

>MR. SPEAKER: We will go to the next item. It is item no. 27.

Title: Discussion on the Constitution (Amendment) Bill (Amendment of Article 248, etc.) (Not concluded)

14.37 hrs.

(Shri Basu Deb Acharia *in the Chair*)

SHRI SURESH KURUP (KOTTAYAM): Sir, I beg to move:

"That the Bill further to amend the Constitution of India, be taken into consideration. "

Respected Chairman, Sir, ever since Independence we have witnessed debates and discussions regarding the federal structure of our country and about the powers that should be devolved upon the States. Our country's structure is a federal one and rightly so. It is because the greatest asset of our country is not uniformity, our greatest asset is diversity. So, in order to preserve this diversity and in order to allow all the cultures to flourish, it is quite essential that our country should have a federal structure.

The essential feature of the federal structure should be a strong Centre and strong States. Over the years, we have witnessed a process whereby the Central Government is usurping the powers of the States, some times surreptitiously and most of the times quite openly. This has been dealt with in article 248 of the Constitution. Article 248 says that on those matters which do not come under the State List or the Concurrent List, the Union Government has got the power to legislate.

It further mentions that "Such power shall include the power of making any law imposing a tax not mentioned in either of these Lists". So, article 248 along with entry 97 in the Union List makes it sure that the Central Government gets overwhelming powers to legislate on the residuary area. This power along with article 248 helps the Central Government to encroach more and more on powers of the States and the Central Government has done this quite cunningly, I would say, during all these years.

Now, what is the position of the States? All the States in our Union are facing financial difficulties and everybody knows that. All the financial institutions are under the control of the Union Government and the Chief Ministers of all the States have to come before the Union Government with a begging bowl for help every time. Whenever there is some crisis, whenever there is flood or drought in a State, the concerned Chief Minister has to come before the Prime Minister and request him for help, and this is used as a tool for taking political vendetta. Those State Governments which are liked by the Central Government are given special help and those State Governments which are not liked by them are denied that, and this is happening every time. There are so many instances to prove as to how this was done by the Central Government.

**श्री रामजीलाल सुमन (फिरोजाबाद)** : सभापति जी, आलू के मामले में आपको मालूम है कि सुबह इतनी बहस हुई और यह बहुत गम्भीर सवाल है। माननीय अध्यक्ष महोदय ने यह स्वीकार किया कि माननीय कृषि मंत्री जी इस संबंध में बयान देंगे। श्री विजय गोयल यहां बैठे हुए हैं। हाउस के मूड से आप भलीभांति परिचित हैं। कब कृषि मंत्री जी आएंगे, कब स्टेटमेंट देंगे ?

**सभापति महोदय** : सुमन जी, आज हाउस सायंकाल 7.00 बजे तक चलेगा। हाउस उठने से पहले मंत्री जी आएंगे और जवाब देंगे।

**श्री रामजीलाल सुमन** : सभापति जी, यदि सात बजे सायंकाल मंत्री जी का स्टेटमेंट होगा, तो उसका क्या यूज होगा। सदन का मूड आपको मालूम ही है। वे कब आएंगे और कब स्टेटमेंट देंगे ?

**संसदीय कार्य मंत्रालय में राज्य मंत्री तथा श्रम मंत्रालय में राज्य मंत्री (श्री विजय गोयल)** : सभापति जी, जैसा स्पीकर साहब ने आदेश दिया था, कृषि मंत्री जी को यहां हुई चर्चा से अवगत करा दिया था और यही कहा गया कि सदन उठने से पहले कृषि मंत्री महोदय वक्तव्य देंगे। अब इसका मतलब यह नहीं है कि वे ठीक 7.00 बजे वक्तव्य देंगे। हमारी कोशिश होगी कि जितनी जल्दी से जल्दी सम्भव हो सके, वे वक्तव्य दें।

SHRI SURESH KURUP (KOTTAYAM): Sir, as you know very well, the power to impose sales tax is the right of the States. Way back in 1957, the States' power to impose sales tax on four items was taken away. Those items are textiles, sugar, tobacco and tobacco products. These items were very lucrative sources of sales tax and earning for the States. After taking away this power of the States, the Central Government imposed additional excise duties and promised to the States that the collection would be transferred to them. In early 1980s, a study was conducted and it revealed that a sum of Rs. 25,000 crore, collected from the imposition of additional excise duties on these four items, was pending with the Central Government. At that time, the Central Government promised that this money would be given to the States, but not a single pie was given.

In the early 80s it was revealed that about Rs. 25,000 crore was pending with the Central Government on these items. So, this shows the attitude of the Central Government regarding States' autonomy and States' finances.

Sir, we always say about decentralisation. A law was passed in this House regarding Panchayati Raj and it was to see how decentralisation can be effectively implemented without financial autonomy for concerned bodies, including the States.

First of all, the State Government should get enough finances; then only the local bodies and Panchayats will get enough financial help. This process is being denied by the Union Government by usurping the financial sources of the State Governments. So, in order to have an effective federal structure, the basic thing is that we should have strong State Governments.

Sir, the United States of America and Australia have federal structures and both the countries have constitutional residuary power. The power to legislate in the residuary area is given to the State Governments. Later the Supreme Court of the United States directed so many things and now the Centre is more powerful because of the rulings of the Supreme Court. But in the Constitution, it is specifically mentioned that in the residuary area, it is the power of the State Government to legislate.

We followed the Canadian model during the adoption of our Constitution and inserted article 248 in our Constitution. Now that a coalition is ruling in the Centre, some of the major regional parties who have been advocating for their regional autonomy and more powers to the State Governments, are partners in the NDA Government. It is quite depressing to note that none of these regional parties are asserting themselves to get more powers to the States. They are allowing the Central Government to take away whatever little power the States have. Once VAT is implemented more financial gains will accrue to the Centre. So, this trend should be altered.

Sir, even the Inter-State Council recently recommended that the matters mentioned in the residuary area should be included in the Concurrent List. The Sarkaria Commission also recommended that. They have gone up to that point. My suggestion is that in this area, the State Government should be given ample powers to legislate. Then only we will have a strong State Government. Only if there are strong State Governments, we will have a strong Central Government. When the State Governments are weak, financially and otherwise, how can we have a strong Central Government? So my request is that the Central Government should give serious consideration to this point and amend article 248 so that the States are given more powers.

They have appointed a Commission to review the functioning of the Constitution. It was never their agenda. We should understand that it was never the agenda of the BJP to strengthen the federal structure. They are reviewing the Constitution for their nefarious ends. They are saying about Uniform Civil code. They want to prevent cow-slaughter. The actual thing that should be done to strengthen the country, to strengthen the States and the Union Government is that more powers should be devolved upon the States.

So, this Bill is exactly for that. I request all the Members to seriously ponder over it and take part in the discussion.

MR. CHAIRMAN : Motion moved:

"That the Bill further to amend the Constitution of India, be taken into consideration."

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SHRI HANNAN MOLLAH (ULUBERIA): Mr. Chairman Sir, I thank Shri Suresh Kurup for piloting this Private Member's Bill for amending article 248 of the Constitution.

Sir, as you are aware, the country, called India, has always cherished the idea of unity in diversity. If the diversity is killed, then India is killed. Our religion, our cultural life, our political life, our demography, and all aspects of our life are diverse. But, at the same time, there is a unity developed on the soil over the years, like a garland with flowers of different colours, of different smells, but it is the thread that makes it a garland. India is a thread but the flowers are, different cultures, different religious beliefs, different ways of life. This is India. We have developed it over thousands of years. That is the basis of our civilisation.

We have seen that the people from various parts of the country participated in the freedom struggle. They had their own understanding; their own desire; their own aspirations, but the thread of unity was the total freedom for India. So, we have to strengthen this concept. We have to cherish this Idea of unity in diversity. Our Constitution makers tried to assimilate all these things, and because of that, we had only centralised the Central Government. There are three systems of our Governments in India, namely, the Central Government, the State Governments and the Local-

Self Government. To diversify it more is the spirit of our country.

