

Secondly, Sir, Karnataka has been receiving power from Ramagundam Super Thermal Plant. Tariff for energy supplied from this plant has been increased, affecting Karnataka State Electricity Board which has been supplying power to irrigation pump sets at ten paise per unit which is far below the production cost. Neither the State Government nor the Central Government is giving any subsidy to Electricity Boards. I request the Government to direct the National Thermal Power Corporation not to increase tariff for energy supplied to Karnataka from Ramagundam Super Thermal Plant.

THE MINISTER OF PARLIAMEN-  
TARY AFFAIRS AND MINISTER OF IN-  
FORMATION AND BROADCASTING  
(SHRI H.K.L. BHAGAT): Sir, I will bring the  
observations of the hon. Members to the  
notice of the Business Advisory Committee.

12.33 hrs.

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

[English]

MR. DEPUTY SPEAKER: Now we shall go to the next item—further consideration of the motion moved by Shri Buta Singh on 30th March, 1989. Shri B.R. Bhagat.

SHRI B.R. BHAGAT (Arrah): Mr. Deputy Speaker, Sir, since yesterday, the House has been debating the very important and significant Report of the Sarkaria Commission. The Sarkaria Commission went into the question of the Centre-State relations in all aspects very painstakingly and submitted a very comprehensive report. Basically, the Commission has come to the conclusion that even after the working of the Indian federalism for nearly four decades thirty-seven years or a little more than that—the basic structure and the concept of federalism have stood the test of time and so much resilience has been provided. It also speaks of the new changes that have taken place in

the light of the changes taking place all over the world. In the system of governance of federalism, one trend all over the world is the trend of centralisation—tending to centralise at the top. Because of the dynamic functioning of modern State, the Defence, the industrialisation, the Science and Technology try to enter, pervade all the grounds resulting in the centralisation of powers. But it goes to the wisdom and far-sightedness of the founding fathers of the Constitution to have provided for enough resilience and I want to mention what Dr. Ambedkar the Chairman of the Drafting Committee of the Constitution, had said. He had said that a country like India's diversity, a country of India's regional, linguistic, ethnic, religious and all kinds of diversity can only be welded together in a scheme of federalism. The basic concept of Indian federation is that with a strong Centre, with equally a strong State autonomy and all the powers, distribution of powers, whether legislative or executive powers or the financial powers. I have been provided and put into this so as to make the Indian Centre a strong as well as the State autonomous, resurgent and effervescent. It is not a stagnating kind of State autonomy, but in its source, various things have been provided. He said at that moment of time that the real days of federalism the working of Indian federalism would come one day. Today the Centre as well as the States are ruled by only one party, one political party. But Dr. Ambedkar prophesied that a day will come that there may be a situation where the Centre will be ruled by one political party in the Indian federalism and most of the States will be ruled by different political parties and at that moment of time the working of Indian federalism will come. This is what he prophesied and for that he had provided enough resilience. He had taken care of almost everything. Nobody can take care of the future. Any time a new development may take place and that is to be taken care of. But he was confident and he had spoken in this House that the Indian federal system would stand the test of those days also and those days had come. At first that had arisen in 1957 when as many as in 8 States, the Congress lost the power and at the Centre its

[Sh. B.R. Bhagat]

rule prevailed. Now, today that situation arises that the Congress Party is ruling at the Centre and many parties are ruling in many States. But the point is that Dr. Ambedkar had provided the constitutional forums under various articles. The Sarkaria Commission has gone into this Article of the Constitution which provides for the framework and power between the Centre and the State. But the main point is that it is not the static concept. It is not the static rule under which the provisions guide the constitutional functioning. The Constitution is a living organism. The State is a living organism, the politics is a living organism. Therefore, its functional, its operation norms, the behaviours and the standards that really go into the successful making of the Constitution. And if I use a word which has been used by the Sarkaria Commission that Indian Federation is a cooperative federalism, then confrontation has no place in this. It pains us when we see that people who have been charged with the governance of the State, people who have been working as high functionaries everywhere irrespective of party lines, should be judged by this test and spirit alone. And if we judge whether they are maintaining their standard, whether they are people of higher worth and status, higher moral stature, whether they are people who are committed to the public good, whether they are people who enshrined in them or in their thinking or in their behaviour or their action the national unity of the country, the public good of the country and the functioning in spirit and letter, more in spirit than in letter of the Constitution, well I think there should not be any trouble and there should not be any scope for confrontation because as I say, confrontation has no place. Well, we have inherited the great Indian civilization, Indian unity in diversity. Right from the beginning we have believed in the utmost freedom of the individual, we have believed in the freedom of expression, freedom of religion and freedom of all kinds and we have not given this freedom to ourselves, but we have given this freedom to whoever has come here. These 5000 years of Indian civilization—it

has its own significance, it has its own message, which is unique in this world. Every Revolution has its own message - the French Revolution and the Great October Revolution - but the Indian Revolution, the Indian Independence Movement has its own significance and the federal concept, the federal set up that was established after two-and-a half years or nearly three years of the formation of the Constituent Assembly, and it has been working for the last 35 years laying down conventions, norms and others go to show that we have a new path, a unique path and this path, as I say, whether you call it Gandhian, whether you call it non-violence, may be that non-violence now prevails, we are happy to say in the international world because it is being accepted, that non—violence should be the guideline of conduct of international relations. That is accepted all over the country. This is at the heart of Indian Revolution, the Indian system and all our institution, whether it is Parliament or the State Assemblies or even now the new institution that has been suggested and that is being taken care of by a proposal that Parliament will be soon seized with the set up of the local bodies, the zila parishad and the panchayat, devolution of power, the third tier in the Indian Revolution. All this goes to show that we are governed by a sense of tolerance, we are governed by a sense of conciliation, not confrontation, and this is the real rub you know, and whoever practises confrontation to follow certain partisan ends is going against the spirit of the Indian Constitution, is going against the spirit of Indian Revolution, is going against the spirit of national movement, the national liberation, and the Constitution, the new polity we set up in this country against the British.

So, coming to that now let us examine what are the recommendations that this Commission had made. Many people have expressed opinion that they are not satisfied. Two extremes follow, you know. There has been a report that the Centre—on the one hand when you say that the Centre should be all powerful, on the other hand now there has been a recommendation to

this Commission that the powers of the Centre should be restricted only to four subjects—Foreign Affairs, Defence, Currency and Communication. These are the two extremes. This was also there earlier times, but this matter was not considered, but it has come, the Commission outrightly rules it out that this is not the scheme in which we are operating. Having decided that now, it says that there is a scope because of the demands of development, there is scope for bringing about some more changes in the Centre-State relations so that States after States irrespective of the political parties which control them, are demanding more and more resources, they say they are short of resources. The Congress ruled State also say the same thing. Even the All India Congress Committee submitted the Report earlier to that effect. We have recognised this fact that the States need more resources in order to fulfil the demands of the removal of poverty. The question of regional imbalance is there. Some States are very much deprived of resource and they fall behind. Others are more advanced. Certain state because of the dynamics of development, have more resources at their command. The other State have less. All these factors are there and we cannot shut our eye to them. There are some of the thing which we have to recognise. We are happy that the Sarkaria Commission went into these questions. I would like to deal with only some of them. Some hon. Members who preceded me have dealt with this and some will follow and certainly my distinguished colleague Shri Somnath Chatterjee, if he going to speak, will do so.

**SHRI SOMNATH CHATTERJEE** (Bolpur): I spoke twice yesterday. The first was interim and the second was final.

**SHRI B.R. BHAGAT:** Following the concept that federalism is more a functional arrangement rather than cooperative action or a tactic, legalistic, institutional concept, the Sarkaria Commission has suggested certain amendments to the working of the Constitution.

According to me, the most important one is the amendment of Article 258 which provides for devolution of powers to different levels. Already there is a scheme in which there is a suggestion that there should be a third tier of Government also. It has been said that there should be a Financial Commission at the State level as at the Central level which goes into the filling up of the revenue gap. We have two Bodies, the National Development Council, the Planning Commission and the Central Finance Commission. The Central Finance Commission gives a five year review of the expenditure and suggests how the diversion of resources should be made to fill the revenue gap. Similarly, the planning Body, when they finalise the State plans, goes into the resources required and also provide for the capital gap and the transfer of resources. The development of the country has reached a stage that the real administration today at the district level is again centralised in the hands of one person, the District Magistrate. Even the Members of Parliament and of Assemblies are completely at a loss what to do when what they recommend is not implemented. If the District Magistrate is good, he does it. If he is corrupt, everything goes to pieces. This important point has come in that there must be a District Administration. The Zila Parishad is there but, it should be constitutionally recognised as the third tier of the federalism, the Centre, the State and the District. It is suggested that Finance Commission should be appointed regularly so that not only the resources go from the Centre to the States but also from the State to the Zilla Parishad. There is the elected system. I am happy the Prime Minister has taken great pains in this. He has gone to most of the District Magistrates, worked out, and held a debate with the regular Panchayat Bodies or Zila Parishads. It will come before the Parliament in the form of constitutional amendment accepting the spirit of the recommendation. Similarly, it is suggested that the Centre-State relations is a complicated one. That is the real rub of the matter. If the States feel that they do not have resources and have to face problems, then they feel frustrated. Some people say that it

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does not go far enough. Let us examine what they have suggested and how much it can be implemented. For example, they have suggested about States participation. What is important is participation of the State Governments and the Union Government in a cooperative enterprise. That fact has been suggested. They have suggested two institutional forms and one is about the Inter-State Councils. They have suggested a body comprising six Chief Minister and six Cabinet Ministers and the establishment of a Standing Committee, a formal Secretariat and so on and so forth. But the main point is that the real difference can be settled through such a body. For example, even the River Water Disputes go on for a long time, for 20 years. How many years it has taken to clear the Narmada project. In respect of Godavari and Cauvery, how many years it has taken to solve the problem. Let us provide a time-limit to solve the river water disputes—say five years or some such time period. But in many of these cases, it is the regular body, the Inter-State Council which can solve this problem and where the differences can be ironed out, political and other differences.

Further, they have gone or suggesting re-organisation of Zonal Councils and have made certain special recommendations for the North-East Zonal Council. These are worth considering. Of course, they are not a revolutionary kind that can be heard from this side or that side. If at all I have to say anything, I would say that it is a *via-media*. They have suggested this *vi media*. I think it is worth considering.

