

The Bill was, by leave, withdrawn.

DR. NAGEN SAIKIA (Assam): Sir,
I move:

Sir, this is the call of the time to repeal the Act which is called the Illegal Migrants (Determination by Tribunals) Repeal Act, 1983. Sir, Assam has always been treated in a way separate from the other States. During the period of the last 40 years the State has been getting a stepmotherly behaviour from the Centre. It is needless to state once again the richness of Assam in resources like oil, tea, timber and coal; but Assam in return is getting lesser than it should get. So, the sense of deprivation is always there in the minds of the people of the State.

alone—Assamese culture and Assamese language—has been trying to integrate all these races and all these languages and in this way forming a composite sub-nationality, a composite culture and a composite language. In this way, Assam has been standing as sentinel of the country in the North-East.

Sir, we are surrounded by foreign countries. It is only with a chicken neck corridor that it is connected with the rest of the country. The sensitive borders of the State always need strict vigilance. But the Central Government is not as much concerned with all the life-and-death problems of the State as it is concerned with its resources. A glaring example of this attitude of the Government is Illegal Migrants (Determination by Tribunals) Act, 1983. The Foreigners Act of the country covers all the parts of the country. But in the case of Assam, the Government thought it wise to bring Assam out of the operation of the Act and enacted another Act in the name of Illegal Migrants (Determination by Tribunals) Act, 1983.

Sir, there is a history behind this. It is known to all. After the death of one Member of Parliament—a Lok Sabha Member, Mr. Hiralal Patwari of the Mangoldoi constituency—when the by-election was held in Assam, the people were surprised to learn that in the electoral rolls there were lakhs and lakhs of foreigners' names. The persons who had migrated from Bangladesh without any legal authorisation were included in the voters' list and this news was actually a great surprise—a shocking surprise—for the people of the State. The people of Bangladesh who migrated after 1965—the Indo-Pakistan war of 1965—and after the liberation of Bangladesh in 1971 were in the voters' list of Mangoldoi constituency. This news of inclusion of foreigners' names in the electoral rolls to determine the fate of the genuine citizens of the State and thereby the fate of the

(Dr. Nagen Saikia)

whole nation rocked the whole State. People irrespective of caste, creed, religion and language came out in the streets to protest against the inclusion of the foreigners' names and demanded that the foreigners who stayed there should be identified, their names should be deleted from the voters' list and they should be deported. But the Government was not ready to concede this serious and genuine demand of the people because those people, coming as migrants from Bangladesh, were being used as Vote banks by the Congress party. Therefore, the Government was not ready to delete the names of the foreigners from voters list or to identify them or to deport those people. So, the people of Assam under youth leadership launched an agitation. All Assam Ganasangram Parishad was formed and it launched a democratic and non-violent agitation in which people, irrespective of their differences, joined together and raised their voice against the inclusion of the names of foreigners in the voters' lists of the country. Every effort was made by the Government and by some national parties also to malign the movement by labelling it as a movement against the Indians, against the Bengalis, against the Hindi-speaking people, against the Nepalis, against the Oriyas, and so on so forth. But nothing could move the people from their genuine demand. You know the entry of eight Pakistanis into the Kashmir Valley once rocked the whole country. But the entry of lakhs and lakhs of people from Bangladesh into the soil of India through Assam was not taken to be a serious matter or was not considered a matter of importance by the Government. This was the saddest part of the whole affair. The State was put under President's rule and all steps were taken to suppress the mass upsurge that rocked the whole State. And then the further sad part of the whole affair was the holding of election in 1983. Everybody in Assam even

today recalls how this bloody election was held. The Congress Party left no stone unturned to divide the people in the name of caste, creed, religion, language and what not. And this led to group clashes in many parts of the State in which about 7,000 people lost their lives. That election was a scar on democracy itself. People boycotted the election but police and paramilitary forces were used to vote on behalf of the genuine citizens at that time. You will be surprised to know that in some polling booths only 50 to 100 votes were cast and yet some people were declared elected on the basis of that meagre strength. Some people became MLAs and some became even Ministers. The people of Assam were not ready to accept that Government and they labelled it as an illegal Government. At the instance of that Government this Bill was brought and was passed. This Act had put strong hurdles in identifying the foreigners. In that Act the Government had chosen to put the burden of identifying a foreigner on the shoulders of the citizen rather than on the Government machinery itself. It is the duty of the Government to identify foreigners if there are foreigners coming into the country. But by this Act the Government shifted the responsibility from its own shoulders to the shoulders of the citizens. One citizen from the same area, from the same police thana, will have to lodge his complaint together with a fee which was formerly Rs. 25. And later on when the Bill was amended the fee was reduced to Rs. 10/-. One can now lodge a complaint by depositing a fee of Rs. 10/-. Who will take this burden? Moreover, there are some police thana areas in Assam where genuine citizens cannot be found at all. Most of the people had migrated from Bangladesh and had been staying there since long. Who will lodge a complaint against these people? If somebody takes the burden and thinks of lodging a complaint, then, as I have already said, he will have to deposit a fee of Rs. 10/-. The Government by including this clause, has

