



**REPORT  
OF THE COMMITTEE  
ON IMPLEMENTATION OF  
CLAUSE 6 OF THE ASSAM ACCORD**

**Constituted by  
Government of India,  
Ministry of Home Affairs**

**Mr. Justice Biplab Kumar Sharma,  
Former Judge, Gauhati High Court  
Chairman**

Guwahati  
February 10, 2020

**REPORT OF THE COMMITTEE ON IMPLEMENTATION OF  
CLAUSE 6 OF THE ASSAM ACCORD  
CONSTITUTED BY THE GOVERNMENT OF INDIA  
IN THE MINISTRY OF HOME AFFAIRS (NORTH-EAST DIVISION)  
VIDE NOTIFICATION NO. 11012/04/2019-NE.VI DATED 15<sup>TH</sup> JULY, 2019  
PUBLISHED IN THE GAZETTE OF INDIA ON 15<sup>TH</sup> JULY, 2019**

---

**10<sup>TH</sup> FEBRUARY, 2020**

**JUSTICE BIPLAB KUMAR SHARMA,  
FORMER JUDGE, GAUHATI HIGH COURT  
CHAIRMAN**

To

The Secretary to the Government of India,  
Ministry of Home Affairs  
New Delhi.

Dated: 10<sup>th</sup> February, 2020

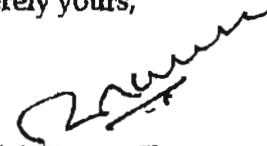
Dear Sir,

Enclosed please find herewith the Report of the Committee that was constituted by the Government of India, in the Ministry of Home Affairs (North-East Division) vide notification No. 11012/04/2019-NE. VI dated July 15, 2019 to suggest measures and recommendations to be adopted for providing constitutional, legal and administrative safeguards for the implementation of Clause 6 of the Assam Accord dated August 15, 1985.

In view of the significance of the matter, the Committee expects that the recommendations proposed herein will be implemented with the same promptitude with which this Committee was constituted in order to inspire confidence among the people of Assam.

With regards,

Sincerely yours,



Justice Biplab Kumar Sharma  
Former Judge, Gauhati High Court  
Chairman

## ACKNOWLEDGEMENTS

The Committee, at the very outset, seeks to salute the resilience of the "Assamese People" in having endured and lived the long and contentious history leading to the Assam Accord and the years following its signing, which has severely impacted the State of Assam over the decades.

The task entrusted to the Committee could not have been accomplished without the contribution of a multitude of individuals, organizations and collectives. The Committee expresses its deepest gratitude and appreciation to the various stakeholders across the State of Assam who in response to the public notice rendered their valuable insights to the issue involved. Such responses including requests for personal hearing stand at over 1200. Representations consist of various communities, organizations, literary bodies, scholars, social workers, professionals from various walks of life, political parties and individuals with varied experience etc. The Committee acknowledges the insights and perspectives it received by interacting with them.

In its extensive visits to Kokrajhar, Silchar, Tezpur, Jorhat, Haflong, Diphu and Dibrugarh, the District Administration of the concerned districts made arrangements for the Committee to meet with local stakeholders and provided logistic support to the Committee. The Committee expresses its gratitude to the concerned officers and staff.

The Committee wishes to acknowledge the support rendered by the Implementation of Assam Accord Department of the Government of Assam, especially Mr. Jayanta Kumar Goswami, ACS, and Mr. Prabin Bora, both in the rank of Joint Secretary and Mr. Mahadananda Hazarika, IAS (Retd.) attached to the Committee as Officer on Special Duty (OSD) who were engaged with the Committee. All throughout, they provided valuable administrative support. The Committee also acknowledges the services of the Secretary to the Committee Mr. P.P. Kathkotia, ACS, Deputy Secretary to the Government of Assam and the office staff namely Sri Manmath Das, Smti Sunanda Deb, Ms Jhimli Gogoi, Sri Indreswar Bora and Sri Bhabesh Deka (Stenographer, Computer Operator, Judicial Assistant, Senior Judicial Assistant and Grade-IV respectively). The Committee also places on record its words of appreciation for Sri Prasenjit Baruah for his untiring printing works.

The Committee expresses its heartfelt gratitude and acknowledges the immense support, help and research assistance rendered by resource institutions namely Studio Nilima: Collaborative Network for Research and Capacity Building and its research team comprising Ms. Abantee Dutta, Mr. Anubhab Atreya, Ms. Aishwarya Borgohain, Mr. Manash Das and Mr. Bipul Pator and the Centre for Development and Peace Studies, Guwahati, particularly Mr. Arunav Goswami.

\*\*\*\*\*

## Table of Contents

		<u>Page No.</u>
➤ Chapter 1 :	Introduction	⇒ 5 - 11
➤ Chapter 2 :	Contextual Background	⇒ 12 - 21
➤ Chapter 3 :	Methodology	⇒ 22 - 23
➤ Chapter 4 :	Thematic Analysis of Responses/Suggestions of various Stakeholders	⇒ 24 - 37
➤ Chapter 5 :	Issues for Consideration before the Committee	⇒ 38 - 39
➤ Chapter 6 :	Decisions on Issues	⇒ 40 - 44
➤ Chapter 7 :	Observations and Recommendations on the Terms of Reference	⇒ 45 - 63
➤ Chapter 8 :	Summary of Observations and Recommendations on the Terms of Reference	⇒ 64 - 78
➤ Chapter 9 :	Conclusion	⇒ 79

#####

➤ Annexure - I	List of Newspapers with dates of issuance of Public Notice and the Public Notice	⇒ 80 - 81
➤ Annexure - II	List of Stakeholder Consultations	⇒ 82 - 106
➤ Annexure - III	Schedule of Meetings	⇒ 107 - 108
➤ Annexure - IV	Synopsis of Responses/Suggestions from the Stakeholders	⇒ 109 - 126
➤ Annexure - V	Suggestions for appropriate constitutional/legislative amendments	⇒ 127 - 141

#####

**CHAPTER - 1**  
**INTRODUCTION**

This Committee was constituted by the Notifications reproduced below in respect of *Clause 6 of the Assam Accord*. The Committee initially consisted of thirteen (13) members with the Joint Secretary, North-East, Ministry of Home Affairs, as its Member Secretary. Subsequently, by an addendum published in the Gazette of India vide notification No. 11012/04/2019-NE. VI dated 30/07/2019 another member was inducted totalling the number of members to fourteen (14). For a ready reference, both the Notifications dated 15/07/2019 and 30/07/2019 are reproduced below.

**MINISTRY OF HOME AFFAIRS**  
**(North-East Division)**  
**NOTIFICATION**  
New Delhi, the 15th July, 2019

1.1 No. 11012/04/2019-NE. VI.- Whereas, a High Level Committee was constituted vide Notification No. 11012/06/1995-NE. IV in respect of Clause 6 of Assam Accord, it has now been decided to reconstitute the High Level Committee comprising the following:

- |        |   |                    |
|--------|---|--------------------|
| (i)    | Justice Biplab Kumar Sharma<br>Former Judge, Gauhati High Court               | - Chairman         |
| (ii)   | Dr Romesh Borpatragohain, Advocate General, Assam                             | - Member           |
| (iii)  | Shri Nilay Dutta, Advocate General, Arunachal Pradesh                         | - Member           |
| (iv)   | Shri Subhash Ch. Das, IAS (Retd.)   | - Member           |
| (v)    | Shri Pallab Bhattacharyya, IPS (Retd.)  | - Member           |
| (vi)   | Dr. Sristidhar Dutta, Professor (Retd.)                                       | - Member           |
| (vii)  | Shri Sumanta Chaliha, Author & Columnist                                      | - Member           |
| (viii) | Dr. Joykanta Sarma, Professor & Columnist                                     | - Member           |
| (ix)   | Mr Wasbir Hussain, Senior Journalist  | - Member           |
| (x)    | Dr. Samujjal Bhattacharjya, Chief Adviser,<br>All Assam Students Union (AASU) | - Member           |
| (xi)   | Shri Dipanka Kumar Nath, President,<br>All Assam Students Union (AASU)        | - Member           |
| (xii)  | Shri Lurinjyoti Gogoi, General Secretary,<br>All Assam Students Union (AASU)  | - Member           |
| (xiii) | Joint Secretary, North-East, MHA  | - Member Secretary |

2. The Terms of Reference for the Committee are as under:

- (a) The Committee will examine the effectiveness of actions taken since 1985 to implement Clause 6 of the Assam Accord.

- (b) The Committee will hold discussions with various stakeholders including social organizations, legal and constitutional experts, eminent persons from the field of art, culture and literature, conservationists, economists, linguists and sociologists.
  - (c) The Committee will assess the appropriate level of reservation of seats in Assam Legislative Assembly and local bodies for the Assamese people.
  - (d) The Committee will also suggest measures to be taken to protect Assamese and other indigenous languages of Assam.
  - (e) The Committee will recommend the appropriate level of reservations in employment under the Government of Assam for the Assamese people.
  - (f) The Committee may suggest any other measures as may be necessary to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people.
- 3. The Committee will submit its report within 6 months from the date of notification.
  - 4. The Committee will be serviced by the NE Division of MHA, Government of India.
  - 5. The State Government of Assam will provide necessary administrative and logistic support to the Committee.

**SATYENDRA GARG,**  
Jt. Secy. to the Govt. of India.

**MINISTRY OF HOME AFFAIRS  
(NORTH-EAST DIVISION)  
ADDENDUM  
New Delhi, the 30th July, 2019**

1.2 No. 11012/04/2019-NE. VM- As an addendum to the Notification No. 11012/04/2019-NE. VI dated 15.07.2019, the following name is hereby included in the High Level Committee on Clause 6 of Assam Accord:

Prof. Mrinal Miri, - Member  
Former MP (Rajya Sabha)

- 2. The other details of the Notification will remain same.

**SATYENDRA GARG,**  
Jt. Secy. to the Govt. of India.

1.3 The term of the Committee was 6 months from date of Notification but the same was extended by one month vide the following notification.

**MINISTRY OF HOME AFFAIRS  
(NORTH-EAST DIVISION)  
NOTIFICATION  
New Delhi, the 14th January, 2020**

No. 11012/04/2019-NE. VM- In partial modification of Ministry of Home Affairs' Notification No. 11012/04/2019-NE. VI dated 15.07.2019, it has been decided to amend the paragraph 3 of the Notification as under:

"The Committee will submit its report within 7 months from the date of notification"

2. The other details of the Notification will remain same.

**SATYENDRA GARG,**  
Jt. Secy. to the Govt. of India.

1.4 As to what are the Terms of Reference for the Committee are indicated in the above quoted notification dated 15/07/2019. The Committee so constituted is in terms of *Clause 6* of the well known *Assam Accord* executed on 15<sup>th</sup> August, 1985 between All Assam Students Union along with All Assam Gana Sangram Parishad and the Government of India along with the Government of Assam in presence of the then Prime Minister of India. For a ready reference, the *Accord* itself is reproduced hereafter.



## THE ACCORD

### *Preamble*

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 2nd 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 effects 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 Minister's level 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 provisions, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows:

### *Foreigners Issue*

- 5.1 For purposes of detection and deletion of foreigners, 01.01.1966 shall be the base date and year.
- 5.2 All persons who come 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.
- 5.3 Foreigners who came to Assam after 1.1.1966 (inclusive) and up to 24th March, 1971 shall be detected in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunals) Order 1964.
- 5.4 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.
- 5.5 For this purpose, Government of India will undertake suitable strengthening of the government machinery.
- 5.6 On the expiry of a period of ten years following the date of detection, the names of all such persons which have been deleted from the electoral rolls shall be restored.

5.7 All persons who were expelled earlier, but have since re-entered illegally into Assam shall be expelled.

5.8 Foreigners who came to Assam on or after March 25, 1971 shall continue to be detected, deleted and practical steps shall be taken to expel such foreigners.

5.9 The Government will give due consideration to certain difficulties expressed 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 may be appropriate shall be provided to protect, preserve and promote the culture, social, linguistic identity and heritage of the Assamese people.

7. The Government take 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 education and science and technology through establishment of national institutions.

#### *Issue of Citizenship Certificate*

8.1 The Government will arrange for the issue of citizenship certificates in future only by the authorities of the Central Government.

8.2 Specific complaints that may be made by the AASU/AAGSP about irregular issuance of Indian Citizenship Certificates (ICC) will be looked into.

#### *International Borders and Encroachments*

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.

9.2 Besides the arrangements mentioned above and keeping in view security considerations, a road all along the international border shall be constructed 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 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 relevant 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 Union (AASU) and the All Assam Gana Sangram Parishad (AAGSP) call off the agitation, assure full cooperation 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 of the agitation;
- c. give sympathetic consideration to proposal for relaxation of upper age limit for employment in public services in Assam, having regard to exceptional situation that prevailed in holding of 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.

Signed/-  
(P.K. Mahanta)  
President  
All Assam Students Union

Signed/-  
(R.D. Pradhan)  
Home Secretary  
Govt. of India

Signed/-  
(B.K. Phukan)  
General Secretary  
All Assam Students Union

Signed/-  
(Smt. P.P. Trivedi)  
Chief Secretary  
Govt. of Assam

Signed/-  
(Biraj Sharma)  
Convenor  
All Assam Gana Sangram Parishad

In the presence of  
Sd/- (Rajiv Gandhi)  
Prime Minister of India  
Date: 15th August, 1985.  
Place: New Delhi.

1. Oil refinery will be established in Assam.
2. Central Government will render full assistance to the State Government in their efforts to re-open:

- i. Ashok Paper Mill.
- ii. Jute Mills

3. I.I.T. will be set-up in Assam.

Signed  
Home Secretary  
15.8.85

1. Election Commission will be requested to ensure preparation of fair electoral rolls.
2. Time for submission of claims 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.

Signed  
Home Secretary  
15.8.85

The present Committee is concerned with Clause 6 of the Accord to protect, preserve and promote the social, linguistic identity and cultural heritage of the Assamese People. For a ready reference, *Clause 6* is solitarily reproduced below.

*"Constitutional, legislative and administrative safeguards, as may be appropriate shall be provided to protect, preserve and promote the culture, social, linguistic identity and heritage of the Assamese people."*

\*\*\*\*\*

## CHAPTER - 2

CONTEXTUAL BACKGROUND

2.1 Assam, the peripheral state of India is part of a region called Northeast, which also includes Arunachal Pradesh, Manipur, Meghalaya, Mizoram, Nagaland and Tripura. The region shares international boundaries with China, Bangladesh, Bhutan, and Myanmar. Assam is one of the most heterogeneous regions of the world and home to some of the major ethnic/indigenous communities in the world.

2.2 The problem of migration of people into Assam has a long history. We rely on official documents to highlight the problem. The migration created problems for the indigenous population of the region in the socio-economic and cultural arena. The adverse impact of this migration from East Bengal was reflected in Government Reports of that time. Mr. C.S. Mullan, ICS, Census Superintendent of Assam, wrote in the 1931 Census Report of Assam:

*“Probably the most important event in the province during the last twenty five years – an event, moreover, which seems likely to alter permanently the whole future of Assam and to destroy more surely than did the Burmese invaders of 1820, the whole structure of Assamese culture and civilisation - has been the invasion of a vast horde of land-hungry Bengali immigrants; mostly Muslims, from the districts of Eastern Bengal sometime before 1911 and the census report of that is the first report which makes mention of the advancing host. But, as we now know, the Bengali, immigrants censused for the first time on their char islands of Goalpara in 1921 were merely the advance guard - or rather the scouts - of a huge army following closely at their heels. By 1921 the first army corps had passed into Assam and had practically conquered the district of Goalpara... Where there is waste land thither flock the Mymensinghians. In fact, the way in which they have seized upon the vacant areas in the Assam valley seems almost uncanny. Without fuss, without tumult, without undue trouble to the district revenue staffs, a population which must amount to over half a million has transplanted itself from Bengal into the Assam Valley during the last twenty-five years. It looks like a marvel of administrative organisation on the part of Government but it is nothing of the sort; the only thing I can compare it to is the mass movement of large body of ants... it is sad but by no means improbable that in another thirty years Sibsagar district will be the only part of Assam in which an Assamese will find himself at home”. (Report on Illegal Migration into Assam, submitted to the President of India, by the Governor of Assam, 8 November, 1998, [https://www.satp.org/satporgtp/countries/India/states/assam/documents/papers/Illegal\\_migration\\_in\\_assam.htm](https://www.satp.org/satporgtp/countries/India/states/assam/documents/papers/Illegal_migration_in_assam.htm))*

2.3 Additionally, (as cited by Nirode K. Barooah in "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" at page 313), in one of Shri Gopinath Bardoloi's official communications to Sardar Vallabhbhai Patel, he appears perturbed by the fate of Assam at the Inter Dominion Conference held in Kolkata from April 13-19, 1948 to discuss the fate of Muslim immigrants and writes as follows,

*"The attitude taken by me from the very beginning was that the political problems of Bengal alone were to be solved in the conference. But I suddenly found that we agreed to recommend more Inter Dominion Conferences regarding Bihar, Bombay, Delhi and UP and Assam also. The whole attempt on the part of Pakistan seems to me to take over the responsibility of muslims of the Indian Dominion into their hands and bring them up for implementation by the Provisional Governments or by the Indian Dominion, as the case may be.... To my mind, this will be entirely subversive to all governmental activities in reference to treatment of minorities. I do now know how in the face of the conclusion that we arrived at in the Constituent Assembly regarding the minorities such questions could be raised."*

2.4 In Bardoloi's view, if Pakistan was allowed to have any voice in the matter of the Indian Muslims, what Jinnah and the Muslim League had demanded in the pre-partition days, it would be the beginning of further disruption in the Indian provinces. Expressing such concerns to Sardar Vallabhbhai Patel, he writes,

*"You very well know, Assam is divided itself by so many communities and people. It required the sacrifice of my life's blood and possibly my life itself, to bring about a situation in the province which had gone for peace and harmony among all communities in the province and preparing it for developmental and constructional work. I now find that all my attempts are going to be in vain, if the conclusions of the Dominion Conference are going to be thrust upon provinces like Assam"*.

*(page 314, "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)*

2.5 The process of migration thus facilitated by lack of a just, uniform and balanced immigration system premised on the ideas of solidarity between the rest of the Indian states and Assam (undivided), has been worse for the indigenous communities of Assam where their rights to land, forests, language and culture have been severely compromised and has led to their systematic political and cultural isolation. The Government of India's approach to the migration crisis faced by Assam has been one of apathy, mostly sheer neglect and shifting the entire responsibility onto the peripheral states with no adequate infrastructural support or processes for resource management. Reflections of late Gopinath Bardoloi, the first chief minister of undivided Assam, illustrates the multilayered facets of this continuing crisis.

For instance, expressing his anxiety over the migration from erstwhile East Pakistan and present-day Bangladesh, Shri Gopinath Bardoloi writes to Sardar Vallabhbhai Patel in May 1948 as,

*"The immigration of large numbers of Muslims is indeed very difficult to explain unless we read it in the perspective of what Pakistan is doing in Hyderabad and Kashmir and what Pakistan aspired after in respect of Assam before the partition of India. We have therefore, come to the conclusion that if Assam is to continue as part of India it must be allowed to exercise the power of restricting the ingress of people, not only for avoiding an economic breakdown of the province but also for maintaining communal harmony which has long been maintained inspite of Hindus and Muslims from outside trying to create a communal war."*

*(page 319, "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)*

2.6 The apathy in the approach of the Government of India in resolving the migration crisis is discernible in its policies and statements, as early as during the years of India's independence. One of the official communications exchanged between Pandit Nehru, the then Prime Minister of India and Shri Gopinath Bardoloi in March 1948, Pandit Nehru writes,

*"The double immigration of Hindus and Muslims into Assam must make difficulties for you. We are having similar difficulties here. There is no bar to individuals coming, but I think you would be justified in stopping large groups from coming, unless they come with your approval"*

*(page 318 "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)*

In May 1949, Pandit Nehru further writes to Shri Gopinath Bardoloi as,

*"I am surprised to learn that you feel yourself helpless in dealing with the influx of Muslims into Assam. As you know, we have a permit system as between Western Pakistan and India. I do not think there is a permit system in regard to Eastern Bengal and Western Bengal and possibly no such system exists in regard to Assam either. I think you should discuss this matter with Mr. Gopaldaswami Ayyengar. This really has nothing to do with the type of permit system that we have in the West. In a sense you have to face a somewhat different problem and surely we ought to be able to devise ways and means to deal with it."*

*(page 321, "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)*

Nehru again wrote to Bardoloi in 1949

*"If Assam adopts an attitude of incapacity to help solve the refugee problem, then the claims of Assam for financial help will obviously suffer"*

(page 31, "Gopinath Bardoloi-Indian Constitution and Centre-Assam relations 1940-1950- Nirode. K. Barooah by Publication Board Assam)

2.7 Again, the number of immigrants entering Assam at that time was far from small. Mr. R.B. Vaghaiwalla who served as Deputy Commissioner in various districts in Assam during Bardoloi's post-independence government, recalled the influx of East Pakistan thus:

*"I have personally seen hundreds of persons coming by trains during the first months I held the charge of Goalpara District. I had the same experience as the Deputy Commissioner of Cachar during 1948-9 when hundreds of Muslim immigrants travelled by the hill section railway from Badarpur to Lumding, in order to go to the Assam Valley for settlement."*

(page 318, "Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)

2.8 In November, 1949, a team from the Indian Government came to Assam to study the question of influx of Muslims from East Pakistan. With the persistent notion of Bardoloi, at last the Union Government gave in and passed in February, 1950, the *Immigrants (Expulsion from Assam) Act, 1950*. It provides for the removal of immigrants, except for the displaced persons migrating because of civil disturbances or fear of civil disturbances.

2.9 Bardoloi in his statement in the *Assam Assembly* on 14<sup>th</sup> March, 1950 addressed a few words to those Muslims of Assam who had recently come from East Bengal:

*"They have all along been under the influence of Muslim League and were supporters of Pakistan idea. Such of them as are still Pakistan-minded and would work for Pakistan, would do well to be in Pakistan. There may be others who would like to settle down and make Assam their home. They can only do this by being good Assamese and good Indians. They will harmonise their interests with those of the children of the soil, including the tribal people, obey the law of the land and follow policy laid down by Government for the time being. To imagine that they could live otherwise than by doing so, to say the least, is unrealistic. No power outside India can help them to do so. It would be well, therefore, if they will cease connection with Pakistan politicians and their agents in the grab of Mullahs and Maulanas. Even for spiritual administration, they need not go to Pakistan sources since there are almost as many Muslims in India as in Pakistan.... The privilege of sharing joys and glory is conditional on their wholehearted readiness to share the sorrows and difficulties. It is for them to ponder over these matters deeply and make their choice over these."*

(page 327-328, Gopinath Bardoloi, the Assam Problem and Nehru's Centre" by Nirode K. Barooah)

2.10 In September 1978, the Chief Election Commissioner of India S. L. Sakdher said, referring to Assam, in Ootacamund:



*“... a stage would be reached when that state would have to reckon with the foreign nationals who may, in all probability, constitute a sizeable percentage, if not the majority of the population of the state. Another disturbing factor in this regard is the demand made by the political parties for inclusion in the electoral rolls the names of such migrants who are not Indian citizens, without even questioning and determining their citizenship status. This is a serious state of affairs...”*

2.11 The final trigger came during the period of April-May 1979 with the inclusion of such non-citizens into the voters list, which brought the precarity of the region to the fore, undermined its autonomy and posed a threat to the disruption of its political and demographic order. The precipitating incident was the death of Hiralal Patowary, the then Member of Parliament from Mangaldoi constituency of Assam, which necessitated by-election and led to the revision of the voters/electoral rolls. Such revision led to the revelation that names of around seventy thousand doubtful voters were included in the voters/electoral rolls out of total six lakhs electorates in that constituency. It was upon such detection of doubtful voters, huge protest, mainly by the students were raised leading to eventual detection of about forty five thousand foreigners, whose names were included in the voters list. That was the beginning of the Assam Movement.

2.12 All Assam Students Union (AASU) and another umbrella organization namely All Assam Gana Sangram Parishad (AAGSP) led the movement for detection and deportation of foreigners from Assam. The movement continued for six long years. In the process 860 people attained martyrdom and several thousands sustained injuries both bodily and mentally. The students community sacrificed a year of their academic session amidst the movement. Eventually, the Assam Accord was signed on the night of 15<sup>th</sup> August, 1985 which has been reproduced in Chapter 1. As against the cut off year of 1948 and to be precise 19<sup>th</sup> day of July, 1948 and 1951 as per the NRC/Census prepared for Assam, 25<sup>th</sup> of March, 1971 became the cut off date for detection of foreigners in accordance with the provisions of the Foreigners Act, 1946 and the Foreigners (Tribunal) Order, 1964. As per the Accord, there is another stream of foreigners from 01/01/1966 to 24/03/1971 (both the dates inclusive) were also to be detected as per the provisions of the aforesaid Act and order. Such persons are not to be deported and the only consequence of the said foreigners within the stream of 01/01/1966 to 24/03/1971 would be to delete their names from the voter lists which would remain in force for 10 (ten) years upon expiry of which their names would again get restored to the electoral rolls. Thus practically detection, deletion of names from voter lists and deportation of the declared foreigners that too upon a declaration by the Foreigners Tribunal as per the provisions of aforesaid Act, 1946 and Order of 1964 became effective from 25/03/1971.

2.13 Prior to the signing of the Assam Accord, the procedure to be followed for detection of foreigners was as per the provisions of **Illegal Migrants (determination) by**

Tribunals Act 1983. As per the provisions of the said Act, burden of proving a person to be a foreigner was on the complainants with the provisions of imposition of fine upon failure to do so. On the other hand Section 9 of the *Foreigners Act, 1946* clearly provides for shifting of burden of proof upon the suspected foreigner once it is alleged that he/she is a foreigner.

The aforesaid IMDT Act was put to challenge by Shri Sarbananda Sonowal, former President, AASU, as well as of North-East Student Organisation (NESO), who is presently the Chief Minister of Assam. Such challenge was by a writ petition being writ petition (C) no. 131 of 2000. Allowing the writ petition by judgment dated 12/07/2005, reported in AIR 2005 Supreme Court 2920 (*Sarbananda Sonowal Vs. Union of India and another*). The Hon'ble Supreme Court of India held the provisions of the IMDT Act, 1983 as *ultra vires* the Constitution of India and accordingly struck down the same. Consequently it was also held that the IMDT Rules 1984 are also *ultra vires* and accordingly struck down. Consequent upon such striking down of the IMDT Act, 1983 and IMDT Rules 1984 framed thereunder, the Tribunals and Appellate Tribunals constituted under the same ceased to function. The Hon'ble Supreme Court simultaneously held that the *Passport (entry into India) Act, 1920*; the *Foreigners Act, 1946*, the *Immigrants (expulsion from Assam) Act, 1950* and the *Passport Act, 1967* shall apply to the state of Assam. Further direction issued was to transfer all pending proceedings from the Tribunals constituted under IMDT Act to the Tribunal constituted under the *Foreigners (Tribunals) Order, 1964*.

214 In the aforesaid *Sarbananda Sonowal* case the Hon'ble Supreme Court duly took note of the huge problem of foreigners being faced by the State of Assam. It also took note of huge variations and disparities in the communitywise growth. After referring to the Assam Accord and various affidavits exchanged in the proceeding, the Hon'ble Supreme Court of India made the following significant observations:

"38. *This being the situation there can be no manner of doubt that the State of Assam is facing "external aggression and internal disturbance" on account of large scale illegal migration of Bangladeshi nationals. It, therefore, becomes the duty of Union of India to take all measures for protection of the State of Assam from such external aggression and internal disturbance as enjoined in Article 355 of the Constitution. Having regard to this constitutional mandate, the question arises whether the Union of India has taken any measures for that purpose."*

"42. *The above discussion leads to irresistible conclusion that the provisions of the IMDT Act and the Rules made thereunder clearly negate the constitutional mandate contained in Article 355 of the Constitution, whereas duty has been cast upon the Union of India to protect every State against external aggression and internal disturbance. The IMDT Act which contravenes Article 355 of the Constitution is, therefore, wholly unconstitutional and must be struck down."*

"45. *As mentioned earlier, the influx of Bangladeshi nationals who have illegally migrated into Assam pose a threat to the integrity and security of North-eastern region.*

*Their presence has changed the demographic character of that region and the local people of Assam have been reduced to a status of minority in certain districts....."*

The Hon'ble Supreme Court came to such conclusions after noticing the provisions of the *Assam Accord* and the procedure followed for detection of foreigners. The Apex Court also took note of the affidavits exchanged in the proceeding along with the enclosures thereto in which it was vividly discussed/depicted rise of Muslim population in Assam in sharp contrast to Hindu population. During the period 1951-1971, the growth rate of *Muslim* population was at 77.42% as against the *Hindus* at 41.89%. Quoting the statement of Mr. *Inderjit Gupta*, the then *Home Minister of India* made in the Parliament on *May 6, 1997* it was depicted that as per the said statement, in the case of Muslims the Assam growth rate was much higher than the all India rate which suggested continued large scale Muslim illegal migration into Assam.

In *paragraph 11* of the judgment, the Hon'ble Supreme Court referring to the memorandum submitted before the Parliamentary Standing Committee of Home Affairs on the *The Illegal Migrants Laws (Replacing and Amending) Bill, 2003* on behalf of Government of Assam reproduced the following significant paragraphs.

"16. *Mr. Inderjit Gupta, the then Home Minister of India stated in the Parliament on May 6, 1997 that there were 10 million illegal migrants residing in India. Quoting Home Ministry/Intelligence Bureau sources, the August 10, 1998 issue of India Today has given the breakdown of these illegal migrants by States:*

- *West Bengal - 5.4 million*
  - *Assam - 4 million*
  - *Tripura - 0.8 million*
  - *Bihar - 0.5 million*
  - *Maharashtra - 0.5 million*
  - *Rajasthan - 0.5 million*
  - *Delhi - 0.3 million*
- Making to total of 10.83 million*

	Assam		India	
	Hindus	Muslims	Hindus	Muslims
(1) 1951-1961	33.71	38.35	20.29	25.61
(2) 1961-1971	37.17	30.99	23.72	30.85
(3) 1971-1991	41.89	77.42	48.38	55.04

#### EXPLANATORY NOTE

..... In the case of Muslims the Assam growth rate was much higher than the All India rate. This suggests continued large scale Muslim illegal migration into Assam.

