

Functioning of foreigners tribunals in Assam

*333. SHRI HARISHANKAR BHABHRA:†

SHRI LAKHAN SINGH:

Will the Minister of HOME AFFAIRS be pleased to state:

(a) since when the Foreigners' Tribunals set up under the Foreigner's Tribunals Order, 1964 are in existence in Assam;

(b) what have been their maximum and minimum number in the State:

(c) how many foreigners were identified by them in these 19 years and what happened to them; and

(d) what is the expenditure incurred on the Tribunals?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI NIHAR RANJAN LASKAR):

(a) and (b) The Foreigners' Tribunals set up under the Foreign (Tribunal) Order, 1964 had been in existence in Assam since October, 1964. Their number has varied between 4 to 16 over the years.

(c) and (d) The information regarding Foreigners detected by Tribunals is being collected and will be laid on the Table of the House.

However, number of infiltrators detected and sent back from the year 1952 to June, 1983 are 380693 and 321543 respectively.

SHRI HARI SHANKAR BHABHRA: What about the expenditure incurred on the Tribunals? You have not replied to part (d).

SHRI NIHAR RAJAN LASKAR: We will collect the information and lay it on the Table of the House.

†The question was actually asked on the floor of the House by Shri Hari Shankar Bhabhra.

MR. CHAIRMAN: I think that is about all.

श्री हरी शंकर भाषड़ा : : मान्यवर, हाउस के सामने इस तरह के ट्राइब्यूनल स्थापित करने का बिल आ रहा है। आर्डिनेंस पहले ही आ चुका है और अब बिल एप्रूवल के लिए आ रहा है। यह बड़े दुर्भाग्य की बात है कि जो ट्राइब्यूनल पहले से ही मौजूद हैं उनकी फीगर्स केन्द्रीय सरकार को पता ही नहीं हैं। वे अब उसको कलेक्ट करने जा रहे हैं। उनकी क्या परफोरमेंस रही, कितने वर्षों में कितने फारेनर्स डिटेक्ट किये गये, कितनों के साथ क्या कार्यवाही की गई और इस सब पर कितना खर्चा हुआ, किस प्रकार से वे फंक्शन कर रहे हैं? ये सारी बातें अभी कलेक्ट की जाने वाली हैं और बिना पूरी बात जाने आप फिर इस कानून को लाने जा रहे हैं। इसलिये मैं मंत्री महोदय से यह पूछना चाहता हूं कि जो आप कानून या बिल लाने जा रहे हैं क्या उसके पहले आपने जो ट्रिब्यूनल पहले से आसाम में 1964 से काम कर रहे हैं उसकी परफार्मेंस, उनकी गतिविधियों की जांच मुकम्मिल तौर पर कर ली है?

श्री प्रकाश चन्द्र सठी : सभापति महोदय, जहां तक इन ट्रिब्यूनल द्वारा 1964 में काम किया गया और जहां तक निकाले गये आदमियों का ताल्लुक है, यद्यपि ट्रिब्यूनल द्वारा खासतौर पर निकाले गये आदमियों की संख्या और उनके नाम हमारे पास नहीं हैं, लेकिन 1952 से 1983 तक इन ट्रिब्यूनलस और दूसरी एजेंसीज ने जितने फारेनर्स को डिटेक्ट किया उनकी संख्या मेरे साथी श्री लस्कर ने दी है कि 380693 लोगों

को डिटेक्ट किया गया और उसमें से 321543 व्यक्तियों को डिपोर्ट किया गया है। क्योंकि इन ट्रिब्यूनल्स का काम संतोषजनक नहीं था और कई दिनों से यह डिफेक्ट पड़ा हुआ था इसलिये नया ट्रिब्यूनल बनाने की आवश्यकता हुई और इस ट्रिब्यूनल को बनाने के सम्बन्ध में जो आर्डिनेंस पास किया गया है वह इस सदन में भी बहस के लिये आ रहा है और माननीय सदस्य को उस समय मौका मिलेगा कि वह इस संबंध में कुछ कह सकें।

श्री सभापति : अगर आप वेट करें तो जब बिल...

श्री हरी शंकर भाभड़ा : मैं यह पूछना चाहता हूँ कि जो ट्रिब्यूनल 1964 में बनाये गये थे, उसका काम, ये कह रहे हैं कि संतोषजनक नहीं है और इसलिये नया बिल आ रहा है। तो मैं पूछना चाहता हूँ कि जो पिछली बार आपने ट्रिब्यूनल कायम किये थे, उनमें और जो नया बिल आप ला रहे हैं, उसमें क्या अन्तर है और उसका काम किस तरह से संतोषजनक होने वाला है? इसके लिये इसमें कौन सी नई बात है जो पुराने में नहीं थी।

श्री सभापति : 1964 से अब भाभड़ा जी बहुत से वाक्यात हुए हैं जिनको पेशे नजर रखकर नया बिल बनाया होगा।

श्री हरी शंकर भाभड़ा : नजर कहाँ से रखेंगे? They are yet to acquire the information which I have asked. They do not know. They have not kept in mind anything so far as the tribunals appointed in 1964 are concerned. They have not given any

thought whatsoever to them. So, they are bringing this Bill. I am asking the difference between these tribunals.

