

12.20 hrs.

MOTION RE: REPORT OF THE
COMMISSION ON CENTRE-STATE
RELATIONS

[English]

THE MINISTER OF HOME AFFAIRS
(S. BUTA SINGH): Sir, I beg to move:

"That this House do consider the
Report of the Commission on Centre-
State Relations."

The Commission on Centre-State Relations with Mr. Justice R.S. Sarkaria as Chairman and Shri B. Sivaraman and Shri S.R. Sen as Members, was set up in June, 1983 to examine and review the working of the existing arrangements between the Union and the States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures as may be appropriate. In its exercise, the Commission was to keep in view the social and economic developments that had taken place over the years with due regard to the scheme and framework of our Constitution which the founding fathers had so carefully designed to protect the Independence and ensure unity and integrity of the country.

The Commission submitted its report to Government on the 27th October, 1987. The report is in two parts. Part I of the report contains the views and recommendations of the Commission, while part II is a compilation of various memoranda and papers presented to the Commission by the State Governments, political parties and others. Part I consists of 247 recommendations.

The report of the Commission covers the entire gamut of Centre-State Relations. Some of the important items covered by the report are: Legislative Relations, Administrative Relations, Role of Governors, Reservation of Bills by the Governors for President's concurrence, Emergency Provisions, Deployment of Union Armed Forces in States for Public Order Duties, All India

Services, Inter-State Council, Financial Relations, Economic and Social Planning, Industries, Agriculture, Mines and Minerals, Forests, Food and Civil Supplies, Inter-State Water Disputes, Trade and Commerce, Mass Media, etc.

The report of the Sarkaria Commission was translated and got printed. The Government made preliminary examination of the report and decided to release the report to the public. Accordingly, a press release was issued on 30.1.1988, highlighting the important recommendations of the Commission. Copies of the report were simultaneously placed in the Parliament Library for the use of the Members of Parliament. In the meeting of the Consultative Committee for the Ministry of Home Affairs held on 5th February, 1988, copies of the summary of recommendations and the press note issued by Government were made available to the Members of the Committee present.

Copies of the report have since been sent to the leaders of political parties and Members of Parliament through Lok Sabha/Rajya Sabha Secretariat.

Copies of the report were sent to the Chief Ministers and all State Governments with a request for their comments. Copies of the report have also been sent to the Ministries/Departments concerned of the Central Government, for examination of relevant recommendations of the Commission. Copies of the report have also been sent to Governors of all States. The recommendations of the Commission are being examined carefully and the Government will take decisions after taking into consideration the views of the Members of Parliament, the State Governments and others.

In regard to the State Governments, comments from as many as nineteen State Governments have been received. Comments from other State Governments are awaited and they have been reminded.

The report has been discussed in detail in the Parliamentary Consultative Commit-

tee for the Ministry of Home Affairs. The Committee has devoted four sittings on this report. I am grateful for the comments and suggestions of the hon. Members of the Committee.

The report has also been discussed in the Rajya Sabha on 28th, 29th and 30th November, 1988. I am grateful to the hon. Members who have given valuable suggestions. Government have taken note of the points made by the hon. Members of Rajya Sabha.

Government is keeping its mind open on the recommendations of the Commission and decisions on the recommendations would be taken only after taking into consideration the views of the State Governments, Members of Parliament and others.

With these submissions, Sir, I request that the report of the Commission on Centre-State Relations may kindly be taken up for consideration of this August House.

MR. DEPUTY SPEAKER: Motion moved:

"That this House do consider the Report of the Commission on Centre-State Relations."

Shri Ayyapu Reddy.

SHRI E. AYYAPU REDDY (Kurnool): Mr. Deputy Speaker, Sir, the Sarkaria Commission was constituted in the year 1983. The Commission took four long years to submit its report. Its report was submitted in October, 1987. Even when the 8th Lok Sabha was constituted, we expected that the Sarkaria Commission's report would be available in the first year or the second year and that this Lok Sabha itself would finalise the recommendations and changes in order to bring about a harmonious equilibrium in the working and the functioning of the Union and the States. But unfortunately this has not been done and the 8th Lok Sabha is coming to an end. Even now the Union Government has not come forward with any specific pro-

posals. The statement of the hon. Minister that it has got an open mind and it has initiated the process of discussion, debate and ascertaining the views from various sections and various institutions, only shows that during this 8th Lok Sabha tenure, we will not be able to do anything or we will not be able to make any recommendations or finalise the proposals on the Sarkaria Commission's Report. The net result will be that these proposals on the Report will spill over to the 9th Lok Sabha and our discussion and debate will be purely of an academic value and it will not clinch any issue. This pains me very much that the exercises with which we are now indulging will be infructuous and fruitless except ventilating academically our views on the proposals.

Sir, this Report was submitted in 1987 and by the beginning of 1988, the Union Government could have at least arrived at certain preliminary, tentative decisions with respect to these recommendations. There are in all about 250 recommendations. Some of the recommendations are very non-controversial. The Union Government has not chosen it proper to give effect even with regard to those recommendations. On the other hand, what is surprising is even after the recommendations have been made, especially with reference to the appointment of Governors and the imposition of Emergency the recommendations have been flouted. They have been mocked at by the Union Government as most of these appointments of Governors have been made in utter contempt and disregard of the recommendations of the Sarkaria Commission. Sir, one important recommendation which has been made and which is really a non-controversial is the constitution of an inter-State Council under Article 263...

S. BUTA SINGH: That would not have changed the position in Andhra Pradesh.

SHRI B.N. REDDY (Miryalguda): Sir, he is allergic to Andhra Pradesh.

(Interruptions)

SHRIE. AYYAPUREDDY: Mr. Deputy-Speaker, Sir, I would like to make this debate non-controversial and I do not want these issues to be politicised because this is an important constitutional aspect and we have to evolve an enduring Constitutional philosophy so that the objects which have been set out in the Constitution, namely that of ensuring a welfare State is achieved. So, let us not try to politicise the issues. Let us try to be as objective as possible because our existence here itself is temporary but the Constitution has to be very ensuring.

Sir, what I suggest even now very earnestly is, let the Union Government constitute an inter-State Council as recommended by the Sarkaria Commission, consisting of the Prime Minister and the Cabinet Ministers of the Union and the Chief Ministers of all the States. This can be done before the end of the Budget Session. Let the Inter-State Council as constituted consider the Sarkaria Commission's Report and the recommendations arrive at a national consensus and let the Government come forward with specific proposals in the month of May, June or July—specific proposals with regard to the recommendations which it is going to accept and if it comes forward at least with certain preliminary or tentative proposals, then it would be quite useful for the Members to give their expression. Now, as it is, the entire issue is so wide, the discussion and debate will be very much diffused, diverse and probably directionless, and it may assume political overtones.

Sir, having said this much, I must say that the necessity to have a Commission to examine the relationship between the Union and the States was felt so that the disharmony and inequilibrium that had crept into the functioning of the Constitutional authority between the two tiers, the State and the Union, is removed. That necessity was felt even in 1983 and whatever tensions that the existing have not been diffused. Rather, they have been accentuated. It is quite unfortunate that the Prime Minister and the Union Ministers openly criticise the State Governments going to the very States, accuse the

State Governments—I am not taking any partisan view—of inefficiency and other lacunae placing the lack of development of that State squarely at the doors of that State Government. It is equally unfortunate that the Chief Ministers are openly defying and criticising the Prime Minister and the Union Ministers and are stating that the responsibility for the non-development of the State is on account of the Union Government's attitude. It is a very unedifying scene so far as the citizen of India is concerned. The constitutional institutions are openly creating tension. It is really unpalatable to an ordinary citizen to see the spectacle of the Union being blamed by the State Government and the State Government being blamed by the functionaries and the Heads of the Union Government. This has to be avoided. A fresh air has to be breathed into the relationship between the States and the Union, a fresh outlook has to be ushered in. A new chapter of mutual cooperation, of mutual respect, has to be written. Sarkaria has very rightly emphasised the need for attitudinal changes. What is required is not merely an amendment to the Constitution, what is required is an amendment to the national character and an amendment to the standard of political, moral behaviour by those persons who are at the helm of affairs. Unless these attitudinal changes take place, amendments to the Constitution will not bring about the desired results. Sir, it is undisputed that the conditions which were existing in the year 1949 when our Constitution was formulated are no longer existing now. Vast changes have taken place throughout the world. Science and technology trade, industry, commerce and everything has undergone such a vast sea-change that from a mere atomic age, we have stepped into space age. On account of these vast changes, there has been some impact and this impact has been necessarily felt in the functioning of the Government. It is true that on account of these changes, there has been rapid concentration, centralisation of powers in the hands of the Union. Nobody will grudge the concentration of power in the hands of the Union, provided, such concentration serves the purpose, the purpose of

the national objective, namely that of bringing in or ushering in a welfare state. The concentration of powers has merely resulted in the States becoming puppets or States losing dynamism and initiative and States becoming merely appendages, States becoming merely idle members of the joint family where they depend totally on the manager or the head of the joint family to do everything. If the States have lost that initiative, then the head, the Union Government has to review the position and the situation. I cannot put it more beautifully than what Sarkaria himself has said. I would quote the sentence which has been mentioned in the Sarkaria Report:

"Importance of Decentralisation of Power: The issue of devolution of powers and responsibilities between the top two tiers of Government, Union and States need therefore, to be considered in the context of the broader issue of decentralisation between these and other tiers of government on the one hand, and the functional agencies within each of these tiers, on the other. The interests and aspirations of most people are concentrated in the localities in which they live and carry on their avocations of life. Normally, they would be content to compete at the level of the local self-governing bodies making way for persons interested in larger issues of regional or national significance to opt for higher elective forums. Decentralisation of real power to these local institutions would thus defuse the threat of centrifugal forces increase popular involvement all along the line, broaden the base of our democratic polity, promote administrative efficiency and improve the health and stability of inter governmental relations..."

Since, for reasons explained elsewhere in this report, there is a general tendency towards greater centralisation of powers, there is special need in a country like India for a conscious and purposive effort to counter it all the

time. There is considerable truth in the saying that undue centralisation leads to blood pressure at the Centre and anaemia at the periphery. The inevitable result is morbidity and inefficiency. Indeed centralisation does not solve but aggravates the problems of the people."

SHRI K.S. RAO (Machilipatnam): What do you say about the State capital, the second-tier? Does it not apply there?

SHRI E. AYYAPU REDDY: So far as the ordinary man, ordinary citizen is concerned, he will not be in a position to come to the Union Government. Delhi is far away for most of the citizens. He is immediately concerned with the local government, as was rightly observed by Justice Sarkaria. So, the goods have to be delivered by the State Government to the citizen. The Welfare State has to be nurtured and constructed by the State. Even the Centrally-sponsored schemes have to be implemented by the State Governments. The Union Government has almost taken away all the powers. I will be able to demonstrate step by step as to how the Constitution itself has been distorted in the working, not intentionally. I do not say it was any intention or design. But, in the working of the Constitution, power has come to be concentrated totally in Delhi with the net result that for everything the State Government looks to the Central Government. There is nothing which the State Governments are in a position to undertake individually. This duplication of bureaucratic functioning has taken place at such a rapid pace that we have built up fortresses of bureaucratic indifference so that the ordinary citizen is totally helpless even to go in for a drinking water scheme in a remote village. The drinking water scheme in a remote village has to be cleared by the Union Government, the State Government, the Zilla Parishad, the Block and the Panchayat. How many bureaucratic labyrinths even such a simple scheme has to go through, it is really difficult to understand.

The real position is this. At the time

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when this constitution was framed in the year, 1949, the social structure was totally different. Our country was purely an agriculture based economy. Agriculture had importance, so also land and the land-lord. The Zamindar and the jagirdar were important persons. Therefore, control over these people was considered to be an important aspect. That is why, agriculture was given to the States. It must be remembered that in the election manifesto in the year, 1946, the Congress Government itself said that all residuary powers must be in the States and in the Government of India Act, 1935 the provincial governments were offered autonomy. There was a lot of discussion and, as a matter of fact, the Congress agreed to participate in the elections only on the condition that the Viceroy would not interfere in their functioning. So, at that time, when this division of the legislative items took place into Lists 1, 2 and 3 agriculture was important. Industry was practically non-existent.

To bring my point, I would only like to place before this House the Budget of the year, 1949 of the Central Government. In the Budget of the Central Government in 1949, revenue was Rs. 322.98 crores. Expenditure was Rs. 322.53 crores. There was a surplus of Rs. 45 lakhs. What were the items of revenue?

| | |
|-----------------|-------------------|
| General | |
| Excise duty | Rs.50.25 crores. |
| Customs | Rs.117.25 crores. |
| Corporation tax | Rs.57.25 crores. |

Corporation tax which was Rs. 57.25 crores in the year, 1949, is now Rs. 4,755 crores.

Customs which was Rs. 117.25 crores is this year Rs. 17,879.95 crores.

Excise which was about Rs. 50.25 crores then, is now Rs. 22,318.19 crores. From Rs. 50 crores to Rs. 22,000 crores and

odd in regard to Excise and Customs! This is on account of the fact that the country which was purely agricultural, which had an agricultural background, which was an agricultural economy became an industrial economy. I would like to illustrate my point regarding the difference between the Union Government and the State Government. For example, in the year 1949, two brothers got divided and one brother took two plots and two shops in New Delhi. The younger brother got about 80 acres in a remote village in Lucknow or in U.P. Today, the brother who got the properties in New Delhi, though they were equivalent to 80 acres or 90 acres in those days, has now become a multi-millionaire. The other chap is still remaining there with agricultural indebtedness. The something has happened between the States on the one hand and the Union on the other hand.

MR. DEPUTY-SPEAKER: Please try to be brief.

(Interruptions)

SHRI E. AYYAPU REDDY: I have not even touched the subject...I will come to my point now. This is on account of the rapid industrialisation and the changes that have taken place. *(Interruptions)*

Of course, we are proud of Punjab and some of our very enterprising farmers are working hard.

SHRI SOMNATH CHATTERJEE (Bolpur): In spite of this Constitutional division and other things, they are doing well. We certainly admire them. *(Interruptions)*

SHRI E. AYYAPU REDDY: There are three lists. Actually, the Union List consisted of 97 items. What is more important is two more items have been added to the Union List, i.e. No. 92-A and 92-B were added to the Union List. That deals with the right to put taxes on Inter-State transactions, Sales Tax etc. and the Union is encroaching on the States' powers. What has happened to the

State List? Most of the items have been rounded off. The State-List consisted of about 66 items. But you can round off the item No. 17. That has been rounded off because this is again subjected to List-I. The most important items are Nos. 23 and 24. Item No. 24 is regarding industry, subject to the provisions of entry No. 7. You have taken away the entire gamut of industries. Item No. 24 does not exist. Only for name's sake it exists, so far as the State List is concerned. If you peruse the Memorandum submitted by various State Governments including the West Bengal Government, they have complained about this. Even for the manufacture of matches, soaps, cosmetics, fruits and fruit juices, their power has been taken away by the Industrial Development and Regulation Act. The totality of things has now come under the purview of the Central Government alone. Item No. 23 is regarding mines and minerals. Again the Mines and Minerals Development Act has taken away this power. Item No. 23 has also disappeared. So far as the item regarding trade and commerce is concerned, it has also disappeared because your Essential Commodities Act and so many other enactments have come. So far as the Concurrent List is concerned, it is existing for name's sake. Now it is totally under the Union List. I request the hon. Minister to show one item in the Concurrent List where the State Governments are in a position to exercise their power. If they are permitted to exercise, it is on account of your grace and on account of your permission. If they make any legislation and if it is in conflict with the legislation made by the Union Government, then it requires the consent of the President. The consent of the President will not be given unless the Union Government again clears it. Therefore, List III, the Concurrent List is completely a Union List. And you have taken away most of the items from the state List. This is done constitutionally. What has happened subsequently? Subsequently, you nationalised the banks. The entire banking system has come under you completely. Even the savings made and the deposits made in the State cannot be made use of for the State's purposes because the entire banking system,

the credit policy, the investment and everything has to be dictated by the Union Government. The entire banking system has come on to you.

Then you have passed very many enactments in the name of bringing about uniformity. So far as agricultural products are concerned, the Agricultural Prices Commission and the Essential Commodities Act, all these have taken away even those ordinary rights of the State Governments. Then what has taken place subsequently is the public sector of the Union Government. In the public sector of the Union Government crores of rupees are invested like coal, steel, oils, administered prices and everything. You are controlling the public sector undertakings. Now the Budget of some of these public sector undertakings are bigger than those of the States. If you compare the Budget of Himachal Pradesh to the Budget of the Delhi Transport Corporation, you will find that the Delhi Transport Corporation has got a bigger Budget than the Budget of the State of Himachal Pradesh. The losses of some of these public sector undertakings are much more than those of some of the State Budgets. What has happened? You have nationalised insurance, banking and everything. Most of these things have come into the fold of the Union Government including the public sector undertakings. Everything has come into the fold of the Union Government. Therefore, what is happening today is that States have become perpetual debtors. Can you show any State which is not indebted? The position is that the grants which will be given to them—discretionary grants as well as statutory allocations made to them—will be enough to wipe out their indebtedness and the interest on their indebtedness. And the overdraft facilities have been refused to them. It is not as if I am pleading for the States. What I am trying to say is the aberrations and the contradictions that have crept in, in the functioning of this Constitution. The net result is that most of the States find themselves helpless to fulfil their obligations.

Now you have taken away Education

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into the Concurrent List, Forest into the Concurrent List. Even the subordinate judiciary has been taken into the Concurrent List. The appointment of the High Court judges and the control of the highest judiciary is completely within your hands. Appointment of judges is with you. Recommendations made by the Chief Minister can be ignored. It is quite unfortunate that this patronage of appointing judges is being misused or at least the bona fides of these are doubted heavily by so many intellectuals. On account of this, State Governments are not in a position to fulfil their elementary obligations.

Let us take the Directive Principles. Unfortunately the Constitution has not apportioned these Directive Principles. The Directive Principles are there to bring in a welfare State. In Article 45 it is stated that compulsory free education should be provided for every citizen upto the age of 14 years within ten years. What are the resources that will be required to fulfil this obligation enshrined in Article 45 of the Constitution?

The day before yesterday when we met the Irish Delegation the one question they asked the Indian Members of Parliament was, with so much of illiteracy how is democracy functioning in India. That was the one question they asked us. I had to reply them. I said, we have got in the Constitution an article which makes it compulsory and that the State Governments are spending more than 30% of their resources to meet the educational demands and so on and so forth.

What is the apportionment made by the Union Government? One of the terms of reference is that the responsibilities between the Union and the States should also be apportioned. Right, take away all the resources. We don't grudge the Union Government having all the powers. It may become a unitary State. But at least let us have the advantage of a unitary State. Today there is a concentration of power; but we

don't have the advantages of a unitary state. The citizen has to go for everything to the State Governments, the State Governments which are hardly in a position to even meet the non-plan expenditure! Now there has been a tremendous growth of bureaucratic machinery as I stated earlier. Everything is duplicated. You have got an Education Department there and the State Government has also got an Education Department. Similarly, a Forest Department and a Forest Department; an Agriculture Department and an Agriculture Department; an Industry Department and an Industry Department, etc. This way there has been a lot of duplication and those people at the grass-root level have lost all the initiative and drive for the purpose of bringing in these things.

So it is totally necessary to have a change. One of the recommendations made by Sarkaria Commission is that the residuary powers with regard to taxation should be with the Union Government and the Legislative powers must be in the concurrent list. I don't see any reason at all. One item which is not in List 1, 2 and 3 is your deficit financing. The Union Government, by virtue of the fact that it has got the item with regard to coinage has got a captive printing press at Nasik. Every year it is printing about Rs. 10000 crores for deficit financing. Under what item of the Constitution is it covered? It is not a tax resource; but nonetheless the entire country and all the States have to take the burden of this deficit financing. It has been estimated that the deficit financing indulged in by the Central Government during the last four or five years is five times the overdraft of all the States put together. So, when the Union Government has got the right to print currency notes and make up for the deficit financing, at least the residuary powers for taxation should be with the States. The residuary powers for taxation, I repeat, must rest with the States.

It has been stated that the State Governments are not fully exploiting the taxation resources. One of the points that was made out in the memorandum submitted by the AICC to the Sarkaria Commission

is that the State Governments are not exploiting their right to impose income tax on agricultural incomes. Even none of the Congress-I ruled States have done it. It has been stated that except the Kerala State Government, none of the State Governments have imposed tax on agricultural incomes; they are sleeping over their rights.

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That is one of the objections that was raised by the AICC in the memorandum submitted to the Sarkaria Commission. It has been found that it has not been practicable at all to impose tax on agricultural income. It will not even yield the charges that will be necessary for the collection of the tax. Therefore, most of these things have been found to be impracticable. All the States have no objection to transfer this item to the Union List provided you give 15 per cent of your income from customs duties.

Therefore, instead of merely indulging in hypercritical criticism of the State Governments performance it is better to have a realistic outlook and see that the States have ample resources. Sarkaria Commission has made certain recommendations with regard to the financial relations. Most of those things are innocuous. They must be accepted forth with. He has said that corporate tax should come in the divisible pool and surcharge on income-tax should not be there. He has also stated Article 269 should be fully implemented so that the States are given compensation equivalent to railway passenger tax and all those things. All those things can straightaway be accepted and implemented.

With regard to the other aspects, namely, the administrative relationship I would like to say that nobody is grudging to having an All India Administrative Service. What is happening is that these officers are made to believe that their ultimate employer or ultimate authority is the Union Government and not the State Government. I remember very clearly some of our Union Ministers coming to Andhra and telling the

officers: "Look here. If you do anything like that you will reap the consequences." They have said it openly. It is very unfortunate. The State Governments do not have even the right to keep them under suspension because immediately they are put under suspension the appeal lies to the Union Government. What is suggested is that there should be a Tribunal. The All India Services must be made to realise that when they are allocated to the States they are totally under the disciplinary control of the State Governments and that any action taken by the State Governments is appealable not to the Union Government but to some impartial tribunal.