*(d) Muslim population in Assam has shown a rise of 77.42 per cent in 1991 from what it was in 1971. Hindu population has risen by nearly 41.89 per cent in this period.*

*(e) Muslim population in Assam has risen from 24.68 per cent in 1951 to 28.42 per cent in 1991. As per 1991 census four districts (Dhubri, Goalpara, Barpeta and Hailakandi) have become Muslim majority districts. Two more districts (Nagaon and Karimganj) should have become so by 1998 and one district Morigaon is fast approaching this position."*

*"20. The growth of Muslim population has been emphasized in the previous paragraph to indicate the extent of illegal migration from Bangladesh to Assam because as stated earlier, the illegal migrants coming into India after 1971 have been almost exclusively Muslims."*

*"21. Pakistan's ISI has been active in Bangladesh supporting militant movement in Assam. Muslim militant organization have mushroomed in Assam and there are reports of some 50 Assamese Muslim youths having gone for training to Afghanistan and Kashmir."*

#### CONSEQUENCES

*"22. The dangerous consequences of large scale illegal migration from Bangladesh, both for the people of Assam and more for the Nation as a whole, need to be emphatically stressed. No misconceived and mistaken notions of secularism should be allowed to come in the way of doing so."*

*"23. As a result of population movement from Bangladesh, the spectre looms large of the indigenous people of Assam being reduced to a minority in their home state. Their cultural survival will be in jeopardy, their political control will be weakened and their employment opportunities will be undermined."*

*"24. The silent and invidious demographic invasion of Assam may result in the loss of the geostrategically vital districts of lower Assam. The influx of these illegal migrants is turning these districts into a Muslim majority region. It will then only be a matter of time when a demand for their merge with Bangladesh may be made. The rapid growth of International Islamic fundamentalism may provide for driving force for this demand. In this context, it is pertinent that Bangladesh has long discarded secularism and has chosen to become an Islamic State. Loss of Lower Assam will sever the entire land mass of the North-East, from the rest of India and the rich natural resources of that region will be lost to the Nation."*

2.15 The apprehension expressed in the said reports/documents which vividly find mention in the above referred judgment of *Sarbananda Sonowal* is not a new phenomenon. Assam is under continued threat of being swamped by the unabated influx of illegal migrants from the then East Pakistan and now Bangladesh. Even before partition of India, on the basis of which India attained independence, continued an unabated influx mainly of

Muslims from the then East Bengal posed a serious threat to the demography of Assam and cultural identity of the Assamese people.

2.16 As noted above, even in 1931, the then Census officer Mr. C.S. Mullan had observed that after about 30 years, the Assamese people would feel at home only in the district of Sivasagar with the demographic changes in the various districts of Assam.

2.17 In July, 2004, the then Home Minister of India, Sriprakash Jaiswal had informed the Rajya Sabha that the number of illegal migrants was 12 million. In November, 2016, Kiren Rijju, the then Minister of State for Home Affairs, in a reply to a question in the Rajya Sabha had said *"As per available inputs there are around 20 million illegal Bangladeshi migrants staying in India."*

2.18 On 14.07.2004, in response to an unstarred question pertaining to deportation of illegal Bangladeshi migrants, the Minister of State, Home Affairs, submitted a statement to Parliament indicating therein that the estimated number of illegal Bangladeshi immigrants into India as on 31.12.2001 was 1.20 crores, out of which 50 Lakhs were in Assam.

2.19 The affidavit of the Government of India was quoted by the Supreme Court in its verdict dated 17<sup>th</sup> December 2014 in WP(C ) 562 of 2012/ WP(C) 274 of 2009 and WP(C ) 876 of 2014, (page 45) to update the 1951 NRC on the basis of the Assam Accord as:

*"11...In this context, it is submitted that detection of illegal migrants, who belong to the same ethnic stock as Indians is not an easy task. However, large-scale illegal migrants from Bangladesh have not only threatened the demographic structure of the areas but have seriously impaired the security of the nation, particularly in the present circumstances. The need for expeditious identification of illegal migrants is more pressing now than ever. It is not a matter of dealing with a religious or linguistic group. It is a question of identifying those who illegally crossed over the border and continue to live in India contrary to the Indian law and the Constitution.*

2.20 There was no doubt left that after Independence migrants of both the religious groups entered Assam illegally without any administrative barrier. The Supreme Court in the said order further noted:

*"38. The state of Assam has prepared a white Paper on the Foreigners' Issue dated 20 October 2012. We propose to extract large portions of this paper only to show that even as on 20 October 2012 very little has been done to implement clauses 5 (part), 6, 9 and 10 of the Assam Accord."*

2.21 In view of the above, the Government of India had constituted a Sub-committee on 08.12.1998 with Shri G. K. Pillai, Joint Secretary (NE), Ministry of Home Affairs, as the

Chairman, to consider the safeguards to be provided under Clause 6. The minutes of the meeting held on 10 April 2000 at Guwahati recorded thus:

*"2. (ii) Insofar as reservation of seats in parliament/state legislature and the local bodies for Assamese people were concerned, the Chairman requested AASU representatives to indicate whether they had any specific proposals for discussion. Representatives of AASU stated that they would like to have the definition of 'Assamese people' which could be based on NRC 1951. It was noted that in respect of 7 districts, there were no NRC figures available. In respect of such districts, it was suggested by AASU that 1952 electoral rolls or the earliest available electoral rolls could be the basis. It was noted that this definition would be more widely acceptable as it would include all the residents in Assam as on 1951 and also include all the communities residing in Assam."*

It was again noted in the same dated minutes that

*"4. There was a general consensus that the definition of 'Assamese people' as above would be a workable definition."*

2.22 It is trite to state that the non-implementation of the guarantees under the Assam Accord, continues to facilitate an illegal immigration system which enables the movement of migrants and continues to have a material bearing on the lives of the people of Assam. Census records categorically suggest that until 1970s such migration continued in these areas resulting in radical demographic transformation of the State. In fact, the change in demography mapped by the census records suggest the increase in immigrants Muslim majority districts/sub-divisions from 2 (two), namely Dhubri and Hailakandi in 1971, with the continued influx of illegal immigrants, presently, as per the 2011 census, there are 11 such districts where immigrant Muslims are in majority. As against Muslim population of 24.6% in 1971, in 2011 the population of Muslim stood at 34.22% and that of Hindus 61.4%. Further and as noted above, as against original two immigrants Muslim majority districts (Dhubri and Hailakandi), it became four in 1991 followed by six in 2001 and nine in 2011 (Barpeta, Bongaigaon, Darrang, Dhubri, Goalpara, Hailakandi, Karimganj, Nagaon and Morigaon). Now it is said to be eleven districts as per 2011 census.

2.23 Against this backdrop, the present Committee has been constituted to articulate the civil and political guarantees of the people of Assam, assured and guaranteed under the Assam Accord. The Committee based on the recommendations received from people across the State of Assam has sought to provide a comprehensive conception of rights, one that reflects the understanding of the needs and aspirations of the people of Assam. We offer this report, a humble attempt on our part with the hope that the 40 years of struggle and sacrifice endured by the people of Assam be recognized and honoured. We hope that the report will be welcomed and the inherent and substantive rights of the people of Assam that are enumerated in the following Chapters will be recognized and accepted.

\*\*\*\*\*

## CHAPTER 3

**METHODOLOGY ADOPTED BY THE COMMITTEE TO OBTAIN  
THE VIEWS OF VARIOUS STAKEHOLDERS INCLUDING SOCIAL  
ORGANIZATIONS, LEGAL AND CONSTITUTIONAL EXPERTS  
AND EMINENT PERSONS FROM RESPECTIVE FIELDS**

3.1 The Committee at the first instance had discussions amongst the members and considered the Terms of Reference in details. The members of the Committee expressed their consensus that the term 'Assamese' does not specify and signify only a particular group, commonly known as Assamese speaking people, but it includes all the indigenous communities, be it Tribal or Non-Tribal including the smaller communities spread over the districts of Assam. It was in such circumstances, the term *Assamese* was sought to be expressed in the form of *Indigenous Assamese, Indigenous Tribals and Other Indigenous People of Assam*. These categories are meant to embrace all inclusive a larger term *Assamese*. The census report of 1951 defines *Indigenous Person of Assam* as follows:

*"Indigenous person of Assam means a person belonging to the State of Assam and speaking the Assamese Language or any tribal dialect of Assam or in the case of Cachar the language of the region."*

3.2 It was also felt that some of the areas which might be necessary for effective implementation of the provisions made in *Clause 6 of Assam Accord* can be fulfilled falling back on *Clause 2(f) of the Terms of Reference*, which empowers the Committee to suggest "*any other measures*" as may be necessary to protect, preserve, and promote cultural, social, linguistic identity and heritage of the Assamese people.

3.3 Upon such discussions, the Committee decided also to obtain views and suggestions of the stakeholders on the issues relating to (i) reservation of seats in the Parliament; (ii) reservation of jobs in the Central Government, Semi-central Government, Central PSUs, Private Sector etc. in Assam and (iii) land rights of the *Assamese People*. Such a decision was on the basis of the considered view of the Committee that these three issues are crucial towards protecting, preserving and promoting cultural, social, linguistic identity and heritage of the Assamese People as envisaged in *Clause 6* and so also the Terms of Reference, referred to above.

3.4 Keeping in mind all the above aspects of the matter the Committee upon a threadbare discussion drafted the Public Notice in reference to the Terms of Reference and also the term *Assamese* in its broader sense with an inclusive definition. While doing so *Clause 6 of the Assam Accord* was also quoted in the public notice. Simultaneously, while seeking the views of stakeholders (Organizations, Associations and Individuals), the copy of the notification laying down the Terms of Reference to the Committee, was also enclosed along with the Public Notice.

3.5 Public Notice was issued in various newspapers (Assamese, Bengali, Bodo and English) of the State seeking responses in the form of representations, memoranda, appeals etc. for effective implementation of the Terms of Reference based on *Clause 6 of the Assam Accord*. The Public Notice along with the list of newspapers with dates of issuance of public notice therein is in ANNEXURE - I. Apart from such Public Notice and responses thereof the Committee also held discussions with various stakeholders from all walks of life including social organizations, legal and constitutional experts, eminent persons from the fields of art, culture and literature, Conservationists, Economists, Linguists, Sociologists etc. A list of such stakeholders is in ANNEXURE - II.

3.6 Pursuant to the Public Notice, various representations, memoranda and suggestions have been received from various stakeholders, groups, organizations and individuals. Some of them volunteered for personal hearing. The Committee also extensively travelled various parts of the State to interact face to face with the various stakeholders which was preceded by its first meeting in *New Delhi on July 24, 2019* with the Union Home Minister, Union Minister of State for Home and the Government officials of the Home Department. The Committee had a total 36 sittings. The dates and the venues of the meetings of the Committee including those held in Guwahati are indicated in ANNEXURE - III. All representations, memoranda and suggestions received by the Committee have been archived and can be accessed digitally from the website of the Assam Accord Implementation Department, Government of Assam.

\*\*\*\*\*



## CHAPTER 4

### THEMATIC ANALYSIS OF RESPONSES/ SUGGESTIONS OF VARIOUS STAKEHOLDERS

As discussed in the previous chapter, pursuant to the Public Notice, over 1200 representations, memoranda and suggestions have been received from various individuals, organizations, groups etc. making their suggestions on the Terms of Reference. Such suggestions represent personal views and concerns of individuals on particular issues to a consolidated approach on issues that concern the interests of the larger Assamese community. Additionally, the Committee carried on consultations with various stakeholders through individual meetings, focus group discussions etc. across the State of Assam. The section below provides a collective discussion of all the representation, memoranda and suggestions received by the Committee. The discussion is organized and presented under specific themes as derived from the Public Notice. All representations, memoranda and suggestions received by the Committee have been archived and can be accessed digitally from the website of the Assam Accord Implementation Department, Government of Assam.

#### 4.1 On definitions of Assamese People

*Clause 6 of the Assam Accord* prescribes constitutional, legislative and administrative safeguards to protect, preserve and promote the cultural, social, linguistic identity and heritage of the *Assamese People*. The Assam Accord, however, does not provide any such definition. The absence of a definition of the *Assamese People*, its criteria and characteristics, has sparked much debate, shaping and challenging the identity discourse of the region, yet failing to provide any consensus on the definition over the decades.

The Committee received a generous response on this issue from the respondents, including both individuals and organisations across the region. Analysis of the responses received from the respondents have been analysed and presented below:

Few of the representations suggested that *Assamese people* connotes *people residing in Assam or people of Assam*, irrespective of caste, creed, language and religion. It was specifically suggested that the definition of Assamese should include all those tribes, communities/groups and their descendants as *Bhumiputro Khilonjia Axòmiya* who were in Assam before the *Treaty of 1826*. It was further suggested that for people who entered Assam after the *Treaty of Yandaboo of 1826* but before *July 19, 1948* including *Nepali, Anglo-Indian* and *Chinese* descendants living in Assam be incorporated within such definition. Few respondents suggested that for the purposes of *Clause 6, 1951* should be treated as the cut off year for granting safeguards and those migrating between *1951 to 1971* although treated as citizens of India ought not to be eligible for safeguards available under *Clause 6 of the Assam Accord*. Multiple responses suggested the incorporation of specific communities such as the *Bengali speaking* people in Assam, the *Bishnupriya Manipuris*, the

*Manipuri Muslim (Pangan) community, the Adivasi, the Patikar, the Muslims both Bengali and Assamese speaking, the Kacharee "Deb" people, the "Nath (Yogi) of Cachar district, the Sutradhar, the Anglo-Indians, the Sawtals, the Patni, the displaced communities who were residents of undivided Assam within the ambit of the definition.*

Many representations, however, maintained that the term *Assamese People* may be defined as *indigenous tribal, indigenous Assamese and/or other indigenous people of Assam*. Few further suggested that the pattern of classification may be defined as: (i) "indigenous Assamese people (native/khilaranja)"; (ii) indigenous Assamese tribals (Janajati) and (iii) greater Assamese people (Onyanyo khilaranja/other inhabitants of Assam). However, there was a concern expressed to exclude the greater Assamese people from entitlements that were expressly reserved for the Tribal Autonomous Sixth Schedule Area or any other Tribal Council Administration Area or any other area notified under the *Tribal Belt and Blocks*. A few sought reliance on definitions based on the *State Reorganization Act, 1956* and the *H.S. Brahma Committee Report*. While this trend to define *Assamese* as indigenous was endorsed by many, some others expressed deep reservations against such categorization. Such efforts were primarily contested on grounds of being divisive and unconstitutional. Additionally, there was a legitimate concern that any reliance on the term *indigenous* is likely to be associated with the UN definition, which was perceived as being restrictive and would negate the Assamese imagination of the *indigenous* or *khilanjias*. Some suggested that in terms of the Assam Accord accepting 24<sup>th</sup> March, 1971 to be the cut off date for granting citizenship, all people pre 25<sup>th</sup> March, 1971 should be recognized as *Assamese People*. There was also suggestion that communities which are *Assamese* but are not included in the notified lists of Central and State Government should be identified by a High Power Commission and shall be notified by the appropriate Government as *Indigenous Communities of Assam*.

## 4.2 On Cultural and Social Safeguards

Representations received by the Committee have unanimously emphasised the urgency of designing safeguards to protect, preserve and promote the social, cultural and linguistic identity of the "*indigenous tribal, Assamese and other indigenous people of Assam*" including but not limited to the cultural rights of *Kachari Muslims and other indigenous communities of Barak valley, Bishnupriya Manipuri, Santhal, Koch Rajbongshi, Hindi speaking people, Bengali speaking Hindus etc.* Representations have unanimously urged the Committee to frame policies and legislative safeguards that recognize, protect and preserve the cultural history including preservation and conservation of ancient monuments, sacred sites, historic buildings, traditional and vernacular architecture, historic villages and landscapes etc. A list of such suggestions has been compiled and provided in Annexure IV with the proposition of creating an inventory of such sites and locations from every community in Assam for the purposes of preservation and conservation. Further, few other respondents have suggested that patent rights be obtained for traditional food, rare medicinal plants, handlooms etc.

Respondents have unanimously urged for a consolidated legislative and administrative policy for the protection, preservation and promotion of culture in Assam. Specific recommendations have been made to preserve and conserve the historical monuments, statutory protection to ancient sacred sites including *Vaishnavite Sattras, mosques and churches, traditional structures and vernacular architecture such as "moidams" and "marang ghor", historic villages and landscapes etc.* Further, recommendations suggest developing policies that support the creation, maintenance and preservation of infrastructure for culture such as indigenous museums, cultural institutions, cultural research institutions etc. Few respondents have suggested recommendations which have sought separate multipurpose cultural complexes for the indigenous communities in various districts and subdivisions of Assam. Respondents have urged for setting up customary law research and linguistic, cultural research centres to preserve, study and promote the cultural history of the indigenous people of Assam. Respondents have unanimously sought for research grants in universities and otherwise to study, preserve and document the cultures of various communities such as the *Deshi community, Hmar tribe, Bishnupriya Manipuri etc.* Many have urged for producing a variety of publications and sought appropriate representation in national literary and cultural statutory organizations such as *Sangeet Natak Akademi, Lalit Kala Akademi etc.* Respondents have further suggested integrating such efforts with Central and State Universities, for instance by creating cultural studies departments etc and introducing educational material on cultural education in various schools and colleges of the State. They have also urged the creation of autonomous state level bodies to undertake projects on the research and development of indigenous cultures, languages and manuscripts etc. Further suggestions have been given for the setting up of training and capacity building and strengthening initiatives for the artisans and craftsmen of Assam. Detailed plans for setting up of *Krishi Bhawans* and *Weaving Training Centres* have been provided in few of the representations.

For the dissemination of culture, exchange of traditional and cultural knowledges, and histories of the indigenous communities, various representations suggest the creation and implementation of a media broadcasting policy amongst the audiovisual mediums in the State. Specific representations have also suggested to ensure the financial sustainability of the cultural sector. Such suggestions include securing grants from the Central Government, providing tax exemptions to individuals and corporates who support art and culture, strengthening the financial capacities of local NGOs working in the cultural sector, supporting artists including weavers and craftsmen, cultural institutions, and youth groups for building capacities in the areas of agriculture, handicraft, sports etc.

*A synopsis of the suggestions for recognition, protection, preservation, promotion and conservation towards cultural and social safeguards is indicated in Annexure IV.*

### 4.3. On Language and Script

4.3.1 Representations have unanimously sought constitutional safeguards for the protection of *Assamese, Bodo and other indigenous languages of Assam*. Specific protection

has been asserted for including the languages such as *Dimasa, Koch Rajbongshi, Mishing in the 8<sup>th</sup> Schedule to the Constitution of India*. It has been urged that the linguistic rights of groups such as the *Hindi speaking people of Assam, Manipuri Muslims (Pangan), Nath Yogis and languages such as Kani Bru dialect, Parsi, Urdu, Bhojpuri, Bengali, Sylheti Nagri, Hindi, Odia and Manipuri and other regional languages* of the various districts of Assam be protected. Few of the representations have specifically urged that *all indigenous languages besides Assamese and Bodo* must be accorded equal status in the State. More specifically, some have asserted that the *Assam Official Languages Act, 1960* to give recognition to all indigenous languages in the region. Additionally, many representations have demanded for the implementation of Article 350A of the Constitution of India which provides for facilities for instruction in *mother tongue* at primary stage of education to children belonging to linguistic minority groups such as *Kuki dialect, Deori, Rabha, Karbi* etc. Two specific demands have been made to encode the Assamese script and the Bodo script in the ISO Standard and for changing the script of the Deuri language from Assamese to English.

4.3.2 Additionally, various administrative safeguards have been asserted in the various representations. A huge proportion of such assertions relate to the Assamese language in particular, while others include specific demands for indigenous and tribal languages. Some such assertions related to the indigenous linguistic rights include setting up autonomous statutory bodies such as a *Separate Directorate on Tribal/Indigenous Language Education and Literature in Assam, Language Teaching Councils or Khilanja Bhuxa Xikhon Parishad, appointment of indigenous language teachers in Central Board of Secondary Education* etc. Further, recommendations suggest opportunities and support for writers to author textbooks, reference literature, authoritative grammar and dictionaries and other literary works in indigenous languages and the setting up of Language Academies and independent Language Departments in all central and state universities in Assam. Specific demands have been made to incorporate indigenous language courses in English medium schools and other educational institutions in every district. Few have suggested incorporating a four-language formula and encouraging promotion of the practice of local indigenous languages as an elective language/Major Indian Language subject in their specific neighbourhoods and communities. Such languages include but are not limited to *Hmar, Kuki, Bodo, Karbi, Dimasa, Singpho, Khamti, Taiphake, Tai Turung, Mishing, Tai Khamti, Deori, Hajong* etc. Further, adequate safeguards have been demanded for the preservation of languages such as *Kurukh, Munda, Santhal and Khari*. A special broadcasting policy for the promotion of indigenous languages have been asserted by various respondents, which include reserving dedicated air time in the audiovisual channels such as *All India Radio* etc.

4.3.3 Demands pertaining to the *Assamese language*, in particular, focus on three key areas which are implementation of law and policies, education and dissemination. The demands pertaining to laws and policies overall frame the ones related to the areas of education and dissemination and there exists obvious overlaps between each of these areas. One of the recurring demands is in relation to the strict implementation of the *Assam Official Languages Act, 1960*. One of the representations also suggested that penal

provisions for violation of the above-mentioned act must be introduced. It has also been mentioned that all Government communications must be bilingual, subject to exceptions in the Language Act. It has also been demanded that in BTAD, Assamese and Bodo must receive the same status. There has also been a specific demand to implement the *Language Policy of 1966 and Circular dated 22.03.1966* PLG. 1/66/6 issued by S.C. Kagti, Additional Chief Secretary, Government of Assam. With regards to education, few representations assert that English medium schools should introduce Assamese language as a compulsory subject, syllabus of all School Boards and Universities of Assam should be redesigned to promote and preserve the linguistic identity of Assam. Additional demands have been made to introduce autonomous boards to promote Assamese language in the North-eastern region, Assamese Chair professors in Universities nationally and globally instituted by the Government, introduce Assamese as a mandatory subject in all English medium schools and change the medium of instruction to Assamese in all educational institutions up to the graduation level and introduction of fellowship programs for non-Assamese students in educational institutions of Assam. There have been specific demands to upgrade the facilities of the Assamese medium schools of the Government and made at par with private sector schools. There have been several demands which claim making proficiency/knowledge of Assamese a mandatory requirement for jobs in Government services, inclusion of Assamese language paper in job recruitment processes, making State language of Assam compulsory in all official communication. One of the representations also extend the application of this demand to central public sector units and private sector jobs in Assam. Many representations suggest a comprehensive dissemination policy by the State of the Assamese language including communications in official circulars, notifications, public advertisements, banners and signage. (Refer to synopsis given in Annexure IV).

#### 4.4. On Political Safeguards

The representations were grouped together into separate categories with respect to their respective demands/suggestions for reservation of seats in *Parliament, Assam Legislative Assembly and local bodies*.

##### 4.4.1. Parliament of India

Most of the demands for reservations in *Parliament (both the Upper House and the Lower House)* has been in the nature of claims for specific numbers or percentage of seats in both the Houses of Parliament. On the other hand, there have been demands that the present structure of reservations is adequate and increase/amendment to the present level of reservations would be unfair or discriminatory. There have also been demands which are on an exclusionary basis such as the claim that there is no provision for *linguistic* basis for reservation in the Constitution of India. The same representation also states that if reservation is given on linguistic basis, then *Bengali Hindus* would be deprived and in the event that such an exercise is undertaken at all, proportionate scope must be given as per the local population. Another representation has stated that reservation of seats in *Parliament*

*and even the State Assembly and local bodies* may lead to large scale differences in communities and tendencies of separatism. It has also been placed before the Committee that reservation of seats as already existing is a testimony that reservation per se is not discriminatory but provision of omnibus reservation clogging constitutional rights of others can be discriminatory.

Among other things, there has also been a demand which has been replicated in other representations in other categories, which is that a strict *Population Act* must be adopted and making *two-child policy* mandatory in contesting elections to the *Lok Sabha* and *Legislative Assembly*.

*In the non-exhaustive table that follows, the majority of the representations which have demanded various categories of representation on equally varied bases has been presented in a tabular format at Table 3 given in Annexure - IV.*

#### 4.4.2. Representation in Assam State Legislative Assembly and Local Bodies

Seeking political safeguards for the *indigenous Assamese People*, in Terms of the Reference, several organizations and individuals have expressed their opinions and demanded certain political safeguards relating to reservation of seats in the *Assembly Constituencies of the State of Assam* before the Committee. Reservation to the extent of 100% has been demanded for the *indigenous Assamese people*. Many emphasized for carrying out delimitation exercise in the State by the appropriate authority.

There are also representations which have demanded the creation of a *Legislative Council in the State Legislature* which would give representation to the *indigenous people/communities*. There are also several demands for extension of Scheduled Tribe status or protection under the *Sixth Schedule to the Constitution of India*. On the other hand, one representation has stated that *Indigenous Assamese People* must not be given reservation in tribal reservation areas.

From the representations, it has been observed that specific demands have been to keep certain percentages and seats reserved for *indigenous Assamese-Speaking people, indigenous tribes of Assam and those holding Permanent Resident Certificates in the State of Assam*. However, the larger picture that emerges from a reading of the representations is that the demand for reservations of seats in the Assembly is to ensure political protection for the *Assamese People*. Moreover, the undertone is to ensure that there is no stagnation or dominance of any particular section of such *Indigenous Assamese People*. As such, it has been demanded before the Committee that there should be rotation of such indigenous communities and reservation of seats as per demographic pattern so as to ensure equal participation of representatives of such *Indigenous Assamese Communities*.

#### 4.5 Employment Safeguards

Representations have been received demanding reservation in employment in Central Government, State Government, Semi-central Government, Public Sector Undertakings, various local bodies and private sectors including shops and establishments across the State for indigenous people at large including various tribal communities and other communities including but not limited to the *Tea Tribes, Manipuri Community, Dimasas, Muslims & Khasi-Jaintias of Barak Valley, Kachari Community, Adivasi, Santhal, Tea Tribe, Ex-tea Tribe etc.* The percentage of reservations as demanded, varies in the different representations but are unanimous to the extent that maximum reservations in jobs up to 100% have been demanded for the indigenous people in *Grade III and Grade IV* posts. Proportionate reservations in jobs to the extent of about 70% have been demanded in respect of *Grade I and II* posts. Emphasis has been given in certain representations in respect of knowledge of Assamese or any of the local indigenous languages to be a mandatory criterion for eligibility to any office. It should be pointed out that a specific demand as regards reservation of jobs in *Northeast Frontier Railways* has been found to be made in various representations though the extent of reservation varies or have not been specified. Moreover, it has been demanded that *Article 371(J)(2)(b)* framework used in some other states should be used to ensure 100% reservation for indigenous communities in *Grade III and Grade IV* jobs in *State Government, Central Government and its Public Sector Organizations* especially in *NF Railways*. The extent of reservations as demanded in the various representations have been enumerated in a tabular format as given in Annexure IV. It must be noted that the representations which have not specified the extent of reservation have not been enlisted in Annexure IV.

##### 4.5.1 Central Government jobs

The reservations as demanded in respect of *Central Government jobs* arising in the *State of Assam* is given in *Table 4 in Annexure IV*.

##### 4.5.2 State Government jobs

The reservations as demanded in respect of jobs arising under the *State Government in the State of Assam* is given in *Table 5 in Annexure IV*.

##### 4.5.3 Semi-central Government

The reservations as demanded in respect of jobs arising in the *Semi-central Government in the State of Assam* is given in *Table 6 in Annexure IV*.

##### 4.5.4 Central Public Sector undertakings

The reservations as demanded in respect of jobs arising in the *Central Public Sector Undertakings* in the *State of Assam* is given in *Table 7 in Annexure IV*.

#### 4.5.5 Private Sector in Assam

The reservations as demanded in respect of jobs arising in the *Private Sectors in the State of Assam* is given in *Table 8 in Annexure IV*.

#### 4.5.6 Others

The other demands made which pertains to services in jobs in the State of Assam is given in *Table 9 in Annexure IV*.

### 4.6 Land

4.6.1 Based on a preliminary analysis of the representations received on the protection of land rights, it was considered necessary to create a separate enumeration of the theme "Prevention of Encroachment". The sub-headings of the theme are:

- i. Eviction of encroachers
- ii. Specific demands regarding Government lands
- iii. Specific demands regarding Tribal Belts and Blocks

4.6.2 An analysis of the representations which were summarized under the theme *Prevention of Encroachment* revealed three primary and recurring categories of demands. The *first category* consists of the blanket demand for removal of encroachment from lands especially Government lands, professional grazing reserves, village grazing reserves and land in the tribal belts and blocks.

The *second category* of demands consists of demands for protection to specific categories of lands which have been perceived as vulnerable to encroachment. Some of these specific categories of lands also include land which supports important religious and cultural symbols of various communities of the state like *Sattras, Naamghars, Wakf land* etc. The demand for protection of Sattras land and the impending threat to it has been reiterated in multiple representations. There are also demands for protection of lands which are natural resources and whose preservation has a ramification on the environment such as wetlands and forest lands. These also include issues relating to specific communities such as the *Reang people or Koch-Rajbongshi* community who have reiterated their demand for title and ownership over their own lands. It is also necessary to note that some of these demands are overlapping in the sense that the demands in the first cluster are blanket demands which are larger in scope than the second cluster.

The *third category* of demands are administrative/systemic in nature which deal with suggestions related to improving administrative procedures or implementation of policy. This includes suggestions for expediting digitization process of land and forest records, creating review processes and satellite imagery data for protection of land. The need to frame adequate policies for safeguarding of land and ensure judicious use has also been placed before the Committee.



The *fourth category* of demands generally relates to the claims for protection of tribal belts and blocks. Some of these demands are of a blanket nature which make a claim for protection of tribal belts and blocks without going into the specifics or modalities of how this may be actually effected. Some of these set up claims for new amendments in the law such as increasing punishment up to 10 years imprisonment and fine up to one lakh rupees for violation of *Chapter X of the ALRR 1886*. One of the claims set up also demands support in the form of *central packages* from the Central Government to the State Government in order to aid eviction in the *Tribal Belts and Blocks*.

4.6.3 The second theme using which the land related demands were analysed was titled as *Land*. The sub-headings of the theme are:

- a. Indigenous Tribal
- b. Indigenous Assamese
- c. Other indigenous people of Assam
- d. General

The sub-headings of the theme were drawn from the categories that the Committee had utilised in its Public Notice while inviting representations. Due to the varied nature of the demands, the recurring demands have been classified into common clusters within the various sub-headings.

**a. Indigenous Tribal**

An analysis of the representations summarized under this head gave rise to the following clusters:

**i. Protection of rights or title to land:** A majority of the representations received by the Committee included claims for protection of various rights over land and natural resources. There have been various demands including demands for enforcement of *Sixth Schedule* protection over land in the districts of *Dima Hasao and Karbi Anglong*. The representations also include demands for decentralizing control over ownership, usage and protection of land for tribals by devolving such powers to the level of *gaonburhas/chieftains and headmen*. Special rights for *Tribal Assamese People* have also been claimed in as much that they should be excluded from the purview of the various forest related legislation. Specific communities such as *Mishing* have highlighted the issues being faced by the indigenous communities like themselves due to the double blow struck by river erosion and the non-issuance of pattas to them. In doing so, they have demanded among others, that land pattas be issued to them on an urgent basis.

However, some of these demands have been exclusionary in nature. These include claims which state that land and political rights of the *Assamese Indigenous People* should

not be applicable in tribal reservation areas or the gamut of demands for protection from land alienation which is discussed in the next category.

ii. **Protection from land alienation to non-indigenous people:** Land alienation to non-indigenous people has emerged as a concern among the various representations received by the Committee. A demand for recovery of the land which has been transferred illegally under *Chapter X of the Assam Land and Revenue Regulation 1886 ("ALRR 1886")* and setting up of *Land Tribunals* in the line of *Foreigners Tribunals* for identification and eviction of unauthorised occupiers of land has been placed before the Committee. It has also been claimed that in cases where land has been sold off by certain communities due to economic compulsions such as Koch Rajbongshi, adequate measures must be taken to ensure that they are returned.

iii. **Need for legal and policy measures:** There is also an increasing identification of the legal and policy gaps in this area through the representations preferred before the Committee. Several representations have called for amendments to the *ALRR 1886* in terms of special powers to the indigenous people, protection for *indigenous/Khilanjiya people* and also proper implementation of *Chapter X of the ALRR 1886* which provides for *tribal belts and blocks*. In this category, there have been claims for issuance of *Myadi pattas and pattas* to certain communities who have lost land for various reasons.