assured the foreigners a safe stay. Though a movement has been launched against the infiltrators, nobody on earth can move a single hair of these foreigners. Secondly, it is the duty of the Government to identify a foreigner. But as I have already stated by shifting this burden on to the citizens, the Government has taken an anti-national stand. Thirdly, according to this Act, the complainant has to prove, and not the person against whom the complaint has been made, whether he is a foreigner or not. Usually, this responsibility lies with the accused to prove that he is not guilty. But in Assam the accused is left free and it is the complainant's responsibility to prove that so and so is a foreigner. The AGP had demanded that the Act should be repealed. But, instead of repealing the Act, Government has chosen to amend it. The amendments that are sought to be made are: previously a person residing within a radius of three kilometres could lodge a complaint that so and so residing in that area is a foreigner. Now, by this amendment the area has been expanded. The amendment states that a person from the same police thana can lodge a complaint. Previously, the fee was 35 and now it is Rs. 10. These amendments are nothing but an attempt by the Government to put hurdles in the identification of the foreigners. Sir, the Act proves that Assam is not treated as any other State of the country. In fact Assam has become an abode for the foreigners. The Act itself is anti-national and it should be repealed immediately. If proper measures are not taken to secure the borders and to identify the foreigners and deport them back to their respective countries and if their names are not deleted from the voters' list, the day is not far when the foreigners will take over the State and it will secede from the country. I have already stated that Assam is surrounded by sensitive borders, international borders, and if we neglect the State the day is not far when the State will

get separated from this country. With these words, Sir, I move the Bill.

The question was proposed.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Now, Mr. Madan Bhatia.

SHRI MADAN BHATIA (Nominated): Mr. Vice-Chairman, Sir, I have listened to the honourable Mover of this Bill with rapt attention. The arguments which the honourable Member has given in respect of this Bill, I find, have only been ancillary. The main thrust of his speech is not relevant whatsoever to the Bill which has been moved by him.

Sir, he has talked about the elections in 1983 and he seems to imagine that so far as Assam is concerned, history came to a stop in 1983 after those elections and nothing seems to have taken place in Assam after 1983.

Because it is very difficult for the honourable Member to talk about the verdict of the people of Assam only a few months back, this Bill seems to have been moved in the name of the people of Assam. I should say that it would have been more in the fitness of things if the Statement of Objects and Reasons had stated that this was the demand of the party to which he belongs.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Bhatiaji, this is only a Private Member's Bill.

SHRI MADAN BHATIA: I know that; I know that it is only a Private Member's Bill. Sir, the Statement of Objects and Reasons of this Bill contains contradictory statements. On the one hand, it says that the State of Assam is being discriminated against and, on the other, it says that this Bill does not meet the requirements of the people of Assam. I remember, when this Bill was moved in 1983—I was a participant in the debate on this Bill and I would like to remind the Members of this House—this Bill was brought forward in this House

[Shri Madan Bhatia]

and Parliament ultimately passed this Bill and the object was two-fold. One object was to meet the grievances of the people of Assam with regard to the lot of migration which had taken place in the State of Assam as a result of which certain conditions had been created which were not conducive to the progress of the State of Assam. The other object of this Bill was to prevent the witch-hunting those people who had settled down in Assam for generations together and whose presence was not to the liking of a particular political party which had been carrying on the agitation in Assam itself. This Bill which ultimately became the Act, struck a balance between the two objectives. One objective was to deal with the illegal migrants who had come into Assam to identify them and spread them over and send them back, if possible, to the countries from which they had come and the other objective was to prevent the harassment and indictiveness against those people who were not of Assam origin, but who were as much as a part of Assam as the people of Assam itself, because they had made Assam as their home for years and generations together. So, this was the excellent balance which was created by that Act. It was this political perception of the late Mrs. Gandhi that this Bill was brought forward and it was supported by both the Houses of Parliament and was ultimately made into an Act.

