



আসাম চুক্তির ৬ নং দফার বিরুদ্ধে

শিলচর নেতাজি সুভাষ চন্দ্র বসু সেবা সংস্থার প্রতিবাদী প্রস্তাব

১৫ আগস্ট ২০২০

অবশেষে ঝুলি থেকে বেড়াল বেরোল। আসাম চুক্তির ৬নং দফা রূপায়নের উদ্দেশ্যে গঠিত উচ্চস্তরীয় কমিটির সুপারিশের গোপন রিপোর্টটি জনসমক্ষে ফাঁস করে দিয়েছেন আসু নেতৃত্ব, যাদের দুইজন এই কমিটির সদস্য ছিলেন। সাংবাদিক সম্মেলনে তারা এও বলেছেন যে জমা দেবার পাঁচ মাস অধি যেহেতু সরকার এ ব্যাপারে কোন উচ্চবাচ্য করেননি তাই তাঁরা সরকারের আন্তরিকতার ব্যাপারে সন্দেহান। কি আছে এই রিপোর্টে ? যেমনটা আশঙ্কা করা গেছিল তেমনি বাঙালি সহ রাজ্যের অনসমিয়া ও অ-উপজাতি দের দ্বিতীয় শ্রেণির নাগরিক বানানোর জন্য যা যা করা উচিত তার সমস্ত বন্দোবস্তের সুপারিশ রয়েছে এই রিপোর্টে। অবসরপ্রাপ্ত বিচারপতি বিপ্লব শর্মা কমিটির এই রিপোর্টে বলা হয়েছে ১ জানুয়ারি, ১৯৫১ র আগে থেকে যারা আসামের বাসিন্দা তারা সমস্ত নাগরিক অধিকারের দাবিদার। তাদের জন্য রাজ্য বা কেন্দ্রীয় স্তরে জন প্রতিনিধিত্বের জন্য ৮০ থেকে ১০০ শতাংশ আসন বরাদ্দ থাকবে। একই ভাবে এদের জন্য সরকারি এবং বেসরকারি চাকরির ক্ষেত্রে ও একই শতাংশ আসন বরাদ্দ করার সুপারিশও করা হয়েছে। অনসমিয়া এবং অ-উপজাতি রাজ্যে কোনও জমি কেনা বেচা করতে পারবেন না। এরকম আরো অনেক কিছু। এই সুপারিশগুলি একাধারে অসাংবিধানিক, অযৌক্তিক এবং জাতিবিদ্বেষ প্রসূত। এর আগে যখন এ ব্যাপারে বিভিন্ন সংশ্লিষ্ট জনগোষ্ঠীর মতামত আহ্বান করা হয়েছিল তখন শিলচরের নেতাজি সুভাষচন্দ্র বসু সেবা সংস্থার পক্ষ থেকে একটি স্মারকলিপি পাঠানো হয়েছিল প্রধানমন্ত্রী এবং স্বরাষ্ট্র মন্ত্রকের কাছে। বিশিষ্ট জন সাক্ষরিত এই স্মারকলিপি তে ৬ নং দফা রূপায়ন সম্পর্কিত বিভিন্ন অযৌক্তিক বিষয়কে যুক্তি ও তথ্য সহকারে নস্যাত করা হয়েছে। এটি পরে শিলচরে অবস্থানকালীন বিপ্লব শর্মা কমিটির সদস্যদের হাতে তুলে দেন নেতাজি সুভাষচন্দ্র বসু সেবা সংস্থার সদস্যরা।

প্রাসঙ্গিকতা বিবেচনায় এটি এখানে মুদ্রিত হল।

TO,
THE UNION HOME MINISTER,
Ministry of Home Affairs (India)
North Block, New Delhi-110001

Copy to :-

1) THE CHAIRMAN,
High Level Committee on Clause 6 of Assam Accord
Officers' Training Institute of A.H & Veterinary Department
Farm gate, Kahilipara, Guwahati – 781002
Email – imple.assamaccord@ gmail.com

2) THE PRIME MINISTER OF INDIA
Through “ pmopg.gov.in

Respected Sir,

With reference to the public notice issued by the Chairman, High Level Committee on the Clause 6 of Assam accord (Copy Attached) seeking suggestions, views from various stakeholders on the issues mentioned therein, we wish to lay before you following facts/opinions & thereby request your kind consideration regarding some serious ambiguities & misinterpretations on the whole issue which we apprehend, if implemented without further introspection may adversely affect the rights of various communities of the state.