But, Sir, over the last 55 years, the practice was different. The actual understanding of our forefathers, framers of our Constitution, was gradually jeopardised because of the forces which ruled the country from the Centre. The power always had a tendency to capture more, and power did not have a liberal attitude to distribute it. It tried to capture more. When you sit at the Centre, this instigation to grab more power, to snatch more power from the States, from the lower level, had happened over the years, and that also went against the spirit of Mahatma *ji* who said that *panchayati raj* will be the basis of our Indian democracy. But it took at least 45 years to make a law for the *panchayats* for the whole country, uniform type of a *panchayat* system. It is because of the tendency of the ruling classes that all the powers were centralised. Over the years, the States' political and other powers were curtailed. Again and again it was damaged, and it was hampered by the mischievous political use of the Governor's post and President's Rule.

The people are electing the Government at the Centre and the same people are electing the Government at the State. So, the Centre has no right to defy the will of the people, who are electing the State Government. But because of the ulterior motive and political ambition to dismantle the opinion of the people at the State level, there are demolitions of the administration of the State Government by the Centre again and again. In this process, the centralisation process had started and gradually the Centre took the financial powers.

Earlier, the State Government had more powers to mop up funds but over the last 55 years, one after another, the Central Finance Commission, the Planning Commission and other institutions were misused and misutilised by the Central Government to snatch power from the State Government, and gradually the States became a dignified Municipality. It is the State Government which has to do all the work. Whether it is construction of a road or a hospital or a school or a college, it is the State Government which has to do it, and it is the responsibility of the State Government. The State Government does most of the work but most of the powers are in the hands of the Centre. This is an anomaly.

In our Constitution, we have three Lists – Union List, State List and Concurrent List. On the subjects under the Union List, the Centre has the power to formulate laws; on the subjects under the State List, the State Government has the power to formulate laws; and on the subjects under the Concurrent List, the Centre or the State has the power to formulate laws. Many of the subjects in the Concurrent List are related to the local matters. In respect of the matters related to the national level – keeping the country united; rivers, Railways, Defence and other matters – definitely the Centre would have to play its role. Gradually, the Central Government should release more powers to the State Governments and also the State Governments should release more powers to the local Municipal Committees and the Panchayats. That was the intention of our Constitution and our forefathers.

So, this is the purpose behind bringing this Bill in this House. I think, we have to give more powers to the States. Sometimes there was a quarrel between the two Constitutional authorities in our country, and ultimately, on many occasions, the Supreme Court had to intervene. Ultimately, the Sarkaria Commission was set up. That Commission also took pains to understand the Union's reality and made elaborate suggestions to change the system according to the new reality of our country. Day by day we are advancing. New understanding and ideas are coming up. Different types of forces are developing in various parts of the country. They have their own aspirations. They have their own understanding. They have their own dreams. So, if we want to keep the country united, we have to give full freedom. It is difficult to force them to come in one uniform way. India is a vast country and you cannot make a jacket for everybody. You cannot ask people to wear same type of dress or shoe or caps. If we impose such things in our country, then India will never remain united and it would be disastrous. So, think about the unity and integrity of the country.

**15.00 hrs.**

Now, recently it is becoming more and more dangerous because such forces which have the fascistic understanding about politics, religion and ideology are doing this. They want to suppress others; they want to suppress the religions of others; they want to suppress the language of others; they want to suppress the different aspirations of the people living in different parts of the country; and because of that, the danger is more.

If we have the Constitutional authority and more power is decentralised, only then can we save this country from those power hungry fascistic forces who want make the country uniform while killing the spirit of diversity. So, because of that, I think this Bill is very important. I would request that the whole House should consider this Bill so that the powers in regard to the 47 items mentioned in the List III of the Concurrent List as well as the residuary powers should be shifted from the Centre to the States. I think it should be shifted to the States because they have to do more and more work and bear more and more responsibility. So, the power in respect of this Concurrent List and the residuary powers should be given to the States. Actually, that will strengthen our federation. Simultaneously, the State should also hand over certain powers from the Concurrent List to the *Panchayats* and to the municipalities. From top to bottom, if the power is decentralised, then this country will be strengthened and the

country's unity in diversity will be strengthened. We hope that is the actual dream of our forefathers. By over centralising our system, we are not fulfilling that.

So, I support the Bill. I would appeal to the Government to bring forward a comprehensive Bill for this so that the States can get more power and India can become a true federation.

SHRI KHARABELA SWAIN (BALASORE): Sir, I rise to oppose this Bill. The main purpose of this Bill is to vest the residuary powers of legislation in relation to subjects not enumerated in the Union List or the Concurrent List in the States rather than the Centre as at present. The power of Parliament to interfere in the matters mentioned in the State List should also be done away with.

Hon. Member, Shri Suresh Kurup, keeping these things in mind, has tried to make some readjustment in the Constitution by way of bringing this Constitution (Amendment) Bill, 2000. He wants that in article 251 of the Constitution, for the words "articles 249 and 250", the words "article 250" shall be substituted. Likewise, he also wants that in the Seventh Schedule to the Constitution, in the List I, Union List, entry 97 shall be omitted; and in the List II, State List, after entry 66, the following entry shall be inserted, namely;-

"67. Any other matter not enumerated in List I or List III including any tax not mentioned in either of those Lists. "

**15.04 hrs. (Shri Devendra Prasad Yadav *in the Chair*)**

**So, the intention is this. What is the basic structure of the Constitution of our country? The unitary features of the Constitution form the basic feature of this country. Maybe, we are having so many States, but still India is a Union of States. It is not a federation. Take the example of the United States of America. There are 50 States. America is a federation. But you kindly go through their process of judicial review. Judicial review means whatever interpretation given by the Supreme Court about the Constitution. Within these last 200 years of the existence of the United States of America, most of the cases in between the States and the Centre have been adjudicated in favour of the Centre.**

**Even though the States were as independent as the Centre in the United States of America, during the initial period of the formation of America, it is not the case. It has undergone a sea change.**

**I would just read out the relevant portion from article 248 of the Constitution, which deals with the residuary powers of the legislation. It says:**

**"(1) Parliament has exclusive power to make any law with respect to any matter not enumerated in the Concurrent List or State List.**

**(2) Such power shall include the power of making any law imposing a tax not mentioned in either of those Lists."**

Let us take for example, the value-added tax. All the State Governments have appealed to the Central Government to have a uniform tax rate all over the country. Even though a large number of traders and others are agitating all over the country, we find that when the Finance Ministers from the States come to Delhi, they agree on the point that there should be a uniform tax law and a uniform tax rate all over the country called 'value-added tax'. So, what is the harm if the Central Government formulates a law with regard to imposing a tax?

I now come to Article 249, which says:

"â€¦ if the Council of States has declared by resolution supported by not less than two-thirds of the members present and voting that it is necessary or expedient in the national interest that Parliament should make laws with respect to any matter enumerated in the State List specified in the resolution, it shall be lawful for Parliament to make laws for the whole or any part of the territory of India with respect to that matter while the resolution remains in force."

Everybody knows the necessity of having the Rajya Sabha. We represent the people of India, we represent the common man, but it is the Rajya Sabha or the Council of States which represents the interests of the States. That is the basic thing. That is why the Rajya Sabha or the Council of States has been given the power to pass any resolution with two-thirds majority that the Parliament has a right to pass any law that would be applicable on the States, if it is felt required. So, if we do not give this power to the Rajya Sabha or the Council of States, what is the necessity of having a Rajya Sabha at all? We could manage with the Lok Sabha. There is no necessity of the

Members of that House to be elected by the MLAs. That is why, it is actually not going against the interests of the States.

