

LOK SABHA DEBATES

LOK SABHA

Thursday, December 8, 1994/Agrahayana 17, 1916
(Saka)

*The Lok Sabha met at
Eleven of the Clock*

[MR. SPEAKER *in the Chair*]

[English]

SHRI RAM NAIK (BOMAY NORTH): Sir, I am on a point of information. The point is, we have received a list of Unstarred Questions for December 12, 1994 and in this list we find the names of many Rajya Sabha Members, like, S/Shri K.R. Malkani, Jagmohan, Ajit Jogi, Chaturvedi, Mishra, Krishan Lal Sharma, Bapu Kaldate, Pramode Mahajan, S.K. Shinde and Kumari Saroj Khaparde. So Many questions which are supposed to be asked by the Rajya Sabha Members have appeared in this list. They have encroached on our questions' list. I would like to know how this has happened.

MR. SPEAKER: You have raised a very valid point. I think this is a mistake, it has to be corrected and the Office should be very careful in such matters.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer). Sir, it is not 11 in the clocks here as yet.

[English]

MR. SPEAKER: There is something wrong with the Clock.

11.02 hrs

ORAL ANSWERS TO QUESTIONS

[English]

Jharkhand Issue

*21. SHRI CHITTA' BASU:

SHRI BIR SINGH MAHATO:

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) the efforts made by the Union Government during the last four months for the settlement of Jharkhand issue;
- (b) the progress made so far in this regard;
- (c) whether several hurdles are being faced by the Government; and
- (d) if so, the steps taken/proposed to be taken by the Government to remove these hurdles?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI RAJESH PILOT): (a) to (d): After a series of discussions at various levels, an agreed statement on the formation of Jharkhand Area Autonomous Council was signed by the Minister of State (Internal Security), Ministry of Home Affairs and the Chief Minister of Bihar on 26th September 1994. It provides for a

Jharkhand Area Autonomous Council covering 18 districts of South Bihar viz. Godda, Sahebganj Gumla, Dumka, Deoghar, Dhanbad, Giridih, Hazaribagh, Palamau, Lohardaga, Ranchi, Poorvi Singhbhum, Paschim Singhbhum, Chatra, Bokaro, Pakur, Koderma and Garhwa. 90% of the members will be elected and 10% nominated for a term of 5 years. The Council will have executive power over 41 subjects. There is also provision for an Interim General Council having life of not more than six months.

Further action is now to be taken by the Chief Minister, Bihar.

SHRI CHITTA BASU: Sir, an agreement has been raised on September 24, 1994. More than three months have elapsed since then. May I know from the hon. Minister what specific steps have so far been taken for the implementation of the agreement? Sir, the Statement shows that the proposed Council would have executive powers over 41 subjects. May I know from the hon. Minister whether the matters relating to land, forest, employment, generation and distribution of power, electricity and rehabilitation of the oustees of that area because of the Central Government's and State Government's projects, would be included in that list of executive powers.

May I further know whether the agreement incorporates a provision for statutorily sanctioning or guaranteeing financial assistance from both the Central and the State Governments for the regional and tribal development of that region? And lastly, may I know whether there is any proposal for further expansion of the territorial jurisdiction of the Council?

MR. SPEAKER: I hope the reply will not be commensurate with the question!

SHRI CHITTA BASU: Sir, he should touch all the points.

SHRI RAJESH PILOT: Yes, I will touch all the points. Sir, as you know, this has been a very complex problem and discussions on this had been going on for the last five to six years. On our part at the Central Government level we had tried to accommodate the views of the agitating tribals, other groups and the State Government. After holding long discussions lasting nearly three to four months after the first meeting in April, 1993, the hon. Chief Minister of Bihar had agreed on the guidelines. This agreement is not word-to-word and clause-to-clause. This is a general perception of the agreement between agitating people of that region and the State Government, and so, the subjects were also selected based on a mutual understanding which both have reached. As far as the executive powers are concerned it was a discussion in general and it was left to the State Assembly because basically all these subjects come under the State's purview.

Sir, as far as the implementation is concerned, I must brief the House that on the day this agreement was signed between the hon. Chief Minister of Bihar and the Prime Minister at Prime Minister's house it was agreed that during the period between Dussehra and Diwali the hon. Chief Minister of Bihar will call a special session of the State Assembly and get it moved. This was the commitment given by the hon. Chief Minister of Bihar. I had been in regular touch with him. Even in the morning before I came to the House I wanted to have his latest views on this to know as to what extent he has gone in the process. Every time I ask him he tells me that he has got some problem and he will soon be calling a special session for discussing the whole agreement and getting the legislation passed. I agree with the hon. Member, Sir, that there has been a delay. The people who signed the agreement that day were all hoping that by Diwali, this special session would be called which has not been called. But the whole House would agree how difficult it is to cooperate and accommodate with the hon. Chief Minister of Bihar. He thinks something in the morning and in the evening he asks for another ten days. I go back to him after that duration but then again he asks for a few more days. We are trying our best on our part at the Central Government level, but ultimately it is the State Assembly which has to pass this legislation.

