

this important question in an equally magnificent manner.

MR. SPEAKER ; Which is the magnificent ? Is it his way of replying or the contents of his reply ?

SHRI NAWAL KISHORE SHARMA : There is an effort to cover up this matter diplomatically. A few days ago, a news to the effect appeared in the newspapers that some sort of arrangements have been made by Pakistan for providing fueling and harbouring facilities to American ships so that they could be used in Iran-Iraq war. This arrangement may have a direct bearing on the security of our country. I would like to know from the Hon. Minister whether he enquired into the matter and if this news item is correct, what steps are going to be taken in this regard ?

SHRI K. NATWAR SINGH : So far as this supplementary is concerned that some American ships have reached Pakistan via Gulf and as to what preparations are going there, it has little connection with the main question.

SHRI NAWAL KISHORE SHARMA : It relates equally to the Indian ocean.

(Interruptions)

SHRI K. NATWAR SINGH : So far as the policy of the Government of India is concerned...

MR. SPEAKER : It is related to the deliberations to be held for future relations.

SHRI K, NATWAR SINGH : You are aware of the understanding between U.S.A. and Pakistan. They have very cordial relations and U.S.A. sends many ships to Pakistan. In the matter of Defence, they have close relations. In view of the situation prevailing in the Indian Ocean as a whole, our view is that it should be kept free from great powers rivalry and no ships carrying nuclear weapons be allowed to enter into it, We make every effort to achieve it and we are always vigilant about Pakistan's attitude towards us.

[English]

SHRI JAGANNATH RAO : Sir, while foreign flag vessels have a right of innocent passage in our territorial waters, is it not necessary for the foreign warships to enter our exclusive economic zone with our permission ?

SHRI K. NATWAR SINGH : No, Sir; I don't think any ship from any country has entered Indian waters or Indian port without our permission. That would not be acceptable.

Inter-State Council

*23. SHRI P. KOLANDAIVELU ; Will the Minister of HOME AFFAIRS be pleased to state :

(a) whether Government propose to set up an Inter-State Council under article 263 of the Constitution on permanent basis as suggested by the Sarkaria Commission;

(b) whether the Inter-State Council would be dealing with the subject of socio-economic planning and development also; and

(c) whether all Chief Ministers of the States would be made members of the Inter-State Council ?

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : (a) to (c). Printed copies of the report of Sarkaria Commission on Centre-State Relations have just become available. They have been sent to Central Ministries and State Governments. Copies have also been sent to Hon'ble Members of Parliament. Government will take final view after the views of State Govts, Members of Parliament and others concerned are available.

SHRI P. KOLANDAIVELU : Sir, the answer is very very vague. The report of the Sarkaria Commission is available now, of course. But that Commission was appointed long back. They have given the report after about four years.

My question is with regard to Art. 263 of the Constitution. It has already been laid down in that article that a permanent

body has to be constituted so far as Inter-State Council is concerned. Why it has not been constituted during the last 40 years? The Constitution was adopted on 26th November 1949. My question is: When such is the case, why it has not been done so far and whether you are thinking of setting up an Inter-State Council or not?

SHRI CHINTAMANI PANIGRAHI: The answer is very clear. One of the terms of reference of the Sarkaria Commission also included Inter-State Council. We have just received its report and that has been circulated now.

SHRI P. KOLANDAIVELU: It is already there.

PROF. MADHU DANDAVATE: It is not correct. Article 263 is there in the Constitution.

SHRI CHINTAMANI PANIGRAHI: Inter-State Council was one of the terms of reference of the Sarkaria Commission. Therefore, we waited for the report...

SHRI P. KOLANDAIVELU: It is already there.

(Interruptions)

SHRI CHINTAMANI PANIGRAHI: Many of the State Governments wanted that this should be included in the terms of reference of the Sarkaria Commission. Therefore, that Commission went into this question. Their recommendations have come to us and we will look into this matter.

SHRI THAMPAN THOMAS: When they are going to implement, Sir?