In Article 251, it is said:

"Nothing in articles 249 and 250 shall restrict the power of the Legislature of a State to make any law which under this Constitution it has the power to make, but if any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament has under either of the said articles power to make, the law made by Parliament, whether passed before or after the law made by the Legislature of the State, shall prevail, and the law made by the Legislature of the State shall to the extent of the repugnancy, but so long only as the law made by Parliament continues to have effect, be inoperative."

For example, the Assembly of Jammu and Kashmir has several times tried to pass Resolutions that are against the interests of this country. Do we mean to say that we give the powers to all the State Governments to pass any Resolution they like? If they pass a Resolution desiring to secede from India, should we agree to that?

Hon. Members Shri Suresh Kurup and Shri Hannan Mollah have said that financial powers should be given to the States.

What is the meaning of that? Should we give the financial powers to the States to borrow from any foreign country? Will it be possible?

Now, they borrow through the permission of the Central Government. But should we permit them so that they can borrow? My question is that if they borrow and do not pay, then what will happen. You take the example of so many States. They have given a number of guarantees. They have stood guarantors on so many projects including the projects like Dabhol, Enron in Maharashtra.

I come from Orissa and Orissa has stood guarantor in so many projects that it is now not in a position to pay back. So, this is a very risky proposition that financial powers should be given to the States so that they can borrow from any country at their sweet will. It is simply not possible. In the days of globalisation when it is the country, which represents the interest of every State, at that time, the interest of a State can never be separated from the interest of the country. So, I do not agree on that point.

Now, take the example of security of this country. As you all know, every day in this very House we demand with the hon. Deputy Prime Minister and the hon. Minister of Home Affairs that there is naxalite menace in our country and in our State. There is so much violence in our State. So, please send CRPF, CISF and the Central paramilitary forces. You can imagine with the organisational structure and with the quality of training we have provided to our State police what will happen to this country or to any State, if the Central paramilitary forces are not allowed to intervene in most of the times. In my own State, the naxalites have killed so many policemen. The Malkangiri, the Koraput and the Raygada districts of Orissa are under total sway of the naxalites. No policeman wants to go to man any of the police stations there. Now, it is only the paramilitary forces, the CRPF and others who have gone there and brought some sort of semblance of peace.

Now, take the example of sports. It is in the Concurrent List. However, every time in this very House itself we demand that sport should be brought under the Central Government. It should come under the Central List. The Central Government is having its resources or the policy or the capacity to improve the performance of the sports persons in this country. Can we say that about sports that we will allow the State Governments to have the law according to their own sweet will?

Now, take the example of connectivity of the rivers. The Government of India has come out with a stupendous and a very imaginative project to connect the rivers of India so that the forest areas, the areas which are gradually turning deserts day by day and where the ground level water is going very deeper and deeper every year, can be made good. The situation in those areas will change if the rivers are connected. Who will do this? Will it be possible by the State Governments? If we allow the State Governments to have their own laws, then we will not be able to connect these rivers. Can the surplus water of the East or North go the West or South? It is only the Central Government, which has got the resources and which has got the coordination capacity, can do it.

So, finally, I come to the point about the Central assistance and about the poverty alleviation programmes.

Take the example of the Rural Development. All the money is being sent to the State Governments. You know Sir, - after the introduction of the Fifth Finance Commission's Report - that almost all the States do not have any money for developmental work. The job of most of the State Governments is now just to pay salary to their staff. So, for any developmental work; any poverty alleviation work, it is the Central Government which is financing. But, who is

the implementing agency? It is the State Governments. It is because the Central Government does not have any implementing agency of its own. So, it is the State Governments who are doing this.

We, the Members of Parliament, demand in the Parliament that we should be given more powers for supervision, and for monitoring. We say this all the time, and all the time the Rural Development Minister says that it is the State Governments that will take the decision, and that it is not possible on the part of the Central Government to monitor it. It is because the Central Government does not have the monitoring power. Even with regard to MPLAD, all the time we say that it is the Central Government which should monitor, but the Minister for Programme Implementation expresses his inability to do it. So, it is the State Governments, which are doing it. That means, there is a coordination between the Central Government, and the State Governments. The Central Government -- be it at the time of Congress or during our time -- had never lorded over the State Governments. There is coordination between the Central Government and the State Governments, and in future also it would remain the same. So, I fully disagree with Shri Suresh Kurup. I do not agree with this Bill. This should be rejected, and rather, I think, there are so many other items in the Concurrent List like sports, etc. which should be brought to the Central List, and just like now, power should rest with the Central Government, and not with the State Governments to make the laws. Thank you very much.

SHRI SHIVRAJ V. PATIL (LATUR): Sir, this is a very interesting Bill moved by a Private Member. The intention of the Mover appears to give more powers to the States in matters of legislation, and finances. While moving the Bill, the hon. Member said that the Union should be strong; and the States should be strong. Nobody can object to his idea that the Union should be strong, and that the State should be strong.

Before India became independent, there were many bodies which were considering as to what kind of Constitution India should have; and at that time they were thinking of giving more powers to the States and less powers to the Union than -- what has been done in our Constitution and -- what is available in our Constitution today. But, after India became independent, and the country was united, the concept of federalism was not allowed to remain in the Constitution as it was proposed. I do not think the word 'federal' has been used in the Constitution, but the word 'Union' has been used in the Constitution. But, it does not have the same kind of classical unitary characters, as such. There are federal characters in our Constitution also, but care was taken to see that Union was quite capable to keep the country united; to protect the country from invasion or aggression; or to keep the country capable of protecting its own sovereignty, territory and the borders. That was the intention.

These days, there are some States and some regional parties also asking for more powers to the State. The real and the most important question is, can this demand of theirs be accepted. That is why, the Sarkaria Commission was appointed and the Sarkaria Commission has gone into this matter. I am not going to refer to the Sarkaria Commission or so many other things. I would like to express my views rather than my Party's views, which are not going to be very different from those of mine on this subject.

I do think that the Union should be stronger than what it is today, and States should have more powers, if it is possible to give more power to the State Governments, so that the demands made by the people living in the States are met because the States are at the cutting edge. It is through the State that the people are really helped in their day-to-day lives. They should have the means, they should have the funds and they should have the authority. They do have the authority, but probably what they need is more funds. Is it possible to give them more funds? That is really the question before us. My view is that the States are allowed to collect the taxes, but we know that States are not using those powers as they should. If they use all the powers which are given to the States to collect the taxes, to collect the revenue, they would be able to have more funds in their coffers and, yet, we find that it becomes very difficult for the Ministers and the Governments, who are in day-to-day contact with the people over there, to collect the taxes. With the result, they have the authority, but they do not get the funds. The question arises: Should the Union Government help them or not? They insist that it should. The Union Government has been helping them: A Government may be helping a little more or a Government may be helping a little less. But the Union Government has been doing as per the constitutional provisions, as per the law also. My view is that simply by giving more authority to collect the revenue, it may or may not get the revenue it requires. So, the question is, whether we should accept the proposal given for giving the revenue. In my opinion, this is an area which should be very carefully examined and wherever it is possible to give them more authority to collect the revenue, it should be given to them so that they have enough funds to meet the requirements of the people.

This Bill mainly relates to the legislative powers. There are one or two references with respect to the financial powers, but it mainly relates to the legislative powers. The Bill is seeking to transfer the residuary power from the Union Government to the State Government, and many times it is said that in America, the residuary power is with the State Government and not with the Union Government, so why it should not be given to the State Government in India also. But the historical facts are different. In America, the State came into existence before the Union came

into existence. In India, the Union came into existence before the State came into existence. This is one. Moreover, if the legislative power is given to the State, sometimes, they find it very difficult to make the law. If the law has to be applicable to two States, if the law has to be applicable to the rivers, if the law has to be applicable to Railways, if the law has to be applicable to the electric grids that we have in the country, the law made by one State is not enough to meet the requirements of implementing the plans and the projects made by the Union Government. That is why, some powers are provided in the Constitution under which even if the State Legislature has the authority to make the law, having the subjects mentioned in the State List, if the Council of States decides by two-thirds majority, the law can be made by the Parliament.