The last portion of the question of the hon. Member is about inclusion of other regions. There is no provision in the agreement to include other areas of Orissa and West Bengal; it is only the 18 districts of Bihar.

SHRI CHITTA BASU: Sir, now it is clear from the statement of the Minister that legislative measures are to be taken by the State legislative Assembly of Bihar. Sir, may I know from the hon. Minister that if there is a prolonged delay, what steps the Government proposes to take at the Centre on this? Does the Government propose to amend the Fifth Schedule of the Constitution and take the legislative measures from this House in this regard?

SHRI RAJESH PILOT: Mr. Speaker, Sir, the hon. Chief Minister of Bihar had discussions and signed the agreement and, I think, we should not doubt that. There might be some problem with the State Government at the moment, and may be he is facing some problem in the State. I would certainly persuade the hon. Chief Minister again to bring it at the earliest. The apprehension which the hon. Member has expressed should not be there. We will continue to do our best to get it passed at the earliest.

SHRI BIR SINGH MAHATO: Sir, originally the Jharkhand Movement was started for restoration of culture, language and social heritage alongwith the rights of the land, forest and employment of the local people.

Sir, may I know from the Minister whether the Bill is confined to the tribals only when there is more than 60 per cent of non-tribal population?

Will not the proposed Jharkhand Autonomous Council Bill divide the tribal and non-tribal people?

I want to know whether all the mines and mineral blocks of South Bihar will be included in the proposed Autonomous Council Bill.

SHRI RAJESH PILOT: As far as the tribal culture is concerned, we want the tribals especially who are slightly backward and who belong to far flung areas, to come up. We want them to feel that they are developing and are coming into the mainstream. That is why, this Council was thought over.

As far as the last part of the hon. Member's question is concerned, I would like to say that 90 per cent of the Members of the Council will be elected and so it would be very difficult for me and it would not be in the interest of the tribals to say anything at the moment.

We have a system of Panchayati Raj in the Bill. It is because this Council also will be interacting with them. So, the combined efforts of the Council, the Panchayati Raj and the State Government will be final.

[Translation]

SHRI HARI KISHORE SINGH: Mr. Speaker, Sir, I thank you for giving me this opportunity. I would also like to thank the government for the unanimity brought about in the Home Ministry and this is why a proper initiative was taken for solving the Jharkhand problem. I would like to know from the hon. Minister the reasons for not convening a special session of Bihar Legislative Assembly someday between Dussehra and Diwali despite his efforts and the assurances of the Government of Bihar. Will he exert pressure or urge upon the Government of Bihar to convene a session of Bihar Legislative Assembly by the end of the year? Will the Central Government take a proper initiative in this direction in case it does not materialise? Another point I would like to make is that after the 'Kissan rally', the hon. Minister turned into an American farmer and Jakhar Sahib became an Indian farmer.

THE MINISTER OF AGRICULTURE (SHRI BALRAM JAKHAR): You want me to dispense with this attire?

SHRI RAJESH PILOT: I agree with the hon. Members' feelings. This is the feeling of the whole House and I will convey it to the hon. Chief Minister.

SHRI HARI KISHORE SINGH: It is not a matter of conveying the feelings. Will you take any initiative for its enactment?

SHRI RAJESH PILOT: I will make efforts to persuade the Government of Bihar to bring forward this Bill in the Bihar Legislative Assembly and get it passed before the end of the year.

SHRI SURAJ MANDAL: Mr. Speaker, Sir this agreement reached between the State Government and the agitationists on April, 28, 1993. Thereafter, the State Government started withdrawing from it. During the last session, in reply to Question No. 65, the Central Government gave assurance in this very House that it will persuade the State Government in this connection but it failed miserably. It failed to persuade the State Government to accept some amendments in the Jharkhand Area Development Council Bill, 1991. Therefore, the Central Government is processing this Bill for formal orders of the President under Article 201 of the Constitution.

Mr. Speaker, Sir, after failing to persuade the State Government and processing the Bill for President's orders, the Central Government brought forward a Bill under the

fifth schedule. I would like to know under what conditions the Central Government entered into an agreement with the State Government while as the State Government....

MR SPEAKER: The reply will not come if the question is protracted to such an extent.

