will be taken. I should, however, like to caution our people that various reactionary forces are working in and outside the State to take advantage of every problem with which we are confronted. They should be careful not to be swayed by any motivated propaganda.”

(Copy)

Copy of Letter NO.PLB.177/64/34 dated Shillong, 25<sup>th</sup> June, 1966 from Shri S.P. Hazarika, A.C.S, Deputy Secretary to the Government of Assam, Political Department to the Inspector General of Police, Assam, Shillong.

Subject: Procedure for deportation of Pak infiltrants.

I am directed to say that a review of the latest position of deportation of Pak infiltrants shows that the total number of Pakistani infiltrants in our State as determined by the Registrar General of Census in 1961 was 2,20,691. It appears that since 1961 till 31-5-66, 2,15,794 infiltrants have been detected and notices for deportation were served or prosecution was started against 2,15,355. Out of these, according to the figures confirmed by the Check Posts, 1,43,438 have already left the country. About 28,999 of the remaining number on whom notices have been served have preferred appeal. It may also be assumed that about 25,000 persons on whom deportation notices were served have left by routes other than by the check post. The number of infiltrants who have been detected but have not left the country would come to about 40,000 plus the number resulting from natural increase, new infiltration and re-entry of deported persons and the total number of Pakistani infiltrants on the basis of 1961 census who are yet to be detected comes to about 5,000 or so. To this we have to add the number resulting from the natural increase during this period, fresh infiltration and re-entry of some deported persons. But the total number of such people should not be many. Therefore, the number of cases to be detected is gradually decreasing. Now, more and more marginal cases would be detected. Therefore, time has come when we have to be more careful in deportation.

In the light of the above background, Govt. think that from now onward, each and every case of deportation should receive the cases where there is slightest doubt, no deportation notice should be served, but prosecution should be started in Court of law and deportation notices should be served on the basis of the judgement in the court of law. The following categories of cases, however, would be warrant service of deportation notices without reference to Court:-

- (1) A person with Pak passport overstaying illegally in India;
- (2) A person already deported but has re-entered India illegally; and
- (3) A new infiltrant entering India.

In these categories of cases, after service of deportation notice, the present procedure of Tribunal will follow.

You are, therefore, requested to issue necessary instructions of the points mentioned above to all concerned under intimation to Government. These instructions are intended to make our officers cautions the matter of detection and deportation and should not be interpreted to mean any relaxation in the matter of vigilance, detection and deportation of Pakistani infiltrants.

SECRET

Memo No.PA(VII)/62/200

Dated, Shillong the 29<sup>th</sup> June, 1966.

Copy to Shri H.K. Bhattacharyya, IPS (All D.Is. G/Ss. P) for information and necessary action.

Sd/- B.K. Barua,  
Inspector General of Police, Assam.

(Amended upto 31-3-1987)

**THE FOREIGNERS (TRIBUNALS) ORDERS, 1964  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS**

**ORDER**

New Delhi, the 23<sup>rd</sup> September, 1964

**G.S.R. 1401.** – In exercise of the powers conferred by Section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following order, namely:-

**1.Short title-**

This Order may be called the Foreigners (Tribunals) Order 1964.

**2. Constitution of Tribunals:-**

- (1)** The Central Government may by order, refer the question as to whether a person is or is not a foreigner within the meaning of the Foreigners Act, 1946 (31 of 1946) to a Tribunal to be constituted for the purpose, for its opinion.
- (1-A) The registering authority appointed under sub-rule (1) of rule 16F of the Citizenship Rules, 1956 may also refer to the Tribunal the question whether a person of Indian Origin, complies with any of the requirements under sub-section (3) of Section 6A of the Citizenship Act, 1955 (57 of 1955).
- (2) The Tribunal shall consist of such number of persons having judicial experience as the Central Government may think fit to appoint.
- (3) Where the Tribunal consists of two or more members, one of them shall be appointed as the Chairman thereof.

**3. Procedure for disposal of questions-**

- (1)** The Tribunal shall serve on the person, to whom the question relates, a copy of the main grounds on which he is alleged to be a foreigner and give him a reasonable opportunity of making a representation and producing evidence in support of his case and after considering such evidence as may be produced and after hearing such persons as may desire to be heard, the Tribunal shall submit its opinion to the officer or authority specified in this behalf in the order of reference.

- (1-A) The Tribunal shall, before giving its opinion on the question referred to in subparagraph (1A) of paragraph 2, give the person in respect of whom the opinion is sought, a reasonable opportunity to represent his case.
- (2) Subject to the provisions of this Order, the Tribunal shall have power to regulate its own procedure.

**4. Powers of Tribunals:-**

The Tribunal shall have the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, in respect of the following matters, namely:

- (a) summoning and enforcing the attendance of any person and examining him on oath;
- (b) requiring the discovery and production of any document;
- (c) issuing commissions for the examination of any witness.

(No.1/1/64-F.III)

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Amendment Notifications

No.1/24/65-F.III Dated 30-9-1965

No.14011/35/85-F. III. Dated 15-1-1986

**ANNEXURE-7.**

GOVERNMENT OF ASSAM

No.333/69/3,

Dated Shillong the 19.6.69.

To,

The Inspector General of Police,  
Assam, Shillong.

Sub : Procedure for deportation of Pak infiltrants.

Sir,

In supersession of all previous orders in this regard, I am directed to indicate below a revised procedure for deportation of Pak infiltrants detected in the State.

2. Summary deportation:- The following three categories of persons will be summarily deported:-

1. Pakistani nationals who held Pakistani Passports, but suppresses it.
3. Re-infiltrants who were once deported.
4. Fresh infiltrants, caught at the border.

3. Other cases – In the rest of the cases where the supdt. Of Police feels on the basis of available materials that the person is a Pakistani and should be deported he may be served with an order under the Foreigners Act directing him to quit India within 15 days. If the person fails to leave by the due date, he shall be prosecuted in a court of law for violation of the provision of the Foreigners Act.

4. Foreigners' Tribunals – Fresh reference to the Foreigners' Tribunals may be dispensed with. They will continue till the old sending cases are disposed of.

5. Checking & Detection :- While checking and detection must be carried out effectively, it should be done with the minimum of narrament to the persons affected. The following instructions may be borne in mind in this regard.

(1). There should be no actual detention of persons travelling by train causing them to miss their journey. If a person is suspected to be a Pakistani, he may be questioned and followed or information sent to where he is proceeding so that a track is kept on him and future enquiries can be pursued but he should not be detained at the station itself.

(2). Of the numerous P.I.P. Posts in the interior, a substantial number should be moved closer to the border leaving in the interior such posts as would be essential for investigation and keeping look-out.

(3). There should be no wholesale checking of villages and houses. Only when there are specific suspicious circumstances surrounding the case, which needs to be further gone into, would such a probe be made.

(4). As far as possible, the investigation should be done under the supervision responsible officers.

