

Shri Chintamoni Panigrahi: I am speaking about the Eastern Zonal Council, not the Home Ministry.

Shri Datar: With which we are administratively concerned.

Shri Chintamoni Panigrahi: This refers to a particular zone.

Mr. Speaker: Whatever it is, this half-hour discussion will go on. Shri Panigrahi.

18.04 hrs.

[MR. DEPUTY-SPEAKER in the chair].

*EASTERN ZONAL COUNCIL

Shri Chintamoni Panigrahi (Puri): I am grateful to you for allowing this discussion today. It refers to the working of the Eastern Zonal Council. There is a growing feeling among the Members of the Eastern Zonal Council that the Council is not functioning as an effective agency.

Mr. Deputy-Speaker: Order, order. There are regular proceedings in the House going on yet.

Shri Braj Raj Singh (Firozabad): Not for Shri Datar. He is too non-violent!

Mr. Deputy-Speaker: Others also have to be non-violent.

Shri Chintamoni Panigrahi: There is a growing feeling among the members of the Eastern Zonal Council that it is not functioning as an effective agency to thrash out the outstanding differences between the different States who are members of the Zonal Council. It is being felt that the Central Government is becoming hesitant to persuade the different States for settling their inter-State differences and more especially the border adjustments between the member States. To that the hon. Minister answered that the Zonal Councils are

intended to be advisory in character and there is no proposal before Government to amend the States Reorganisation Act to vary the scheme.

But I was looking at the relevant provisions of the States Reorganisation Act. In section 21, while defining the functions of the Zonal Council it has been stated, in sub-section (2):

"In particular, and without prejudice to the generality of the provisions of sub-section (1), a Zonal Council may discuss, and make recommendations with regard to,—

- (a) any matter of common interest in the field of economic and social planning;
- (b) any matter concerning border disputes, linguistic minorities or inter-State transport; and
- (c) any matter connected with, or arising out of, the reorganisation of the States under this Act."

Therefore, my submission is that the position of the hon. Minister that the Zonal Councils are intended to be only advisory in character does not hold good. It has been definitely stated in the Act that—

"any matter of common interest in the field of economic and social planning;

any matter concerning border disputes, linguistic minorities or inter-State transport".

can also be initiated in the Zonal Councils.

Therefore the power of the Zonal Council is little more than purely advisory. It is not purely of an advisory nature.

The Minister of State in the Ministry of Home Affairs (Shri Datar): Does the hon. Member know under section 21—

"Each Zonal Council shall be an advisory body"?

Shri Chintamoni Panigrahi: I draw the attention of the hon. Minister to sub-section (2) of that section, in which it has been stated:

"In particular, and without prejudice to the generality of the provisions of sub-section (1), a Zonal Council may discuss, and make recommendations with regard to,-".

So, I submit, as the Minister of Assam has said, of late the Eastern Zonal Council is not functioning as an effective body to settle inter-State disputes because the Union Government is hesitant to persuade the different States to settle their disputes.

The Eastern Zonal Council has, by this time, held about 3 or 4 meetings. While this question has come up again and again in this House, it was stated that only when the State Governments agree to raise certain disputes can the Zonal Council come into the picture. A meeting of the Eastern Zonal Council was held at Bhubaneshwar also and the Government did not place this item on the agenda of the meeting. In November, 1960, on the 21st the hon. Minister again stated that the next meeting of the Zonal Council was to be held at Calcutta. We have made repeated requests that the hon. Minister should initiate discussion with regard to the adjustment of territories between Bihar and Orissa with reference to Seraikela and Kharswan. During the last four years, we have repeatedly drawn the attention of the hon. Minister that he should initiate discussion so that the Chief Ministers of different States could meet and discuss this problem and suggest some measure of solving this dispute. In spite of our repeated requests, the hon. Minister and the Home Ministry had not been kind towards our suggestion. In answer to another ques-