SHRI SURAJ MANDAL: Mr. Speaker, Sir, the State Government gave an assurance on which a specific question can be asked. on 21.9.93 the State Government sent a Fax No. 511395, C.M. Secretariat to the Home Minister.

[English]

"Reference our telephonic talk this (21.9.93) night. This is for your information that it has been decided to convene the Assembly Session on 30th October, 1993 to consider the problems arising in connection with Jharkhand affairs. The entire matter regarding proposed JAC or JDC would be settled in the Assembly by the Legislature. The Central Government's comments will also be considered in the Assembly by the Legislature."

[Translation]

So, he was told that session will be convened in 1993. Then, there was an agreement and it was stated that session has been convened on 16. I would like to know under what circumstances the Central Government, instead of taking initiative at its own level, asked the State Government to go for it? I want a specific assurance to the effect that if the State Government does not pass the Autonomous Council Bill by December, what action will the Central government take against the State Government and under which article and on what basis to get it passed?

SHRI RAJESH PILOT: Mr. Speaker, Sir, it is true that many hurdles came in the way of the agreement reached between April 1993 and December 1994. It is also true that at times the State Government did not agree with a particular viewpoint and at others the hon. Members who were a party to these negotiations differed with us. The Central Government is making efforts to find out a way agreeable to both the parties which may serve the interests of the tribal area as well. It took time and meanwhile the events took different turns at different periods of time; sometimes favourable and at others adverse and the hon. Member is aware of it. The hon. Member has contributed in finalising that agreement. A situation came when the Government of Bihar was not ready to accept the proposal. Delegations called on the hon. Home Minister, myself and the hon. Prime Minister and we assured them that the Central Government agrees in principle for the development of the Autonomous Council Area. We want and are ready to extend our co-operation for the constitution of this Autonomous Council on the pattern of Bodoland, Gorkhaland areas. Meanwhile, there was a communication gap in negotiations with the Government of Bihar but after they learnt about the intention of the Home Ministry to persuade everybody for the constitution of the Council, they came and the negotiations were a success. They were also in favour of an all out decision. They agreed and the agreement was finalised. Now the problem is of delay in passing the Bill after the implementation of the agreement and I have said that we too are concerned.

We will make all out efforts to bring forward this Bill of the Government of Bihar before the end of the year and fulfil the agreement in the intention with which it was reached at so that the peoples' credibility is maintained in the Central Government that it wants to benefits the State Government. We are continuing our efforts for the agreement and I believe that the hon. Chief Minister will extend his co-operation in it. I hope that the hon. Members of that party sitting here, having been elected from Bihar, will help us in passing this Bill.

[English]

DR. MUMTAZ ANSARI: Mr. Speaker, Sir, it is very wrong and baseless to say that hon. Chief Minister of Bihar is dilly-dallying or saying something different day in and day out. Rather the hon. Chief Minister of Bihar is very much uniform in making his statement and whatever offer was made, it was made only by the Chief Minister and not by the Central Government for the formation of Jharkhand Area Development Council. The credit goes to the hon. Chief Minister.

Moreover, I want to put a tickish and a pointed question to the hon. Deputy Minister of Internal Security, Government of India about the steps that are being taken in order to accommodate and consult all the other Chief Ministers because the Jharkhand area is spread over four States of the country.

They are Bihar, Orissa, Madhya Pradesh and West Bengal. What steps have been taken by the Government in order to consult and accommodate the views of all the four Chief Ministers? Why only is the Chief Minister of Bihar being put of compulsion? He is all the time compelled to sign some sort of an agreement. This offer has been voluntary; and it was made by the hon. Chief Minister.

The question pertains to the solution of the Jharkhand issue. So, the Jharkhand issue is a bigger issue, not the setting up of the Jharkhand Area Development Council only. What wider steps are being taken for resolving such issues?

SHRI RAJESH PILOT: The hon. Member has answered his own question. There is no compulsion. The credit goes to the Chief Minister of Bihar. We, the Central Government, are trying to keep peace in this area so that the agitated citizens do not feel that nobody is listening to them. We are only a party to bring both of them together; the Central Government is just trying or rather using its good office to bring all of them together, because things were not moving in the right direction. So, the credit goes to the Bihar Government. We are not taking the credit. The credit goes to these leaders who have agreed to accommodate the views of Bihar Chief Minister. So, the credit goes to both the State Government and the agitating leaders of the JMM and my colleague who have struggled.