#### b. Indigenous Assamese

i. **Protection of rights or title to land:** Within this category, several demands have been received for protection of rights for several identified classes of people. This includes protection of land rights for *permanent residents of Assam, aboriginal people* who claim protection under the *Bengal Eastern Frontier Regulation, 1873* or *indigenous people of Assam*.

ii. **Protection from land alienation to non-indigenous people:** Demands for protective measures from land alienation to non-indigenous people also continue in this category. While one of the representations prescribes a cut-off date of *24.03.1971* for citizens to whom land can be alienated, the others only demand that land alienation to people belonging to communities other than indigenous should be strictly prohibited.

iii. **Need for legal and policy measures:** Several demands in this category also provide pre-requisites on the policy side which need to be taken before effective legal protection for land can be provided. Demands for rooting out corruption in the *Revenue Department in the Government of Assam* and identification of total land which may be allotted to indigenous people have been placed before the Committee. There is also a demand for enacting of a strong Population Policy of Assam and curtailment of land rights of persons who have more than two children etc.

c. **Other indigenous people of Assam**

i. **Protection of rights or title to land:** Within this category, the demands for protection of land have been mostly general in nature seeking protection of land rights for *other indigenous people* of Assam. There is a specific demand where protection for the Jolha community under the category of *other indigenous people/Onyanyo Khilanjiya* has been claimed.

ii. **Protection from land alienation to non-indigenous people:** Several claims for protection from land alienation to non-indigenous people are contained in this category. While one of them seeks protection from sale of land to non-indigenous people, some of them are inclusive of certain communities only. For example, the demand that sale and purchase of land must be restricted only amongst the *indigenous people and the Assamese people*.

iii. **Need for legal and policy measures:** Several new claims are available in this category of representations. They include suggestions for specially-demarcated areas of land which need to be made available in case of sale of land to *non-indigenous Assamese people*. There is also a suggestion that the government must identify at least 80% of total land for the *indigenous people* so that they can be subsequently re-allocated.

d. **General**

This category includes all those representations which did not expressly refer to the categories of *indigenous tribal, indigenous Assamese and other indigenous people of Assam* as mentioned in the Public Notice of the Committee. However, it must be noted that several of the representations have overlapping claims and demands as covered in the previous categories of representations.

i. **Protection of rights or title to land:**

The demands in the category include representations which claim land rights for specific communities and also prescribe categories of people/communities etc who should be eligible for specific land related safeguards. A representative sampling of communities or classes of people for whom land rights have been demanded are as follows:

*"Communities like Oraon", "indigenous people", "people in NRC, 1951 or Voter List of 1952", "Kachari Muslims in Barak Valley (Cachar) as per ALRR, 1886", "Bishnupriya Manipuri", "Deshi people", "citizens prior to 1951", "ex-tea garden Adivasi", "Santhal people", "Nath-Yogi people of Barak Valley, comprising the districts of Karimganj, Cachar, and Hailakandi", "with people who resided in Assam before 1947", "Khilanjiya Axomiya", "genuine Pattadars", "Patni community", "Muslims of Barak Valley", "Bhumiputra"*

Another important feature of this category of demands is the protection of land rights over vulnerable categories of land. These include demands that the land of Sattras, historical roads and ponds, wetlands, and forests must be handed over to the responsible

Government Department for preservation or handed over to the concerned management of the *Sattra, Wakf* etc. Similarly, there are demands that the *lands of ethnic people, which have been grabbed by the immigrant Muslims of Bengal origin* be redistributed among the original owners.

ii. **Protection from land alienation to non-indigenous people:** There are several demands which claim protection from land alienation to non-indigenous people on both general and specific terms. There are several demands for new legislation or executive instructions/policy ensuring that no further land alienation to non-indigenous people takes place in Assam. This includes demands that purchase of land by non-Assamese shall be stopped completely or that law should be made against acquisition of any indigenous property by *people from outside Assam* as well as *foreigners*. Specific suggestions include that land should only be available for purchase to *Assamese*. That *land lease agreement system* of not more than 20 years may be created. It has also been suggested that land transfer by way of sale, gift, donation or by any other means to non-indigenous people, outsiders and doubtful citizens should be stopped. Or that a law prohibiting sale, allocation of land etc. apart from *Khilanjiya persons from Meghalaya, Manipur and Arunachal Pradesh* be introduced in Assam. It has been demanded that only Open Zones of 1 or 2 sq. km. should be available in every district for Indian citizens to buy land.

A category of demands which claim protection against land alienation to non-indigenous people in line with neighbouring North-eastern states also exists. This includes demands that a new law in the line of the neighbouring hill states stopping land transfers to non-indigenous people must be promulgated. Strict laws to prevent land alienation in the State in the lines of Arunachal Pradesh.

A subsequent category of demands exists in line with the particular needs of several communities such as *Manipuri* or the *Sonowal-Kachari*. For example, there has been a demand that Manipuri land should not be sold to *non-Manipuri people*. Similarly, *Sonowal-Kachari* representation has demanded that legal measures should be taken to ensure that the land is not transferred to other communities. Re-settlement surveys should be carried out to give effect to this.

iii. **Need for legal and policy measures:** With respect to the legal and policy measures, one of the primary and recurring demands has been that the recommendations of the *H.S. Brahma Committee* with regard to land related safeguards be given effect to in its entirety. At the outset, it must be noted that several representations have stated that the agenda relating to protection of land rights has no relevance for the Committee and must be dropped accordingly. Two representations on the other hand have stated that demands for protection of land interests may hamper industrial development in Assam and that the current laws adequately protect land rights in the *State of Assam*.

With respect to legal and policy measures, it has been suggested that Assam may be declared as a tribal state with measures to keep land rights with only the indigenous

community. It has also been suggested that measures be made to distribute land to landless people and farmers or the creation of an independent land audit agency.

There is also a clear cluster of demands which state that *periodic pattas/myadi pattas* be issued where long-standing demands have existed especially in the cases of forest villages. This should be done with the required land settlement and survey operations.

4.6.4 Owing to the nature of the land question, there have been several miscellaneous suggestions, some of the representative demands are grouped below:

- a. Forest Rights related issues: Land settlement and periodic patta should be issued, and Scheduled Tribes and Other Forest Dwellers (Recognition of Forest Rights) Act, 2006, should be implemented in letter and spirit. Implementation of the Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights) Act, 2006. Implementation of the Forest Rights Act, 2006.
- b. Amendment of Assam Land and Revenue Regulation Act, implementation of the Forest Rights Act, and issuance of land title pattas to all indigenous ethnic forest inhabitants in Barak Valley. ST and Scheduled Tribes and Other Traditional Forest Dwellers (Recognition of Forest Rights Act) 2006 should be used for forest dwelling members of Sonowal Kachari who were affected by the 1950 Great Earthquake and 1951 Flood. A Task Force should be constituted by the Sonowal Kachari Autonomous Council and true dwellers on forest land for more than 15 years should be identified and should be given *myadi patta*. Free Simple Grant should be given *myadi patta* in the line of forest villages.
- c. State government to take steps to punish land grabbers. Assam Land Grabbing (Prohibition) Act, 2010 to be made more stringent. Manipulation of land documents to be detected, and transparency to be brought in.
- d. All lands owned by non-protected communities acquired after 25th March 1971, will devolve into the State after the expiry of their leases. Lands held by them under periodic patta, held prior to 23rd March 1971 will lose the rights of transfer and lease to non-protected communities.
- e. Allocation of land for farming and shelter to all landless indigenous people of Assam.
- f. Land ceiling laws have to be properly implemented in the case of big tea companies which are illegally occupying large areas of land, despite the lease terms having expired a long time ago. Big land mafia syndicates, business houses, etc have illegally occupied large areas of land in Assam and made illegal land transfers in agricultural land as well as tribal belts and blocks.

g. Land allocation and transfer should be stopped for a few years. Land which has been allotted to the Government Departments but has not been put to use must be reverted back immediately. All usable land in Char areas must be measured and surveyed.

\*\*\*\*\*

## CHAPTER 5

### ISSUES FOR CONSIDERATION BEFORE THE COMMITTEE

The Committee has meticulously considered the views and suggestions expressed and furnished by different stakeholders and the following broad points came up for consideration during the discussions:

- (a) Whether Clause 6 of the Assam Accord providing constitutional, legislative and administrative safeguards to protect, preserve and promote the cultural, social, linguistic identity and heritage of the people, envisages within its ambit the inclusion of all Tribals and Ethnic groups including Assamese as understood in the common parlance within the expression "Assamese People" mentioned in the stated Clause.
- (b) How to define the expression "Assamese People" as mentioned in Clause 6 of the Assam Accord.
- (c) Whether the areas which are not specifically covered in the Terms of Reference can be taken care of under Clause 2(f) of the notification constituting the Committee which reads as- "The Committee may suggest any other measures as may be necessary to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese People."
- (d) Whether the categories of people recognized to be deemed citizens of India under the Assam Accord within the enumerated classification be entitled to the safeguards envisaged for the people of Assam under Clause 6 of the Assam Accord.
- (e) The extent of reservation of seats in Parliament, Assam Legislative Assembly and Local Bodies as well as reservations in employment in the Central Government, State Government, Semi-central Government, Central Public Sector Undertakings and Private Sectors to be provided to the "Assamese People".
- (f) What measures should be adopted towards protecting, preserving and promoting cultural, social, linguistic identity and heritage of "Assamese People".
- (g) What measures should be adopted for protection and development of Assamese language and other indigenous languages of the State of Assam.
- (h) Effectiveness of the steps taken so far for implementation of Clause 6 of Assam Accord.

- (i) Any other measures to protect and safeguard the identity and interests of the "Assamese People" and maintain the demographic fabric of the State of Assam without upsetting the balance sought to be achieved via the Assam Accord in recognizing the interests of the indigenous people.

\*\*\*\*\*



## CHAPTER 6 DECISIONS ON ISSUES

6.1 Having regard to the issues listed in *Chapter 5*, issue nos. (a) and (b) mentioned therein were taken up for a decision. The Committee at the first instance, while issuing the Public Notice explained the term *Assamese People*, without diluting the same in any manner, as *Indigenous Assamese, Indigenous Tribal and other Indigenous People of Assam*. Without any compromise to the meaning of the term *Assamese people* as it finds place in *Clause 6 of the Assam Accord*, the Committee during its discussions followed by discussions with various stakeholders extensively deliberated upon the definition of the term *Assamese*. Some of the stakeholders categorically made known their displeasure in the alleged improper extension of the term *Assamese*. Some expressed displeasure on use of the term *Assamese* as they do not want to be identified as *Assamese*. However, it is pointed out that the term *Assamese* was used only to denote the larger Assamese community without any diminution or extension of the meaning. It is for this purpose, while publishing the public notice, *Clause 6* itself was quoted where the expression is admittedly *Assamese People*.

6.2 Considering the claims, objections and suggestions of different stakeholders, the Committee formed the opinion that the term "*Assamese People*" as it appears in the Accord needs no explanation in the sense it is understood. *Assamese people* are those (i) who are generally referred to as *Assamese*; (ii) those who are indigenous tribal/ethnic groups of Assam and (iii) those who are other indigenous people of Assam having their roots to pre-1951 period. While the first two groups have no problem of identification and need no identification parameters, but the third group will have to be identified in reference to their roots to pre-1951 origin. At this stage, it will be pertinent to refer to the definition of the term "*Indigenous person of Assam*" which finds mention in the census report pertaining to Assam, Manipur and Tripura presented by the then Indian Civil Service officer, R.B. Vaghaiwalla, Director of Census (refer Chapter 12 (Ka)) of the Census Report 1951, which reads as:

*'Indigenous person of Assam' means a person belonging to the State of Assam and speaking the Assamese Language or any tribal dialect of Assam or in the case of Cachar the language of the region.*

It is on the basis of this aforesaid census report, the National Register of Citizens, 1951 was prepared. This found mention in the address of the then Chief Minister of Assam, Bishnuram Medhi, made to the enumerators (*Gananakari*) in which he categorically stated that the National Register of Census would be prepared on the basis of the said census report.

6.3 It is pertinent to mention here that even the Hon'ble Supreme Court of India in *Sarbananda Sonowal* Judgment referred to above, has demonstrated concern on the significant impact of the continuous migration into the region. The said judgment makes the shocking revelations that the situation in the State of Assam had escalated into one that has

been envisaged under *Article 355 of the Constitution of India* and stated in clear terms that the State of Assam was facing *external aggression and internal disturbance*. In fact, it impelled the Government of India and cast a duty upon the State to ensure and take all measures to secure the protection of the State of Assam against such *external aggression*. However, despite such caution by highest judicial authority of India, there is an obvious lack of political will to de-escalate the situation in the State of Assam in either taking measures to negotiate the situation with the growing migrants from Bangladesh with the Government concerned and/or sharing the responsibility or hosting such migrants in any other part of India. It was in that context, the Apex Court had to observe in *Sarbananda Sonowal (II) - Versus- Union of India* {Reported in 2007 (1) SCC, 174} that there is lack of will in the matter of ensuring that illegal immigrants are sent out of the country. The relevant observation in paragraph 64 of the Judgment is extracted below and the same reads as under:

*"... The earlier decision in Sonowal has referred to the relevant materials showing that the such uncontrolled immigration into the North-eastern States posed a threat to the integrity of the Nation. What was therefore called for was a strict implementation of the directions of this Court earlier issued in Sonowal so as to ensure that illegal immigrants are sent out of the country, while in spite of lapse of time, the Tribunals under the 1964 Order had not been strengthened as directed in Sonowal. Why it was not so done, has not been made clear by the Central Government. We have to once again lament with Sonowal that there is a lack of will in the matter of ensuring that illegal immigrants are sent out of the country."*

6.4 It is in the above context the term *Assamese People* as it appears in *Clause 6 of the Assam Accord* will have to be understood in reference to the Constitutional, Legislative and Administrative safeguards towards protection, preservation and promotion of cultural, social linguistic identity and heritage of the *Assamese people*. Irrespective of any language, religion, tribes and other smaller ethnic groups living in Assam at the time of adoption of the constitution, those living in Assam adopting it as their motherland will be the *Indigenous Assamese* in its larger connotation discussed above.

6.5 Part II of the Constitution of India dealing with *Citizenship* provides that at the commencement of the Constitution, every person who has his domicile in the territory of India and -(a) who was born in the territory of India; or (b) either of whose parents was born in the territory of India; or (c) who has been ordinarily resident in the territory of India for not less than five years immediately preceding such commencement, shall be a citizen of India. *Article 6 of the Constitution of India* further deals with citizenship of those persons who had migrated to India from Pakistan, which *inter-alia* provides that in case of the person who has migrated before *July 19, 1948* and has been ordinarily resident in the territory of India since the date of his migration or in the case where such person has so migrated on or after *July 19, 1948* and has been registered as a citizen of India by an officer appointed in that behalf by the Government of the Dominion of India on an application made by him thereof to such officer before the commencement of the Constitution in the form and manner

prescribed by that Government shall be deemed to be a citizen of India at the commencement of the Constitution.

As per *Article 7 of the Constitution of India*, notwithstanding anything in Articles 5 and 6, person who has after the *March 1, 1947*, migrated from the territory of India to the territory now included in Pakistan shall not be deemed to be a citizen of India.

6.6 *Nehru Liaquat Agreement, 1950 inter-alia* provides that "*Right of ownership in or occupancy of 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 he comes back by the 31 December, 1950*" thus from this point also it can be inferred that, anyone coming to India after 31<sup>st</sup> December, 1950 is not to be considered as Indian Citizen.

6.7 The Committee's task will crucially depend upon the necessary prior identification of the people for whom *Clause 6* was incorporated in the Assam Accord. It is in this context the term "*Assamese People*" in reference to "*Indigenous Assamese, Indigenous Tribes and other indigenous people of Assam*" will have to be understood and defined. The Committee has deliberately abstained from making any reference to different identities and ethnic groups/tribals including the Tea tribes in their identifiable names as there is no manner of doubt that they are the sons of the soil. As discussed above, while the identity of the first two groups referred to as (i) and (ii) in paragraph 6.2 can be clearly ascertained and need no corroboration, the composition of the group constituting (iii) poses certain challenges *vis a vis* a need for corroboration of their roots to pre 1951 origin.

6.8 A special mention should, however, be made of the Assamese Muslims who are quite obviously part of the Assamese community as finds mention in the above discussion and below mentioned definition of the term "*Assamese People*". Assamese Muslims can trace their ancestry in Assam to hundreds of years back in the past. The Assamese language is their mother tongue and they are fully integrated into the culture of Assam. On the other hand, there is an organic disconnect between them and the immigrant Muslims from our neighbouring country.

6.9 After due deliberations and upon consideration of the various representations from the stakeholders and further on the basis of interactions with various organizations and individuals, the Committee has come to the conclusion that the definition of Assamese People for specific purpose of implementation of *Clause 6* of Assam Accord should consist of Indigenous Tribals as well as other Indigenous Communities of Assam over and above Indigenous Assamese.

On the basis of above discussions and observations, while providing constitutional, legislative and administrative safeguards in terms of *Clause 6 of the Assam Accord*, the term "*Assamese People*" shall be construed as including:

- (1) All citizens of India who are part of:
- (i) Assamese community, residing in the Territory of Assam *on or before 01.01.1951.*
  - or
  - (ii) Any Indigenous Tribal Community of Assam residing in the Territory of Assam *on or before 01.01.1951.*
  - or
  - (iii) Any other indigenous community of Assam residing in the Territory of Assam *on or before 01.01.1951.*
  - or
  - (iv) All other citizens of India residing in the territory of Assam on or before 01.01.1951.
  - And
  - (v) Descendants of the above categories.

**Explanation** : Assam shall mean the territory of Assam as defined in the First Schedule of the Constitution of India (as amended).

6.10 The Presidential Orders under Article 341 and 342 have already notified the SC and ST communities for the State of Assam. The Central Government and State Government notifications have similarly identified the OBC, MOBC and tribal communities for the State of Assam.

The Committee, therefore, suggests that it will be appropriate for the Central Government and the State Government, as the case may be, to notify various communities who being part of the categories as mentioned in para 6.9 above, and are not part of the notified lists of the Central or the State Government.

6.11 The Committee is of the view that the constitutional, legislative and administrative safeguards to "*Assamese People*" as envisaged under *Clause 6* of the Assam Accord has been defined and articulated to protect and preserve the interests of the "*Assamese people*". It needs no mention that the underlying philosophy of the Assam Accord seeks to provide a fine balance between the interests of the Assamese people and of regularization of the migrants from erstwhile East Pakistan until *March 24, 1971 vide Clauses 5.1 to 5.3 of the Accord*. It would only be fair therefore that *Clause 6*, in striking the balance would be applicable only to the "*Assamese people*" so as to maintain the demographic integrity of the State of Assam and preserve, promote and protect the cultural, social, economic and political rights of its indigenous people. Following this rationale, the Committee is of the unanimous view that the safeguards envisaged under *Clause 6 of the Assam Accord* shall not be applicable for any future categories post *March 24, 1971*, who are to be deported.

6.12 So far as *issue no. (c) in Chapter 5* is concerned, the Committee during its discussion felt it necessary to deal with some vital areas of concern for the full implementation of *Clause 6* though these concerns did not find mention in the *Terms of*

*Reference*, for full implementation of *Clause 6 of the Assam Accord*. These areas as identified by the Committee are; (i) reservation of seats in the Parliament; (ii) reservation in employment in Central Government, Semi-central Government, Central PSUs and Private Sector jobs and (iii) protection of land rights of "*Assamese People*". During discussion, the Committee was of the view that without these rights, other rights and protections traceable to the main *Terms of Reference and Clause 6* will remain woefully underarticulated. It is in this context the Committee referred to *Clause 2(f) of the Terms of Reference* which reads thus: "*The Committee may suggest any other measures as may be necessary to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people.*"

6.13 While discussing the *issue no. (d) of Chapter 5*, the committee was of the view that this issue needs no further elaboration in view of the discussions made above in respect of *issue (a) and (b) of Chapter 5*.

6.14 *Issue no. (e), (f), (g) and (i) enumerated in Chapter 5* are discussed together considering the nature of the concerns. During threadbare discussion among the Committee members and its discussion with different stakeholders, various percentage of reservation of seats in the Parliament, the Assam State Legislative Assembly and the local bodies have been suggested. Suggestions have also been made for various measures towards protecting, preserving and promoting cultural, social, linguistic identity and heritage of "*Assamese People*". All these stakeholders were unanimous on the emphasis towards protection of cultural and historical heritage of Assam with adequate measures. Suggestions have also been received for promoting and preserving the cultural identities and languages of different tribal groups and other indigenous communities of Assam. The extent of reservation both in respect of the above are being discussed in the next Chapter titled *Observations and Recommendations of the Committee on the Terms of Reference*. As regards, the effectiveness of the steps taken so far under *Clause 6 of Assam Accord (issue no. h)*, the same is similarly discussed in the following Chapter, which contains the Committee's responses to each of the enumerated Terms of Reference.

\*\*\*\*\*

## CHAPTER 7

### OBSERVATIONS AND RECOMMENDATIONS ON THE TERMS OF REFERENCE

This Chapter seeks to draw upon the discussions and analysis that have been provided in the previous chapters to present the recommendations formulated by the Committee. It will provide a brief response to each of the Terms of Reference (ToR), the rationale for the recommendations and enlist the recommendations for policy responses.

#### 7.1 ToR 2. (a) Examine the effectiveness of actions taken since 1985 to implement Clause 6 of the Assam Accord

7.1.1 In the aftermath of the signing of the Assam Accord in 1985, a series of bipartite/tripartite meetings were held in regard to the implementation of Assam Accord between the representatives of the Government of Assam, Government of India and All Assam Students Union. The tripartite talks started with a meeting on 23.01.1990 and was followed by a series of tripartite meetings on 11.08.1997, 06.04.1998, 23.09.1998, 18.03.1998, 01.07.1999, 17.11.1999, 31.05.2000, 07.11.2000, 06.11.2001, 14.02.2003, 05.05.2005, 02.01.2006, 29.07.2006, 11.07.2007, 22.04.2010, 20.07.2010 and 26.04.2017. The tripartite meetings which followed, discussed several issues including the application of certain constitutional provisions to the State of Assam, register of citizens, control over natural resources, amendments to the *Citizenship Act, 1955*, repeal of the *Illegal Migrants (Determination by Tribunals) Act, 1983*, border fencing etc.

Eventually, the tripartite Sub-committee on Clause 6 submitted its interim report recommending *inter-alia*, reservation of seats to the Parliament, State Legislature and Local bodies for *Assamese people*. However, the proposal could not reach its logical conclusion because no definition of "*Assamese people*" could be arrived at and the criteria for determining reservation in Parliament, State Legislature and Local bodies could not be agreed upon either.

One of the recommendations of the First Interim Report of the Tripartite Sub-committee which was submitted in September 1999, was that safeguards must be provided so that the "*Assamese people*" have adequate reservation in the Parliament, State Assembly and Local bodies. The Ministry of Home Affairs, Government of India had then informed that a proposal needed to be submitted by the State Government so that the recommendations could be followed up.

There also had been substantial discussion on the demand for creating a Second Chamber in the Legislature of the State so that *all the ethnic groups as well as numerically smaller groups of bonafide citizens would have their due and proper representation*. It was resolved that the views of the State Government would be required in the matter. A similar resolution was arrived at with regard to the introduction of an *Inner Line Permit in Assam* in the lines of Arunachal Pradesh by adopting suitable legislative measures with reference to *Entry 81 of the Union List under 7<sup>th</sup> Schedule of the Constitution of India*. This was also the

case with the demand for ensuring right over land for the indigenous people of the State by imposing restrictions on alienation of land.

7.1.2 As regards the effectiveness of actions taken since 1985 to implement *Clause 6 of the Assam Accord*, the Committee is of the opinion that although periodic discussions have been initiated by the Central Government with the representatives of All Assam Students Union, as discussed in the preceding paragraphs, nothing substantial and concrete has emerged except establishing the cultural complex in the name and style *Srimanta Sankardev Kalakshetra and Dr. Bhupen Hazarika Regional Government Film and Television Institute*. Some other activities including financial assistance to some of the organizations like *Jyoti Chitraban, Anundaram Boroah Institute of Language, Art and Culture (ABILAC)* etc. are also noted by the Committee.

The main objectives of *Srimanta Sankardev Kalakshetra (SSK)* include protection, promotion and preservation of cultural heritage of Assam; promoting research in the field of music, dance, drama and fine arts and publish literature on them; encourage exchange of ideas and techniques of performing arts, fine arts and crafts between different ethnic groups of the State; and to promote cultural exchange in the field of performing art, fine arts and crafts with other states.

Its present activities include organizing an annual cultural festival; workshops on local dances and music; exhibition and workshops on paintings, woodcraft, sketches, graphics and crafts, both at the state level and national level; crafts and fairs for promotion and display of handloom, textiles and other crafts of the region etc.

*Based on the reports submitted by the Government and discussions with concerned officials, the Committee is of the view that setting up of the cultural complex SSK was a step in right direction under Clause 6 with the given objectives. The Institute has become a forum for promotion and display of the dance and music of the State through the Annual festivals organized. But hardly any work has been done on research on the dance, music, drama, fine arts of the region and as such, no steps have been taken for documentation in this regard. No modern techniques have also been adopted by the Institute for preservation/documentation. No research activities have been started in this regard. It appears, fund for carrying out the activities have been a main constraint as the GOI fund was only for initial capital expenditure. Fund for operation is to be provided by Government of Assam.*

7.1.3 It appears that *Jyoti Chitraban Film Studio* has been upgraded to full-fledged film studio with funds received under clause 6 of the Assam Accord and has been catering to the needs of the film-makers in the region by providing modern equipment including cameras, recording studios, editing units etc. Since the year 2000, more than 300 feature films and 500 documentaries have been produced. Further, more than one lakh audio songs recorded along with 1000 audio albums and 1500 video albums. The studio has established digital archive and digitized around 10,000 film songs apart from restoring 1000 old songs.

*The studio has an ambitious plan for modernization and upgradation of the equipment and creation of digital archive for preservation of music and films of the State.*

*Adequate funds need to be provided to the Film Studio by the State Govt. as well as Central Govt. to augment its infrastructure.*

7.1.4 Dr. Bhupen Hazarika Regional Government Film and Television Institute (DBHRGFTI), formerly known as Jyoti Chitran Film and Television Institute was established in 1999, as offshoot activities under the Clause 6 of Assam Accord. The Government of Assam has bifurcated the institute from Jyoti Chitran in 2011, and set up its permanent campus at Sila, Changsari, (Guwahati-781101) constructing classrooms, shooting floors, studios, boys' and girls' hostel, staff quarters, guest house etc. DBHRGFTI is a residential institute and is the only of its kind in the North-eastern region of India extending opportunities to the students of the region in different aspects of film making. The Institute is approved by the All India Council of Technical Education (AICTE) and is affiliated to the State Council of Technical Education (SCTE), Assam.

*There are demands to upgrade the institute to the Degree Level from the present Diploma level institute.*

7.1.5 The Aims and Objectives of the Anundoram Borooah Institute of Language, Art and Culture, set up at North Guwahati in 1989, include carrying out work for development of indigenous languages, art and culture; promoting and encouraging Sanskrit studies; collecting, preserving, documenting and compiling manuscripts and different kinds of data on languages, folklore and oral traditions, literature, art and other forms of cultural expression of Assam; establishing academic contacts, exchanges and coordination with other research organizations, institutes, universities in the State and outside; and to advise the State Govt. on policy related to research projects and programmes on art, culture and languages of Assam.

*It appears that the Institute lacks proper infrastructure and funds for carrying out research activities. There is urgent need for a multi-utility building with modern amenities for housing an Archive, a digital library, a folk museum, conference and reading rooms and a city centre in Guwahati.*

*To undertake more research activities, the Institute needs more regular quality academic staff, technical staff and research fellows. The Institute needs to publish more reading materials in the tribal and indigenous languages of the State. Government funds need to be given to the Institute to gear up its activities.*

7.1.6 The Sattrā Institutions are the premier socio-cultural and religious organizations of Assam. Historical and cultural lineages of these institutions are rooted in the origin and development of Bhakti Movement in Assam. For the propagation of Bhakti Movement in Assam, the Sattrā institutions were first established during 15<sup>th</sup>- 16<sup>th</sup> century A.D. in Assam.

The Sattrā institutions of Assam, like Buddhist Monasteries, with secular simple doctrine, democratic values, devoted to learning, literature, culture, art and music became



marvel organization, where socio-cultural congregation were held and all forms of arts, culture and literary activities were nourished for propagation of the Bhakti Movement. These Sattra institutions of Assam as such culminated as a class of organization in Assam, which have indelible mark in the socio-cultural history of the people of the region. This spirit of liberalism and toleration pervaded all walks of public life and manifested itself in several development of human activity in the Assamese society.

Considering significant contribution of the Sattra institution of Assam in upholding the cause of social harmony and cultural uplift throughout the length and breadth of the State, the Government of Assam, has adopted a policy to protect, preserve and promote the Sattra institutions of Assam.

With the objective, the Government of Assam has constituted Sattra Preservation Committee. Attention of the Government of Assam has also been drawn to the direction enacted by the *Hon'ble Gauhati High Court* vide its judgment in *the Civil Rule 1649 of 1991*, for protection of the Sattra institution of Assam.

*The aforesaid Committee has prepared a list of 862 Sattras in 1<sup>st</sup> phase. But it has been estimated that more than 1000 Sattras exist in the State. The Sattras are adversely affected in all respects due to financial constraints. The Sattras had a lot of cultivable land for generating their income source to run the Sattras. But later on it has been reported that a considerable land belonging to the Sattras has been encroached by individuals for which the Sattras have to struggle for their existence.*

*The Government of Assam has given financial assistance to 379 Sattras till today for their protection, preservation and development under different schemes. But it will require more financial assistance for ensuring the survival of these cultural institutions which has a cultural bonding among the different sections of the society of the State. To ensure the protection, preservation and development of the Sattra institution of Assam, an autonomous authority is required to be established to look after the overall development of these institutions. The department concerned could not achieve this requirement due to financial constraints. So, the protection, preservation and development of these institutions should be ensured to protect, preserve and promote cultural heritage of Assamese people under the provision of Clause 6 of Assam Accord.*

While noting the above activities, the Committee is of the opinion that the aforesaid activities, really speaking, bear no material significance to the Terms of Reference (ToR) based on *Clause 6 of the Assam Accord* when Clause 6 itself is yet to be implemented. Such activities are routine affairs of the State and even otherwise also due to the Institution(s). This is precisely the reason as to why the present Committee had to be constituted after 34 long years of signing of the *Assam Accord*.