tion on 13th February, 1959, the hon. Minister has stated that two meetings of the Eastern Zonal Council were held up to May, 1958. But in these two meetings, the question of Bihar-Orissa border dispute was not initiated by the Home Ministry or the Government of India or by the State Government. In 1958-59, more than Rs. 86,900 had been spent in running the Eastern Zonal Council. I do not know the total amount spent in the years 1959-60, and 1961. It was expected that after the States' reorganisation, whatever reorganisation disputes remain, minor adjustments etc. would be settled peacefully by negotiations among the different States which belong to the different zonal councils. So far the Government of India has not been able to persuade the Government of Bihar to come to any understanding in this matter and to settle this problem. The Government of India has gone to the extent of helping the States of Maharashtra and Bombay to settle their differences. It is a very good thing and the Home Ministry has gone to the extent of settling the border dispute between Andhra and Madras by the Pataskar formula. Here is an inter-State problem which has been there during the last four years, since the reorganisation of the States but I think the Home Ministry is feeling shy about it. It was reported in certain papers that because of the adamant attitude of Bihar Government, the Home Ministry did not want to displease that Government and therefore, did not want to initiate this dispute so that it could be solved peacefully without delay.

There is another problem also that came up before the Calcutta meeting and we were told that this discussion should come up informally and not formally. I was looking to the agenda which was circulated for the Calcutta meeting of the Eastern Zonal Council. The first item refers to the claim of West Bengal to a portion of a village in Jagannathpur Thana, No. 53, District Purnea. In the agenda No. 18, there is reference to a dispute over the possession of a village, Govindpur, in the Malda-Purnea border. In No.

18, there is a reference to the Assam disturbances. It was reported in the Press that because of the unwillingness of the Government of Assam, even this question of disturbances in Assam could not be taken up. But the border dispute between Orissa and Bihar did not find place in the agenda also.

Similarly, there was another item that came up in the Eastern Zonal Council in its meeting on 2nd August, 1958, which was held in Shillong. In the agenda, the very first item is about fishing rights on the coastal seas for ordinary and mechanised boats. I have brought this question many times before this House. There are more than 12,000 fishermen in the sea coast of Orissa and they have been deprived of earning their livelihood because the fishing vessels of West Bengal catch fish in the sea coast of Orissa. Therefore, legitimately, it was brought before the Eastern Zonal Council and was given the first place in the agenda. But I was told recently in reply to a question that this problem is being examined. This question is hanging fire for the last three years and no settlement has been arrived at. Therefore, I urge upon the Minister that at least for settling all these important inter-State disputes, the Eastern Zonal Council should be made effective and it was meant to be effective. Because of the weakness of the Centre, I feel the constituent units of Zonal Council did not take much care to see that the disputes among the different States are settled peacefully. Then at least the real objectives of the zonal councils would be satisfied.

Sir, to these points I want an answer from the hon. Minister. I feel that with regard to this border dispute between Bihar and Orissa and the dispute relating to fishing rights in the coastal areas of Orissa which are hanging fire for the last four years in the Eastern Zonal Council, at least the next meeting of the Council should try its best to solve them so that our people may feel that the Eastern zonal council is functioning in an effective

way and people will have more faith on the working of the zonal councils.

Shri Datar: Mr. Deputy-Speaker, Sir, the question that the hon. Member has raised has a certain history. So far as the Eastern Zonal Council is concerned, as I just pointed out, we have got a section in the States Reorganisation Act where it is clearly stated in section 21:

"Each Zonal Council shall be an advisory body and may discuss any matter in which some or all the States represented in the Council or the Union have a common interest and advise the State Government."

So this is a point that has to be clearly noted, that the zonal councils are advisory in character. As I just now pointed out the zonal councils have to discuss matters with a common consent. In respect of the two areas to which the hon. Member made a reference, namely, Seraikella and Kharsawan, the question that arises is whether it is or it is not a closed matter. When the States Reorganisation Bill was under consideration, we had the report of a Commission in this respect—the Fazal Ali Commission. They went into this question and came to the conclusion that these two areas should remain where they were—that is, in the Bihar State. Thereafter this question was raised during the consideration stage of the States Reorganisation Bill and a number of amendments, if I remember aright, were brought forward by some hon. Members from the Orissa State and they were all negatived. Under these circumstances, after the States Reorganisation Act was passed, the question arises as to whether this should be treated as a question that has not been decided at all. In fact, when the States Reorganisation Act negatived the proposals that those who were interested in it like the hon. Member had raised, my submission is that that question has been a closed one.