The legislative changes that have been suggested, of course, they have gone against the State Governments and in favour of the Union Government. Most of the recommendations are in favour of the Union Government. At least the recommendation of the Sarkaria Commission that the income from the advertisements on TV and Radio must come into the divisible pool must be accepted. It is very very peculiar that even small countries which are not even one-fourth size of our States are having their own broadcasting and television. Out of the 153 States in the UNO I am told 135 States are not even as much populated as our State. It is totally humiliating that the State Governments with so much population should not have their own media or bank not to speak of their own currency.

MR. DEPUTY SPEAKER: Please conclude.

SHRI E. AYYAPU REDDY: Then coming to the appointment of Governors the qualifications for the appoint of a Governor has been laid down under Article 157. They are: He must be a citizen of India and must have 35 years of age. No other qualification has been imposed. Even a person who has been convicted is entitled to be appointed as a Governor. Even where people have given a verdict against a person and defeated him in the polls he has been found to be fit to be appointed as a Governor. (*Interruptions*) Therefore, Sarkaria Commission has very

[Sh. E. Ayyapu Reddy]

rightly suggested certain qualifications. He must be a person who has distinguished himself in some walk of life. It is totally unfortunate that during the last forty years we have not chosen one man of letters to the post of Governor. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): This is a sweeping statement. Do you mean to say all the previous Governors were not men of letters? I can give you a list of highly respected eminent educationists and men of letters.

SHRI E. AYYAPU REDDY: I am not saying they were not men of letters. They may be men of letters but their qualification as politicians probably over-shadowed their literacy capacity. What I am suggesting is that you have got distinguished academicians, scientists and artistes but none of them...Let me not try to politicise this issue. (*Interruptions*)

What I suggest is that the power of the Governor under Article 200 to reserve it for consideration of the President must go because it so happens that a number of times it will be very paradoxical that a person who had been defeated in the election is able to veto an elected legislature.

Some of these anomalies, of course, have to be removed by developing healthy conventions. It may not be necessary to bring in all these things by amending the Constitution but it is essential to have healthy Constitutional conventions.

So, all I can say is that this topic is too wide and vast and I will not be able to do any justice within a short time allotted. But I say that it is essential to at least initiate some action on the Sarkaria Commission Report right now. Please constitute an inter-State council immediately and begin to initiate action on this Report. Above all, let us try to change our attitudes, give up confrontation and be co-operative. Let us try to develop healthy conventions which are Constitu-

tional and these will be binding us more than the written Constitution .

SHRI VEERENDRA PATIL (Gulbarga): Mr. Deputy Speaker Sir, I heard with rapt attention the views expressed by honourable Shri Ayyapu Reddy. No doubt that they were constructive and his approach was also constructive. But I did not like one thing about his speech, that is, he tried all the time to throw the blame at the door of the Central Government so far as centre-State relations are concerned.

13.12 hrs.

[SHRI ZAINUL BASHER *in the Chair*]

If the relations between the State and the Centre are deteriorating, I think the responsibility should be shared by both the Central Government and the State Government. I was very happy when he started saying that the Centre-State relations is a very crucial and burning topic of the day. Naturally, the entire country and the citizens of this great country are interested and are concerned about the relations between the State and the Centre. I entirely agree with Shri Ayyapu Reddy when he said that this subject should be discussed dispassionately, rising above the party lines. I am in agreement with this view.

At the outset, I would like to make it clear to this august House that I want to speak and express my views not as one belonging to a particular political party but as one being a citizen of this great country. This is a very vast country and we are proud of the fact that this is the largest democracy in the entire world. One should not forget about it. The country is so large that we have different languages, different religions, cultures, systems, etc. But still we are proud of the fact that we have unity in diversity. For a country of such a large size, nobody can expect Unitary type of Government and it is not feasibly also. That is why our leaders while framing our Constitution thought over this and they preferred a Federal set-up. We are always reminded of the couplet by a famous

poet who said:

Sare jahan se achcha Hindustan hamara
Hum Bulbulen hain iski, ye gulistan hamara

He described our country as a garden of flowers. A garden will be a garden in real sense, if all kinds of flowers bloom there, not one species or one kind of flower. There is sufficient scope for all flowers to bloom in this garden. Similarly, all political parties have got sufficient scope for blooming and thriving in this great country. When so many political parties are there in this country, I think, it is too much for us to expect for all times to come one party Government both in the Centre and also in the States. We are not holding that view that for all times to come only one party is going to rule in the Centre and also in all the States. As on today, we find that nearly 50 per cent of the States are ruled by opposition parties. We have no grouse; we have no grievances. As I said, there should be sufficient scope for all political parties to thrive in this country. Then only democracy can thrive. We are not here to throttle democracy. Today fifty per cent of the States are there belonging to opposition parties and nobody can predict what will be the scenario after the next General Elections. Why I am saying these things is because when we are discussing here such a vital problem like Centre-State relations, we should discuss, we should evolve norms, traditions, codes in such a way that our democracy is firm, deep-rooted for many centuries to come. Therefore, for doing this at least for the time being we have to keep ourselves away so far as political affiliations are concerned.

I entirely agree that for the unity and integrity of this great country, harmonious relations between the States and the Centre are a must and keeping in view the interest of the nation, we have to rise above party politics. States cannot survive otherwise. I heard just now the views expressed by hon. Member, Shri Ayyapu Reddy. I think, he has narrated the experiences that his party or his Government is facing or confronting in his own State. But I want to tell him humbly that

the States would survive only when the nation lives. So, the interest of the nation comes first and the interest of the States comes next. I agree because I know that there are several arguments saying that for unity and integrity of the nation, there must be a strong Centre. I am of the view that for the integrity and unity of the country, not only there must be a strong Centre but also there must be strong States. If the States are weak, and the Centre is strong if the States are strong and the Centre is weak, then I do not think it is conducive to the health of this great nation. Therefore, both the Centre and the States should be very strong. India is not only the Centre, but also equally the States. Both the States and the Centre two together constitute the Union.

Centre and the States are likely family members. So far as the Centre is concerned, it is like a big brother or head of the family; the other members are also equal, not that they are subordinates. But there is a feeling that the Centre is all in all and the States are only subordinates. Some people go to the extent of saying that States are likely municipalities or corporations because all powers are concentrated only in the Central Government. Such an argument is also there, but we do not subscribe to this; nobody from this side will subscribe to it. As I said, both the Centre and the States are strong in their sphere of activity. Therefore, I entirely agree with the recommendations of the Sarkaria Commission. He has rightly observed that federalism is more a functional arrangement for cooperative action than a static institutional concept. I entirely agree with his observations. At the same time, I must say that nobody can deny the fact that Centre is remote from the people, because we are in Delhi and the State is next door neighbour of the people. That is why we find that the schemes formulated by the Planning Commission, or the Central Government and the legislation that is being legislated in both the Houses, in most of the cases, the implementing authority is only the State Governments. We may formulate several schemes; we may provide funds but those funds have to be transferred to the State

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Government because the State Government is nearer to the people and the State Government has to implement all these schemes which are meant for the welfare of the people. Central Government cannot afford to have a parallel set up for implementing their own projects.

So far as 20-Point Programme is concerned, I quoted the instances because I was in Labour Ministry for some time. I was the Labour Minister but most of the labour problems were dealt by the State Government except the labour problems of railways, banks, courts, other problems were dealt by the State Government. Similarly, so far as 20-Point Programme is concerned, although it is formulated by the Central Government and funds are provided by the Central Government, the schemes along with the funds are transferred to the State Government and it is for the State Government to implement the projects. Why I am stressing this point is because whatever schemes are—formulated, whether they are formulated at the State level or at the Central level, when the State Government is the only implementing agency, then we cannot antagonise the State Government; we cannot have hostile relations with the State Government and if the relations are hostile, then we cannot ensure smooth functioning and we cannot ensure smooth implementation of the projects. That is why the relations between the Centre and the State should be cordial.

But what is the actual state of affairs? I agree that so far as Centre and State relations are concerned, they are not quite healthy, quite happy and quite cordial. The confidence gap is widening. But we are not here for doing the post-mortem work as to who is responsible for this, whether it is the State Government or the Central Government. We are not interested in that. All of us, as citizens, are interested in seeing that somehow this rot is checked, this is stopped and we should take all effective steps to see that it does not grow because it will endanger

the unity and integrity of our country. Therefore, it is in the interest of everybody to see that effective steps are taken at the State level, at the Central level and at all levels.

There are States which are always saying that Centre is misusing the power, as Mr. Ayyapu Reddy has said just now that they are withholding the funds.

SHRI E. AYYAPU REDDY: I have not stated anything like that. I have merely stated that this type of remote control and duplication of department and growth of bureaucracy is not yielding any result. The Prime Minister himself has said that out of one rupee allocated in the Budget only 50 paise is reaching to the citizen, the rest of it is going in between. This is the system which you have developed. Something is basically wrong with the present system which you have to change. Merely saying that the schemes are formulated here and implemented there and in the implementation frictions are developing since they themselves are not formulating the schemes, will not help. That is the difficulty.

SHRI VEERENDRA PATIL: I agree that the Prime Minister was pleased to observe that out of Rs. 10, only Rs. 1 is going to the persons for whom it is meant. But Rs. 10 is being released from Delhi. I don't know whether Rs. 9 is consumed in the transit before reaching the State Capital. It has to be found out where those none rupees are going.

SHRI E. AYYAPU REDDY: What I am interested is that you find out and stop it.

SHRI VEERENDRA PATIL: That is why I made it very clear in the beginning that so far as the implementation of various schemes, plans, programmes is concerned, it is by and large the responsibility of the State Government. The State Government must see that whatever funds are made available, in addition to the funds that are already at their disposal, are properly utilised and they are not misused and misappropriated. It is for the State Government

to see; somebody sitting in Delhi cannot monitor the whole thing and it is too much to expect from officer to monitor that whatever rupee is sent to Andhra Pradesh or Hyderabad, hundred paise will reach Hyderabad and from Hyderabad hundred per cent will reach to a remote village in Andhra Pradesh. Nobody sitting in Delhi can do that job. That is why what I say is the general criticism, so far as the States are concerned, against the Central Government. The general criticism is that the Centre has got more power, Centre has got more funds and it is reducing the States to puppets in its hands; it is not considering them equal. These are the allegations which are normally made against the Central Government. And the Centre says that the State Governments always come to the Centre for funds. I have got experience also and I agree to some extent that so far as the resource position is concerned, Centre is in a much better position as compared to the States. But for anything and everything approaching the Centre and dumping all the schemes with the Central Government, does it not reflect that the State government itself is reducing its position to a municipality or corporation? Whatever resource mobilisation is being done at the Central level, the Constitution is very clear as to how it should be done. Organisations are being created for this purpose. Finance Commission is there to look into this matter. So far as plan assistance is concerned, all these things are looked by the Planning Commission. Every year, officers and the Chief Ministers and other Ministers concerned, come to Delhi, discuss the whole plan and everything is being decided with mutual consultation. What is happening is that they are approaching the Central Government for more and more funds and if funds are not for the coming they go back to their respective states and abuse the Central Government that it is not giving them funds; otherwise, they would have shown better results. So, I have given both the sides of the picture as to how the State Governments are criticising the Centre and how the Centre is criticising the State Governments. The Centre is saying that although they have given a lot of funds under the specified programmes like IRDP, NREP,

RLEGP and so on, these funds are not being properly utilised. I think, Mr. Reddy will agree with me that there are certain States where these funds have been misused and misappropriated. I don't want to quote these instances but they are there. Nobody can deny that there are allegations made by the State Governments against the Central Government and there are charges made by the Central Government against the State Governments. The atmosphere of mutual suspicion is there in our country today. Nobody can deny this fact. Nobody can say that everything is fine and there is nothing to worry. If the Centre-State relations are perfect and healthy, there would have been no need to appoint this Commission to go into this issue. And there would have been no need for this August House to discuss the recommendations of the Sarkaria Commission which are before us.

I do not want to go into the details because I do not want to waste the time of the August House. Several other members are equally interested in participating in the discussion. I will confine myself to only two or three areas of conflict. The Sarkaria Commission has identified certain areas of conflict or confrontation and has made several recommendations many of which are very valuable and worth considering. The Report of the Commission may not be perfect or complete in all respects, but I personally feel that almost all the recommendations are worth considering and implementing. We must make a beginning by implementing the recommendations of the Sarkaria Commission. We are already late in this respect and no more time should be wasted in order to create a healthy atmosphere in the entire country.

Just now I have said that I will confine myself only to two areas of conflict - one is about the appointment of governors and the other about the economic and fiscal issues. Confrontation arises mainly on these two issues.

Long time back, during Panditji's time,

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codes and conventions were evolved and they were followed strictly. Those were very healthy conventions. I suggest with all the sincerity at my command that those healthy conventions and codes which had been established by Late Pandit Nehru should be honoured and adhered to and they should not be deviated from and taken very lightly. I say this because it is not in the interest of the country to brush aside those healthy conventions.

I want to quote only one instance. I am not telling any story. Sometime back I read an article by an eminent journalist and I found this incident in that article. Well, if you ask me whether I am sure that it is a true fact or not, I cannot answer you because both Panditji and Acharya Kripalani are not here with us. Everybody know that Acharya Kripalani was very critical of Panditji because he did not like his policies. There was an honest difference of opinion between Acharya Kripalani and Panditji. But even the, Panditji thought of appointing Acharya Kripalani as the Governor of some State. He thought that Acharya Kripalani was a fine gentleman and a great freedom fighter who sacrificed so much for the country. He also held high office during the freedom struggle period. So Panditji thought that he should at least be made a Governor. As per the eminent journalist, when Panditji sounded the Chief Minister, he did not show great inclination and hence Panditji had to drop that proposal. I am quoting only one instance to illustrate how great traditions and conventions were built during Panditji's time.

I entirely agree with the recommendations made by the Sarkaria Commission about the qualifications prescribed for the Governor and about the procedure on how a Governor should be appointed and so on. I hope the Government will follow the procedure recommended by the Sarkaria Commission and appoint only those persons who have fulfilled the prescribed qualifications. I say this because the Governor is a vital link between the State and the Centre.

He has got a very important role to play. In particular, his responsibility is very great, very delicate and very crucial if he happens to be the Governor of a State which is being ruled by the Opposition. I will not be mistaken if I say that in the past some of our Governors, whom I do not want to name, did commit mistakes for which the ruling party in the Centre and the Central Government as well had to pay a very high penalty. For illustration, without naming any Governor, I will point this out to you.

One fine morning, one Governor dismissed an elected Government saying that he was convinced that the elected Government was not enjoying the confidence and majority of the House. He then installed some 'X' as the Chief Minister. And I do not say that he had done it in the interest of the Central Government or the ruling party at the Centre. On the other hand, he did the greatest possible damage to the party at the Centre. The Gentleman who was the Chief Minister till then, was crumbling under his own weight and he was going to collapse. But by this gift of that Governor, he got a fresh lease of life. And now he is going on merrily. I am quoting this instance only to show that even when a mistake is committed without the knowledge of the Central Government, I say with some sense of responsibility, it has to suffer. The image of the Central Government did suffer because of that Governor's conduct. Another party was there to exploit the situation. The Chief Minister of that party did exploit the situation for the benefit of his party.

There was another incident where the Governor's in order to favour a particular party, invited the leader of that party and he was sworn in as the Chief Minister. The other party challenged it in the High Court. The High Court had gone into the entire affair and passed strictures against the Governor. Why I am saying that is, in the past, some Governor had committed a mistake for which we had to suffer a lot. We had to pay a heavy penalty. That is why the Commission had suggested that we must take utmost care in the selection of Governors. I am

entirely in agreement with the suggestions and recommendations that have been made by the Sarkaria Commission.

So far as economic and fiscal issues are concerned, there is a grouse. There is some substance in the grouse or the grievance that the State Governments are nursing. As Mr. Ayyapu Reddy has said that the Central Government always twist the State Governments in respect of over-draft and all the and, at the same time, the Central Government goes on merrily with the deficit financing and also fuelling inflation by printing notes and all that. I think, there is some substance in that not that there is nothing in that and they are making vague allegations. I do not mean that and at the same time so far as market borrowing is concerned, it is the monopoly of the Central Government. I know that. I know about several States. My own State has approached the Central Government by saying that their irrigation performance is very poor and they require a large amount of funds for irrigation purposes. Therefore, they want to launch irrigation bonds and they have approached the Central Government. I do not know whether the Central Government has responded favourably or not. So, they are now starting a campaign in my State by saying that for public sector undertakings they issue bonds to see that their market borrowings go on merrily. But when we want to raise funds in the market for our own purposes, for our own developmental activities, the Government of India is not allowing us to raise them. This is in a way attracting the attention of the people also. Coming from the rural area whose feeling I am supposed to know, they are saying that when the Central Government is raising bonds and mobilising resources, but the same facility is not given or it is denied to the State Governments. One thing I must say that whether it is the State Government or the Central Government—if they want to grant more and more powers, the resistance would be there from the people. If they want to take more powers than what are due to them, then that is not relished by the people. I think that may be one of the reasons why regionalism is growing in the country today.

It is very easy to exploit this emotion of the people by saying, "For everything we have to go to Delhi; we are people with self-respect and why should we go to Delhi and why should we be by Delhi and all that?" This is very emotional and, at the same time, a delicate issue which has to be handled very carefully. Otherwise, there are parties, there are people, there are politicians, who are out to exploit the situation and they may go to any extent of fuelling this regionalism and other feelings. That is why we find that so many fissiparous tendencies are growing and so many forces are growing in the country. We have to be very careful about that also.

So, before I conclude, I want to give some concrete suggestions to the Government so that they may act on these suggestions which are very very necessary for ensuring harmonious and cordial relations between the Centre and the States. In brief, I want to say that. I don't want to elaborate the suggestions for want of time. I feel that the recommendations of the Sarkaria Commission should be accepted and implemented without any delay. As I said just now, the recommendations are not perfect by themselves. Some may agree with those recommendations and some may not agree with all the recommendations. That is a different matter. But let us make a beginning now because after 42 years of independence, for the first time we are very seriously considering the question of the problems of Centre—State relations. Therefore, let us make a beginning and give a fair trial to the recommendations of the Sarkaria Commission which we can do and it is the responsibility of the Central Government to see that the recommendations are implemented as early as possible. Whatever qualifications have been prescribed with regard to the appointment of Governors by the Sarkaria Commission should be followed in the spirit in which the recommendations have been made. I want to suggest that the National Development Council should meet frequently. This is the highest policy making body with the Prime Minister as the Chairman and all the Chief Ministers are Members

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of this Council. They give guidance. They take policy decisions which are going to be the guiding factors for the Planning Commission also for formulating the Plans and all that. So, the National Development Council should meet frequently to discuss fiscal and economic issues because most of the friction that we find today is only because of them. The State Governments come with all sorts of requests. Suppose there is a drought everybody will come including the Chief Minister. They will prepare memoranda although they may not even require more than Rs. 100 crores or Rs. 150 crores but still they prepare a programme of Rs. 1050 crores or Rs. 1500 crores. While preparing a programme, they say that if they ask for Rs. 1500 crores, then only they will get Rs. 150 crores. That is also there. I do not blame them for this. But whatever it is, all these fiscal matters, economic matters and other important policy matters can be discussed if the forum is there. But what is happening is that that forum is not meeting as frequently as is necessary. Therefore, my suggestion is that the National Development Council should meet frequently and the views of the Chief Ministers, whether they belong to this party or that party, irrespective of party affiliations, should be taken into consideration. Because, they are the people who are very near to the people, they are the people with all the machinery, with all the infrastructure who are there to implement all the programmes that are being enunciated, that are being formulated here at the Planning Commission level, at the Central Government level. Therefore, it is very necessary in the interest of the unity of the country to take the Chief Ministers, whether they belong to this party or that party, into confidence and then work smoothly.

Then, I agree with Shri Ayyapu Reddy that inter-State councils should be set-up, because there are so many inter-state disputes. I think my friend the hon. Home Minister will agree with me that there are several issues. I think several issues come to him. Whenever Chief Ministers come to Delhi

they often meet the Home Minister or whenever he goes to a State they come and they lay before him a number of problems which are inter-State problems which have to be resolved or settled between the States. Somebody must be there as a third party, as an arbitrator to settle the disputes between the two parties. It is different matter if the dispute is between the Centre and the State. That is a different matter. But other than those disputes there are so many other disputes which are of inter-State character. So, for revolving the inter-State disputes and also for discussing so many other problems, not only concerning a particular State, but concerning more than one State, a forum like an inter-State council is very necessary. I think it is already envisaged in the Constitution; the only thing is that they have not been created. They should be created as recommended by the Sarkaria Commission as early as possible and it should be actively pursued.

SHRI E. AYYAPU REDDY: Unfortunately the AICC memorandum has not agreed for the creation of an inter-State council.

SHRI VEERENDRA PATIL: For inter-State council only.....

SHRI E. AYYAPU REDDY: About Article 263 of funny argument has been put forward by the AICC. I do not know who is responsible for putting forward that argument, but a very funny argument has been put forward that in an inter-State council the Chief Ministers may be in a position to overrule the Prime Minister. Therefore, no inter-State council has been formulated.

SHRI VEERENDRA PATIL: You have yourself said just now that each inter-State council should be chaired by the Prime Minister.

SHRI E. AYYAPU REDDY: Since Gadgilji is there, I am trying to point out that the AICC in their memorandum have suggested that no inter-State council should be formed.