It is not considered desirable to associate any non-official machinery with the process of checking or enumeration.

6. This procedure will take immediate effect.

Yours faithfully,

Sd/-

Joint Secretary to the Govt. of Assam

Memo No.333/69/3(a)

dated Shillong the 19.6.69.

Copy forwarded to All Deputy Inspector Generals of Police and Superintendents of Police, Assam.

The Under Secretary to the Government of India, H.M.A., New Delhi.

Sd/-

Joint Secretary to the Government of Assam.

**ANNEXURE-8**

(COPY)

No. 14011/13/75-F.III SECRET

GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS

New Delhi-110001  
17<sup>th</sup> February, 1976

To

The Secretary to the Government of Assam  
Home Department  
Passport Branch  
DISPUR

Sub : Foreigners Act, 1946-delegation of powers under section 3(2) thereof to civil authorities.

.....

Reference State Government's letter No. PFA.333/69/174, dated the 6<sup>th</sup> August, 1973 on the subject mentioned above.

2. A copy of Notification No.14011/13/75-F.III dated 17<sup>th</sup> February, 1976 is enclosed for the information of the State Government. It is requested that this Notification may be published in the State Gazette also.

3. It may, however, be noted that persons who have come to India from erstwhile East Pakistan/ Bangladesh prior to 25<sup>th</sup> March, 1971 are not to be sent back to Bangladesh. The Police authorities may therefore, be apprised of this position.

Sd/-  
(D. N. SHARMA)  
UNDER SECRETARY TO THE GOVT. OF INDIA

(COPY)

(TO BE PUBLISHED IN THE GAZETTE OF INDIA EXTRAORDINARY)  
PART II, SECTION 3 (ii)

NO. 14011/13/75-F.III  
Government of India,  
Ministry of Home Affairs,  
(Grih Mantralaya)

New Delhi-110 001, the 17<sup>th</sup> February, 1976.

NOTIFICATION

GSR..... In exercise of the powers conferred by claused (1) of article 258 of the Constitution, the President , with the consent of the Government of Assam, hereby entrusts to the Superintendents of Police and the Deputy Commissioners (in charge of Police) under the Government of Assam the functions of the Central Government in making orders of the nature specified in clauses (a), (b), (c) and (cc), (e) and (f) of sub-section (2) of section 3 of the Foreigners Act, 1946 (31 of 1946), within their respective jurisdictions, subject to the following conditions, namely:-

- (a) That the functions so entrusted shall be exercised in respect of nationals of Bangladesh;
- (b) That in the exercise of such functions the said Superintendents of Police and Deputy Commissioner (in charge of Police)( shall comply with such general of special directions as the Government Assam or the Central Government may from time to time issue; and
- (c) That notwithstanding this enstrustment, the Central Government may itself exercise any of the said functions should it deem fit to do so in any case.

Sd/- D. N. Sharma  
Under Secretary to the Govt. of India



**ANNEXURE-9 (A)**

*Guwahati  
January 18, 1980*

To  
The Prime Minister of India  
New Delhi

Subject : Problem of presence of foreign nationals in Assam and continued influx of foreigners into Assam from Bangladesh and Nepal.

Honourable Madam,

I take this opportunity to congratulate you on becoming the Prime Minister of India again.

I am writing this letter to draw your attention to the alarming situation created by the unabated infiltration from the neighbouring countries, particularly Bangladesh and Nepal. The problem, in fact, requires no introduction. It exists from the days of independence. It is now agitating the minds of the people of the entire N.E. Region. The situation has assumed such magnitude that the very existence of the indigenous population is threatened. But we are determined to preserve our identity, our history, our culture and our heritage. The Constitution of India certainly guarantees each Indian nationality to do so.

The huge extent of the problem and the serious threat to the territorial integrity of the nation this influx of foreign nationals poses is clearly revealed by the following figures:-

Percentage of increase of population per decade ::: Assam & India

Year	Population of Assam	% increase Assam	% increase India
1951	8,028,856	....	....
1961	10,837,329	34.98%	21.64%
1971	14,625,152	34.95%	24.80%

Commenting on this huge increase of 34.95% per decade compared to the national figure of 24.80% (one of the highest in the world), no less a person than the Chief Election Commission of India said at Ootcamund during the conference of the Electoral Officers held from 24<sup>th</sup> to 26<sup>th</sup> September, 1978:

“The influx has become a regular feature. I think that it may not be a wrong assessment to make on the basis of this increase of 34.95% between the two censuses, the increase that is likely to be recorded in 1991 census would be more than 100% over the 1961 census. In other words a stage would be reached when the state may have to reckon with the foreign nationals who may in all probability constitute a sizeable percentage, if not the majority population in the state”.

There is absolutely no other explanation for this extremely high increase of population other than that of influx of foreigners. If unabated, Assam will have to reckon with perhaps 50 lakh foreign nationals in 1981, and the Assamese in Assam shall become a minority.

We are not prepared to face such a situation at any cost. We cannot remain silent spectators when the sovereignty of India is attacked. We cherish our Indian Constitution. Our Constitution clearly defines who is an Indian and who is not. But the provisions of the

Constitution have been blatantly violated by the politicians of the state. This is again testified to by the following remarks of the CEC.

“Another disturbing factor in this regard is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not Indian citizens, without even questioning and properly determining their citizenship status.”

We are now firm to free Assam and India from the grip of the foreign nationals. The number of foreign nationals in Assam has already become explosive. The problem must be tackled. The problem, Madam, does not defy solution. The foreign nationals must be removed from the voters list. It is our duty to prevent foreign nationals from determining the destiny of our state and our country. Electoral roll of every constituency must be thoroughly revised before the ensuing elections. This is a ‘must’ for the interest of a free, fair and democratic election.

For the effective solution of the problem, we submit some broad proposals which we believe, must be implemented to detect, delete and deport the foreign nationals.

1. The National Register of Citizens (NRC) of 1951 should be made up-to-date by including the additions to the number of each family since the time of the compilation of the Register.
2. The comparison of the NRC with the successive electoral rolls since 1951 may also be helpful in making it up-to-date.
3. The entire Indo-Bangladesh border must be demarcated at the earliest and a free zone devoid of trees and houses should be created all along the border and anyone crossing it from either side must be shot at. We attach great importance to this suggestion. We have reached a stage when threat to the state of Assam and to the country can no longer be ignored.
4. Identity Cards must be issued throughout the N.E. Region. The process should start immediately and in all the states and union territories simultaneously. This has been successful in Sikkim and we insist upon its implementation in the N.E. Region. We are glad that the Chief Election Commissioner of India has recommended this step to the Home Ministry. We urge the concerned Ministry to immediately implement it.
5. Birth and Death Register at all Block and village level should be strictly maintained in order to prevent future infiltration into Voters’ list.
6. Additional number of armed battalions should be raised to help the BSF to check fresh infiltration into our territory. A River Police Force may also be raised to check infiltration through the riverine portion of the border.