After all this, now the honourable Member says that this Act should be repealed because there is another Act, the Foreigners Act. I remember that when the discussion and debate took place in this House on that Bill, the grievance of the members of the party to which the hon. Member belongs was that this Bill does not go far enough. And today the argument is being raised that this Bill is unnecessary. I cannot understand the logic behind this, except that this is nothing but a political element which has been embodied in the Statement of Objects

and Reasons of this Bill. The real purpose behind this Bill is to give a fillip once again to the sectarian agitation in the State of Assam in 1989. The real object is not what has been stated in the Statement of Objects and Reasons. The real object is to whip up the sectarian political passions in the name of the repeal of this particular Bill. Hon. Members should be very cautious against these moves which are still again afoot. And this Bill is the manifestation of moves which are afoot in the State of Assam.

The people of Assam have given a powerful verdict in favour of the Congress Party. Why have they give this verdict after so many years? They have come to realise that the future of India lies in oneness of the people of India; the future of every State of India lies in the integrity of the whole of India, and the future of India will be destroyed if in any nook or corner of India any sectarian agitation is launched or is given fillip to. That is why the people of Assam have voted for the Congress Party. The progress had come to nil, the amity among the people had totally vanished, the security of the people had been destroyed and the integrity of the country had been under severe challenge under those forces which represented that agitation which led to the passing of this Bill of 1983. And now by seeking ostensibly to repeal this Bill the object is once again to give encouragement to that kind of agitation.

I strongly oppose this Bill, and I appeal to the hon. Members to perceive the real game behind this Bill and throw it lock, stock and barrel.

Thank you.

SHRI W. KULABIDHU SINGH (Manipur): Mr. Vice-Chairman, Sir, I thank you for giving me an opportunity to speak on this Bill moved by Dr. Nagen Saikia.

Now, there are a lot of things which can be misunderstood by dif-

ferent communities in India. On the point raised by Dr. Saikia and thwarted by Mr. Madan Bhatia, they have come to extremes—two extremes. I would like to suggest that the grievance of the people of Assam is misunderstood by our countrymen from outside Assam. The people thought that the Assamese people are sectarian and sometimes some sections of people also charged them as anti-Indian. That is not the thing. Industrially and economically the Assamese people are backward, although culturally they are advanced. The crux of the problem of Assam is whether the indigenous people or the original Assamese are to be dominated by the people coming mostly from Bangladesh and some other parts of the country. So the distinction is to be clearly drawn between the Indians coming from outside Assam and foreigners coming from Bangladesh or other foreign countries. But most of the people confuse these two aspects. The indigenous people do not like that they be dominated by people coming either from rest of India or from Bangladesh or any other foreign country. Now, the process of identification of voters under the Act of 1983 is determined by the Tribunal. Now, it is a very long and lengthy process, and I do not think that there is any harm if this preparation of the voters' list is made under the Representation of the People Act, 1951. Now the only thing is, as there are a lot of outsiders mostly from East Pakistan, the officers may find it a little difficult in the preparation of the voters' list. But if the staff of the Election office is increased, if it can be expeditiously and efficiently prepared, it can be really very good. And only for the purpose of preparation of the voters' list, this *Illegal Migrants (Determination by Tribunals) Act* was passed. The main purpose, the motivation for passing that enactment in 1983 was to expedite the preparation of the voters' list. But, my humble suggestion would be that the preparation of the voters' list can

be made under the Representation of the People Act, 1951 if adequate staff, efficient officers are employed. And it can be done under the due process of law, and not in an abnormal way by hurting the sentiments of the people of Assam. I think, Mr. Saikia was right in urging the House for the abolition of this Act of 1983.

Therefore, my suggestion is that the Act be repealed, as urged by Dr. Saikia. And regarding the preparation of the voters' list, it can be done under the due process of law, under the Representation of the People Act of 1951.

With these few words, Sir, I support the Bill.

SHRI BHUBANESWAR KALITA (Assam): Mr. Vice-Chairman, Sir, I have been listening to the speeches made by the previous speakers with rapt attention. Though my previous speaker has said that both the views expressed by the other two speakers were in extreme, what I want to concentrate upon is the reason behind this Bill.

Sir, Mr. Saikia has brought this Bill. I do not know why he woke up after all these years. Sir, the Bill is full of contradictions. I do not know, but maybe the people of Assam understood the contradictions in his Party and in him, and, therefore, they have realised and brought our party to power.

