

within the competence of various authorities.

It is well-established that no privilege of the House is involved if statements on matters of public interest are not first made in the House. It is, however, a matter of propriety that when the House is in session, so far as possible, important decisions should first be announced in the House. If for some reason, like the House not being sitting on that date and important development taking place between the sittings of the House and necessitating a public announcement, earliest opportunity should be taken to bring the whole matter to the notice of the House.

I feel that in the present case (1) No breach of privilege of the House is involved. (2) It would have, however, been more appropriate if the relevant announcements were first made in the House. This was particularly important because these involved financial implications. (3) In any case earliest opportunity should have been taken to inform the House fully in regard to these matters.

I would urge the Hon. Ministers to take care that these aspects are kept in view in future.

THE MINISTER OF FINANCE AND COMMERCE (SHRI VISHWANATH PRATAP SINGH) : May I say a word. It will require quite a bit of time if we bring these changes before the House.

PROF. MADHU DANDAVATE : Don't challenge the direction of the Speaker.

SHRI VISHWANATH PRATAP SINGH : In am only submitting to the Chair.

MR. SPEAKER : I am only on financial implications—statements which have some financial implications.

SHRI VISHWANATH PRATAP SINGH : We have made it clear that there will be no additional financial implication on that. That was made very clear.

(Interruptions)

MR. SPEAKER : Submissions are not allowed on the Speaker's ruling.

Now, Mr. Chavan

RE : STATEMENT ON ASSAM ACCORD

[English]

PROF. MADHU DANDAVATE : Sir, I rise on a point of order. Before the hon. Home Minister makes a statement, regarding Assam first let me make it clear that I am not going into the merits of the case. I welcome the steps that they have taken and the statement that is likely to be made.

I only wish to bring to your notice, Sir, that the entire text of this Memorandum of Settlement has appeared in the Press,—apart from the announcement that was made in the Red Fort, because, there he only made the statement that an accord had been arrived at. But pursuant to that, the full text has appeared. And, I do not think that this House can be taken so lightly. And, I want to point out to you—I had given the dates—that Mr. Feroze Gandhi had raised that issue on 1st of May, 1959 in this House.

MR. SPEAKER : I have got it. I have gone through it; you have given to me in writing.

PROF. MADHU DANDAVATE : Let me complete the sentence. On 1st of May, 1959, Mr. Feroze Gandhi had got the issue settled on the Floor of the House by the Speaker that whatever be the situation, it is always better that when the House is in session, important policy pronouncement must come before the House. And therefore I only request the Home Minister that in future this should be avoided and I request you to see that the dignity of the House is maintained. This is not a ritual. This is the right of the House, and the dignity of the House.

MR. SPEAKER : I only have to add this—because, he has not raised as a matter of privilege—he has just pointed

out certain things. But this was a very special case. I was there at the Red Fort function yesterday. At 2-45 A.M. the agreement was reached. And it was a very good sort of news for the whole nation. And I think the Prime Minister would have failed in his duty to report to the supreme body, that is, the whole nation :

PROF. MADHU DANDAVATE : I am talking about the Memorandum.

MR. SPEAKER : I am doing that.

PROF. MADHU DANDAVATE : Please do not misunderstand. I am not referring to the announcement at the Red Fort but what has happened subsequent to that :

MR. SPEAKER : I have also gathered that this was not released by the Government. I have ascertained from the Home Minister that it was not released. The full text was not released by the Government. And, if it had been done, then, I would have taken notice of that :

SHRI INDRAJIT GUPTA : How did the Press get the full text ?

MR. SPEAKER : There are other parties also. That is what it is

SHRI INDRAJIT GUPTA : I would like to know whether the text which has appeared in the Press is authentic.

MR. SPEAKER : There are other parties also. No problem.

SHRI S. JAIPAL REDDY : On a point of order :

MR. SPEAKER : There is no question of point of order. Please take your seat. It is a national thing. Certain things are so good that they should be announced.