## 7.2 ToR 2.(b) Discussions with Stakeholders

The Committee throughout was cognizant of the large scale ramifications of their mandate on the future of the State of Assam. Having regard to the large public interest, the Committee adopted an inclusive approach in dealing with the issues in the Terms of Reference. Representations were invited through public notice in various newspapers, personal hearings were scheduled and stakeholder consultations were held throughout the process. During the period of its functioning, the Committee received over 1200 representations and held 16 days of personal hearing and consultation. Noting that the perspectives on the issues in the *Terms of Reference* would be varied in different areas of the State, the Committee extensively visited several district headquarters of the State also covering the adjoining districts and interacted with the representatives of various communities and individuals from a cross-section of the society.

A three member sub-committee also discussed the issues with the Solicitor General of India and the inputs received in such consultation were also taken into consideration by the Committee.

*Such interactions and consultations find seriously considered place in the recommendations made in this Report. It has been the endeavour of the members of the Committee to give recognition of the various stakeholders and their entitlements as guaranteed under Clause 6 of the Assam Accord. The summary of the suggestions, comments and submissions received from the stakeholder have already been enumerated in Chapter - 4 of this report.*

## 7.3 ToR 2.(c) Assessment of appropriate level of reservation of seats in Assam Legislative Assembly and Local bodies

7.3.1 The Committee in its deliberations was of the unanimous view that adequate and effective political safeguards are critical to protect the interests of the Assamese people. It was felt that reservations should be provided to the "*Assamese People*", with respect to the number of seats in the *Parliament, the Assam Legislative Assembly and the local bodies*. Over the decades, the demographic change that is discernible in eleven districts of the State of Assam, deepens the anxiety and fear of the indigenous communities of being rendered into a minority in their home state. The Committee is of the view that in upholding the philosophy of the Assam Accord, to provide a fine balance between the interests of the "*Assamese people*" and migrants from Bangladesh (erstwhile East Pakistan) until *March 24, 1971* which has been secured vide *Clauses 5.1 to 5.8 of the Assam Accord*. In such circumstances the inherent and substantive right of the indigenous communities of Assam cannot be ignored and/or silenced.

Therefore it would only be fair that a liberal interpretation is drawn, so as to include the political rights of the Assamese people vide *Clause 6* to maintain the demographic integrity of the State of Assam and preserve, promote and protect the cultural, social,

economic and political rights of its indigenous people. Additionally, the Committee is of the opinion that unless the political rights of the "Assamese People" are protected, no amount of other measures would help the "Assamese People" in maintaining their cultural, social, linguistic identity and heritage in such circumstances.

The Committee noted that the Terms of Reference 2(c) clearly indicates the need for reservation of seats in Assam Legislative Assembly and the Local bodies for the "Assamese people" and the task of the Committee is only to assess the appropriate level or quantum of reservation of seats in Assam Legislative Assembly and in Local bodies.

*7.3.2 The Committee, therefore, recommends reservation of seats for the "Assamese People" in the Assam Legislative Assembly and local bodies to the extent of 80% which will be including the already existing reservations. The Committee is also of the view that such reservations should be appropriately effected in the constituencies of the districts which have undergone demographic changes as indicated in Chapter 2 of this report. Similar reservation should also be extended in respect of Local bodies excluding 6<sup>th</sup> schedule councils.*

*The Committee unequivocally records that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent seats excluding the seats already reserved for the SC/ST communities be reserved for the "Assamese people".*

*7.3.3 Simultaneously, the Committee while recommending reservation of seats in the Assam Legislative Assembly and also in the seats allotted to the State of Assam for the House of People, has also taken note of the fact that delimitation exercise in the State stands deferred by order under S.O. 283 (E) dated 08.02.2018 issued in exercise of powers conferred by Sub-section (1) of Section 10 (A) of the Delimitation Act, 2002 until further orders. This order of deferment can be rescinded by an order passed in exercise of power conferred under Sub-section (1) of Section 8(A) of the Representation of the People Act, 1950. Under Sub-section (2) and (3) of Section 8(A) of the said Act, as soon as may be, after the Deferment Order in respect of a State is rescinded, it is the responsibility of the Election Commission to determine the Parliamentary and Assembly Constituencies into which the State shall be divided and the extent of each constituency as divided.*

*The Committee recommends that to give effect to the proposed reservation of seats for the "Assamese People", necessary order may be passed for rescinding the Deferment Order dated 08.02.2018 referred to above. Election Commission may proceed with its power under Sub-section (2) and (3) of Section 8(A) of the Representation of People Act, 1950 for readjustment of seats. The Committee further recommends that while carrying out the statutory exercise under Section 8(A) of the Representation of People Act, 1950, the Election Commission shall keep in mind the demographic changes that have taken place over the*

years in the districts referred to in Chapter 2 and the constituencies thereof towards readjusting the seats in such special delimitation recommended by the Committee.

7.3.4 The Committee also recommends for immediate and effective implementation of various agreements so far arrived at, with regard to the Sixth Schedule Councils namely Karbi Anglong Autonomous Council, North Cachar Hills Autonomous Council and Bodoland Territorial Autonomous District Council. The Committee also recommends that rights and privileges of all indigenous communities residing in the areas under the aforesaid council, should be duly protected while doing so.

7.3.5 The Committee further recommends that the Statutory Autonomous Councils created by the State Acts namely, Rabha Hasong Autonomous Council, Tiwa Autonomous Council, Mising Autonomous Council, Deori Autonomous Council, Thengal Kachari Autonomous Council and Sonowal Kachari Autonomous Council should be made fully functional by providing adequate financial and administrative support. Similar support should be extended to the Development Councils constituted by the State Government.

7.3.6 The Committee further recommends the making of adequate provision for an Upper House and the seats thereof to be reserved for the "Assamese People". For implementation of the recommendations as suggested by the Committee, it would be necessary to amend the existing Article 371 B of the Constitution of India by substituting the said Article by incorporating a new amended Article 371 B and making appropriate amendments to the existing laws, for which the Committee places its suggestions in ANNEXURE - V.

7.3.7 While making the aforesaid suggestions, the Committee took note of the fact that had there not been large scale immigration to the State of Assam over the years, 100% seats in the Assam Legislative Assembly would have been occupied by the representatives of the "Assamese People" as defined in Chapter - 6, for all times to come. But now that, the immigrants from Bangladesh (erstwhile East Pakistan) up to 24.03.1971 have been granted citizenship causing demographic changes at the cost of "Assamese People", the Committee is of the view that the quantum of seats in Assam Legislative Assembly represented by "Assamese People" should be such that those representatives will have the final and controlling say in the Assembly in respect of major decisions pertaining to the State and the "Assamese People" in the areas of their culture, language and identity. It is in this context, the Committee is of the view that at least 80% of the seats including the seats already reserved for the SC/ST be reserved for the "Assamese People".

The Committee unequivocally records that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent seats excluding the seats already reserved for the SC/ST communities be reserved for the "Assamese people".

#### 7.4 ToR 2.(d) Measures to protect Assamese and other indigenous languages

7.4.1 As regards the measures to be taken to protect Assamese and other indigenous languages of Assam, the Committee is of the firm opinion that the official language of Assam requires implementation in its true sense and with full vigour. It has been noted that the current language policy is dysfunctional and there exists an absence of accountability measures to ensure implementation. The *Assam Official Language Act, 1960*, articulated and promulgated under *Article 345 of the Constitution of India* provides that Assamese be the official language of Assam. This is subject to the exception that in the then Cachar District now forming three districts namely Cachar, Karimganj and Hailakandi; BTAD and the Hill Districts of the State of Assam, the people will be entitled to use their own language up to the district level. This is not to say or suggest that other languages prevalent in Assam will not be protected. All such languages including the Bodo language, which is already included in the 8th Schedule of the Constitution of India, are to be protected and promoted in a manner similar to the case of Assamese language, which is the official language of the State. All the indigenous languages of Assam as well must be protected and promoted irrespective of the number of speakers.

An analysis of the representations received and the detailed discussions with various stakeholders revealed that there exists a sense of insecurity with regard to protection of *Assamese and the indigenous languages* of the State. Most of the representations were from organizations or individuals who speak Assamese or one of the indigenous languages of the State as their mother tongue. However, as has been noted in the analysis of the representations, there were multiple claims including ones relating to implementation of law/policy, education and dissemination of indigenous languages.

With respect to the large number of people speaking indigenous language other than Assamese in the State, it is felt necessary to provide for constitutional protection to the policy pertaining to the official language of the State under *Article 371 B of the Constitution of India*. The *four-language principle* as enunciated in the notification No. PMA. 329/2012/194 dated 18<sup>th</sup> December, 2019 issued by the Government of Assam in the Elementary Education Department, should be supported by appropriate legislation. Indigenous languages which have not yet been notified as medium of instruction, should, to begin with, be introduced as a subject of study at the primary level before, through a system of progression, they are ultimately adopted as a medium of instruction at various levels. Measures must also be taken to ensure that every university in the State has an indigenous language centre.

7.4.2 On the basis of the above deliberations, the Committee feels necessary to make the following Recommendations:

1. *The policy pertaining to the official language of the State be given appropriate constitutional protection under Article 371 B of the Constitution of India. The*

recommendations find its place for insertion in the proposed 371 B as detailed in ANNEXURE - V.

2. Assamese language shall continue to be the Official Language of Assam as per the provisions of the Assam Official Language Act, 1960 throughout the State with provisions for use of local languages in the Barak Valley, Hill Districts and the Bodoland Territorial Autonomous District area as provided for in the Act itself.
3. The Assam Official Language Act, 1960 shall be strictly implemented with necessary amendments for insertion of penal provisions for violation of the Act.
4. To make Official Language compulsory in official works, all State Government Acts, Rules, Regulations, Circulars, Orders, Notifications and Publications must be in Assamese along with English. An Assamese version of all Central Government Notifications, Orders, Acts and Rules relevant to Assam shall be published by the State Government within a fixed time from the original date of issue of the concerned document.
5. An Autonomous Language and Literature Academy/Council of Assam should be constituted and given statutory status to protect, preserve and promote all indigenous languages of Assam and the same should be headed by a distinguished literary person. All the literary bodies of indigenous languages shall be members of the academy/council. The main objective of the academy/council shall be to develop the indigenous languages for their spread and enrichment of their literature. The academy should be given statutory financial support for its functioning and for linguistic and literary projects
6. In all English Medium Schools, both under the State and the Central Boards of Secondary Education in the State of Assam, the Assamese subject should be made compulsory at least up to Class-VIII/Class-X level.
7. An Assamese language department in Assam University in the main campus at Silchar and in the Tezpur University, Tezpur should be opened with chair in the name of Sahityarathi Lakhminath Bezbaruah and Sahityakandari Padmanath Gohain Baruah respectively.
8. The Official Language Implementation Directorate of the Government of Assam shall be revived/reactivated and equipped with all necessary infrastructure and logistic support.
9. Mandatory provision of an Assamese language paper shall be made applicable in every recruitment in State Government services with necessary alternative provisions for Barak Valley districts, Bodoland Territorial Autonomous District (BTAD) and Hills Districts in terms of the Assam Official Language Act, 1960. Knowledge of Assamese may be made preferential qualification for appointment in jobs in the Central Government, Semi-central Government, Central PSUs and Private Sector for Assam.

10. *An Autonomous Institute/Council to be set up in Assam under an Act of Parliament with the objective of protection, preservation and promotion of cultural, social, linguistic identity and heritage of Assam, with separate campuses for BTAD, Karbi Anglong Autonomous Council districts and Dima Hasao district. The Council should be given statutory financial assistance for its activities.*

*The broad objectives of the Institute may be:*

- (i) To undertake high quality research into all aspects of cultural, social, linguistic identity and heritage of Assam.*
  - (ii) To provide consultation and research expertise to government, public and private sector bodies.*
  - (iii) To provide consultation and research expertise in preservation, maintenance and promotion of all sites/monuments/relics/cultural symbols, irrespective of community or religion which are of historical value and importance.*
  - (iv) To carry out enumeration of sites/monuments which are of importance to the cultural, social, linguistic identity and heritage of Assam and ensure research and development.*
  - (v) To formulate draft policies addressing various stakeholders in cultural, social, linguistic identity and heritage of Assam and carry out advocacy measures for such policies.*
  - (vi) To set up academies for all-round development of each of the indigenous tribal languages, including (1) Bođo, (2) Mishing, (3) Karbi, (4) Dimasa, (5) Koch-Rajbanshi, (6) Rabha, (7) Deuri, (8) Tiwa, (9) Tai and other indigenous languages. The proposed academies shall look after the academic activities of the aforementioned languages.*
  - (vii) To protect and preserve the cultural heritage of Assam as defined in the UNESCO Convention of 1972. All the components of cultural heritage, tangible and intangible, should be covered by the Council.*
11. *A chapter of Sahitya Akademi shall be established in the State by the Sahitya Akademi in collaboration with the various Sahitya Sabhas in the State for all-round development of Assamese and other indigenous languages.*
12. *The Four language principle as indicated above should be given appropriate legislative protection.*
13. *Provisions shall be made for teaching of indigenous languages including Hmar, Kuki, Bishmupriya, etc. as subjects for which necessary funds shall be provided by the Central Government.*

14. *The appropriate Government shall provide teachers in colleges for teaching the indigenous language subjects which have already been introduced by the universities of the State.*
15. *A multilingual Central Library for Assamese and other indigenous languages of the state shall be established on the model of the National Library at Kolkata, and the said library shall be notified under Section 3 read with Section 2(b) of the Delivery of Books and Newspapers (Public Libraries) Act, 1954 as amended.*
16. *Multipurpose Cultural Complexes shall be set up in all district head-quarters of Assam under the name Sahityarathi Lakshminath Bezbaruah Bhavan. These Bhavans shall have the provisions for state-of-the-art auditorium, seminar hall, art gallery, etc.*
17. *Multipurpose Cultural Complexes shall be set up in the selected/major cities of the country for showcasing the greater Assamese culture.*

**7.5 ToR 2.(e) Recommendation for appropriate level of reservation in employment under the Government of Assam**

As per the Assam Accord, the State of Assam has accommodated the migrants from Bangladesh, entering illegally, from erstwhile East Pakistan now Bangladesh for the period from 01.01.1951 to March 24, 1971. Had it not been so, the national cut off date of July 19, 1948 would have been applicable to the State of Assam as well. As such, it is obvious that necessary reservation for "Assamese People" is required to be provided for employment in the ministerial and other subordinate services available in the State of Assam, in the public sector, as well as in the private sector. Various representations were received elaborating on this aspect of the matter and was highlighted during discussions with the stakeholders. The Committee, therefore, is of the opinion that at least 80% of jobs under Government of Assam and State Government undertakings and so also 70% of vacancies arising in the private sectors including establishment under the PPP mode in the State of Assam shall be reserved for the Assamese People. The Committee feels that these safeguards should be incorporated in Article 371B to grant it constitutional status as detailed in ANNEXURE - V.

The Committee as in para 7.3.7 above, unequivocally record herein also that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent of jobs under the Government of Assam/State Government undertakings as well as in the private sectors including establishments under the PPP mode shall be reserved for the "Assamese people".



## **7.6 ToR 2.(f) Other measures to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people**

With respect to *other measures* as specified in *Clause 2(f)* of the terms of reference and referred to above, the Committee makes the following further recommendations:

### **7.6.1 Implementation of Assam Accord 1985**

The Committee noted that the Assam Accord is yet to be fully and effectively implemented even after 35 years of its signing. It is felt that complete implementation of all Clauses of Assam Accord especially Clauses 5.1 to 5.9, Clauses 7, 10 and 11 are essential for the safeguards to be provided under Clause 6 of the Assam Accord.

The Committee, therefore, recommends that the Assam Accord be fully implemented without any further delay by drawing up a time bound action plan.

### **7.6.2 Reservation of seats in Parliament**

As regards reservation of seats in the Parliament, including the constituencies already reserved for Scheduled Communities, at least 80% of the seats allotted to the State of Assam should be reserved for the "*Assamese People*". Appropriate constitutional amendments should be effected in this regard. It is emphasized that in order to recognize, protect and safeguard the interests of the "*Assamese people*", the political safeguards have been suggested only to include those who have been envisaged under the definition of the term "*Assamese People*" as defined by this Committee. The reason for such reservation is already indicated while discussing *ToR 2(c)*.

The Committee as in para 7.3.7 unequivocally records that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent seats excluding the seats already reserved for the SC/ST communities be reserved for the "Assamese people".

### **7.6.3 Reservation in employment under the Central Government/Semi-central Government, Central PSUs and Private Sector including establishments under PPP mode**

For the reasons stated in respect of the recommendation made against *ToR 2(e)*, the committee is of the opinion that 80% of Group C and Group D level posts under the Central/Semi-central Government/Central PSUs/Private Sector including establishments under the PPP mode falling and arising in the State of Assam be reserved for the "*Assamese*

*People*". The Committee feels that these safeguards should be incorporated in *Article 371B* to grant it constitutional status as detailed in *ANNEXURE - V*.

The Committee as in para 7.3.7 above, unequivocally record herein also that the members namely, Dr. Sanujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent of the group C and D level posts and 90 per cent of group A and B level posts under the Central/Semi-central Government/Central PSUs as well as private sectors falling and arising in the State of Assam be reserved for the "Assamese people".

#### 7.6.4 Land rights

So far as land rights are concerned, the provisions of *Assam Land Revenue and Regulation, 1886* (as amended) be strictly followed. In addition, the land rights be confined to the "*Assamese People*" putting restrictions on transferring the same by any means to other persons other than "*Assamese People*". However, exceptions may be made in case of requirement of such land for industrialization, construction of highways and other such activities to be undertaken by the Central Government and the State Government. Unless the land rights of the "*Assamese People*" are protected along with the political rights, it will be a futile exercise to adopt measures for full implementation of *Clause 6 of the Assam Accord* in its true spirit, keeping in mind the background facts. Therefore, the Committee makes the following recommendations in addition to the recommendations made in the report of *Sri H.S. Brahma Committee on Land Reforms* submitted in January, 2018 and the *Land Policy, 2019*.

(i) *In addition to tribal belts and blocks under Chapter X of ALRR 1886, the State Government should identify the Revenue Circles of the State, where only "Assamese people" can own and possess land and transfer of such land in these areas are limited to them alone. The selected urban areas under the Assam Municipal Act will however be excluded without affecting the interest of the Assamese people, from these areas/zones so that land in cities/towns can be owned by any citizen of India.*

(ii) *The State Government should take immediate steps to prevent the shrinkage/decrease of Prime Agricultural Land. These should be retained as permanent cropland and there should be complete ban on transfer of such land for non- agricultural purposes.*

(iii) *Section 8 of the Assam Agricultural Land (Regulation of Re-classification and Transfer for Non-Agricultural Purpose) Act, 2015 (hereinafter referred to as "Re-classification Act") completely negates the objectives sought to be achieved by the said Act and allows the conversion of agricultural land for non-agricultural purposes without following provisions of Section 3 and 4 of the Act. In fact, Section 8 encourages violation of the law restricting transfer of agricultural land for non-agricultural purpose and sets at naught the bar imposed by Section 3 of the said Act. Section 8 negates the mandatory provisions of the Re-classification Act which restricts the transfer of agricultural land for use in non-*

agricultural purposes. The Committee strongly recommends that this provision which allows violation of the law pertaining to reclassification be repealed and appropriate penal provisions be enacted under Section 8 of the said Act. Further, when re-classification is sought to be achieved, the public opinion of the neighbourhood will need to be ascertained through Gram Sabha.

(iv) The land unfit for agricultural purposes may be identified by a land survey within a specified period and declared as industrial area. Such industrial area should not include any prime Agricultural land. The prime agricultural land included in the recent Notification No. RLA192/2017/30, dated 18<sup>th</sup> January, 2018, issued by the Government of Assam in the Revenue & D.M. (LR) Department as Industrial Belt in Lower Assam from Guwahati to Tihu shall be excluded and de-notified.

(v) The Small Tea Garden revolution which took place in the State in the last 30 years has resulted in massive self-employment of young entrepreneurs. The Committee recommends that the State Government devise similar schemes to motivate such young entrepreneurs to take up Agriculture/ Horticulture/ Pisciculture/ Animal Husbandry etc. which would go a long way in restraining the "Assamese people" from transferring their land to others for immediate lure of money which in the long run creates a landless community devoid of any means of livelihood.

(vi) It is a fact that land records are in a mess. The State Government should take a time bound programme for updating and authenticating the land records.

(vii) A time bound 3 years programme may also be taken up in a mission mode to allot Patta to the "Assamese people" who are in occupation of land for decades but do not possess any land documents. Similarly, the "Assamese people" who are in occupation of Government land and are eligible for settlement of land as per Land Policy, 2019 should be given Pattas in a time bound manner.

(viii) The land administration in the State may be strengthened by increasing the number of officers and land record staffs. It is seen that land administration personnel is hardly left with any time for their core duties after attending to the miscellaneous duties including Law and Order etc. There should be a group of trained Land Administration Personnel who are exclusively devoted to the administration of Land and Revenue in the State.

(ix) All Wetlands, Professional Grazing Reserve (PGR), Village Grazing Reserve (VGR) should be freed from encroachment and protected from further encroachment. The wetlands must be maintained for ecological balance. Further, an Act needs to be enacted by the Assam Legislative Assembly making encroachment of Government land, forest land a cognizable criminal offence with provisions for an expeditious trial.

(x) The Char areas should be surveyed by taking a special programme. The newly created Char areas should be treated as Government land and erosion affected people should get priority in allotment. Alternatively, Char land is to be taken over for agricultural and allied activities like dairy, fodder plantation through community ownership etc.

(xi) Provisions by way of enacted law should be made to prohibit transfer of tea land from the original grantee to any other person by any covert mechanisms whatsoever including transfer of shares of the lessee Tea Company without prior permission of the Government. No such permission should be allowed without payment of appropriate premium stipulated under such provisions. The Committee points out that the State Government is losing huge revenue on account of such transfers which seek to avoid the bar of transfer of tea land in violation of the provisions of such lease. All fresh grants or renewal of existing grants should mandatorily incorporate a bar to prohibit such transfer.

(xii) Statutory provisions prohibiting transfer of tea land for any other use without permission of the State Government must be strictly enforced.

(xiii) The question of alienation of land in tribal belts and blocks, made in violation of the provisions of Chapter X of the Assam Land Revenue and Regulation, 1886 have been discussed in Chapter 4 hereinabove. On the basis of such considerations, the Committee recommends that Land Tribunals be established at the district level for deciding such issues in accordance with law. Such tribunals should be manned by competent judicial officers and officers having experience in matters pertaining to the Assam Land Revenue and Regulation, 1886. Provisions for appeal against any order by the Tribunal should be decided by the Assam Board of Revenue.

(xiv) As recommended by the Brahma Committee, all Tribal Belt and Block land should be exempted from the provisions of Assam State Capital Region Development Authority Act, 2017.

#### 7.6.5 Some other measures recommended for protection, preservation and promotion of cultural, social, linguistic identity and heritage of Assamese people

The Committee discussed threadbare, the recommendations, suggestions and views of the stakeholders to preserve, promote and protect their cultural and social heritage. The recommendations received from across the State of Assam have unanimously urged the Committee to suggest measures for framing policies and legislative safeguards to recognize, protect and preserve the cultural history including preservation and conservation of ancient monuments, sacred sites, historic buildings, traditional and vernacular architecture, historic villages and landscapes etc. Such recommendations have included an inventory of sites and places of historical significance to the indigenous communities for the purposes of preservation and conservation. The suggestions have been indicated in Chapter - 4 with the recommendations that the inventory be used as a starting point to create an inventory of both protected and unprotected places of historical significance.

Few respondents have suggested recommendations which have sought separate multipurpose cultural complexes for the indigenous communities in various districts and subdivisions of Assam. Respondents have urged for setting up customary law research and

linguistic, cultural research centres to preserve, study and promote the cultural history of the indigenous people of Assam. Respondents have also urged that research grants be made available for universities and other agencies for study, preservation and documentation of the cultures of various communities such as the *Deshi community, Hmar tribe, Bishnupriya and other ethnic communities*. Many have urged that such an effort should result in a verity of authentic publications meant both for general and professional readers. They have also sought appropriate representation in national literary and cultural statutory organizations such as *Sangeet Natak Akademi, Sahitya Akademi, Lalit Kala Akademi* etc.

Respondents have further suggested the integration of such efforts with the work of central and state universities, which will establish departments for the study of cultures, part of whose activities will consist of preparing educational material on culture for use in schools and colleges. They have also urged the creation of autonomous state level bodies to undertake research of indigenous cultures, languages and manuscripts etc. Recommendations have also emphasized the need to secure grants from the Central Government, providing tax exemptions to individuals and corporates who support arts and culture, strengthening the financial capacities of local NGOs working in the cultural sector, supporting artists including weavers and craftsmen, cultural institutions, and youth groups for building capacities in the areas of agriculture, handicraft, sports etc. Such recommendations have been discussed in detail under *Chapter 4* titled *Thematic Analysis of the Stakeholders' Recommendation*.

7.6.6 Based on such suggestions and after due deliberation, the Committee proposes the following recommendations:

- (a) *The Assam Ancient Monuments and Records Act, 1959 be suitably amended with the proposed amendments suggested by this Committee to protect both tangible and intangible cultural heritage assets, protected and unprotected sites of historical significance and for providing a mechanism to create a consolidated fund and Board for the Management of the cultural heritage assets as detailed in ANNEXURE - V.*
- (b) *Separate cultural and research Institutions/Centres/Chapters of National organizations focused on different branches of visual/performing/literary arts (e.g. Sahitya Academy, Lalit Kala Academy, Sangeet Natak Academy) should be set up to facilitate research, documentation, conservation, promotion and support of the cultural, linguistic/literary heritage of the "Assamese People".*
- (c) *All cultural institutions like Sattras, Naamghars and other indigenous religious institutions shall be given statutory legislative protection. A separate Board with autonomous functioning and statutory financial assistance from both the Central and the State Government shall be set up to look after the all-round development of Sattras of Assam. The Sattras should be revived as centres of learning and cultural activities. The*

proposed body shall monitor the process of preservation of age-old traditions of the Sattras.

- (d) The Madhupur Sattras at Coochbehar in West Bengal, where the mortal remains of Saint Sankardeva along with other antiquities have been preserved up till now shall be developed and protected by the concerned Central Govt. agencies as this heritage site is situated outside the geographical boundary of Assam.
- (e) The Government of Assam will take all necessary steps to get the history of the 'Assamese people' published. Simultaneously, the subject of Assam History should be made compulsory in all schools at least up to the level of Class-VIII.
- (f) Steps should also be taken to preserve and document the Zikirs and Zaris composed by Ajan Pir, the celebrated Sufi Saint of Assam. Efforts should also be made for translation of Zikirs in various indigenous languages of the State.
- (g) Multipurpose cultural complexes should be built throughout the State in each district towards protection, preservation and uplift of cultural heritage of each of the ethnic groups of Assam, howsoever small it may be. Such cultural centres shall have the provisions for state-of-the-art auditorium, seminar hall, art gallery, etc.
- (h) Government shall set up an Ethnic Village in the vicinity of Guwahati city on the model of Manav Sangrahalaya of Bhopal to showcase and preserve ethnic culture and to facilitate research and study the heritage, culture, literature and traditional art forms of the indigenous people of Assam.
- (i) Special assistance from the Central Govt. as well as from the State Government shall be extended to traditional industries of Assam, such as (i) Weaving industry of Sualkuchi, (ii) Bell-metal industry of Sarthebari, etc by declaring them as Heritage Industries of the State.
- (j) Organizations like Jyoti Chitran Film Society, Dr. Bhupen Hazarika Regional Government Film and Television Institute, Srimanta Sankardev Kalakshetra etc. shall be provided with adequate fund to augment their infrastructure.
- (k) Cultural Universities shall be provided with financial assistance to augment their cultural, educational and research programmes.
- (l) Museums shall be set up for preservation of all tribal groups and other indigenous communities of the State of Assam.

- (m) *Having regard to the background facts leading to the Assam Movement and the signing of the Assam Accord and continued influx of illegal immigrants into Assam, the procedure for detection of foreigners in Assam should be strengthened by applying the same procedure for detection of foreigners as applicable in the entire country. It is reiterated that the Assam Accord should be implemented so as to facilitate detection, deletion, and deportation of foreigners from Bangladesh. Further, in the light of the observations of the Supreme Court in W.P.(C) No. 1045/2018 (Supreme Court Legal Services Committee -Versus- Union of India and WP(C) No. 562 of 2012/WP(C) No. 274 of 2009/WP(C) No. 876 of 2014) and other connected matters, diplomatic initiative need to be expeditiously pursued by the Government of India with the Government of Bangladesh on the diplomatic level in the matter of deportation of all declared foreigners post 1971 stream to Bangladesh.*

*Till such deportation is completed, as an interim measure, the post 1971 stream should be resettled in areas outside the State of Assam, inasmuch as after acceptance of the 1951-1971 stream, it is not possible for the State of Assam to shoulder the post 1971 stream and it should be the responsibility of the entire country to take care of this stream and not to leave it to Assam. This will be in equitable distribution of all such persons in the entire country. Assam has carried out its obligation under the Assam Accord on humanitarian principles to its own prejudice and it would be fair and equitable, if the rest of the country comes forward and shares the responsibility it owes to Assam.*

- (n) *Simultaneously prompt and adequate measures be adopted to completely seal the Indo-Bangladesh Border within a target date in the line of Indo-Pakistan Border. In this connection, the following observation of the Supreme Court of India in Assam Sanmilita Mahasangha -Versus- Union of India as report in (2015) 3 SCC 01 may be referred to ...*

*"41. We are at a loss to understand why 67 years after independence the Eastern border is left porous. We have been reliably informed that the entire Western border with Pakistan being 3300 km long, is not only properly fenced but properly manned as well and is not porous at any point."*

- (o) *Separate Multipurpose Cultural Complexes for each of the tribes and other ethnic communities in various districts, subdivisions of Assam shall be set up.*

- (p) *The Committee also recommends adequate measures, as suggested in Annexure V for creation of enabling provisions only, in respect of Inner Line Permit (ILP) system.*
- (q) *Value addition to the State's natural resources, both renewable or otherwise, be carried out within the State itself so as to generate economic activities and employment opportunities in the State.*
- (r) *The Assam State Biodiversity Board should be strengthened with sufficient financial assistance from both the Central and the State Government for effective functioning and taking up measures for conservation of the biodiversity of Assam.*

*7.6.7 Keeping in view the aforesaid recommendations and for their effective implementation, appropriate constitutional and legislative measures including executive instructions be undertaken at the appropriate level within specified time frame which will go a long way to provide succour to the long time apprehension of the "Assamese People". In this connection, the Committee has made certain suggestions at Annexure - V for appropriate Constitutional/Legislative amendments in tune with the recommendations made in this report (Chapter-7).*

*7.6.8 An appropriate body should be formed to monitor the execution of the recommendations of the High Level Committee and to reconcile any constitutional or legal challenges that may arise in their implementation. The Committee should be preferably headed by a retired judge of the Supreme Court/High Court, with representatives from Ministry of Home Affairs, Government of India and Government of Assam and All Assam Students Union. The Body should meet at least once every three months to monitor the progress.*

*7.6.9 The Committee is of the view that the recommendations suggested in this Report be implemented at the earliest by drawing up a time bound programme but not later than two years from the date of its submission.*

\*\*\*\*\*



**CHAPTER - 8**  
**SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS**  
**ON THE TERMS OF REFERENCE**

**8.1 ToR 2. (a) Examine the effectiveness of actions taken since 1985 to implement Clause 6 of the Assam Accord**

As regards the effectiveness of actions taken since 1985 to implement *Clause 6 of the Assam Accord*, the Committee is of the opinion that although periodic discussions have been initiated by the Central Government with the representatives of All Assam Students Union, as discussed in the preceding paragraphs, nothing substantial and concrete has emerged except establishing the cultural complexes in the name and style *Srimanta Sankardev Kalakshetra and Dr. Bhupen Hazarika Regional Government Film and Television Institute*. Some other activities including financial assistance to some of the organizations like *Jyoti Chitaban, Anundaram Borooh Institute of Language Art and Culture (ABILAC)* etc. are also noted by the Committee.