Regarding devolution of financial powers, they have made use of Articles 269, 270 and 272. They have also made use of Articles 275 and 282 regarding grants-in-aid and Article 293 regarding loans. They have made very useful suggestions. For example, they have suggested that the Corporation Tax should be transferred to the states and the receipt and revenue should be given to them. Then they have made a suggestion

regarding consignment tax. That is a very important thing. Regarding consignment tax there is no decision yet. Similarly, regarding the creation of National Development Council and Economic Council they have suggested that they should be more functional bodies. There is one thing. Even today, State Plans are determined by the Planning Commission here. They decide as to how much resources should be set apart. I feel it is not fair. I am saying this that it is not a party matter. I know what they are doing. I feel that the States must be given the right to determine their own plan and have their own resources. That is the recommendation made. This can be settled by the National Development Council and the Economic Development Council and this has been recommended. They have already been constituted. This recommendation can also be considered. It can really bring harmonious relationship between the States and the Centre.

There is another important thing. I have my own views about that. I have got very definite views definite view about that. That is regarding the role of the Governors. That is the most contentious issue now. I think there have been Governor and Governors. I would like to say here that I do not agree with the Sarkaria Commission when they say that no politician should be appointed. Where do you find the men?

SHRI SOMNATH CHATTERJEE: The point is that no controversial politician should be appointed.

SHRI B.R. BHAGAT: How will you determine that? How will you determine who is a controversial politician and who is not? You will come to know only when you appoint him....(*Interruptions*) I remember about the Report of the Nagaland Governor, presented last time. He is a distinguished retired General. His wording of the Report was not like that of a politician's. His wording was most straight forward. He speaks like that. He writes like that.

SHRI SOMNATH CHATTERJEE: That

was drafted by S. Buta Singh. (*Interruptions*)

THE MINISTER OF HOME AFFAIRS  
(S. BUTA SINGH): Shri Somnath Chatterjee  
himself is not a controversial Member. (*Inter-  
rptions*)

SHRI B.R. BHAGAT: Let us follow cer-  
tain norms. I agree to one thing. If a person  
is appointed as Governor, he should not  
seek political office. That is one thing. Last  
time, it happened in the sixties during  
Panditji's time when Shri Ajit Jain was ap-  
pointed Governor. Then he came back and  
fought elections. And it was... (*Interruptions*)

SHRI SOMNATH CHATTERJEE : I will  
accept Shri B.R. Bhagat as Governor.

SHRI B.R. BHAGAT: I do not want to be  
a Governor. It is the greatest honour to be a  
Member of Parliament. (*Interruptions*)

MR. DEPUTY-SPEAKER: Do you  
want him for your State?

(*Interruptions*)

SHRI B.R. BHAGAT: What I am saying  
is that the Governor's job is a very honour-  
able job in the Constitution. He has not only  
to function independently, impartially and  
objectively, but should be known to function  
like that. The Governor must be above eve-  
rything so that he does not possess power.  
He possesses the dignity, the honour and  
the respect. Once a Governor loses the  
respect, he loses everything. As per the  
norms, he is there at the wishes of the  
President. The President certainly can guide  
him. But it will not be in letter; it will not be put  
down in writing. The Governor must function  
to earn the highest esteem of the people of  
the State where he serves. And even that  
applies to the judges also. If a judge is  
appointed to the Supreme Court, he immedi-  
ately become something. The Supreme  
Court is the ultimate in our judiciary. Judi-  
ciary in our country is commonly accepted  
above board that what a judge says is the  
word of God. He says truth and he will not be  
influenced by anything except by the truth

and fair play. If that is not the reputation of a  
judge, then the whole democracy will  
crumble. One thing which we can prevail  
upon is to appoint judges only in exceptional  
circumstances. On the other hand, when  
there is a demand to appoint the Supreme  
Court Judge or the High Court Judge on this  
commission or on that commission, the re-  
sult is that sometimes, the commission takes  
longer and longer time. And once he finishes  
the term of a commission, he gets another  
commission. It has gone into the vicious  
circle. I think, these things can be sorted out  
if there is an agreement regarding common  
values.

Now in the 37 years of Indian parliamen-  
tary system, Indian democracy has estab-  
lished such high norms. We have the norms  
of the Father of the Nation; we have the  
norms of five thousand years of our culture.  
Which country has contributed this much to  
the human civilization? And if we ourselves  
go below that and if we disregard that, what  
will happen? Is it not possible that the lead-  
ership in the entire country can sit together to  
determine a special law? The real trouble  
comes from the system of political organisa-  
tion. Take for example, the elections. I do not  
want to say everything. But I can tell you that  
I am the most experienced person in elec-  
tions. I have fought all the elections and I  
have been here for the last forty years in this  
House. I can tell you that there should be a  
common conduct among the parties. If you  
want to take a partisan advantage, if you  
want to have a sectional advantage, the  
national advantage will suffer. To the extent  
our political system and political parties  
maintain the Gandhian standard of higher  
values, norms, integrity, dedication to the  
service of the country, all the things will work.  
The same thing applies in the functioning of  
the Indian States also. We have the institu-  
tion and those who are manning the institu-  
tion, particularly the great people, have set  
examples which can be followed by others.  
The famous saying is "Mahajana Jay Na  
Gata Samanta". We have the example. Why  
not follow it? Why not combine all these  
things? If we do this, I think, problems can be  
solved. The Sarkaria Commission has pro-

[Sh. B.R. Bhagat]

vided some of the answers. We can adopt them. He has said that it is the way in which the cooperative federalism works at a functional and operational level, that will determine the success of it. Let us follow that.

13.00 hrs.

SHRI N.V.N. SOMU (Madras North): Mr. Deputy Speaker, I am grateful to you for giving me this opportunity. I am proud to participate in the discussion as a Member belonging to the DMK Party which is the pioneer in advocating the reforms in the Centre-State relations.

In 1969, for the first time in India, Dr. Karunanidhi as the Chief Minister of Tamilnadu constituted a Committee of experts with Dr. P.V. Rajamannar as the Chairman, to inquire into the relations between the Centre and the States and to make recommendations thereto. In that Committee Dr. A. Lakshman Swamy Mudaliwar the Vice Chancellor of Madras University, Thiru P. Chandra Reddy, the former Chief Justice of the High Court of Madras were the other members.

The Rajamannar Committee, as it is popularly called, presented its report in May 1971. Largely based on that report, Dr. M. Karunanidhi, the then Chief Minister who also happens to be the present Chief Minister moved a Resolution on State\ autonomy in the Legislative Assembly of Tamilnadu. The Assembly discussed that Resolution for five days and for the first time in the history of India a Resolution about the Centre-State relations commending suitable changes and amendments to the Constitution was passed on 20th April, 1974.

The Resolution of a State Assembly and similar such demands from other veteran statesman from various parts of the country were not at all considered by the Central Government for many long years. The Rajamannar Committee has categorically stated that each of the two Govern-

ments—Centre and State—must have power to raise financial resources necessary to perform its executive functions. The power of the respective governments should be independent of each other for, if the State Governments have to depend substantially upon the Central bounty, they might indirectly be deprived of their autonomy in other matters. I want to lay emphasis on this particular sentence.

Such a good recommendation was not at all considered. The Rajamannar Committee report was sent to the then Prime Minister, Mrs. Indira Gandhi. Acknowledging the receipt of the Report the Prime Minister Mrs. Indira Gandhi in her letter dated 22nd June 1971 wrote to the Chief Minister Shri Karunanidhi as follows.

SHRI KADAMBUR JANARTHANAN (Tirunelveli): Sir, this is a discussion about Sarkaria Commission report; but he is speaking about the Rajamannar Committee report.

SHRI N.V.N. SOMU: I will come to that Rajamannar Commission is the Pioneer of the Sarkaria Commission.

MR. DEPUTY SPEAKER: If it is relevant and he is quoting it. I cannot prevent him.

SHRI N.V.N. SOMU: I quote from the letter of Mrs. Indira Gandhi:

"Dear Thiru Karunanidhi

I have received your letter on the 15th June which you have sent a copy of the report of the Centre—State Relations Inquiry Committee. Your Government will probably examine the recommendations on this report. As you know, the Administrative Reforms Commission also went into this question and has already submitted a report which is under our consideration. If the views of your Government on this matter are made available to us, they will also be taken into account. These are important issues

and we intend to consult all the Chief Ministers.

With regards, yours sincerely, etc."

But the Central Government did not take effective steps in the immediate years to come. The reply of the Prime Minister Mrs. Indira Gandhi was given in the year 1971. It was only in the year 1983 that Mrs. Indira Gandhi during her second spell as the Prime Minister appointed the present Sarkaria Commission.

Before considering the views of Justice Sarkaria, I want to bring it to the notice of this august House the views of the State Reorganisation Commission Yesterday also some Hon. Members raised this problem. I quote "from the State Reorganisation Commission report:

"The national movement which achieved India's independence was built up by harnessing the forces of regionalism. It is only when the Congress was reorganised on the basis of language units that it was able to develop into a national movement. The Congress under Mahatma Gandhi realised that the same forces which worked for our national unit had also helped to develop the regional languages, which led to the integration and national feeling that helped us to recover our freedom."

Yesterday, some of the Members also spoke about nationality. India, like USSR, Peoples Republic of China, Switzerland, etc. has many nationalities with distinct languages, cultures, religions, traditions and history of their own. Another important factor is the continental geographic dimensions, with different States at different stages of development. In such a case the States are also to be considered as the federating units as the contributing units to the development and unit of Indian sub-continent. As Prof. Toynbee, a great historian observes: The growing consciousness of nationality had

attached itself neither to traditional frontiers nor to new geographical associations but almost exclusively to the mother-tongues. Here I would also like to quote Prof. K.C. Wheav: As a matter of history, federalism has provided a device through which differing nationalities could unite and while retaining their own distinct national existence, attempt to create in addition a new sense of common nationality. Nationalism in a federation can be expressed on at least two levels; it is not exclusive, homogenous passion. But what is the position today after forty years of independence? Even Sarkaria himself admits and as Mr. Ayyapu Reddy quoted I also would like to quote:

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

This gives the crux of his point. I want to ask this Government and particularly the Home Minister who is here how long are they going to allow the blood pressure and how long are they going to allow the anaemia. That is the question before this Government now. The question is very specific.

Former President, Shri N.Sanjeeva Reddy once said:

"There is no question of parting with anything. The Constitution is there. The point is that the federal structure as envisaged in the Constitution has been eroded somewhat. I am not saying the States should get new or extra powers. I do not think States are thinking along these lines. There are some people who want Education, Health, forestry, everything to come to the Centre, as though at the Centre we have divinely gifted officers who can go and set things right in all those spheres.....some have wrong notions."