PROF. MADHU DANDAVATE : I only want to point out to you that whatever ruling you have given in relation to Finance Minister is different from the ruling that you propose to give in regard to...

MR. SPEAKER : No, no. I am not differentiating. I am only differentiating between the circumstances. Not at all.

STATEMENT RE : ASSAM ACCORD

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S. B. CHAVAN) : Sir, as the House is aware the Prime Minister in his address to the nation on Independence Day announced that a settlement had been reached on the issues of Assam in the early hours of 15th of August.

This happy accord represents the fulfilment of the assurance given by the Prime Minister in his broadcast to the nation on 5th of January, 1985 that "earnest efforts will be made to settle the foreigners' issue in Assam and that the give-and-take of the Conference Table can yield victories which confrontation cannot."

The AASU, through their memorandum dated 2nd February 1980, presented to the late Prime Minister, Shrimati Indira Gandhi, conveyed their profound sense of apprehensions regarding the continuing influx of foreign nationals into Assam and the fear about adverse effects upon the political, social, cultural and economic life of the State.

Being fully alive to the genuine apprehensions of the people of Assam, the then Prime Minister initiated the dialogue with AASU and AAGSP. Subsequently, talks were held at the Prime Minister's and Home Minister's levels during the period 1980-83. Several rounds of informal talks were held during 1984. Formal discussions were resumed in March, 1985.

4. Keeping all aspects of the problem including constitutional and legal provisions, international agreements, national commitments and humanitarian considerations, it has been decided to proceed as follows :—

Foreigners Issue

- 5.1 For purposes of detection and deletion of foreigners, 1.1.1966 shall be the base date and year.
- 5.2 All persons who came to Assam prior to 1.1.1966, including those amongst them whose names appeared on the electoral rolls used in 1967 elections, shall be regularised.
- 5.3 Foreigners who came to Assam after 1.1.1966 (inclusive) and upto 24th March 1971 shall be detected in accordance with the provisions of the Foreigners Act 1946 and the Foreign (Tribunals) Order 1964.
- 5.4 Names of foreigners so detected will be deleted from the electoral rolls in force. Such persons will be required to register themselves before the Registration Officers of the respective districts in accordance with the provisions of the Registration of Foreigners Act, 1939, and the Registration of Foreigners Rules, 1939.
- 5.5 For this purpose, Government of India will undertake suitable strengthening of the governmental machinery.
- 5.6 On the expiry of a period of ten years following the date of detection, the names of such persons which have been deleted from the electoral rolls shall be restored.
- 5.7 All persons who were expelled earlier, but have since re-entered illegally into Assam, shall be expelled.
- 5.8 Foreigners who came to Assam, on or after March 25, 1971, shall continue to be detected, deleted and expelled in accordance with law. Immediate and practical steps shall be taken to expel such foreigners.
- 5.9 The Government will give due consideration to certain difficulties

expressed by the AASU/AAGSP regarding the implementation of the Illegal Migrants (Determination by Tribunals) Act, 1983.

Safeguards and Economic Development :

6. Constitutional, legislative and administrative safeguards, as may be appropriate, shall be provided to protect, preserve and promote the cultural, social, linguistic identity and heritage of the Assamese people.

The Government take this opportunity to renew their commitment for the speedy all round economic development of Assam, so as to improve the standard of living of the people. Special emphasis will be placed on education and science & technology through establishment of national institutions.

Other Issues :

- 8.1 The Government will arrange for the issue of citizenship certificates in future only by the authorities of the Central Government
- 8.2 Specific complaints that may be made by the AASU/AAGSP about irregular issuance of Indian Citizenship Certificate (ICC) will be looked into.
- 9.1 The international border shall be made secure against future infiltration by erection of physical barriers like wall, barbed wire fencing and other obstacles at appropriate places.