Sir, the first contradiction is the object of this Bill. Mr. Saikia says that this Act of 1983 is discriminatory. But how is it discriminatory? Sir, he has also explained a part of the background of the Assam agitation for which this Act was brought. The point mentioned at that time was that the *Foreigners Act* and the *Citizenship Act* were not enough for identification, determination and deportation of foreigners. So, after long deliberations, after a very serious and sincere thought this was brought in

[Shri Bhubenewar Kalita]

1983 to plug the loopholes in the other two Acts. This was debated and passed with a majority support. But now it has been said that this Act is discriminatory, and that the Act is giving encouragement to keep the foreigners in the State rather than deporting them. Sir both the views expressed by the organisation he led at that time and by him now are contradictory. The second contradiction is the 1983 elections which he has mentioned in the Bill. Sir, the 1983 elections were held on the basis of the revised voters' list. And on the basis of the same voters' list, the 1985 elections were also held in which his party came to power and he became a Member of this august House. Sir, if a voters' list can be valid in 1985, why it cannot be so in 1983. If a voters' list, on which the 1983 elections were held, was full of the names of foreigners, then how it became a valid voters' list in 1985 and how they contested the elections and came to power? And they were the ruling party in the State. This is another contradiction.

The third contradiction is the accord. Sir the Assam Accord was signed by the then leaders of the agitation and the Government. Dr. Saikia was a party to that accord because he was one of the members of the organisation leading the agitation at that time. This Bill is one part of that Accord. In that accord, one of the points was for the amendment of this Act. Accordingly, the Government had brought a Bill earlier and an amendment was passed. If the Bill was not correct, if the Bill was so discriminatory, how the leaders of the agitation accepted the amendment of this Act?

Sir, another contradiction which is most interesting is the silence of Dr. Saikia from 1985 to 1990 when his party was in power in Assam. If the Bill was discriminatory, why did not the State Government and the members of that party raise their voice that the Bill is discriminatory

and said that the Foreigners Act and the Citizenship Act are sufficient for determination, identification and deportation of foreigners in Assam?

So, the Bill which he was moved is full of contradictions. If you go a little further, in continuation of his description of the background of this Bill he has mentioned a lot about the names of the foreigners in the voters' list. He has mentioned that lakhs and lakhs of names of foreigners, — one of his party leaders says 40 lakhs names of foreigners names are there in the voters' list of Assam.

Sir as on 31.7.1991, the number of persons detected as foreigners who came to Assam after 1.1.1966 upto 24.3.1971, is 15,779. They are detected. The number of persons declared as illegal migrants is 7781. Out of those declared as illegal migrants, the number of persons expelled is 716. Sir, Mr. Saikia's party was in power during these five years and they have deported only 716 foreigners. Where are those forty lakhs, or as mentioned by him, lakhs and lakhs? Their number is only 716. As mentioned by Mr. Bhatia, this Bill has been brought only for a political purpose and I am sorry, the people of Assam, and not only the people of Assam but the people of this country are not going to believe Mr. Saikia. As Mr. Bhatia has mentioned, this Bill has been brought to whip up the issue again. But people will not listen to him. People had enough of it and Mr. Saikia understands it very well. People have given a biting reply. They are not going to be swayed away by these propaganda. Contradictions in the Bill proves its fruitlessness.

Mr. Saikia has brought this Bill a little late but there is still time to withdraw it and I request him to withdraw the Bill because this Bill is not timely and it will lapse.

Mr. Saikia mentioned about the cultural identity of the people of Assam. There is a mixed population in Assam and this is one State where there has never been a communal clash.

Even in 1947 when the whole country was experiencing communal riots, Assam was the exception where there was no communal riot and Hindus and Muslims lived together. There was never a communal tension in Assam. The population in Assam's assimilated population about whom Mr. Saikia mentions in his Bill or to whom he is pointing his finger. They are the people whom he had accepted, whom his organisation had accepted as the new Assamese or in Assamese language, they are the 'Na Asomia'. They have contributed to the development of the State. They have contributed to the development of the culture of the State. They have accepted our culture; they have accepted our language. Originally they may be from Bangladesh; but they came here long time back and they have assimilated into the society. They have taken to our language, and Mr. Saikia fortunately is the leading man of Assam Sahitya Sabha. Can he deny the role played by these new Assamese who have accepted Assamese language as their own can he deny the fact that they have been accepted as Assamese and they have themselves given their acceptance to be Assamese? And Mr. Saikia knows that, Sir, the time for all this is over now. We must take the fact as a fact. Time for all these sentiments or imaginary danger is over. We must realise that we have to live together. We have to make a beginning with a feeling that we are all communities living in Assam and we have to live together, we have to build up that State together. With these words, I oppose the Bill.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Debate remains inconclusive. It will continue. Now statement by the

SHRI ANAND PRAKASH GAUTAM (Uttar Pradesh): I would like to make the submission (Interruptions)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR):

Let me understand one by one..... (Interruptions). Would the Minister like to respond?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): I am in the hands of the House. If the House decides to take it up on Monday, we will do it on Monday.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let him make the statement and the clarification will be on Monday.... (Interruptions). The Statement has already been made.... (Interruptions).