[Sh. N.V.N. Somu]

Mr. Reddy was a veteran Congress leader. He has been Chief Minister of Andhra Pradesh and also was a Central Minister. He was also the President of India and adorned the office of the Speaker, Lok Sabha. I further quote:

"President Tito (of Yugoslavia) told me when I was Chief Minister about 20 years ago when he came to Andhra. "Mr. Reddy, your State is two times bigger "...than mine." But a State Chief Minister cannot undertake even small things, a health scheme or a forest developmental scheme or something like that. Officials from the Centre think they have to go from here to do even such things."

Now I want to ask a simple question, whether you are going to allow it or continue with this. For years together we have been debating Centre-State relations. What are the effective steps that the Central Government is going to take in this respect?

What did Mahatma Gandhi think of the Centre—State setup? I want to bring that to the notice of this august House. I am quoting what Shri K Hanumanthaiya said in the Constituent Assembly:

"We were, during the days of freedom struggle, wedded to certain principles and ideologies as taught to us and as propounded to us by Mahatma Gandhi. The first and foremost advice which he gave in his picturesque languages was that the constitutional structure of this country ought to be broad-based and pyramid-like."

Yesterday, some of my friends here advocated for strong Centre, they did not want strong States. But the first and foremost device that Mahatma Gandhi gave in his picturesque language was that the constitutional structure of this country ought to be broad-based and pyramid-like". Further:

"It should be built from the bottom and should taper right up to the top. What has been done is just the reverse. The initiative from the provinces and the States from the people has been taken away and all power has been concentrated in the Centre. This is exactly the kind of Constitution Mahatma Gandhi did not want and did not envisage."

But the problem is that you are not at all remembering Mahatma Gandhi.

Sir, the first and foremost action that should be taken is to form the Inter-State Council. It is the desire of all the State Chief Ministers. That would give a participatory feeling among all the Indian people.

The office of the Governor is a legacy of the British colonial system. The method of appointment of the Governors make it an anachronism in a democratic setup. Mrs. Vijaya Lakshmi Pandit once said that the Office of the Governor should be abolished. But the problem is that the advice of the veteran leaders, administrative and former Presidents is not followed by this Government. That is my worry.

Now, I come to Article 356 if the Constitution. There is no provision for President's rule at the Centre. Similarly, there should not be any provision for President's rule in the States. It is a word of Damocles hanging upon the State Governments. The State Government are there at the pleasure of the Central Government. If the Central Government wants to do away with the State Government, it can do that within no time even on flimsy grounds. Therefore, provisions like the much misused Articles 356, 357, 360, 365 etc. should be deleted from the Constitution of India.

The Planning Commission should be made a constitutional body with full democratic principles. I want to emphasise this.

Not only that, all the financial institutions like banking institutions, IDBI, Unit Trust of



India, NABARD and other financial institutions' are controlled by the Centre alone. All these institutions should be brought under the Inter-State Council.

The Central Government is having control over coffee, tea, cotton, sugar, tobacco, coal and even TV and radio. Therefore, from morning till night, the Central Government is having control over all things. I want to say that these things should be brought under the control of the Inter-State Council. The second channel of TV should be allotted absolutely to the State Governments. Shri K. Santhanam who was at the helm of affairs as Minister stated once. "Without a definite freedom and initiative on economic issues, the State Governments are bound to be frustrated and impotent.". In the Objectives Resolution which was adopted in the Constituent Assembly on January 22, 1947, it was announced that the Union should have only those three powers of Defence, Foreign Affairs and Communications, which had been conceded to it by the Cabinet Mission and that the States of the Federation shall be 'autonomous units', having all residuary powers left assigning to the Union the three aforesaid subjects, together with those powers which flowed by implication from the powers assigned to the Union. I suggested there should be a permanent solution to the Central-State relations keeping in view the Objectives Resolution adopted by the Constituent Assembly on January 22, 1947. I quote Dr. Chandra Pal who categorically stated 'the demand for state autonomy is not at all incompatible either with the process of nation-building or with national integration. Rather it is essential. The need of the hour is 'Unit' and not 'uniformity'. Unity in diversity cannot be maintained without permitting diversity in unity. Any attempts to crush 'diversity' is fraught with dangerous consequences and may eventually lead to disintegration and balkanisation of the country." For all these things, the only remedy is a suitable amendment of the Constitution. Because according to Lok Nayak Jayprakash Narayan, the constituent Assembly was a 'restricted Assembly'. Therefore, the Constitution framed by

such an assembly should be reviewed and amended suitably. Only then, the Centre-States relations will be maintained.

With these words, I conclude.

DR. G.S. DHILLON (Ferozepur): Mr. Deputy Speaker Sir, the Sarkaria Commission has indeed come out with a very commendable Report and as an academician and politician, I have studied it with utmost care. Frankly speaking, I thought after reading the Report that I may be able to give you some sort of a solution which I could suggest to our friends who are crying for autonomy, separatism and who are raising all sorts of slogans.

SHRI N.V.N. SOMU: Sir, I did not say separatism. I said only autonomy.

DR. G.S. DHILLON: I am not talking about you. I am talking about Punjab. I have got nothing to do with DMK or AIADMK..... (Interruptions)..... Now, let me know whether or not you have heard of separatism, Khalistan and other things being uttered in Punjab. I am talking of Punjab. Members have talked about function and domin of Governors, the Chief Ministers and various other subjects. They have also given some suggestions.

May I also invite your attention, Mr. Deputy Speaker, Sir, to the views expressed in this House on other occasions and also views expressed by various courts and Supreme Court. Always, whenever a Governor submits the proclamation orders, we have been facing many other problems like the dissolution of the Ministry, wrong acts by the Governors or wrongly ousting a certain Ministry, then having a gap and then proclaiming something else. when I was the Presiding Officer of this House and even later on several times the Speakers conference have been coming out with various resolutions that no Ministry can be dismissed or no President's Rule can be brought in unless the test of the majority or the minority be gone through. They have come to one conclusion that when one tests

[Dr. G.S. Dhillon]

the majority of a certain party, then it must be done on the floor of the House. You must bring it before the House. I have seen the maximum number of President's Rules in Punjab. I was there as Speaker and as Minister also for quite a long time. When I came here I saw the other side also. It sorts of proposals come from various States, sometimes Governor questioning the majority of a particular party and saying that they have lost the majority and the other party saying, no, they have not lost the majority and all that. This thing happened many a time.

The basic problem of the Indian federalism is that we have a unique system. I am a student of Political Science and Economics. Federalism is not of only one type, as we see in our country. It has various shapes. It is also there in the Soviet Union. You have various nationalities being accommodated within the same type of federal system, the republic, the autonomous regions and so on., and they are functioning in a perfect successful way. Some people ask me as to what is the reason for their success. The secret for their having unity in diversity is that we follow the principle of one party one ideology. We have in our country a multi-party system and we have people having different ideologies and different political thoughts. We have another type of federalism in Canada, U.S.A. and in Australia. Our Indian Parliamentary system is based on the Westminster system of Parliamentary democracy. Now, we copies a system from England which in itself is a unitary government. Theirs is not a federal system. Without being a unitary country, we have imported into this country a system which suited their Parliament, their history and their tradition. We tried to grasp it and fit it in to our federal system, a unique federal system where we say that ours is a federal system but basically and in essence it is unitary, as mentioned by my friend Mr. Somu from the other side.

I happened to be in Canada for two years and there the States are more power-

ful. The Lt. Governors, as they are called, have must more scope for functioning. They are not controversial at all because of the election system. So is the case in the USA. But it is not the case in Australia. Now we have a mixture of so many things in our system, some from the UK, some from Canada and some from Australia, all based on the Westminster pattern. But at the same time in the case of the President and the Vice-President, and the Vice-President being the Chairman of the Senate, we have imported it from the USA. So, we seldom find any parallels whereby we can judge as to what type of a solution can be found if some problem arises. If there are parallels we can study them and try to solve our problems on that basis. But there is none. Still, in spite of that, this system has functioned well. It has lots of flexibility and elasticity in it.

My friend Mr. Somu has said, perhaps more in anger that Articles 356, 357, 354 and so many other articles are of no use and they should be scrapped. But they are the very essence of our federalism because they are the articles on which the unity of this country is based. They are the basic articles and if you scrap them, what will you bring in their place? He did not mention anything about it. In my view they are the basic articles and it is very necessary to have them in a country like ours to maintain our independence, integrity and unity.

Sir, the Governor is a vital link between the Centre and the State. Now the Commission has laid down certain criteria as regards the qualifications of the Governor. The Commission is also of the view that there must be consultation between the Chief Minister and the Central Government and he must be acceptable to the State. At the same time, the report has suggested that whenever Governor sends any report to the Centre, that must be shown to the Chief Minister. The monthly reports must be shown to the Chief Minister. When the Governor makes an assessment or an analytical study of the situation that grows up from month to month, it should be his duty to take the Chief Minister into his confidence as

to what his findings are, what his explanation is and what his suggestions are, instead of sending just one-way report every month without the knowledge of the State Government. The Sarkaria Commission has suggested a very valuable solution to the effect that that report should be a mutually studied report.

As far as Punjab is concerned, it is so bad that we have only a memorandum from Punjab but we did not have any representative meeting the Commission on behalf of various groups of Akalis. The Akalis have been basing their demands on autonomy—on Anandpur Sahib Resolution. We have been trying to find out what is this autonomy. At one stage the last Finance Minister—I think he was the Finance Minister in the earlier Ministry also—came out and said that they wanted a fiscal autonomy. I could not understand what this fiscal autonomy means. There is no instrument presented to Central Government at any stage. That was the best opportunity for them to come to the Commission and explain as to what sort of autonomy do they want. This word "fiscal autonomy" is a meaningless word. I find it is missing in the whole Report of the Commission.

If they want that nobody should be accountable to anybody—whether it is the Planning Commission or the Finance Ministry or the finance Minister—that all the finances should be at the discretion of the Finance Minister that type of autonomy of course they exercise will be difficult to give. But anyway politically this word which I have heard for the first time should have been here. I can understand that certain Departments, certain portfolios which are with the Centre may be brought back to the State as and when the situation demands. Take the case of Agriculture. As an Agriculture Minister—though it is State Subject, what the Agriculture Ministry was performing is research, finances, imports, exports and improvement of seeds etc—I always thought, even when I appeared before the Commission, that such a subject of agriculture being on the State List is meaningless. That was the reason why sometimes that sort of ar-

angement had to be gone into. That is not bad. So far as the whole national demand is concerned, there is not harm if such subjects come to the Centre under the concurrent list.