Patrolling by security forces on land and riverine routes all along the international border shall be adequately intensified. In order to further strengthen the security arrangements, to prevent effectively future infiltration, an adequate number of check posts shall be set up.
- 9.2 Besides the arrangements mentioned above and keeping in view

security considerations, a road all along the international border shall be constructed so as to facilitate patrolling by security forces. Land between border and the road would be kept free of human habitation, wherever possible. Riverine patrolling along the international border would be intensified. All effective measures would be adopted to prevent infiltrators crossing or attempting to cross the international border.

10. It will be ensured that relevant laws for prevention of encroachment of government lands and lands in tribal belts and blocks are strictly enforced and unauthorised encroachers evicted as laid down under such laws.
11. It will be ensured that the relevant law restricting acquisition of immovable property by foreigners in Assam is strictly enforced.
12. It will be ensured that Birth and Death Registers are duly maintained.

Restoration of Normalcy :

13. The All Assam Students Union (AASU) and All Assam Gana Sangram Parishad (AAGSP) call off the agitation, assure full cooperation and dedicate themselves towards the development of the country.
14. The Central and the State Government have agree to :—
 - (a) Review with sympathy and withdraw cases of disciplinary action taken against employees in the context of the agitation and to ensure that there is no victimization;
 - (b) Frame a scheme for ex-gratia payment to the next of kin of those who were killed in the course of agitation.

- (c) Give sympathetic consideration to proposal for relaxation of upper age limit for employment in public service in Assam, having regard to the exceptional situation that prevailed in holding of academic and competitive examinations etc., in the context of agitation in Assam.
- (d) Undertake review of detention cases, if any, as well as cases against persons charged with criminal offences in connection with the agitation, except those charged with commission of heinous offences.
- (e) Consider withdrawal of prohibitory orders/notifications in force, if any.

15. The Ministry of Home Affairs will be the nodal Ministry for the implementation of the above."

This has been signed by Shri Prafulla Mohanty, President of All Assam Students Union, Shri B.K. Phukan, General Secretary, All Assam Students Union and Shri Biraj Sharma, Convener of All Assam Gana Sangram Parishad and Shri R.D. Pradhan, Home Secretary, Government of India and Shrimati P. Trivedi, Chief Secretary, Government of Assam in the presence of the Prime Minister. Sir, I also lay on the Table of the House the Memorandum of Settlement.

SHRI BASUDEV ACHARIA (Bankura): Sir, I want one clarification.

MR. SPEAKER : It can be taken up latter on. Not now. You can come to me. Give me notice and we can discuss.

(Interruptions)

SHRI S.B. CHAVAN : Sir, I have further to add.

I would also like to inform the House about two other relevant matters.

Firstly, the AASU and AAGSP have strongly represented about the electoral

rolls currently being prepared. The Government have agreed to the following :

(a) The Election Commission will be requested to ensure preparation of fair electoral rolls.

(b) Time for settlement of claims and objections to be extended by 30 days, subject to this being consistent with the election rules.

(c) The Election Commission will be requested to send Central observers.

Secondly, in order to accelerate the industrial and educational development, the Government of India have agreed :

(a) to establish an oil refinery Assam. Government will render all possible assistance in terms of institutional and bank finance to facilitate the establishment of a refinery in the private sector;

(b) the Central Government will render full assistance to the state Government in their efforts to reopen Ashoka Paper Mill and Jute Mills; and

(c) An IIT will be set up in Assam.

I am confident that this House will share our hope that this settlement will usher in an era of harmony, goodwill and prosperity for the people of Assam. I take this opportunity to make a fervent appeal to all sections of the people of Assam and also Members of this House to cooperate in bringing about normalcy and goodwill and also in implementing the provisions of this Settlement.

SHRI C. MADHAV REDDI (Adilabad) : On behalf of my Party, Telugu Desam, I congratulate the young Prime Minister. *(Interruptions)*

SHRI BASUDEB ACHARIA : One clarification.

MR. SPEAKER : You can give me another notice for that. You can give notice for discussion under Rule 193, but not at the moment.