If you recollect, Sir, the hon. Member would agree with me that before Mr. Laloo became the Chief Minister, he himself was a part of the agitation initially. This is based on a report to me. At that time, when we came on the Council, we had made it very clear. The Bihar State contains 18 districts. It has nothing to do with Orissa; it has nothing to do with West Bengal. When you make of Council, you

make a Council in a State; you do not make a Council combining all the four States. So, it is very clear. Let this apprehension go out from the mind of the hon. Member that no region has to do anything with this Council. Some people are taking that sort of plea as to what will happen to that. Let us talk to those State Governments on what could be done for the tribals in that area. The Orissa and West Bengal Governments are doing their best to uplift those sectors. But let the Bihar Government fulfil the commitment which my hon. Member perhaps has just said that the Bill should be passed. So, I would request the hon. Member to talk to his party Chief Minister to get it implemented at the earliest.

Let the House know that the total credit goes to the Bihar Chief Minister who has agreed that the Bill should also come by the end of this year. So, the credit for the Bill again goes to the Bihar Chief Minister.

SHRI BUTA SINGH: I would like to seek a clarification on this. I would like to put a question to the hon. Minister through you and would like to ask about the finality on the subject.

The issue of Jharkhand has been engaging the attention of this country for more than a decade very actively. With the intervention of the Home Ministry from here and the goodwill of the Bihar Chief Minister—we have read about it in the Press—that some kind of mutually acceptable solution has been found.

Today, I find that, in the answer to this question and a clarification given on behalf of the hon. Chief Minister of Bihar by the hon. Member on the other side and also a point made by the leader of the movement, there seems to be no meeting point between the stand of the hon. Home Minister and the Chief Minister. A new dimension has been added by the hon. Member from Bihar that unless all the three or four States agree, there cannot be a finality to this question. Are we left in wilderness? This House is entitled to know what is going to be the final end, the final outcome of the agreement that has been signed. Will all the four States also be involved or is it within the competence of the Bihar Government assisted by the Central Government that the Development Council is going to see the end of the day?

Also, now, simultaneously, elections have been announced in Bihar. Nobody is bothered. People are more bothered about capturing votes instead of solving the issue.

Therefore, let this House be told by the hon. Home Minister where does the finality lie. What is the final end and where is this agreement going to lead us. I am not very sure about it. The hon. Minister has just stated "by the end of this year". "This year" means only three weeks to go. Will it be possible to ensure that this thing is seen through in the Bihar Assembly in the shortest possible time? The record of Bihar State is something which does not hold out whether the Government will be able to bring about a change and bring a Bill in the Assembly and pass that so that the people of Jharkhand feel satisfied. I also appreciate the stand taken by the Movement Leaders. There must be a clear stand taken by the Government of India. If the Bihar Government, by any other reason, is not

competent, is not able to finalise that Bill and is not able to pass the Bill, what will the Government of India do? Will this House be taken into confidence and will that Bill be brought here? Is this House competent to pass that Bill? What is the stand of the Government?

SHRI RAJESH PILOT: Mr. Speaker, Sir, I have made it very clear and let me repeat again that this Council concerns 18 districts of Bihar State. The hon. Member can add any dimensions to the agreement. But the agreement between the State Government and the agitating Movement leaders is for an autonomous council of 18 districts of Bihar. It has nothing to do with Orissa or West Bengal and no other State is involved. That point is very clear, let it go on record.

The second point is, as far as implementation by the State Government is concerned, let me assure the House that the hon. Prime Minister while speaking from Red Fort had assured the Jharkhand leaders that we would solve the Jharkhand problem. We are totally committed to the upliftment of the tribal and neglected areas. We maintain that and we shall use our good offices to solve the problem. Let there be no apprehension that we will not be involving ourselves after signing the agreement. We are committed for that. We have said this not only to this House but the hon. Prime Minister has assured the whole nation. But let us try our best to put it in a systematic way which we have agreed upon. As I have said, we, on behalf of the Government, will try our best to get it solved at the earliest.

When I say, "by the end of this year"—I know that only three weeks are left as the hon. Member has pointed out. But there was a question from one hon. Member from that side asking "could it be possible?" So I have said, "we will do our best to get it done by the end of this year." It depends on the efforts from both the sides. But we, on behalf of the Home Ministry, will put our best efforts to get it moved at the earliest...(*Interruptions*)

MR. SPEAKER: I have given half-an-hour to this question...(*Interruptions*)

Entry of Foreign Media

*22. SHRI VIJAY NAVAL PATIL:
SHRI BRAHMANAND MAÑDAL:

Will the Minister of INFORMATION AND BROADCASTING be pleased to state:

(a) whether the Government have since finalised their views regarding the entry of foreign media in India;

(b) if so, the details thereof;

(c) if not, the reasons for delay;

(d) whether the Government have received some representations opposing the entry of foreign media in the country;

(e) if so, the details thereof; and

(f) the time by which the Government propose to take a decision on the issue?

THE MINISTER OF STATE OF THE MINISTRY OF