Here are my suggestions. My friends on the Opposition must have seen so many articles appearing even in the leading papers regarding Agricultural Income Tax. It is a very controversial subject. This Commission had stated that if this concept of tax on agriculture income is accepted. then the States will have to forego some sharable part from excise and other taxes. If you gain on one side and lose on the other, I do not see any reason why it should be accepted. Income Tax on agriculture is a very sensitive issue and the government of India should not accept it without seriously consulting all the State Governments and the interests concerned. We tried to approach some Leaders in Punjab and some Parties in Punjab in order to know what really are their demands. They said, "All right. We are all ready work within the constitution;" But then they started mentioning the British restoration of certain concepts like sharing of the various portfolios. After the 1935 Act there was an exercise for two years, on what sort of federalism will suit India. All parties were concerned, and the basic structure suggested was, as my friend mentioned, that foreign affairs, defence, communications, currency, etc. will be with the Central Government, and all the other with the States.

In the mean time the War came. The subject was taken up when the Cripps Mission and Cabinet Committee came here. They started from the same base, with the Centre these four subjects with the centre and all others with the States. But strangely enough, he quoted some other friend but I quote Pandit Jawaharlal Nehru himself, what he said in December 1946. He mentioned these four departments and then he did not mention about the residuary powers or the other subjects—he just said, "and all others, on the basis of autonomy." It was only, I think it was only due to Dr. Ambedkar's efforts that this concept was given up and the concept of a strong Central Government

[Dr. G.S. Dhillon]

besides these four subjects—sharing many other heads of income, many other subjects, the present federal system, was brought about.

I am so happy that the Sarkaria Commission have in their own way upheld the federal system that we adopted. Hypertension or blood pressure or anaemia are on one side, I quite agree with that.

AN HON. MEMBER: It is on the other side.

DR. G.S. DHILLON: Unity in diversity cannot be the same old concept as it was at the time of framing of the Constitution. diversity has increased, unity is on the decreasing side. I think if you remove the anaemia from one side and turn to the other side and say, that we are suffering from blood pressure then the blood pressure may be moved to the other side and anemia will come to this side.

*(Interruptions)*

We have reached such a stage. It needs a serious effort now to examine it. It is not a question of amending the Constitution here or moving some other amendment here. It is a question of seriously thinking about this tendency of diversity, and it is not because they are prompted by others. It is because it is the need of the hour, because we have reached a stage when we must revive our old culture.

SHRI DINESH GOSWAMI(Guwahati): Mr. Deputy-Speaker, the demand for the review or a re-structuring of the Centre-State relationship has been on the national agenda for quite some time, and we have the report of the Sarkaria Commission before us today. But I find that whenever a discussion on Centre-State relationship crops up, it suffers from two great mistakes. One is that when somebody asks for more power to the States, it is interpreted as if granting of more

powers to the States will mean weakening of the Centre, or those who advocate re-structuring of the Centre-State relationship giving more autonomy in the sphere of administration or in the sphere of financial matters, do it in order to weaken the Centre.

The second fallacy seems to be that it is almost taken for granted, as if it is a fight between the Congress and the Opposition or between the party which is in governance in the Centre and those parties which are in opposition to the party in power in the States. I believe that is not correct. Those who advocate for greater power to the States do not want a weak Centre. I would not like the Centre to be weak. Of course the word 'Centre' is no more because the Constitution has not used the word 'Centre' and used the words 'Union of States', but as in common parlance the word 'Centre' is used, I will also use the same word. If the Centre becomes weak, necessarily the States also will become weak. But if the States become weak, the Centre can never be strong. I feel that one can compare the relationship with that of a body. If the Centre is the heart, then the States are the limbs. If the heart is very strong and if one has paralytic limbs, then the body can not be strong. Equally the limbs cannot be strong if the heart is weak and therefore what is required is, a balance in the field of administration, in the field of legislation as well as in the field of financial relationship. This problem of Centre-State relationship is not new. This problem did not come up in the political agenda virtually till 1967 though there was some ripple in 1959, when the first Communist Government, E.M.S. Nambudiripad Government was thrown out in exercise of the powers under Article 356 of the Constitution. The reason primarily was that up to 1967, the same party ruled both the States and the Centre and the other reason was that the States had certain personalities, who could talk in equal terms with the leadership at the Centre. We had for example, men like Gopinath Bardoloi, B.P. Chaliha, Bidan Roy who could call Jawaharlal by his first name, Sampooranand, G.B. Pant, Kamaraj, Y.B. Chavan, who has tremendous outstanding abilities as statesman

and whose voices carried weight with the Centre. But unfortunately after 1967, because of the aberrations of the political process, no outstanding person was ever allowed to come up in the States, with the result the people of the States have felt humiliated. Why is it that a party like Telugu Desam has really come into the political scene in Andhra Pradesh? Why is it that a party like Assam Gana Parishad has come in Assam? Certain things, one must consider in depth.

Let us not forget that even in 1977, when the Congress party was routed virtually all over the country, it is in Andhra Pradesh, out of 42 seats, 41 seats were won by Congress. Let us not forget that even in 1977, the year of holocaust for Congress, in Assam out of 14 seats, 10 seats were won by Congress. Why is that Telugu Desam suddenly cropped up like a batholith? It is because the pride of the people was hurt, people felt that even for a small matter if the State Chief Minister should come to Delhi and be under its dictate, then he is not worth his salt, and the people wanted the Government which can give certain amount of credibility and respect to its people. This pride is an inherent trait of the Indian people and unless our political relationship is based in which this point is reflected in the day-to-day governance of this country, the relationship will be strained and I do not think that the country will progress or prosper. The second reason is, history has amply proved that it is not that the country has disintegrated because of a liberal approach, the country has disintegrated whenever there has been over-centralisation. The most prosperous time of our history has been that of Asoka or Akbar when there was liberalism and the country disintegrated at the time of Aurangzeb, not that Aurangzeb was a corrupt ruler, but because there was too much of over centralisation. In fact, the Sarkaria Commission has taken note of it. One can point out that at page 5 of its report, when it dealt with the perspective, it says:

"Another significant fact that stands out in India's history is that the prov-

inces and the local Governments in the various empires, from the Mauryas to the Mughals, enjoyed considerable degree of autonomy. As noted by the historian, Sri Jadunath Sarkar, in ancient empires "each province led its own life, continued its old familiar system of Government (though under the agents of the central power) and used its local language".

Whenever an over-ambitious emperor attempted centralisation by steam-rolling the local autonomy, it evoked strong resentment and reaction. Such extreme centralisation proved not only detrimental to administrative efficiency, but, in counter-effect, weakened the capacity of the Central power to maintain its hold over sub-national forces on a stable and enduring basis."

If we look round the country today, it will be apparent that too much of over-centralisation has really given rise to the forces of disintegration. Also one must remember that in a country like India, if people are to prosper, if our planning process is to gain momentum, if the money spent for the planning process is to reach the people, it is possible only through decentralisation of power and there I will say that when I advocate for Centre and State relationship, I do not mean relationship merely between the Centre and the State. If the relationship ends there, we cannot get the best of the world. The relationship must further percolate. There must also be a relationship with healthy autonomy to the local bodies. That is why probably Gandhiji talked in terms of giving full autonomy to the villages and his emphasis was on *Gram panchayats*. But one cannot go in a debate of this nature in depth and in detail of these aspects and, therefore, I will refer to some of the particular provisions which need today perhaps a scrutiny.

Coming to the administrative relations, obviously one of the articles which has been mentioned by all the speakers has been article 356—the article under which the President's rule is imposed on the States.

[Sh. Dinesh Goswami]

When in the Constituent Assembly this article was being debated, there were many speakers who expressed the apprehension that this article will be misused and this will be used as a plan to throw overboard the constitutionally elected State Assemblies. Dr. Ambedkar, while replying to the debate, pointed out and said that this has been kept there as a safety measure. He was of the view that this will not be brought into operation. I may quote again from Sarkaria Commission when it quoted Dr. B.R. Ambedkar having said: "In fact, I share the sentiments—the sentiments that there is possibility of this article being abused or employed for political purposes." But then he said: "Such articles will never be called into operation and that they would remain a dead letter." But if one goes through the Sarkaria Commission's Report, one finds that immediately after the Constituent Assembly passed the Constitution, Dr. Ambedkar, in 1953, while participating on the discussion on President's rule in PEPSU, had to strongly criticise the action of the Government of imposing the President's rule in PEPSU. The Sarkaria Commission itself has given illustrations of umpteen number of times when article 356 has been misused or even has been used to settle party quarrels of the Congress party. My own feeling is that it is not that the Constitutional machinery may break down only in the States, the Constitutional machinery may break down even at the Centre. But if the Constitutional machinery breaks down at the Centre or even if the Union Government acts unconstitutionally, there is no provision of a President's rule and rightly so, the whole thing is left to the people to decide ultimately after five years whether that government which acted unconstitutionally or made mincemeat of the Constitution, should be retained in power, and I believe that the same principle should exist so far as the States are concerned, except probably for one case that if no party enjoys the confidence of a legislature, or is in a position to rule the State, in that case one may think of imposition of President's rule. In all other

cases, in my respectful submission, the State should have the full right to continue its full tenure and it should be left to the people to judge whether the action of the State has been correct or not. Let us not forget that even on more occasions than once, the people have rejected the Central Government's decision under article 356 and the example of Andhra Pradesh stands as supreme. When the NTR Government was brought down, the people with overwhelming majority brought back NTR. Who really made a mockery of the Constitution, who really acted unconstitutionally? It is the Central Government. But the Central Government even if it acts unconstitutionally, is not thrown overboard. It is given full power for five years and ultimately after five years, the people will decide I believe that the same principle should apply under Article 356 of the Constitution.

My second point will be that so far as the Bills are concerned, today there are guidelines under which the Governor can refer a Bill to the President. If a State Assembly has sovereign power to legislate on the subject mentioned under the List II, any legislation passed by the State legislature under List II, should never come to the Government of India or to the President for their assent. We have been given the powers and the Sarkaria Commission has also given a number of instances where Bills have remained for consideration with the President for 12 years. Now, if the Bills remain for 12 years in the file of the President, then what is the purpose of passing a Bill? I believe that the provision by which the Governor is allowed to refer the Bills without any guidelines should be done away with. There are certain specific provisions that in particular cases where a Bill is affecting a particular constitutional provision, the Bill is to be referred to. Well, that may remain there. But in all other cases, the Bill passed in the legislature within the constitutional power should be given immediately assent. If the State legislature passes a Bill which is beyond its constitutional power, after all, the courts are there. Whenever a Bill is brought forward in this House by Mr. Chidambaram, even if he

feels that it is beyond the legislative competence of the Parliament, the Parliament does not give its final approval or reject the Bill. Obviously, the Speaker says that the court will ultimately decide and the same principle should apply here also.