Madam, the problem demands immediate attention of the Central Government. Firm and strong decision to detect and deport foreign nationals from Assam can only ease the minds of the people. We believe, you will not allow the people of Assam to feel neglected any more.

We look forward to discuss the problem in detail. Your personal visit to Assam will facilitate the people of Assam to express their determination to work for a lasting solution of the problem.

We firmly believe that his problem of foreign nationals is a national problem and we strongly condemn the communal forces who are trying to discredit the movement.

With regards,

Yours sincerely,  
Sd/- P. Mahanta  
President  
All Assam Students’ Union

**MEMORANDUM**

TO THE PRIME MINISTER OF INDIA

*Feb, 2, 1980*

To  
The Prime Minister of India,  
NEW DELHI.  
Hon'ble Prime Minister,

We, on behalf of ALL ASSAM STUDENTS' UNION, hereby submit for your urgent attention the following Memorandum on the explosive issue of influx of foreign nationals into the North East Region, particularly Assam.

The problem which is agitating the minds of people of the entire North East Region is the problem of influx of foreigners from the neighbouring countries particularly Bangladesh and Nepal. The influx of foreign nationals into Assam is not a recent phenomenon. The problem exists from the days of independence. The problem has become so alarming that the very existence of the indigenous population is threatened. But we are determined to preserve our identity, our history, our culture and our heritage in our strive to maintain the ethnic beauty of the people of North East Region.

The huge magnitude of the problem and the serious threat to the territorial integrity of the nation that this influx of foreign nationals poses is clearly revealed by the following figures:

**TABLE 1**  
**Percentage of increase of population per decade:**  
**ASSAM AND INDIA**

<b>Year</b>	<b>Population of Assam</b>	<b>% increase of Assam</b>	<b>% increase of India</b>
<b>1951</b>	10,28,856	19.94	31.31
<b>1961</b>	108,37,329	34.98	21.64
<b>1971</b>	146,25,152	34.95	24.80

Assam tops the list of states which registered more than 50% increase during 1911-1961.

**TABLE 2**

<b>State</b>	<b>Rate of Increase</b>
<b>Andhra</b>	67.8
<b>*Assam</b>	174.0*
<b>Bihar</b>	64.1
<b>Gujarat</b>	110.5
<b>Jammu &amp; Kashmir</b>	55.3
<b>Kerala</b>	136.5
<b>Madhya Pradesh</b>	66.5
<b>Madras</b>	61.2
<b>Maharashtra</b>	84.2
<b>Mysore</b>	74.5
<b>Orissa</b>	54.2
<b>Punjab</b>	70.0
<b>Rajasthan</b>	83.5
<b>Uttar Pradesh</b>	53.2
<b>West Bengal</b>	94.0

ASSAM'S POSITION REMAINED UNCHANGED TILL 1971, WE HAVE EVERY REASON TO APPREHEND THAT THE NEXT CENSUS WOULD DEFINITELY MAINTAIN THE SAME TREND IF NOT INCREASE IT.

As early as the 1930 important leaders like Nehru and Rajendra Prasad had expressed their concern at the continuing influx into Assam. They must have been alerted by the following table:

**TABLE 3**  
**TREND IN POPULATION : ASSAM AND INDIA**  
**% decadal variation**

<b>Year</b>	<b>Assam</b>	<b>India</b>
1911	16.99	5.73
1921	20.47	6.30
1931	19.92	11.00

But that was a different story. India was then not divided. Following partition of India, illegal immigration particularly from Bangladesh (then East Pakistan) and Nepal began on a scale larger than over before (Table-1).

The people of Assam have reasons, based on real experience to be apprehensive of being swamped by foreign nationals in the near future. Commenting on this large increase of 34.95% per decade compared with the national figure of 24.80% (one of the highest in the world), the Chief Election Commissioner (CEC) said at duty during the Conference of the Electoral Officers held on 24-26 September, 1978:

“The influx has become a regular feature. I think that it may not be a wrong assessment to make on the basis of this increase of 34.95% between the two census, the increase that is likely to be recorded in 1991 census would be more than 100% over the 1961 census. In other words, a state would be reached when the state may have to reckon with the FOREIGN NATIONALS who may in all probability constitute a sizeable percentage, if not majority population in the state.”

#### INFERENCES FROM TABLE 1

- (a) Only influx of foreign nationals can account for this extremely high percentage of increase of population in Assam.
- (b) India is definitely exposed to dangerous moves by foreign nationals in North East Region.

#### CASE OF KARBI ANGLONG & NORTH CACHAR :

##### Percentage of Growth Rate

	<b>1941</b>	<b>1951</b>	<b>1961</b>	<b>1971</b>
<b>Karbi Anglong</b>	-	30.06	79.21	68.28
<b>North Cachar</b>	-	6.16	36.95	40.0

As the above figures show the situation is more frightening in the districts of Karbi Anglong and North Cachar.

The unbelievable rise in population only glorifies the determination of the people of Karbi Anglong which made the election that was imposed impossible. Every one, except the foreign nationals and their sympathizers contributed to the success of the non-cooperation movement launched to prevent the election. Intensity of belongingness and unity shown by people of Karbi Anglong would remain a memorable event. The above figure naturally leads to the demand of detection and deportation of foreign nationals on a war footing.

A silent invasion by foreign nationals from the neighbouring countries particularly BANGLADESH and NEPAL is taking place. We cannot remain silent spectators when sovereignty of India is attacked. The problem has been deliberately neglected by the leaders leaving the destiny of Assam at the mercy of foreign nationals. The foreign nationals pose challenge to the integrity of India.

The first thing foreign nationals try is to enroll their names in the voters' lists with the connivance of antisocial elements, politicians, and officials on this side of the border. The motive is crystal-clear. The infiltrators vote for the politicians who protect them in all respects. In fact politicians encourage infiltration to ensure their political survival. Therefore naturally the rapid growth in populations of Assam as a result of large scale influx from the neighbouring countries is bound to be reflected also in the increasing number of electors in Assam from 1957 to 1979. The following figures fully reveal it.

**TABLE 4**

<b>Year</b>	<b>No. of electors</b>	<b>Increase</b>	<b>% of increase during the years</b>	
<b>1957</b>	44,93,359			
<b>196</b>	49,42,816	4,49,457	10%	(in 5 years)
<b>1966</b>	55,85,056	6,42,240	12.99%	(in 4 years)
<b>1970</b>	57,01,805	1,16,749	2.09%	(In 4 years)
<b>1971</b>	62,96,198	5,95,393	10.42%	(in 1 years)
<b>1977</b>	72,29,543	9,33,345	14.82%	(in 6 years)
<b>1978</b>	79,74,476	7,44,933	13.30%	(in 1 year)
<b>1979</b>	85,37,497	5,63,021	6.06%	(in 1 year)

A comparison of percentage increase in electorate of different states also demonstrates the gravity of the problem confronted by the people of Assam. According to the draft electoral rolls prepared for the just concluded mid-term Parliamentary election, the increase in the electorate is worked out to be 12.63% on average. Against this all-India average, the increase in Assam Was 18.15%.