It is not easy to have a Resolution passed by a Legislative Council to make a law. At least, I do not remember any occasion when this was done by a Legislative Council. Maybe it has to be gone into, but at least I do not remember, I do not know, of any occasion when this was done. The States have been requesting the Union Legislature to make laws. When two States have requested the Union Legislature to make laws, laws have been made by the Union Legislature for those States, to meet the requirements of more than one States in a particular area.

My opinion is that the present arrangement in the Constitution was made with careful consideration. This apple cart should not be unnecessarily disturbed. Once it is disturbed, there would be no end to it. That is why, very carefully this matter should be looked into. While taking precaution to see that this apple cart is not disturbed, it should be the endeavour of the Government of India to help the States. It should be the endeavour of the State Governments to cooperate and coordinate with other States.

Those who have been in Government for a pretty long time know that funds are released but they are not utilised for the purpose for which they are given. There are some States to which funds were given but those funds were not utilised for the intended purpose. That is why the Union Government had to take the decision not to give funds to District Authorities through the State machinery but release them directly to the District Authorities. Jawahar Rozgar Yojana funds are going directly to the District Authorities. Those funds are being used.

Why was this done? This was done because the funds which were given to the States to be utilised for giving employment to the citizens in the States were not utilised by the States for that purpose but they were utilised for giving salaries to the Government officers. That is why the Panchayats are getting direct assistance and cooperation from the Union Government. District bodies are getting funds from the Union Government directly.

Many times it is found that the funds are given for one purpose and they are utilised for some other purpose. Many times it is found that the Union Government is not in a position to ask them why this is done. The only forum where this can be raised is the Planning forum. When Annual Plan is made they say, 'We gave you funds but you have not utilised them. So, you will be given lesser amount of money for the ensuing year.' That is the only thing they can do.

There is no body which is available, where the Union Government and the State Governments can sit together and can plan for the country's development, where planning is done, where they assess as to how the plan is implemented and find out whether the funds which are made available to the State Government are used or not. There is no Inter-State Council. There are other Constitutions in the world which have Inter-State Councils, Councils in which the representatives of the Union Government and the representatives of the State Governments sit and plan.

This is exactly why, after the Constitution was made, Pandit Jawaharlal Nehru - not by making a law, not by amending the Constitution, but by just an administrative order - created the National Development Council in which the representatives of the Union Government and the representatives of the State Governments sit, in which the Five Year Plan and some national issues are considered. That is a body which has no Constitutional backing.

In a country like ours where there are so many States, where there are so many people, where funds are limited, where the time is also limited, where the resources are not such that they can be properly utilised, where there are no technologies, and where coordination and cooperative action is required for the development of the country, there is no forum where these can be done! What is to be done by the Union Government on the subjects in the Union List, the Concurrent List and on the Residuary Matters, is done by this body.

But the State Governments have the exclusive jurisdiction to make the laws and to enforce the laws on the subjects which are mentioned in the State List. So, there is no body available at all, there is no forum available at all for perspective planning, there is no forum available at all for assessing as to how the plans are being implemented. There is no forum available to the country. The funds are given but as to how the funds are spent, is not considered. Even if it is considered, the C&AG may consider it and give a report to the State Legislatures. And, if the States and the State Governments are not interested in highlighting as to how the funds are used, then it is not done.

So, my submission is that there is a requirement to see that there is a forum where the Union Government and the

State Governments can join hands to make the plans, to assess the plans, to spend the money in a cooperative and coordinated manner, to produce best of the results with small amount of money and resources that are available to the country. That is required and not just decentralisation.

Decentralisation is necessary. Giving power to bodies at different levels is necessary. It should be done. That is why we have the Union Government, that is why we have the State Governments, that is why we have the district bodies, *taluka* bodies and the local bodies. But decentralisation by itself will not solve all our problems. It is necessary to have coordinated and harmonious action to be taken by all authorities at all levels to produce best of the results. There is the possibility of decentralising the power at different levels. We have decentralised the power. If necessary, we should decentralise the power more also. But there is no forum where a coordinated action can be taken.

So, there is a case for creating a forum or a body where this kind of planning coordinated action can be taken. I do feel that the intention of the mover is good. If possible, we should help the State Governments to have more funds in whatever fashion it may be. There is no forum. So, the manner in which the Union Government is helping the States cannot be correctly discussed excepting the National Development Council, which also meets for just one day. It does not meet even for two days. It has been meeting for one day where the nation's problems have to be considered. Then, the political issues are considered more than the economic issues and social issues which are also very important issues.

Sir, there are States which are objecting to the Government of India's not giving them the assistance to meet the drought conditions. But what they are saying is correct or not, where do we look at? Now, when we are considering that issue in Parliament, those who are making complaints are not there to say whether their statement is correct or not. There also, if the Union has to help the State Governments, there they should have the State representatives sitting and talking to each other, face to face and saying that, "look, we had made this kind of a demand; you have not given us enough of food grains; you have not given enough funds; you have not given us enough assistance; you have not given enough assistance in time." There, they should be able to say that.

The National Development Council is not meeting for years. If it meets, it meets for one day, and there is no enough time to discuss all these issues. And, that is really creating problem. People from different States are going with different concepts and different views. They think that certain States are helped more than they should be helped and certain States are not helped. This has become very clear in the recent times when the question of drought was discussed. This is happening because there is no forum. I am not saying that what the Union Government is saying is wrong or what the States are saying is only correct. What I am saying is that misconception with respect to the help given prevails. There is doubt; there is no confidence in the minds of the State Governments and the people of all the States that if required, the required help would be given to them in time, and as per the requirement. That kind of confidence is lacking. Why this kind of confidence is lacking is because there is no occasion to discuss these issues face to face. So, this is all happening.

That is why, in my opinion, if anything has to be done, we have to take steps to see that there is a coordinated, cooperative and harmonious action. These things are discussed here. The intention of the Member is good. I would not say that he has not come before the House with good intentions. The State Governments have their own problems. But, while solving one type of problem, we should not create another big type of problem.

DR. V. SAROJA (RASIPURAM): Mr. Chairman, Sir, I rise here to support this Bill, but with a few reservations.

The time has come when the Centre-State relations need to be strengthened by judicious redistribution of the legislative and executive powers between the Centre on the one hand, and the States on the other hand. The financial aspect will also be taken into consideration.

After 53 years of Independence, India is the biggest democracy of the world, but still it is a developing country.

Sir, through you, I would like to draw the attention of this august House, especially of the policy-makers, and my learned and experienced colleagues, who are sitting here in this House, that we are not able to find a permanent place in the Security Council.

The policy-makers of the Centre and the States have to take into consideration many factors.

Sir, the official machinery plays a major role in implementing the schemes that the Centre or the State Governments formulate. It is the official machinery which has to implement it in at the grass-root level.

Are we not competent enough, or is it not a time for us to have an amendment to set this official machinery right so that the benefits of this programme reach the beneficiaries at the grass-root level for which the august House, the



State Assemblies, the elected representatives in the Parliament, and also the Members of Legislative Assembly are committed for? We are accountable enough to deliver the goods to the people of India.

Sir, I was a Government official in the State Government for 20 years. I express my feelings that the State Governments should be given more powers so that they do not have to face any undue delay in getting most of the things from the Government of India.

The State Governments are not able to provide the basic infrastructure facilities including electricity for the areas where the Scheduled Tribes live. We are not able to provide even the drinking water. Why, for everything the Ministry of Forests and Environment has to give the clearance? They are also the proud citizens of this great democracy. Are they not entitled to have a protected drinking water, a house, and light, even now after 53 years of Independence?