SHRI VEERENDRA PATIL: I think Mr. Ayyapu Reddy has suggested that the inter-State council should be presided over by the Prime Minister. But my suggestion is that the inter-State councils as zonal councils may be presided over by the Home Minister. There is nothing wrong. After all, the Home Minister also is a representative of the Central Government and he will be acting on the advice of the Prime Minister, and he will be acting so from time to time. There is nothing wrong. If the Prime Minister gets sufficient time there is nothing like that. Supposing, if the Prime Minister does not get sufficient time, there is no harm in asking the Home Minister to preside over those inter-State councils.

But what I am particular is that a forum like this is very necessary because there are so many problems which are lingering, which are languishing, the problems which are cropping up everyday. There must be a forum to discuss, to resolve amicably those disputes which are inter-State disputes in nature.

Lastly, I agree that several financing institutions are there and there are States who have got a genuine grouse that although deposits are mobilised from their State they are not utilised in their State, they are taken away elsewhere and they are utilised only in Bombay, Calcutta, Madras, Delhi and all that. I think that such a grievance is there. I think that they are justified in voicing that grievance. In order to overcome this, in order to see that very little scope is there for such grievances, I suggest that the representatives of States, not all the States at a time, but by rotation; because if you put all the States I think it will be another 25 to 30 members and with 30 members it becomes a very big body and it would not be viable for them to function also. I think they have to discuss among themselves how on each body each year which State should be represented and all that. So, my suggestion is so far as representation to States is concerned, the States should be given representation on institutions like LIC, Unit Trust of India, IDBI, ICICI, like other financial institutions.

So, in the end I want to say that both the Centre and the States should conduct themselves in such a way that they should be proud of each other, not jealous of each other.

SHRI SOMNATH CHATTERJEE: The should be proud of the national as a whole. *(Interruptions)*

SHRI VEERENDRA PATIL: Yes, they should be proud of the nation as a whole. After all, if the nation is not there, as I said just now, where is the State. So, together they should march hand in hand towards the goal of achieving prosperity and all-round development and elimination of poverty, unemployment and exploitation. In my view, this is the only way of taking our country to greater heights and this is the only way of developing cooperative federalism in this country.

SHRI V.N. GADGIL (Pune): Sir, at the outset, I would like to congratulate Mr. Justice Sarkaria for a well thought out report. I would also like to congratulate the Government for proposing a national debate on an issue which is of great importance. I would further like to congratulate the Government for stating that as far as my party is concerned, there is no party line, each one can express his views freely and fearlessly because this is the subject which transcends the part considerations.

I do not know how much time I have been given. *(Interruptions)*

SHRI E. AYYAPU REDDY: I am very happy you have stated that there is no party line. All the time I was under the impression that you will stick to the AICC memorandum...*(Interruptions)*

SHRI V.N. GADGIL: There is no party line. Unlike other parties we function in a democratic manner...*(Interruptions)*

I would like to make my submissions on four aspects. First is the historical and constitutional background of Centre-State relations; second is, what is the experience of

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other countries and whether we can learn something from their experience; third is, what is happening in our country for the last forty years and fourth is, what are the prospects...(*Interruptions*)

SHRI SOMNATH CHATTERJEE: I will get my chance tomorrow...(*Interruptions*)

SHRI V.N. GADGIL: Unlike you, I will be very brief on each point.

Sir, the historical background is that when the fathers of the Constitution, founding fathers, thought of Centre-State relations, there was a very unique, unusual situation in the country and therefore the set-up that is in the Constitution about Centre-State relations has to be studied in the context of that background. It appeared at that time that there were forces, partition was being talked about, there were forces which might lead to disintegration of this country and therefore the whole thrust was as to how to preserve the unity and integrity. If you go through the debates, for example, you will find, Sardar Patel has said:

"A real union of the Indian people based on the basic concept of the sovereignty of the people"

Shri K.M. Munshi went to the extent of saying

"There is no provincial autonomy, there is no federation by and for itself, there are no sacrosanct words"

The Cabinet Mission Plan was in the background and the Union Powers Committee originally suggested a weak Centre. When the shadow of the Cabinet Mission Plan disappeared, there was a change in the thinking of the Constituent Assembly and the whole thrust was, as I have stated, for a strong Central Government so that the unity and integrity of India can be preserved. The report of the Union Powers, Committee as has been said by one writer, was consigned

to the dust of library shelves. A totally new concept came. That concept was spelt out by Dr. Ambedkar. About the relationship between the Union and the States he says:

"The Constitution establishes dual polity with the Union at the Centre and States at the periphery, each endowed with sovereign powers to be exercised in the field assigned to them respectively by the Constitution. The Union is not a League of States united in a loose relationship nor any of the States is subordinate to the Centre. Both the Union and the States are created by the Constitution, both derive their respective authority from the Constitution. The one is not subordinate to the other. The authority of the one coordinates with that of the other."

That was the basic concept. But later on he himself warned that we should avoid the mould of federalism. And he also came to the conclusion that in the situation we require a strong Centre. Therefore, one golden thread that runs throughout the Constitution is a strong Centre with certain rights to the States.

Many are of the view that strong Centre is necessary. I may like to recall that a certain great leader at that time, although he was a Member of the Constituent Assembly, sent a note that the original draft Article 188 should be replaced by another drastic Article which he proposed. The Article suggested by him reads as follows:

"If public safety and order is seriously disturbed in any part of the republic and the Government of the State concerned fails to restore order, the President of the Federation may restore public safety and order with the help of the Armed Forces."

The other suggestion was equally significant. He also said that the executive

authority of the Federation may also suspend the provisions of the Constitution concerning freedom of speech, freedom of association and assembly in a manner and extent determined by federal law. Who was this great leader and great patriot? He was none other than Jayaprakash Narayan. It was Jayaprakash Narayan who suggested these drastic things because he wanted a strong Centre and he wanted unity and integrity of India to be preserved. Therefore, it is quite appropriate that consistent with the intentions of the founding fathers we must have a strong Centre because the unfortunate history of thousand years of this country is that a weak Central Government is an invitation to foreign pressures and foreign interference. Therefore, that trend has been consistently kept by the Sarkaria Commission. I am, therefore, happy that the Sarkaria Commission has not suggested any weakening of the Central Government.

The second aspect is that if you want to have economic and social transformation, a central planning is necessary. But a central planning cannot be there unless the Central Government has certain powers to give directions and guidelines. What has been the experience of other countries because much is said about encroachment by the Centre of financial powers and all the rest of it. I would like to quote a little extensively from an excellent book which has become a classic. Prof. Wheare in his book 'Federal Government' says:

"Many people in Australia and in the United States think that there has not been sufficient adaptation; that the Constitution still embody an out-of-date division of powers."

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After studying four or five federal type of governments, then again he says: The general governments in all four federations have grown stronger....it has not meant in all cases that the general governments have acquired new fields jurisdiction in addition to those which were originally conferred upon

them at the initiation of the Constitution." What has happened is they have started using more effectively the powers that were originally granted to them. In my submission, exactly the same situation obtains in India. There is no encroachment. What has happened is the Central Government has started using its powers given under the Constitution more effectively and more efficiently.

Then, Sir, in the field of finance, what has happened in other countries is that in all these countries the general governments owe much of their predominance in finance to the potentialities found in the original financial provisions of the Constitutions. In the sphere of finance it is clear that the general governments have steadily increased their powers at the expense of the States, and it may be said that this increase in power and the predominant positions they now occupy have come about largely by the exploitation of the powers originally granted to them by their Constitution." Exactly the same situation is obtaining here.

Then again, what has happened here has also happened there—large measure of financial assistance from the Central Government. The provinces and States are reluctant to give up jurisdiction when they demand grants and subsidies to enable them to perform their functions. The prospect for federal government in a plurality of jurisdiction is likely to be combined with some measure of financial unification. His conclusion after the survey is that: "Such a combination may well prove to be workable and may produce better Government than complete independence in finance and jurisdiction." Then again, what has happened here has also happened there—resistance by the States. What has happened in those countries is: "There has been a strong increase in the sense of importance in the self-consciousness and self-assertiveness of the regional governments. This has gone on side by side with the growth in importance of the general governments and it has obviously been stimulated by it." Then, next is important: "They have felt that their position

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is imperilled; that they are becoming mere pensioners of the general governments, that is, the federal government." So, that kind of feeling is not unusual in this country, it has happened in all federal countries. Now, the experience of these countries shows that if you want to give certain directions to the nation, financial powers which are already invested in the Central Government are required to be used. What has happened in our country? My friend is anxious that I should not take too long, so, I will not take much time...*(Interruptions)*

SHRI SOMNATH CHATTERJEE:
When you started, I thought you will take five hours.

SHRI V.N. GADGIL: Even in court you know I never took five hours. What has happened in other federal countries is that with the complexity of the modern State, the desire to bring socio-economic transformation, planning and other things have become necessary, with the result that certain Central directions and guidance become necessary. It is not the desire to encroach upon the State Governments but it is the compulsions of these factors that persuade the Central Government to use its powers more efficiently and more effectively. Unfortunately, the result is that some of the States feel that their powers are being encroached upon. What has happened in India in the last four years? And I dare say that there is no distinction between Congress governments and other governments. Three things have happened. One is that now there is a fashion that for everything blame the Central Government. I do not know whether history is a boon or a curse for us because many times I find senior leaders from all parties in the States taking some historical analogy and like a hero in a historical play saying: "I shall now bow before Delhi". as if Delhi is being ruled by some foreign power. Now, this kind of feeling unfortunately, unnecessarily, has grown as if some other external powers are dominating them. So, in some of the States what happened is to cover that inadequacy,

the blame is put on the Centre. I remember of an earlier Finance Minister at one stage giving statistics and figures of certain States where what has been allotted has not been used; yet they go on demanding more and more. Sir, you know the story of John and Mary. John said to Mary, "What would you have liked to be if you have not to Mary. She said, rose. He asked: why rose? She said, it is a symbol of beauty. Then she asked him: if you are not John, what would you have liked to be? He said: Octopus. She said: Why Octopus? He said "if I am Octopus, I will be able to embrace you with a thousand hands." Mary said: what fool you are, why do you want thousand hands when you are not using the two hands that are already given to you. That is happening in your State. What is allotted is not being exhausted, not used, but they go on asking for more and more.

Sir, I remember that in my school days, we used to have inter-school cricket matches and when the match started, the boys used to pick up a big stone and whenever their batsman was out, they used to thrash the stone with chappals and other things. They never admitted the weakness of their batsman and the blame was put on that stone saying that stone was inauspicious, and therefore, this had happened. So, Sir, something like that has happened to some of our States. Their batsmen are weak, they will not admit that but they will go on beating the Centre and that is convenient for them to blame. Therefore, in practice, in India what happens is to on blaming the Centre to cover up the inadequacies in some of the States. We have developed all kinds of federalism. I have come across cooperative federalism, this federalism and that federalism. In India, we have got a bargaining federalism. Every State want to bargain with the Centre so that they tell the people "well I did this for you". In a democratic country, in elections they may do this. But when we consider the national interest, one wonders whether this a proper approach. So, the experience of other countries, experience of our own country, indicates certain line of action. So, specifically, Sir, as far as the report is concerned there are two or three

recommendations with which I do not agree.

Sir, in the first place, the recommendation that if a Governor is removed, he must be given an opportunity, he must be told the reason, is not acceptable to me. Sir, he is not an employee of the Government. It is not as if Article 311 of the Constitution should apply to him, that is, the Act concerning the Government servants, that if a Government servant is to be removed, he must be given the opportunity and the rules of natural justice must be followed. The Governor is, after all, a high political office; he is not an employee of the Government so that you give him notice saying "we are going to dismiss you, these are the reasons". Then he gives the reply. Then the whole thing is considered. Sir, this is totally wrong. This will reduce the dignity of the Office of the Governor. There are political considerations for which it may be necessary—I am not saying party consideration but political consideration—that he should no longer continue and that should be left to the President and there should be no question of giving him notice or opportunity.

14.09 hrs

[SHRI VAKKOM PURUSHOTHAMAN
in the Chair]

The second recommendation to which I am sorry I do not agree is the Inter-State Council. Sir, many experiments have been tried. For example, you will find that in America there is an Annual Governors' Conference. In Australia there is a Premiers' Conference, in Canada there is a loan council. Various forums have been tried, but all of them have not succeeded. The experience of America is that in the Governors' Conference, what happens is—I am quoting from some book—the characteristics of these Conferences of Governors is that the Governors have good time. The State is eager in offering them all kinds of hospitality. There is no meaningful discussion, it becomes some kind of jamboree and then the Conference is over. But what has been more successful in these and other federations is that Ministers

in charge of various Departments, State and the Centre, come together and try to discuss their respective subjects so that some via media to balance the interests of the State and the Centre could be found out. We have, for example, the Zonal Council, the National Development Council, the Finance Commission and the Planning Commission. I do not think any useful purpose will be served by adding one more forum. The Finance Commission is a Constitutional Commission. Every five years it considers various aspects. They may apply Gadgil formula of resources.

AN HON. MEMBER: Is it you?

SHRI V.N. GADGIL: Not myself but the former Vice-Chairman of the Planning Commission, Dr. D.R. Gadgil. The Gadgil formula about source of income, population, backwardness is there. Various States apply and they suggest certain allocations. Here I would like to make one observation. The Planning Commission has gone through various stages. At one stage it became a parallel cabinet, later on a super Cabinet, later on an advisory body and at one stage it deteriorated into just an academic body. Now, my submission is that the role of the Planning Commission in Inter-State relations is to act as some kind of pioneer, some kind of guide, some kind of disseminator of information, overall planner and evaluator. That should be the role of the Planning Commission. But as I said, historically it had changed into various role which have not done very good for the country. The proper roles as far as Centre-State relations are concerned is to be some kind of pioneer, some kind of evaluator and some kind of guide. Therefore, Sir, when you already have these many institutions, in my submission it is unnecessary to add one more forum whether it is to be presided over by the Prime Minister or the Chief Minister. In my submission all that becomes irrelevant because no such Commission or Council is necessary for better Centre-State relations.

Finally, I would like to conclude by saying this. What is the direction in which we

[Sh. V.N. Gadgil]

should go? Sir, it has been said, a federation is not a static creation of lawyers to be reserved for their exclusive control, although some kind of juristic stamp is necessary on Centre-State relationship. So, a federal system is not accordingly symbolised by a neat cake of three distinct and separate plans. A more realistic symbol would be that of a marble cake. Whenever you slice through it, what do you get? What is revealed is an inseparable mixture of different colours and ingredients. There is no neat horizontal stratification. Vertical and diagonal lines almost obliterate the horizontal ones and at some places these are of unexpected whirls and an imperceptible merging of colours so that it is difficult to tell where one ends and the other begins. That should be the proper approach. It is not desirable that you draw very clear-cut line—this is Centre-State relation. We are all one nation, working together. I will be the happiest man, when people wonder where my views and those of another, say for example, Somnathji's are one. If that kind of situation we can have, then we will achieve a real unity and integrity. It is not at all necessary that there should be some kind of confrontation, some kind of hostility and that you and I are different. That kind of feeling, I think, should be ruled out.

To conclude, as to how the relationship between the Centre and State should be in the future, I would say, much will depend upon political leadership of all parties, upon all leaders whether Central or the States and if we are working together, then the real sense of unity will come, the sense of integrity will come—not by law, not by Constitutional provisions, If there is a kind of feeling of being one and being together, then only, the Centre-State relations will improve. It is not so much a matter of a form of Constitutional provision or a legal enactment. It is after all, the people who want to work the system, how they approach and how they view the Centre-State relations and on that will depend the success of Centre-State relations.

The best I could do is to quote a description of this relation, which I found most appropriate:

"To keep the centrifugal and centripetal forces in equilibrium so that neither the Planet-State shall fly off into space nor the Sun of the Central Government draw them into the consuming fires."

This should be the picture, the image of the Centre-State relations, which we should have in the coming generations.

MR. CHAIRMAN: Mr. Somnath Chatterjee. How much time will you take?

SHRI SOMNATH CHATTERJEE: 50 minutes.

MR. CHAIRMAN: Your Party has got only 12 minutes.

SHRI SOMNATH CHATTERJEE: Everybody is taking more time. It is a very important subject.

Mr. Chairman, Sir, I feel that the report of a Commission like Sarkaria Commission cannot be discussed merely on a theoretical plane or on the basis of mere dogmas. When the Commission was appointed, we have had an experience spreading over nearly three and a half decades of the functioning of the Centre-State relations in this country, since independence. It is not that we are today drawing up the Constitution for the first time and that we shall go and consider whether it should be strong Centre or strong State.

The experience of the functioning of the Centre-State relationship is before us over all these year, specially during the last two decades, which has been unfortunately of friction, confrontation and controversies. One cannot ignore that there has been uneven development of the country as a whole. There is disparity not only amongst the people of the country but amongst States and States, amongst regions and regions,

for which there cannot be any rational explanation had proper Centre-State relations been evolved in this country

The makers of our Constitution opted for a sort of federal structure, which means sharing of powers and responsibilities between the Centre and the States. But, Sir, it cannot be denied and I am sure you will agree that under our Constitution, most of the development activities and day to day activities are required to be carried out by the State Government. It is to be the State Government, the people look up for the performance, for the redressal of their grievances and for achieving their legitimate dues and interests. But the question is, for discharging the responsibilities, whether the State Governments are adequately equipped, both financially and Constitutionally and legal powers are there so that they can fulfil their responsibilities and meet the urges and aspirations of the people? We have to consider this in the light of our experience. The very fact that late Prime Minister Mrs. Gandhi thought it necessary to appoint this Commission was a recognition of the reality of the situation that the objectives which this country had set up before itself had not been fulfilled and there are distortions, imperfections and deficiencies in our body polity.

We yield to none in our commitment that our nation as a whole must be strong. But the question is how can we achieve the strength of the nation as a whole? That is what we are discussing. There would not have been any demand for review and restructuring of the Centre-State relations if the people or the State Governments and that includes the Congress Governments in the States, had realised that the status quo helped them in achieving the desired objectives and that the country was progressing in a proper manner. But the feelings of deprivation, unequal treatment and unequal opportunities have prompted the people to make a very strident demand for the review and restructuring of the Centre-State relations.

The Sarkaria Commission got this op-

portunity to review the situation and to make recommendations for restructuring of the system.

We believe that the strength of the nation lies in the development and the strength of the States and that includes every State and that the strength of the States provides the crucial basis of a strong Centre and a strong nation which we also cherish and demand.

If you kindly go through the report, you will find that the Sarkaria Commission refers to many distortions which have crept into our body polity. In the Centre-State relations in a number of cases, it makes valid criticisms of the current practices that have been followed. It puts on record the various objections made by the State Governments and the political parties and upholds many of the objections as valid but finally, unfortunately, it has succumbed to the status quo approach which it ultimately adopted in the matter.

As a matter of fact, if one goes through the report and the recommendations, it seems the justification for a status quo dominated the entire thinking of the Commission and it really ends in a whimper by concluding that no worthwhile constitutional change is necessary. Strangely and unjustifiably, the Commission believes that in future the Centre will behave properly and with a proper behaviour, good behaviour of the Centre, in future, all will be well. Therefore, we can go on pointing out some deficiencies leaving it at that.

We find out it is regrettable that the Sarkaria Commission did not derive any benefit from the lessons of history. It has made a review of the situation but has not taken the benefit of the result of the review. A great opportunity was before this Commission, on the basis of its own findings, to suggest worthwhile steps to remedy the wrongs and the deficiencies that the Commission itself identified in the functioning but, as I said, it has only resulted in expressing its good wishes and hopes for the future but without making any meaning-

[Sh. Somnath Chatterjee]

ful recommendations to do away with the distortions and, in that sense, we cannot but say that the Sarkaria Commission report is a disappointment. What is considered to be the basic fallacy of the Commission's Report is its hypothesis that the nation can be made powerful by making only the Centre powerful. Shri Gadgil has just now said that the States need not be powerful. This is the basic fallacy. It has ignored the fact that over the four decades since Independence excess accretion of power and strength by the Centre has not helped in the uniform development of the country as a whole. It has resulted in threats to national unity. It has undermined the smooth functioning of our polity as a whole. The British imperialists who ruled over us for centuries intended obviously for their imperial designs to establish their hegemony and whenever they thought of bringing in some sort of a federal structure in this country by creating the Provinces and providing for elections to them, what did they do? They enacted the Government of India Act, 1935, the crux of which was a strong centralised administration under which the Centre was vested with overwhelming authority and the Provinces were relegated to the status of vassals. This is not my word. This was what the Congress Party Resolutions have been saying. When Shri Gadgil was speaking, he was speaking as if it was 1947 and this is not 1989. Our makers of the Constitution said also that there would be chaos if there was not, what is know to be, the strong Centre. Otherwise, with the aftermath of Partition and the holocaust that we have had in this country, the country would have been torn as under. But the same approach is applied in 1985, in 1986 and in 1987 by the Sarkaria Commission that there would be near chaos. Why? It is because of the fact that if we look at what would have happened if there had not been a strong Centre at the time of 1947. As I said, the experience of the historical process, the experience of the last forty years has not been taken into account in making its recommendation. I am asking the hon. Members here and asking the country whether the

systematic growth, over-centralisation for the last forty years of power at the Centre has evoked discontent among the masses in different regions of the country or not; whether it has helped the fissiparous tendencies or forces to be created in this country or not. Has it helped in cementing the national unity? Has it helped in making our country as a whole strong enough?