**TABLE 5**

<b>States</b>	<b>Electorate in draft rolls in 1979</b>	<b>Electorate increase since 1977</b>	<b>% increase</b>
<b>Assam</b>	8,537,497	1,311,881	18.15
<b>Bihar</b>	39,536,456	4,540,054	12.98
<b>J &amp; K</b>	2,813,164	255,742	10.00
<b>Madhya Pradesh</b>	24,266,988	2,484,055	10.91
<b>Manipur</b>	8,696,86	81,463	10.34
<b>Orissa and etc.</b>	13,804,670	1,159,235	9.18

It is true that percentage increases of states like Punjab and Haryana are comparable to, though less than, the percentage increase of Assam.

It is not difficult to explain migration of India from other states into an industrially developed or developing state. Haryana alone has 208 large scale and 22,000 small scale industrial units.

On the other hand Assam is economically backward. Infrastructure for industrialization is virtually nonexistent. Resources have only been drained out. Economic stagnancy rules out too large scale migration from other states into Assam to account for the staggering growth rate of population. The dangerous trend is conveyed by the following Government compiled statistics also:

**TABLE 6**

Year	Duration (years)	Increase in electorate (Lakhs) approx	in Rate ( per year) (Lakhs)
1957-1970	13	12	0.92
1971-1979	8	28	3.5

Inferences from Table 1, Table 4 and table 6

- (1) Growth in the number of electorate in Assam has been very large.
- (2) Since the prominent rise in population is due to large scale influx of foreign nationals and the number of electorate has also increased correspondingly, clearly the constitutional provisions have been blatantly violated in Assam by allowing the foreign nationals to exercise franchise.

Indian Constitution defines in unambiguous terms who can be a voter. A FOREIGN NATIONAL CANNOT CERTAINLY PARTICIPATE IN INDIAN ELECTIONS. But the sovereignty of the country has been openly insulted by the political parties. This is amply told by CEC.

“Another disturbing factor is the demand made by the political parties for the inclusion in the electoral rolls of the names of such migrants who are not INDIAN CITIZENS, without even questioning and properly determining their citizenship status”.

The number of foreign nationals in Assam has already become explosive. The problem must be tackled with utmost speed. Foreign nationals whose presence is of grave concern to the people of Assam, are mainly from Bangladesh and Nepal. In addition to Bangladeshis, Nepalis who have entered Assam WITHOUT Restrict Area Permits either from Nepal or from Bhutan account for a sizeable number of foreigners. The increase of Nepali immigrants in the last two decades cannot be ignored. (Table -7)

**TABLE 7  
NEPALI IMMIGRATION**

Year	Persons	Decade variation	General Assam variation
1951	101,335	-	-
1961	182,925	48.1%	34.98%
1971	352,673	48.2%	34.95%

**Inference of Table 7:**

The percentage of increase of the Nepali population is higher by about 13% than the percentage of increase in the general population during the period 1951-1971.

**The conclusion from all these figures is obvious. Variations in population and electorate have been abnormal. Only influx of foreign nationals from neighbouring countries can account for such consequential changes.**

The Central Government and the Election Commission have been in full knowledge of alarming situation arising out of unabated infiltration of foreigners into the North Eastern Region, particularly into Assam. In the year 1950 the Immigrant (Expulsion from Assam) Act,

1950 was passed by the Parliament. In the statements of objects and Reasons of the said Act it was mentioned that:

**“During the last few months a serious situation had arisen from the immigration of a very large number of East Bengal residents into Assam. Such large migration is disturbing the economy of the province besides giving rise to a serious law and order problem”.**

Therefore the problem existed, and was officially recognized to have existed, as early as the birth of Indian Republic. But unfortunately no positive steps were taken either by the Union Government to prevent infiltration of foreigners into the North Eastern territories of India or by the Election Commission to prevent inclusion of the names of these infiltrators into the Electoral rolls. The directive sent by the Union Government on 2.8.75 to check the Electoral Rolls to the State Governments and the Union Territories of the North East Region was also ignored by the State Government. According to the Seventh Schedule to the Constitution the subject “Citizenship naturalization” aliens “and” admission into and emigration and expulsion from India – “Passports and visas”- are subjects related to the Central list vide entry 17 and 19 of the said list. Therefore, it is the constitutional duty of the Central Authority to stop influx of foreign nationals. But Central Government have so far completely failed to tackle the problem.

Similarly, preparation of electoral rolls is directly within the purview of Election Commission. We reiterate that, inclusion of a single name of a foreign national in the voters, list is unconstitutional.

### **Consequences of Unbridled Immigration**

The harmful effects of continuous immigration are evident in every sphere of life. Tensions in the social, political, economic and cultural fields have already surfaced and both Central and State Governments must act before it is too late. Attempts to develop the region industrially cannot succeed unless the record population growth due to influx is fully halted. Immigrants have created pressure, unprecedented in the modern World history, on every resource of the region.

The immigrants have gathered enough strength to influence many major decisions of the State Government overlooking the security of the State and the country. An innocent looking newspaper report that appeared in Statesman on January 16, 1979 throws sufficient light on the threat to our sovereignty.

### **It reads**

**“An off-shoot of this population explosion has been a sudden change in the composition of the district’s (Goalpara) electorate. The immigrants are in absolute majority in seven of the nineteen Assembly Constituencies in the district. In five ore constituencies they are numerous enough to be crucial for an electoral victory. There is almost a similar transformation in the smaller border district of Cachar, which returns 15 legislators to the 126 members State Assembly”.**

It is quite possible that majority of immigrants and the leaders behind them are determined to create instability in the region to serve the interest of the foreign powers. Nobody can deny such a possibility. We are apprehensive of the political realities since VOTE is central to our democratic structure.

Those who vote and those who are elected are deemed to be invested with power and responsibility to safeguard Assam's political future within the framework of Indian Constitution.

**The people of Assam have genuine reasons to believe that foreign nationals would injure REGIONAL and NATIONAL interest. Our neighbours in the Hill states share our fears.**

### **Threat to Tribal Existence**

The problem has badly hit the tribal populations. All the 33 blocks and belts reserved for the tribal people are on the verge of extinction. Pressure on economy has reduced sizes of the reserved tribal blocks. Forest resources are fast disappearing due to indiscriminate felling of trees and occupation of the area by the foreign nationals.