(Interruptions.)

MR. SPEAKER : Not now.

SHRI C. MADHAV REDDI : Sir, we are happy that the Settlement has been reached. We are also happy that the Prime Minister thought it fit to consult the Opposition leaders 15 minutes before the statement is made here. I feel that this consultation process should not become a ritual. In future, consultation must go on along with the negotiation.

MR. SPEAKER : It might not be possible...

THE PRIME MINISTER (SHRI RAJIV GANDHI) : I would like to answer that, The idea was not to consult the Opposition after the agreement was signed. It was to inform the Opposition before we laid the Memorandum of settlement on the Table of the House. *(Interruptions)*

MR. SPEAKER : What is the problem? What is your point of order, Mr. Jaipal Reddy.

SHRI S. JAIPAL REDDY : Sir, the text of the Memorandum of Settlement announced by the Home Minister is very clear. It is the same as had appeared in all the newspapers...

MR. SPEAKER : I have already said that, it is not from the Government. There are other parties also
(Interruptions)

MR. SPEAKER : Mr. Jaipal Reddy, it does not matter.

Why are you getting agitated about it? Sit down.

There is nothing to be agitated about it.

(Interruptions)

SHRI BASUDEB ACHARIA : Sir, he came to Assam after.

MR. SPEAKER : Discussion not now. Nothing to be discussed now.

(Interruptions)

MR. SPEAKER : You know the Rules. Please sit down.

Notifications (Hindi and English versions) under sub-section (3) of section 21 of the Coinage Act, 1906 :—

12.20 hrs.

PAPERS LAID ON THE TABLE

[English]

Annual Report and Review of the North Eastern Handicrafts and Handlooms Development Corporation Limited for the year 1983-84. Statement showing reasons for the delay in laying the Papers on the Table.

THE MINISTER OF STATE OF THE MINISTRY OF SUPPLIES AND TEXTILES (SHRI CHANDRASHEKHAR SINGH) : Sir, I beg to lay on the Table—

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956
 - (i) Review by the Government on the working of the North Eastern Handicrafts and Handlooms Development Corporation Limited, Shillong, for the year 1983-84.
 - (ii) Annual Report of the North Eastern Handicrafts and Handlooms Development Corporation Limited Shillong, for the year 1983-84 along with Audited Accounts and the comments of the Comptroller and Auditor General thereon.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.

[Placed in the Library. See No. LT/1323/85]

Notification under sub-Section (3) of Section 21 of the Coinage Act, 1906

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI JANARDHANA POOJARY) : Sir, I beg to lay on the Table a copy each of the following

- (1) The Coinage (Standard Weight and Remedy of the commemorative coin of 25 paise containing copper 75 per cent and nickel 25 per cent coined for "Forestry for Development") Rules, 1985 published in Notification No. S.O. 3083 in Gazette of India dated the 6th July, 1985.
- (2) S O. 2502 published in Gazette of India dated the 8th June, 1985 rescinding Notification No. S.O. 1904 published in Gazette of India dated the 16th June, 1984.
[Placed in Library See No. LT-1324/85]

Annual Report and Review of the India Tea and Restaurants Limited, Bombay for the year 1983-84. Statement showing reasons for delay in laying the above papers on the Table

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P.A. SANGMA) : Sir, I beg to lay on the Table—

- (1) A copy each of the following papers (Hindi and English versions) under sub-section (1) of section 619A of the Companies Act, 1956 :—
 - (i) Review by the Government on the working of the India Tea and Restaurants Limited-Bombay, for the year 1983-84.
 - (ii) Annual Report of the India Tea and Restaurants Limited, Bombay, for the year 1983-84 along with Audited Accounts and the Comments of the Comptroller and and Auditor General thereon.
- (2) A statement (Hindi and English versions) showing reasons for delay in laying the papers mentioned at (1) above.
[Placed in Library, See No. LT-1325/85]