Based on the reports submitted by the Government and discussions with concerned officials, the Committee is of the view that setting up of the cultural complex SSK was a step in right direction under Clause 6 with the given objectives. The Institute has become a forum for promotion and display of the dance and music of the State through the Annual festivals organized. But hardly any work has been done on research on the dance, music, drama, fine arts of the region and as such, no steps have been taken for documentation in this regard. No modern techniques have also been adopted by the Institute for preservation/documentation. No research activities have been started in this regard. It appears, fund for carrying out the activities have been a main constraint as the Government of India fund was only for initial capital expenditure and operation. Fund is to be provided by Government of Assam.

The *Jyoti Chitaban Film Studio* has an ambitious plan for modernization and up-gradation of the equipment and creation of digital archive for preservation of music and films of the State. Adequate funds need to be provided to the Film Studio by the State Govt. as well as Central Govt. to augment its infrastructure.

The *Dr. Bhupen Hazarika Regional Government Film and Television Institute* be upgraded to Degree level from Diploma level institute.

The *Anundaram Borooh Institute of Language Art and Culture*, set up at North Guwahati in 1989, it appears that the Institute lacks in proper infrastructure and funds for carrying out research activities. There is urgent need for a multi-utility building with modern amenities for housing an Archive, a digital library, a folk museum, conference and reading rooms and a city centre in Guwahati.

To undertake more research activities the Institute needs more regular quality academic staff, technical staff and research fellows. The Institute needs to publish more reading materials in the tribal and indigenous languages of the State. Government funds to the institutes need to be given to gear up its activities.

The *Sattras* of Assam are the premier socio-cultural and religious organizations of Assam. Historical and cultural lineages of these institutions are rooted in the origin and development of Bhakti Movement in Assam. For the propagation of Bhakti Movement in Assam the Sattras institutions were first established during 15<sup>th</sup>-16<sup>th</sup> century A.D. in Assam.

The Committee has prepared a list of 862 *Sattras* in 1<sup>st</sup> phase. But it has been estimated that more than 1000 *Sattras* exist in the State. The *Sattras* are suffering in all respect due to financial constraints. The Sattras had a lot of cultivable land for generating their income source to run themselves. But later on it has been reported that a considerable area of land belonging to the *Sattras* has been encroached by individuals for which the *Sattras* struggling for their existence.

The Government of Assam has given financial assistance to 379 *Sattras* till today for protection, preservation and development of the Sattras institution of Assam under different schemes. But it will require more financial assistance for ensuring the survival of these cultural institutions which has a cultural bonding among the different sections of the society of the State. To ensure the protection, preservation and development of the Sattras institution of Assam an autonomous authority is required to be established to look after the overall development of these institutions. The department concerned could not achieve this requirement due to financial constraints. So, the protection, preservation and development of these institutions should be ensured to protect, preserve and promote cultural heritage of Assamese people under the provision of Clause 6 of Assam Accord.

While noting the above activities, the Committee is of the opinion that the aforesaid activities, really speaking, bear no material significance to the Terms of Reference (ToR) based on *Clause 6 of the Assam Accord* when Clause 6 itself is yet to be implemented. Such activities are routine affairs of the State and even otherwise also due to these institutions. This is precisely the reason as to why the present Committee had to be constituted after 34 long years of signing of the *Assam Accord*.

## 8.2 ToR 2.(b) Discussions with Stakeholders

The Committee throughout was cognizant of the large scale ramifications of their mandate on the future of the State of Assam. Having regard to the large public interest, the Committee adopted an inclusive approach in dealing with the issues in the Terms of Reference. Representations were invited through Public Notice in various newspapers, personal hearings were scheduled and stakeholder consultations were held throughout the

process. During the period of its functioning, the Committee received over 1200 representations and held 16 days of personal hearing and consultation. Noting that the perspectives on the issues in the *Terms of Reference* would be varied in different areas of the State, the Committee extensively visited several district head-quarters of the State also covering the adjoining districts and interacted with the representatives of various communities and individuals from a cross-section of the society.

Such interactions and consultations find seriously considered place in the recommendations made in this Report. It has been the endeavour of the members of the Committee to give recognition of the various stakeholders and their entitlements as guaranteed under *Clause 6 of the Assam Accord*.

*The summary of the suggestions, comments and submissions received from the stakeholder have already been indicated in Chapter - 4 of this report.*

### 8.3 ToR 2.(c) Assessment of appropriate level of reservation of seats in Assam Legislative Assembly and Local Bodies

The Committee in its deliberations was of the unanimous view that adequate and effective political safeguards are critical to safeguard the interests of the Assamese people. It was felt that reservations should be provided to the "*Assamese People*", with respect to the number of seats in the *Parliament, the Assam Legislative Assembly* and the *Local Bodies*. Over the decades, the demographic change that is discernible in eleven districts of the State of Assam, strengthens the anxiety and fear of the indigenous communities of being rendered into a minority in their home state. The Committee is of the view that in upholding the philosophy of the Assam Accord to provide a fine balance between the interests of the "*Assamese people*" and migrants from Bangladesh (erstwhile East Pakistan) until *March 24, 1971* which has been secured vide *Clauses 5.1 to 5.8 of the Assam Accord*. In such circumstances the inherent and substantive right of the indigenous communities of Assam cannot be ignored and/or silenced.

Therefore, it would only be fair that a liberal interpretation is drawn, so as to include the political rights of the Assamese people vide *Clause 6* to maintain the demographic integrity of the State of Assam and preserve, promote and protect the cultural, social, economic and political rights of its indigenous people. Additionally, the Committee is of the opinion that unless the political rights of the "*Assamese People*" are protected, no amount of other measures would help the "*Assamese People*" in maintaining their cultural, social, linguistic identity and heritage in such circumstances.

The Committee recommends reservation of seats for the "*Assamese People*" in the *Assam Legislative Assembly* and *Local Bodies* to the extent of 80% which will be including the already existing reservations. The Committee is also of the view that such reservations should be appropriately effected in the constituencies of the districts which have undergone

demographic changes as indicated in Chapter 2 of this report. Similar reservations should also be extended in respect of Local Bodies excluding 6<sup>th</sup> schedule councils.

Simultaneously, the Committee while recommending reservation of seats in the Assam Legislative Assembly and also in the seats allotted to the State of Assam for the House of People, has also taken note of the fact that delimitation exercise in the State stands deferred by order under S.O. 283 (E) dated 08.02.2018 issued in exercise of powers conferred by Sub-section (1) of Section 10 (A) of the Delimitation Act, 2002 until further orders. This order of deferment can be rescinded by an order passed in exercise of power conferred under Sub-Section (1) of Section 8(A) of the Representation of People Act, 1950. Under Sub-section (2) and (3) of Section 8(A) of the said Act as soon as may be, after the Deferment Order in respect of a State is rescinded, it is the responsibility of the Election Commission to determine the Parliamentary and Assembly Constituencies into which the state shall be divided and the extent of each constituency as divided.

The Committee recommends that to give effect to the proposed reservation of seats for the "Assamese People", necessary order may be passed for rescinding the Deferment Order dated 08.02.2018 referred to above. Election Commission may proceed with its power under Sub-section (2) and (3) of Section 8(A) of the Representation of People Act, 1950 for readjustment of seats. The committee further recommends that while carrying out the statutory exercise under Section 8(A) of the Representation of People Act, 1950, the Election Commission shall keep in mind the demographic changes that have taken place over the years in the districts referred to in Chapter 2 and the constituencies thereof towards readjusting the seats in such special delimitation recommended by the Committee.

The Committee also recommends for immediate and effective implementation of various agreements so far arrived at, with regard to the Sixth Schedule Councils namely Karbi Anglong Autonomous Council, North Cachar Hills Autonomous Council and Bodoland Territorial Autonomous District Council. The Committee also recommends that rights and privileges of all indigenous communities residing in such areas should be duly protected while doing so.

The Committee further recommends that the Statutory Autonomous Councils created by the State Acts namely, Rabha Hasong Autonomous Council, Tiwa Autonomous Council, Mising Autonomous Council, Deori Autonomous Council, Thengal Kachari Autonomous Council and Sonowal Kachari Autonomous Council should be made fully functional by providing adequate financial and administrative support. Similar support should be extended to the Development Councils constituted by the State Government.

The Committee further recommends the making of adequate provision for an *Upper House* and the seats thereof to be reserved for the "Assamese People". For implementation of the recommendations as suggested by the Committee, it would be necessary to amend the existing Article 371 B of the Constitution of India by substituting the said Article by incorporating a new amended Article 371 B and making appropriate amendments to the existing law for which the Committee places its suggestions in ANNEXURE - V.

While making the aforesaid suggestions, the Committee took note of the fact that had there not been large scale immigration to the State of Assam over the years, 100% seats in the Assam Legislative Assembly would have been occupied by the representatives of the "Assamese People" as defined in *Chapter - 6*, for all times to come. But now that, the immigrants from Bangladesh (erstwhile East Pakistan) up to 24.03.1971 have been granted citizenship causing demographic changes jeopardizing the "Assamese People", the Committee is of the view that the quantum of seats in Assam Legislative Assembly represented by "Assamese People" should be such that those representatives will have the final and controlling say in the Assembly in respect of major decisions pertaining to the State and the "Assamese People" in the areas of their culture, language and identity. It is in this context, the Committee is of the view that at least 80% of the seats including the seats already reserved for the SC/ST be reserved for the "Assamese People".

The Committee unequivocally records that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjoyti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent seats excluding the seats already reserved for the SC/ST communities be reserved for the "Assamese people".

#### 8.4 ToR 2.(d) Measures to protect Assamese and other indigenous languages

1. The policy pertaining to the official language of the State be given appropriate Constitutional protection under Article 371 B of the Constitution of India. The recommendations find its place for insertion in the proposed 371 B as detailed in ANNEXURE - V.
2. Assamese language shall continue to be the Official Language of Assam as per the provisions of the Assam Official Language Act, 1960 throughout the State with provisions for use of local languages in the Barak Valley, Hill Districts and the Bodoland Territorial Autonomous District area as provided for in the Act itself.
3. The Assam Official Language Act, 1960 shall be strictly implemented with necessary amendments for insertion of penal provisions for violation of the Act.
4. To make Official Language compulsory in official works, all State Government Acts, Rules, Regulations, Circulars, Orders, Notifications and Publications must be in Assamese along with English. An Assamese version of all Central Government Notifications, Orders, Acts and Rules relevant to Assam shall be published by the State Government within a fixed time from the original date of issue of the concerned document.

5. An Autonomous Language and Literature Academy/Council of Assam should be constituted and given statutory status to protect, preserve and promote all indigenous languages of Assam and the same should be headed by a distinguished literary person. All the literary bodies of indigenous languages shall be members of the academy/council. The main objective of the academy/council shall be to develop the indigenous languages for their spread and enrichment of their literature. The academy should be given statutory financial support for its functioning and for linguistic and literary projects.
6. In all English Medium Schools, both under the State and the Central Boards of Secondary Education in the State of Assam, the Assamese subject should be made compulsory at least up to Class-VIII/Class-X level.
7. An Assamese language department in Assam University in the main campus at Silchar and in the Tezpur University, Tezpur should be opened with chair in the name of Sahityarathi Lakhminath Bezbaruah and Sahityakandari Padmanath Gohain Baruah respectively.
8. The Official Language Implementation Directorate of the Government of Assam shall be revived/reactivated and equipped with all necessary infrastructure and logistic support.
9. Mandatory provision of an Assamese language paper shall be made applicable in every recruitment in State Government services with necessary alternative provisions for Barak Valley districts, Bodoland Territorial Autonomous District (BTAD) and Hills Districts in terms of the Assam Official Language Act, 1960. Knowledge of Assamese may be made preferential qualification for appointment in jobs in the Central Government, Semi-central Government, Central PSUs and Private Sector for Assam.
10. An Autonomous Institute/Council to be set up in Assam under an Act of Parliament with the objective of protection, preservation and promotion of cultural, social, linguistic identity and heritage of Assam, with separate campuses for BTAD, Karbi Anglong Autonomous Council districts and Dima Hasao district. The Council should be given statutory financial assistance for its activities.

The broad objectives of the Institute may be:

- (i) To undertake high quality research into all aspects of cultural, social, linguistic identity and heritage of Assam.
- (ii) To provide consultation and research expertise to government, public and private sector bodies.

- (iii) To provide consultation and research expertise in preservation, maintenance and promotion of all sites/monuments/relics/cultural symbols, irrespective of community or religion which are of historical value and importance.
  - (iv) To carry out enumeration of sites/monuments which are of importance to the cultural, social, linguistic identity and heritage of Assam and ensure research and development.
  - (v) To formulate draft policies addressing various stakeholders in cultural, social, linguistic identity and heritage of Assam and carry out advocacy measures for such policies.
  - (vi) To set up academies for all-round development of each of the indigenous tribal languages, including (1) *Boḍo*, (2) *Mishing*, (3) *Karbi*, (4) *Dimasa*, (5) *Koch-Rajbanshi*, (6) *Rabha*, (7) *Deuri*, (8) *Tiwa*, (9) *Tai* and other indigenous language. The proposed Academies shall look after the academic activities of the aforementioned languages.
  - (vii) To protect and preserve the cultural heritage of Assam as defined in the UNESCO Convention of 1972. All the components of cultural heritage, tangible and intangible, should be covered by the Council.
11. A chapter of Sahitya Akademi shall be established in the State by the Sahitya Akademi in collaboration with the various Sahitya Sabhas of the State for all-round development of Assamese and other indigenous languages.
  12. The Four Language Principle introduced in the State for educational purposes should be given appropriate legislative protection.
  13. Provisions shall be made for teaching of indigenous languages including Hmar, Kuki, Bishnupriya, etc. as subjects for which necessary funds shall be provided by the Central Government.
  14. The appropriate Government shall provide teachers in colleges for teaching the indigenous language subjects which have already been introduced by the universities of the State.
  15. A multilingual Central Library for Assamese and other indigenous languages of the State shall be established on the model of the National Library at Kolkata, and the said library shall be notified under Section 3 read with Section 2(b) of the Delivery of Books and Newspapers (Public libraries) Act, 1954 as amended.

16. Multipurpose Cultural Complexes shall be set up in all district head-quarters of Assam under the name Sahityarathi Lakshminath Bezbaruah Bhavan. These Bhavans shall have the provisions for state-of-the-art auditorium, seminar hall, art gallery, etc.
17. Multipurpose Cultural Complexes shall be set up in the selected/major cities of the country for showcasing the greater Assamese culture.

#### 8.5 ToR 2.(e) Recommendation for appropriate level of reservation in employment under the Government of Assam

As per the Assam Accord, the State of Assam has accommodated the migrants from Bangladesh, entering illegally, from erstwhile East Pakistan now Bangladesh for the period from 01.01.1951 to March 24, 1971. Had it not been so, the national cut off date of July 19, 1948 would have been applicable to the State of Assam as well. As such, it is obvious that necessary reservation for "Assamese People" is required to be provided for employment in the ministerial and other subordinate services available in the State of Assam, in the public sector, as well as in the private sector. Various representations were received elaborating on this aspect of the matter and was highlighted during discussions with the stakeholders. The Committee is therefore, of the opinion that *at least 80%* of jobs under the Government of Assam/ State Government undertakings and so also 70% of vacancies arising in the private sectors including establishment under the PPP mode shall be reserved for Assamese People. The Committee feels that these safeguards should be incorporated in *Article 371B* to grant it constitutional status as suggested in ANNEXURE - V.

The Committee unequivocally record herein also that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent of jobs under the Government of Assam/State Government undertakings as well as in the private sectors including establishments under the PPP mode shall be reserved for the "Assamese people".

#### 8.6 ToR2.(f) Other measures to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people

##### 8.6.1 Implementation of Assam Accord 1985

The Committee noted that the Assam Accord is yet to be fully and effectively implemented even after 35 years of its signing. It is felt that complete implementation of all



Clauses of Assam Accord especially Clauses 5.1 to 5.9, Clauses 7, 10 and 11 are essential for the safeguards to be provided under Clause 6 of the Assam Accord.

The Committee, therefore, recommends that the Assam Accord be fully implemented without any further delay by drawing up a time bound action plan.

#### 8.6.2 Reservation of seats in Parliament

As regards reservation of seats in the *Parliament*, including the constituencies already reserved for Scheduled Communities, at least 80% of the seats allotted to the State of Assam should be reserved for the "*Assamese People*". Appropriate constitutional amendments should be effected in this regard. It is emphasized that in order to recognize, protect and safeguard the interests of the "*Assamese people*", the political safeguards have been suggested only to include those who have been envisaged under the definition of the term "*Assamese People*" as defined by this Committee. The reason for such reservation is already indicated while discussing *ToR 2(c)*.

The Committee unequivocally records that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent seats excluding the seats already reserved for the SC/ST communities be reserved for the "Assamese people".

#### 8.6.3 Reservation in employment under the Central Government/ Semi-central Government, Central PSUs and Private Sector including establishments under the PPP mode.

For the reasons stated in respect of the recommendation made against *ToR 2(e)*, the committee is of the opinion that 80% of *Group C and Group D* level posts under the Central/Semi-central Government/Central PSUs/Private Sector including establishments under the PPP mode falling and arising in the State of Assam be reserved for the "*Assamese People*". The Committee feels that these safeguards should be incorporated in *Article 371B* to grant it constitutional status as suggested in ANNEXURE - V.

The Committee unequivocally record herein also that the members namely, Dr. Samujjal Bhattacharjya, Chief Advisor, All Assam Students Union (AASU), Shri Dipanka Kumar Nath, President, All Assam Students Union (AASU) and Shri Lurinjyoti Gogoi, General Secretary, All Assam Students Union (AASU) are of the view that 100 per cent of the group C and D level posts and 90 per cent of group A and B level posts under the Central/Semi-central Government/Central PSUs as well as private sectors falling and arising in the State of Assam be reserved for the "Assamese people".

#### 8.6.4 Land rights

So far as land rights are concerned, the provisions of *Assam Land Revenue and Regulation, 1886* (as amended) be strictly followed. In addition, the land rights be confined to the "Assamese People" putting restrictions on transferring the same by any means to other persons other than "Assamese People". However, exceptions may be made in case of requirement of such land for industrialization, construction of highways and other such activities to be undertaken by the Central Government and the State Government. Unless the land rights of the "Assamese People" are protected along with the political rights, it will be a futile exercise to adopt measures for full implementation of *Clause 6 of the Assam Accord* in its true spirit, keeping in mind the background facts. Therefore, the Committee makes the following recommendations in addition to the recommendations made in the report of *Sri H.S. Brahma Committee on Land Reforms* submitted in January, 2018 and the *Land Policy, 2019*.

(i) In addition to tribal belts and blocks under *Chapter X of ALRR 1886*, the State Government should identify the Revenue Circles of the State, where only "Assamese people" can own and possess land and transfer of such land in these areas are limited to them alone. The urban areas under the *Assam Municipal Act* will however be excluded without affecting the interest of the Assamese people, from these areas/zones so that land in cities /towns can be owned by any citizen of India.

(ii) The State Government should take immediate steps to prevent the shrinkage/decrease of *Prime Agricultural Land*. These should be retained as permanent cropland and there should be complete ban on transfer of such land for non- agricultural purposes.

(iii) *Section 8 of the Assam Agricultural Land (Regulation of Re-classification and Transfer for Non-Agricultural Purpose) Act, 2015* (hereinafter referred to as "Re-classification Act") completely negates the objectives sought to be achieved by the said Act and allows the conversion of agricultural land for non-agricultural purposes without following provisions of *Section 3 and 4* of the Act. In fact, *Section 8* encourages violation of the law restricting transfer of agricultural land for non-agricultural purpose and sets at naught the bar imposed by *Section 3* of the said Act. *Section 8* negates the mandatory provisions of the Re-classification Act which restricts the transfer of agricultural land for use in non-agricultural purposes. The Committee strongly recommends that this provision which allows violation of the law pertaining to re-classification be repealed and appropriate penal provisions be enacted under *Section 8* of the said Act. Further, when re-classification is sought to be achieved, the public opinion of the neighbourhood will need to be ascertained through Gram Sabha.

(iv) The land unfit for agricultural purposes may be identified by a land survey within a specified period and declared as industrial area. Such industrial area should not include any prime Agricultural land. The prime agricultural land included in the recent Notification No. *RLA192/2017/30, dated 18<sup>th</sup> January, 2018*, issued by the Government of Assam in the Revenue & D.M. (LR) Department as Industrial belt in Lower Assam from Guwahati to Tihu shall be excluded and de-notified.

(v) The *Small Tea Garden* revolution which took place in the State in the last 30 years has resulted in massive self-employment of young entrepreneurs. The Committee recommends that the State Government devise similar schemes to motivate such young entrepreneurs to take up Agriculture/ Horticulture/ Pisciculture/ Animal Husbandry etc. which would go a long way in restraining the "*Assamese people*" from transferring their land to others for immediate lure of money which in the long run creates a landless community devoid of any means of livelihood.

(vi) It is a fact that land records are in a mess. The State Government should take a time bound programme for updating and authenticating the land records.

(vii) A time bound 3 years programme may also be taken up in a mission mode to allot Patta to the "*Assamese people*" who are in occupation of land for decades but do not possess any land documents. Similarly, the "*Assamese people*" who are in occupation of Government land and are eligible for settlement of land as per *Land Policy, 2019* should be given Pattas in a time bound manner.

(viii) The land Administration in the State may be strengthened by increasing the number of officers and land record staffs. It is seen that land administration personnel is hardly left with any time for their core duties after attending to the miscellaneous duties including Law and Order etc. There should be a group of trained Land Administration Personnel who are exclusively devoted to the administration of land and revenue in the State.

(ix) All *Wetlands, Professional Grazing Reserve (PGR), Village Grazing Reserve (VGR)* should be freed from encroachment and protected from further encroachment. The wetlands must be maintained for ecological balance. Further, an Act needs to be enacted by the Assam Legislative Assembly making encroachment of Government land, forest land a cognizable criminal offence with provisions for an expeditious trial.

(x) The *Char* areas should be surveyed by taking a special programme. The newly created *Char* areas should be treated as Government land and erosion affected people should get priority in allotment. Alternatively, *Char* land is to be taken over for Agricultural and allied activities like dairy, fodder plantation through community ownership etc.

(xi) Provisions by way of enacted law should be made to prohibit transfer of tea land from the original grantee to any other person by any covert mechanisms whatsoever including transfer of shares of the lessee Tea Company without prior permission of the Government. No such permission should be allowed without payment of appropriate premium stipulated under such provisions. The Committee points out that the State Government is losing huge revenue on account of such transfers which seek to avoid the bar of transfer of tea land in violation of the provisions of such lease. All fresh grants or renewal of existing grants should mandatorily incorporate a bar to prohibit such transfer.

(xii) Statutory provisions prohibiting transfer of tea land for any other use without permission of the State Government must be strictly enforced.

(xiii) The question of alienation of land in tribal belts and blocks, made in violation of the provisions of *Chapter X of the Assam Land and Revenue Regulation, 1886* have been discussed in *Chapter 4* hereinabove. On the basis of such considerations, the Committee recommends that Land Tribunals be established at the district level for deciding in a time bound manner, complaints on such violation with a view to identifying and evicting unauthorised and illegal occupants of such land. Such tribunals should be manned by competent judicial officers and officers having experience in matters pertaining to the *Assam Land and Revenue Regulation, 1886*. Provisions for appeal against any order by the Tribunal should be decided by the Assam Board of Revenue.

(xiv) As recommended by the *Brahma Committee*, all *Tribal Belt and Block* land should be exempted from the provisions of *Assam State Capital Region Development Authority Act, 2017*.

#### **8.6.5 Some other measures recommended for protection, preservation and promotion of cultural, social, linguistic identity and heritage of Assamese people**

- (a) The Assam Ancient Monuments and Records Act, 1959 be suitably amended with the proposed amendments suggested by this Committee to protect both tangible and intangible cultural heritage assets, protected and unprotected sites of historical significance and for providing a mechanism to create a consolidated fund and Board for the management of the cultural heritage assets as detailed in ANNEXURE - V.
- (b) Separate Research Institutions/ Centres/ Chapters of National organizations focused on different branches of literature and visual/performing arts (e.g. Sahitya Academy, Lalit Kala Academy, Sangeet Natak Academy) should be set up to facilitate research, documentation, conservation, promotion and support of the cultural, linguistic/literary heritage of the "Assamese People".
- (c) All cultural institutions like Sattras, Naamghars and other indigenous religious institutions shall be given statutory legislative protection. A separate Board with autonomous functioning and statutory financial assistance from both the Central and the State Government shall be set up to look after the all-round development of Sattras of Assam. The Sattras should be revived as centres of learning and cultural activities. The proposed body shall monitor the process of preservation of age-old traditions of the Sattras.
- (d) The Madhupur Sattra at Coochbehar in West Bengal, where the mortal remains of Saint Sankardeva along with other antiquities have been preserved up till now

shall be developed and protected by the concerned Central Govt. agencies as this heritage site is situated outside the geographical boundary of Assam.

- (e) The Government of Assam will take all necessary steps to get the history of the 'Assamese people' published. Simultaneously, the subject of Assam History should be made compulsory in all schools at least up to the level of Class-VIII.
- (f) Steps should also be taken to preserve and document the Zikirs and Zaris composed by Ajan Pir, the celebrated Sufi Saint of Assam. Efforts should also be made for translation of Zikirs in various indigenous languages of the State.
- (g) Multipurpose cultural complexes should be built throughout the State in each district towards protection, preservation and uplift of cultural heritage of each one of the ethnic groups of Assam, howsoever small it may be. Such cultural centres shall have the provisions for state-of-the-art auditorium, seminar hall, art gallery, etc.
- (h) Government shall set up an Ethnic Village in the vicinity of Guwahati city on the model of Manav Sangrahalaya of Bhopal to showcase and preserve ethnic culture and to facilitate research and study the heritage, culture, literature and traditional art forms of the indigenous people of Assam.
- (i) Special assistance from the Central Govt. as well as from the State Government shall be extended to traditional industries of Assam, such as (i) Weaving industry of Sualkuchi, (ii) Bell-metal industry of Sarthebari and Hajo etc by declaring them as Heritage Industries of the State.
- (j) Organizations like Jyoti Chitran Film Society, Dr. Bhupen Hazarika Regional Government Film and Television Institute, Srimanta Sankardev Kalakshetra etc. shall be provided with adequate fund to augment their infrastructure.
- (k) Cultural Universities of the State shall be provided with financial assistance to augment their cultural, educational and research programme.
- (l) Museums shall be set up for preservation of all tribal groups and other indigenous communities of the State of Assam.
- (m) Having regard to the background facts leading to the Assam Movement and the signing of the *Assam Accord* and continued influx of illegal immigrants into Assam, the procedure for detection of foreigners in Assam should be strengthened by applying the same procedure for detection of foreigners as applicable in the entire country. It is reiterated that the Assam Accord should be implemented so as to facilitate detection, deletion, and deportation of foreigners from Bangladesh. Further, in the light of the observations of the Supreme Court in W.P.(C) No.

1045/2018 (*Supreme Court Legal Services Committee -Versus- Union of India*) and (W.P.(C) No. 562 of 2012/W.P.(C) No. 274 of 2009/W.P.(C) No. 876 of 2014) and other connected matters, diplomatic initiative need to be expeditiously pursued by the Government of India with the Government of Bangladesh on the diplomatic level in the matter of deportation of all declared foreigners post 1971 *stream* to Bangladesh.

Till such deportation is completed, as an interim measure, the post 1971 *stream* should be resettled in areas outside the state of Assam, inasmuch as after acceptance of the 1951-1971 *stream*, it is not possible for the State of Assam to shoulder the post 1971 *stream* and it should be the responsibility of the entire country to take care of this *stream* and not to leave it to Assam. This will be in equitable distribution of all such persons in the entire country. Assam has carried out its obligation under the Assam Accord on humanitarian principles to its own prejudice and it would be fair and equitable, if the rest of the country comes forward and shares the responsibility it owes to Assam.

- (n) *Simultaneously prompt and adequate measures be adopted to completely seal the Indo-Bangladesh Border within a target date in the line of Indo-Pakistan Border. In this connection, the following observation of the Supreme Court of India in Assam Sanmilita Mahasangha -Versus- Union of India as report in (2015) 3 SCC 01 may be referred to ...*

*"41. We are at a loss to understand why 67 years after independence the Eastern border is left porous. We have been reliably informed that the entire Western border with Pakistan being 3300 km long, is not only properly fenced but properly manned as well and is not porous at any point."*

- (o) Separate Multipurpose Cultural Complexes for each of the tribes and other ethnic communities in various districts, subdivisions of Assam shall be set up.
- (p) The Committee also recommends adequate measures, as suggested in Annexure V for creation of enabling provisions only, in respect of Inner Line Permit (ILP) system.
- (q) Value addition to the State's natural resources, both renewable or otherwise, be carried out within the State itself so as to generate economic activities and employment opportunities in the State.

- (f) The Assam State Biodiversity Board should be strengthened with sufficient financial assistance from both the Central and the State Government for effective functioning and taking up measures for conservation of the biodiversity of Assam.

8.6.6 Keeping in view the aforesaid recommendations and for their effective implementation, appropriate constitutional and legislative measures including executive instructions be undertaken at the appropriate level within specified time frame which will go a long way to provide succour to the long time apprehension of the "Assamese People". In this connection, the Committee has made certain suggestions at Annexure - V for appropriate Constitutional/Legislative amendments in tune with the recommendations made in this report (Chapter-7).

8.6.7 An appropriate body should be formed to monitor the execution of the recommendations of the High Level Committee and to reconcile any constitutional or legal challenges that may arise in their implementation. The Committee should be preferably headed by a retired judge of the Supreme Court/High Court, with representatives from Ministry of Home Affairs, Government of India and Government of Assam and All Assam Students Union. The Body should meet at least once every three months to monitor the progress.

8.6.8 The Committee is of the view that the recommendations suggested in this Report be implemented at the earliest by drawing up a time bound programme but and not later than two years from the date of its submission.

\*\*\*\*\*


## CHAPTER 9 CONCLUSION

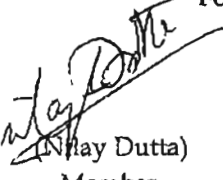
With the recommendations enumerated and summarised in Chapter 6, 7 and 8 respectively, the Committee concludes its report with the expectation that its recommendations will receive due attention of the Government, both Central and State, keeping in mind the long drawn battle and agony of the "Assamese People" even from the days before partition and thereafter, towards ensuring all-round protection, preservation and promotion of cultural, social, linguistic identity and heritage of the "Assamese People". It will be appropriate to evolve a mechanism whereby an independent Committee, as deemed proper, can cooperate and monitor the implementation process of the recommendations made in this report.