My third point is regarding Emergency provisions. This is one point on which the Sarkaria Commission has not given its opinion. The view of the Sarkaria Commission was that after the internal Emergency has been taken out of the purview of being a consideration point of Emergency, well, all parties expressed the view that Emergency provision, as it is, may remain. A new situation has developed because internal disturbance today has been introduced in the Constitution itself as a ground on which Emergency can be promulgated. This is the united view of the House because Mr. Y. B. Chavan, after the 1977 Election, speaking on behalf of the Congress Party, gave an assurance to the country that we have learnt a lesson from Emergency and that internal emergency can no longer be made on the ground for Emergency and provisions of Emergency should be brought back to that situation in which the Janata Party brought it after the amendments. So far as Article 294 is concerned, the Article was made operative by Mr. Chidambaram but was not given effect to a legislation. I am strongly opposed to it because I believe that is a very dangerous Article 249 by which the Rajya Sabha, by 2/3rd majority, can make all subjects Concurrent without a Constitutional amendment and in the Rajya Sabha 7 States of the nominated Members can get 2/3rd majority. After all, this Article remained dormant and even Mr. Chidambaram after taking recourse to Article 249 having passed a resolution, the Rajya Sabha has failed to bring forward a legislation. I feel that dangerous legislation like this should not remain.

THE MINISTER OF STATE IN THE  
MINISTRY OF PERSONNEL, PUBLIC  
GRIEVANCES AND PENSIONS AND MIN-  
ISTER OF STATE IN THE MINISTRY OF  
HOME AFFAIRS (SHRI P. CHIDAMBA-  
RAM): Sir, he is giving credit to me. But

Article 249 was brought forward by Mr. Madhu Dandavate.

SHRI DINESH GOSWAMI: May be. But Mr. Madhu Dandavate did not introduce that law. My own feeling is that Article 249 should be removed from the Constitution of India.

Sir, Article 3 says that the Parliament can change the boundaries of the State. The Article is so framed that what is required under the constitutional provision is that any Bill which is brought forward to amend the boundaries or change the boundaries should be given an opportunity of the discussion in the State Legislature. But there is nothing in the Article itself that the opinions expressed by the State Government or the State Legislatures should ever be considered by the Union Government or the Parliament. There is no provision for consultation with the State Government. After all, the boundary of a State will be drawn and I can understand here that it will be too much to ask for concurrence because no State will agree for the reduction of its boundary, even if it wants to, because of political considerations. But there should be a specific provision for consultation and also provisions that the opinions expressed by the State Legislatures on it should be given due consideration by the Government or by Parliament, before the boundary is re-drawn.

So far as the Governor is concerned, my own submission is, all throughout, this is one office which is not accountable under the Constitution. The President of India can be impeached, the Vice-President of India can be brought down by a resolution. There can be impeachment proceedings against the judges of the High Courts and the Supreme Court. There can be no-confidence motion against the Prime Minister. But you cannot discuss the Governor even if he acts thoroughly and totally unconstitutionally. The provision should be made that the Governor is accountable under the Constitution—may be in whatever form whether you want to bring impeachment proceedings or through a resolution. I do not understand as to why the Governor's office should be kept out of

[Sh. Dinesh Goswami]

the purview of the Constitution itself, when similar provisions are available to the President. The President is a more important and more honourable person. We can discuss him here, and his conduct, here through impeachment proceedings. We can discuss about the judges of the Supreme Court, through impeachment proceedings. But we cannot discuss the conduct of a Governor, even if he acts unconstitutionally. I believe, specific provision to this effect in the Constitution would have an effect in the functioning. It is unfortunate that the wholesome recommendations made by the Sarkaria Commission regarding the appointment of Governor, qualifications of Governor and certain other matters have been thrown over-board by the Government immediately after this report was presented to the Government. One of the recommendations, I think, a very laudable recommendation has been that in Opposition-ruled States, an active politician should not be sent as Governor. After all, it is not that we have got that bad personality who cannot be sent as Governor, being an active politician. But we know what happened in Kerala. The Governors who are having harmonious relations with the State Government have been changed. The Governors who are at loggerheads with the State Government have been changed. This shows the mala fide of the Government. Therefore, I believe, the qualifications and the conditions laid down regarding the Governor should be given immediate effect to.

So far as the deployment of armed and para military forces is concerned, the consultation should be made and it is mandatory, so that there may not be controversies like the controversy in Tripura when a lot of allegations and also counter-defence came from this side and from Mr. P. Chidambaram. I believe, if not consent, at least active consultation should be there. So far as legislative relationship is concerned, we have already submitted that the legislative relationship should require a fresh review. After all, industry is a State subject. The Constitution says, certain industries, which are in the

national interest, can be also legislated by the Union. But the list is ever-growing and if I am not wrong, today hurricane lamp is a subject which has come in the purview of the Union list. I do not know how hurricane lamp gets a subject of national importance that Parliament is to legislate. The regulation under the development of oil fields is in the Central list. The result has been, every time, for royalty, we have to come with a begging bowl to the Government. In fact, so far as Assam is concerned, our royalty due from 1.4.1987 to 1-4-1989 is to be revised. The revised royalty has not been made available either to Assam or to Gujarat or to other States. Why do you not make it that States where mineral deposits are there should get some share of profit which the Union Government or Parliament decides? Therefore, my submission is that this should be done.

I agree with the recommendations of Sarkaria Commission that on subjects of Concurrent list, whenever the Union brings a Bill, there should be consultation between the States and the Union.

I will complete by just making a small reference to the financial relationship. If really a State should be autonomous with certain powers, the States must have certain amount of financial viability. A State without financial viability will always be depending upon the Centre and therefore the financial relationship should be so structured that the State may have financial viability. Let us not forget that the political equations may change tomorrow. If the Constitution remains as such, the frictions will continue. I believe that there has been fraud on the Constitution when income-tax is not taken as income-tax, but the same tax is put as surcharge and the States are denied of its share, it is nothing but a fraud on the Constitution. When basic excise duties are not drawn as basic excise duties but are drawn as surcharge thereby denying the States of their share, it is nothing but fraud on the Constitution. Here the Sarkaria Commission made some recommendations. I am not fully satisfied. In fact, I am totally dissatisfied with the recommendations of the Sarkaria



Commission on the administrative, legislative and financial relationship. But, some of the recommendations of Sarkaria Commission will definitely improve matters and I think we will go a long way if these recommendations are accepted but I have no illusion that this Government will accept the recommendations. There may be some cosmetic changes but the cosmetic changes will not improve the atmosphere and if we want the country to prosper, if we want that the administration should go to the people, if we want participation of the people in the administration, then a total restructuring of the financial, administrative and legislative relationship is necessary and when I advocate this, I do not advocate in order to weaken the Centre. I feel that if we do this, not only the States will be stronger but the Centre will also be stronger and India will prosper.

MR. DEPUTY-SPEAKER: Shri R. L. Bhatia, today is Private Members day. Please be brief.

SHRI R.L. BHATIA (Amritsar): I will only raise two points as all the points have been covered. I congratulate the Sarkaria Commission on the commendable role which they have played. All the political parties and all the other factions have given their representation and presented their points of view. The Sarkaria Commission have gone into very deeply into all the aspects and has given a very good report.

The founding fathers made this Constitution a two-tier system, the Union as well as the States. In that Constitution, they had earmarked certain areas and functions of the Union as well as the States. All these years, this Constitution has been functioning well and we have been able to achieve much of the progress in this country because of the Constitution. The founding fathers had one point in their mind, the unity and integrity of the nation. Therefore, they emphasised on the role of the Union or a strong Centre. The Centre is in a position to acquire all these powers and then utilise them in the fashion that it will be equitable to all the States. So,

it is not a question, as some friends have raised it, of States Versus. Centre or Centre Versus States. I think, both need to be strengthened and the strength will lie in the cooperation between the States and the Centre.

14.04 hrs.

[SHRIMATI BASAVARAJESWARI *in the Chair*]

Mere provisions of the Constitution or amendment in the Constitution will not bring that unity. The best thing is that there should be consensus on national issues and they should be discussed and solved amicably.

Shrimati Indira Gandhi, keeping in view the aspirations of the people and the various points of view which were raised in this connection, for the development as well as due to social changes, set up this Sarkaria Commission which has taken full five years to conclude and they have taken almost all the aspects of the problems facing the country. There are two points which have been raised by the Opposition by some of the friends. The first is the financial power and the other is the role of the Governor.

With regard to the financial powers, I think, the Centre must have those powers because the Centre has a responsibility to all the States. They have to see to the needs of the States and go ahead accordingly. As we see in the case of floods, the amount lying with the Centre or the power the Centre has, should be distributed according to the needs of the people. I think, this is a very good system. This must continue.

With regard to Governors, much discussion has taken place. Mr. Sarkaria also discussed from various angles. Governors are appointed at the pleasure of the President. He has said that any Governor whose services are dispensed with, in that case the explanation should be taken. If it is the appointment made at the pleasure of the President then displeasure should also be with that of the President. So, it is not necessary

[Sh. R.L. Bhatia]

that the Governor must be asked as to what are the reasons and explanations should be taken. Why I am saying this is because the Governor has a very crucial role to play. Between the Centre and the State, he is the liaison. He carries out the wishes of the Centre and also the aspirations of the Government. He sends the report to the Centre based on his judgement. He is not interested in anything. But all that he feels is that he must report and on the basis of that, the Centre acts.

PROF. SAIFUDDIN SOZ (Baramulla): It all depends on the type of the Governor.

SHRI R. L. BHATIA: You have said about the type of the Governor. I see how many good people have been the Governors. The hon. Vice-President was a Governor. Prof. Nurul Hasan has been a Governor. All the big dignitaries have been Governors. Prof. Nurul Hasan continues to be the Governor. I am just giving you some examples. Such dignitaries are there. There should be no doubt about it. You should not doubt the intention of the Governor. You may be a Governor for a day also.

