

The President's first test!

rajinder puri

PRESIDENT Pranab Mukherjee can forget any visions he might have entertained about leading a relaxed and laid back life in Rashtrapati Bhawan. On the very first day of his presidency he is confronted by a crisis that calls for his immediate round-the-clock attention. Assuming of course that he is serious about discharging his duties as outlined in the Constitution which he is sworn to defend. Indeed, the manner in which the President will deal with the immediate crisis could set the tone of his tenure. This crisis will test his credentials for impartiality and for awareness about his responsibilities. The crisis of course relates to the current events in Assam.

The President can act conventionally as a virtual spectator while the Union Cabinet takes key decisions. That was how former President Kalam dealt with the crisis in Bihar. President Kalam did something he should not have at the bidding of the Cabinet by dissolving the state Assembly. He earned a permanent black mark from the Supreme Court which considered the decision unconstitutional and in its ruling even obliquely criticised the President. The SC stated that no objective material had been placed before the President as required by law to justify his signing of the Proclamation to dissolve the Bihar Assembly. The court went on to warn the President that he was not immune from the court's scrutiny. Such criticism of a President by the Supreme Court was unprecedented. President Kalam acted in relation to Bihar when he should not have. Now will President Mukherjee not act in relation to Assam when he should act? To determine that one must first appreciate the situation in Assam.

There is a history of ethnic tension and violence in Assam between Bodo tribals and Muslim Bangladeshi migrants who infiltrated the state decades earlier. After a recent period of peace, violence suddenly flared following unexplained murders that led to mutual recrimination and violence between both communities. Bodos are aggrieved because Muslim bodies have traditionally opposed the formation of a Bodoland state. The toll stands at 41. More important, close to 200,000 villagers had to flee and are lodged in 42 relief camps. Their homes have been set on fire. The crisis erupted days ago and only recently did the state government rush paramilitary troops to stage a flag march with orders to shoot at sight. Had the state been governed by an Opposition party, the government would have been dismissed and Governor's rule imposed days ago.

Instead, Prime Minister Manmohan Singh perfunctorily instructed the Assam chief minister Mr Tarun Gogoi to act against the ring leaders. The CM accepted responsibility for the break down of law and order but did not resign. He told media: "Do you think I should run away? I am a general fighting in a war. I will be the last one to resign. If I have to resign I will do it subsequently, not now." Brave but empty words. Assam is cut off from the rest of the country with disruption of rail and road traffic.

Not only has law and order broken down in Assam, there is also a dangerous threat to national security. The present tension extends right up to the Bangladesh border. Can the President therefore afford to remain a mere spectator? Assam is strategically a highly-sensitive border state. The present violence affects the security of the entire North-east. The ultimate responsibility to safeguard national security rests with the President who is the Supreme Commander of the armed forces. So, what might the President do?

For a start, he should enquire from the government whether the Assam Governor had submitted any report on the recent events. If not, the President should summon Assam Governor Mr Janaki Ballav Patnaik and ask him why a report had not been presented. The functioning of the Governor is the direct responsibility of the President. It might be recalled that in the Dr Tilak Raj Case (1979) the Supreme Court categorically ruled that in no manner was the Governor "subordinate or subservient" to the Union Cabinet. The Governor is directly responsible to the President. And given the potential for damage to national security that recent events in Assam have created, the President should order the Governor to immediately prepare and submit his report. Clearly, there is an urgent need to suspend the Assembly and immediately impose Governor's rule in the state until law and order are restored.

The current violence can seriously jeopardise the rapidly improving relations between India and Bangladesh. It goes without saying that there are hostile foreign elements that have a powerful vested interest in preventing that from happening. The ministry of home affairs has ruled out a foreign hand in the recent violence. Home secretary Mr RK Singh said: "We have told the state government to book the ring leaders of both sides immediately." Perhaps the swift conclusion that no foreign hand was involved rests upon the knowledge that no agent provocateurs from across the border have been apprehended. But have our Intelligence agencies satisfied themselves that subversion by foreign powers of elements residing in India has not occurred? To discover that, a deeper and longer probe would be required.

To be forewarned is to be forearmed. As the Supreme Commander of the armed forces, the President might also summon the Army Chief for a quiet discussion. In the event of worsening conditions, what could be the prospects? After considering all possibilities, have the armed forces made contingency plans related to the crisis? All these measures of course call for a sustained approach by the President over a period of time. What is immediately relevant is that Governor's rule is imposed in Assam and an effective administration to safeguard security and revive law and order is installed. Will President Mukherjee ensure this?

The writer is a veteran journalist and cartoonist