

## **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 Chitraban*, *Anundaram Borooah 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 Chitraban Film 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.

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

The *Anundaram Borooah 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 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".

#### 8.4 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) *Boito*, (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.
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- 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 Lurinjoyti 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 ToR 2.(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/ Pisci Culture/ 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 *Bralma 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 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 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.



- (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

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.

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