Endorsed and signed on this 10<sup>th</sup> day of February, 2020, at Guwahati (Assam Administrative Staff College, Khanapara, Guwahati).

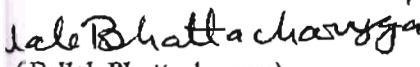
(Satyendra K. Garg)  
Member Secretary

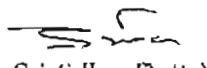
(Justice Biplab Kumar Sharma)  
Former Judge, Chairman

  
(Dr. Ramesh Borpatragohain)  
Member


  
(Anil Dutta)  
Member


  
(Subhash Ch. Das)  
Member


  
(Pallab Bhattacharyya)  
Member

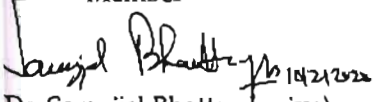
  
(Dr. Sristidhar Dutta)  
Member

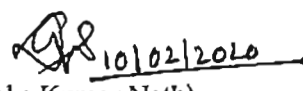
  
(Sumanta Chaliha)  
Member

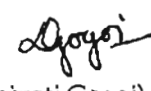
  
(Dr. Joy Kanta Sarma)  
Member

  
(Wasbir Hussain)  
Member

  
(Dr. Mrinal Miri)  
Member

  
(Dr. Samujjal Bhattacharjya)  
Member

  
(Dipanka Kumar Nath)  
Member

  
(Lurinjyoti Gogoi)  
Member



ANNEXURE - I (A)  
PUBLIC NOTICE

AN APPEAL FROM THE HIGH LEVEL COMMITTEE HEADED BY JUSTICE SHRI. B.K. SHARMA , FORMER JUDGE, GAUHATI HIGH COURT, FOR VIEWS, COMMENTS, SUGGESTIONS ON THE CLAUSE 6 OF ASSAM ACCORD 1985

It is for the information of members of the public that the Ministry of Home Affairs, Government of India vide notification No.11012/04/2019-NE.VI dated 15<sup>th</sup> July, 2019 has notified a High Level Committee in respect of Clause 6 of Assam Accord to be headed by Justice Shri B.K. Sharma, former Judge, Gauhati High Court.

Clause 6 of Assam Accord is reproduced below:

*"Constitutional , legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people."*

The High Level Committee requests all stakeholders, social organizations, individuals, etc to give their views, comments, suggestions on measures to be taken as regards the following:

- a. Reservation of seats in Parliament, Assam Legislative Assembly and Local bodies for the indigenous tribal, indigenous Assamese and other indigenous people of Assam.
- b. Protection of Assamese and other indigenous languages of Assam.
- c. Reservation in employment under the Government of Assam, Central Government, semi-central government, central PSUs and private sector in Assam.
- d. Any other measures for protection, preservation and promotion of cultural, social, linguistic identity and heritage of the indigenous tribal, indigenous Assamese and other indigenous people of Assam.
- e. Protection of land rights of indigenous tribal, indigenous Assamese and other indigenous people of Assam.

The High Level Committee requests all stakeholders, social organizations, individuals, etc to give their valuable comments, suggestions, views, etc on the above on or before 20<sup>th</sup> September, 2019.

Such organizations, stakeholders, individuals, etc. who desire to be heard in person may indicate their willingness to do so along with their submissions.

All concerned organizations, stakeholders, individuals, etc may submit their valuable comments suggestions, views etc in writing to the Chairman at the following address directly on working days between 10:00 AM to 3:00 PM or via e-mail ids as indicated below:

1. Office Address -  
Chairman,  
High Level Committee on Clause 6 of Assam Accord  
Implementation of Assam Accord Department  
Officers Training Institute of A.H. & Veterinary  
Department  
Farm Gate, Khanapara,  
Guwahati - 781022
2. E-mail Id -  
[imple.assamaccord@gmail.com](mailto:imple.assamaccord@gmail.com)  
[ppkathkotia@gmail.com](mailto:ppkathkotia@gmail.com)
3. Contact details of Nodal Officer - Mr. P.P. Kathkotia, ACS.  
Mobile No. 94350-56682

Chairman  
HIGH LEVEL COMMITTEE ON CLAUSE 6 OF ASSAM  
ACCORD

**ANNEXURE - I (B)**

**List of newspapers with dates of issuance of Public Notice**

**Date of Advertisement : 22-08-2019**

**Name of Newspapers in which Notice was published:**

1. The Assam Tribune
2. The Sentinel
3. The Hills Times
4. The Eastern Chronicle
5. Bodosa
6. S.B. Engkhong
7. S.H. Radab
8. Nispaksh Samachar Jyoti
9. Pratah Khabar
10. Purbanchal Prahari
11. Purvoday
12. Asamiya Pratidin
13. Amar Asom
14. Niyamiya Barta
15. Asomiya Khabar
16. Agradoot
17. Dainik Janambhumi

**Date of Advertisement : 11-09-2019**

**Name of Newspapers in which Notice was published:**

1. The Sentinel
2. Amar Asom
3. Asamiya Pratidin
4. Dainik Janambhumi
5. Dainik Jugasankha
6. Purvanchal Prahari
7. Bodosa

**Date of Advertisement : 24-09-2019**

**Name of Newspapers in which Notice was published:**

1. The Assam Tribune
2. Amar Asom

**ANNEXURE - II(A)**  
**List of stakeholder consultation**

**Invitee list of Editors and Senior Journalist on 19/10/2019**

Sl. No,	Names
1	Sjt. P. J. Baruah, The Assam Tribune
2	Sjt. Sankar Rajkhowa, The Sentinel
3	Sjt. Umananda Jaiswal, The Telegraph
4	Sjt. Rajib Bagchi, The Eastern Chronicle
5	Sjt. Kailash Choudhury, The Assam Post
6	Sjt. Ramesh Chouhan, The Hills Times
7	Sjt. Hildul Gogoi, The Assam Rising
8	Sjt. Samir Agarwala, The NE Times
9	Sjt. Homen Borgohain, Niyamiya Barta
10	Sjt. Nitya Bora, Asomiya Pratidin,
11	Sjt. Prafulla Govinda Baruah, Dainik Asom
12	Sjt. Naresh Kalita, Niyamiya Barta
13	Sjt. Bishwajit Das, Exe. Editor, Asomiya Khabar
14	Sjt. Utpal Baruah, Dainik Janambhumi
15	Sjt. Kanak Sen Deka, Dainik Agradoot
16	Sjt. Prasanta Rajguru, Amar Asom
17	Dr. Joyasree Goswami Mahanta, Edinor Sambad
18	Sjt. Anil Barman, Dainik Batari Kakat
19	Sjt. Arijit Aditya, Dainik Jugasankha
20	Sjt. Chandra Prakash Sharma, Pratah Khabar
21	Sjt. Ravi Shankar Ravi, Dainik Purvoday
22	Sjt. Arun Kumar Jha, Sentinel (Hindi)
23	Shri Meena Murarka, Purbanchal Prahari
24	Sjt. Manoj Kumar Goswami, DY-365
25	Sjt. Pramod Tiwari, Nispakash Samachar Jyoti
26	Syed Zarir Hussain, News Live
27	Sjt. Nitumani Saikia, Pratidin Time
28	Sjt. Debajit Talukdar, Exe. Editor, Assam Talks
29	Sjt. Ajit Kr. Bhuyan, Prag News
30	Sjt. Sanjoy Paul, News 18
31	Sjt. Utpal Baruah, News Time Assam
32	Syed Wasbir Hussain, North East Live
33	Sjt. Bhupendra Nath Bhattacharya, Rajjor Batori
34	Sjt. Prabin Kalita, The Times of India
35	Sjt. Chakreswar Goswami, Dainik Gana Jiwan
36	Sjt. Kumud Talukdar, Aami Asomor Janagan
37	Dr. Zakir Hussain, Daikin Gana Adhukar
38	Sjt. Sankar Gohain, Dainandin Barta
39	Sjt. Dhirendranath Chakraborty, Saptahik Pragjyotish
40	Sjt. Dileep Chandan, Asom Bani

- 41 Smt. Anuradha Sarma Pujari, Sadin
- 42 Sjt. Mahesh Ch. Medhi, Rongili Barta
- 43 Smt. Maini Mahanta, Nandini
- 44 Sjt. Munin Bayan, Dainik Asom
- 45 Sjt. Rajen Basumatary, The Bodoland Express, Bijni
- 46 Sjt. Borsing Rongphar, Salangdo, Diphu
- 47 Sjt. Longsing Teron, Thekar, Karbi Anglong
- 48 Sjt. Baburam Basumatary, Bodoso, Kokrajhar
- 49 Sjt. Rajen Basumatary, S.B. Enkhong, Bijni
- 50 Sjt. Anjan Upadhyai, Hamro Prajashakti, Tezpur
- 51 Sjt. Tpong Hanse, The Arleng Daily, Diphu
- 52 Sjt. Naba Thakuria, Secretary, Guwahati Press Club
- 53 Sjt. Baikuntha Goswami
- 54 Mr. Haidar Hussain

## ANNEXURE - II(B)

## Attendee list of Editors and Senior Journalists on 19/10/2019

Sl. No.	Names
1	Dr. Zakir Hussain, Dainik Gana Adhikar
2	Sjt. Baikuntha Goswami, Free Lancer
3	Sjt. Longsing Teron, Editor, Thekar
4	Dr. Joyasree Goswami Mahanta, Chief Editor, Edinor Sambad,
5	Sjt. Bhupendra Nath Bhattacharya, Editor, Raijor Batori
6	Sjt. Nabajit Bhagabati, News 18,
7	Sjt. Chandra Prakash Sharma, Pratah Khabar
8	Sjt. Umananda Jaiswal, The Telegraph
9	Sjt. Anjan Upadhyai, Hamro Prajashakti, Tezpur
10	Mr. Shahjahan Talukdar, Gana Adhikar
11	Mr. Haidar Hussain, Journalist
12	Sjt. Prasanta Jyoti Baruah, The Assam Tribune
13	Sjt. Dileep Chandan, Asom Bani
14	Sjt. Munin Bayan, Dainik Asom
15	Sjt. Ajit Kr. Bhuyan, Prag News
16	Sjt. Prasanta Rajguru, Amar Asom
17	Sjt. Nitumani Saikia, Pratidin Time
18	Sjt. Dhaka Ram Katle, Hamro Prajashakti
19	Smt. Meghna Choudhury, DIPR, Assam

## ANNEXURE - II(c)

## List of Organizations/Individuals invited on 29.10.2019

Sl. No.	Name of organizations /Individuals
1	Bodo Sahitya Sabha
2	Mising Sahitya Sabha
3	Rabha Sahitya Sabha
4	Tiwa Sahitya Sabha
5	Dimasa Sahitya Sabha
6	Deori Sahitya Sabha
7	Karbi Sahitya Sabha
8	Garo Sahitya Sabha
9	Khilonjia Janajati Sahitya Sabha, Asom
10	Srimanta Sankardev Sangha
11	Asom Satra Mohasabha
12	Sadau Asom Ukil Sanstha
13	Guwahati Ussa Nyayalay Ukil Sanstha
14	Asom Jatiyatabadi Yuba Chatra Parishad
15	Sadau Asom Lekhika Somaroh
16	Sadau Asom Mula Gabharu Sanstha
17	Asom Jagroto Mohila Parishad
18	Sadau Asom Pradeshik Mohila Samiti
19	Purbanchal Tai-Sahitya Sabha
20	Dhemaji Sahitya Sabha
21	Asom Public Works
22	Sjt. Homen Bargohain
23	Dr. Hiren Gohain
24	Dr. Lakshminandan Bora

**ANNEXURE - II(D)****List of Attendees on 29.10.2019**

<b>Sl. No.</b>	<b>Name of Organizations/Individuals</b>
1	Indigenous Tribal Sahitya Sabhas, Asom
2	Dimasa Sahitya Sabha
3	Garo Sahitya Sabha
4	Tiwa Sahitya Sabha
5	All Rabha Sahitya Sabha
6	Mising Sahitya Sabha
7	Deori Sahitya Sabha
8	Srimanta Sankardev Sangha
9	Asom Public Works
10	Sadau Asom Mula Gabaru Sanstha
11	Asom Jatiyatabadi Yuba Chatra Parishad

## ANNEXURE - II(E)

## List of Organizations/Individuals invited on 30.10.2019

Sl. No.	Name of organizations
1	Asom Sahitya Sabha
2	Sadau Asom Tribal Sangha
3	All Bodo Students Union
4	All Rabha Students Union
5	T.M.P.K
6	Sadau Koch Rajbongshi Chatra Sanstha
7	Sadau Tiwa Chatra Sanstha
8	Karbi Chatra Sanstha (Karbi Anglong) (KSA)
9	Sadau Asom Tribal Juba League
10	Sadau Asom Deori Chatra Sanstha
11	Sadau Asom Sonowal Kachari Chatra Sanstha
12	Sadau Asom Sarania Kachari Chatra Sanstha
13	Sadau Asom Modahi Chatra Sanstha
14	Karbi Chatra Sanstha (KSU)
15	Mech Kachari Jatiya Parishad
16	Sadau Asom Hajong Chatra Sanstha
17	Nikhil Barman Kachari Chatra Sanstha
18	Sadau Asom Thengal Kachari Chatra Sanstha
19	Sadau Asom Garo Chatra Sanstha
20	Chingfo Chatra Sanstha
21	Sadau Asom Man-Tai Speaking Chatra Sanstha
22	Sadau Asom Khamti Chatra Sanstha
23	Dimasa Chatra Sanstha (Dima Hasao)
24	Coordination Committee of the Tribal Organizations of Assam (CCTOA)
25	Sadau Tai Ahom Chatra Sanstha (ATASU)
26	Sadau Asom Matak Juba Chatra Sanmilan
27	Sadau Moran Chatra Sanstha
28	Asom Chah Jonojati Chatra Sanstha
29	All India Karbi Students' Association
30	Sadau Dimasa Chatra Sanstha
31	Mising Mimag Kebang
32	Sadau Asom Adivashi Chatra Sanstha
33	Sadau Asom Chutiya Chatra Sanstha
34	Sadau Asom Gorkha Chatra Sanstha
35	N.C. Hills Indigenous Students' Forum
36	Sadau Asom Karbi Chatra Sanstha
37	Sadau Asom Goriya Moriya Deshi Jatiya Parishad
38	Tiwa Juba Chatra Sanstha
39	Sadau Asom Nath Yogi Chatra Sanstha
40	Koch Rajbongshi Sahitya Sabha
41	Koch Rajbongshi Jatiya Mancha



- 42 Asom Pradeshik Nath Yogi Samilani
- 43 All Assam Chakma Society
- 44 Sadau Asom Sutradhar Chatra Sanstha

## ANNEXURE – II(F)

## List of Attendees on 30.10.2019

Sl. No.	Name of Organizations
1	· ATSU/ Sadau Asom Tribal Sangha
2	Sadau Asom Hajong Chatra Sanstha/ All Assam Hajong Students Union
3	All Barman Kachari Student Union (ABKSU)
4	Karbi Students Association (Karbi Anglong) (KSA)
5	All Assam Sonowal Kachari Students Union
6	All Assam Sarania Kachari Students Union
7	All Dimasa Students Union
8	All Mising Students Union
9	Karbi Students Union (KSU)
10	All Rabha Students Union
11	AMISSU/ TADCDC
12	All Assam Tribal Youth League
13	All Assam Deori Students Union
14	All Assam Tribal Sangha
15	All Assam Madahi Janajati Students Union
16	Mising Mimag Kebang
17	All Bodo Students Union
18	Sadau Asom Goriamoria Deshi Jatiya Parishad
19	Koch Rajbongshi Jatiya Mancha
20	Koch Rajbongshi Sahitya Sabha
21	N.C. Hills Indigenous Students' Forum
22	N.C. Hills Indigenous Women's Forum
23	All Assam Nath Yogi Students Union
24	Dimasa Students Union (DSU)
25	T.M.P.K.
26	The Assam Tea Tribes Students Association (ATTSA)
27	Assam College Teachers' Association
28	All Assam Sutradhar Students Union (AASSU)

## ANNEXURE - II(G)

**List of Organizations/Individuals invited on 01.11.2019**

<b>Sl. No.</b>	<b>Name of Organizations/Individuals</b>
1	All Assam Minority Students' Union
2	Advocate. K. N. Sarma
3	Sjt. Golap Barua, Indigenous Forum
4	Sjt. Anil Kr. Bhattacharya
5	Sjt. C.K Das, IAS (Retd.)
6	Sjt. Ajay Dutta, Ex-MLA
7	Sjt. D. N. Chakravarty
8	Sjt. D. N. Bezbarua
9	Sjt. Nishinath Chanjkakoti, IPS (Retd.)
10	Sjt. Ranjit Sekhar Mushahary, IPS (Retd.)
11	Sjt. Kanak Sen Deka
12	Sjt. Kamal Nayan Choudhury
13	All Assam Bengali Youth Students' Federation
14	Boro Women's Justice Forum
15	Mominul Awal
16	Asom Gana Parishad (AGP)
17	Sjt. Trideep Baruah
18	Purvottar Pradeshiya Marwari Sammelan
19	Purvottar Pradeshiya Marwari Yuva Manch
20	Asom Sangrami Mancha
21	Revenue & Disaster Management Department
22	Samuulita Mohasangha
23	Krishak Mukti Sangram Samiti

## ANNEXURE - II(H)

## List of Attendees on 01.11.2019

Sl. No.	Name of Organizations/Individuals
1	All Assam Manipuri Students Union (AAMSU)
2	All Assam Dimasa Students Union (AAMSU)
3	Barak Valley Khasi-Jaintia Organisation
4	Chorei Students Association
5	Nikhil Cachar Hai Barman Samity
6	All Cachar Koch Rajbongshi Samiti
7	All Assam Rongmei Naga Students' Union
8	All Assam Rongmei Naga Students' Committee (AARNSU)
9	Barak Valley Assamese Unnayan Sanstha
10	Bru (Reang) Students' Association
11	Barak Valley Hrangkhoh National Union
12	Barak Valley Khasi-Jaintia Welfare Organisation
13	Ranglon Youth Association
14	Rangbong Students Union
15	Ranglong Youth Union
16	Young Sakachep Association
17	All cachar Koch Rajbongshi Unnayan Samity
18	Joint Action Committee, All Manipuri Organisation
19	Barak Valley Indigenous Ethnic Peoples' Coordination Committee
20	Chutia Yuva Sanmilan, Assam
21	Assamese Sikh Association
22	All Tai Ahom Students' Union
23	Sarania
24	Barak Valley Dimasa Indigenous People's Forum
25	Barak Valley Karbi Students Association
26	All Assam Madahi Janajati Sammilan
27	Hrangkhoh Students Association (HKSA)
28	Sadai Asom Goriamoria Deshi Jatiya Parishad
29	All Assam Hajong Students Union
30	AAMYCS
31	Khasi Students Union (Barak Valley Circle)
32	Tai Ahom Yuva Parishad, Assam
33	All Dimasa Students Union
34	Kalita Janagosthi Oikya Mancha
35	Rajbongshi Somaj Unnayan Society
36	Asom Sangrami Mancha
37	Indigenous Forum, Assam
38	All Assam Sonowal Kachari Students Union
39	AKRSU
40	Bodo Women's Justice Forum
41	All Assam Moriamoria Sanstha

- 42 JSP
- 43 Purvottar Pradeshiya Marwari Sammelan
- 44 Purbottar Pradeshiya Marwari Yuva Manch
- 45 Asom Gana Parishad
- 46 Sjt. D. N. Chakravarty
- 47 Sjt. Ajay Dutta, Ex-MLA
- 48 Sjt. Trideep Baruah
- 49 K. Sanjay Krishno, Addl. Chief Secretary
- 50 Ashok Kr. Barman, Addl. Secretary, Revenue & DM
- 51 Dilip Kr. Das, Secretary, Revenue & DM
- 52 MP Sharma, OSD, Revenue & DM
- 53 Dhiraj Saud, Dy. Secy. Rev. & DM Dept

## ANNEXURE - II(I)

**List of Organizations/Individuals invited on 01.11.2019**

<b>Sl. No.</b>	<b>Name of Organizations/Individuals</b>
1	Bharatiya Janata Party (State Unit)
2	Indian National Congress (State Unit)
3	Communist Party of India (State Unit)
4	Communist Party of India (Marxist) (State Unit)
5	All India United Democratic Front
6	Bodoland People Front, Kokrajhar
7	Rabha Jatiya Mancha
8	Rabha Hasong Joint Movement Committee
9	All Rabha National Organization
10	Ganashakti
11	Assam State Jamiat Ulama
12	ASDC Diphu
13	Asom Gorkha Sammelan
14	Sadau Asom Kormochari Parishad
15	Sadau Asom Kendriya Ardhakendriya Kormochari Parishad
16	Assam Secretariat Service Association
17	Khilonjia Asomia Musalman Unnayan Parishad
18	Asom Nagorik Samaj
19	HMAR Indigeous People's Forum
20	Moria Yuba Chatra Parishad
21	Sjt. Rohini Kr. Baruah, IAS (Retd.)
22	Dal Bahadur Chhetry, IAS (Retd.)
23	Dr. D. Sapkota Panjabari, Guwahati
24	Mr. Nekibur Zaman
25	Sjt. Harekrishna Deka, IPS (Retd.)
26	Dr.Dhrubajyoti Bora
27	Dr. Nirmal Kr. Chaudhury
28	Sjt. Pradip Baruah

## ANNEXURE - II(J)

## List of Attendees on 01.11.2019

Sl. No.	Name of Organizations/Individuals
1	Communist Party of India
2	HMAR Indigeous People's Forum
3	ARSU (All Rabha Students Union)
4	All Rabha Women Council
5	All Rabha National Council
6	Sixth Schedule Demand Committee
7	All Rabha Students Union
8	Sadau Rabha Kristi Sanmilan
9	ASDC Diphu
10	Communist Party of India (Marxist)
11	AIUDF
12	Indian National Congress
13	Sanmilita Ganashakti, Asom
14	Nepali Bhashi Kalyan Samiti
15	Assam Gorkha Sanmellan
16	Bharatiya Gorkha Parisanga
17	Asom Nepali Sahitya Sabha
18	Sadau Asom Kormochari Parishad
19	Krishak Mukti Sangram Samiti
20	AAGYCP
21	Khilonjia Asomia Musalman Urnayan Parishad
22	Asom Nagorik Samaj
23	Wahid Rahman
24	Kobad Hussain Saikia
25	Mr. Nekibur Zaman
26	Sjt. Pradip Baruah, Editor, Prantik
27	Sjt. Harekrishna Deka, IPS (Retd.)

## ANNEXURE - II(K)

Place of Hearing: Kokrajhar Circuit House

Districts: Kokrajhar/ Dhubri/ Bongaigaon/ Chirang/ Goalpara/ South Salmara  
Mankachar

Date : 12/11/2019 – 13/11/2019

Sl. No.	Name of Individuals/Organizations
1	Dr. Dinanath Basumatary
2	Shri Matendra Basumatary
3	Dr. Birhash Giri Basumatary
4	Shri Rajen Basumatary, Editor, Engkhong (Daily Newspaper)
5	Dr. Rupanjanli Devi
6	Shri Prabhat Baishnab
7	Shri Sharma Ram Das
8	Shri Bijoy Choudhury
9	Mr. Habibor Rahman
10	Shri Ujjal Kanti Ray
11	Shri Anjan Kalita
12	Shri Biraj Mohan Sutradhar
13	All BTC Sutradhar Sanmilani
14	Shri Hiren Sutradhar, SSDC
15	Sumi Kalita
16	Manamati Sutradhar
17	Balendra Sutradhar, Bijri Jila Sutradhar Sanmilani
18	Tilak Sutradhar
19	All Assam Sutradhar Sanmilani (AASS)
20	Lalit Sutradhar, SASS
21	All Santal Students Union (ASSU)
22	Adivasi National Convention Shri Satyanath Tudu, Education Secretary, All Adivasi Students'
23	Association of Assam
24	Bimol Murmu, AASAA
25	Omkar Sharma, Nepali/Gorkha
26	Shri Prakasha Nanda Nath, Nath Yogi Sanmiloni
27	Asom Gorkha Sanmilani, BTAD, Regional Committee
28	Karuna Ranjan Brahma Choudhury, Bodoland People's Front
29	Dhananjay Barman, Koch Rajbongshi Community
30	Shri Subodh Bagchi
31	Pronay Kr
32	Mahmud Hussain, Goalpara Nagarik Samity
33	Sailen Das
34	Subhash Barman
35	Dulal Ch. Ghosh, Ex-MLA, Goalpara
36	Shri Jiten Das
37	Shri Dilip Kumar Sharma
38	Goalpara District Jamiat Ulama



- 39 Bijoy Kumar Sharma  
40 Shri Girindra Nath Goswami  
41 All Deshi Jonogusthiya Jatiya Shangshad, Dhubri,  
42 Bodoland Janajati Suraksha Mancha  
43 Moslemuddin Ahmed  
44 M.G. Hazarika, Asom Miya (Asomiya) Parishad  
Iftarul Islam Pramanik, Kokrajhar Zila Samiti, Asom Miya (Asomiya)  
45 Yuba Parisahd  
46 M Akherujjaman Mulla, Miya Chatra Parishad  
47 Abdus Salam Mulla, Miya Yuba Parishad  
48 Asaduz Zaman, Asom Miya (Asomiya) Krishak Parishad  
49 Jahirul Islam, Miya Sahitya Sabha  
50 A.A.M. Enamul Haque, All Deshi Jonogusthiya Jatiya Sanshad, Assam  
51 Surat Zaman Mondal, SUCI(C)  
52 Samor Ch. Paul  
53 Jahirul Islam  
54 Deshi Janagosthiya Mancha, Assam

## ANNEXURE - II(L)

**Place of Hearing: Silchar Circuit House**  
**Districts: Cachar/ Karimganj/ Hailakandi**  
**Date : 15/11/2019 – 16/11/2019**

Sl. No.	Name of Individuals/Organizations
1	Aftab Uddin Laskar
2	Afjal Hussain Laskar
3	Kamalendu Dutta Choudhury
4	Nitish Bhattacharjee
5	Sams Uddin Barlaskar
6	Subrata Sarma Mazumder
7	Diganta Barman
8	Brajagopal Barman
9	Barak Valley Dimasa Indigenous People's Forum
10	Muzammil Ali Laskar
11	Prof. Tapadhur Bhattacharjee, Citizens' Rights Protection Coordination Committee
12	Shri Madan Singhal
13	L. R. Laskar, Barak Indigenous Peoples' Protection Committee
14	Ujan Nath Yogi Barosamaj
15	Nath Yogi Sammilani
16	A. Nanda Babu Singha, Joint Action Committee for Safeguard of Indigenous Manipuri People of Assam
17	Khasi Students' Union, Barak Valley Circle
18	All Assam Rongmei Naga Students' Union Central Committee
19	North East Linguistic & Ethnic Coordination Committee (NELECC), Silchar, Assam
20	Altaf Hussain Barlaskar, AAKMJ
21	Nikhil Bishnupriya Manipuri Mahasabha
22	Netaji Subhas Chandra Basu Seva Sangstha
23	Imaa Bishnupria Manipuri
24	All Cachar Koch Rajbongshi
25	Barak Valley Indigenous Ethnic People's Co-ordination Committee
26	Barak Valley Patri Parishad
27	Manipur Muslim Development Organisation, Assam
28	Birendra Daolagapu Barman, Nikhil Cachar Haibimba Barman Samiti
29	Hmar Indigenous People's Forum
30	Cachar Zila Jamiat Ulama, Silchar
31	Taimur Raja Chodhury, Samayik Prasanga
32	Barak Upatyaka Banga Sahitya O Sanskriti Sammelan
33	Cachar District Mali Samaj
34	Bimal Chandra Deb, Cachar Deb Parishad
35	Shri Arunangshu Bhattacharjee
36	Nirmalya Das, Barak Upotyaka Matri Bhasa Suraksha Samiti
37	Anjan Goswami

- 38 Alok Paul
- 39 Nepal Krishna Dhar
- 40 Barak Cha Sramik Union
- 41 Barak Tea Youth Welfare Society
- 42 Kishore Rabidas, Barak Hindu Samity

**ANNEXURE – II(M)****Place of Hearing: Dibrugarh Circuit House****Districts: Dibrugarh/ Lakhimpur/ Tinsukia/ Dhemaji****Date : 19/11/2019 – 20/11/2019**

<b>Sl. No.</b>	<b>Name of Individuals/Organizations</b>
1	Sodou Axom Chutiya Chatra Sanstha
2	Chutia Jati Sanmilan
3	Assam Tea Tribes Students Association (ATTSA)
4	Axom Chah Janajati Jatiyo Mahasabha
5	All Adivasi Students' Association of Assam
6	Sonowal Kachari Jatiyo Parishad, Central Committee
7	Sonowal Kachari Sahitya Sabha, Central Committee
8	Sodou Axom Sonowal Kachari Nari Sanstha
9	Sonowal Kachari Kalyan Sangha, All Assam Central Committee
10	Sodou Asom Sonowal Kachari Chatra Sanstha, Central Committee
11	All Moran Students Union
12	Purbanchal Tai Sahitya Sabha
13	All Tai Ahom Sahitya Sabha
14	Dibrugarh Nagarik Sangha
15	All Assam Matak Sanmilan
16	Sadau Asom Matak Yuba Chatra Sanmilan
17	Matak Sahitya Parishad
18	Moran Jatiya Mohasabha
19	All Assam Chutia Jati Sanmilan, Tinsukia Committee
20	All Assam Sonowal Kachari Welfare Organisation
21	Sonowal Kachari Jatiya Parishad
22	Sonowal Kacharoi Sahitya Sabha
23	Shri Nagen Saikia
24	Shri Devi Prasad Bagrodia
25	Dr. Budhindra Boruah
26	Dr. Harakanta Pegu
27	Shri Arun Dihingia
28	Shri Jitu Borah
29	Smti. Nibedita Borah Handique
30	Shri Monoj Gogoi, All Tai Ahom Students Union
31	Shri Pushpo Gogoi, Purbanchal Tai Sahitya Sabha
32	Dr. Hemanta Baruah
33	Shri Bibhison Pegu, Advocate
34	Shri Tarun Dutta
35	Md. Nobiul Hussain
36	Shri Arup Kalita
37	Shri Bhudev Phukan
38	Dr. Shantanu Lahkar, Lions Club of Dibrugarh
39	Iqbal Ahmed
40	Shri Amulya Khatoniar
41	Shri Ranjit Borthakur, President, Tinsukia Bar Association
42	Shri Hari Narayan Borkakoty
43	Shri Arunjoyoti Moran, AAMSU
44	Shri Dharani Gohain, GS All Assam Matak Chatra Sanmilan