Sir, Shri Veerendra Patil referred to the glorious concept—not only the glorious concept but the glorious truth—of our development in this country viz. unity in diversity. It is still there, The basic unity is there in diversity. But that concept of unity in diversity had become one of the main points of emphasis during our freedom struggle and which was adopted by the Resolutions of the Congress Party in different conferences during the struggle for freedom. The Resolutions specifically referred to the development of post-Independence India as a federal nation. There was the reiteration of that from time to time. Nobody will deny—as was stated in those Resolutions—that Foreign Affairs, Defence, Communication, Currency and the like should necessarily be vested with the Centre and the States have to delegate such powers to the Centre. There is no doubt about that. But the residual power has to remain with the States, as has been rightly pointed out by Shri Ayyapu Reddy and the 1946 Election Manifesto of the Congress Party stressed on this. They emphasised this fact that the residual powers will have to with the States for the proper development of the country as a whole. But these experience or these resolutions have been....(*Interruptions*)

MR. CHAIRMAN: Two minutes more.

SHRI ANIL BASU: How is it, Sir?

SHRI SOMNATH CHATTERJEE: Let me not speak then.

MR. CHAIRMAN: You had asked for fifteen minutes

SHRI SOMNATH CHATTERJEE: I said: "fifty minutes."

MR. CHAIRMAN: No, no. Your party has got only 12 minutes. The Business Advisory Committee has recommended this. You should have raised this in the Business Advisory Committee asking for more time.

(Interruptions)

SHRI ANIL BASU: This is objectionable
(Interruptions)

SHRI SOMNATH CHATTERJEE: But somebody spoke for more than one hour.

MR. CHAIRMAN: They have got that much time and you have got only ten minutes. What can I do?

(Interruptions)

SHRI SAIFUDDIN CHOWDHARY (Katwa): Let it be extended. *(Interruptions)*

MR. CHAIRMAN: I can give you five minutes if you want.

SHRI SAIFUDDIN CHOWDHARY: Then we are walking out

14.31 hrs.

Shri Saifuddin Chowdhary, Shri somnath Chatterjee and some other hon. Members then left the House

SHRI N.V.N. SOMU (Madras North): Give him a few more minutes.

MR. CHAIRMAN: I told him. But he does not want to take. What can I do?

(Interruptions)

PROF. P.J. KURIEN (Idukki): The Chair has not prevented him from speaking..

MR. CHAIRMAN: He does not want to speak. What can I do?

(Interruptions)

SHRI N.V.N. SOMU: This is an ocean. How can it be cut short? *(Interruptions)*

PROF P.J. KURIEN: This is only for politicising. *(Interruptions)*

MR. CHAIRMAN: I have not asked him to stop. But he does not want to speak.

PROF. P.J. KURIEN: This is simply to politicise it.

MR. CHAIRMAN: Mr. Shripati Mishra to speak.

[*Translation*]

SHRI SHRIPATI MISHRA (Machhlishahr): Many pertinent and important issues have been raised in the House about the centre-state relations. I want to place before you the basic point which necessitated the appointment of Sarkaria Commission and the circumstances in which it was appointed and the reasons which led to holding of discussions today on its findings. There are some hints to be taken from the history which we should fully comprehend. The framers of the constitution had certain basic conceptions which were enshrined in the constitution that there should be a strong centre in our country capable of keeping the country united. If you go down the memory lane, you will observe that India was never so large as it is today. The idea of a strong centre was conceived and provided for with a view to maintain the entity of the country intact so that it may not disintegrate. The various suggestions have been put forward in the House and a lot has been said from the opposite benches about the Sarkaria Commission's report. I am not touching the basic question so as to implement the suggestions. If we examine it from the political angle, we will have to see that if we allow parties to be formed in India on the basis of a particular region, caste or religion, is it possible that they will align themselves with the national mainstream and the concept of national feeling will be promoted in the country. If a party is formed on regional basis, whose base is confined to a small part of the

[Sh Shripati Mishra]

country, can it fall in lien with the national concept, wherein lies the real strength of the country. Such parties have come into existence. I will not like to name any party but one after the other several such parties have been formed from South to East and West and their thinking, objectives and interests were diverted from the national outlook and were confined to their respective small territories, viz Delhi, Bombay, Calcutta and Madras and their respective capitals. If we do not prevent formation of these regional parties, centre-state relations can never improve, no matter whatsoever efforts are made. We have Finance Commission, Planning Commission, certain other facilities provided under the provisions of the constitution. If the regional parties ruling a state adopt a parochial approach and try to corner all these facilities, it will definitely widen the gulf between them and the centre, and there will be no coordination with the centre. If they work with this approach that they stand to benefit when they are able to grab lion's share of these facilities meant for the whole of India, it will never help improve the centre state relations. Therefore, first and foremost I want to place for your consideration the most important point that we must bring about a change in this political approach and enact law to prevent formation of such regional parties.

The people, who are very vocal about the centre-state relations and plead for strong states, would have felt differently if their parties had functioned on national level and their operations and thinking would have been on national basis. Then they could visualise as to what role they had to play if they were in power at the centre. But it is beyond their comprehension because they are there on the basis of support of very small groups. They cannot think of the problems faced by the centre and how they were to be solved. It is their narrow thinking and ideas that the relations between the Centre and the States have deteriorated. We take pride about the completion of 100 years of existence by the ruling party. I would like to

say that they should take steps in this direction and set ideals so that country becomes strong, national integration is promoted and the deteriorating relations improve. As a largest national party devoted to the concept of a national party, which has been in power for 100 years, it is its greatest responsibility to see that factors responsible for such elements taking roots are eliminated.

Now, I want to draw your attention to some other points raised here. Shri Reddy said in a very casual way that no person of literature or no scholar has been appointed as Governor. I do not know as to who is a scholar according to his definition of a scholar. But of course, I will like to mention some names and ask you if they were not scholars. Shrimati Sarojini Naidu, Shri Kanhaiya Lal Manik Lal Munshi, Dr Sampurnanand and Dr Zakir Hussain held the office of Governor. I feel that they were renowned and acknowledged scholars of the country. Thus such casual remarks should not be made.

I completely disagree with Shri Gadgil that the reason for replacement of a Governor should be given. It makes no sense. The nature of the office of Governor does not warrant reasons to be assigned.

As regards the subjects included in the concurrent list, it is a basic requirement that legislative proposals of State Governments on such subjects have to come to the centre also and require the assent of the President. There have been several instances in the past where the legislative proposals passed by the State Legislatures were sent to the centre but so much time was taken here that by then it became impossible to achieve the object of the proposed legislation. There are also instances where the legislation sent to the centre was not accepted or assent not given or assent was delayed. It is the responsibility of the Centre to fix a time limit within which legislative proposals of the states are approved or rejected, as the case may be.

I will like to make a special reference to judiciary. There is an atmosphere of disre-

gard and defiance today through out the country. The people have lost confidence inspite of due performance of its duties by the Executive. Thousands of cases are pending in every court and high court, lakhs of cases are pending in the High Court of Uttar Pradesh alone. There is nothing unusual about it. But the belief gaining ground among the people that disputes will never be solved in courts is a matter of serious concern. If the cases are not decided in the courts, people will take to the roads. If these are to be decided in the streets, it will mean anarchy and chaos. But our attention goes to the centre who have been vested with the powers to take decisions. At present 90 posts of judges of High Courts are vacant. In such circumstances, people will definitely take to streets instead of going to a court of law to seek a solution to their problem, which is a dangerous signal for the country.

I want to avoid mentioning names, but I will refer to a case. A decision was taken to confirm the Chief Justice of a High Court but in the present beurocratic set up the final order could not be signed and it may perhaps be issued now when just two months of his 9 month term are left.

You should exercise the powers vested in you in regard to subjects included in the concurrent list, in such a way that it does not hamper the work of other States. There should be no delay in it. Even petty things like licence for a small industry or a minor case of acquisition sent to centre remain pending at the centre. I want to cite it as an instance which strains the relations. This is no question of Congress Party or opposition party in it. I am talking of a state ruled by the Congress party. It was decided to take over sugar mills. The State took a decision and ordinance was sent to the centre for concurrence but the whole season passed away but the ordinance could not be signed with the result that all the farmers, all the workers and the common men in that state continue to face hardship. This created resentment against the Central Government. Had there been an Opposition Government in that State, it would have raised a hue and cry

and would have given it a different colour. Therefore, I want to say that you may delay your own work slightly but you should try to dispose if the matters concerning the States so expeditiously that no one is able to raise an accusing finger.

I also want to say a few words about the point raised by Shri Reddy. When I.A.S. Officers from the Centre are posted to States, the officers of States do not treat them as their officers but as officers of the Central Government. This is true to a great extent. Under the circumstances it naturally gives birth to a feeling among authorities not to carry properly the Central plans, orders etc. If things are viewed in this perspective, cordial relations cannot be established. Although it is a controversial matter, but such instances can be cited. When during the elections in Kashmir different parties fought the elections in individual capacity, order of the centre were carried out by the officers of the Central Government and the orders of the State Government were carried out by the State officials. We have been a witness to such a conflict. This happened during the last elections in Jammu and Kashmir. The centre should pay equal attention to all the officers of a cadre posted in a State irrespective of the cadre to which they belong. If there is need for any amendment in the existing law, it should be made so that the chief executive of the State may exercise effective control upon them and ensure compliance of orders. If such arrangements are not made, these incidents will continue to recur.

I will conclude after submitting my last point. Bodies like the Executive, Judiciary, Election Commission, Planning Commission and Finance Commission etc., as stated by Shri Reddy, should work like pioneer bodies and provide direction and their independence should be fully protected. If the independence is fully secured, it will definitely improve the centre-state relations.

Secondly, we have vested in Parliament the right to amend the constitution, sometimes even to change the judgements of the Supreme Court and we have altered

[Sh. Shripati Mishra]

(Interruptions)

them but by doing so we are showing a path which leads to such incidents which undermine their sanctity. We need not lower the sanctity of such institutions rather further uphold it.

[*English*]

MR. CHAIRMAN: Kumari Mamata Banerjee.

KUMARI MAMATA BANERJEE (Jadavpur): Mr. Chairman, Sir...

SHRI G.M. BANATWALLA (Ponnani): Mr. Chairman, Sir, it is a very unhappy situation in the House, Let us find out a solution.

MR. CHAIRMAN: There was no unhappy situation.

SHRI G.M. BANATWALLA: You can inform the hon. Speaker and let the hon. Speaker talk to the Member.

MR. CHAIRMAN: That is not done.

(Interruptions)

SHRI THAMPAN THOMAS (Mavelikara): Sir, you should give him a chance to speak.

MR. CHAIRMAN: I did not ask him to stop the speech. You were here. Did I ask him to stop the speech? But if he does not want to speak, what can I do?

(Interruptions)

MR. CHAIRMAN: I did not stop him. I only reminded him of the time allotted to his party. It is mentioned here that the Marxist Party has got 12 minutes. I only reminded him of the time allotted to his party. I never stopped him. You were here. I did not ring the bell. I did not stop him. I only reminded him of the time. Immediately he stopped and went away. What can I do?

AN. HON. MEMBER: He must be given a chance to continue his speech (*Interruptions*)

PROF P.J. KURIEN: This is very unusual. Whosoever is speaking, it is the prerogative of the Chair to remind him of the time. And nothing more happened. When reminded, he stopped and went away. Is it the way? He cannot be called back by the Chair. That approach is not correct. He was only reminded of the time.

(Interruptions)

SHRIMATI GEETA MUKHERJEE (Panskura): The time can be extended for this discussion, if required.

MR. CHAIRMAN: I do not have any objection to the House taking a week for this. It is for the Business Advisory Committee and the House to take a decision.

(Interruptions)

MR. CHAIRMAN: I did not stop him. Why should I be apologetic?

(Interruptions)

MR. CHAIRMAN: You must be fair. I only reminded him of his time. Nothing else happened. I did not ask him to stop. He stopped and went away. What can I do?

(Interruptions)

PROF P J KURIEN: Why can't they go and call him? (*Interruptions*)

MR. CHAIRMAN: You were here. Did I stop him?

SHRI THAMPAN THOMAS: You did not. But other speakers have taken much more time. He wanted more time. (*Interruptions*)

MR. CHAIRMAN: You must under-

stand. Unfortunately, the time allotted for the discussion on this motion is five hours. The Congress Party has got three and half hours, and the Marxist Party has only 12 minutes. I reminded him of his time. That is all. I did not stop him.

SHRIMATI GEETA MUKHERJEE: Time has been extended twice, thrice for various discussions. This is such an important debate.

MR. CHAIRMAN: I have no objection to extending then time for this also.

(Interruptions)

AN. HON. MEMBER: Do not make an issue of this *(Interruptions)*

SHRI AMAR ROY PRADHAN (Cooch Behar): We are not making an issue of this.

MR. CHAIRMAN: There is no problem before this House. I did not stop him. He stopped and went away. What can I do?

SHRI THAMPAN THOMAS: Kindly call him...*(Interruptions)*

MR. CHAIRMAN: Why should I call him?

(Interruptions)

SHRI THAMPAN THOMAS: Please permit him to speak.

MR. CHAIRMAN: That we will consider.

[Translation]

KUMARI MAMATA BANERJEE (Jadavpur): Mr. Chairman, sir, I am grateful to you for giving me an opportunity to make my submission...*(Interruptions)*...If the Members of the Opposition want to make their submission, they should be allowed to do so but hon. Shri Somnath Chatterjee has walked out on his own. If any other Member of his party want to speak, he should be

allowed to do so but this sort of a conduct is not welcome. The Centre-State relations is a very important issue...*(Interruptions)* but the way the Members of the Opposition are behaving is not proper. They disturb the House with such behaviour. Hon. Shri Somnath Chatterjee was not expelled from the House but he himself walked out on hearing that only 12 minutes have been allotted for his party Members to make their submission. If any Member of his party wishes to speak, he should be allowed to do so. *(Interruptions)*

[English]

MR. CHAIRMAN: I have not done anything wrong. He himself stopped his speech and went away. I only reminded him of his time. As per the rules, no Member is allowed to speak more than once on one motion. If he wants to speak again, he must get the permission of the Speaker. So, let him get the permission from the Speaker and speak again. I have no objection.

SHRI V. KISHORE CHANDRA S. DEO (Parvathipuram): Mr. Chairman, Sir, there was obviously some misunderstanding due to which the Hon. Member went out.

SHRI BHOLANATH SEN (Calcutta South): The time of the House is taken away. We will not allow this.

SHRI V. KISHORE CHANDRA S. DEO: I am not challenging what you have said. You have rightly put that a Member cannot speak more than once. But here in this particular case no Member has resumed speaking.

MR. CHAIRMAN: One Member has completed his speech and the second is already on her legs. I am helpless.

(Interruptions)

MR. CHAIRMAN: You were also there, Mr. Somu. The Chair is not at fault. I did not stop him. He stopped his speech and went away. Now, there is only one alternative. He

should get permission from the Speaker if he wants to speak again. Let him take the permission. I have no objection.

(Interruptions)

15.00 hrs

SHRI V. KISHORE CHANDRA S. DEO: Speaker means the 'Presiding Officer'. You can allow him to speak Sir. *(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSION AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Why are you pleading his case? He is capable of pleading his own case. Where is he? Ask him to come first.

(Interruptions)

SHRI ASUTOSH LAW (Dum Dum): I am on a point of order Sir. The hon. member is on her legs. Please allow her to continue. *(Interruptions)*

SHRI V. KISHORE CHANDRA S. DEO: Will you allow him to continue his speech?

MR. CHAIRMAN: Please speak to the Speaker.

15.01 hrs.

I have already given my ruling. Madam, you continue.

SHRI SAIFUDDIN CHOWDHARY: It is unfair Sir.

Shri Saifuddin Chowdhary and some other hon. Members then left the House.

[Translation]

KUMARI MAMATA BANERJEE: Sir, the Sarkaria Commission Report is a very important subject of discussion and which is presently under discussion in the House. I regret to say that when hon. Shri Somnath

Chatterjee was making his submission, many hon. Members of the Opposition were not in their seats. There were not present when you had told him that his party would be allotted 12 minutes and thereafter you asked as to how much time would be like to have? Then he had said that he would like to have 50 minutes. Instead of giving 50 minutes 30 minutes could be allotted. There is nothing which should be taken so seriously in it. This is not an important subject for the Opposition but it is important for us. Sir, Shri Somnath Chatterjee has refused and left on his own.

[English]

SHRIMATI GEETA MUKHERJEE: No Sir. In Parliamentary language, that is an 'untruth'.

KUMARI MAMATA BANERJEE: Sir, we should get full opportunity to speak on such an important subject. It is true that the Members of the Opposition should also be allowed to express their point of views on such an important subject. *(Interruptions)*

The Sarkaria Commission was set up in 1983. It was set up by Shrimati Indira Gandhi. The Sarkaria Commission Report consists of 4,900 pages and contains 247 recommendations. *(Interruptions)* Sir, this commission has made several important recommendations about.

[English]

Inter-State Coordination, role of Governor, Emergency provision, deployment of Union Armed forces, Socio-economic development of the country, financial relations, forests mass media and inter-State trade and commerce.

[Translation]

The Sarkaria Commission in its financial recommendations, should have also a recommendation about freight equalisation and the policy which should be adopted by the State Governments in this regard. In the

absence of an uniform policy, the eastern region, which includes States like Bihar, Orissa, Assam, West Bengal, Tripura, Nagaland, Arunachal Pradesh and Mizoram, has lagged behind in term of industrial and trade development. Therefore, there should be a uniform policy in this matter. Hon. Shri Chidambaram is present here, I had raised this matter in the Consultative Committee meeting as well. Attention must be paid in this direction. This is a long standing demand, which if accepted will help in improving the Centre-State relations to a considerable extent.

The Sarkaria Commission has recommended for a strong Centre for the smooth functioning of the country and for maintaining its national unity and integrity. It has recommended financial powers for the States as well. But today Centre's relations with some States have worsened so much that the Centre is not able to extend adequate assistance to the States because it does not get their full cooperation in this regard. It is also a common complaint of these States that Central assistance is not provided to them. Therefore, this recommendation of the Sarkaria Commission should be taken seriously. However, it should not be politicised or made a political issue so that it does not give rise to any confusion or controversy. In a federal set-up both the Centre and the States should be strong. The States should be provided with financial powers and attention should be paid towards their development. The Planning Commission does not invite the recommendations from the States and the States are unaware of the schemes which are formulated for their welfare. Due provisions should be made in this matter. Similarly, the State Governments cannot demand loans from financial institutions. Provisions have to be made in this regard as well but care should be taken to ensure that political colour is not given to it. Today, some State Governments think that Central assistance is not being extended to them and therefore they have to fight for it. The Khalistan movement, the Bodo and the G.N.L.F. agitations have been born out this confrontationalist

attitude and deteriorating Centre-State relations. Hence to have harmonious relations between the Centre and the State efforts should be made in this direction so that such agitations do not gain strength. The Sarkaria Commission has given very constructive recommendations and it is essential to follow them.

Similarly, regarding the use of mass-media, the Sarkaria Commission has recommended that television, the broadcasting system etc. should be under the control of the Central Government. I support this recommendation. If the second channel is handed over to the State Government, it will be controlled by the party in power in the State as we can see the first channel being controlled by the C.P.I.M in West Bengal. All the officers including the directors are affiliated to the CPIM and this party has full hold over the mass-media of the State. Therefore, steps should be taken to protect the mass-media from being politicised.

As regards the pending projects of the States, the Centre should clear them after talking with the States in this matter. A lot of problems arise on account of non-clearance of pending projects. These projects of the State Governments should be cleared not from the political point of view but from the point of view of development. The Haldia Petro-Chemicals project is pending in the state of West Bengal since a long time. The Minister of Industries stated in his reply yesterday that it has been cleared by his Ministry but is pending in the Finance Ministry for long. I cannot understand the reason why it is pending for so long. I would like to submit one more point. In some states, there has been a breakdown of constitutional machinery. The functioning of state legislatures of Andhra Pradesh, Tamil Nadu and West Bengal is known to everybody. We cannot discuss it here as these are state subjects. The State Legislatures should not function in a manner in which the democratic institutions are disrespected. The Sarkaria Commission has dealt with the role of the Governor in detail. It is not that the opposition parties in the State Legislatures should

[Kumari Mamata Banerjee]

not have any respect or security. The Governor can discuss this matter with the Chief Minister and ensure protection of the Members of the opposition. Since Shrimati Jayalalitha was assaulted in the assembly she is apprehensive of attending the House. In my state also, the Opposition Members could not enter the Assembly once. This is very unfortunate. When 3 M.L.As protested and gave notices against the Chief Minister, they were suspended by the Speaker. What is this style of functioning? The Chair has permitted hon. Shri Somnath Chatterjee to take 15 minutes for his submission and he should be allowed to speak. I think that the opposition Members should express their point of views. Open discussions should take place so that fruitful decisions can be taken. The Central funds are being misused in Andhra Pradesh, West Bengal, Tripura and Tamilnadu. This is against the constitution. The Central Government does not complain against the State Governments but the States speak against the centre. It is essential to be careful about the fact that the atmosphere is not vitiated. The report of the Sarkaria Commission consists of 5000 pages and is a commendable effort. But much time is needed to discuss its recommendations. The Government should adopt a uniform freight equalisation policy. The states should also be strong along with a strong Centre. Ours is a federal set up. We cannot afford even one of its component units to become weak. A powerful centre is necessary for the unity and integrity of the country and it should not be so for any political motive. It is very essential to improve centre-state relations. I would like to request that the opposition should be permitted to speak on this subject. We are prepared to listen to them. We should pay attention to whatever constructive suggestions they may offer. I am grateful to you for providing me an opportunity to express my views and with this I conclude.

[English]

SHRI BHOLANATH SEN (Calcutta South): Mr. Chairman Sir, the two volumes

written by the Sarkaria Commission consist of many aspects of the Centre-State relations including judiciary. The real point that I would like to talk about is that the Constitution itself has no basic defect, it has gone on, with the experience certain conventions have been built and it is working well for the last forty years. I would not like to have a strait-jacket formula for the constitution of a free country like ours. In spite of that, we have got certain problems. What are they? The people remain poor, and for that Twenty Point Programme has been made. But the most part of the money spent for the Twenty Point Programme does not reach the people in the villages.

