

*323(C5)

Assam stir leaders take tough stand

By SHEKHAR GUPTA
Express News Service

SHILLONG, Sept 24.

The final draft of proposals on the foreign nationals' issue approved by the Assam agitation leaders at Gauhati on Tuesday reflects a relatively tough attitude.

They are believed to have demanded constitution of foreigners tribunals under Article 232 (B) of the Constitution to remove the writ jurisdiction of the high court and insisted on detection of foreigners exclusively on the basis of the 1951 national register of citizens and 1952 electoral rolls.

They also want all foreigners who settled in Assam between 1961-71 deported from the state within six months of the accord becoming operational.

The new draft will soon be given to the state Chief Secretary to be forwarded to the Central Government. Sources say agitators have left it to the Government to fix the date for the next round of talks.

The draft, approved after days of haggling and wrangling between the various Assam agitators' does not contain many surprises. But it has disappointed observers who expected the last rounds of talks to soften the agitators' stand on the criteria for establishing a person's nationality. It is clear now that the agitators are firm on not making a compromise on this as they think this will only amount to leaving gaping loopholes in the detection, dispersal and deportation process.

The agitators are also believed to have categorically demanded exclusive rights to oversee the detection process. No other organisation should have similar rights, they assert, obviously referring to the minorities organisations like the All Assam Students Union and

others which have been claiming a right to supervision of the process.

The agitators have also demanded withdrawal of all "repressive" measures and an end to the "victimisation" of government employees for participating in the agitation. In effect, they want all those arrested in connection with the agitation to be released and administrative action and pay-cuts against government employees to be withdrawn. They also want strengthening of the border surveillance network so that there is no infiltration in future.

The demand for the constitution of tribunals under Article 232(B) of the Constitution was expected. This clause empowers the Government to constitute tribunals to deal with certain matters. One of its sub-clauses authorises the Government to constitute the tribunals in such a way that their decision can be challenged only in the Supreme Court. From the agitators' point of view legal delays would neutralise the detection process. If the tribunal decisions were challengeable under the normal appeal provisions. Agitators also feel that this would save the Government from giving sweeping concessions to the agitators. But the minorities organisations are expected to oppose it stoutly. They claim this would be unfair to them as very few people would be able to move the Supreme Court.

If the Government accepts this condition a small statute change will be necessary since the list of matters that the tribunals under this clause can deal with at present does not include citizenship and immigration. But the agitators say this should not be difficult as the clause was introduced by the pre-1977 government of Mrs Gandhi and later left untouched by the Janata Government.

Observers wonder if the Government would find it so easy. Yet, of the major points in the new proposals, this seems to stand the greatest chance of acceptance.

There will definitely be a lot of haggling at the next round of talks on the criteria for determination of citizenship. Sources close to the Government say both the census operations and preparation of electoral rolls have some margin of error and as such those who may have been left out due to the inefficiency of census or election staff should not be victimised. These sources say the agitators' insistence on permanent land deeds as the only supportive evidence is not very wise because many foreigners have managed to procure these. This condition would only victimise the poorer or the less resourceful ones who have not been able to acquire such documents.

But the agitators are firm on this. Said a source close to the agitation: "The agitation is against those who are enjoying all civic rights and civic facilities in spite of being foreigners. There is hardly a foreigner who does not have a ration card."

What kind of supervisory rights the agitators demand in the detection and deportation process is not yet clear. But it seems they want an apex committee of theirs to have access to all government activity on the issue. The Government may accept a modified version of this proposal. But it will be difficult for the Government to keep the minorities organisations completely out of the picture.

Observers note that over the past few weeks the Government's attitude towards the minorities organisations has cooled considerably. Their deputations were refused audiences with the Prime Minister twice in the last few days and they did not get the traditional hospitality at Assam House in Delhi. But this does not mean the Government will ignore

them, completely, observers say. The agitators have once again referred to constitutional provisions regarding the grant of citizenship. They say under certain provisions of the Constitution citizenship can be granted to immigrants of another country only if it follows a reciprocal policy. Since neither Pakistan nor Bangladesh do so their nationals need not be conferred Indian citizenship. But they have indicated that they want the Hindu refugees from Bangladesh to be treated differently.

During their recent meetings the agitators have also discussed what guarantees the Government could give to preserve their cultural and ethnic identity. The Government could help by announcing steps to promote the development of the Assamese language and by making Assamese a compulsory subject for selection tests for all government and semi-government bodies in Assam.

There is no firm indication yet on when the next round of talks would be held. Some quarters feel that there may be a short, informal round so that AASU has a clearer picture at its state-level convention scheduled for October 3 at Bongaigaon.

But some observers also feel that the two sides may not be in any particular hurry to resume talks with Mrs Indira Gandhi abroad as any decision will have to be taken only with her approval. Anyway, observers say she has made her intentions clear by telling the pro-minorities leftist MPs frankly that while they will be taken into confidence after the finalisation of the accord, they need not be consulted before that. This may indicate that Mrs Gandhi has left some sort of mandate with senior central officials led by the Cabinet Secretary, Mr C. R. Krishnaswamy Rao Sahib.

The picture will become clearer by this weekend when indications about the Centre's response to the new proposals are available.

25-September-1981

Indian Express.