श्री मोहम्मद अफजल उर्फ भीम अफजल
(उत्तर प्रदेश) : महोदय, मेरा एक सजेसन
है। अभी 5 बज रहे हैं और केवल 15
मिनट यहाँ पर बैठे हुए हैं। उनको कोई
क्लैरिफिकेशन का चांस नहीं मिलेगा।
इसलिए मेरी दरखवास्त है कि यह स्टेटमेंट
मंडे को किया जाए। इस पर जो सवाल
जवाब हैं, वह भी मंडे को हों। 15 लोगों
के सामने स्टेटमेंट देना ठीक नहीं है।
(व्यवधान)

شرن محمد افضل عرف بيم افضل ہوو دیہ
میرا ایک سبجیشن ہے۔ ابھی پانچ بج
رہے ہیں اور کیوں 15 منبریاں بیٹھے
ہوئے ہیں ان کو کوئی کلیری فیکیشن
کا چانس نہیں ملے گا۔ اس لیے میری
درخواست ہے کہ یہ اسٹیٹمنٹ منڈے
کو کیا جائے۔ اس پر جو سوال جواب ہیں
وہ بھی منڈے کو ہوں۔ ہندہ لوگوں
کے سامنے اسٹیٹمنٹ دینا ٹھیک نہیں
ہے۔ "مدا غلہ"

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): I have understood... (*Interruptions*)

SHRI ANAND PRAKASH GAUTAM: I want to make some separate submission. Whenever a statement by a witness is made in the presence of a lawyer, he can make a good cross-examination. Likewise, as these are important issues, the Members who are not present in the House... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): You can study the statement... (*Interruptions*)

SHRI ANAND PRAKASH GAUTAM: Let us have the clarification on Monday at 12 O'clock.

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Let us see the position... (*Interruptions*)

CHOWDHRY HARI SINGH (Uttar Pradesh): This is the view of the advocate... (*Interruptions*)

THE VICE-CHAIRMAN (SHRI BHASKAR ANNAJI MASODKAR): Please understand. As the statement has already been made in the Lok Sabha, it does not look well that it is not made before us. Let us permit the statement... (*Interruptions*). We will do one thing. Whatever statements had been made in the Lok Sabha may be made here. The clarification will be thereafter and other statements will be postponed to Monday.

STATEMENTS BY MINISTERS

I. Recent deaths in the Union Territory of Delhi due to the consumption of spurious drugs.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINIS-

TER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, I wish to inform the Honourable Members of this august House about the recent tragedy in the Union Territory of Delhi which has so far claimed 199 lives.

At about 4.15 p.m. on 5-11-1991, information was received at Shalimar Bagh Police Station from the Hindu Rao Hospital that one person had been admitted in the hospital for treatment for poisoning. Another person in similar condition was admitted at 7.55 p.m. on the same day. Subsequently, both the persons died and inquest proceedings were held by the Police. Inquiries revealed that both the persons had consumed the same 'Sura'.

On 6-11-1991 reports from Hindu Rao Hospital were received at Police Stations Jahangirpuri, Adarsh Nagar, Shalimar Bagh, Ashok Vihar and Model Town that some residents from their police stations had been admitted to the hospital for treatment for unknown poisoning. Inquiries revealed that all of them had consumed an Ayurvedic medicine called 'Karpooov Asav'.

Inquiries by Delhi Police showed that this 'Karpooov Asav' was manufactured by a firm called Karnal Pharmacy which had its unit at Ghaziabad in Uttar Pradesh. The Ghaziabad Police was immediately requested by the Delhi Police to locate the firm and seize all its products. On the morning of 7th November, 1991, the factory was sealed by the Delhi Police with the assistance of the local Police and all the stocks seized. It was found that the unit was running in an open shed in an unhygienic condition.

Simultaneously all police stations in Delhi were asked to look for retail outlets and distributors of 'Sura' and impound all bottles in the market.

The samples of the spurious drug which caused deaths were sent to the Central Forensic Science Laboratory and the Labo-