## ANNEXURE - II(N)

Place of Hearing: Tezpur Circuit House

Districts: Darrang/Sonitpur/Biswanath/Nagaon/Hojai/Morigaon/Udalguri

Date : 28/11/2019

Sl. No.	Name of Individuals/Organizations
1	Anup Kumar Barthakur, Hojai District Asom Sahitya Sabha
2	Gajen Hazarika, Srimanta Sankardev Krishti Bikas Kendra
3	Dwijen Kalita
4	Shyam Kishore Singha, Assam Manipuri Sahitya Parishad
5	Bijoy Chakraborty, Asom Nagarik Moncha, Hojai
6	Newaj Ahmed
7	Jayanta Deka
8	Dr. Khagendra Kr. Nath
9	Madhab Rajbangshi
10	Dr. Nagendra Nath Sarmah
11	Mileswar Patar
12	Pratap Hazarika
13	Ashok Deka
14	Nirmalendu Roy, Kamrup Rajya Bhumi Putra Sangathan
15	Shri Benjamin Soren
16	Shri Bidyapati Dahal
17	Shri Jayanta Kumar Das, Senior Journalist
18	Shri Sarat Basumatary
19	Shri Jacob Mosahari,
20	Shri Bappa Ghosh, AABYF
21	Shri Dineswar Saharia
22	Shri Premeswar Sarmah, Public Prosecutor
23	Shri Kusum Narayan Bora
24	Shri Kanak Hazarika
25	Dr. Khargeswar Bhuyan
26	Shri Upendra Borkataki
27	Dr. Abu Hanifa
28	Dr. Sanjib Kr. Borkakati
29	Shri Kusum Bora
30	Shri Pulin Bhattacharjee, Tezpur Sahitya Sabha
31	Shri Bhupen Saikia, Tezpur Sahitya Sabha
32	Shri Khagen Goswami
33	Dr. Nityananda Gogoi
34	Shri Gyan Pujari
35	Dr. Nipam Kumar Saikia
36	Shri Bidyut Sarmah
37	Shri Duldul Borkataki
38	Dr. Bhubaneswar Saharia, Tarun Asom Sangha, Asomiya Club
39	Shri Bhabananda Das, Baan Theatre
40	Shri Hemanta Kr. Baruah, Tezpur Sahitya Sabha

- 41 Dr. Gahan Ch. Mahanta
- 42 Shri Kanul Sarmah
- 43 Shri Puneswar Nath
- 44 Shri Dipak Kumar Nath
- 45 Shri Premananda Mahanta

## ANNEXURE - II(O)

**Place of Hearing: Jorhat Circuit House**  
**Districts: Jorhat/Golaghat/Majuli/Sivasagar/Charaideo**

**Date : 29/11/2019**

<b>Sl. No.</b>	<b>Name of Individuals/Organizations</b>
1	Shri Tankeswar Konwar
2	Shri Tilok Ch. Neog
3	Shri Dharmeswar Konwar
4	Shri Rajen Gogoi
5	Dr. Sabyasachi Mahanta
6	Dr. Protim Sarma
7	Dr. Saumarjyoti Mahanta
8	Samsul Barik
9	Shri Diganta Mangal Neog
10	Shri Pabitra Pran Bhattacharya, Secretary, Rajjyik Adhibidya Parishad
11	Md. Safiqur Rohman
12	Shri Reba Kanta Mahanta
13	Shri Ranjit Doley
14	Dr. Ananda Hazarika
15	Smti. Minoti Saikia
16	Shri Ghana Kanta Nath
17	Shri Umakanta Rajkhowa
18	Dr. Nava Kr. Gam
19	Shri Biren Saikia
20	Shri Bir Singh
21	Shri Jitu Sarmah Rajkhowa
22	Dr. Rupok Neog
23	Shri Surjya Gogoi
24	Shri Puranjoy Goswami
25	Shri Dinesh Gogoi
26	Shri Dwipen Dutta
27	Shri Purna Rajkhowa
28	Shri Lalit Bora
29	Shri Samiran Bordoloi
30	Bijoya Borthakur
31	Dr. Soumitra Pujari
32	Shri Niren Sarmah
33	Sanjay Kr. Tanti, Assam Tea Tribes/ Adibashi Co-ordination Committee
34	Shri Poban Bedia, Assam Tea Tribes Students Association
35	Shri Dinesh Tangla, ACMS, Jorhat Branch
36	Ramnath Suri, Assam Cha Jonogusthi Jatio Moha Sova
37	Shri Bolin Hazarika
38	Shri Ananta Narayan Borthakur
39	Shri Indrajit Kr. Baruah, Retd. Civil Servant
40	Shri Bhaba Goswami, Sr. Advocate

- 41 Dr. Subhasish Sharma
- 42 Shri Sudipto Nayan Goswami
- 43 Dr. Basanta Kumar Goswami
- 44 Shri Indrajit Kakati
- 45 Dr. Paran Baruah, Rtd. Chief Scientist, CSIR-NEIST, Jorhat
- 46 Shri Sankab Kaushik Baruah
- 47 Shri Rintu Goswami



## ANNEXURE - II(P)

**Place of Hearing: Diphu Circuit House**  
**Districts: Karbi Anglong & West Karbi Anglong**  
**Date : 03/01/2020**

<b>Sl. No.</b>	<b>Name of Individuals/Organizations</b>
1	Shri Rang Bang Terang
2	Shri Lunse Timung
3	Shri Dina Gogoi
4	Dr. Mansing Rongpi
5	Shri Sarsing Teron
6	Karbi Anglong Tai Ahom Cultural Society, Diphu
7	Karbi Anglong Hwali Association
8	Karbi Anglong HMAR Association
9	Congress
10	All Party Hills Leaders Conference (APHLC)
11	Karbi Cultural Society
12	DSU, Karbi Anglong
13	Karbi Students Association
14	ASDC
15	Karbi Nimso Chingthur Asong (KNCA)
16	CPI (M-L) Hills Party Committee
17	Hills State Demand Council (HSDC)
18	ASDC
19	Karbi Lammet Anei
20	All India Students Association (AISA)
21	Revolutionary Youth Association (RYA)
22	Man Tai Students & Youth Association
23	Garo Cultural Society, Diphu
24	Kuki Human Rights Forum
25	Kuki Students Organisation
26	Hills Tribal Leagues (HTL)
27	KFA
28	KAIYA
29	KPLT

## ANNEXURE - II(Q)

Place of Hearing: Haflong Circuit House

District: Dima Hasao

Date : 04/01/2020

Sl. No.	Name of Individuals/Organizations
1	IPF
2	Jadikhe Naisho Hoshom (C.C.)
3	Khemla Halam
4	All Dimasa Students Union
5	Assam Nepali Sahitya Sabha
6	All Biate Students Association
7	Biate Devanpuri
8	Assam Gorkha Sammelan
9	Hmar Inpui
10	Hmar Students Association Assam Hills JHQ
11	Kuki Inpi Assam
12	ZSU (A)
13	Khelma Halam Devan
14	ZEME Council Assam, Haflong
15	Hrangkhoh Halam
16	N.C Hills Indigenous Students Forum
17	Bharatiya Gorkha Parisangh
18	All Apex Bodies Co-ordination Committee
19	Dima Hasao Bangali Samaj
20	INH
21	J.C. (A)
22	Indigenous Women Forum, Haflong
23	Zillai (Vaiphei Students Association)
24	Hrangkhoh Halam
25	VLT Bapui
26	Satyen Singh Langthasa
27	Kirang Jeme
28	Galakbe Newme, ZLR Baudi Assam

**ANNEXURE - II(R)**

**Place of Hearing: AASC, Khanapara, Guwahati**

**District: Kamrup/ Barpeta/ Nalbari/ Baksa**

**Date : 11/12/2019**

<b>Sl. No.</b>	<b>Name of organizations/Individuals</b>
1	AAMSU
2	All India Anglo-Indian Association
3	Kalita Jonogosthiya Sanmilon, Assam
4	All Assam Bengali Youth Students' Federation
5	Bangabhasi Asomia Samaj, Asom
6	Barpeta District Senior Citizen Forum
7	Nagen Choudhury
8	Sankar Ch. Das
9	Dharani Dhar Talukdar
10	Dr. Babul Ch. Das
11	Jajneswar Goswami
12	Phanidhar Deka
13	Ramesh Goswami
14	Jogendra Nath
15	Babul Ch. Barman
16	Akkas Ali Ahmed
17	Paresh Baishya
18	Dr. Gajendra Adhikari

**ANNEXURE - III**  
**Schedule/ List of Meetings:**

1. 24/07/2019 - Meeting of the HLC At New Delhi
2. 02/08/2019 - Meeting of the HLC at AASC
3. 17/08/2019 - Meeting of the HLC at AASC
4. 18/08/2019 - Meeting of the HLC at AASC
5. 07/09/2019 - Meeting of the HLC at New Office, IAA Department
6. 22/09/2019 - Meeting of the HLC at AASC
7. 11/10/2019 - Meeting of the HLC at AASC
8. 19/10/2019 - Meeting with the Editors and Senior Journalists
9. 29/10/2019 - Hearing of the Sahitya Sabhas
10. 30/10/2019 - Hearing of the Non Political Organizations including Students & Youth Organization
11. 01/11/2019 - Hearing of the Non Political Organizations
12. 02/11/2019 - Hearing of the Political Parties
13. 12/11/2019 &  
13/11/2019 - Hearing of the individuals/organizations at Kokrajhar Circuit House.
14. 15/11/2019 &  
16/11/2019 - Hearing of the individuals/organizations at Silchar Circuit House.
15. 19/11/2019 &  
20/11/2019 - Hearing of the individuals/organizations at Dibrugarh Circuit House.
16. 28/11/2019 - Hearing of the individuals/organizations at Sonitpur Circuit House.
17. 29/11/2019 - Hearing of the individuals/organizations at Jorhat Circuit House.
18. 11/12/2019 - Meeting of the HLC at AASC
19. 11/12/2019 - Hearing of the individuals/ organizations of Kamrup/ Barpeta/ Baksa/ Nalbari Districts at AASC, Khanapara
20. 17/12/2019 - Hearing with Jyoti Chitraban..
21. 20/12/2019 - Meeting of the HLC at AASC.
22. 21/12/2019 - Meeting of the HLC at AASC.
23. 23/12/2019 - Meeting of the HLC at AASC.
24. 29/12/2019 - Meeting of the HLC at AASC.
25. 03/01/2020 - Hearing of the individuals/organizations at Diphu Circuit House.
26. 04/01/2020 - Hearing of the individuals/organizations at Haflong Circuit House.
27. 08/01/2020 - Meeting of the HLC at AASC.
28. 09/01/2020 - Meeting of the HLC at AASC.

29. 10/01/2020 - Meeting of the HLC at AASC.
30. 11/01/2020 - Meeting of the HLC at AASC
31. 17/01/2020 - Meeting of the HLC at AASC
32. 27/01/2020 - Meeting of the HLC at AASC
33. 29/01/2020 - Meeting of the HLC at AASC
34. 03/02/2020 - Meeting of the HLC at AASC
35. 04/02/2020 - Meeting of the HLC at AASC
36. 10/02/2020 - Meeting of the HLC at AASC

\*\*\*\*\*

## ANNEXURE - IV

**Synopsis of Responses/Suggestions from the Stakeholders****Cultural:**

1. All historical places and heritages should be preserved and protected by Government of Assam and necessary funding should be provided. Protection of ancient temples, Vaishnavite Sattras, Mosques, Churches, Maidams and other ancient monuments have been suggested. Similarly, preservation and renovation/upkeep of old Naamghars and historical monuments at Khaspur, Silchar and other paces in Barak Valley have been suggested.
2. A Tribal Museum should be set up to preserve distinct cultural heritage of all the indigenous Communities and a cultural festival should be organized annually to promote their culture.
3. There must be measures for conservation and research of the languages, culture and public life of Khilanjia tribes of Assam. Therefore, linguistic and cultural research centre for protection, preservation and promotion of culture and language of Indigenous ethnic people may be established.
4. A folklore research centre be set up in Assam University, Silchar in the name of Kalaguru Bishnu Prasad Rabha.
5. Separate multipurpose cultural complexes for each tribal group in various districts, sub-divisions etc. of Assam be set up.
6. All cultural institutions like Sattras, Naamghars to be given statutory safeguards.
7. Government to take initiative to set up mega cultural museums to showcase the Indigenous culture of Assam.
8. Special laws be passed for protection, preservation and promotion of cultural, social and linguistic identity.
9. Sattras, Naamghars, tourist spots etc. to be listed and a department or body headed by experts on indigenous people of Assam to be formed.
10. State Govt. should take steps to publish Buranjis of different indigenous communities in Assam and also "Abhidhaan" (Dictionary) of different languages.
11. Laws/rules be made for regulating the performances of Bihu and classical dances of the State, to prevent these from being performed in a derogatory manner.
12. Government to set up or support setting up of an Ethnic Village in or near Guwahati in the style of Manav Sangrahalaya at Bhopal for indigenous communities/ethnic people residing in Assam and to showcase, preserve and propagate, research and study their heritage, culture, literature and art. Ancient art and culture should get Government patronage, with artists being given monthly stipend. The art and culture of Assam should be included in the syllabus of schools in elementary and secondary education level.
13. Folk, tribal and traditional dance, drama and music institutes/colleges be set up in the State and workshops on songs, dances, dresses etc. to be organized regularly.

14. A cultural Convention must be organized every year at the State level for maintaining and encouraging preservation and promotion of the culture among the Khilanjia Communities.
15. Appropriate representation from indigenous communities in Councils/Governing Bodies of the National literary and cultural organizations like Sahitya Academy, Lalit Kala Academy, Sangeet Natak Academy etc. should be ensured.
16. State Govt. to set up autonomous State level organizations in the line of Sangeet Natak Academy with main objective of promoting research, development and documentation of indigenous culture of Assam.
17. Cultural Studies department to be set up in all universities in Assam and regular financial and logistic support to all State and Central universities in Assam to undertake research in indigenous culture and heritage of Assam.
18. DDK and AIR to broadcast regular special programmes on the culture and music of the indigenous communities of Assam.
19. Creation of Cultural Hub depicting the culture of indigenous communities of Assam be set up in all State capitals in the country.
20. Museums be set up for all tribes and communities in their respective major areas of residence of the tribes.
21. Committee must recommend strong population policy for Assam. People not limiting themselves to two children must be stripped off many Government facilities.

**Language:**

- 1) Necessary constitutional safeguards to be ensured for protection of Assamese and other indigenous languages.
- 2) The Presidents' power to give directions under article 347 must be restricted in case of Assam which would require consent of State Assembly.
- 3) No languages apart from Assamese and Indigenous languages will be imposed forcefully as language of the State.
- 4) Enactment of Indigenous Language Policy for revitalization, preservation and promotion of languages of the indigenous people of the State.
- 5) Government of Assam to preserve, conserve and promote the cause of books, newspapers etc. published in Assam by enacting the Press and Registration of Books Act, 1867 with all necessary amendments. The collection may be conserved in the State Central Library, to set up by Govt. of Assam.
- 6) Assamese should be implemented as the State official language as per the Official Language Act, 1960 throughout the State.
- 7) To make State Language compulsory in official work and all State Govt. act, rules, regulations, circulars, orders, notifications, and publications must be in Assamese,

along with an English translation. An Assamese translation of all Central Govt. notifications, orders, Acts & rules relevant to Assam must be published by the State Govt. within a fixed time of original date of issue. All state Government communications should be bilingual (English and Assamese).

- 8) All Govt. advertisement in TV and radio must be in Assamese and other local languages and Govt. should also have its own TV channel.
- 9) Mandatory inclusion of Assamese language paper in every recruitment in State Govt. services/jobs. Knowledge of Assamese may be made compulsory employment in jobs in the Central Govt., Central PSUs and Private Sector in Assam.
- 10) Study of Assamese or any indigenous language to be compulsory up to 10<sup>th</sup> standard in addition to study of English, Hindi and the mother tongue. The medium of instructions upto graduation level be Assamese.
- 11) Study of Assamese language to be made compulsory in all English medium schools under State Board and in all schools under CBSE/ICSE in the State, up to class VIII or class IX.
- 12) To observe an Assamese language week in all PSUs both State and Central, in the State.
- 13) Assamese to be taught as a subject in all Technical, Medical and Management institutions in the State.
- 14) The Assam Official Language Act 1960 be strictly implemented after due amendment by inserting penal provisions.
- 15) Chair professors in 15-20 universities, both in India and abroad for Assamese language to be instituted by the Government.
- 16) Government of Assam should adopt four-language formula of teaching so that the non-scheduled mother tongues such as smaller tribal languages could also be accommodated in schools. Entire education in elementary schools should be in mother tongue whenever necessary the State Govt. should arrange for training and recruitment of teachers.
- 17) Participants in commodity business, service sector in Assam should make their product details in Assamese along with English/Hindi. Assamese must be used in all formal business correspondences, announcements, official communications in Assam by the Private Sector.
- 18) Dedicated funds for research and development of Assamese language must be provided by the Govt./Technological tools like e-mail services, online dictionaries and language related apps may be developed from this fund.



- 19) In co-operation with Asam Sahitya Sabha, the Government should set up "Bhasha Siksha Kendra" for imparting working knowledge of Assamese to professionals, officers, businessmen who come to reside in Assam in course of their job or business.
- 20) The infrastructure and other standard of Assamese medium schools should be improved to match that of the Private Sector schools.

**Other Indigenous Languages:**

- (1) At least one indigenous language may be made compulsory in schools till class X.
- (2) An autonomous organization be created by act of the Legislative Assembly, for the preservation and development of indigenous languages.
- (3) Statutory provisions for corpus fund for financing research on indigenous languages should be made by the State Govt.
- (4) Steps be taken to create authoritative grammar and dictionary for the indigenous languages of the State.
- (5) Provisions of teaching of Hmar, Dimasa, Kuki, Karbi etc as MIL subjects and introduction in exams under APSC. State Govt. should create posts for lecturers in colleges for teaching such languages. E.g. Hmar is included as MIL under Assam University, Silchar at undergraduate level but no posts of lecturer have been created. The Hmar community is supporting a lecturer for teaching the subject.
- (6) In line with BTAD, the Karbi and Dimasa languages must be inserted in the 8<sup>th</sup> Schedule of the Constitution.
- (7) Government should provide financial support for publication of books in indigenous languages.
- (8) The Assamese script should be encoded in ISO (International Standards Organization, London) standard and State Govt. should take urgent steps in this regard.
- (9) Similarly, Bodo script should be encoded in the ISO standard.

**Political Safeguard: Reservation of seats:**

- (1) The various petitions received by the Committee have suggested reservation of seats in Parliament as well as in the Assam Legislative Assembly (ALA) for the Assamese people/Indigenous people of the State. The percentage of reservation so suggested varies from 65% to 100% of the seats in the Parliament and ALA excluding the seats reserved for SC/ST.
- (2) Certain memorandums have suggested reservation of seats in the Houses of Parliament and the Legislative Assembly communitywise.
- (3) The delimitation of Parliamentary Constituencies (Lok Sabha) as well as L.A. Constituencies be taken up to give proper representations to the indigenous people or communities.

- (4) Powers of complete autonomy may be given to State of Assam and centre should retain the powers only in the areas of Defence, External Affairs, Communication and Currency.
- (5) An upper House be created in Assam to give representation to all indigenous communities, especially unrepresented communities.
- (6) For contesting elections to the Parliament, State Assembly, local bodies etc. the 1951 base year should be applicable.
- (7) Inner line Permit (ILP) should be introduced for the State of Assam.

**Employment Safeguards:**

- (1) 100% reservation for all Indigenous people in Assam in Gr.III and Gr.IV (C & D category) with 70% reservation in Gr. I and Gr. II (A & B category) in all offices of Central Govt., Central PSUs and Private Enterprises.
- (2) In both State Govt. and Central Govt. jobs located in Assam, 100% reservation in Gr. IV jobs, 80% reservation in Gr. III and also Gr. I and Gr. II.
- (3) All categories of jobs in State Govt. i.e. Gr. A,B,C,D must be reserved for Assamese and other indigenous people. Some suggested 100% in Gr.III and IV and 80% in Gr. I and Gr. II posts of State Govt.
- (4) 70% of all jobs in private sector in the State be reserved for local indigenous people.
- (5) Assam Employment Commission be set up, where all persons need to register for purpose of a Govt. job. This organization should be vested with statutory powers to ensure employment of indigenous people in jobs in State Government, Central Government, PSUs, and Private Sectors in Assam.
- (6) Reservation be made for "Assamese" youths in all Technical, Medical and Management Institutes/Colleges in the State.

TABLE - 1 : Suggestions for recognition, protection, preservation, and conservation

1.	Silchar Railway Station to be renamed after the Last Cachari king Raja Govinda Chandra
2.	Women's College, Silchar to be renamed as Cachari queen Rani Induprabha Women's college
3.	Silchar Medical College and Silchar Airport renamed after Late Sri Moinul Hoque Choudhury, Ex Minister, Government of India
4.	Silchar Civil Hospital to be renamed after Late Sri Phesai Mia Laskar
5.	Assam Manipuri Kala Academy, Silchar be established as State Manipuri Cultural Institute
6.	A cultural centre, should be established in the name of Queen Kuranganayani in Assam at Manipuri Rajbari, Guwahati
7.	A Manipuri Museum to be established in Cachar district
8.	Sadar Ghat Bridge in Cachar district to be renamed as Jananeta Hijam Irabot Singh Bridge
9.	A Tribal Museum Should be created to preserve distinct cultural heritage, and a tribal cultural fest should be organised annually
10.	A Linguistic and Cultural Research Centre be established for protection and promotion of culture and language of the indigenous ethnic people
11.	A Linguistic and Cultural Research Centre be established for protection and promotion of culture and language of the indigenous ethnic people
12.	Heritage park, Kola Kshetra, research centre etc be set up in honour of Srimanta Sankar Dev, Madhav Dev, in their respective birth places.
13.	Major roads be renamed after Sudhakantha Bhupen Hazarika
14.	A separate directorate for tribal people of Assam be established
15.	Separate cultural policy for the aboriginal people be formulated
16.	Multipurpose cultural complexes for each tribal group, in various districts, sub-divisions, etc of Assam be set up
17.	Reang (Bru) customary law research and preservation centre, and community hall be set up
18.	Cultural complex with an auditorium, library, and exhibition gallery (regarding the Deshi community) be set up in Goalpara

19.	A Film Development Board for Deshi people be set up
20.	Cultural centre be established with enough funds to organise cultural events in every Deshi-inhabited village annually
21.	A publication corporation be set up in Assam in line with National Book Trust
22.	A women's university and one medical institution be set up at Goalpara
23.	Chair at Gauhati University for promotion of Deshi language and culture be set up
24.	Ethnic khilonjia Cultural centres and museum be set up
25.	Ethnic village in the style of Manav Sangrahalaya, Bhopal be set up
26.	Kalakendra and colleges focused on culture be set up
27.	Government TV channels be set up for promotion of cultural, social, linguistic identity and heritage
28.	An institution for Bishnupriya Manipuri culture is required for documentation preservation and development
29.	Boundary Commission be appointed to determine the Dimasa area of Karbi Anglong and West Karbi Anglong, to be integrated with Dima Hasao district
30.	Research centre for the study of Koch Rajbongshi history and culture be set up
31.	Cultural complexes in the name of Maharaja Narananarayana and Mahavir Chilarai be set up
32.	A Regulatory Body be set up for documentation of Koch Rajbongshi history
33.	Autonomous state level organization in line with Sangeet Natak Akademi be set up
34.	For research in the indigenous culture and heritage of Assam, Cultural Studies Departments be created in the Universities of Assam
35.	Mega cultural museums to showcase indigenous cultures of Assam be set up

**TABLE-2 Additional Suggestions for protection, preservation, promotion and conservation**

Sl No.	Particulars/Nature of Protection/ Preservation/ Promotion / Conservation demanded
1.	The Mahapurush Sankardeva University should be enriched with modern scientific equipment to preserve, protect and promote Assamese and other ethnic languages and socio-cultural heritage, with international standard of research facilities
2.	Awapali Kamranga under Udharbond constituency should be preserved and promoted
3.	Narabill Dhutpatil in Borkhola constituency be made an ecological park in the name of Nara Singha Maharaj
4.	Preservation of historical monuments like Khaspur Rajbari, Sonal Sibtilla, and Haritkar, among others is required
5.	Preservation required for Dargahs, Khankahs, Zikir, and Zari, and old Islamic institutions and books
6.	Proper protection is required for Capital Complex of Dimasa kingdom in Khaspur, Siva temple of Sonai
7.	Modern preservation is required for manuscripts in the archives of Silchar Normal School
8.	Preservation required for the Panch Pir Dargah of Dhubri, Tukreswari Than near Goalpara
9.	Government to take steps to de-stigmatize the local brews, make available packaging technology, as a way of attracting tourism
10.	Traditional khilanjiya trade centres for weaving gamocha, etc to be set up
11.	Satras, Naamghars to be listed as tourist spots
12.	Safeguards to be provided to Indigenous Hmar tribe
13.	Ancient art and culture should get government patronage, with artists being given a monthly stipend
14.	Workshops on songs, dances, dresses, etc of Assam to be organised by the Assam Government
15.	Assam's history to be included in history textbooks of educational institutions, focusing on its multi-lingual and diverse communities
16.	A Cultural Convention must be encouraged every year at the State level for maintaining and encouraging unity among the Khilanjiya communities

17.	Grants and Infrastructure to be provided by Government for Annual literary fairs and cultural festivals
18.	Assamese and tribal dress to be made mandatory in schools
19.	Naamghor, Bathou Mandir, Akhoraghor to be declared as local cultural centres and should receive government patronage
20.	Historical monuments of the Koch Rajbongshi are to be preserved
21.	Naamghars and Sattras be given total statutory safeguards and all illegal encroachments to be immediately evicted
22.	Forest grazing lands, grazing reserves, and wetlands to be freed from encroachments
23.	Vulnerable settlements of indigenous people are to be provided security
24.	Khilanjiya Axomiya culture to be given recognition
25.	History and Geography of Assam are to be made integral part of the curriculum
26.	Film Policy must be implemented
27.	Film theatres to be given support by the Government
28.	Life and teachings of Assam's saints and spiritual leaders are to be included in curriculum of different states
29.	Manipuri language should be included in the competitive and civil services exams
30.	Manipuri books should be made available in all the public libraries (State and district libraries)
31.	Schools should give the opportunity to the students to learn their mother tongue
32.	Preservation of historical remains of Matak community be taken up

TABLE - 3 : List of communities demanding reservations in Parliament

Sl. No.	Representative Group	Extent/Nature
1.	Indigenous Cachari Muslim	Both "MP seats" in Barak Valley, 1 RS seat
2.	Native Assamese community and other indigenous tribal communities	100% of all 14 LS seats
3.	Indigenous Assamese, tribal and other indigenous people.	Seats to be reserved
4.	Family links before 1951/on or before 1951	Seats to be reserved
5.	Khilanjiya Axomiya	1. Seats to be reserved 2. 80% in LS 3. 65% seats in Parliament (both Houses)
6.	Khilanjiya Jonojati, Onyanyo Khilanjiya	100% seats to be reserved
7.	1. Indigenous Dimasas in Cachar, Hailakandi, Karimganj 2. Dimasa	1. LS seats to be reserved 2. 1 RS seat, reservations in both Houses
8.	Displaced Sylhetis who have been in Assam since 1874	1 RS seat to be nominated
9.	Indigenous people of Assam	1. 10 LS seats, other 4 seats from districts of Barak Valley, BTC and Dhubri. 2. 14 Parliamentary seats to be reserved for indigenous tribal, indigenous Assamese and other indigenous people of Assam. 3. 70% in Parliament. 4. If 80% reservation in Parliamentary constituency is created for the indigenous people of Assam, then ST reservation must be increased as against the present 2 LS constituencies. 5. Tribals concentrated areas like Gohpur, Mangaldai, Silapathar etc. must be created as tribal reserved constituencies. Two constituencies should be reserved for nominated candidates from the unrepresented smaller groups of tribal communities. 6. 2 LS constituencies in 6th Schedule areas. 7. 2 RS seats should be tribal people of Assam 8. Reservation on the basis of Yandaboo Treaty and using the 1951 Voters List up to

		90%. 9. Reservation for Assamese indigenous people
10.	Indigenous ethnic people of Barak Valley	1 RS seat to be reserved
11.	1. Deshi Muslim people 2. Deshi Janagushti in Assam	1. Reservations (not specified) 2. Reservation, 4 LS seats (Dhubri) 3. Dhubri LS seat
12.	Manipuri community	1. 1 RS seat to be reserved 2. Reservations for Manipuri community in all aspects as indigenous people of Assam
13.	Bishnupriya Manipuri community	1. Seats (not specified) to be reserved 2. 1 RS seat to be reserved (Patharkandi, Ratabari, Katiogarah)
14.	Manipuri Muslim (Pangan) community	Seats in Parliament to be reserved
15.	ST (Plains) and ST (Hills)	1. 10% reservation quota should be increased to 15% and 10% for ST(P) and ST(H) 2. Seats for public representatives within the area of Mising Autonomous Council to be reserved for ST 3. Existing constitutional/statutory seats reserved for the ST must not be diluted. 4. 2 seats for ST (P) and ST(H) 5. 1 seat for Man (Tai-speaking) tribe as for Anglo-Indians 6. Existing ST communities to be given 5 out of 14 Parliamentary constituencies
16.	Bhojpuri community	10% seats be reserved for the Bhojpuri community
17.	Nath-Yogi caste	1. 9% seats in Parliament 2. Seats in LS and RS <b>Nath Yogi composes about 8.15% of total population of Assam</b>
18.	Indigenous Bengali (Khulanjia Bengali)	1. Seats to be reserved
19.	1. Kachari Muslim community of Barak Valley 2. Muslim community of Barak Valley 3. Indigenous Muslims of Assam	1. 100% seats in Parliament 2. As per formula to be worked out by the Committee. <b>Karimganj parliamentary constituency for indigenous people</b>
20.	Santhal people	Reservation of seats in LS/ALA



21.	Bengali people in Barak Valley	Reservation in LS/ALA
22.	Aboriginal tribal people in Assam	RS seats to be reserved
23.	(Omnibus) 1. Bodo 2. Miri (Mising) 3. Karbi	LS seats to be reserved
24.	"Tribal" / "ST"	MP, MLA reservation
25.	Adivasi community	1. 5 Parliamentary seats <b>Dibrugarh, Kaliabor, Kokrajhar, Tezpur and Jorhat</b>
26.	1. Tai Ahom 2. Ahom	1. 4 MP seats 2. 2 seats in Parliamentary constituencies
27.	Kuki tribes of Assam	1 Parliamentary seat
28.	Anglo-Indians	Current constitutional scheme of reservation must continue
29.	Tea, Ex-Tea and allied Hindi-speaking people	33% seats, 10% seats
30.	Koch-Rajbongshi	1. Reservations, constituencies with at least 30% or more Koch Rajbongshi people should be reserved for the community. <b>Parliamentary constituencies of Barpeta, Mangaldai, Dhubri to be reserved.</b> 2. Same protection as above required in Dhubri, Bongaigaon, Kokrajhar, Chirang, Goalpara, Barpeta, Mangaldai, Nagaon and Darrang.
31.	Kalita community	Reservation of seats to be made
32.	Patni community	Reservation of seats to be made
33.	Khilanjia Hindus	LS constituencies (Guwahati, Barpeta, Nagaon, Tezpur, Lakhimpur, Kaliabor) to be reserved. 1 LS constituency (Dhubri) to be reserved on rotation basis for Khilanjia Hindus and Muslims
34.	Assamese people	All LS and RS seats to be reserved
35.	Khilanjia	80% in LS
36.	Matak Community	2 (two) seats for Parliament to be reserved

TABLE - 4. Suggestions for reservations in respect of *Central Government jobs* available in the *State of Assam*.