1) Violation of provisions & essence of clause 6 of Assam accord and also a violation of the notification issued by Ministry of Home Affairs dated 15/07/2019 (Copy Attached): -

The clause 6 of Assam accord states that "constitutional, legislative, administrative safeguards shall be provided to protect, preserve & promote cultural, social, linguistic identity & heritage of Assamese people"

But in the notice issued by the High Level Committee: -

- a) The term “preservation” was replaced by the term “reservation”.
- b) The term “Assamese” was replaced by the phrase "Indigenous Assamese people, Indigenous tribal & other indigenous people of Assam"
- c) The reservations in the Parliament, Assembly & all kinds of Govt. & Private jobs as well as land rights, as highlighted in the said notice, are actually a matter of economic protections& remotely related to the protection /preservation of social, cultural, linguistic identities or heritage of Assamese people.

Also, in the notification regarding guidelines issued by MHA to be adopted by the said High Level Committee, the term ‘Indigenous’ was also never being used, rather appropriate level of reservation was asked to be considered for ‘Assamese people’.

2) No proper representation of various linguistic & religious communities of the state was reflected in the High-Level Committee:-

It appears to be a pre-determined attempt, not to include Bengali speaking people in the committee -which constitute more than 30% of Assam's population.

Our demand is for proportionate representation of all linguistic & religious groups in the said committee including those of Bengali speaking people of the state.

3) Ambiguity regarding definition of the term "Assamese people":-

Those who are meant by the term "Assamese people" is yet to be defined. However, there was a prevailing demand in the state to consider those people as "Assamese" who have Assamese, tribal dialect or local language (in case of Cachar), as their first language & who migrated into the state before 1951.

This demand to define "Assamese People" appears to be a dubious attempt intended only to keep excluded all the Bengali speaking people of the state from any representation & rights & thus highly discriminatory and unconstitutional in nature.

4) Criteria for reservation as planned by the High-Level Committee is not in conformity with existing constitutional norms: -

The honorable Supreme Court in a case of M. Nagaraj & others Vs Union of India & others judged as:-

"However (in this case) the main issue concerning the extent of reservation, in this regard, the concerned state will have to show in each case the existence of compelling reasons ,namely backwardness, inadequacy in representation & overall administrative efficiency before making provisions for reservations".

It also states – "If they (the state) wishes to exercise their discretion & make such provisions, the state has to collect quantifiable data showing backwardness of the class & inadequacy in representation of that class in public employment in addition to the compliance of Article 335."

Thus, any reservation in India should be based on quantifiable data on social, educational & economic backwardness of a class or community & their inadequate representation. Also, most importantly, inadequacy in representation must be rooted to backwardness. There is no other ground such as language or descent cited in our constitution for reservation. The nine Judges' bench of Supreme Court, in a land mark judgment in Indra Sawhney's case has also made this constitutional position amply clear.

So, to justify the reason for reservation for so called "Indigenous Assamese people" as sought by the said High Level Committee the following data should be considered & these are also to be made public to establish clarity in the process :-

i) Percentage & ratio of economic backwardness of Indigenous Assamese people in comparison to other classes/communities of the state.

ii) Percentage of Indigenous Assamese people in Govt. / Pvt. Sector jobs.

iii) Percentage of Indigenous Assamese people studying in higher educational institutes of the state.

iv) Percentage of Indigenous Assamese people in the Legislative Assembly, Lok Sabha & Rajya Sabha.

v) Percentage of land under occupancy of Indigenous Assamese people (the tribal belt land should be excluded from such calculation as these were already under constitutional protection), More so,

vi) Same set of data of all other linguistic, ethnic & religious groups should be made public regarding their participation/representation in the fields cited above.

If these data do not conform to the existing constitutional norms for reservation, any such attempt on the part of the said committee should be denounced.

5) The existing laws & provisions for reservation of tribal communities of the state are sufficient to address their issues of deprivation & representation:-

The Govt. of India enacted Article 371 B in the constitution of India in 1949 which states that “ Special provision for the state of Assam – notwithstanding anything in the constitution, the President may, by order made with respect to the state of Assam, provide for constitution & function of a committee of legislative assembly of the state consisting of members of that Assembly elected from tribal areas specified in Part I of the table appended to paragraph 20 of the sixth schedule and such numbers of members of that Assembly as may be specified in the order & for the modifications to be made in the rules of the procedures of that Assembly for the constitution & proper functioning of such committee.”

Further that, Article 15 (4) in the constitution of India is also applicable in the state of Assam at par with rest of India which states “Nothing in this Article or in clause (2) of Article 29 shall prevent the state for making any special provision for the advancement of any socially & educationally backward classes of citizens or for SC & ST.”

So, it is not logical to demand for any additional reservation for even indigenous tribal people of Assam.