I stand before you with a heavy heart that we are not able to provide the basic amenities for the depressed and poor people.

Apart from this, the Centrally-sponsored schemes, are not following the norms. There is undue delay. They are not able to take appropriate steps at the appropriate time so that the beneficiaries get the benefits in due course.

Learned hon. Members who spoke before me, mentioned about drought situation and I agree with them. Tamil Nadu and also all other States have declared drought-affected areas. When the Government of India sends assessment teams, they come back after 2-3 months; they assist the drought situation; depending on their findings on a particular day, they submit the report; after six months or even more than that, the States are getting the minimum relief measures. If this is the case, what is the use? For what purpose the Government is there? For what purpose the Parliament is there? If we are not able to protect the people, if we are not able to give them what is due, what for we are sitting here? Food grains are getting rotten in the go-downs; people are not getting them. Where is the law? For what purpose we have this law and for what purpose we have this Parliament?

I was rushing through the Constitution Amendment Bill. I feel that we have to bring in more amendments; the House is competent to do that. I also feel that except for very important subjects, 75-85 per cent of the subjects in the Concurrent List and Union List should be in the State List; powers should be given to the State Governments; then only, people of the States concerned will be able to enjoy benefits.

We are having regional imbalance between North India and South India. Within India, we have this imbalance. Why is it so? I would like to ask the policy-makers. After all, we are all Indians. This is our motherland. Why is there so much difference between North India and South India in every aspect? Be it economic status or be it educational status, there is regional imbalance. It is because most of the powers that are there with the Union Government, are not reaching the grassroots level, when the State is in need of it. Through you, I would urge upon the policy-makers to bring in more amendments. Shri Shivraj Patil is here; my senior colleagues are present here. We have to have a sound thinking; we have to bring in constitutional amendments which are suited for the day. Do we not have any competent authority? Are we not competent enough to bring in more amendments, not only here, but also – as it is said, in financial, judiciary, legislative and executive matters? We have to sit and critically evaluate as to where we are going wrong. Otherwise, we cannot take the country in the right direction. All these 53 years, we were not able to deliver constitutional rights to the people of our country; at least now, the time has come for us to do it with the help of National Development Council, the State Planning Boards and the Union Planning Commission. We have to have a Constitutional Review Committee which should address all these issues so that at least from the Tenth Five Year Plan, we can achieve our goals within a stipulated time, without any delay. There should also be a time-bound programme. Even the release of funds from the Central Government to the State Government should be streamlined. As regards utilisation certificates from the State Governments, we are expected to give it to the Government of India so that Centre-State relationship will be cordial. Every time we see that there is delay in receiving the proposals or sending the proposals; bureaucracy is there; this august House is there.

I caution the Government to take appropriate steps and see that the bureaucratic and the official machinery is tuned up so that the Centre-State relationship will be cordial and we will be able to do justice to the people of India. With these words I conclude.

**प्रो. रासा सिंह रावत (अजमेर)** : माननीय सभापति जी, मैं सुरेश कुरूप जी द्वारा प्रस्तुत संविधान संशोधन विधेयक, 2000 का विरोध करता हूँ। हमारे देश में जो कल्पना राज्यों और केन्द्र के बारे में की गई है, इतिहास इस बात का साक्षी है कि जब-जब केन्द्र कमजोर हुआ है तब-तब देश कमजोर हुआ है और जब-जब केन्द्र सुदृढ़ हुआ है तब-तब देश दुश्मनों से निपटने में सर्वथा सफल रहा है, विजयी रहा है। इसमें तनिक मात्र भी संदेह नहीं है। जब मुगल साम्राज्य का अंत होने लगा, उस समय रियासतों की क्या हालत थी? उस समय सूबेदार प्रबल हो रहे थे, जिसके परिणामस्वरूप केन्द्रीय सत्ता इतनी कमजोर हो गयी कि वह नियंत्रण नहीं पा सकी जिसके परिणामस्वरूप हमारा देश अंग्रेजों की गुलामी का शिकार हो गया। जब हमारा देश अलग-अलग रियासतों में बंटा हुआ था, अलग-अलग टुकड़ों में बंटा हुआ था, उस समय अंग्रेज व्यापारी बनकर आया और हिन्दुस्तान का शासक बन बैठा, केवल इस कारण से कि हमारा देश कई रजवाड़ों, छोटी-छोटी रियासतों में बंटा हुआ था।

मैं संविधान के निर्माताओं को धन्यवाद देता हूँ कि उन्होंने केन्द्र और राज्यों के बारे में संघवर्ती सूची, राज्यवर्ती सूची और समवर्ती सूची--ये जो तीन प्रकार की सूचियाँ

बनाई है जो एक प्रकार से लक्ष्मण रेखा खींचने का काम किया है। लेकिन सत्ता में केन्द्र को अपनी शक्तियाँ और राज्यों को अपनी शक्तियाँ दी हैं। इसके तहत राज्यों की अपनी विधायिका, न्यायपालिका, कार्यपालिका है और केन्द्र को अपनी विधायिका, न्यायपालिका, व्यवस्थापिका आदि सारे स्वरूप प्रदान किये हैं। इसलिए मैं कहना चाहूँगा कि हमारे साम्यवादी मित्रों के मन में क्या है और वे जो अमेंडमेंट लाये हैं, उनमें क्या है, इसमें मुझे शंका मालूम पड़ती है।

सभापति जी, आप मुझे क्षमा करेंगे। हमारे यहां रा्ट्र की जो कल्पना की गयी है, भारतीय संस्कृति की तरफ से रा्ट्र को एक पुरुष की तरह, एक देव की तरह देखा गया है - "रा्ट्र देवो भवः, रा्ट्र पुरुषो भवः" जैसे हमारे अंगूठे में चुभने वाला कांटा सारे शरीर के अंदर दर्द की अभिव्यक्ति करता है, कहीं कोई पीड़ा हो रही हो तो सारे शरीर को उसकी एकात्मकता की अनुभूति होती है, पीड़ा होती है, अगर शरीर के किसी भी अंग को सुख की अनुभूति हो रही हो तो सारे शरीर को सुख प्रदान होता है, ठीक इसी तरह से रा्ट्र की स्थिति है। अगर हाथ थोड़ा मजबूत हो और बाकी शरीर ऐसा ही रह गया तो शरीर की काया असंतुलित हो जाती है। अगर पैर मजबूत हो गया और दिल ऐसा ही रह गया, दिमाग ऐसा ही रह गया तो क्या स्थिति होगी? शरीर के करोड़ों अंग हैं, अलग-अलग अवयव हैं। वे सारे भली प्रकार से अपने-अपने स्थान पर अपना कार्य करते हुए, उस एक शक्ति के केन्द्रीभूत रहते हैं, उसके अधिकार के अंदर रहते हैं तो हमारा शरीर भली प्रकार से काम करता है। रा्ट्र के बारे में हमारी यही कल्पना है। इस देश के हर कंकड़ में शंकर के दर्शन किये हैं। यहां की नदियों को माता माना है। प्रातःकाल जब स्नान करने के लिए कोई जाता है तो वह गंगा, यमुना, नर्मदा, कावेरी, हिन्द महासागर और यहां की सिंधु का नाम लेता है, यहां के समुद्र, यहां की नदियाँ, यहां के पर्वतों, यहां की पैदावार, यहां की भौगोलिक विशेषताओं आदि सबका नाम लेता है। रा्ट्र के बारे में हमारी यही कल्पना रहती है।