SI No.	Reservation For	Number / % of Reservations demanded
1.	Indigenous people (Khilanjia Jonojati, Khilanjia Axomiya and Onyanyo Khilanjia)	i. 100% reservation in Grade IV ii. 100% reservation for Grade III jobs iii. 90% reservation in Central Government, Semi-central Government jobs available in Assam iv. 80% in Grade I and Grade II Jobs v. 80% in government and provincialised colleges and schools vi. Knowledge of Assamese or the local indigenous language to be a mandatory criterion. vii. Reservation in Grade III and Grade IV in NF Railway
2.	Manipuri people	10%
3.	Manipuri Meitei, Manipuri Muslim, Manipuri Brahmin communities	100%
4.	Scheduled Tribe in Assam	At least a minimum number of Group A or officer-level posts for each scheduled tribe every year
5.	Nigajis (Indigenous Muslims)	12%
6.	Kachari Muslim community of Barak Valley	As per population pattern
7.	Deshi people	10% minimum
8.	Adivasi community	10%
9.	Tea and ex-tea people	33%
10.	Assamese people having Assamese or any other ethnic tribal dialect as the mother tongue	100%
11.	Khasi-Jaintia community of Barak Valley	80% reservations
12.	Muslims of Barak Valley	As per population pattern
13.	Muslims of Barak Valley	As per population pattern
14.	Indigenous people of Barak Valley	100%
15.	Khilanjia Axomiya, Khilanjia Jonojati and Onyanyo Khilanjia Jonojati	50%, 35% and 15%
16.	Assamese youth	100%
17.	Miri Community	10%

TABLE - 5 : Suggestions for reservation of jobs in the *State Government*

SI No.	Reservation For	Number / % of Reservations Demanded
1.	Indigenous people (Khilanjiya Jonojati, Khilanjiya Axomiya and Onyanyo Khilanjiya)	i. 100% reservation in Grade IV ii. 100% reservation for Grade III jobs iii. 80% in Grade I and Grade II
2.	Bhumiputra	100%
3.	Scheduled Tribe of Assam	At least a minimum number of Group A or officer-level posts for each Scheduled Tribe in Assam every year.
4.	Manipuri community	10%
5.	Nigajis (Indigenous Muslims)	12%
6.	Muslims of Barak Valley	As per population pattern
7.	Indigenous people of Barak Valley	100%
8.	Deshi People	Minimum 10%
9.	Adivasi community of Assam	More than 10%
10.	ST (Hills)	Should increase by 2%
11.	Tea and ex-tea people	33%
12.	Khasi-Jaintia community of Barak Valley	80%
13.	Indigenous people of Barak Valley	100%
14.	ST (Hills)	To be increased by 2%
15.	Miri Community	10%

**TABLE - 6 : Suggestions for reservations in respect of jobs arising in the *Semi-central Government in the State of Assam.***

<b>Sl. No.</b>	<b>Reservation For</b>	<b>Number / % of Reservations demanded</b>
1.	Indigenous (Khilanjiya Jonojati, Khilanjiya Axomiya and Onyanyo Khilanjiya)	100% reservation in Grade IV 80% reservation for Grade III jobs
2.	Khasi-Jaintia community of Barak Valley	80%
3.	Muslims of Barak Valley districts	As per population pattern

**TABLE - 7** Suggestions for reservations in respect of jobs available in the *Central Public Sector Undertakings* in the State of Assam.

Sl. No.	Reservation For	Number / % of Reservations demanded
1.	Indigenous People (Khilanjia Jonojati, Khilanjia Axomiya and Onyanyo Khilanjia)	100% in Grade-IV 80% in Grade-III
2.	Scheduled Tribe in Assam	At least a minimum number of Group A or officer-level posts for each Scheduled Tribe in Assam every year
3.	Manipuri community	10%
4.	Muslims of Barak Valley	As per population pattern
5.	Deshi People	10%
6.	Adivasi community	More than 10%
7.	Local indigenous people	70%
8.	Khasi-Jaintia community of Barak Valley	80%
9.	Manipuri reservation	10%
10.	Barak Valley region of Assam	100%
11.	Muslims of Barak Valley districts	As per population pattern
12.	Indigenous people of Barak Valley	100%

**TABLE - 8 : Suggestions for reservations in respect of jobs available in the *Private Sectors in the State of Assam.***

Sl. No.	Reservation For	Number / % of Reservations demanded
1.	Indigenous people (Khilanjia Jonojati, Khilanjia Axomiya and Onyanyo Khilanjia)	100% Grade-IV 100% Grade-III
2.	Scheduled Tribes of Assam	Reservation every year but not specified
3.	Manipuri community	10%
4.	Khasi-Jaintia community of Barak Valley	80%
5.	Manipuri reservation	10%
6.	Indigenous people of Barak Valley	100%

**TABLE - 9 : The Other demands made which pertains to services in jobs in the State of Assam.**

Sl. No.	Reservation For	Number / % of Reservations demanded
1.	DGP, Chief Secretary, CP, SP, DC, Commissioner, etc. must be reserved for Local IAS, IPS etc cadres of Assam	N.A.
2.	Assam Rifles	100%
3.	Police force	100%

\*\*\*\*\*

ANNEXURE - V

**SUGGESTIONS FOR APPROPRIATE CONSTITUTIONAL/  
LEGISLATIVE AMENDMENTS**

**I. ON TOR 2 (c), 2 (d), 2 (e)**

- 2 (c) The Committee will assess the appropriate level of reservation of seats in Assam Legislative Assembly and local bodies for the Assamese people.
- 2 (d) The Committee will also suggest measures to be taken to protect Assamese and other indigenous languages of Assam.
- 2 (e) The Committee will recommend the appropriate level of reservations in employment under the Government of Assam for the Assamese people.

**A. CONSTITUTIONAL SAFEGUARDS**

**STRUCTURE OF PROPOSED 371 B:**

**ARTICLE 371 B: SPECIAL PROVISIONS WITH RESPECT TO THE STATE OF  
ASSAM IN MATTERS CONNECTED WITH THE ASSAM ACCORD**

1. Definitions: In this Article unless the context otherwise requires :

(a) "Assamese people" shall be construed as including:

All citizens of India who are part of :

- (i) Assamese community, residing in the Territory of Assam *on or before 01.01.1951.*  
or
- (ii) Any Indigenous Tribal Community of Assam residing in the Territory of Assam *on or before 01.01.1951.*  
or
- (iii) Any other indigenous community of Assam residing in the Territory of Assam *on or before 01.01.1951.*  
or
- (iv) All other citizens of India residing in the territory of Assam on or before 01.01.1951.  
And
- (v) Descendants of the above categories.



**Explanation** : Assam shall mean the territory of Assam as defined in the First Schedule to the Constitution of India (as amended).

(b) "Indigenous Tribal community" and "other indigenous community of Assam" shall mean all castes, tribes, linguistic communities notified or as may be notified as SC/ST, backward and other backward community for the State of Assam by the President of India, the Central Government or the State Government.

(c) "Assam Accord" means the accord signed on 15.08.1985 between the Government of India, the Government of Assam and All Assam Students Union and All Assam Gana Sangram Parishad.

2. Notwithstanding anything contained in the Constitution,
  - a. For the purpose of protecting the rights and interest of the Assamese people, provisions shall be made by the Parliament for reserving seats allotted to the State of Assam in the House of the People which may be filled by candidates belonging to the Assamese People only and for delimitation of Constituencies from which candidates belonging to Assamese People alone may stand for election to the House of the People from the State of Assam.
  - b. For the purpose of protecting the rights and interests of the Assamese people, provisions shall be made by the Parliament for reserving seats in the Legislative Assembly of the State of Assam which may be filled by the candidates belonging to Assamese People and for delimitation of Assembly Constituencies from which candidates belonging to Assamese People alone may stand for election to the legislative Assembly of the State of Assam.
  - c. For the purpose of protecting the rights and interests of the Assamese people, provisions shall be made by the Legislative Assembly for the number of seats in the Gaon Panchayats, Municipalities and other local bodies of the State of Assam which may be filled by the candidates belonging to Assamese People and from which candidates belonging to Assamese People alone may stand for election of such Gaon Panchayats, Municipalities and other local bodies.
3. Parliament shall make a law under Article 16(3) of the Constitution of India requiring that 80% vacancies in the State Government or any Local or Other Authority within the State of Assam be filled up by Assamese People as defined herein above.
4. The Legislative Assembly of the State shall pass a law requiring knowledge of Assamese or any other indigenous language of the State of Assam to be an

essential qualification for any employment under the Government of Assam and/or any local or other authority within the State of Assam.

5. Notwithstanding anything contained in Article 345 and 347 of the Constitution of India, Assamese shall be used for all or any of the official purposes of the State of Assam.

Provided that languages which are in use, immediately before the coming into force of the ..... Constitution (Amendment) Act, 2020, in Bodoland Territorial Area District and the districts of Karbi Anglong, Dima Hasao, Cachar, Karimganj and Hailakandi, shall continue to be used for administrative and other official purposes upto and including the district level.

6. Creation of Legislative Council for the State of Assam

- a. In Article 168(1) (a) of this Constitution of India, the word "Assam" shall be inserted between "Andhra Pradesh" and "Bihar".
- b. Notwithstanding anything contained in Article 171 of this Constitution, the total number of members in the Legislative Council of Assam, shall in no case be less than one half of the total number of members in the Legislative Assembly of the State.
- c. The composition of the Legislative Council of Assam shall be as hereunder:

Of the total number of members of the Legislative Council of Assam

- i. \_\_\_X\_\_\_ shall be elected from amongst the Scheduled Castes of the State by electorate consisting of Scheduled Caste members of the Legislative Assembly.
- ii. \_\_\_X\_\_\_ shall be elected from amongst the Scheduled Tribes of the State by electorate consisting of Scheduled Tribe members of the Legislative Assembly.
- iii. \_\_\_X\_\_\_ seats shall be elected from amongst the tribes/communities (excluding S.C. and S.T.) of the State, one from each tribe by an electorate consisting of the members of the tribe to which the seat is allotted in descending order of population of each tribe on rotational basis.

**Explanation.** : In this clause, the expression "population" means the population as ascertained at the last preceding census of which the relevant figures have been published.

Provided that the reference in this *Explanation* to the last preceding census of which the relevant figures have been published

shall, until the relevant figures for the first census taken after the year 2026 have been published, be construed a reference to the 2001 census.

- iv. The remainder of the seats shall be filled up by the general category candidates to be elected by an electorate consisting of the Members of Legislative Assembly (excepting SC/ST representatives from amongst the unrepresented tribes and communities of Assam, out of which at least one-third shall be for women members). They will have same rights and privileges as other members, including voting rights.
  - v. The members to be elected under sub-clauses (i), (ii), (iii) and (iv) shall be chosen in a manner as may be prescribed by or under any law made by the Parliament.
7. In addition to reservation of seats as stipulated in Article 330(1)(C) seats shall be reserved in the House of the People for the Assamese people as defined in this Article from the seats allotted to the State of Assam.
8. Notwithstanding anything contained in this Constitution, Parliament may make a law in regard to appointment to an office under the Central Government and Government of India Undertaking requiring that 80% of the vacancies in Group C and Group D arising within the State of Assam shall be reserved for Assamese People.
9. Provisions shall be made by law enacted by the Legislative Assembly requiring 80 percent of the vacancies under the Government of Assam, State Government Undertakings and 70 percent of the vacancies arising in the private sector including establishments under the PPP mode to be reserved for "Assamese People".

## B. LEGISLATIVE SAFEGUARDS

### I. AMENDMENT TO SECTION 8 (A) OF THE RoP ACT 1950

In the Section 8A of the RoP Act, 1950 after Sub-section (2)(c), the following additions shall be made

- (i) After Sub-section (2) (c) the following shall be added:  
 "(d) In the State of Assam, 80 per cent of the seats shall be reserved for the "Assamese People" as defined in Article 371B, inclusive of the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes."
- (ii) After Sub-section (3) (c) the following shall be added:  
 "(d) In the State of Assam, 80 per cent of the seats shall be reserved for the "Assamese People" as defined in Article 371B, inclusive of the number of seats, if any, reserved for the Scheduled Castes or the Scheduled Tribes."

**II. AMENDMENT TO SECTION 4 TO THE RoP, 1951**

After Section 4(ccc) the following shall be added (cccc): In the case of a seat reserved for the Assamese People as defined in Article 371B, in the State of Assam, he is a member of any race, caste, tribe and community included within the "Assamese People" and is any elector for a Parliamentary Constituency in the State.

**III. AMENDMENT OF SECTION 5 TO THE RoP, 1951**

In section 5 after (b) the following shall be inserted:

(bb) "in the case of the seats reserved for the Assamese People as defined in Article 371B, in the State of Assam he/she is a member of any race, caste, tribe and community included within the Assamese People and is an elector for any Assembly Constituency in the State."

**IV. AMENDMENT OF SECTION 6 TO THE RoP, 1951**

Sub-section 3 to be added after Sub-section 2 of Section 6

"(3) A person shall not be qualified to be chosen to fill a seat in the Legislative Council of Assam to be filled by election unless he belongs to "Assamese People" as defined in Article 371B and is a member of the Tribe for which that particular seat is allotted/reserved."

**V. AMENDMENT TO SECTION 11 OF THE ASSAM MUNICIPAL ACT, 1956**

In Section 11(d) of the Act, the following proviso shall be added

"Provided that the balance seats after making provision for Scheduled Caste and Scheduled Tribe shall be reserved for the "Assamese People" as defined in Article 371B in the Constitution of India."

**VI. AMENDMENT TO ASSAM PANCHAYAT ACT, 1994**

(i) In Section 9(1) of the Act, the following proviso shall be inserted:

Provided that the balance seats after making provision for Scheduled Caste and Scheduled Tribe shall be reserved for the Assamese People as defined in Article 371B in the Constitution of India.

(ii) After Section 34(1) of the Act, the following proviso shall be inserted:

Provided that the balance seats after making provision for Scheduled Caste and Scheduled Tribe shall be reserved for the Assamese People as defined in Article 371B in the Constitution of India.

(iii) In Section 66 (1) of the Act

The words "For Scheduled Caste and Scheduled Tribes" in the Headnote shall be dropped.

(iv) After Section 66 (1) of the Act, the following proviso shall be inserted

Provided that the balance seats after making provision for Scheduled Caste and Scheduled Tribe shall be reserved for the "Assamese People" as defined in Article 371B in the Constitution of India.

## VII. INTRODUCTION OF INNER LINE PERMIT

The President be pleased to make an order in exercise of the powers conferred by clause 2 of Article 372 making an addition in the Third Schedule to the Adoption of Laws Order 1950 for directions relating to Bengal Eastern Frontier Regulation, 1873 whereby the following shall be added, namely:

- a) In the opening paragraph of the Preamble, "Assam" shall be added between the words "States of" and "Arunachal Pradesh".
- b) The State Government of Assam may prescribe by notification in the official gazette an inner line in the State of Assam in exercise of its powers under Clause 2 of Bengal Eastern Frontier Regulation, 1873.

## II. ON TOR 2 (f)

2 (f) The Committee may suggest any other measures as may be necessary to protect, preserve and promote cultural, social, linguistic identity and heritage of the Assamese people.

### LEGISLATIVE AMENDMENTS TO THE ASSAM ANCIENT MONUMENTS AND RECORDS ACT, 1959.

I. The Committee recommends the introduction of a Chapter on "Protected Areas and Protected Antiquities" to the aforesaid Act as provided below:

#### *"Protected Areas"*

21. Acquisition of a protected area - If the State Government is of opinion that any protected area contains an ancient or historical monument or antiquities of historical, archaeological or artistic importance, interest or value, it may acquire such area under and in accordance with the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 as if the acquisition thereof were for a public purpose within the meaning of that Act.

**22. Restrictions on property rights in protected areas -** (1) No person including the owner or occupier of a protected area, shall construct any building within the protected area or carry on any mining, quarrying, excavating, blasting or any operation of a like nature in such area, or utilize such area or any part thereof in any other manner without the permission of the State Government.

Provided that nothing in this Sub-section shall be deemed to prohibit the use of any such area or part thereof for purposes of cultivation if such cultivation does not involve the digging of not more than one foot of soil from the surface.

(2) The State Government may, by order, direct that any building constructed by any person within a protected area in contravention of the provisions of Sub-section (1) shall be removed within a specified period and, if the person refuses or fails to comply with the order, the Collector may cause the building to be removed and the person shall be liable to pay the cost of such removal.

**23. Excavations for archaeological or historical purposes -** An archaeological officer or an officer authorised by him in this behalf or any person holding a licence granted in this behalf in the prescribed manner under this Act, (hereinafter referred to as the licensee may, after giving notice in writing to the Collector and owner, enter upon and make excavations in any protected area.

(2) Where an archaeological officer has reason to believe that any area not being a protected area contains ruins or relics of historical or archaeological importance, he or an officer authorised by him in this behalf may, after giving notice in writing to the Collector and the owner, enter upon and make excavations in the area.

**24. Restrictions on excavations -** (1) Notwithstanding anything contained in Section 23, no excavation or other like operation for archaeological or historical purposes shall be undertaken or authorised to be undertaken in any area except with the previous approval of the Central Government and in accordance with such rules, and directions, if any, as the Central Government may make or give in this behalf.

(2) Where, in the exercise of the power conferred by Section 22, rights of any person are infringed by the occupation or disturbance of the surface of any land, the State Government shall pass to that person compensation for such infringement.

**25. Disposal of Antiquities etc. discovered during excavations -** (1) Where as a result of excavations made in any area under Section 23, antiquities are discovered, the archaeological officer or the licensee, as the case may be, shall-

(a) as soon as practicable, examine such antiquities and submit a report to the State Government in such manner and containing such particulars as may be prescribed, and

(b) at the conclusion of the excavation operations, give notice in writing to the owner of the land, from which antiquities have been discovered, of the nature of such antiquities.

(2) All such antiquities shall be deemed to be protected antiquities and, until orders of the State Government as to the disposal or compulsory purchase thereof are received, the archaeological officer or the licensee as the case may be, shall keep them in such safe custody as he may deem fit.

(3) On receipt of a report under Sub-section (1) the State Government may make an order for the compulsory purchase of any such antiquities at their market value.

(4) When an order for the compulsory purchase of any antiquities is made under Sub-section (3) such antiquities shall vest in the State Government with effect from the date of the order.

**26. Contravention of chapter -** Whoever does any act in contravention of the provisions of this chapter, for which contravention no punishment is provided for elsewhere therein, shall be punishable with imprisonment for a term which may extend to [three years or with fine which may extend to one lac] rupees or with both.

**27. Regulation of excavation in protected area -** (1) The State Government may make rules -

(a) prescribing the authorities by whom licenses to excavate for archaeological and historical purposes in a protected area may be granted;

(b) regulating the conditions on which such licenses may be granted the form of such licenses and the taking of security from licensees;

(c) prescribing the manner in which antiquities found by a licensee shall be disposed of; and

(d) generally to carry out the purposes of this chapter.

(2) Such rules may be general for all protected areas for the time being or may be special for any particular protected areas and may provide that any person committing a breach of any rule or of any condition of a licence shall be punishable with fine which may extend to five thousand rupees and may further provide that, where the breach has been by the agent or servant of a licensee, the licensee himself shall be punishable.

*Protected Antiquities*

28. **Power of Government to control movement of protected antiquities -** (1) If the State Government consider that any protected antiquities or class of protected antiquities ought not to be moved from the place where they are without the sanction of the State Government, the State Government may, by notification in the Official Gazette, direct that any such protected antiquity or any class of such protected antiquities shall not be moved except with the written permission of the Director.

(2) Every application for permission under Sub-section (1) shall be in such form and contain such particulars as may be prescribed.

(3) Any person aggrieved by an order refusing permission may appeal to the State Government whose decision shall be final.

(4) Any person who moves any protected antiquity in contravention of a notification issued under Sub-section (1) shall be punishable with fine which may extend to [fifteen thousand rupees].

(5) If the owner of any property proves, to the satisfaction of the State Government, that he has suffered any loss or damage by reason of the inclusion of such property in a notification issued under Sub-section (1), the State Government may-

(a) exempt such property from the said notification, or

(b) purchase such property at its market value, or

(c) pay compensation for any loss or damage sustained by the owner of such property.

29. **Purchase of protected antiquities by Government -** (1) If the State Government apprehends that any antiquity mentioned in a notification issued under Sub-section (1) of Section 28 is in danger of being destroyed, injured, mutilated, defaced, altered, removed, dispersed, misused or allowed to fall into decay or is of opinion that by reason of its historical or archaeological or artistic importance, it is desirable to preserve such antiquity in a public place, the State Government may make an order for the compulsory purchase of such antiquity at its market value and the Collector shall thereupon give notice to the owner of the antiquity to be purchased :

Provided that the power of purchase given by this Sub-section shall not extend in any image or symbol actually used for bonafide religious observances.

(2) Where a notice of compulsory purchase is issued under Sub-section (1) in respect of any antiquity such antiquity shall vest in the State Government with effect from the date of the notice.

- II.** The Committee recommends the establishment of a Cultural Heritage Maintenance Board to be incorporated within the Assam Ancient Monuments and Records Act, 1959 in order to preserve and protect both tangible and intangible heritage (protected and unprotected) of the State. The proposed amendments include definitions of "Cultural heritage"; "Intangible Cultural Heritage" and the composition of the Cultural Heritage Maintenance Board, its powers and functions as proposed below:



- (i) "Cultural heritage" to be defined as provided in Article 1 of 1972 UNESCO Convention Concerning the Protection of the World Cultural and Natural Heritage, which reads as "For the purpose of this Act, the following shall be considered as "cultural heritage" monuments: architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features, which are of outstanding universal value from the point of view of history, art or science; groups of buildings: groups of separate or connected buildings which, because of their architecture, their homogeneity or their place in the landscape, are of outstanding universal value from the point of view of history, art or science; sites: works of man or the combined works of nature and man, and areas including archaeological sites which are of outstanding universal value from the historical, aesthetic, ethnological or anthropological point of view.
- (ii) "Intangible cultural heritage" defined as provided in Article 2 para 1 of 2003 UNESCO Convention for the Safeguarding of the Intangible Cultural Heritage which defines 'Intangible Cultural Heritage' as the practices, representations, expressions, knowledge, skills – as well as the instruments, objects, artefacts and cultural spaces associated therewith – that communities, groups and, in some cases, individuals recognize as part of their cultural heritage. This intangible cultural heritage, transmitted from generation to generation, is constantly recreated by communities and groups in response to their environment, their interaction with nature and their history, and provides them with a sense of identity and continuity, thus promoting respect for cultural diversity and human creativity. For the purposes of this Convention, consideration will be given solely to such intangible cultural heritage as is compatible with existing international human rights instruments, as well as with the requirements of mutual respect among communities, groups and individuals, and of sustainable development.

The 'Intangible Cultural Heritage', as defined in paragraph 1 above, is manifested *inter alia* in the following domains:

- (a) oral traditions and expressions, including language and its script as a vehicle of the intangible cultural heritage;
- (b) performing arts;
- (c) social practices, rituals and festive events;
- (d) knowledge and practices concerning nature and the universe;
- (e) traditional craftsmanship.

**(iii) Composition of Board:** Relevant sections to include,

“(1) There shall be a Board to be called as the Assam Ancient, Historical Monuments, Archaeological Sites and Cultural Heritage Maintenance Board for carrying out the purposes of this Act.

(2) There Board established under Sub-section (1), shall consist of the following namely:

(i)	Chief Minister	...Chairman
(ii)	Minister, Cultural	...Vice-Chairman
(iii)	Chief Secretary	...Member
(iv)	Financial Commissioner	...Member
(v)	Principal Secretary to Chief Minister	... Member
(vi)	Commissioner & Secretary, Cultural Affairs Secretary	...Member
(vii)	Commissioner & Secretary, Finance	...Member
(viii)	Commissioner & Secretary, Planning	...Member
(ix)	Commissioner & Secretary, PWD	...Member
(x)	Commissioner & Secretary, Tourism	...Member
(xi)	Chairman, Assam State Agricultural Marketing Board	...Member
(xii)	Representatives of Apex Literary and Cultural Bodies of communities	...Member
(xiii)	Domain expert in Cultural Affairs (to be nominated by CM)	...Member
(xiv)	Domain expert in Tourism (to be nominated by CM)	...Member

**(iv) Objectives and Functions of the Board:** S. 5 to be inserted as follows:

The objectives and functions of the Board shall be as under:

(1) To take all necessary steps for planning, coordination, implementation and propagation of all activities, events, projects and other matters connected with the conservation, preservation, dissemination and documentation of the cultural heritage of Assam in all its forms and for the development of Tourism in the State. Provided that documentation for the purposes of this clause, shall include the creation of a centralised **Cultural Heritage Database for the State of Assam** within two years from coming into force of this Act.

**(v) Powers of the Board:**

(1) Subject to the general superintendence and control of the Government, the Board shall have the powers to do all such acts, deeds and things as are necessary for the purpose of performing the objectives and functions assigned to it.

(2) Without prejudice to the generality of the foregoing provision, the Board shall have the following powers:

- a) Full powers to give administrative and financial sanctions for various activities, projects & works to be undertaken by the Board in pursuance of its objectives;
- b) Full powers to sanction recurring, non-recurring, contingent, miscellaneous, revenue and capital expenditure for activities, works, and projects of the Board.

Provided that information about the expenditure incurred would be put up to the Board of Trustees annually.

- c) Full powers to place advertisements in various media such as newspapers, magazines, radio, television, Internet etc:

Provided that no advertisements would be placed which are not in consonance with the objectives of the Board or for Government functions which are not within the purview of the Department of Cultural Affairs.

- d) To prepare and execute specific plans and programmes from time to time for the furtherance of the objectives of the Board and for its efficient management and administration.

- e) To prepare or cause to be prepared the annual budget of income and expenditure of the Board.

- f) To adjust and settle all accounts relating to the Board Funds and do all acts, deeds and things (including appointment of auditors) necessary therefore.

- g) To write off irrecoverable losses of stores or of Board's money or loss of revenue or irrecoverable loans and advances and deficiencies and depreciation in the value of stores (other than Motor Vehicles and Motor-cycles) up to Rs. 5.00 Lakhs in a year.

- h) To condemn motor vehicles up to Rs. 7.00 Lakh (original cost) in each case after they have outlived their life in terms of distance run or time of use in years, as fixed by the Board.

- i) To declare stores and equipment obsolete, surplus or unserviceable up to Rs. 1.00 Lakh in each case. However, all cases of write off of irrecoverable losses of stores or of Board's money and loss of revenue, irrecoverable loans and advances and deficiencies in the value of stores shall be reported to the Board of Trustees in a statement to be annexed to the Annual Accounts. This Statement should cover all writes off ordered during the relevant accounting year. Stores and equipment declared obsolete, surplus or unserviceable shall be similarly reported.

- j) To constitute or appoint, with or without remuneration and on such terms and conditions as it may deem proper, any Committee of Experts to advise the Board or

to monitor its programmes and activities, and to incur all such reasonable expenditure as may be necessary for the purpose.

k) To appoint staff after determining its requirement in view of the functions assigned to the Board and the resources available, and fix remuneration & settle other terms & conditions of their employment:

Provided that all employees of the Board shall be appointed only on contractual basis or taken through outsourcing. However, the Government may, specifically permit the appointment of certain category of employees on deputation from government departments/organizations or from public sector undertakings.

l) To file any civil or criminal proceedings and defend all legal proceedings on behalf of the Board and to settle, compromise or compound in or out of court, or refer to arbitration all suits, actions and other proceedings whatsoever;

m) To purchase, hire, take on lease any land or building and construct properties for the purpose of carrying out the objects of the Board;

n) Subject to the prior approval of the Board, to borrow moneys, to raise loans in the open market or otherwise, on such terms and conditions as may be deemed fit and for the purpose and enter into agreements, assurances and other deeds in relation thereto for giving security for such loans and interest thereon;

o) To maintain any immovable properties of the Board in such manner as it shall think fit including making of improvements, repairs or alterations therein and to grant or renew leases of any description in respect of such properties;

p) Subject to the approval of the Board of Trustees, to sell, assign, lease out, mortgage or otherwise dispose of any movable or immovable property of the Board:

Provided that no immovable property (such as land and building) of the Board which has been transferred to the Board by the Government by way of sale, grant, lease etc shall be sold, mortgaged, or leased for a term exceeding 5 years, or otherwise transferred to any non-government entity without the prior written approval of the Government of Assam.

q) To frame Regulations for the efficient administration and management of the Board;

r) To enter into legal and other agreements or contracts on behalf of the Board for carrying out the objects of the Board;

s) To prescribe the salaries, allowances, remunerations and rates thereof applicable to the different categories and grades of employees of the Board from time to time;

t) To authorize the CEO or Additional CEO to issue general or specific orders for regulating functioning of the Board and its offices consistent with the Rules, Regulations, Byelaws and decisions of the Board of Trustees;

u) To do all lawful acts, deeds and things as are incidental, ancillary and conducive to the objectives of the Board."

**(vi) Cultural Heritage Maintenance and Development Fund:**

(1) There shall be a Fund to be called the Cultural Heritage Maintenance and Development Fund, which shall be made available to the Board by the Department of Finance for carrying out the purposes of this Act.

(2) The Fund shall be administered by the Board. The Fund shall have the following contributions, namely:

(i) the amount of cess levied and collected under Section 6;

(ii) any grant received from the Government or any other source;

(iii) any additional income (including entrance fees levied on ancient monuments; sites, installations and access to cultural heritage, must be brought in harmony with Rule 13 of the Assam Ancient Monuments and Records Rules, 1964) to the Department of Cultural Affairs, Government of Assam including any other miscellaneous receipt after the commencement of this Act;

(iv) donation and private contributions; and

(v) any other sum of money which the State Government may subsequently decide to contribute to the fund.

**(vii) Levy of Cultural Cess**

(1) Notwithstanding anything contrary contained in any other law for the time being in force there shall be levied a cess at a rate of X per cent of the project cost for carrying out the purposes of this Act.

(2) The Cess levied under this section shall be collected in the manner as prescribed, by the Department concerned and agencies on the construction cost of Roads, Bridges, Flyovers, Road Over Bridges/Road Under Bridges (ROB's/RUB's), hydroelectric power projects, mines, projects involving displacement of local communities etc. undertaken by PWD and other State authorities, whether on its own or in public-private partnership mode, out of the State or its own resources.

(3) It shall also be levied on all buildings costing more than Rupees X constructed by the agencies of the State out of their own or State resources.

(4) The proceeds of the cess levied under the Sub-section (1), shall be credited by the agencies concerned directly into the consolidated fund of the State, within fifteen days of its collection under intimation to the Department of Cultural Affairs, Government of Assam.

(5) The cess so collected thereof shall be released by the State Government from under the Plan Scheme, to be created afresh, to the Board, periodically for application of the Funds.

**(viii) Utilization of the Fund**

The fund shall be utilized for the following purposes, namely:

- (a) Preservation and conservation of the tangible and intangible cultural heritage assets in the State;
- (b) For the construction/creation of the buildings of state/national and local importance;
- (c) Operation and maintenance and upkeep of the buildings under Sub-section (b) above; and
- (d) Any other building.

\*\*\*\*\*