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): Articles 263, as the honourable House knows, is only an enabling provision. So far, the Government has been functioning quite smoothly with the States through the Zonal Councils. We have no difficulties. All the Zonal Councils are functioning well. Even outstanding disputes between the various States in the same zone have been settled. I have personally taken the meetings of all the Zonal Councils

except the southern Zonal Council which had to be postponed because of inconvenience of the 2-3 Chief Ministers.

So far, the system has been functioning quite smoothly and very successfully. In the meantime, the Sarkaria Commission recommendations have come and Government has explained—as my hon'ble colleague has said—we are waiting the opinion and the views of the State Governments and this august House. Then we will take a final view after that. But there is no problem. The functioning of the Zonal Councils has been very smooth and successful.

SHRI P. KOLANDAIVELU: Actually I am not getting the correct answer from the Hon'ble Ministers. Let me tell you with regard to the Zonal Councils. They are unable to solve the disputes between the States.

In order to have a better coordination between States, Article 263 has already been constituted in the Constitution. When such is the case, it is the bounden duty of the Central Government to form a permanent body. Firstly, I would like to know why it has not been done. Secondly, you may be knowing better with regard to the common interests between the States. Supposing if a project comes, for example, Telugu-Ganga. It is of common interest both for Andhra Pradesh and Tamil Nadu. When such is the case, you have not yet solved the problem. What would the Zonal Councils do then? Whether the Zonal Council is able to solve the problem of Telugu-Ganga Project or Cauvery dispute? You have not yet solved it.

Then what is the use of having the Zonal Councils? My question is: Why you have not set up the Inter-State Council permanently? It has been stated even in Article 263 clearly:

“...it shall be lawful for the President by order to establish such a Council...”

Please note the words ‘it shall’. My question is why it has not been done for the last 40 years.

S. BUTA SINGH: As I said just now, it is an enabling provision. It says “it shall

be lawful for the President...". So, if he makes it, it will be lawful. As I mentioned, the Southern Zonal Council meeting could not be held for the precise reason that either one Chief Minister or the other Chief Minister will say...

SHRI P. KOLANDAIVELU : I am not blaming you and I am not blaming the Government.

S. BUTA SINGH : That is why I have decided that we will give a date and hold the meeting of the southern Zonal Council and try to resolve the issues between the Southern States.

SHRI C. MADHAV REDDI : The question is not with regard to the Zonal Councils. Here the question is with regard to the Inter-state Councils. There is a clear recommendation in the report of the Sarkaria Commission and there is no need for you to ask the opinion of any State Government because the opinions of the State Governments are there before the Sarkaria Commission. A clear recommendation, scheme of the functioning of the Zonal Councils, Inter state Council has been given. Now, I would like to know whether you accept the recommendation or reject it. Just now the Hon. Minister said that the Zonal Councils are functioning all right which means you feel that there is no need for such a Council. We would like to know the actual mind of the Government.

S. BUTA SINGH : I have to mention this because an Hon. Member asked as to what we have been doing all these years. I responded that through the Zonal Councils we have been trying to sort out problems of various States, Inter State disputes and disputes of States versus the Centre. That is why I have to say about the functioning of Zonal Councils. Now, the Hon. Member says that we should accept the Sarkaria Commission immediately. I am sure that he has not consulted his Chief Minister. The questionnaire which was sent by the Sarkaria Commission had a certain conceptual approach. The replies received from the States by the Sarkaria Commission had a different approach on the same issue. Now, we have to actually check up with the Chief Ministers, after the report is available, based on the contents of the report, based

on the arguments which the Sarkaria Commission, whether they go by the concept of the Sarkaria Commission or not. May be there is a difference between the concept given by the report and the concept adopted by the particular States. Therefore, we would not like to go unilaterally. We would like to hear the Hon. Chief Ministers and then the august House has to give its opinion and after that we will take up.

SHRI SHANTARAM NAIK : Article 263 lays down one criterion for the purpose of establishing this Council. It says, "if at any time it appears to the President that the public interest would be served". In the past whenever this issue was examined, obviously, the Government must have come to the conclusion that the public interest would not be served by such a Council. What were the grounds or reason as to how the Government came to the conclusion that public interest will not be served by establishing such a Council in the past ?