The Sarkaria commission has made a recommendation that certain amendments should be made with regard to the Entry Five of the State List. Entry Five of the State List deals with Panchayats, Municipalities and other similar organisations. I submit that planning should be made in such a fashion that the District Development Boards should be constituted. The District Development Boards should take into account the views of the Panchayats and the money should be allocated or ear-marked to each District Development Board for the purpose of developing the country, for the purpose of creating services and for the purpose of improving their living conditions. They are the people to whom our attention should be drawn.

A few things have been said here, namely elections should be made every three years or five years or at regular intervals, but it stops there. Today's problem is, people living in the villages, who cannot go to Court for getting their benefits, are not able to get the money meant for them. As we know, eighty per cent of the money goes in a different direction and the people in the villages get less than twenty per cent of the money allotted for the Twenty Point Programme. Some arrangement should be made so that out of one rupee, atleast eighty paise, if not more, goes to the people in the villages. Otherwise, thousands and thousands crores of rupees will be misutilised, as

it is being misutilised, for the purpose of a particular party which is ruling the State. One thing should be noticed. When Mr. Morarji became the Prime Minister, there was no problem and those who were supporting him has no problem regarding Centre-State relations. It was only when Mrs. Gandhi came to power again, the problem regarding Centre-State relations was raised and the Commission was appointed. The Commission has taken the opinion of many people. Certain suggestions look to me as a kind of prescription of a strait-jacket and the constitution of the country with eighty or ninety crores of population should not be a strait-jacket and it should be such that it can function properly. In England there is no written constitution and yet democracy is functioning there. Scotland is there; Ireland is there. They are functioning. In our case, I oppose any strait-jacket suggestion or any permanent suggestion that has been made by the authorities.

It is the administration which is in trouble today. For all the problems, either in the States or in the Centre, the officers are responsible. They do not move. I have seen many cases where because of the administrators in States or in the Centre, nothing moves. Many problems are there due to the inaction of the administration. The thing that could be sorted out within a short time, is never sorted out for years and years together. It gives an opportunity to the parties which are against the Congress or fighting against the Congress to say: "Look at the Centre, they do not clear our proposals." Something should be done in this regard. How to cut short the red-tape? That is the most important thing. For the judiciary they have said that no transfer will be there. Good and healthy conventions are made only with the consent. But why are appointments not being made; why are the vacancies kept pending? Nothing has been said about that. But the judiciary is in trouble. The Minister is here. I would like to draw his attention to one aspect. Administrative Tribunal has been appointed in various cities regarding various departments of the Government. Now even there, we find that the judges are not appointed at the appropriate time. There are

vacancies. Be that as it may, after the decision is there, the Government can come up by way of article 136 to the Supreme Court. Expenses do not matter to them. But what happens to the poor man? If he is aggrieved by a wrong decision, he cannot go to the Supreme Court. There is no suggestion that the High Courts and the Supreme Court should open up and bring justice, as the Supreme Court says from time to time, to the doorsteps of the citizens. That is not being done. Nothing has been said about that.

The difficulty is that the All India Services which have been taken advantage of by regional parties mostly, are very peculiar. The discipline is under their control, the transfer is under their control, the promotion is also to a certain extent and not fully, under their control by way of some other organisations which send them. But dismissal cannot be made without the consent of the Government. These people are being utilised by the regional parties for establishing their own hegemony permanently. That is how we are suffering. Similarly, IPS officers, because of fear of transfer, suspension and many other things, make them do injustice and toe the line of the Government though the Government does not try to function according to the law.

The other thing that I would like to say is that so far as this country is concerned, the Centre has to be powerful. A powerful Centre is a necessity for us. It is a danger that we are facing not today, but we have faced the danger in the past. After independence, we had faced the danger from China, Pakistan and also at the time when Bangladesh became free. We are facing the danger today also from countries or forces outside India. It is happening – danger within India, danger outside India. Who is going to control that if the Centre becomes weak? There is nothing called federal structure in that sense. The Centre and the State are part of one organisation of a type of its own. There is no comparison anywhere. Whenever the Centre became weak, the country has suffered. From the time of Maurayas, they tried to make their territory as centralised. There-

[Sh. Bholanath Sen]

after they yielded and some division took place and it went on in the empire regime. What happened during the Mughal period? They tried to build one central state. But the moment they started giving up the Central control and gave power to certain individuals for some *Jagirdars*, the country went into trouble. Now here, if the Centre is not strong, who is going to protect the rights of the citizens? The Constitution has functioned well. Nobody is saying make the State weak. If the State carries on its work properly, then there is no reason why the State should be weak. Crores and crores of rupees have been allocated to the States and many States did not get more money because the other States had to be given. But what happened? The money could not be spent and the Centre was blamed. Much water has flown down the Ganges. Since the time when Morarji Bhai came, nobody complained. At least we did not say that there is any problem with regard to the Centre and States. But if you look into it, they have the newspapers, they have the press, they have the other machinery for talking to the people, but only anti-Centre allegations are being made. There is no truth in it in many cases. Therefore, the television and the radio must be used to explain to the people the objectives of the Central Government, the programmes of the Central Government and what the Central Government intends to do for the citizens of this country...(*Interruptions*).

AN HON. MEMBER: And not of the State Governments.

SHRI BHOLANATH SEN: State Governments have got newspapers. So, there is no problem for them. I give you one instance. Here, the President of India said that forty per cent of the students in Navodaya Vidhyalayas come from families below poverty line and eighty per cent of the students come from rural areas. About the same time it was told by no less than a Chief Minister that these Navodaya Vidhyalayas were meant for the rich community and the

rich people.

SHRI P. CHIDAMBARAM: This is not a fact.

SHRI BHOLANATH SEN: This is what has been stated. It came out in the paper. Therefore, it is necessary to give more publicity throughout the country as to what Navodaya Vidhyalayas are doing, what 20-Point Programme is being used for. Say that the 20-Point Programme is being used well in Gujarat, the 20-Point Programme is being used well in Maharashtra also. This should be brought to the knowledge of the people. People today vote without knowing what is happening. Democracy can survive only if people know and agree. The rule by consent is called democracy. How can a man give his consent if he does not know what is happening? And this ignorance is being taken advantage of and certain things are being said. As a result, the State become a centre for complaint against the Centre. In every State you go, they say: "No, I cannot do it because the Centre does not do it." We do not meet the people, we do not go to their door-steps to say what the Centre is doing and what are the good results of that. Does anybody know that? Very few people know. We get so many programmes on T.V., but where is that programme? T.V. must be used to politically awake the citizens. The radio must be used. Whose fault is it? Is it not the fault of the administrators? Now, the administrators must play a role, a proper role, to see that the country moves forward. No citizen should be deprived of his share of wealth and knowledge of the truth. He has the right to know. He has no obligation to unlearn things or to be taught things which are not true. Ours is a vast country stretching from Nagaland on the North-Eastern part to Saurashtra on the Western part of our country. Our country has got a huge population, much more than the Soviet Union. The USSR has got four times the size of our territory. But the population in the USSR is about 1/4th of our country's population. Sir, we should try and evolve something which helps the country to get rid of poverty, to get rid of unemployment and we should try to make the machinery move

forward. I remember the speech delivered by Shri M.C. Setalvad, in connection with the Tagore Law Lecture in Calcutta. According to him, nothing is wrong with the Constitution, but it depends on the person who runs that machinery. The same machine can give good results, the same machine can give bad results depending on the person who runs it. I want to know how it is that Gujarat is going ahead, how it is that Maharashtra is going ahead. But how is it that West Bengal is going backward? Are those two States working outside the Constitution? The same Constitution is there; the same principle is applicable in respect of all the States, including those two States. Yet we in West Bengal are going backward. Today we are comparing ourselves with other backward States and we do not compare ourselves with Maharashtra and Gujarat. We have in our country States like Kashmir, Arunachal Pradesh, etc. We have to think to them. We have to formulate a policy which will cut short the red-tapism which is actually retarding our growth. I would request the Government to go into that aspect of the matter and try to see how to cut the red-tape and also see that the money is spent for the benefit of the people, specially in the rural areas. This is my submission, Sir.

SHRI THAMPAN THOMAS (Mavelikara): Sir, the subject which we are discussing now is very important. May I submit that we may require more time for this subject? This is necessary for effective discussion. Sir, the Sarkaria Commission's Report which has been placed on the Table of the House is now discussed in this House. Certain suggestions have been made, that is, it should be beyond political level, it should be impartial and some of our colleagues have given some suggestions during the discussion. It is true that those suggestions are valid. But when we look at this problem and when we examine the experiences which we have gained in the past 40 years, naturally, they may correlate with political questions too.

Sir, now the present situation or the

present trend, after listening to the speeches of some of our friends, is that someone wants to defend the Centre and someone wants to champion the cause of the States. There is some sort of different views of expressed by the Members. It surprises me. In fact, if a discussion in its real sense is required, it has to be the other way round. Now, I find that there is some sort of an allegation against a State or a State is complaining against the Centre and the Centre is to be defended. Look at the Constitution. At the time of framing the Constitution, what was the idea of the framers of the Constitution? The emphasis that is given in the Constitution is on federalism and a federalism finding its unity in diversity. And now the Commission in its Report has suggested that it will lead to cooperative federalism and for the purpose of cooperative federalism, the suggestion is made that there should not be a line of confrontation, but a line of conciliation and a line of understanding. But, Sir, unfortunately the Commission itself in its finding has come to a conclusion. What had happened from the experience that we gained is that dominion and dependent relationship is a relationship which has come as a result of the experiment which we have made. Let us look at this problem impartially. Is it not true about the dominion and dependent relationship? Was it the idea of the framers of the constitution at the time of framing the Constitution that somebody should be at the top and somebody should be at the bottom and somebody to command and somebody to obey? Instead of that, the study made by the Commission itself shows that some sort of dignity and acceptance that has to be given to the States has to be given. Because that part has not been adopted, naturally criticism has come and that criticism becomes intolerable perhaps. Not only criticism as I say, but because of the experiments which we have been carrying out throughout, it has gone further. If you look at the problems as an outsider, what is now happening in various parts of the country? Regionalism, parochialism and all sorts of such fissiparous tendencies are coming up and they are gaining a stronghold. Punjab, Assam or else-

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where, wherever you look, you see that that is coming up. Why it is coming up? Is it not because of the fact that some one wants to make a strong centre perhaps to rule from the Centre? Naturally the resentment that comes from the grass root level is echoing. It is a fact and how to overcome that fact and to what extent this dominion and dependant relationship can be shelved off and their relationship which we thought of as the federal structure having its unity in diversity is a question which has to be debated. In that context we find certain important areas having been inquired into by the Commission and the recommendations have been made and in those things I find that a person like Mr. Gadgil could not agree. The Governor's role has been inquired into and when we look at it we will find that it is the Governor's office which is on par with the President's position at the Centre which is sought to be an office to be there as a safeguard or a safety valve. But now, today look at the problems of the Governors. The Governors much beyond their jurisdiction go out and involve in politics.

1539 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*].

Is it only in the non-Congress (I) States? No. In other Congress (I) States also it is happening. Because of the groupism inside the party, that makes one group incite the Governor against the other group. That is happening and that is the picture which we see now.

About my State I can say one thing with the experience which I had. I had a funny experience. I was visiting my constituency. I was addressing a meeting in Kayankulam. After the meeting, when I came out, I saw a few youngsters, Youth Congress-I workers gathering there and shouting slogans. The slogans are: "Thampan Thomas go back from constituency; Ram Dulari Sinha Zindabad". Shrimati Ram dulari Sinha is the Governor of the Kerala State. The Youth

Congress-I workers were shouting a slogan like this, with black flag against me, when I came out of the meeting. I was really astonished. When I enquired, what was the reason, I found that the Governor in the capacity of Chancellor of the Universities in Kerala has acted against the advice or without the advice of the State Government.

SHRI SHANTARAM NAIK: (Panaji): You should not cast aspersions on the Kerala Governor.

SHRI THAMPAN THOMAS: I am not casting aspersion. This is not casting aspersion.

(Interruptions)

MR. DEPUTY-SPEAKER; No aspersion on the Governor will go on record. I will go through the record.

SHRI P. CHIDAMBARAM: You are not casting aspersions. You are only wrongly interpreting the law. High Courts have held, the Chancellor acts independently, and not on the aid and advice of the Council of Ministers.

SHRITHAMPAN THOMAS: The Chancellor acts independently. But unfortunately, the Kerala High Court has given a verdict on the subject saying that the Chancellor acted beyond her jurisdiction. She may be a Chancellor. But look at the picture, the mockery, how they function. Please look at the issue. We impartially discuss this subject. I am pointing out a case where the Governor in the capacity of Chancellor, acted**

SHRI P. CHIDAMBARAM: That is not Centre-State relation.

SHRI THAMPAN THOMAS: Surely, it is very much Centre-State relation. It comes under the Centre-State relationship, because Kerala Government is a non-Congress-I Government. There you have sent a Congress worker as a Governor and that Governor is now over-ruling the State Government and nominating persons of Con-

**Expunged as ordered by the chair.

gress Party to the universities. This is Centre-State relationship. In fact, the Governors are acting, if I may say, so, on the advice of the Congress Party in Delhi. This is what I am coming to. This is Centre-State relationship and the experience in my State is like this.

There are laws which were passed by the Kerala Legislature. Naturally the Constitutional provisions make it obligatory that the Governor should give his assent. But to put the State Government in difficulty, the Governor has not assented to many Bills which are still pending. This matter is now pending before the President. Memoranda have been submitted by the Chief Minister and MPs. Since the Constitution gives certain provisions in this matter, using the Constitutional position, blocks are created and Party's interests are promoted. I think, Mr. Chidambaram is now clear on the subject, how you work with your Governors.

SHRI P. CHIDAMBARAM: I was only objecting to reference to Chancellor.

SHRI THAMPAN THOMAS: What I have said proves the manner in which they work. This is happening. What happened in Karnataka? In Karnataka also, an elected Government was attempted to be destabilised by the Governor. In Andhra also, the same thing happened.

SHRI P. CHIDAMBARAM: Where is that Governor today?

SHRI THAMPAN THOMAS: He is not there now. But he did it. We are having a discussion above politics, how Governors have acted in the last 40 years, and how we have to revamp the Constitution and to make amendments to the Constitution on the basis of our experience. The question whether he comes to Janata Dal or any other Party, I am the least concerned about it. I am telling you, how they acted, as agent of the Centre. Even if somebody criticised saying that during Shri Morarji Desai regime such thing happened, I want to make it clear that we are against such thing. It should not happen. Before the

discussion started, when Mr. Buta Singh moved the motion, in the real spirit, he said in this House: "Our minds are open". Therefore, have an open mind and look at it. The question whether he has gone to Janata Dal or CPM is not the problem, whether he acted in that manner or not is the problem. For that purpose, what is the Constitutional amendment which you would propose? What guidelines are you going to give in the matter of appointment of Governors? In the matter of appointment of Governors, are you going to accept the recommendations made by the Commission or something more are you going to do at this stage? This is a very simple question. This affects very fundamentally the democratic polity of this country. When Governors are acting in such a manner against the will and wishes of the people, that cuts at the very root and the idea of the people. The Governor has to protect the democracy of the nation. If the Governor who is constitutional Head acts against democratic interests, how has it to be overcome? That is a very simple question. The Commission also made inroads into this matter and made certain recommendations. I find that it is only peripheral if the Commission's report is only that active politicians should not be made Governors in non-Congress-I States and all that. That rule is not sufficient in the matter of appointment of Governors. There should be a discussion with the Chief Minister, there should be an approval of the Chief Minister because he has to work hand in hand with the Chief Minister in the interest of the State and in such cases there should be consultation with the Chief Minister and a Governor who is acceptable to the State alone should be sent. If a State Government objects to having a Governor and if his appointment is against their will and against their interests and if he cannot be acceptable to them, naturally, without hesitation, he should be withdrawn. Those who are working in the Congress-I Office as AICC Secretaries or in any other manner, should not immediately be shunted to our places, to act as Governors. All those things are there. These are the parameters we have to think about, in the matter of appointment of the Governors and

[Sh. Thampan Thomas]

the major point which should come in is in the light of the discussions made in the Commission's report and the experiences which we have gained in the past in the country by the behaviour of the Governors. I need not elaborate on these matters.

MR. DEPUTY SPEAKER: You have taken so much time.

SHRI P. KOLANDAIVELU (Gobichettipalayam): He is a practising advocate!

SHRI THAMPAN THOMAS: Shri Somnath Chatterjee had the misfortune when at the beginning of his speech he had to go out. I hope you will not adopt that criterion.

MR. DEPUTY SPEAKER: You tell me how much time you require.

SHRI THAMPAN THOMAS: Give me some time. I will not take much time.

MR. DEPUTY SPEAKER: Somebody wants one hour. How much time do you require?

SHRI SHANTARAM NAIK: You ask him how much time Shri Ayyapu Reddy, a single person, has taken.

SHRI THAMPAN THOMAS: You have forgotten the fact that the Minister has no opposition. Here we have an open mind discussion about the problem.

MR. DEPUTY SPEAKER: Already you have taken 15 minutes. How much time you want?

SHRI THAMPAN THOMAS: 15 minutes more.

MR. DEPUTY SPEAKER: Try to finish within another ten minutes.

SHRI THAMPAN THOMAS: The parading of the legislators before the Governor

and the Governor exercising the power, instead of testing the strength in the House if there is a question of testing the House, is a very grave question. Nowadays the persons who are in power at the Centre are capable of playing with their machinery like Police, RAW, Intelligence Officers, thus making inroads into the political parties and dividing the political parties. They see that groups are made, then inside groups are made and then finally the Government is sabotaged. What happened in Tamil Nadu?

SHRI P. CHIDAMBARAM: Janata Dal partner is doing it in Tamil Nadu.

SHRI P. KOLANDAIVELU: Tamil Nadu Chief Minister is misusing the Police for his political ends. In Tamil Nadu actually the chief Minister misused the Police for his political ends. What do you say on this?

SHRI THAMPAN THOMAS: Look at Mr. Kolandaivelu's problem. There was only one party, the Dravidian Movement in Tamil Nadu. How many parties are there now?

SHRI P. KOLANDAIVELU: What about the Janata Dal? You please tell us about that. (*Interruptions*)

SHRI THAMPAN THOMAS: What is happening is because of the Congress. Now they are friends. Up to day-before-yesterday, they were fighting in the elections. They divided and made a scene in the Assembly. Now they are together. (*Interruptions*)

SHRI P. KOLANDAIVELU: Even in the National Front, Shri. V.P. Singh and Shri N.T. Rama Rao are fighting with each other. What do you say about this? (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Thomas, you please come to your point.

SHRI THAMPAN THOMAS: I am coming to the point. Using the office of the Centre, political disunity, grouping and split inside the parties are made on regional basis. Then they capitalise and take advantage of this.

SHRI P. CHIDAMBARAM: You must admit your weakness.

SHRI THAMPAN THOMAS: I am admitting the weakness of our democracy. I am admitting this because the Centre is having so much power. The Centre is having all the powers. The Centre is having money power, manpower, emergency power to put people in jail, to threaten people. It has got the Income-tax officers, there is raid and everything is there. Over and above that, it has got its Doordarshan. What is Doordarshan nowadays? Doordarshan is Rajiv Darshan. With all these things...

SHRI ANIL BASU (Arambagh): Moreover, Shri Chidambaram is there.

SHRI THAMPAN THOMAS: Occasionally only. Using all these things, the people are threatened. (*Interruptions*)

PROF. P.J. KURIEN (Idukki): But his name is also coming in Doordarshan. Even yesterday also his name was there...(*Interruptions*) I do not know how he is talking like this. Even if so many Members raise issues during Zero Hour, Shri Thampant Thomas's name will come in Doordarshan. (*Interruptions*)

SHRI THAMPAN THOMAS: I am telling as to how the agencies are being used. Since the power is vested with the Centre, since the Centre is having all the things, using all these things, the democracy is demolished. What has been happening in the last forty years? Not only the democracy but the structure, the view and the vision of the framers of the Constitution have been completely demolished. How are we going to rebuild that? That is the main question.

SHRI BHOLANATH SEN: It is so in different parts of India. There are regional parties. (*Interruptions*)

SHRI THAMPAN THOMAS: Yes, regional parties have come up. As a student, I involved myself in politics. I know certain

things. In my State mainly there were the Congress and the Communist parties. A few socialists like us were there. But all of a sudden the Congress broke up. Then the Kerala Congress emerged as a party. How does such a thing happen? This is the defect in our system which I am pointing out. It is because the Centre has got power and using that power, these things are happening. These questions are coming up now. The framers of the Constitution looked at the question of having the Four-Pillar Structure. Certain questions arise. The real remedy lies in the Four-Pillar Structure. In the Four Pillar Structure there is the State, the Centre, the district level administration and the Panchayat level set-up. If the power is distributed among them properly the structure would come up. But here it is not done so. Based on this system, the Prime Minister can call the IAS officers of Andhra Pradesh and have a discussion with them directly....

SHRI P. CHIDAMBARAM: Sir, this statement is being made again and again. I think I should take this opportunity to correct it. The Chief Minister of Andhra Pradesh was invited to participate in the workshop. I wrote to the Chief Minister. We wrote to the Governor. The Chief Minister was present at the Airport to receive the Prime Minister, to send-off the Prime Minister, but he did not attend the Workshop. We invited every Chief Minister wherever the Workshop was held — in Madhya Pradesh, in the North-East, in Tamil Nadu when the Governor's rule was there; in Andhra Pradesh where the Chief Minister is Shri N.T. Rama Rao and in Rajasthan where the Chief Minister is Mr. Mathur. If Chief Minister of Andhra Pradesh did not attend the workshop, how can you say that we have gone over his head? I had written to the Chief Minister. I can show you the letter. You come to my office.