**The very identity of tribal population is in danger of extinction. The recent history of Tripura provides a good example to substantiate our belief. People of Assam cannot afford to ignore the warning.**

### **Why the Present Movement was started**

As already stated, that the existing electoral rolls are Contaminated by the presence of foreign nationals mostly Bangladeshi, was openly admitted by Sri Shaktidhar in 1971. The CEC further acknowledged pressure from different political groups to include foreigners in the electoral rolls of North Eastern States. To check the process effectively CEC suggested to the Home Ministry of Introduction of identity cards. The entire population of North Eastern States welcomed the suggestion and hoped for the best. But regrettably, we have noticed no positive response from the Central Government so far.

Then in March, 1979, a bye-election had to be held in the Mangaldoi constituency due to death of sitting member of a large number of foreigners' names was discovered. Objections were raised against some 70000 names in the constituency. But of this, 45,000 were declared as foreigners by competent courts. It was then the dark force behind the whole conspiracy against Assam rose their ugly heads. The political parties who would have benefitted by these foreigner's votes used all their influence and forced the authorities to stop deletion of foreigners names from the electoral rolls. Our thoughts were provoked. Then came mid-term Parliamentary election. The experience of burial of Indian democracy in Mangaldoi constituency was too fresh to be forgotten. What was true for Mangaldoi became true for whole of Assam. How could the people of Assam let their fate be determined by lakhs of foreigners in the electoral rolls? Everybody in Assam expected the CEC to delete the names of the foreigners from the voters list. Unfortunately, contrary to all his previous statements CEC directed the authorities to stop deletion foreigners' names and said:

**“A person whose name has been included shall be presumed to be citizen of India....Scrutiny of electoral rolls can be taken up after the election is over.....”**

The people of Assam could not the argument put forward by the CEC. Dignity of the Constitution must not be lowered. Foreign nationals cannot be allowed to participate in Indian politics at any cost. CEC believed that the anomalies in the existing list would be removed on the basis of the objection filed by the Indian against the non-Indians. That was a false belief. For example: in Assam the number of objections field against non-Indians was about 3.5 lakhs. But the actual number is bound to be much greater. Reason is simple. In Assam, there are many areas where detection of foreign nationals is possible only with the

help of the Government machinery. But for reason best known to the CEC only, Section 22 of Peoples' Representation Act was made inoperative in Assam.

This open disregard to the security of the state could no longer be tolerated and the ALL ASSAM STUDENTS' UNION took the lead in launching a State-wide movement on a massive scale.

### **Different Phases of the Movement**

When appeals and requests to the State Government, Central Government and the President of India failed to evoke any response, the people of Assam had to come out to the streets.

Thousands of meetings were organized throughout the State to educate the people. Rallies were held. Mass picketing and Mass Satyagraha received support of everybody with a sense of belongingness to the region. Non-cooperation was extremely successful. Will of the people made election in twelve constituencies impossible. Determination of the people prevailed over the unconstitutional directive of CEC. However, election machinery forced the election on the indigenous population in the two constituencies of Cachar. The representatives who are declared to be elected from Cachar district have natural obligation to protect the interest of foreigners. Foreign nationals have already out-numbered the Indians in Cachar district. The people of Assam registered due protest on January 21 by observing it as a BLACK Day.

The students of Assam have been agitating on the issue since 1974. The detection and deportation of foreign nationals were – our demands included in the 21 point Charter which was submitted to the State Government in 1974. Now we are determined to correct the mistakes of our previous generations.

### **Character of the Movement**

We are committed to pursue the cause of the present movement with sense of deep conviction on the principle of non-violence, democracy and secularism. The people of Assam spontaneously responded to our call with a sense of discipline, solidarity with the movement is evident in every phase. Determination to maintain peace and harmony is written on the face of every body participating in the movement.

### **We condemn all Types of Violence and Stand by our Chosen Path**

About the charter of the movement, said Editor, *Illustrated Weekly of India* in a Radio interview:

“I am one of those who believe things can be done constitutionally. But if things have to be done, I would rather say that they were done as here (In Assam) now. I see no violence, no buses being burnt. What strikes me most about Assamese people is a certain element of softness, and certain element of gentleness.....If Gandhiji could not keep his people under control, student leaders are trying to keep everybody under control.”

### **Active Conspiracy**

But conspiracy has been on. This only roves that foreign nationals are very active in the state politics. Political elements patronizing the foreign nationals are inflaming communal passions among the innocent people in the name of language and religion. Our firm answer

has been a foreigner is a foreigner; a foreigner shall not be judged by the language he speaks or by the religion he follows.

Conspirators in collusions with a section of anti-Assam politicians and bureaucrats are active in their attempts to frustrate the movement by indulging in anti-social activities at Lumding, Pandu, Maligion and Digboi: these conspirators raised their ugly heads in Bhawanipur, Gauhati Medical College and Dham Dhama and stretched their design to Morigaon Soalkuchi and Bijni. The same happened in North Kamrup. Army took advantage of the situation, tortured innocent people and raped helpless women and girls. At Duliajan many peaceful picketers were brutally killed by CRP. It is unparalleled in the history of India. Even Cachar was not excluded. But we are clear about our aims and objectives.

### **ANOTHER UNDESIRABLE FACTOR**

There is another disturbing factor that has complicated the problem. Many infiltrators once deported by Assam Government have been detected again. But most surprisingly now they are armed with citizenship certificates issued by West Bengal and Tripura Governments. Assam Government, however, has no power to cancel these certificates in spite of the previous record that these people are foreign nationals. Only the Central Government can nullify such illegal certificates. Feeling helpless, the Assam Government was reported to have forwarded the cases to the Central Government. However, Central Government has not taken any immediate action against those anti-national officials. Though these factors have complicated the issue, the problem is not beyond permanent solution. Peoples, representatives also must play the constructive role expected of them. In Assam, it is surprising that no member of Legislative Assembly has demanded that the foreign nationals in his/her constituency should be detected and deported. What does it indicate? It is not very difficult to find the answer.

### **FINALLY**

The district authorities, the State Government, the Election Commission, the Central Government – very component of administration knows the problem very well. But the immigration continues. For us, it has become a mystery.

Do we not have Constitution providing security to every part of the Country?

Why the North Eastern Region then is subjected to such extreme negligence?

Why the Defence Ministry if so indifferent to the security that is threatened by the foreign nationals?

The mystery is deepening as the days pass.

Are we to be written off from the map of India?

The problem has assumed alarming proportion in Assam and tomorrow it would engulf the whole Region.

### **OUR DEMANDS**

(1) Foreign nationals must be detected and deported from our country.

(2) (a) Names of foreign nationals must be removed from the concerned electoral roll before holding any election in Assam

(b) Inclusion of foreign nationals' names in the electoral rolls in future must be made impossible with the help of an adequate and strong election machinery.