MR. CHAIRMAN: When the Bill comes, you will have everything before you.

SHRI HARI SHANKAR BHABHA: This is my question today. This is for today. I do not know whether I will be here or not on that day.

MR. CHAIRMAN: Why should you not be here? Efflux of time?

SHRI HANSRAJ BHARDWAJ: He was there in 1977, in 1978 and in 1979.

श्री सभापति : आप बैठ जाइये। आप तो यहां होंगे।

श्री प्रकाश चन्द्र सेठी : जो बिल सदन के समक्ष आ रहा है यह काफी कम्प्रेहेंसिव बिल है। इसके अलावा इसमें विदेशियों को डिटेक्ट करने के लिये तीन जजेज नियुक्त किये जा रहे हैं जिनमें दो जजेज बाहर के होंगे और उसमें समितियां भी बनाई गई हैं, काफी अधिकार उन ट्रिब्यूनल्स को दिये गये हैं। अदालती ट्रिब्यूनल भी हैं यद्यपि सिविल कोर्ट के जुरिसडिक्शन के बाहर किये गये हैं लेकिन हाई कोर्ट की पावर उसमें कायम रखी गई है।

SHRI DINESH GOSWAMI: Sir, the tribunals do not detect foreigners. The jurisdiction of the tribunals come only after a foreigner is detected and the person approaches the tribunal and says that he is not a foreigner and that the notice is wrong. Now in the new Bill which replaces the Ordinance the Government has admitted that there were a large number of foreigners in Assam. Therefore, may I know: Is

it the case of the Government that inspite of the fact that the foreigners were detected the tribunals did not work, or is it the case of the Government that there are a large number of foreigners but the Government did not discharge the responsibility of detecting the foreigners? That is part (a).

And part (b) is: What were the guidelines to these tribunals? How did they go on with this duty? Did they do it on the basis of any cut-off year, 1971, 1961 or 1951 or were they guided by the Constitutional provisions and legal provisions? And if they were guided by the Constitutional provisions and the legal provisions, how is it that you have now brought in an artificial date, 1971, for the new tribunals?

SHRI P. C. SETHI: Sir, it is not correct to say that the Government was not alive to the situation. Had the Government not been alive, 3,21,543 persons would not have been deported so far. As far as these tribunals are concerned, as the hon. Member would see these tribunals are having a starting point from the 24th March, 1971. We have left the 1951-71 period vacant. It is possible that at some point of time, the negotiations might start with the agitators and we may come to some type of agreement. But all those who have come after this particular date, that is, 24th March, 1971, will be detected and according to the convenience, they will be deported.

SHRI DINESH GOSWAMI: That was not my question. My question was so far as the existing tribunals are concerned. I am not talking of the new tribunals. I want to know whether they were guided by any cut-off year 1951, 1961 or 1971, or they were guided by purely the constitutional provisions.

MR. CHAIRMAN: It is obvious that the cut-off date has now been fixed.

SHRI P. C. SETHI: There was no question of a cut-off date at that point of time. The cut-off date, as the hon. Member knows very well, has emerged now.

MR. CHAIRMAN: He is a lawyer of some standing. He knows the position.

SHRI AJIT KUMAR SHARMA: The hon. Minister has given figures about the detection of infiltrators from 1952 onwards. I would like to know the number of infiltrators detected and deported in the specific years 1980, 1981, 1982 and 1983.

MR. CHAIRMAN: I think that will have to be worked out from these big figures and then laid on the Table of the House. The question does not admit of all those figures.

SHRI AJIT KUMAR SHARMA: They must have the figures.

MR. CHAIRMAN: Have you got the figures?

SHRI P. C. SETHI: Yes, Sir. The number of infiltrators detected in 1980 was 2,156, out of which 2,041 have been deported. In 1981, 1,165 were detected, out of which 1,056 have been deported. In 1982, 4,269 were detected, out of which 1,529 have been deported.

MR. CHAIRMAN: Next question.

*334. [The questioner (Shri Kalyan Roy) was absent. For answer vide col. 43-45 *infra*].

*335. [The questioner (Shri Arabin-da Ghosh) was absent. For answer vide col. 45 *infra*].

*336. [The questioner (Shri Ram Naresh Kushwaha) was absent. For Eflw cmfw shrd