PROF. SAIFUDDIN SOZ: Who knows it? You should have some good people in your mind. (*Interruptions*)

SHRI R. L. BHATIA: It has been suggested that there should be an Inter-State Council. I don't agree with this. There are already the National Economic Council, the National Development Council and there is the Planning Commission. There is the Finance Commission. All these bodies are there. They are working very nicely. So far as the national Development Council is concerned, it meets periodically in which the Chief Ministers are Members. They put forth their point of views regarding their States, etc. Deliberations take place. Certain recommendations are made on the basis of which the Centre takes the decision. I think, this is a good system. This should continue. There is no need of having any Inter-State

Council and all that. Similarly, the Planning Commission is there. The Planning Commission discusses with the States about their plans and the Central Plans. They are mutually discussed. Finally, they mutually arrive at a certain decision and they decide the areas in which they should play their role. Since it is based on consensus and discussion, the Planning Commission is also doing a good job. Therefore, we need not have any Inter-State Council in this regard.

Sir, India is a vast country. There are various problems. Some of the areas are not that developed and some other areas are more developed. So, in order to keep the development at the national level, the Planning Commission is playing a crucial role. Similarly, the Finance Commission has done a commendable job in meeting the needs of the States. In a developing economy, all these States want more money. They want more powers, they want more financial powers so that they may be able to develop their States. But the Centre, as a whole, has to see the common development of the whole nation. Of course, their demand for more money is genuine. There is no denying the fact. Everybody would like to have more money for the development. But the basis should be not such legislations or powers. The best thing is that they must come out with their demands, come out with their needs, discuss with the Centre and amicably they can go ahead with those schemes. The Centre has always catered to the needs of the States. It is because of the fact that if the States are developed, then the whole of India is developed. I would like to quote another thing. My hon. friends mentioned certain things that certain parties did something, when they came to power. Shri Dinesh Goswami has just referred to the case of Andhra Pradesh that the Governor dismissed that Government and all that. I will just refer to it. In 1977, how many Congress Governments were dismissed by Janata Party? What was the basis? Nine Governments were dismissed. So, it is not the question as if the Congress Party has removed Mr. N.T.R. but that party also did the same

thing. My only view is that, these changes will not bring development, will not satisfy the States. The real thing is the mutual discussion. The real thing is to build the consensus in this country because this Constitution is based on consensus. There were different points of view. They were brought into the statute book, in this Constitution. Similarly, if this attitude continues, if the States do not look to the Centre in the shape of confrontation, but if there is cooperation between the States and the Centre, there will be certainly development and there will be no problem. My only request is that we should stress on cooperation rather than on these legal terminologies and others.

Lastly, I would say that Akali Party had put their case before the Sarkaria Commission. You have put your Anandpur Sahib Resolution. Frankly speaking, there are so many types of Anandpur Sahib Resolutions. There are various interpretations. You may be having one interpretation. Other party may be having other interpretation. But now, since this has been put to the Sarkaria Commission and Sarkaria Commission has given their verdict, I think, now the Akali Party will not again repeat Anandpur Sahib Resolution because this has been discussed at the highest forum and they should be satisfied with the Report of the Sarkaria Commission. I am sure, Mr. Ramoowalia will appreciate the work done by the Sarkaria Commission. It is commendable.

Finally, again, I will repeat that the Sarkaria Commission Report should not be looked from a particular angle party angle, group angle or from a certain area angle. This should be looked as a Report which has taken care of all the areas, all the aspirations of States. There should be cooperation in dealing with the problem rather than confrontation.

[Translation]

\*SHRI R. JEEVARATHINAM (Arakkonam): Hon. Madam Chairman, I would like to say a few words on the recommenda-

tions of the Sarkaria Commission on the Centre State relations Our nation requires a strong Centre. There is unity in diversity in our country. In the midst of many diversities there cannot be a weak Central Government. Alongwith that, our Constitution also envisages independent status to the States to function and the develop their own resources. I therefore wish that the present relations has envisaged in the Constitution should continue.

Only the States can effectively oversee and implement programmes in the field of agriculture. Food production and other related functions are entirely carried out by the States. I therefore plead that in respect of agriculture exclusive powers should be given to the States. Constitution also says powers in regard to education up to college level should be given to the States. However, University education should be handled by the Central Government. University education is vital for human resource development. That should therefore be under the dispute Central Government States. The Cauveri river water dispute is an example. The surplus water in river Cauveri is wasted in the ocean. But the Tamil Nadu farmers do not have enough water for the crops. A separate Commission for apportioning river waters between the States should be appointed which should function under the Central Government. All river water disputes should be settled within a time frame of 5 to 6 years. Whenever you ask the Central Government to settle a river water dispute, the Government gives a routine reply that the matter will be referred to a Tribunal. This is a delay tactics. This is not going to help economic development. Therefore the Central Government should takeover the powers of resolving river water disputes. Central Government should have power to distribute surplus water to the State which are scarce in water supply. Recently the Karnataka Chief Minister has declared that he was not supplying water to the Tamil Nadu Government on the distates tactics of the Central Government but of his own after a request had been received from the Tamil

\*Translation of the speech originally delivered in Tamil.

[Sh. R. Jeevarathinam]

Nadu Government. He has said that the Chief Minister of Tamil Nadu requested him to supply water and he had agreed to supply. That is a very good thing. Let both of them decide without disturbing the Central Government. That is a welcome thing. But now the Karnataka Chief Minister is telling that he has to check up whether water is available in the river for supply to Tamil Nadu. He also says that the coming talks between both the Chief Ministers will be the final talks on the matter. This is creating confusion. I therefore plead that powers to adjudicate river water disputes should vest in the Central Government.

I would also like to draw the attention of the Government to certain works undertaken by the State Governments without proper approval of the Planning Commission. The Telgu Ganga Project of the Andhra Pradesh Government is an example. The Andhra Pradesh Chief Minister says that permission of the Planning Commission is not necessary. Whether the Planning Commission permits or not, he says he will execute the scheme. This is a very serious matter. Planning Commission is an important body of the Central Government. The Planning Commission was first appointed by the Congress during the days of Nehru. It is an organisation of repute and taken; up it cannot be allowed to be ignored in this manner. A firm steps has to be taken up by the Central Government against such moves. There are many non-Congress Governments with separatists' demand which are functioning in this country with an ulterior motive of weakening the Central Government. Therefore in this context a strong centre is an imperative need.

About the appointment of the Governors the Commission has recommended that the Chief Ministers concerned should be consulted before making appointment. This I think is a weak proposal. Governors should be independent and strong. They should be appointed by the Central Government. They are the administrative heads of the State

Governments. If consultation of the Chief Ministers is required for their appointment then that would very much undermine the institution of Governors. A kind of notion will be created that a particular Governor has been appointed on the recommendation of a Chief Minister. This is incompatible with the constitutional provisions. Therefore this recommendation should not be accepted.

I would also like to refer to certain incidents which happened in the Tamil Nadu Assembly. The Leader of the Opposition in Tamil Nadu Assembly wrote certain letter to the Speaker. That was an intra-party affair. Let us not go into that. She gave that letter to somebody and seems to have instructed to deliver it to the Speaker. Subsequently for reasons best known she reversed her decision. Newspapers reports say that she has subsequently instructed to destroy that letter. But the letter was seized by the police before its destruction without any authority. It was a confidential letter addressed by the Leader of the Opposition to the Speaker. The police exceeded their authority when they opened the envelop containing that confidential letter. It was delivered to the Speaker. This House must decide whether a confidential letter addressed by the Leader of the Opposition to the Speaker can be seized and its confidentiality violated by the police? This has led to many problems in the State Assembly. How the letter reached the hands of the Speaker is still a puzzle. This definitely a breach of privilege of the Leader of the Opposition. This was raised by the Congress Members in the Assembly. It was not allowed and on the other hand violence was unleashed on them. Bharathi, the great poet sang as follows:

"Mother Bharat has 30 crores faces  
but her body is one  
she speaks 18 languages  
but her philosophy is one  
Vedas reside in her tongue.  
She has sacred sword in her hand  
She blesses the good  
and destroys the wicked.

Bharati personified this land as a women, but

in the Assembly, violence was committed on a woman. That is the greatest insult on womanhood and the whole world should hang their head in shame. Hon. Shri Somu while speaking showed a photograph to support his statement the Chief Minister was also injured. But whatever happened in the Assmebly happened under the very nose of the Chief Minister. There were around 150 members in the ruling party members and 40 to 60 Members were in the opposition. How an this 40 or 60 Members could have overpowered 160 Members? This is a question. That was an assembly where illustrious leaders like Raja Ji, Kamraj, Prakasam, Satyamoothy and others remained as Members. Therefore the excess committed by the police amount to breach of privilege. The Central Government should institute an enquiry into the whole matter and punish the guilty. We do not desire that the Ministry headed by Shri Karunanidhi should be dismissed. We are not interested in toppling the Government. The authorities and the advisers around him have brought disgrace to him. They have brought dishonour to the State and the dishonour should be removed. With these words I conclude.

[English]

SHRI P.R. KUMARAMANGALAM (Salem): Madam Chairman, to speak on the whole gamut of Centre-State relationship and do justice to it would take a full day. Therefore, without addressing to all the major questions I would be addressing only a few specific questions concerning Centre-State relationship. Undoubtedly the Preamble to the Constitution of India lays down the basic guidelines and, in fact, the basic descriptive nature of our Republic categorically. It has been stated very categorically in our Preamble that:

"We, the people of India, having solemnly resolved to constitute India into a sovereign socialist secular democratic republic and to secure to all its citizens:

Justice, social, economic and political;

Liberty of thought, expression, belief, faith and worship; Equality of status and of opportunity; and to promote among them all Fraternity assuring the dignity of the individual and the unity and integrity of the nation."