Also, going by the decade long experience, we have serious doubt whether the present reservation system has bore any fruit towards actual development of targeted people of any community, except creating creamy layers within each of these classes. Yet, we are in favor of the existing reservation system-as no other scientific and practical alternative is available till date.

6) Reservation is needed for Bengali speaking people of the state, if it is required at all: -

It has been observed that since 1947 till date, Bengali speaking people of the state are underrepresented in the Assembly as well as Parliament and also in Govt. and Pvt. Sector jobs in comparison to other communities. So, if any demand for reservation has to be raised in the state it will be just to raise it for the Bengalis.

7) Reservation should not exceed 50%: -

The Supreme Court of India ruled in 1992 that reservation could not exceed 50%, anything above which, it judged, would violate equal excess as guaranteed by the constitution. Also that, though some state laws were enacted which exceed this 50% criteria – all such cases are under litigation in the Supreme Court & yet to be implemented.

Thus, having this criteria of 50% as ruled by the Apex Court – if any further reservation is required for development of any class or communities of the state, after proper statistical observation, it should be within the stipulated quota of 50%.

8) One Nation one Rule:-

With the recent abolition of Article 370 of our constitution which conferred special status to the state of Jammu & Kashmir, the Govt. & the leaders of ruling party promulgated the theory of “One Nation One Rule” which got great applause from large section of people of the country.

In view of the above fact, it is not quite understandable – why the same Govt. is encouraging the process of providing fresh special status, pertaining to the state of Assam, by implementing clause 6 of Assam accord & thus diluting its own stand.

9) Assam is a multilingual state:-

The ‘ State Reorganization Commission ‘ prescribed a population percentage of Seventy or more for any State to be ‘ Unilingual ‘ and distinctly admitted the ‘ Multi-Lingual ‘ composition of Assam.

And as per census of 2011 the Assamese people of the state constitute 48.38% of population which is much less than 70%.

Even the notion that, Assamese are the majority community of the state, seems to be a result of statistical jugglery. The unnatural growth in the birth rate of Assamese people during the period from 1931 to 1951 (from 19.73 Lakhs to 49.14 Lakhs), has been termed as ‘Biological Miracle’ by Mr. R.B. Vasaiwala, the then National Census Commissioner. Myron Weiner also in his book “Sons of Soil” referred to the same fact and made the observation that a large number of Bengali Muslims wrote their mother tongue as Assamese in the census which ultimately resulted in this unnatural growth in the number of Assamese speaking people. Weiner also came up with his own calculation and concluded that ethnic Assamese formed only 30.5% of the total population of Assam in 1951, where as the Bengalis as a whole formed more than 41% of the population of Assam.

10) Logic put forward for classifying Indigenous people of Assam based on migration before 1951 & on language– is not rooted historically :-

Few examples are cited here in support of the claim: –

1) As per office memorandum issued by the then Chief Secretary of Assam, dated July, 1953 (copy attached) –” To meet the changed circumstances caused by partition, the following categories of Indian citizens, who were native of or domiciled in the undivided state of Assam shall also deemed to be a native of or domiciled in reconstituted Assam if : –

a) A person who was a native of or domiciled in the district of Sylhet & was thereby deemed to be a native of or domiciled in reconstituted Assam before partition i.e. 15th August, 1947 by being owner of a homestead (house or land) & continues to reside there.

b) A person whose father was recruited as a native of or domiciled in the district of Sylhet before partition and opted for service in reconstituted Assam and either serving or has retired or died after partition ,shall also deemed to be a native of or domiciled in reconstituted Assam only if father has settled permanently with members of his family in any part of the reconstituted Assam by acquiring a homestead (house or land) & in case the aforesaid person’s father is dead, he & the rest of his family have resided in any part of reconstituted Assam for ten consecutive years immediately preceding the date of application for appointment & intend residing permanently in Assam.”

2) In the year 1874, three districts viz. Sylhet, Goalpara & Cachar from the then Bengal Presidency along with the people residing there were annexed to the Assam province only for financial (revenue) & administrative reasons. Again, during partition, the major portion of territory of large Sylhet district was rendered to the then East Pakistan, as a result of which a large number of Bengali speaking people had to return to the present Assam on account of religious & other persecution. So, historically these displaced people who were residents of undivided India should be treated as Indigenous people of the state even if they migrated to Assam post 1951.

11) Human history is the history of migration:

a) The concept “Indigenous people “is itself ambiguous & no absolute definition in this regard is available. Just to remind you that the honorable Supreme Court in a case – Kailas & Others vs State of Maharashtra Tr.Taluka.... on 5th January, 2011 opined that –

19. Thus Bhils are probably the descendants of some of the original inhabitants of India known as ‘aborigines’ or Scheduled Tribes (Adivasis),who presently comprise of only about 8% of the population of India. The rest 92% of the population of India consists of descendants of immigrants. Thus, India is broadly a country of immigrants like North America.