S. BUTA SINGH : My simple answer will be that, as I mentioned, we have found that the zonal system has been working so far quite satisfactorily for the public interest and no public interest demanded that we should have such a Council.

PROF. MADHU DANDAVATE : The question of the recommendations of the Sarkaria Commission comes at a later stage. Really speaking, Article 263 in its composition is very clear. I would like to know the clear assessment of the Government.

AN HON. MEMBER : He says that it is an enabling provision.

PROF. MADHU DANDAVATE : He feels that the entire Constitution is an enabling provision. Is it not a fact that at present whenever any problems between States and States or between States and Centre are created, you are relying more on informal arrangement like the two Chief Ministers sitting together or in the case of Punjab you call the leaders of the Akali Dal and you sign an agreement and try to settle the problem which has failed. Therefore, in view of our past experience, whenever there are either border disputes or water disputes, the question between Punjab and

Haryana, or the question between Karnataka or Maharashtra, or between one State and another rather than relying on individuals like the Chief Ministers of the States or individual leaders of the political parties, as has happened in Punjab, is it not better to institutionalise the entire arrangement and take the actual advantage of Article 263 and try to settle the issue formally within the framework of the Constitution? What is your mind as far as this problem is concerned?

S. BUTA SINGH : The Hon. Member is very well-versed in the Constitution and practical politics and I have no doubt that he would appreciate that informal consultation is always preferred. After all, in a political set up you have to carry the people with you with various views, with various view-points. If you just go by hard institutional arrangements, it may not work. Informal consultations are always in the larger interest. Such issues which have political overtones are better served through informal consultation and through political dialogue. If that was so, may I ask the Hon. Member, why he could not settle with his own Chief Minister. He happens to be the leader of the Janta Party here and he could have settled it with the Chief Minister of Karnataka, who also happens to be the Janta Party leader. Therefore, the institutional functioning can be better served through informal consultations first.

PROF. MADHU DANDAVATE : You rely only on informal consultations, it has to be given a formal shape only through the constitutional devices of the Constitution. But you are refusing to do that.

S. BUTA SINGH : I am sorry, he is not putting it properly; we are not refusing to do that. I have said that we will wait for the views of the State Governments and the views of this august House and then come to a final decision. Who can deny that the Mizoram issue and the Assam issue were all handled informally and they have ended into a successful working of political system in those particular areas?

SHRI M. Y. GHORPADE : I would like to know from the Hon. Minister whether the Sarkaria Commission has said that the

Zonal Councils are not really working very effectively and they have recommended that the National Development Council be reconstituted as the National Economic Development Council with a constitutional status and whether they have also recommended that the Inter-Governmental Council be set up under Article 263 with the Prime Minister as Chairman and the Chief Ministers and the Union Ministers as members to deal with all matters other than social economic development. If so, how long will Government take to make up its mind over these fundamental issues?

S. BUTA SINGH : Whatever the Hon. Member has said that is from the report of the Sarkaria Commission. But at the same time, the Commission has said that the Planning Commission itself is a national forum where all such issues for the economic development of the country are considered. But as I said, we have not yet come to an end. We have not closed the options. Still we are waiting for the opinion and the views of the States and this august House. We will take a final view only after we have in our possession all these views.

[Translation]

Intensification of activities by Pak
Army along Border

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*24. SHRI BALWANT SINGH
RAMOOWALIA :
SHRI S. B. SIDNAL :

Will the Minister of DEFENCE be pleased to state :

(a) whether it is a fact that unprovoked firings and other activities of Pakistan army have been intensified along Jammu and Kashmir border recently ;

(b) if so, whether Government have taken any steps in this regard ; and

(c) if so, the details thereof and if not, the reasons therefor ?

[English]

THE MINISTER OF DEFENCE (SHRI K. C. PANT) : (a) Government have no reports indicating intensification of military