Madam, the issue which comes up in my mind is what will be the situation in the delicate relationship between the Centre and the States when the State Government decides to flout the very fundamental principles which are laid down in our Preamble of the Constitution. What is the answer to this? Normally, when such a flagrant violation of the Constitution, the Fundamental Directives takes place, the immediate answer that is very often resorted to is the emergency provisions in the Constitution under the President's Rule. But even the Sarkaria Commission in its Report has categorically stated that this would be unhealthy and if this is to be resorted to every time, we would have a situation of embarrassment. If one looks at the number of times the emergency provisions have been resorted to, the maximum number was during 1975-79. 9 cases out of the 21 cases were in 1977. The only ground put forth at that time was that the State Governments had lost the confidence of the people merely because in the Parliamentary elections, another Government, another party came as the Government at the Centre. There have been instances often of misuse of power by State Governments. Within the scope of the Constitution of India, reading both the State list and the Concurrent List, if there is flagrant misuse of power which does not really justify the imposition of President's rule, then what will happen and what is to be done? How does the Government at the Centre, the President and his representative as Governor, come to an independent conclusion as to whether at all there is violation or not? We had seen in the State of Punjab, sometime ago, when Mr. Kairon was the Chief Minister, an inquiry was instituted to go into the misuse of power. When the then Chief Minister misused his power, to the extent of trying to influence the authorities, well beyond what is called permissible limits, we have seen the inquires,

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we have seen the dismissal of Chief Minister, we have seen the action taken and we have also seen the outcome. But today whenever the issue comes up of using the commissions of Inquiry Act to decide whether or not there has been misuse of power, there have been various views propounded. In fact, the Sarkaria Commission has, while dealing with this issue, said that misuse of power is possible at both levels. When it is at the central level, yes, it is possible to look into it through a Commission of Inquiry appointed by the Centre but when it is at the State level, then the question arises whether it is only the State Government which will appoint the Inquiry Commission or whether the Central Government can do it? There are precedents where the Central Government had done so. It is not that there are no precedents. I have already quoted one example. But Madam Chairman, unfortunately, the Sarkaria Commission has tried to recommend restriction of this power which is already existing in the Commission of Inquiry Act. Then, it would be relevant for me, at this stage, to point out a few instances how flagrant violations can be done.

As I just now pointed out, both liberty and justice as well as democracy can be flouted with impunity if a State Government wishes to, specially because public order and law and order come within their jurisdiction. Actually, what happened in the State of Tamil Nadu is that very recently on the 18th of this month, the police on a complaint of cheating raided the house of a very close family friend of the opposition leader in the State. When they raided, they seized some materials. The very 'mahazar' which has been published in the Daily newspaper known as *Dinmani* on the 29th March, categorically in item 7 states—if I am permitted to translate that a blue pad consisting of a sealed cover addressed to the Seeker sealed; when opened, a letter addressed by Ms Jayalalita to the Speaker dated 15th March 1989 was found. It clearly establishes that the privileged right of an elected member of Legislative Assembly was infringed; a

privileged communication to the Speaker was seized, taken hold of by the police, an executive arm of the State, which they had no right to do. The complaint was one of cheating which had no connection with the letter addressed by an M.L.A. to the Speaker of the House. Having taken hold of it, they have opened it according to their own admission for which they had no jurisdiction. Thereafter, the report clearly reveals and the subsequent events prove that this letter went from the police to the hands of the Speaker via the Home Secretary and the Chief Minister. This shows that the police is being used as an instrument to intimidate, threaten the opposition leaders, M.L.As. as well as destroy all forms of democratic functioning. In fact, the Commissioner of Police went further to deny that no, it was not original letter, but it was a photocopy. When the 'mahazar' was produced as proof, he said: "I do not know anything about it." When he was asked, how this letter reached Speaker, he denied all knowledge, when it is a known fact and as reported in the Magazine, *The Week*, dated 2-9 April, 1989... (*Interruptions*)

I am speaking what happens when there is a breakdown of law and order. It is not off the tangent. What happens when the law and order machinery is totally misused for political partisan ends. That is the issue and it deals with the Centre-State relationship. Does the Centre have anything to do or does the Centre watch helplessly?

After this when the Assembly took up the matter, another opposition M.L.A., not the M.L.A. whose letter went, took up and raised this issue as a privilege, what was the outcome? In the evening, the place where his brother usually sits in the evening, meets friends and comrades of the party, was raided, looted with the assistance of the police. The act was done by goondas. When the police were given the number of the scooter and the taxi in which the assailants came, criminals came, the police took no action at all. On the contrary, that member is being intimidated. The situation that has arisen in this particular instance in Tamil

Nadu is that no member of the opposition dare speak his mind, or cast any allegations or aspersions even in the Assembly, let alone outside. The very fundamentals of democracy are being crushed ruthlessly and we have a situation where one cannot say that it has reached a stage where President's Rule has to be imposed; at the same time we cannot say that the Central Government should do nothing.

Madam Chairman, the Sarkaria Commission has addressed themselves to this problem quite straightforwardly in its recommendation in para 2.4304 where they have said that the potential exists but have gone on to say that certain safeguard must be built into the Commission of Inquiry Act itself. One safeguard already exists where it is possible for a Commission to be appointed by the Parliament by means of a resolution. Provision exists but what the Report seeks to recommend is the restricting of the Central Government powers in the matter of appointment.

Madam Chairman, this will be the most unfortunate thing if this happens because there are times when situation gets so much out of control, that it would be necessary, and it would be so critical that the Central Government acts immediately. And, if the procedure is such that a resolution of both Houses of Parliament is required for an inquiry, many lives may be lost in the process.

Madam Chairman, may I bring to the notice of the Home Minister the Minister of State is here that Members of Parliament have submitted a memorandum to the Government as well as to the President of India asking for an inquiry to be held into this matter, into these incidents, where democracy is in perid, in Tamil Nadu. I only hope that the Government at the Centre would react quickly as many lives are at stake. Thousands and lakhs of rupees worth of poverty has already been destroyed by sheer misuses of power.

Madam, another issue that arises is:

Does it suffice for a Governor's Report alone to be called for? Would that amount to an inquiry in the real sense of the term? I beg to disagree. I would say that a Governor's Report would be looked upon especially in the light of the arguments that are being placed by the Hon. Members on the other side, that a Governor is a partisan or Governors have become partisan, etc., that such a report is not partisan or is neutral and in the light of this, it is necessary that an independent inquiry commission be appointed to bring out the truth. At least, let the country know that whatever be the politics, let us at least protect the fundamental guidelines laid down in the preamble of our Constitution.

Every individual has a fundamental right to have his dignity upheld, whether it is he or she, especially if a person happens to be an Opposition leader in the Assembly. Unfortunately that question is not being addressed. At least we can have a situation where we can have Opposition Members in the Assembly speaking as forthrightly as my Member do here. Not only do they get pats on the backs, also they get good words of praise and congratulations when they launch offensive against the Government. Most probably they get lots of things done by the very fundamental right of speech which they use so effectively. Why can't other Assemblies and other legislatures adopt this as a fundamental principle? Why have we lost the democratic norms?

I would like to end only by saying that it is wrong on the part of Commission to presume that a Governor would not be impartial if he has had political experience or belongs to the ruling party at the Centre. There are many such persons. After all, Prof. Nurul Hassan, for whom my leaned friend in the Opposition like Shri Somnath Chatterjee very strongly pleaded for, was a Minister belonging to the ruling Congress Party at the Centre. He was impartial to such an extent that they had taken up cudgels on his behalf! What better example do we have to show that we have impartial people? Just because a person belongs to a particular party or group or just because he happens to occupy

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a particular position, you cannot say that he is not impartial.

SHRI E. AYYAPU REDDY (Kurnool):  
Kumari Mamata Banerjee must say that.

SHRI P.R. KUMARAMANGALAM:  
Kumari Mamata Banerjee cannot say it because he has gone to Orissa now.

Whatever be the recommendations, whether they are about the appointment of Governors, about Inquiry commissions or about the Commission of Inquiries Act itself, or about the emergency provisions, we must look at them from the point of view that India is one whole nation and it is not made up of parts. I would describe it as one large garden, where the nation is the land and the soil and the States are the flowerbeds in it. Let both prosper. Unless the land is valuable and prosperous, the flower beds cannot blossom. If there are no good flowerbeds the land would not be worth its salt.

Let us have a strong Centre and build strong States. That I think is fundamental to Centre-State relations.

PROF. SAIFUDDIN SOZ (Baramulla):  
Madam Chairperson, I must first of all thank the Government of India for instituting the Sarkaria Commission. Now that the report of the Commission is available, we can organise reforms on the basis of its recommendations. Although the Sarkaria Commission has not fulfilled our expectations to a great extent, yet certain recommendations are really heart-warming. I am in full agreement with the view expressed by the Sarkaria Commission that the Centre has to be strong. But I would simultaneously say that the States should not remain weak.

Our hon. colleague, Dr. Gurdial Singh Dhillon was discussing the structure of our Constitution. We have a unitary Constitution but it is a federal Constitution as well. Actually we are a Federation. As pointed out by Shri Kumaramangalam, India is not made up

of parts. It is one whole. Certainly, India consists of various States and all the States together make a Union and we want that Union to be strong. The regional aspirations will also have to be met and States also have to become strong within the provisions of the Constitution of India. I feel strongly on one point. There is need for reviewing Centre-State relations. After all, we are a dynamic society and we cannot remain static. It was very much necessary to institute this Commission. Now we have got its recommendations. I did try to read the report of the Sarkaria Commission. But it is very difficult to go through so many memoranda received from States and various individuals. But I have gone through the recommendations. There are some positive recommendations on which the Government of India can organise action. There are legislative recommendations. There are recommendations in the financial sphere also. But it is very difficult to dwell deep into all those recommendations and discuss them. But so far as legislative recommendations are concerned, I would like to mention something. The Commission has recommended that before a law is passed by Parliament by virtue of Clause 3 of Article 356, read with Entries 92A and 92B in List I, the National Development Council and the States should be consulted and their comments should be placed before the Parliament. I welcome this recommendation. I felt very happy when the Commission rejected the BJP's memorandum seeking abrogation of Article 370 of the Constitution. It is not temporary but it is transitory. At future point of time I will discuss why it remained a transitory provision in the Constitution. No other Party except the Bharatiya Janata Party had come forward with this particular point. I will come to BJP slightly later.

As far as the people of Jammu and Kashmir State are concerned, we feel, it is an integral part of the Constitution of India. No power on earth can remove this Article from the Constitution of India as long as the people of Jammu and Kashmir State want it.

Coming to financial matters—as I said,



It is very difficult to go through all recommendations—I wholeheartedly welcome the recommendations of the Commission in respect of Article 268, that is duties levied by the Union and collected and appropriated by the States. The Commission wants the Government of India to make a reasonable application of the provisions of Articles 268 and 269. But on my part, I would say, rather I would have expected that the Commission would have gone a little further and agreed with us, as we say now, that the residual powers should rest with the States. As of now, the recommendations which were made by the Commission should be considered by the Government of India. The recommendations are like this. "Since basic circumstances do not always remain constant, the Union Government should in consultation with the State Government periodically consider and explore the revision or imposition of these duties." So, States will have to be consulted on this.