SHRI THAMPAN THOMAS: I hope, Mr Chidambaram will understand my point. I know he is a lawyer. I am only suggesting a point where the Centre makes inroads directly to the IAS officers in a State. It is an unhealthy trend in our system.

SHRI P. CHIDAMBARAM: We wrote to the Government to send their DMs. We wrote to every State Government including the Government of Andhra Pradesh. They voluntarily nominated their District Collectors to the Workshop. Where is the question of going over anybody's head? We wrote to the State Governments. They sent their DMs. West Bengal sent its DM. The Chief Minister was invited. Where is the question of going over anybody's head? (*Interruptions*)

SHRI ANIL BASU: Why did you not discuss it in the National Development Council?

SHRI P. CHIDAMBARAM: We have discussed this. Unfortunately, you are not aware of the facts. We have discussed it in the DM's Conference; we have discussed it in the Chief Secretaries' Conference; Conference and we are going to call a Chief Ministers' Conference.

SHRI THAMPAN THOMAS: I am only suggesting about the defect in our system. The defect in our system is, the Centre going into the State Subject affects the administration. (*Interruptions*)

We are discussing Centre-State Relations. You have a district administration run by the State Government. And if you make inroads into that, it is a bad precedent which in future, will lead to concentration of power. That is what I am speaking about. That is my submission. There we are going against the wishes and ideas which were mooted out by the Framers of the Constitution. In a federal structure, it is the outlook of our Constitution which is being destroyed. I know about Indian Administrative Service. One day I heard a news item — may be Mr. Chidambaram's idea — to send them to America for training. Indian Administrative Officers are there. For what purpose are they there? They have to administer India and Indian village. Where have we built it up to? That is not happening. That has to be revamped. (*Interruptions*)

I have just touched two points. I will

mention only a few points.

Look at the villages of India. The forty years of our experience with which we have worked it, we still find imbalance in the country. How did it occur? You know that Delhi's per-capita income is Rs. 400 at the international level whereas in my State, the per-capita income is Rs. 136 and in Orissa or elsewhere it is Rs. 120 or Rs. 105 per month. How did it happen? Why is it happening? If every citizen of this country has got a share in the economic cake, will it happen? It is because the Centre is having the power, Delhi has become a show-piece. It has become more showy than any other capitals of the country. What is the amount of money allocated for various States by the Finance Commission? Money is being spent. But how is the money spent? (*Interruptions*)

SHRI BHOLANATH SEN: Money is sent from here. But middlemen take away the money at the time of election.

SHRI THAMPAN THOMAS: Who are the middlemen? (*Interruptions*)

MR. DEPUTY-SPEAKER: Mr. Thomas, you are not cooperating with me.

SHRI THAMPAN THOMAS: I am cooperating with you...(*Interruptions*)...About the financial allocations to the States, it is important that even the constitutional provisions need an amendment. The discretionary grants made by the Central Government in respect of States which they forward during the time of elections — can they be enquired by this House? Can we also enquire about the real share which is given to other States over and above their legitimate claims where there was no flood and drought? When elections come under the discretionary grant though there is no drought or emergency, money has been given. Nagaland was an example.

16.00 hrs.

Similarly, using the fund in the discretionary grant by the Prime Minister to hold

control over the States—should it not be changed? If my State is making money by sending people abroad, by working hard, am I not entitled for my share? I feel that my State is not given the due share. Whereas the share that ought to have been given to my State is taken away and given to other States using the discretionary grant permissible under the Constitution. I know Mr. Chidambaram will argue that there is a constitutional provision according to which it is utilised.

My submission is that such discretionary powers which are being given to the Central Government for the purpose of granting such amounts of money should be amended. The financial relations and the fiscal relations with each State and the Centre should be properly coordinated. That coordination has not taken place. Therefore the Commission has recommended for an Inter-State Council, wherein you have the Chief Ministers and other representatives of the State. That Inter-State council should meet and discuss these issues.

The judicial system is a part of the Centre-State relationship. You know that the manner of appointment of High court Judges has been criticised and it is known to the people very well. This is causing a great concern for the country even now. Posts are not filled up. There are constitutional provisions. But are they fully safeguarding the impartiality of the judiciary and giving a dignity to the judiciary? Are they giving a true picture of what is envisaged by the provision of independent and dignified judiciary vis-a-vis what is being maintained in the present system which you are following? Has the Commission gone into the aspect of correlating the judicial system and the Centre-State relationship? There should be a clear picture given and the proper judicial system having impartiality should be established in the country. There should be means for that and the present system should be avoided.

MR. DEPUTY SPEAKER: Please conclude.

SHRI THAMPAN THOMAS: I have very many points Sir.

MR. DEPUTY SPEAKER: If you have any suggestions you give in writing to the Minister and he will consider. You have already taken 35 minutes. Now, Prof. Kurien will speak.

PROF. P.J. KURIEN (Idukki): My friend Mr. Thampan Thomas's speech was full of jugglery of words. But I am surprised and am sorry to say that he spoke as if we are not elected by the people of this country and as if the Prime Minister of India is not elected by the people of this country. He said, the Prime Minister should not use his discretion in allotting funds; but the Chief Ministers can use discretion! Actually we use our discretion to help those who are in need, those who are affected by drought and those who are really in distress whereas you use discretion to discriminate against one section as the other I give you an example of my own State. In Idukki district which comes under my constituency the funds of DRDA allotted by the Central Government for RLEGP, NREP and for helping the weaker sections were diverted. An account to the tune of Rs. 1 crore was given to some other districts where Marxists have majority MLAs. An agitation is going on against this action of the Chief Minister of Kerala in my district. I can quote a number of such examples where Chief Ministers are behaving in that manner. Mr. Thampan Thomas spoke as if the majority here which elected the Prime Minister is not of the Indian people and a Prime Minister who enjoys the majority, such a large majority cannot use discretion to help the people in need.

Sir, some of the speakers from the Opposite side spoke as if there are two citizenships — one State citizenship and the other national citizenship. Sir, there is only one citizenship. Some of them speak as if the money spent by the Central Government is spent in some foreign countries. Now where is the money spent! They say Central Government has spent it on public sector undertakings. Now where are the public

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sector undertakings! These public sector undertakings are in various States and the people of those States are enjoying the benefit of these undertakings. Looking at the Centre-State relations as something of a fight between the Centre and the States and putting the Centre in the defensive, I think, is not a correct approach. You have yourself said that we should see this issue above party politics. So I request my friend on the Opposite to see it above party politics.

Sir, re-structuring of Centre-State relations has become a fashionable demand now a days. (*Interruptions*) Opposition parties are making this demand. It is a political demand but of course there is also an economic content in it. If we look at the development in the country over the last forty years we find that a lot of changes have taken place. Regional parties with regional appeal have come to power in some of the States and those regional parties, perhaps, have been forced to take an attitude of confrontation towards the Centre. They may have their own justification. I see in this demand of re-structuring of Centre-State relations politics of confrontation also. When the Centre and the States were ruled by the Congress Party the problems that were there between the Centre and the States were settled at the party forum whereas now when the Centre and the States are ruled by different parties those problems cannot be solved in that forum. Therefore, I agree there is a case for improving the Centre-State relations and also for re-structuring the same to the extent we consider it necessary but you are bringing politics into this matter. Now it has become a political demand.

Actually how can the States be strong if the Centre is not strong? Sarkaria Commission has given a very good finding. It has said there need not be structural changes as far as the Constitution is concerned. The schemes of Centre-State relations and contained in the provisions in the Constitution are sound. Sarkaria Commission has come

to the conclusion that a strong Centre is of paramount importance.

I agree that strong States are needed. In fact States should be strong. But if the Centre is not strong how will the States be strong? Then, what will happen? There are centrifugal forces operating in our society. There is great diversity in our country. We talk of unity in diversity. That is true the forces of division are also working. When we look at the history of the last 40 years, we can see that these forces have almost been working alike. They are trying to tear the country apart. And these centrifugal forces are at work in this country. Therefore, if there is no centripetal force to keep the balance, then what will happen to the nation? Centrifugal forces which are at work, will pull the States apart from the Centre and at the same time, separate the States from each other also. So, ultimately the result will be chaos. There will be no nation. Therefore, if the States are to be strong, certainly the best condition is that the Centre must be strong. If the Centre is not strong, the States will not get inherent powers. Over the last 40 years, we have faced so many challenges. How did we fight against those challenges? We could meet them only because the Centre was strong. I am not saying that the States must not be strong. My point is that the States can be strong only if the Centre is strong. So, the first thing is that there must be a strong Centre and it should supply energy and force to the States and keep the States in balance. By saying this, I am not saying that the States should not get more money. Regarding the monetary aspect, I fully agree that the States should be given more financial assistance depending upon the need of the State. The question of regional imbalance should also be looked into. Every one will agree that over the last 40 years, we have achieved much; we have gone very much ahead compared to other countries which have got independence along with us or any other Asian or African country. Our progress is commendable in all fields. I hope you will fully agree with me. There are certain areas and regions which are not much developed. So, that aspect has to be looked into. But is not an

excuse for weakening the authority of the Centre. Why is there development only in some areas? If there is no development in certain areas, that has to be remedied and corrected.

Sarkaria Commission has given certain recommendations about very crucial points on Centre-State relations. One recommendation is about the appointment of Governors. Members from this side and that side also agreed with that recommendation of the Sarkaria Commission. But I am not in agreement with that recommendation. I am not agreeing that Governors should be appointed after consultation with the Chief Minister. I do not, personally, agree with it.

PROF. MADHU DANDEVATE (Rajapur): One of the criteria is that he may be a defeated candidate.

PROF. P.J. KURIEN: No, I fully agree with the qualifications given for a Governor by the Sarkaria Commission. I am only saying about the consultation regarding the appointment. What will happen in the process of consultation? What will happen if a consensus is not arrived at? How can the Governor be appointed whom the Chief Minister does not approve? In case the consultation does not lead to any agreement, then the solution will be worse than the malady because political controversy will arise naturally. The Chief Minister may say that the Governor has come without his recommendation. He can say that even after his objections, it has been done. Therefore, consultation, I feel, is not practicable. Similarly, a panel of names given by the Chief Minister will ultimately not solve the problem. Governor is the agent of the President. He is the Head of the State and is not the agent of the Central Government. He is President's representative in the State. President is the appointing authority. As the President is here, the Governor is in the State. When you say that the Governor should not be an agent of the Centre, I would also say that the should not be a stooge of the State Government Governor should be able to take decisions independent of the State Government

or the Central Government. Therefore, I feel personally that there should be no consultation with regard to the appointment of Governors. After having convinced himself of the qualifications and integrity of the person concerned, the President would appoint him or her as the Governor of a State.....(Interruptions)

I think, So far nobody has touched Article 356 of the Constitution. In Article 356 of the Constitution, it is said that when there is a constitutional breakdown in the State, the Governor can interfere, and the President can impose President's rule. The Sarkaria Commission has given certain guidelines for the Governor's recommendations as to whether there is a constitutional breakdown or not.

PROF. MADHU DANDEVATE: In majority of the cases, it is done in the interest of the ruling party at the Centre.

PROF. P.J. KURIEN: That may be your view.

If there is a constitutional breakdown in a State, the best judge is the Governor himself. If you bring about certain rules and regulations to curtail the discretion of the Governor and putting fetters on the actions of the President, this can make the Governor helpless in a particular situation. Human ingenuity is limitless. There can be situations where the Governor becomes helpless because of these rules and regulations and he will be a helpless spectator to the constitutional breakdown about which he is otherwise personally convinced and he cannot act at the same time. I can foresee such a situation. Therefore, I beg to disagree with the guidelines recommended by the Sarkaria Commission for making recommendations by the Governor whether there is a constitutional breakdown or not.

The Sarkaria Commission has also said about the wholesale dismissal of State Governments in 1977. All those people who advocate so much for autonomy of the States were in power in 1977 and what did

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they do? By a stroke of the pen, they dismissed all the elected Governments. They had scant respect for autonomy of states.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): They have exhausted their quota for the next forty years.

PROF P.J. KURIEN: At least for the next forty years, they would be sitting there only.

Sir, this is the way, when they came to power, they acted. Another thing that the Sarkaria Commission has said is about the Centrally sponsored schemes. The Commission has said that these should be minimised. Again there is a problem.

Sir, our Constitution envisages a Welfare State. The Government has chalked out plans and programmes for the upliftment of the weaker sections, the Harijans and the Adivasies. There are special programmes for them. There is a 20-Point Programme. There are other special programmes also for the people of the country.

The funds for these programmes are being given to the State Governments and the Centre is implementing these programmes through the State Governments. But some of the State Governments are not implementing these programmes properly. They are diverting the money meant for these programmes for other purposes. I gave the example of my own State. In such a situation if we say that the Centrally-sponsored schemes for the upliftment of the weaker sections are not to be sponsored by the Centre and they are to be minimised, then the goal of a Welfare State which is envisaged in the Constitution will be further delayed. I don't know how some people agree to that.

My submission is that these special schemes which are sponsored by the Central Government should be with the Centre and the Central Government should see that

the money which is given to the States is spent properly. At present it is not monitored by the Centre. My view is that the Central Government should have a monitoring machinery to see that these funds are properly utilised. It is not to supervise over the State Government but only to see that the funds allocated the utilised properly. At present, we rely upon the data given by the State Governments which sometimes happen to be wrong. Therefore, my submission is that the Centrally-sponsored schemes should continue; they should not be minimised and, in addition to that, there should be some monitoring mechanism to see whether the funds allocated are properly utilised or not.

I also welcome the other recommendations regarding three-language formula, regarding education and regarding media. I welcome all other recommendations made by the Commission. With these words, I conclude my speech.

MR. DEPUTY SPEAKER: As a special case, I call Shri Somnath Chatterjee to continue his speech but this cannot be quoted as a precedent afterwards. Let it be on record that it cannot be quoted as a precedent.

SHRI SOMNATH CHATTERJEE: I am not happy at all.

PROF. MADHU DANDAVATE (Rajapur): Like the Thakkar Commission, it is an addition to the original.

SHRI G.M. BANATWALLA (Ponnani): Sir, I am on a point of order. The Hon. Member, Shri Somnath Chatterjee's earlier speech constituted the entire speech. Now, his latter appendix, will that be a part of his original speech or a supplementary one?

MR. DEPUTY SPEAKER: It is in continuation of his earlier speech.

S. BUTA SINGH: His earlier speech should be taken as interim speech and this should be taken as a final speech.

PROF. MADHU DANDAVATE: You

should lay both on the Table of the House.

SHRI SOMNATH CHATTERJEE: I am extremely thankful to you and to the Hon. Members.

PROF. P.J. KURIEN: Sir, he should be given sufficient time.

SHRI SOMNATH CHATTERJEE: No, there is no question of time, Sir. I will try to be brief.

What I was saying was that the British imperialists when they were in power to perpetuate their regime, they had enacted the Government of India Act, 35. The basis of the over-centralisation of power in what is then called the federation and provinces was that the provinces were treated as mere vassals for a sort of appendages which were depending on the good wishes of the Centre. This Government of India Act was, unfortunately, I call it unfortunately, taken as a model by the makers of our Constitution when our Constitution was framed. Now, the explanation, the reason that was given was contrary to the repeated assertions by the Congress Party during the freedom struggle. The idea was that our political set up and our constitutional set up must be on the basis of a true federal structure where the residuary powers would be in the hands of the States and certain selected all India powers would be in the hands of the Centre. But that was given a go by and it was said that during the infant days of our Independence and democratic set up, the Centre must have adequate powers. This has resulted in an imbalance in our development. Every hon. member admits that there is regional imbalance, there are inadequate funds in the hands of the States and inadequate power in the hands of the State Government.

Nobody in this country can ask for a weak Centre. Hon. members are saying that they do not want weak States. But what is the concept of a strong centre and what is the concept of a strong State? That was the point which I raised. By merely keeping all the powers in its hands, does the Centre

become a strong Centre? Is that the meaning of a strong Centre? For making our nation as a whole strong, we must have strong States and a strong Centre. This is my concept. The Sarkaria Commission was specially appointed to go into this question.

But now the result is unfortunate. I say unfortunate because the Sarkaria Commission proceeds on the assumption that the Centre alone is capable of deciding the national goals, objectives and priorities and the States are necessarily not in a position to contribute to the perception of the nation's overall interest. This is the weakness of the report of the Sarkaria Commission. The premise of the Report is that the States cannot aspire to be the equals of the Centre. According to the report, administrative efficiency, if not patriotism, also seems to be the monopoly of the Centre and the States cannot have anything to do with it.

According to me, another deficiency in the report of the Sarkaria Commission is its assumption and feeling that the devolution of additional powers and responsibilities to the States will weaken the centre and thereby the nation. The Commission does not consider that such devolution will actually promote direct economic and social development and make a significant contribution in strengthening the nation as a whole. I do not agree with this at all. After 42 years of Independence, we have to consider why more than half of our population is still below the poverty line, why 64 per cent of the people are still illiterate in this country, and why there are regional imbalance so far as development is concerned. These are the questions to which our country has to answer. Let there be no assumption that a particular party alone will be in power in the Centre always. Unfortunately, it is being said by some members. There is no party line on this but some of our esteemed colleagues who have spoken in favour of a strong Centre seem to be under the assumption that their party will always be in power at the Centre. That should not be the approach. Our approach is how by cooperative venture or to put it in the words used by the Sarkaria

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Commission, by cooperative federalism to look after and manage this country's affairs properly so that there is an orderly development and progress in all parts of the country and of all people of the country. Therefore I submit that this weakness in the Report is nothing but very disappointing.

In spite of this basic weakness in the report of the Sarkaria Commission, there are, as I said, some recommendations which require mention and the Government should have taken a decision on some of them by this time because they are non-controversial. Now, what is very important is to know the Government's intention or policy with regard to these recommendations. Shri Reddy has rightly observed as to when the Government is going to decide because this Parliament is almost coming to an end. When will you decide and implement? More than a year and a half is over but your process of consultation is still on. You have not yet discussed the matter in depth with the Chief Ministers of all the States. Actually, they are the people who are facing this problem almost daily. They are raising these issues either in the National Development Council or in the Finance commission or in other places. But there is hardly any adequate or in-depth discussion on these issues. But no discussion has so far been held with the Chief Ministers. I submit that the Government should finalise these recommendations after indepth discussions with the Chief Ministers and different State Governments at the earliest opportunity. There are some issues which the Sarkaria Commission has very strongly commented upon, say, for example, how the Governors' appointments are being made. My time is very limited, so, I am not going into detail. He has commented upon certain guidelines to be followed regarding appointment of Governors, specially in States which are ruled by Parties different from the Party which is ruling if the Centre. We become somewhat wary about this Government's intention or attitude towards the Commission's recommendations. It is because whatever guide-

lines have been laid down have been openly violated or deliberately not followed by this Government in making appointments of the Governors or transferring Governors. Therefore, what is the sincerity with this Government in implementing this? Governors had been utilised for so many undesirable purposes. Sarkaria Commission has referred to that. The Bills are being held up. Unnecessarily Articles 200 and 201 are taken recourse to by forwarding the Bills within the State List to the Centre for the President's Assent. There is no necessity. How the Governors are acting openly as agents of the Central Government? The Supreme Court has said that this is all wrong. Prof. Kurien has said that the Governor is an agent of the President. With all respect to him, I don't agree with him. They are holders of certain particular Constitutional office. They are not servants of the Central Government.

PROF. MADHU DANDAVATE: He meant Congress President!

SHRI SOMNATH CHATTERJEE: They are not agents of the President of India or Congress President for that matter. Therefore, there arises the importance of selecting proper persons. You transfer Governors for no reason. A view is being propagated that the Chief Ministers should not be consulted. I know that consultation does not mean consent. Regarding appointment of Supreme Court Judges or the Judges of the High Courts. Consultation has to be done with the Chief justice of India. What does it mean? According to that theory or logic of Prof. Kurien, the Chief Justice of India should not be consulted for appointment of Judges also. Is this the proper approach? But these things are not being done. How have the Governors been utilised for misusing the powers under Article 356 of the Constitution? Elaborately, it has been dealt with by the Sarkaria Commission itself. It has been said on many occasions that the power has been misused. That is the language of the Commission. Of course, you do not feel ashamed. But Buta Singh is very happy. They do it one by one and not in a bunch as the Janata Party had done it. But we did not

support Janata Party then. Just because you are doing it one by one without any merit and without any propriety does that not mean a challenge to Article 356. But unfortunately the Sarkaria Commission does not say that this power should be restricted. It has expressed the hope that in future it will be done in moderation. I hope, if he had said that having the distinguished friends opposite in mind, then they will have no occasion to exercise their power in future either in moderation also. But Sir, if Sardar Buta Singh continues to be the Home Minister — I do not know in spite of our good wishes, he may not be there-how could Justice Sarkaria think that these people can act in moderation in any manner specially when their partisan interests are involved?

Take the case of the Concurrent List. The entire power is being relegated to the Centre. They are adding to the Concurrent List. Now the people are looking to the States for fulfilling their objectives and meeting their urges and aspirations and their demands. But, for everything the law-making power is with the Centre. Any law concerning a subject in the Concurrent List can be sent to the President for the purpose of consent. It has become the practice of the Governors to send it to Delhi, and this is holding up things.

Now, so far as the inter-State council is concerned, this is a very important matter. We strongly support it Article 263 contemplates the setting up of an inter-State Council. Immediately the recommendation should be accepted, although it is not perfect. It has been recommended to be an advisory body. We say, "No, it should have some powers," and certain very important Centre-State issues should be decided and that is what is now being suggested to be an inter-governmental council. We say that inter-governmental council should decide on the appointment of the Governors. It should decide whether any legislation requiring the President's assent should or should not be given such an assent. It should decide a dispute between the Centre and the State Government and whether it should be re-

ferred to the supreme Court of India or not under Article 143. It should settle the composition and the terms of reference of the Finance commission. These are very important matters and where there is an occasion to exercise the powers under Article 356 of the Constitution of India.