साम्यवादी लोग यूरोप की विचारधारा से या कार्ल मार्क्स की विचारधारा से प्रभावित हैं। उनका मानना है कि हिन्दुस्तान एक रा्ट्र नहीं है। वह कई रा्ट्रों का एक समूह है। ऐसा उनके साहित्य में है जिसे मैंने पढ़ा है। उस साहित्य में यह लिखा है। वे चाहते हैं कि हिन्दुस्तान इतना ताकतवर न बन रहे। वह छोटे-छोटे राज्यों में बंट जाये, जैसे यूरोप, स्पेन, बेल्जियम, बुल्गारिया, यूगोस्लाविया, इंग्लैंड, जर्मनी, नार्वे, स्वीडन आदि हैं। वे हमारे देश के एक-एक जिले की तरह हैं। वे हिन्दुस्तान की ऐसी ही कल्पना करना चाहते हैं कि हिन्दुस्तान की हालत इस तरह की हो जाये। इसलिए ये बार-बार राज्यों के बारे में कहते हैं कि केन्द्र के पास संघवर्ती सूची में जो अधिकार हैं, केवल संघीय सूची को छोड़कर बाकी सारे अधिकार राज्यों को दे दिये जायें।

यहां बार-बार आर्थिक स्वायत्तता की बात की जाती है।

हमारे यहां यह मान्यता रही है और जैसा मैंने प्रारम्भ में कहा कि मैं जिस विचारधारा को मानने वाला हूँ, हमारे भारतीय जनता पार्टी के लोगों की विचारधारा, जो भारतीय जनसंघ था, उसके संस्थापक श्री श्यामा प्रसाद मुखर्जी थे, उन्होंने उसी समय सोच लिया था कि आगे जाकर इस देश के अंदर यदि किसी राज्य को 370 के नाम पर या और किसी नाम पर विशेष शक्तियाँ दी गईं तो उस समय एक देश के दो निशान, एक देश के दो विधान, दो प्रधान ये समस्याएँ पैदा हो सकती हैं। परिणामस्वरूप उन्होंने अपना बलिदान दिया लेकिन भारत की एकता को बनाये रखने का प्रयास किया। आज हम क्या देख रहे हैं कि आर्थिक स्वायत्तता के नाम पर अगर राज्यों को अधिकार दे दिये जाते हैं तो क्या नागालैंड में इतने रिसोर्स हैं कि वह अपने राज्य का विकास केवल अपने द्वारा उत्पादित संसाधनों से कर सकता है? मिजोरम और त्रिपुरा की स्थिति क्या होगी या छोटे-छोटे राज्य हैं या केन्द्र शासित प्रदेश हैं या जो पिछड़े राज्य हैं, वे बिना केन्द्र की सहायता के कैसे चलेंगे? अगड़े राज्यों की बात तो छोड़ दीजिए लेकिन क्या पिछड़े राज्य बिना केन्द्र की सहायता के चल पाएंगे? इसलिए अगर राज्यों को आर्थिक सहायता दी गई तो मुझे दुख के साथ कहना पड़ता है कि पीएसी की रिपोर्ट इस बात का साक्ष्य प्रदान करती है कि कई राज्य जहां केन्द्र द्वारा पैसा भेजा जाता है, वह पैसा आर्थिक स्वायत्तता के नाम पर विकास में खर्च नहीं होता है बल्कि अन्य कार्यों में खर्च होता है, भ्रष्टाचार में खर्च होता है या लोगों की जेबों में चला जाता है। इसलिए मैं आपके माध्यम से कहना चाहूँगा कि हमारे देश के बारे में जो कल्पना है, वह अलग है और पाश्चात्य दृष्टिकोण अलग है। मैं साम्यवादी मित्रों से पूछना चाहूँगा कि क्या वे इसी विचारधारा से प्रेरित होकर यह लाए हैं कि भारत एक रा्ट्र न रहे। इंडिया इज ए फेडरेशन। वह पहले से फेडरेशन मान लेंगे तो फेडरेशन में तो कोई हिस्सा कभी भी अलग हो सकता है और अगर यूनियन अलग-अलग होते हुए भी यूनियन इन् डाइवर्सिटी मानते हैं तो यह हमारा देश एक है, एक संविधान है, एक ध्वज है, एक संस्कृति है, एक इतिहास है, एक परम्परा है, एक विरासत है, एक मातृभूमि है और इसके बारे में ये सारे दृष्टिकोण रहेंगे तो मैं समझता हूँ कि राज्य अपने स्तर पर सुरक्षित रहेंगे और केन्द्र सारे राज्यों को भली प्रकार से अनुशासन में रख सकेगा, एकता के सूत्र में बांधकर रख सकेगा और देश के अंदर national and emotional integration राष्ट्रीय भावनात्मक एकता के भाव पैदा हो सकेंगे।

मुझे कहने की आवश्यकता नहीं कि एक विदेशी पत्रकार हिन्दुस्तान की यात्रा करने के लिए आया था और सारे देश में वह घूमा और घूमने के बाद जहाज में जाने लगा तो यहां के पत्रकार पहुंचे और पूछा कि हमारे देश में से अनोखी चीज कौन सी लगी तो उन्होंने कहा कि पूर्व से पश्चिम, उत्तर से दक्षिण सारे देश में मैं गया और लोगों से मिला और मैंने लोगों से एक सवाल पूछा कि तुम कौन हो तो किसी ने कहा कि मैं पंजाबी हूँ, किसी ने कहा कि गुजराती हूँ, किसी ने कहा कि बंगाली हूँ, किसी ने कहा कि राजस्थानी हूँ, किसी ने कहा कि मद्रासी हूँ, किसी ने कहा कि ब्राहमण हूँ, किसी ने कहा कि जाट हूँ, किसी ने कहा कि हरिजन हूँ और किसी ने कहा कि क्षत्रिय हूँ लेकिन किसी ने यह नहीं बताया कि मैं भारतीय हूँ, मैं हिन्दुस्तानी हूँ। इसलिए आज आवश्यकता इस बात की है कि हममें राष्ट्रीय एकात्मकता की अनुभूति होनी चाहिए कि हमारा सारा रा्ट्र कश्मीर से लेकर कन्याकुमारी तक, गुजरात से नागालैंड तक कोरा जमीन का टुकड़ा नहीं है अपितु उसके साथ हमारा आत्मीयता का भाव जुड़ा होना चाहिए जैसा कि यहां इस सूक्त में कहा गया है : माता भूमि पुत्रोऽहम् पृथिव्या। अर्थात् यह धरती माता मेरी माता है और मैं इसका पुत्र हूँ। जो वंदे मातरम हम कहते हैं, भारतमाता की कल्पना करते हैं और राज्यों को बहुत ज्यादा अधिकार यदि हम दे देंगे तो लक्ष्मण रेखा का उल्लंघन हो जाएगा। हर राज्य अपने अलग अधिकारों की बात करेगा तो फिर केन्द्र का सारा संतुलन बिगड़ जाएगा। इसलिए आज समय की पुकार है कि हमारे चारों ओर जो आतंकवादी शक्तियाँ हमें परेशान करने पर तुली हुई हैं। पाकिस्तान अमरीका की शह पर या अन्य शक्तियों के बल पर हमारे यहां कश्मीर के अंदर समस्या पैदा कर रहा है, आईएसआई का जाल सारे देश के अंदर बिछा हुआ है जो विघटनकारी ताकतें हिन्दुस्तान के अंदर जहरीले नागों की तरह फुफकार रही हैं, ऐसे समय राष्ट्रीय एकता की आवश्यकता है। देश एक है, एक रहेगा, हम सब एक रहेंगे। देश एक कब रहेगा? जब केन्द्र मजबूत होगा और केन्द्र मजबूत कब होगा जब नीतियाँ अच्छी होंगी और विकास की गंगा अच्छी बहेगी।