[**Shri Datar**]

So far as the Zonal Councils are concerned, if both the States agree, naturally that question can be considered by the Central Government or a Bill can be brought forward before the Parliament. My hon. friend referred to two cases. One was the Andhra Pradesh-Madras Transfer of Land Bill. There you will find that this question had been discussed at one stage, if I remember aright at the Southern Zonal Council, and both the Chief Ministers of the two States had agreed to lay down certain criteria for considering the question as to whether any areas should be transferred from Madras to Andhra Pradesh or vice versa. Thereafter, after laying down, if I remember aright, four principles in this respect they referred the matter to Shri Pataskar, the Governor of Madhya Pradesh. He gave his report. It was accepted by both the State Governments. Then the Centre was approached for giving effect to it through an Act of Parliament. That was how this particular matter was decided after an initiative in that respect had been taken by the two governments together.

In the case of the former Bombay State—now Maharashtra and Gujarat—there also the initiative was largely taken by the Chief Minister of Bombay Government along with Dr. Jivaraj Mehta who is now the Chief Minister of Gujarat. Both of them took an initiative in this matter and then informally the question was gone into. Subsequently, there was an agreement between the Chief Minister of Maharashtra State and Dr. Jivaraj Mehta who represented the interests of Gujarat. Thereafter, we were approached for the purpose of bringing forward a Bill. That is why in this case also it was not the Centre which took the initiative, because, so far as the Centre was concerned, the matter had been finally closed. In this case, this question was raised, as the hon. Member has stated, by the Government of Orissa. It was sought to be raised before the Zonal Council. The

Orissa Government suggested that this item should also be considered at the meeting of the Council. The Bihar Government took the view that this should be treated as a settled matter. Thereafter, we had a meeting of the Eastern Zonal Council at Delhi, under the chairmanship of the late Home Minister, Shri G. B. Pant. Shri G. B. Pant suggested that unless the Bihar Government agreed, it could not be considered as a matter for the discussion at the Zonal Council. But he very wisely suggested that this matter should be discussed by the representatives of the two Governments informally. The hon. Member is also aware that the former Chief Minister of Bihar was subsequently very ill and unfortunately he later died. That circumstance might be taken into account. Therefore, what was discussed informally has remained as it is. It is for the two Governments or for the two Chief Ministers, whatever it is, to raise this question and discuss it informally, and if they come to the conclusion that the stage has been reached, when it can be formally discussed by the Eastern Zonal Council, then certainly it can be done. As I stated, the matter has to be discussed first in an informal capacity, and the possibilities of agreement have to be explored, and then only it can come before the Zonal Council. If at the Zonal Council they come to common conclusions, then the Government comes into the picture.

Shri Chintamoni Panigrahi: One question. Did Shri G. B. Pant suggest any way out of this, to the Chief Ministers, so that they might discuss it?

Shri Datar: This is exactly what the Home Minister suggested. He found out the technical difficulty in this case, namely, that the Bihar Government had treated this, as you will see—and rightly so far as the Act is concerned,—as a closed matter. Therefore, he suggested that, with a view to see if some common formula can be evolved, this matter should be discussed first in

an informal capacity by the Chief Ministers of the two States. Unfortunately, that has not been done. It is perfectly open to the two State Governments to consider this question informally and to see whether anything can be done. In the absence of such an agreement, in the absence of this subject coming before the Zonal Council, it will not be possible for the Centre to take any initiative in this matter. We cannot take any initiative under to the States Reorganisation Act according to the provisions that I have pointed out.

Similarly, the right of fishing in the Orissa east coast was also a matter which came at one stage and then it was considered that two Chief Secretaries should first discuss the matter among themselves. This is the way in which the purpose of the Zonal Councils can be duly met. If the two Chief Secretaries meet, then the matter can be taken up. If the two Ministries in the two States together meet,

then, it will come before the Zonal Council, and then the matter can be settled amicably. In the absence of any common agreement or any amicable solution between the two Governments, I may point out that advantage can be taken of section 21 and the matter cannot come before the Zonal Council unless both the States agree about the agenda.

Shri Chintamoni Panigrahi: About the fishing rights, have the Chief Secretaries met now, and have they suggested any measure? It is there since the last three years.

Shri Datar: My information is that the matter was being examined by the two Chief Secretaries.

18.25 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, March. 29, 1961, Chaitra 8, 1883 (Saka).