Now, Mr. Ayyapu Reddy rightly said — I will take only two or three minutes more because I know I should not take more time — that immediately these inter-government councils shall be constituted — where the Chief Ministers should be represented, the Cabinet Ministers in the Centre will be represented — the Prime Minister will preside over them. Of course, we opposed that the meetings should be *in camera*. But immediately the terms of reference of this Commission should be settled.

We want that the Planning Commission should have been made a constitutional body. It is completely in the hands of the Centre, although the planning process is not meant only for the Centre and it is for the country as a whole. Therefore, in the selection of the Members of the Planning Commission, depending upon what may be called the terms of reference, the State Governments have no. There is no accountability to the people as such. It has no electorate as such. The Planning Commission is neither a constitutional body nor a statutory body; it depends only on the Centre, the personnel are also decided by the Centre.

The National Economic and Development Council which is intended to be in lieu of the National Development Council, should also have to be a not an ornamental body or an advisory body, it should take decisions with regard to financial matters and it should be an effective body where the Chief Ministers will have not only power deliberation, but also for taking a decision for the purpose of implementation.

Last but not least, in the time within which I can, I want to mention a matter and that is the induction of the Army in a State by

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the Central Government without the consent of the State Government. This is a very very important issue and it is a matter which is bound to sour the relationship between the Centre and the State. Do not, please, treat the chief ministers of the State Governments as your vassal States. They have got their own ideas, they have got their principles, they have got their own policies and programmes which have been approved by the people of that State and specially if you try to utilise the Army in a State which is governed by a party which is not the ruling party in the Centre, you are creating serious dissensions, serious misunderstanding which are bound to affect the functioning of the constitutional set up in this country. This is a matter which cannot be treated as a partisan matter. On this, the Commission has expressed very strong views, that the State Government's — the chief Minister's — consent should be there, and now, see how you have paid respect to this recommendation. You have used it in Tripura, without the consent of the Chief Minister of Tripura, and of the State Government of Tripura. Therefore, these are all very important matters: It requires to be very thoroughly gone into. The Chief Minister should be consulted.

Last but not least is about the control of the media. So far as TV Second Channel is concerned, many State Governments are demanding it. They have a right. They are not unpatriotic people. The State Governments are not run by people who want to weaken this country. Nobody can benefit by that. We also want the overall development of the State. But you have to cater to the diverse interest, diverse cultures and diverse language, which may not be done from Delhi, and which is not happening. Therefore, the second channel of TV should be given to the State Governments. It is not for one or two State Governments, it is for all the State Governments. Let there be competition in cultural pursuits and activities. That will be something healthy, which will help in blossoming the cultures of different states.

With these words, I thank you for giving me this opportunity.

SHRIMATI GEETA MUKHERJEE (Panskura): Sir, you have called me just after Shri Somnath Chatterjee. It would have been better for me to hear somebody from the other side first... (*Interruptions*)

MR. DEPUTY-SPEAKER: You only asked for it. That is why I called you.

(*Interruptions*)

SHRIMATI GEETA MUKHERJEE: At the outset I would like to comment that all those who are asking here a bigger cake for a strong Centre should know that they have only just nine months for the General Elections. After that, many of them will be outside the House and some of them may be inside the House. I believe at that time there will be sea of differences in their presumption... (*Interruptions*) I do not belong to one of those parties who are the contenders at the moment for power at the Centre. Therefore, some objectivity is due to me. With that objectivity Sir, I first like to point out that Centre-State relations is something, which is related to the present political situation inside our country. Somebody was saying that there should be no politics in it. Well, it is a question of sharing of power. Power means politics. Politicising is one thing and politics is another. What is the real picture inside our country at the moment? India is a multi-national and multi-Cultural country. Sir, after forty-two years of Independence, we are seeing probably our country being a multi-national and multi-structural.. (*Interruptions*)

S. BUTA SINGH: Not multi-national.. (*Interruptions*)

SHRIMATI GEETA MUKHERJEE: That is my feeling. That is my understanding. You may not agree with me. Please listen to me.. (*Interruptions*) India is a country with a sense of oneness.. (*Interruptions*).. India is a nation but composed of many nationalities.... (*Interruptions*)

S. BUTA SINGH: You are going back to the same thing....(*Interruptions*)

SHRIMATI GEETA MUKHERJEE: This is the speciality of our country - unity in diversity...(*Interruptions*)

SHRI SHANTARAM NAIK (Panaji): Sir, these remarks should be expunged from the records. These are anti-national. (*Interruptions*)

S. BUTA SINGH: Let me assist my hon'ble lady Member. There is only one nation. Nationality is one. We have cultures, races and tribes, but according to the Constitution, we have only one nation, one nationality and one citizenship...(*Interruptions*)

SHRIMATI GEETA MUKHERJEE: I am sorry, I may not be an expert in English. But at least I know English to some extent. I am not a bad student of English.

There are two words in English - one is national and the other is nationality. I believe, India can be called one nation but not one nationality. Here is the question of unity in diversity. There is oneness, there is unity and there is diversity. And this unity has to be on the basis of recognition and justice to this diversity. This is the speciality of the Indian situation which has a direct bearing on the question of Centre-State relations. What are we seeing? Many nationalities, old and new, are acquiring higher consciousness for asserting their identity in the fields of development linguistic, economic and cultural etc. There are different ethnic groups wanting more for asserting this identity. All these are diversities. There are aspirations that their separate identity and development has to be recognised. But at the same time, that does not mean that we must yield to chauvinism. Chauvinism be it regional, be it religion or of any other kind must be fought. But that cannot be fought on the basis of denial of the present realities of the aspirations of different nationalities for development. That must be given. This is where the moot question of Centre-State relations comes. We are

against fissiparous tendency. We are against the vivisection of India. In Punjab we have shown it with our blood and we are still showing. At the same time, I believe that our Indian people have a great consciousness. They will fight against this vivisection to the end and will keep India together. But the legitimate aspirations of the people must be satisfied. With this idea, both Centre and State must be strong. But the point is, if the present reality of old and new identities which are coming up in a new way, have to be met with, I believe, naturally, everybody will agree, more power must go to them both structurally and nationality-wise and even ethnic group-wise. Now what has happened in reality? There have been nearly 62 amendments to the Constitution. Once I counted that forty amendments were for less powers to the States. Can you name even one subject which has been taken away from List I to List II? Not yet. But at the same time, in this very time, how many subjects have been taken away from the State List to the Concurrent List? Quite a few. The most serious thing is that the founding fathers of our Constitution never imagined that residual powers will be the strongest of the stronger in the whole list. Is that not so? Is it not that residual powers are being really used against States for undermining their autonomy? I have no time to go into the details. I could have given a whole Mahabharat serial on that, but you will not give me the time. But this is true...(*Interruptions*)

S. BUTA SINGH: Geeta is a part of Mahabharata.

SHRIMATI GEETA MUKHERJEE: That much only I can say—only a small part of that.

Now, I come to certain of the questions as they stand today. As far as giving more powers to the States is concerned, my contention is that that will not weaken the Centre. If it is denied, then the fissiparous tendencies will grow. With that idea, the Sarkaria Commission has discussed many things. Since I have not got much time, therefore, I cannot go into all the questions

[Smt. Geeta Mukherjee]

which the Sarkaria Commission has studied and given its decisions. Some of them have already been covered by many of my friends. But I would only generally say one thing that as far as my idea of devolution of more powers to the States is concerned - as it is necessary today - I do not think the Sarkaria Commission's recommendations are enough. Even then I do welcome those of the recommendations which have been made by the Commission for some devaluation of power. I challenge that none of those who are now speaking in the name of Sarkaria Commission, is serious even about the recommendations made by the Sarkaria Commission. Tell me about the Governors. Sarkaria Commission's recommendation was not to take away any Governor before their tenure of five years was completed. Tell me why was hon. Nurul Hassan taken away from West Bengal after two and a half years, despite the fact that he was a man of letters...*(Interruptions)*.

AN. HON. MEMBER: The only man of letters among their cadre.

SHRIMATI GEETA MUKHERJEE: No, there are others as well. But my point is why was he taken away and why was a person who was the Intelligence in charge was appointed in his place, thereby having less likelihood of a cooperative relationship with a government which is not ruled by the same party which is ruling at the Centre.

MR. DEPUTY SPEAKER: Please conclude now.

SHRIMATI GEETA MUKHERJEE: Just give me a few more minutes, Sir, I will conclude as quickly as I can. Tell me why was this not done. The recommendations were out by that time, not that the recommendations were not out...*(Interruptions)*. That is what I am trying to say that even the things that have been recommended by the Sarkaria Commission are not being accepted by the party at the Centre. That is the situation.

About Article 356 I feel strongly that this provision has not done any good to our country on any occasion. When the West Bengal Government was removed in 1987 the same combination of parties came (back) with much greater majority. With TDP also the same thing happened. So, why keep a provision which has proved counter-productive in real life every time? The provision should be taken out.

Regarding Inter-State Council, I am glad that Sarkaria Commission made some recommendations on it. I would, of course, have been much happier if it was made obligatory on the part of the President to form such a Council. The Commission has not recommended this. I want that to be done.

I also want that while choosing a Governor, the panel from the State Government or of the Legislature of the State, should be taken and the Parliament should take the responsibility of appointing the Governor, and not the President, which, in this affair, is synonymous to the Central Government. Sir, I would like to mention two more points. One is regarding the withholding assent to the Bills. Now, about that, certain good recommendations have been made by the Sarkaria Commission. I have no time to go into those recommendations nor I have the opportunity to deal with them at length. But the fact is that assent to 77 Bills have been withheld so far and some of those Bills relate to the subjects which are in the State List. Is it the way of giving democracy to the States? Is it the way of strengthening the Centre? Is it not the proof for not responding to the aspirations of the people? My second point is that the Finance Commission should not be appointed by the Central Government, as it is being done now. Though the Sarkaria Commission has not made any recommendation about that, I would plead that the Finance Commission should not be appointed by the Central Government. The terms and reference of the Finance Commission as also the Finance Commission itself should be decided in the Inter-State Council, as has been proposed to be appointed.

Lastly, I come to the question of the Planning Commission. The Sarkaria Commission has not suggested anything in regard to Planning Commission. I strongly feel that the Planning Commission should also be appointed by the Parliament. There cannot be a very strong Centre without strong States. Therefore, now the turn is to strengthen the States. It is enough that we have strengthened the Centre for 40 years. Now, the position is reversed. That is the writing on the wall that those who want to go into the history, let them see it by reversing the position.

16.57 hrs

MESSAGES FROM RAJYA SABHA -
CONTD

[*English*]

SECRETARY-GENERAL: Sir, I have to report the following message received from the Secretary-General of Rajya Sabha:-

"In accordance with the provisions of sub-rule (6) of rule 186 of the Rules of Procedure and Conduct of Business in the Rajya Sabha. I am directed to return herewith the Punjab Appropriation Bill, 1989 which was passed by the Lok Sabha at its sitting held on the 27th March, 1989, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill:

16.58 hrs.

MOTION RE: REPORT OF THE
COMMISSION ON CENTRE-STATE
RELATIONS - *CONTD*

[*English*]

SHRI ASUTOSH LAW (Dum Dum):
Thank you, Sir, for calling me to speak. Sir,

before I speak on Sarkaria Commission's report, let me express my astonishment in respect of one of the points made by Shri-mati Geeta Mukherjee. Sir, I have never come to know that India is a multi-nationality. Sir has called it as one nation but multi-nationality. She has called it as one nation but multi-nationality. What is the concept of the multi-nationality? If the nation is India, then the nationality is also Indian. I do not understand her theory. Anyhow, I have learnt something new as she looks at it.

Sir, the Union and the States relation in a federal system is a very sensitive subject. There is always a possibility of clash of jurisdictions and clash of interests between the Union and the States. Since the basic controversy, controversy in relation to the States and the Union revolves round the question of distribution of power, distribution of funds, distribution of administrative power and the most important question is in respect of centralisation and decentralisation, the question of Centre-State relation in India has to be seen in the context of emerging development of Indian States since 1947. Since India is a unique country, having been united in spite of its diversity for a long time, possibly the founding fathers of our Constitution realised that a situation might arise in future and keeping that in mind, in order to safeguard the country from disintegration and to have checks and balances, the Constitution was formulated and the relation between the States and the Centre was formulated.

17.00 hrs

In fact, the review of the relationship between the State and the Centre seriously came on the surface only after 1980, to be precise. Until 1966 there was no problem. There were very few controversies which could have been settled. But in 1967 it was for the first time the question was reviewed. In 1967 the Administrative Reforms Commission was appointed, but half-hearted attention was given to this question. The DMK Government appointed Rajamannar Committee in 1971, which

[Sh. Asutosh Law]

also made a very modest attempt to review the situation. In 1977 the West Bengal Government made an attempt to review the situation but ultimately failed. In 1980 when the relations between the States and the Centre became strained in some cases, the Sarkaria Commission was appointed in 1983, which made its report in 1988. I have heard what Mr. Chatterjee said. It is very easy to say, 'Give us more autonomy.' I am giving an example. Assuming for a moment today we accept the Report of the Sarkaria Commission and its recommendations - there are 248 of them - what do they want? Unless the Centre is strong, the States cannot be strong. I am talking of the West Bengal Government because Mr. Chatterjee is here and Mrs. Mukherjee is here. Please bear with me for a moment. Not for the sake of criticising the State I am making this statement. For 12 years the State is ruled by one Party. It is expected that whichever party is the Ruling Party - you may be a Marxist or you may be Congress, but you must meet the basic necessities of the people. They are asking for more power. They want the Centre should give more power to the States. What they have done with the limited power for the last 12 years? If I accept this proposition that the State was enjoying limited power, for the same of argument, what have they done with this limited power? Have they fulfilled the basic necessities of the people like food, education and health? I am throwing up this challenge. For the last twelve years since 1977 not a single industrial undertaking has been sponsored by the State Government of West Bengal, not a single modern hospital, not even a university is set up there. Can I ask the hon. Member opposite one question? With the limited power, with limited money, can it not be done? They could have done all these things. Therefore, there is no use shouting for more power.

Sir, the Sarkaria Commission has touched various points. The most important is the role of the Governor. Various remarks

have been made from the other side as to what should be the role of the Governor, The Chief Minister of the State should be consulted, permission has to be taken before appointing the Governor in a State and what not. Now, Sir, the role of the Governor in this Report has received adequate importance. A guideline has been given on what should be the criteria for appointment of a Governor. It is true that the relation between the States and the Centre can be jeopardised if the Governor fails to play his role. It is possible the role of the Governor should be taken as a key issue of the Union-State relationship. Therefore, the role of the Governor is very much dependent upon the quality of the Governor, from which sphere of life he is coming etc. That should be the guiding principle. There should be guiding principles. Therefore, the Sarkaria Commission report has spelt out the criteria. But we should remember one thing. Our founding fathers of the Constitution were not ignorant about the future of the country. That is how and why the Governor's post was created. It was not made for just ornamental purpose. It is a balance between the State and the Union. If more power given to the State in connection with the appointment of Governor, as they are demanding, that will not only jeopardise but lower down the prestige of this post and position.

Another important aspect is emergency and the President's rule. The report of the Sarkaria Commission has given a very well thought-out recommendation regarding emergency and the President's rule. This power is flowing from the article of the Constitution. Therefore, there cannot be any reservation for the Opposition, on such observations made by the Commission.

The Financial relations, Legislative relations and the Executive powers are the three aspects which among others, the Sarkaria Commission has dealt with. So far as legislative relations between the State and the Centre is concerned, it has recommended 7 Entries, making law for taxation, which is now with Parliament and all other

subjects to be placed in the Concurrent List. The Sarkaria Commission took a broad view in respect of legislation. However, the State should not have been given such wide power for making legislation. Regarding the financial relations, the Commission has made various recommendations. I would like to make one submission here about the financial relations, trade and industry. Under the financial relations, industry and trade, the Sarkaria Commission made certain recommendations. The Commission should have considered the long pending demand for freight equalisation. At least, this aspect of the matter should have been thrashed out in the Commission as to what would have been the reaction, repercussion, if the freight equalisation had been accepted. But unfortunately the Sarkaria Commission has not dealt with this aspect, when it was dealing with trade read with financial relations. I think a serious and important matter has escaped from the report of the Sarkaria Commission.

Regarding mass media and language, I think, no one can dispute the recommendations made by the Sarkaria Commission for three-language formula. That should be accepted unanimously. But today most of the Members from the Opposition are demanding more powers, particularly in relation to second channel. It is too much. After all, media should be controlled by the Central authority.

One has to construe the Central-State relations like a flower garden as if the flowers is the State and the garden itself is the Centre. Without flowers, there cannot be a garden and without a garden, there cannot be flowers. So, there should a coordination between States and the Centre. That should be the attitude. It is not use asking for more powers. More powers can be given but one must realise that having more powers and making a weak centre, will not serve the purpose.

With these words, I thank you for giving me the opportunity.

SHRI BIPIN PAL DAS (Tezpur): Mr. Deputy Speaker, in my view India is not a federation in the true sense of the term. A federation is constituted by federating units, by voluntarily coming together of autonomous or federating units and that has not happened in the case of India.

17.11 hrs

[SHRI SHARAD DIGHE *in the Chair*]

In India, just the opposite has happened. Even the units which were constituted in India for administrative purposes have undergone a number of changes during the last 41 years. At the beginning, all the units were not of the same status. They were different types. Only recently most of them have been brought to the same status. That shows that it is the Centre which has organised the whole structure in India and not that the structure has been built up from bottom by voluntarily coming together of units and, therefore, I do not think that India is a federation in the true sense of the term.

India is not a unitary State either. India's Constitution has provided for autonomous powers and jurisdiction of the States. There is a very clear demarcation of powers between the States and the Centre and some of them are overlapping in the Concurrent List which makes it very clear that it is not a unitary State either.

India is a judicious mixture or some kind of a synthesis between the concepts of federal State and unitary State. This point must be kept in mind while discussing this subject.

Shrimati Geeta Mukherjee has left the House. I wanted to tell her this. They say that India is a multi-national State. It is a very dangerous concept. This concept gives rise to fissiparous tendencies. This concept encourages the forces of disintegration in this country. India is not a multi-national state. India is a multi-lingual, multi religious, single State and single nation.

[Sh. Bipin Pal Das]

That is the correct position. She talked about the dictionary meaning of nationality. Nationality means the state of belonging to a nation. That is the only meaning of nationality in English in so far as I know. Their concept of nationality has come from abroad. I know from where it has come. It is not applicable to India.

THE MINISTER OF HOME AFFAIRS (S. BUTA SINGH): There also, they are now re-organising.

SHRI BIPIN PAL DAS: It has been established beyond any doubt that the provisions made in the Constitution are basically sound and no structural change is called for. The Sarkaria Commission has rightly asserted that a country like India with so much of diversity needs a strong Centre not only to preserve the country's integrity and to safeguard her independence and sovereignty but also to provide correct leadership and direction and guidance for integrated development in the social and economic fields. This is very important. That direction must come from one Centre. It cannot come from many centres. But for a strong Centre as provided in the constitution, we would not have been able to meet the challenges in the last 41 years of our independence.

A strong Centre does not mean weak States. I am in favour of strong States to support a strong and stable Centre. It is only a question of judicious distribution of powers between the two. The Constitution has done this job more or less satisfactorily by demarcating the powers under the three Lists. Some amendments have been made over the years only to restore the balance and to meet the demands of an emerging society vibrant with social, economic and political resilience. The nation has not remained static. It is surging forward in all directions and so constitutional adjustments become necessary so far as this question is concerned. But the basic structure remains the same and must remain the

same if India is to remain strong, united and an integrated nation.

What do we mean by strong States? There are two aspects - political and economic. So far as the political aspects are concerned, I do not want to go into the basic details. It is not necessary to make any basic change in the Constitution at all. The present scheme is quite all right so far as the political power of a State is concerned. It is enough. Some minor adjustments may be made here and there. But generally speaking I am satisfied with the provisions of the Constitution.

Sir, the Commission has made certain recommendations regarding appointment of governors and High Court Judges. Here, I would like to say that Pandit Jawaharlal Nehru developed a convention for the appointment of Governors. I think that convention is being followed. That convention is perfectly all right. I don't think there is any need to introduce anything to provide for that in the Constitution to guide the Government so far as appointment of Governors is concerned. The convention built up by Pandit Jawaharlal Nehru is all right and we will follow the same convention.

Sir, the Commission's recommendation to set up an Inter-state Council under Article 263 for resolving the Inter-State problems may be carefully examined. The Commission has upheld the supremacy of Parliament under Articles 246 and 254 in the matter of concurrent powers. But it has suggested some amendments to give the states more powers in the matter of amending Parliamentary law on State-List subjects under Article 252. It has also recommended a change in regard to entry 97 of the Union List to provide for residual power other than the taxation powers in the Concurrent List. These suggestions and their implications call for very careful scrutiny. I welcome the Commission's recommendation to amend entry 5 of the State List so that the Parliament may enact laws to regulate elections to and proper working of the

local bodies. But I do not agree that the Centre should always consult the States before enacting laws under the Concurrent List. I do not agree with that recommendation. The principle of Union's supremacy in the executive field, as envisaged under Articles 256 and 257 should remain intact as suggested by the Commission.