26. Thus, the generally accepted view now is that the original inhabitants of India were not the Dravidians but the pre Dravidians Munda aborigines whose descendants presently live in parts of Chotonagpur, Orissa, West Bengal etc., the Todas of Nilgiri in Tamil Nadu, the tribes of Andaman Islands, the Adivasis in various parts of India (especially in the forests & hills) e.g. Gonds, Santhals, Bhills etc.

27. It is not necessary for us to go into further details on the issue, but the facts mentioned above certainly lend support to the view that about 92% people living in India are descendants of immigrants.”

b) The entire history of development of human civilization suggests that the only way by which the culture & well being of a community got enriched is through mutual assimilation & exchange with fellow communities. Just to cite an example:-

The forefathers of Srimanta Sankardeva, the founder of ‘Kshatriya Sanskriti’ came from Gour Desh to Kamtapur. It is to be noted that ‘Gaur’ was the ancient name of a part of the modern Sylhet district and that time there was no place named Assam, a large portion of the present Assam was within the jurisdiction of Kamtapur. The King of Gaur, Dharmanarayan, who styled himself ‘Gaurswar-Lord of Gaur’- sent seven(7) families each of Brahmins and Kayasthas to the Raja of Kamtapur, Durlabhnarayan on his request to settle down permanently at Kamtapur. One among the heads of those seven (7) kayastha families was Chandibar – forefather of Srimanta Sankardeva.

Chandibar Bhuiya was the ablest among the heads of the kayasthas. In subsequent time, Chandibar settle down at Bardowa in Nowgaon, where his grandson Sankardeva was born to mother Satyasandhya and father Kusambar Bhuiya. Before migration of these (14) fourteen families at Kamtapur, no residents of Brahmin or Kayasthas were present at Kamtapur. Madhabdev – a close associate of Sankardev, whose father Govinda Bhuiya, also came to Assam from village Banduka of Rongpur, presently in Bangladesh.”Mahapurishia” or “Kshatriya Sanskriti” or “Xatriya Sanskriti” spread over with the fame and name under the guidance and leadership of its founder Sankardeva and his associate Madhabdeva. Based on their principle and philosophy, present “Asomiya Sanskriti” took birth.

Likewise, Ahom king Rudra Singha (1696-1741) brought “Krisnaram Bhattacharjee” along with his brother & disciples from the then “Nabadwip”, Bengal with great honor to look after the religious activities of famous “Kamakhya” temple . Krishnaram Bhattacharjee, along with his family members and friends were provided with land and other amenities to settle down in Kamakhya. He was also honored with the title “Rajguru” and later on known as famous “Parbatia Gosain”.

Moreover, many of the surnames of Assamese community like “Bhattacharjee”, “Chakraborty”, “Roy Choudhury”, “Dutta”, “Roy”, “Das” etc are rooted to Bengali origin and incorporated in to Assamese community due to inter-community marriages. Thus, it will not be wrong to comment that like any other modern culture, people of different communities and cultures including Bengalis also have contributed in the making of present Assamese culture.

In reference to the facts detailed above, we think we are able to establish our stand. In Toto, if we have to conclude, we affirm that there are no data available to justify the need of reservation for so called ‘ Indigenous Assamese ‘- and it would be totally unconstitutional in accordance with the existing rules for the same. Rather, if reservation is needed at all, it should be for the Bengalis.

Further, the term ‘Assamese’ itself is undefined.

Finally, as we mentioned above-History of human civilization is the history of migration. As such, in the state of Assam, it is vivid that it is just unjustified to establish any particular community as Indigenous - fixing a particular cut off year without any consensus. Also, as history reflects, the particular community under discussion, are also have their legacy to the forefathers, who themselves had migrated from the then “Mong-Mao”, the province of Yunaan, China in the year 1228 A.D. and hence, in no way are the original inhabitants of the mainland 'Bharat'.

So, we firmly demand to clarify all the facts and data publicly, to build a consensus. And, reiterating our concern regarding this Clause 6, we stand against implementation of the said Clause.

Thanking You.

ON BEHALF OF NETAJI SUBHASH CHANDRA BASU SEVA SANGSTHA

Dr. Kumar Kanti Das. (President)
Dr. Subrata Paul (Vice President)
Rupak Chakrabarty,(Gen. Secretary)
Joydeep Bhattacharjee, (Joint Secretary)
Sankar Pratim Deb, (Joint Secretary)
Prof. Sudip Kr. Das (Treasurer)
Chinmoy Bhattacharjee,(Member)
Manik Paul,(Member)
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