- (3) Border of India with the neighbouring countries must be fully protected to electively check infiltration.
- (4) Indian voters residing in Assam should be issued identity cards with photograph affixed.
- (5) Necessary constitutional safeguards should be provided to the people of North Eastern Region for the next 15/20 years by making necessary constitutional provisions for the protection of the identity of the indigenous people in this Region.
- (6) The Government of Assam should be free to reject any certificate issued by the district authorities of West Bengal and Tripura.
- (7) We demand that the authority to grant citizenship certificate delegated to the State Government should be withdrawn by Central Government immediately from all State Governments, so that those foreigners who are detected and deported from Assam do not come back armed with citizenship certificates issued by other States.

#### **ADDITIONAL DEMAND**

Fresh nominations must be invited when election for Karbi Anglong and North Cachar is announced after detection of foreigners and their deportation.

#### **SOME OF OUR PROPOSALS**

- (1) The National Register of Citizens (NRC) of 1951 should be made up-to-date by taking into consideration the additions to the number of each family since the time of compilation of the Register.
- (2) The comparison of the NRC with the successive electoral rolls since 1952 will also be helpful in making it up-to-date.
- (3) A free zone devoid of trees and houses should be created all along the border and any one crossing it without valid travel documents from either side must be shot at. We attach great importance to this suggestion. We have reached a stage when treat to the State of Assam and to the country can no longer be ignored.
- (4) Birth and Death Register at all Block, Village, Town etc. level should be strictly maintained in order to prevent future infiltration into voters' list.
- (5) The number of check posts should be increased so as to enable one check post to be visible from the other.

In this connection, we would like to add a few lines about the ROLE OF THE B.S.F. We have come to know of the proposal to employ more B.S.F. Personnel in the border areas to check infiltration. But, Madam, effectiveness of the B.S.F. has been very disappointing. The following figures are sufficient to drive home the points.

#### **NUMBER OF INFILTRATORS INTERCEPTED BY THE B.S.F. AND BORDER DIG (State Government)**

<b>Year</b>	<b>B.S.F.</b>	<b>Border D.I.G. (State Govt.)</b>
<b>1973</b>	104	5171
<b>1975</b>	405	18068
<b>1977</b>	1 (one)	5074

We earnestly request you to look into the cause of the definite failure of the B.S.F. in the past. Central Home Ministry must remove suspicion from the minds of the people regarding the role of the B.S.F.

#### **LASTLY**

Madam, the problem demands immediate attention of the Central Government. Firm and strong decision and its implementation to detect and deport foreign nationals from Assam can only ease the minds of the people. We know of your association with Assam from your early days. We all look forward to a speedy and just solution. Loss of so many lives must not go in vain. We hope, you would feel the pangs of our bleeding hearts.

We once again request you to pay a visit to Assam and meet the people and different Organisations.

With regards,  
 Yours Sincerely,  
 Sd/- Prafulla Mahanta  
 Presidnet AASU  
 Sd/- Brigu Kr. Phukan  
 Secretary AASU

This part constitutes core of the memorandum. The full memorandum included three chapters entitled 'Camera speaks about the movement', 'Our Appeals, Response and Comments' and 'Diary of the Movement'.

**ASSAM ACCORD**

**15<sup>th</sup> 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 Keenness to find such a solution.
2. The AASU through their Memorandum dated 2<sup>nd</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 upto 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/-  
(R.D. Pradhan)  
Home Secretary  
Government of India

Sd/-

Sd/-

(B.K. Phukan)  
General Secretary  
All Assam Students' Union

(Smt. P. P. Trevedi)  
Chief Secretary  
Government of Assam

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

**ANNEXURE-11**

**MINISTRY OF HOME AFFAIRS  
ORDER**

New Delhi, the 24<sup>th</sup> April, 2012.

G.S.R.317(E) -- In exercise of the powers conferred by section 3 of the Foreigners Act, 1946 (31 of 1946), the Central Government hereby makes the following amendment in the Foreigners' Tribunal Order, 1964, namely :-

1. (1) This order may be called the Foreigners (Tribunal ) Amendment Order, 2012.  
(2) This order shall come into force on the date of its publication in the Official Gazette.
2. In the Foreigners (Tribunal) Order, 1964, for para 3, the following shall be substituted, namely :-
3. Procedure for disposal of questions (1) The Tribunal shall serve on the person to whom the question relates a show cause notice with a copy of the main grounds on which he or she is alleged to be a foreigner. This notice should be served as expeditiously as possible, and in any case, not later than ten days of the receipt of the reference of such question by the Central Government of any competent authority.  
  
(2) The Tribunal shall give him or her a reasonable opportunity to show cause by filing a representation. Ordinarily, not more than ten days' time from the date of service of the notice as aforesaid should be given to file such a representation.  
  
(3) The Tribunal shall give him or her a reasonable opportunity to produce evidence in support of his or her case. Ordinarily, not more than ten days' time should be given to produce such evidence.  
  
(4) A prayer for examination of witnesses in Court or a Commission for production of documents shall be refused if, in the opinion of the Tribunal, such prayer is made for the purpose of vexation or delay or similar purpose.  
  
(5) The Tribunal shall take such evidence as may be produced by the Superintendent of Police concerned.  
  
(6) The Tribunal shall hear such persons as, in its opinion, are required to be heard.  
  
(7) A party to the proceeding may be allowed to appear before the Tribunal either in person or through a legal practitioner or such person or relation authorized by him in writing as the Tribunal may admit as a fit person to represent the party.  
  
(8) The power of granting adjournment or any plea should be very sparingly exercised.  
  
(9) After the case has been heard, the Tribunal shall submit its opinion as soon thereafter as may be practicable, to the officer or the authority specified in this behalf in the order of

reference. Every case should be disposed of within a period of 60 days after the receipt of the reference from the competent authority.

(10) The Tribunal's final order containing its opinion on the question referred to need not be a detailed order as it is not a judgment; a concise statement of facts and the conclusion will suffice.

(11) Subject to the provisions of this Order, the Tribunal shall have the power to regulate its own procedure for disposal of the cases expeditiously in a time bound manner.

(F.No.25022/236/2011-F.I)  
G.V.V. SARMA, Jt. Secy.

**Note : The Foreigners' (Tribunal) Order was published in the Gazette of India, Part II, Section 3(i), GSR 1401 dated the 23<sup>rd</sup> September, 1964.**





Tarun Gogoi

**ANNEXURE-13**

**Chief Minister, Assam  
Guwahati**  
D.O. No.CMO.1/2004/765  
March 24, 2004

Respected of Sri Advani Ji

As you are kindly aware, Assam shares a sensitive international border with Bangladesh which has been the focus of our efforts at stopping illegal infiltration. Therefore, we have been taking up the matter of deployment of additional BSF personnel, construction of Punjab type wall & border fencing & creation of separate river police battalion, with the Government of India continuously in order to strengthen border policing. However, we have not received any favourable response from the Government of India to these requests.

The office of the Commissioner (Border) under the Union Home Ministry has been playing a significant role in the international border areas related matters including funds for construction of border roads and fencing etc. –an integral part of the Assam Accord. The location of the office at Guwahati is important for ensuring effective coordination between the State Government and the Government of India in these critical border issues.