जो हमारी सेनाएं हैं, हमारी एकता की जितनी भी चीजें हैं, उनमें प्रसन्नता का वातावरण रहेगा और रा्ट्र खुशहाल होगा। जहां-जहां कमी होगी केन्द्र सरकार उदारता के साथ उन राज्यों को विकास के पथ पर लाने के लिए सहायता देगी। अभी राजस्थान में पड़े अकाल से निपटने के लिए केन्द्र सरकार ने राज्य सरकार को करोड़ों रुपए की सहायता दी, जिससे पेयजल की समस्या का निवारण हो सके। लेकिन वहां दूसरे दल की सरकार होने कारण कहती है कि हमें कुछ नहीं दिया। हर बात के लिए हर राज्य अगर केन्द्र को दोगा देता रहेगा तो केन्द्र और राज्यों का सम्बन्ध कैसे मधुर रहेगा।

सरकारिया आयोग ने बहुत अच्छे सुझाव दिए हैं कि केन्द्र और राज्यों में कैसे मधुर सम्बन्ध स्थापित हों। अभी शिवराज पाटिल जी कह रहे थे कि जैसे राष्ट्रीय एकता परिद है, राष्ट्रीय विकास परिद है, ऐसे ही अंतरराज्यीय परिद होनी चाहिए। जहां भी कोई गड़बड़ हो, वह भारतीय संविधान के अंतर्गत तुरंत निपटा दी जाए। लेकिन यह कहना कि राज्यों को ज्यादा अधिकार दिए जाने चाहिए, राज्यों को समवर्ती सूची के अलावा अन्य क्षेत्रों जो हैं, वह भी देने चाहिए, मैं समझता हूँ यह संविधान और राज्य के साथ अन्याय होगा। भारत की अपनी विशेषताएं हैं। जब हम यह कहते हैं कि सारे जहां से अच्छा हिन्दुस्तान हमारा, हम बुलबुले हैं इसकी, ये गुलसितां हमारा। जिस देश के बारे में हमारी ऐसी कल्पना है, हमारा चिंतन अगर गलत प्रकार का हो जाएगा, केवल राज्यों को ही मजबूत किया जाएगा, तो सारा फेडरल सिस्टम गड़बड़ा जाएगा। भारत एक फेडरल देश है। इसलिए ऐसा नहीं करके हमें मानना पड़ेगा कि हम एक हैं, एकात्मता की अनुभूति हमें है। राज्य अपनी लक्ष्मण रेखा को नहीं लांघेंगे और न ही केन्द्र अपनी लक्ष्मण रेखा को लांघेगा। चाहे बड़ा राज्य हो या छोटा, चाहे अगड़ा राज्य हो या पिछड़ा, चाहे मैदानी राज्य हो या पहाड़ी राज्य हो, उन सबका समावेश इस रा्ट्र के अंदर ही होना चाहिए। मुझे गोस्वामी तुलसीदास जी की यह पंक्तियाँ याद आ रही हैं,

मुखिया मुख सो चाहिये, खानपान को एक,

पाले-पोसे सकलअंग, तुलसी सहित विवेक।

हमारे शरीर में मुख खाता है, लेकिन मुंह ही नहीं बढ़ता, एड़ी से लेकर चोटी तक शरीर का विकास होता है। इसी तरह से राज्यों का मुख केन्द्र है। केन्द्र सरकार सारे संसाधन जैसे आयकर, रेवेन्यू आदि टैक्स लेती है और उसमें से हर राज्य को वित्त आयोग की मदद से उसका समुचित हिस्सा देती है। यही हमारे संविधान में भी प्रावधान किया गया है कि राज्य को उसका हिस्सा मिलना चाहिए। इस तरह से अगर हम चलेंगे तो सारे देश का विकास हो सकता है। राज्य कहेंगे कि हमारी नागरिकता अलग से हो, कानून अलग से हो, तो काम नहीं चलेगा। आज हम सारे देश की नदियों को एक-दूसरे से जोड़ना चाहते हैं। कोई राज्य कहेगा कि अमुक रेलगाड़ी हमारे राज्य से नहीं जानी चाहिए। परिणामस्वरूप पहले जैसे राज्यों में होता था, वैसी स्थिति हो जाएगी। इसलिए हमारे संविधान निर्माताओं ने दूरदर्शिता का परिचय देते हुए भारत का एकात्म संविधान बनाया। उसमें राज्य और केन्द्र के लिए समवर्ती सूची बनाई है। वह बहुत उपयुक्त है। उसमें अगर कोई दोष पैदा हो, तो हमारे राष्ट्र नायकों का कर्तव्य है कि वे राज्यों से बातचीत करके उन समस्याओं को सुलझाए। अभी जैसा हमने देखा कि सारे प्रदेशों के वित्त मंत्री यहां आकर एक स्वर में किसी बात के लिए राजी हो गए, लेकिन अपने-अपने राज्यों में जाकर कुछ और बात कहने लगे। परिणामस्वरूप नीतियों का कार्यान्वयन नहीं हो पाता है और वे भली प्रकार से लागू नहीं हो पाती हैं। इसलिए आवश्यकता इस बात की है कि देश के अंदर राष्ट्रीय एकता का वातावरण पैदा करने के लिए एक राष्ट्र है, सबल राष्ट्र है, हमारी एक आवाज है, ऐसी बात होनी चाहिए। जैसा वेद कहते हैं -

समानो मंत्रः समिति समानी।

समान मनः सह चित्तमोम्।।

समानी व आकृतिः समाना हृदयानि वः।

समानमस्तु वो मनो यथा वः सुसहासति।।

यह मंत्र संसद के गलियारों में लिखा हुआ है। हमारी एक प्रकार की गति, एक प्रकार की नीति और रीति रहेगी तो हम विश्व के सामने गर्व के साथ खड़े हो सकते हैं और अपनी पहचान, भारत की पहचान बना सकते हैं। अगर राज्यों को अधिकार देने के नाम पर देश के टुकड़े-टुकड़े कर दें तो लक्ष्मण रेखा टूट जाएगी।

**16.00 hrs.**

**Excess of everything is bad.** हमारे यहां कहा गया है कि आचारः परमोधर्मः। आचार का पालन करना परम धर्म है। आचार से पहले अति लग गया तो बन गया अत्याचार। अत्याचार के खिलाफ हम लोग विद्रोह कर उठते हैं। इसलिए मैं समझता हूँ कि केन्द्र के पास जो अधिकार हैं वे ठीक हैं। केन्द्र में राष्ट्रीय नेता प्रधान मंत्री के पद पर प्रतिष्ठित होता है और हमारे माननीय प्रधान मंत्री श्री अटल बिहारी वाजपेयी जी जैसे नेता के हाथों में सारा राष्ट्र सुरक्षित है। फिर राज्यों को ज्यादा शक्तियाँ प्रदान करना राष्ट्र को विघटन की ओर ले जाने वाला काम है। आज केन्द्र और राज्यों के संबंध मधुर हैं। वीरप्पन जैसे तस्करों को पकड़ने के लिए जहां केन्द्र की सहायता की आवश्यकता है वहां केन्द्र भी मदद देगा, वहां तमिलनाडु, केरल और कर्नाटक राज्यों की पुलिस मिल करके संयुक्त रूप से प्रयास करेगी, तभी काम चल सकेगा। राज्य अपने-अपने मामलों तक सीमित रहकर केवल अपने-अपने बारे में सोचेंगे तो देश के बारे में कौन सोचेगा। " नाव डूबेगी तो डूबेंगे सारे, न हम ही बचेंगे न साथी हमारे।" । घड़ा कितना ही पानी से भरा हुआ हो, अगर उसके नीचे एक सुराख हो जाए तो घड़े में से सारा पानी रिस-रिसकर निकल जाता है। इसलिए कहीं भी कोई भी राज्य, किसी भी प्रकार से लक्ष्मण रेखा का उल्लंघन करेगा तो राष्ट्र की एकता कमजोर हो जाएगी। इसलिए सभापति जी, सभी को एक समान विचार करना चाहिए। हमारे साम्यवादियों के मन में कुछ और है, वचन में कुछ और है और कहने में कुछ और है। उनकी राष्ट्र के बारे में जो कल्पना है, वह कुछ और है। इसलिए मैं इस अमेंडमेंट का विरोध करता हूँ।