Sir, of late the Office of the Governor has come under much criticism and there is much controversy. But we must not confuse between the two—the Institution of Governorship and the persons occupying that Office. These are two different aspects. If some Governors do something wrong, something bad, certainly we will say that it is bad. But that doesn't mean that the Institution of Governor as provided in the Constitution is itself wrong or there is any need for a change of the provisions. I do not agree with that. I personally know many Governors who have upheld high traditions and maintained high standards and dignity of the Office. This Institution has occupied a very important place in the scheme of our Constitution. It is not only a link between the Centre and the states but also plays a crucial role in ensuring the functioning of the State in accordance with the Constitution. I agree with the Commission that—please mark what the Commission has said—it is neither feasible nor desirable to lay down any guidelines for the exercise of Governor's discretion. Any eminent person in public life can be appointed to the post of Governor. But I maintain that the political persons need not necessarily be excluded.

I am entirely in agreement with the Commission that Article 356 should be retained and that it should be used sparingly in extreme cases. But for this Article, our constitutional framework would have perhaps broken down at some point of time in the past. I also agree that the report of the Governor should contain material facts and well-thought-out and convincing reasons for his recommendation.

So far as sending of union armed forces

to the States is concerned, the Commission has said that the Union can decide it suo motu, but it is desirable to consult the State concerned. That is the recommendation of the Commission. I don't think there is anything wrong in that recommendation.

So, the political sphere, the present arrangement and the constitutional framework are more or less all right and no major change is necessary at all. It is in the interest of the nation, its security and progress that the overall control of the Centre must not be diluted in any manner.

But in financial matters, there is room for examining the possibility and feasibility of further strengthening the hands of the States. The Commission has made several recommendations for constitutional amendments in matters such as sharing the corporation tax, suitable readjustment in sharing income-tax and excise duty, to enable levy of tax on advertisements in broadcast to be distributed to States under Article 269 and raising of tax ceiling on profession and trade etc. These recommendations, I humbly submit, deserve very sympathetic consideration.

The Commission has also suggested that grants should be given to the States in lieu of railway passenger fare tax as recommended by the last Finance Commission and there should be review of royalty rates on minerals once every two year instead of four years. That is the recommendation of the Commission. I welcome the recommendation of the Commission. But I do not agree that the State should be left with discretion to make adjustments in the use of relief funds. It is very dangerous. I do not want to go into the details. Large amounts of relief funds are misused by some States. That is very dangerous. Rather strict penalties should be imposed for diversion and misappropriation of such funds.

The Commission's suggestion that an expert body be set up to recommend desirable direction of reforms in taxation and resource mobilisation of the Union and the

[Sh. Bipin Pal Das]

States is most welcome so that an equitable balance may be struck and both the Union and the States may be put on sound and viable footing in financial matters. But its suggestion to evolve steps for coordination of economic policies and ensure consensus in financial matters may not be a practical proposition because the political complexion of the Centre and all the States may not always be the same. It is not a practical proposition as suggested by the Commission.

The Sarkaria Commission has suggested that the terms of reference of the Finance Commission should be drawn up after informal consultation with the States. I want to make a better suggestion. That is not a very correct suggestion. That will lead to complications. My suggestion is that it would be on a more sound, just, realistic and stable footing if we incorporate the terms of reference of the Finance Commission in the body of the Constitution itself so that there may not be ground for complaints every time when the Commission is set up. Why don't you include it in the Constitution itself?

I agree that the NDC should be given a constitutional status under Article 263 in order to make it a meaningful and effective body to be involved in the formulation of the plans from the beginning. I welcome the Commission's suggestion that the loan-grant pattern of central assistance should be reviewed in order to strengthen the financial position of the States. I agree that a large number of States are poor and backward; they need this kind of help and sympathetic consideration from the Centre.

The most important thing to be considered in the matter of financial assistance to the States is that there cannot be a uniform principle applicable to the advanced States equally as to the backward States. The States should be grouped in my opinion into three categories on the basis of their per capita income and such a formula should be evolved as will help in narrowing the gap

between the backward States and the advanced States step by step. That should be done so far as helping the backward States is concerned.

Some problems crop up now and then not only between the States and the Centre, but also between the States themselves like the boundary problems and the river water disputes. These matters cannot be resolved without the intervention and the mediation of the Centre. The Centre must come in. So, some kind of a mechanism should be devised by which the Centre can come to the assistance of the States in order to solve these problems between the States.

On the question of restrictive powers, as some people say the Union Government should have only four items of power, namely Defence, Foreign, Currency and Communications, I am happy that the Commission has ruled it out completely. It is really inconceivable that a national Government may have no fiscal resource of its own independent of the units. There is no such union or federation anywhere in the world where such a restriction has been imposed. If the powers of the Centre are curtailed and restricted to only four items as suggested by some friends, the country cannot survive as one integrated nation.

Moreover the Commission has rightly observed that it would be beyond the scope of the constituent power of amending the Constitution so far as the basic structure of the Constitution is concerned.

SHRI SHANTARAM NAIK (Panaji): Mr. Chairman Sir, although the Sarkaria Commission has made certain recommendations, nobody should presume that all the recommendations given by such a Commission would be accepted by any Government of the day.

Shrimati Geeta Mukherjee in fact cited one recommendation and said that it was not accepted. So far to my knowledge the Government has not positively expressed itself as to what are the recommendations which

are accepted and which are not. In course of time the Government will make its position clear; but before that we are discussing the matter so as to assist the Government in this respect.

The vital aspect of the recommendations of the Sarkaria Commission relates to the appointment of Governors. Many have suggested various aspects of appointment of Governors. People from that side have ridiculed and said that a defeated candidate or a general secretary of the ruling party has the best qualification for the post of Governor. But one thing we have to see is that this institution has been running for many years systematically and without any problem. It is only where governments like that Devils or NTRs are there that such problems are created because they do not realise the position of a Governor. They do not realise the position of their elected government. There is a clear-cut distinction made in the Constitution. Therefore, they should not impose any condition which does not form part of the Constitution. For instance, if Constitution had been sacrosanct to them then what is not in the Constitution they should not try to impose upon. Constitution does not provide that there should be consultation with the Chief Minister. Then why should Chief Ministers insist upon such consultation? If it is not there it is not there. One can understand suggesting of an amendment to Article 22 but if it is not there then I do not understand imposing it.

I would like to say why Sarkaria Commission should say it should be in consultation with and even at one stage our Government made a statement they they will try to consult and they are consulting. I do not agree with this part that Government should say that we are consulting the Chief Ministers. I say, there is no need. If there is no provision, there is no need. If you want that there should be consultation then include a provision to that effect.

Further as far as tenure is concerned anyone must concede that it is not necessarily that Governor should remain for four or

five years and that very large objective will be served if the Governor is there for five years. Administrative contingencies do make it necessary that sometimes Governors are removed or transferred from one place to another. These contingencies are there. But one aspect that has to be seen is that if discretionary powers of Governors which are there and other powers in the Constitution, one should make a clear-cut distinction. Supposing a Governor is exercising powers under any University Act—it is there as a discretionary power—then he should be allowed to exercise that power. I do not think such powers are to be exercised on the advice of Council of Ministers.

Similarly under many statutes appellate authority powers are vested in Governors. If we have given by a statute appellate authority power to the Governor well he will exercise it. Nobody can interfere because it amounts to quasi-judicial authority and we cannot interfere in a quasi-judicial authority. So everyone should try to understand this distinction of powers which is there in Governors. When this clear-cut distinction is there I do not know why any contingency should arise.

Sarkaria Commission has suggested certain criteria for appointment of Governors, namely, he should be eminent in some walk of life. He should be a person from outside the State. He should be a detached figure and not too intimately connected with local politics of State and he should be a person who has not taken too great a part in politics generally and particularly in recent past. I do not think taking part in politics and being closer to politics is any disqualification. The question is as to how a governor acts in given circumstances. I may have my different views but supposing I am asked to perform the job of a judge then in given circumstances my social views will never come into picture. Therefore, being in politics itself is not a disqualification or earlier if a man was aligned with Congress party, I do not think, it can be disqualification. In fact, Congress means this country and this country means Congress. Somehow by historical

[Sh. Shantaram Naik]

facts Congress and the country are one because it is this party which has given freedom for this country and made what India is today despite to the reactionary forces which are working against it. Therefore, allying with the Congress Party, being a member of the congress Party, can never be a disqualification. I can say that it can be a super-qualification.

As far as all-India services are concerned, which point has been dealt with by the Sarkaria Commission, many States are, in fact, against all-India services. Some of them have suggested disbanding of services. It is absolutely a dangerous trend if we go for disbanding the all-India services. I would like to say one thing. The all-India services people, wherever they are posted, should identify themselves with the problem of the people of that State. In many States it happens that 50 percent IAS officers who are posted as per the guidelines, do not identify themselves with the concerned States. They would like to see that they are posted in Delhi at some time in future. Therefore, it so happens that there is a conflict sometimes between the administration and these officers of IAS ranks. Therefore, I would urge upon the members of all-India services to identify themselves with the problems of the people so that such demands from the State Government are not made.

Now, for example, Goa has been created as a new State recently. What the Central Government has done for the purpose of these services is that they have clubbed together the cadres of Arunachal Pradesh and some other north-eastern States into one cadre. If a State is smaller, it does not matter. Each State should have its own independent cadre of services. Just because a State is smaller, they should not club two or three States together. What will happen is that the particular State will not have a cadre which is committed to the ideology, programmes or policies of the State Government. This aspect also should

be looked into. Many of the Opposition Party Members were giving lectures on federalism and other aspects, that the States should be stronger, the Centre should be stronger and so on. But I will tell you that there are Chief Ministers in this federalism who say that the Centre does not exist. I would like to take the name of the Andhra Pradesh Chief Minister. He made a statement one day that the Centre is a myth, the Centre does not exist.

SHRI V. SHOBHANADREESWARA RAO (Vijayawada): He means the union of States.

SHRI SHANTARAM NAIK: So, if there are Chief Ministers who have neither faith in the Centre, nor willing to recognise the existence of the Central Government, you can imagine what will be the situation. You are aspiring for bigger and bigger things. If the people of the country give you the power to rule a State, you can rule the State. But don't deny the existence of the country virtually...(*Interruptions*)

Another aspect is that the Sarkaria Commission has included three subjects under one topic as 'Miscellaneous', namely, language, the Union Territories and the High Court Judges. I fail to understand the rationale behind this. Language cannot be a miscellaneous topic. It is with the language that we flourish. If we do not have our language, we do not exist practically, our culture does not exist. Everything flows from our language. Therefore, it is very sad to see that Sarkaria Commission has listed language under miscellaneous items. I, for one, consider that Hindi should be the national language and if we do not have the force of Hindi, we cannot strengthen the country. We cannot speak of India's unitary status, we cannot speak of a strong Centre unless we have our own language and that, according to me, is Hindi. Therefore, it is very sad that language should have been included under miscellaneous items.

Then, again union Territories have not been dealt with adequately. Union Territories should be given equal status with the

States. Of course, for certain purposes they are treated differently, but hardly any mention has been made here.

SHRI E. AYYAPU REDDY (Kurnool): The Commission was appointed for Centre-State relations and not relations with Union Territories.

SHRI SHANTARAM NAIK: States include Union territories also under the Constitution. You are a constitutional expert.

SHRI E. AYYAPU REDDY: If you do not know the difference, I cannot help.

SHRI SHANTARAM NAIK: I have been in the Union territory and each power of the Governor under the Union Territories Act has been examined by me and I have spoken on that four or five times. Do not tell me about Union territories. I have pleaded for the Union Territories like anything.

The Sarkaria Commission has touched Union Territories, but they have not been touched and dealt with exhaustively as they should have been dealt with. According to me, the States cannot be touched by Sarkaria Commission, because it is not in its terms of reference.

Then, the High Court judges have been included under miscellaneous, which again is very sad. As far as the transfer of High Court judges is concerned, our Constitution does provide for any sort of consultation. A High Court Judge can be transferred from one place to another place. Constitution says so. The Sarkaria Commission says that the Judges should be asked and if the Judge is not willing to go, he should not be touched. This is something which I cannot understand. If there is a constitutional provision, and you say that it is bad, then it should be amended. But he does not say anything about that. Despite that existing provision, a suggestion has been made that they should be consulted. Mr. Home Minister, at one stage, even a statement has been made on our side that we should consult them. Why should that be so? I think, we should go by

the existing provisions only.

Lastly, I would like to make one general point. We always say that our constitutional provisions are very right. There need not be any amendment. I agree. By and large, there need not be any exhaustive amendment to the Constitution, but there are very very vague things in certain portions of our Constitution which we should tackle, and because of which so many problems, so many issues arise. Somebody, for example, is appointed at the pleasure of the Governor or of the President. We should give up this sort of terminology. We should make provisions in the Constitution very clear, where required. Nobody is appointed at the pleasure of somebody. Under what conditions a person is appointed should be clearly laid down. In reality, no one is appointed at the pleasure of somebody. There have been some decisions of the courts also, which say that nobody is at the pleasure of anybody else.

Then, there is another example. President is the Supreme Commander of the Armed Forces. Is he really so? He cannot be, because the executive functions are vested in somebody else.

Therefore, such portions of the Constitution which are not a reality should be amended and made clear.

SHRI G M BANATWALLA (Ponnani): Mr. Chairman, Sir, we have opted for a unique federal system and in any federal setup, the question of Centre-State relations assumes a critical importance.

Sir, this principle of federalism cannot be worked without a spirit of cooperation instead of confrontation and without the process of consultation as opposed to unilateral decision. It is only when we have this spirit of cooperation, mutual consultation and mutual respect for each other that this principle of federalism can work otherwise I am afraid that no amount of guidelines can help us. It is the federal spirit that has to be cultivated in all of us.

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Mr. Chairman, Sir, the Sarkaria Commission has very rightly referred to this need which I was pointing out as a need for cooperative federalism and that is what I rise to endorse totally and wholeheartedly.

Now, Sir, with the sea change in the political situation, the role of governors has raised several questions. It has already assumed very critical importance. One thing, however, must be accepted by one and all and that is that we simply cannot do away with the institution of governor. It has been rightly pointed out on the floor of the House that the institution of governors and the person who holds the post of Governor are two different things and must be taken as such. The institution of Governor is a vital link between the Centre and the State and the Governor has a very useful role to play at various times.

The question of appointment of Governor, Sir, has also created a lot of hard feelings many a time. I must emphasise that the appointment of Governors should be made in consultation with the States. Some Hon. Members have said that when the Constitution does not provide for consultation with the States why should we consult? Well, to say that it does not so provide, therefore, there is no need for consultation, is taking a very casual attitude. They should know that we have certain healthy conventions. If I am not wrong, it was Pandit Jawahar Lal Nehru himself, who emphasised that there must be consultation with the State concerned in the matter of appointment of a Governor and the Governor should be a person acceptable to the State. That was what Pandit Jawahar Lal Nehru himself had stressed and today I heard from persons belonging to the same party that there is no need for consultation because the Constitution does not provide. Therefore, I feel that the time is now ripe to demand that the process of appointment and consultation should be elaborately stated in our Constitution itself, because such attitude is now coming up which is threatening even the

healthy conventions we have adopted in the past.

Sir, there are situations which have lead Governors to exercise their discretionary powers in several respects and these have created a lot of controversies. There is, therefore, need for detailed guideline with respect to the role of the Governors, regarding the appointment of Chief Ministers, testing of the majority support, dismissing a Chief Minister, summoning, proroguing and dissolving the Assembly, recommending President's Rule, withholding assent to Bills and such other aspects. Sir, there is need for having proper guidelines because different Governors have acted in a different manner. This has introduced a kind of arbitrary working in our body-politic. Therefore, there should be detailed guidelines and these guidelines must have some legal sanctity behind them.

The Sarkaria Commission has laid down healthy principles for the appointment of the Governors. It has also emphasised that persons from minorities should also be given due consideration at the time of the appointment of Governors. It is necessary that these recommendations be accepted. The procedure for consultation while appointing the Governors should be prescribed in the Constitution itself by suitably amending Article 155.

Sir, we have Article 356 which has created a lot of bad blood. It is time that the safeguards proposed by the Sarkaria Commission in the exercise of the Governor's power under Article 356 are adopted without any hesitation.

In view of the paucity of time, I will restrict myself only to one or two more aspects of the Centre-State relations which I believe have not been touched by the previous speakers.

Sir, though I may be ploughing a lonely furrow, yet I would emphatically urge upon the Government that matters pertaining to the security and welfare and progress of

linguistic and religious minorities should be placed specifically in the Concurrent List. I need hardly point out that we have a plethora of reports of Judicial Commissions which clearly pointed out that the minorities have been at the receiving end from various State Governments, local administrations, local police and the armed police of the States. I need not now recapitulate the recommendations of the Jitendranarain Commission Report with respect to the riots that took place in Jamshedpur. You come from Maharashtra, Mr. Chairman, and you know very well we were at that time in the Maharashtra Legislative Assembly when we had the Justice Madan Commission Report—eye opener—as to how the minorities have suffered at the hands of the local administration and the police. I must therefore emphasise without dwelling much upon the topic because it is well-known and I urge upon the hon. Home Minister, Shri Buta Singh, who is present here, with all the anguish, to see that the question of security, welfare and the progress of minorities is brought under the Concurrent List. We have fifteen-point programme of our hon. Prime Minister for the development of minorities. We are thankful to him. But what is the state of affairs in the various States with respect to the implementation of those Reports, irrespective of whether those States are ruled by the party also ruling at the Centre or are ruled by the Parties which are in the Opposition here in this House? In both the places, it is in a miserable condition. Where do we go? Therefore, the matter should be brought under the Concurrent List and we cannot be thrown at the mercy of only the States. Let both States and the Centre join hands in this particular vital matter.

The Sarkaria Commission has also suggested that each State Government may work out in consultation with the Indian Government short-term and long-term arrangements for strengthening its armed police. It is a very important recommendation made by the Sarkaria Commission. In this House, we have, on many occasions, spoken about the unfortunate situation with respect to armed police in certain States.

The very First Report of the Minority Commission on Page 6 has said that it is a fact that anti-minority feelings are there in the Provincial Armed Constabulary (PAC). There are references to this particular aspect in the Police Commission's Report also. Therefore, here in the House, the hon. Home Minister has given us several assurances that the armed police in various States would be re-structured and it would be made cosmopolitan in nature and so on and so forth. Where is the action? There is hardly any action. I must therefore emphasise that this particular recommendation of the Sarkaria Commission be seriously taken note of by our hon. Home Minister and action be taken thereon.

I may also refer to the question of education and languages. As far as languages are concerned, we have both regional languages and also the scheduled languages which are mentioned in the Eighth Schedule of our Constitution. Let the Centre concentrate not merely on the development of Hindi alone—Yes, that should receive its own priority—but also on the development of all the scheduled languages, especially those scheduled languages which do not have the status of regional languages like Urdu and a few others. There must be proper allocation of funds for the purpose and the necessary responsibility should be taken up.

Mr. Chairman, Sir, the Sarkaria Commission in its Report, Para 30.1.35 recommends and I quote:

"The Code of Conduct evolved to safeguard the interests of linguistic minorities should be strictly implemented."

Now, Sir, it is said that it should be strictly implemented. The Sarkaria Commission itself has noted that there is no proper implementation of the safeguards that are there for the interests of linguistic minorities. These safeguards have come up as a result of the findings of the States' Re-organisation Commission itself. The States' Re-organisation Commission says. "Taking into consideration the inescapable fact that there

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would be linguistic minority groups even after re-organisation such groups need provisions of sufficient opportunity for their development so that they may not harbour a sense of neglect or discrimination."

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The Commission, therefore, recommended various safeguards.

Them with respect to the linguistic minority safeguards, we have the Resolution adopted at the Provincial Education Ministers' Conference in August, 1949. We have also, the Government of India Memorandum of 1956. We have also the Government of India Statement on Languages of 1958. Then there are the Southern Zonal Council's decisions of 1959. Finally, we have the Statement issued by the Meeting of the Chief Ministers of the States and the Central Ministers held in August, 1961.

Now, the Sarkaria Commission itself has mooted that there is no proper implementation of the various safeguards that are there agreed to at the national level with respect to the linguistic minorities. I must, therefore, demand that all these various safeguards should be given the necessary statutory status so that they can be evoked and one can even go to a court of law in order to see that these are properly implemented.

Sir, a point and I will conclude, and that is, with respect of language again. It must be agreed, and I quote from the Report of the Sarkaria Commission, Para 20.1.33:

"The work of the Government, both Union and States, which involves or affects the local people must be carried on in the local language. This is even more important in a Welfare State. It is necessary that all forms, applications, letters, bills, notices, etc, are available in the local language as well as the official language. This is of equal relevance to State Governments which

have sizeable minorities concentrated in certain areas."

In view of the importance of this particular point, I must conclude by saying that in a local area, in a municipal area, when a particular language is spoken say by 10 per cent of the population in that area, then that language should be accepted as an additional official language of that particular area and the officers should also be conversant in that particular language. It should be accepted as an additional official language in that particular area and the necessary statutory provisions should follow.

Sir, the Sarkaria Commission has lamented that though there is an agreement at the Chief Ministers' Conference that whenever there are a certain number of students having a common mother tongue in a school, a teacher of that language should be provided, it is not being complied with.

I must, therefore, urge upon the Union Government that it should provide adequate financial assistance, it should maintain a pool of language teachers, it should have especially an Urdu University in order to see that such teachers can be provided and this aspect must receive due attention from our Government.

Though I have not been able to make an entire speech, as the word "entire speech" can be understood, I hope that some time later on, I may have an opportunity to have my appendices also, in which case those appendices should also be construed as a part of my present speech to make it a complete speech.

MR. CHAIRMAN: The House stands adjourned to reassemble tomorrow at 11.00 a.m.

18.03 hrs

*The Lok Sabha then adjourned till Eleven-
of the Clock on Friday, March, 31, 1989/
Chaitra 10, 1911 (Saka)*