Now, there has been a surprising move to close down the office of the Commissioner (Border) at Guwahati. This move of the Government of India, at a time when the State Government has been stepping up its efforts to check illegal migration from across the international border, has also been viewed with much apprehension by the State Government. This step has also been strongly opposed by the people of the State. It is apprehended that the closure of the office at Guwahati will hinder the process of construction border roads & fencing and dilute our efforts at effective policing of the international border. Hence, the continuation of the office at Guwahati is essential to safeguard the Assam-Bangladesh international Border.

In view of the above, I request you to kindly revoke the decision to close down the office of the Commissioner (Border) at Guwahati and also take a favourable decision in respect of our repeated requests towards deployment of additional BSF personnel, creation of separate river police battalion etc.

With regards,

Yours faithfully,

(TARUN GOGOI)

Sri L K Advani  
Deputy Prime Minister  
New Delhi

**ANNEXURE-14**

The Phase I & II works done by Assam PWD since 1986.

Period	Road Works Completed			Fence Works Completed		
	0	0	0	0	0	0
<b>1986 to 1991</b>	27.28	0	27.28	27.01	0	27.01
<b>1991 to 1996</b>	72.09	0	72.09	91.69	0	91.69
<b>1996 to 2001</b>	22.83	0	22.83	24.63	0	24.63
<b>2001 to 2006</b>	25.24	36.45	61.69	0.98	6.31	7.28
<b>2006 to 2011</b>	0	16.47	16.47	0	25.07	25.07
<b>2001 to Sept. 12</b>	0	0.08	0.08	0	0.5	0.5
<b>Total:</b>	147.43	53	200.43	144.3	31.88	176.18

**ANNEXURE-15**

A summary of the works done by all the agencies.

	<u>Sanctioned</u>	<u>Actual</u>	Complete	Dispute	Balance
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	<u>Length</u>	<u>Required</u>	<u>d</u>	<u>d</u>	
<b>FENCING (Phase I &amp; II)</b>					
<b>Phase-I Fencing</b>					
<b>Assam PWD</b>	150.55	147.17	144.3	2.87	0
<b>Phase-II Fencing</b>					
<b>Assam PWD</b>	32.67	32.03	31.88	0	0.15
<b>NBCC</b>	44.9	45.49	41.99	0	3.5
<b>Phase-II Sub-total</b>	77.565	77.52	73.870	0	3.65
<b>Phase-I&amp;II Total</b>	<b>228.118</b>	<b>224.694</b>	<b>218.170</b>	<b>2.87</b>	<b>3.650</b>
<b>ROADS (Phase I &amp; II)</b>					
<b>Phase-I Roads</b>					
<b>Assam PWD</b>	153.13	147.43	147.43	0	0
<b>Phase-II Roads</b>					
<b>Assam PWD</b>	53.53	53.06	53	0	0.06
<b>NBCC</b>	44.9	45.58	33.72		11.86
<b>Phase-II Sub-total</b>	98.43	98.640	86.72		11.920
<b>Phase-I&amp;II Total</b>	251.56	<b>246.073</b>	<b>234.153</b>		<b>11.920</b>
<b>Progress under Phase-III. (Only Fencing)</b>					
<b>NBCC</b>	59.58	55.02	55.02	0	0
<b>NPCC</b>	85.38	79.71	66.69		13.02
<b>Total:</b>	144.96	<b>134.727</b>	<b>121.707</b>		<b>13.020</b>

ANNEXURE-16

GOVERNMENT OF ASSAM

**POLITICAL (B) DEPARTMENT: DISPUR: GUWAHATI**

**No.PLB.119/2010/142**

**Dated Dispur, the 29<sup>th</sup> August, 2012**

From : Sri G. D. Tripathi, IAS  
Secretary to the Government of Assam  
Home & Political Department

To : Sri Sushil Ekka  
Under Secretary to the Government of India  
Ministry of Home Affairs, NE.IV, New Delhi-110 001

Sub : Report of the Cabinet Sub-Committee on NRC.

Ref : No.11012/41/2003-NE.IV dated 1<sup>st</sup> May, 2012

Sir,

In inviting a reference to the letter on the subject cited above, I am directed to say that the report of the Cabinet Sub-Committee on NRC has been approved by the Cabinet in its sitting on August 16, 2012.

Further, the Cabinet has approved inclusion of following in the illustrative list of documents below Sl.No.13:

**13.A.** Certificate issued by Circle Officer in respect of females who have migrated from an urban area after marriage. However, this would be a supporting document only.

The Cabinet also observed that the possibility of using bar coded application forms be explored and NRC be updated by developing a user friendly software.

A copy of the report submitted by the Cabinet Sub-Committee is also enclosed herewith.

Encl: As stated above.

Yours faithfully,

Sd/-  
Secretary to the Government of Assam  
Home & Political Department



Tarun Gogoi

**ANNEXURE-16 (A)**

**Chief Minister, Assam**

**Guwahati**

*D.O. No.PLB.38/91/Pt.IV/34*

*Date: 04.08.2008*

Respected Dr. Singh

I would like to draw your kind attention to the issue of updating of National Register of Citizens (NRC) in the State of Assam. You may kindly recall that you had taken a tripartite meeting in connection with implementation of the Assam Accord on 5<sup>th</sup> May, 2005 at New Delhi in which it was decided to update the National Register of Citizens, 1951. In pursuance to the decision, the State Government initiated measures for the preparation of NRC and preliminary works of updating have been taken up.

However, according to the Citizenship Act 1955 and the Citizenship (Registration of Citizens and issue of National Identity Cards) Rules 2003, the responsibility for the preparation of the National Register of Indian Citizens (NRIC) has been vested with the Central Government. The State Government has, therefore, suggested that the Central Government should get directly involved with the process of preparation and updating of the NRC.

As requested by the Ministry of Home Affairs, New Delhi the State Government has prepared the modalities for the updating of National Register of Citizens and the said modalities has been submitted to the Ministry of Home Affairs in the month of June, 2008 after it has been approved by the State Cabinet.

In this connection, it needs mention that updating of the National Register of Citizens, 1951 is looked upon as the solution to the vexed foreigners issue in the State and there seems to be a consensus among cross section of people with regard to the updating of National Register of Citizens. The people of Assam look forward to an updated National Register of Citizens prepared at the earliest. As the modalities have been submitted the Government of India may take a decision for updating of National Register of Citizens early in accordance with the suggestions made in the modalities.

It shall be highly appreciated if you could kindly look into the matter and use your good offices to ensure for an early action on the matter.

With regards.