**सभापति महोदय :** माननीय सदस्यों, आपको याद होगा कि पूर्वान्ह में जब कतिपय सदस्यों द्वारा आलू उत्पादक किसानों की समस्या पर चिंता जताई गयी थी तब माननीय अध्यक्ष जी द्वारा कहा गया था कि इस संबंध में मंत्री जी आएंगे। विाय गंभीर है, आलू उत्पादक किसानों की समस्या है। इसलिए माननीय कृषि मंत्री जी सदन में उपस्थित हैं। हम चाहेंगे कि वे इस संबंध में अपना वक्तव्य दें।

**श्री रमेश चेन्नितला (मवेलीकारा) :** जिन्होंने समस्या उठाई थी वे तो अब सदन में नहीं हैं।

**सभापति महोदय :** चेन्नितला जी, यह तो सदस्यों को खुद ही सोचना चाहिए कि वे इतने गंभीर मामले को उठाकर सदन में नहीं हैं। यह तो उनकी जिम्मेदारी है, उन्हें अपने संसदीय कर्तव्यों को खुद सोचना चाहिए।

**श्री जी.एम.बनातवाला (पोन्नानी) :** सर, यह भी एक रिवाज़ रहा है कि पहले से इस बारे में कोई ऐलान हो कि इतने बजे स्टेटमेंट दिया जाएगा। इस तरह से मैम्बर्स को सरप्राइज़ में लाना, यह मुनासिब बात नहीं है। नोटिस बोर्ड पर आप लगवा देते जिससे हर मैम्बर्स को पता लग जाता।

**सभापति महोदय :** बनातवाला जी, आपने जो परम्परा की बात उठाई है, वह सही है। लेकिन विाय इतना गंभीर है कि सभी माननीय सदस्य माननीय मंत्री जी का जवाब सुनना चाहते हैं और इस पर सारा सदन एकमत है। सदन की भावना को देखते हुए जवाब होगा।

**16.19 hrs.**

**SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL):** Sir, I support the Constitutional Amendment moved by Shri Suresh Kurup.

Before, I start my speech, I would like to mention that decentralisation of powers will not harm the unity of the country.

We have our experience. When the Constitution came into being, the power sharing process was done between the Union and the States only. The powers that are to be dealt with by the States were enlisted in the State List. The powers that are to be dealt with by the Union are in the Union List. We have also evolved a third List, that is the Concurrent List, where the Union will have to deal with. This was the arrangement at the time when the Constitution came into being on 26<sup>th</sup> January 1950. At that time we were not in the process of sharing further the powers enshrined in the Constitution. But, there was only a division between the States and Union. Now we have come to a stage where we will have to have a rethinking in the matter. That rethinking is coming into effect. Nobody will argue that strength of our Republic has weakened. No. By the latest amendments, now we have a Fourth Schedule in the Constitution giving powers to the local bodies. That will not weaken the federal structure of the Constitution. I have already expressed the view that the powers to be dealt by the Local Governments or the local bodies that is the *panchayat raj* system, were only enshrined in the Directive Principles of State Policy. The local bodies are not given any statutory powers. They will have to act as per the whims and fancies of the State Governments. Whenever some power is given by the State Government, by an Act of legislature, the local bodies could function. That was the provision at that time. That is why I have said that the local bodies were functioning within the powers which were given to the local bodies according to the political convenience of the party in power in the States. That was the system which was followed. Earlier, the elections did not take place to local bodies. There were *panchayats* functioning for more than 16 years and there were *panchayats* which had to function for 10 years. The powers were not given to the local bodies. The State Governments also had usurped the powers which were once given to the local bodies, making the local bodies a mockery of the Constitution. So, it was felt necessary that the Constitution will have to be amended. We have amended the Constitution by 74<sup>th</sup> and 78<sup>th</sup> amendments. The *panchayat raj* system came into being. We have now the three-tier system – the district *panchayat*, the block *panchayat* and the *gram panchayat*. They are functioning under the provisions of the Constitution. Powers have to be given to the *panchayats* as well. An additional list has been added to the Constitution. Panchayats were given, municipal bodies were given powers, like taxing powers etc. But even the Union Government could give funds directly to the *panchayats*. Why? It is because there is Constitution. They were given powers. They are functioning under provisions of the Constitution, not according to the whims and fancies of the State Governments. There is a guarantee that elections will take place at a particular time, at a particular period. There was no uncertainty about the duration of the *panchayats*, the local bodies. They are functioning as the State Legislatures were functioning previously. When powers have been diversified, powers have been given to the local bodies, have they not weakened the structure of our Constitution? Have they not weakened our federal structure? The federal structure of the Constitution is there to strengthen the democratic process.

Sir, having vested powers with the local bodies, our Constitution has not at all been weakened. So, sharing of powers between the respective bodies will not weaken the unity of the country. Sharing of powers will not weaken the democratic process also.

**16.25 hrs. (Mr. Speaker in the Chair)**

So, I would like to submit that merely sharing process will weaken the unity of the country is not a valid argument. Under the directive principles enshrined in our Constitution, they were given a statutory status. By doing so, our democratic process had been strengthened. So is the case with the present one. We have come to such a time that we will have to have a re-thinking on sharing of powers, especially sharing of powers in the economic spheres.

Now, the aims of this Bill make it abundantly clear that the time has come when the Centre-State relations need to be strengthened by judicious re-distribution of the Legislative and the Executive powers between the Centre on the one hand and the States on the other hand. Why do we feel that the time has come now? When the Constitution came into being, we never expected that there would be a Government at the Centre consisting of 24 parties. Now, NDA is consisting of 24 parties; splinter parties, major parties, national parties and State parties are together in the Central Government.

When the Constitution came into being, the framers of our Constitution never expected it. Even in the States, coalition Government is the order of the day. Now, coalition Governments are at the Centre also. NDA Government is the best example. That is why, we say that the time has come when we have to think over it. Now, our Constitution did not get weakened for the simple reason that we have 24 parties in power at the Centre.

You are all going together in spite of the fact that there were inconsistencies, diversities, and contradictions among you. But in the process of sharing the power, you are all together. You are prepared to do way with all your ideals, all your thinking and everything for the sake of sharing the power. So, there is a tendency for sharing the power. That is the opportunistic tendency which we find in our politics today, especially at the Centre. You do not have any hesitation to accept things which are opposed to your principles enshrined in your party constitution for the simple reason that you want to share the power at the Centre. In the process of administration, we find such a tendency. That is why, we hold or presume that the time has come for re-thinking on sharing of powers.

Now, I would like to give a concrete example of VAT – Value Added Tax system. Could you implement it? You could not implement it. The States took a different view. There was a declaration that on 1<sup>st</sup> April, 2003, VAT would be implemented. Could you implement it? For different reasons or political reasons, the States could not come with you. The Centre was forced to comply with the wishes of the States. So, the implementation of VAT is ...(*Interruptions*)

MR. SPEAKER: Shri Varkala Radhakrishnan, you will be on your legs. You can continue your speech next time. Now, we have to take up the Resolutions.

...(*Interruptions*)

SHRI PRAVIN RASHTRAPAL (PATAN): Mr. Speaker, Sir, no Minister was listening to his speech. ...(*Interruptions*)

MR. SPEAKER: No, they were listening to his speech with concentration.

SHRI PRAVIN RASHTRAPAL : The entire Private Members' Business – Bills - is being converted into a forest in this Parliament. ...(*Interruptions*)

MR. SPEAKER: They all concentrated on his speech.

SHRI PRAVIN RASHTRAPAL : No, Sir. No Minister, including the Law Minister, was listening to his speech.

MR. SPEAKER: Shri Varkala Radhakrishnan, you can continue your speech next time.