

## **Definition of Assamese people**

### **Why in news?**

A report by a government-appointed committee has proposed a definition for “Assamese people”.

### **What is the debate?**

- The Assam Accord was signed at the end of a six-year Assam agitation (1979-85) against illegal migration from Bangladesh.
- In the context of the Accord, the question of who is Assamese stems from the language of Clause 6.
- Clause 6 says that certain safeguards shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.
- This gives rise to a question of who these “Assamese people” are.

### **Isn't any resident of Assam, Assamese?**

- The definition of “Assamese” cannot be so narrow as to mean only those who speak Assamese as their first language.
- Assam has many indigenous tribal and ethnic communities with their own ancestral languages.
- For Clause 6, it was necessary to expand the definition of “Assamese” beyond the Assamese-speaking population.
- Those not eligible for the safeguards under Clause 6 would clearly be from among the migrant populations.
- But there is a debate on whether the entire migrant populations would be excluded, or would some of them be eligible for Clause 6 benefits.

### **Who is a migrant?**

- In popular conversation, the idea of “indigenous” is taken to mean communities who trace their histories in Assam before 1826.
- This was the year when the erstwhile kingdom of Assam was annexed to British India.
- Large-scale migration from East Bengal took place during British rule, followed by further waves after Independence.
- The Assam agitation was triggered by fears that the Bengali Muslim and

Bengali Hindu migrants may overrun the indigenous population, and dominate them.

- During the agitation, the demand was for the detection and deportation of those who had migrated after 1951.

### **Was this demand accepted?**

- Not 1951. The Assam Accord was settled at a cut-off of March 24, 1971.
- Anyone who arrived in Assam before that cut-off would be considered a citizen of India.
- This date was also the basis of the National Register of Citizens (NRC), published in 2019.
- As the Accord legalised additional migrants (1951-71), Clause 6 was added as a safeguard for the indigenous people.

### **How has Clause 6 been taken up since?**

- Because of the complexities involved, previous efforts to work out a framework made little headway.
- The matter got urgency last year amid protests by the Assamese against the Citizenship Amendment Bill (now an Act).
- This Act makes it easier for certain categories of migrants to get Indian citizenship — the key here being Hindus from Bangladesh.
- The Home Ministry set up a new committee, which submitted its report in February 2020, and its contents were made public.

### **What are the recommendations?**

- The proposed definition of the Committee is limited to the purpose of implementing the Clause 6 of the 1985 Assam Accord.
- This definition includes indigenous tribals, other indigenous communities, all other citizens of India residing in Assam on or before January 1, 1951 and indigenous Assamese, and their descendants.
- As for safeguards, the committee has recommended reservations in legislature and jobs for “Assamese people”.
- It also recommended that land rights to be confined to them.

### **What are implications of the definition?**

- Migrants who entered Assam after 1951 but before March 24, 1971 are not Assamese but are Indian citizens who can vote.
- Not just indigenous groups, but East Bengal migrants who entered Assam before 1951, too, would be considered Assamese.

## What issues does this raise?

- Some find it too **inclusive**.
- The committee had received some suggestions that had proposed a base year of 1826 for anyone being considered Assamese.
- Those who speak for indigenous Assamese Muslims told that there should not be a base year for identifying the indigenous people.
- Some say that only communities living in Assam during Ahom rule (pre-1826) be included in the definition.
- Others find it **exclusionary**.
- Those who speak for Bengali Muslims had been demanding that the 1971 cut-off be used for deciding Clause 6 eligibility too.
- As 1951 NRC is unavailable in many parts of Assam, there is a question on how could one prove that a person has been in Assam prior to 1951.

## What is the judicial constraint?

- Several issues come up for both the state and central government.
- The key issue is whether it will stand the test of judicial scrutiny because it is bound to be challenged in the courts.
- There is a doubt whether it will stand the test of constitutional validity.

**Source: The Indian Express**