Yours sincerely,  
(TARUN GOGOI)

Dr. Manmohan Singh  
Hon'ble Prime Minister of India  
New Delhi

**ANNEXURE-17**

**GOVERNMENT OF ASSAM  
POLITICAL (B) DEPARTMENT: DISPUR: GUWAHATI**

**NOTIFICATION**

With a view to avoiding harassment to the genuine Indian citizens in the name of detection of foreigners, the Government of Assam has decided to constitute a Thana Level Committee with the following members:

- |   |   |                  |
|---|---|------------------|
| 1. Circle Officer (Revenue) of the area                             | - | Chairman         |
| 2. Officer in Charge of the Thana                                   | - | Member Secretary |
| 3. Inspector/Sub-Inspector of Border Branch                         | - | Member           |
| 4. Representative of the recognized Political Parties<br>(one each) | - | Member           |
| 5. Elected Member of Zilla Parishad within the<br>Thana area        | - | Member           |
| 6. Four leading citizens to be nominated by the Govt.               |   |                  |
| (i) One lady  | - | Member           |
| (ii) One majority community   | - | Member           |
| (iii) One religious minority community                              | - | Member           |
| (iv) One linguistic minority community                              | - | Member           |

Thana committee will be constituted within 20 days from the receipt of this communication by the Deputy Commissioners of the districts.

The first meeting of the Thana committee will be held within 30 days.

**Duties & Responsibilities**

1. The Thana Committee shall be advisory in nature. It will keep strict vigil against rumour mongers and ensure that no genuine citizen is harassed in any way in the name of suspected foreigners.
2. Any person within the Thana area may submit petition/ application to the O.C. of the Thana regarding presence of illegal migrants in the area as per law.
3. No photograph needs to be affixed on the application.
4. On receipt of such application the O.C. of the Thana will first examine and verify the matter.
5. The O/C of the Police Station will apprise the Thana Committee of the action taken as per law on such application.

6. Thana Committee will sit one in a month. The O.C. of the Thana shall keep the proceeding of each meeting recorded in a register to be maintained for this purpose.
7. Thana Committee shall take all steps to see that there is no tension or misunderstanding amongst the different communities living within the Thana area relating to the issue of illegal migrants.
8. Thana Committee will ensure that no person takes law into his hands in the matter of detecting suspected illegal migrants and ensure that the law of the land is followed strictly in the Thana area.

Sd/-  
(Dr. B.K. Gohain)  
Commissioner & Secretary to the Govt. of Assam  
Political (B) Department

Memo No.PLB.71/2005/

Dated Dispur, the 27<sup>th</sup> May, 2005

Copy to:       1. SO to Chief Secretary, Assam.  
                  2. All Deputy Commissioners.  
                  3. All Superintendents of Police.

By order etc.

(Dr. B.K. Gohain)  
Commissioner & Secretary to the Govt. of Assam  
Political (B) Department

**ANNEXURE-17A**

**GOVERNMENT OF ASSAM  
POLITICAL (B) DEPARTMENT: DISPUR: GUWAHATI**

**ORDERS BY GOVERNOR**

**NOTIFICATION**

**Dated Dispur the 26<sup>th</sup> September, 2007**

**No.PLB.149/2007/2:** The Governor of Assam is pleased to constitute Revenue Circle Level, District Level and State Level Committees with the objective of assisting the Government in the detection of foreigners in the Stat while ensuring that no genuine Indian citizens are harassed. The Committee will provide information to the competent authorities to facilitate verification of nationality of suspected persons and suggest measures to deal with foreigners in their respective areas.

The composition of the Committees shall be as follows:

**1) Circle Level Committee**

- |  |                    |
|--|--------------------|
| a) Circle Officer of the Revenue Circle  | - Chairman         |
| b) Representatives of all recognized Political Parties                                   | - Member           |
| c) President/ Presidents of Anchalik Panchayat/ Panchayats (where PRIs are in existence) | - Member/Members   |
| d) Three leading citizens including educationists from the Circle.                       | - Member           |
| e) Officer in Charge of the Police Station of the Circle area                            | - Member Secretary |

**2) District Level Committee**

- |   |                    |
|---|--------------------|
| a) Deputy Commissioner  | - Chairman         |
| b) Superintendent of Police of the District                         | - Member Secretary |
| c) President, Zilla Parishad (where PRIs are in existence)          | - Member           |
| d) Sub-Divisional Officer (Civil)                                   | - Member           |
| e) Sub-Divisional Police Office                                     | - Member           |
| f) Representatives of all recognized Political Parties              | - Member           |
| g) Three leading citizens including educationists form the District | - Member           |

**3) State Level Committee**

- |                           |            |
|---------------------------|------------|
| a) Chief Secretary, Assam | - Chairman |
|---------------------------|------------|

- |  |                    |
|--|--------------------|
| b) Director General of Police, Assam                               | - Member Secretary |
| c) Commissioner & Secretary,<br>Home & Political Deptt.            | - Member           |
| d) Additional Director General of<br>Police (Border), Assam        | - Member           |
| e) Representatives of all recognized<br>Political parties          | - Members          |
| f) Legal Remembrancer, Assam                                       | - Member           |
| g) One retired Judge not below the<br>rank of District Judge       | - Member           |
| h) Four leading citizens including<br>educationists from the State | - Members          |

The Deputy Commissioner shall constitute the Committees for the Circle Level, Sub-Divisional level and the District Level and send a copy of the constitution of the Committees to the Government after constitution.

The Revenue Circle Level Committees shall meet at least once in every two months and all the important issues discussed in the meeting shall be recorded for future reference. A copy of the minutes shall be forwarded to the Sub-Divisional Office (Civil)/ Deputy Commissioner of the District. The Sub-Divisional Level and the District Level Committees shall meet once in every three months. The important issues of the meeting shall be recorded and a copy of the minutes shall be sent to Government. The State Level Committee shall meet once in every six months or as and when considered necessary.

No TA/DA shall be admissible for attending the meetings.

Sd/- Rajiv Bora

Commissioner & Secretary to the Govt. of Assam  
Home & Political Department, Dispur

Memo No.PLB.149/2007/2-A Dated Dispur, the 26<sup>th</sup> September, 2007

Copy to:

1. The Director General of Police, Assam for information and necessary action.
2. The Additional Director General of Police (Border), Assam for information and necessary action.
3. The Legal Remembrancer, Assam Dispur for information and necessary action.
4. Staff Officer to the Chief Secretary to the Government of Assam for kind information of the Chief Secretary.
5. P.S. to Principal Secretary to the Government of Assam, Home & Political Department, Dispur for information of Principal Secretary.
6. P.S. to the Commissioner & Secretary to the Government of Assam, Home & Political Department for information of Commissioner & Secretary.
7. All Deputy Commissioners, Assam for information and necessary action. They are requested to circulate copies to all Circle Officers and others concerned of their District.
8. All Superintendents of Police, Assam for information and necessary action.
9. All Sub-Divisional Officers (Civil), Assam for information and necessary action.
10. All Sub-Divisional Police Officers, Assam for information and necessary action.

Sd/-

Joint Secretary to the Government of Assam  
Political (B) Department