Then comes the role of the Governor. The appointment of Governors is very important. My friends were praising a couple of Governors and they mentioned Dr. Shankar Dayal Sharma's name. Yes, he was one of the very good Governors. He rose to the position of the Vice President. They praised Prof. Nurul Hassan. But we have to be watchful. We must not give more powers to the Governors. The Governors are not accountable before Parliament. You have insulated the Governor against accountability and sometimes they play havoc.

The Sarkaria Commission has not wholly come up to our expectations. But still Sarkaria Commission wants Article 155 to be amended suitably so that you can make provisions for effective consultation of the Chief Minister. Not only that. The Sarkaria Commission also wants that informally and confidentially the Presiding Officers—two Presiding Officers (the Speaker of the Lok Sabha and the Chairman of Rajya Sabha) should be consulted and also the State Chief Ministers should be consulted. This is necessary. I say this because I have not forgotten, that in Jammu and Kashmir State, on

2nd July, 1984, a duly elected Government was dismissed not because of people who are in Congress now. I will raise this question in this august House one day. Congress is the largest Party wedded to the principle of socialism and secularism. It has larger responsibilities to fulfil. So, it should not tolerate the politics of manipulation. I say it here—because it is going on record—that the Prime Minister of India Shri Rajiv Gandhi, as I know him personally, does not stand for politics of manipulation. He wants to play the game of politics according to rules. But there are a couple of people who are manipulators and who have pressurized Thakkar Commission to implicate people by leaking out the whole Report to the Press. And they are creating a drama of destabilisation within the Congress. So, these manipulators; it may be at that point of time Shri Arun Nehru or it may be even Shri Makhan Lal Fotedar. They were the people who got a duly elected Government, a constitutional government dismissed in the Jammu and Kashmir State. We cannot forget that. That is our history.

Therefore, the Governors are to be selected properly and the politics of manipulation will have to be given up and if it is a Governor who is appointed after consultation, after informal consultation with the presiding officers and effective consultation with the Chief Minister, we shall make our Constitution more workable.

MR. CHAIRMAN: Please conclude.

PROF. SAIFUDDIN SOZ: I will be very brief, madam.

Then let us take Article 356 whereby the President's Rule is imposed. The Sarkaria Commission says that Article should be used sparingly, unless there is fool-proof evidence that constitutional authority no longer obtains in the State and that there is a breakdown of law and order, the President's Rule should not be imposed. And as far as we are concerned, we get the Governor's Rule. But the Governor cannot decide the majority in his drawing room. Now, we want that we must go by the advice

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of the Sarkaria Commission and always this majority will be decided on the floor of the Assembly. And, as I said we must play the game of politics according to its rules and therefore never allow the Governor to interfere with the Government after the President has appointed him, according to the procedure. Then he should not interfere with us and whenever he goes against the Constitution he must be answerable. As of now he is not answerable to Parliament and we may have to amend the Constitution for that.

The Sarkaria Commission has described the All India Services as very essential. I say that these services are very essential. But I feel sorry that, Pandit Jawaharlal Nehru did not live with us for a decade more, because he would have certainly made, among other things, this bureaucracy answerable and responsive to our aspirations.

The Sarkaria Commission has made some bald recommendations. I was trying to find out further recommendations in this chapter. There are no recommendations. Even this one, about the bureaucracy, yes, we have very good people there. We are all good and bad people, we belong to India, the bureaucracy has come to stay, it is a very good service, the IAS, and it will remain so and certainly I agree with the Sarkaria Commission that it contributes to the unity and integrity of India. But, how can we make the bureaucracy responsive to our aspirations which it is not, as a whole? It is time that we do it. So many things we do not achieve because our bureaucracy is not abreast of what is happening at the grass-roots level. It is not responsive to our aspirations and the people's representatives. It is not directly responsive to the aspirations of the people. We shall have to do something in that; not by sending them abroad for training, but by having a dialogue with them and then the expectations will be fulfilled. I am sorry to say that the Sarkaria Commission has given bald recommendations so far as these all India Services are concerned

Then, there is an Article in the Constitution, that is, Article 249. It is a very dangerous article. My State Government is already in touch with the hon. Home Minister and here was Mr. Dinesh Goswami, who wanted this article to be scrapped. I say that this article should not be scrapped, but it should be tailored to the needs of the States. It should be amended because as of now, it is the power of Parliament to legislate with respect to a matter in the State List in the national interest. Now anybody can determine the national interests. It can be decided any time. But that State will not be consulted at all. So, this sweeping power to Parliament in so far as the State List is concerned is very dangerous and we have reservations when Article 249 was extended to the whole of the country. We raised our voice. We are in touch with the hon. Home Minister. Shri Dinesh Goswami wants that it should be scrapped. I say it may not be scrapped, but a provision should be made that the State Governments should be consulted.

Now I will come to the three language formula'. The Sarkaria Commission has not dealt with this question at length. I feel the Commission had committed a mistake. It is an important question. The Sarkaria Commission dealt with it cursorily. I rise here and say that the three language formula as decided by the Parliament should be implemented properly. As of now, I must report to you that it was not properly implemented. ... (Interruptions)

SHRI P. KOLANDAIVELU (Gobichettipalayam): How can it be? Only two language formula... (Interruptions)

PROF. SAIFUDDIN SOZ: For you, it is two-language formula. I have accepted the three-language formula wholeheartedly. I would like to say that if we make Hindi as a Rashtra Basha we must not forget Urdu, Kashmiri, and we must not forget all the fourteen languages of India in the Eighth Schedule of the Constitution. I must report to you that there is a conspiracy against Urdu. Even some officers are involved in the conspiracy. Recently, the Vice Chancellor of

Aligarh Muslim University said, 'you can change the script of Urdu'. I want to take the House into confidence. We must give due sympathy to those who sit in the chair. But they want to get glued to the chair. For their personal interest, they can sell the whole nation. One of them is the Vice-Chancellor of the Aligarh Muslim University. He says 'even you can change the script and make it Devanagiri'. I raise an objection to this. We should not accept it. This language does not belong to the Muslims. It belongs to the whole of India. I want to tell the Vice Chancellor of the Aligarh Muslim University, Shri Brij Narain Chakrabast, Shri Acharya Data Thariya Kaifi, Shri Trilok Chand Mahroom, Sri Rathan Nath Sarshar Shri Jagannath Azad, and Shri Gopichand Charan that this language was accepted by the Hindus and the Muslims alike. All those people accepted this script and it cannot be changed. Sir, the Urdu language is not being treated properly. Wherever we hear these voices of disruption, we should reject them.

Lastly, I would like to point out that BJP is playing a Hindu card. I want the Congress Party, which is the largest party, to rise to the occasion and not to play a defensive game; they must launch an offensive through its ideology for the unity and integrity of India. At Udaipur, BJP passed resolutions, which are potentially common. I have already condemned those resolutions. Among them, they praised Rushdie for writing the book, blasphemy against Islam. Shankaracharya of Puri had condemned Rushdie because blasphemy is bad. Today it may be against the Prophet of Islam, next day it may be against Rama or Krishna. We must not encourage these people. They criticised left parties for supporting the ban. I must compliment the Government that it banned this book, before many Islamic countries did it, only to save this country from a civil war, bloodshed. The opposition is playing a game for the sake of opposition. There will be occasions when Government of India takes good measures, they should come forward and support them. At Udaipur they pleaded for abrogation of Article 370. Further they said that the Minorities Commission should

be abolished. I rise here to say that the Minorities Commission should be made a statutory body. I would draw the attention of the Government of India that BJP is playing communal politics and I expect the hon. Minister Shri Chidambaram or S. Buta Singhji, when he intervenes in the debate, to give an answer regarding the communal situation that is being created in the country by the BJP.

15.00 hrs.

[Translation]

DR. G.S. RAJHANS: Madam, Chairman, I will make a brief submission I would like to make two or three points only.

Firstly, I want to say that a country wide discussion should be held on Sarkaria Commission Report and it should not be confined to the discussion held in the House only. As the New Education Policy was discussed in schools, colleges and in other associations, so this subject should also be discussed in the same manner. I would like that a brief summary should be prepared of this report and it should be circulated to schools, colleges, universities, lawyers' associations and public institutions for discussion because I think that after independence there has not been any other document of such paramount importance as this one which arose so much country-wise interest. The Sarkaria Commission has rightly recommended that the Centre should be strong and states should get autonomy. The 3000 years old history of our country stands testimony to the fact that whenever the Centre became weak, the country broke up into several independent units. Now on the face of numerous dangers looming large over the country, it is even more essential for the country to have a powerful Central Government. I want to submit that Centre should not be allowed to be weak under the any circumstances. I am in favour of giving due powers to the States, but the Centre and States are like two brothers. It is only when both are strong that the country will become strong and this cannot happen if they are at logger-

*[Dr. G.S. Rajhans]*

*heads with each other.*

One of the most controversial recommendation of the Sarkaria Commission Report is regarding the appointment of Governors. It has been recommended that Governors should be appointed with consultation of the concerned Chief Ministers. I think that this has very dangerous implications because if State Chief Ministers are consulted in the matter of appointment of Governors, they will naturally demand the Governor of their liking. The Governor is the representative of the Centre and many things happen in the states such as breakdown of the law and order, financial bankruptcy and overdrafts beyond permissible limits etc. Therefore, there should be some one who in the state who should inform the Centre about the affairs of the State. If at all, you want that the Governor should be appointed with consultation of the concerned Chief Minister, you may please amend the constitution. In many countries Governors are appointed through the process of election. This method can be adopted in this country as well. And if Governors are elected, there is no need for the Chief Ministers. The same person can function as the Governor as well as Chief Minister. I mean to say that Government should never agree to the point that Chief Ministers should be consulted in the matter of appointment of Governors. It will be a very dangerous provision if accepted and the country will have to pay a very heavy price for it in the long run.

The Sarkaria Commission has also stated that the State bills reserved for Presidents assent are kept pending for a long time. Before giving his assent to the Bills, the President has to consider various aspects of the matter and has also to consult the Central Government. The Centre cannot afford to watch the interests of one state only. It has to look after the interests of all the state of the union. Therefore, if the Centre is not able to take an immediate decision on a certain bill, it cannot be accused of being partial. The Centre has to deliberate on it slowly and

*cannot afford to take a hasty decision because it concerns the interests of the whole country. Therefore, I do not agree to this recommendations of the Sarkaria Commission.*

The Sarkaria Commission's recommendation to create an Inter-State council is a good recommendation and such councils should be constituted and in which Cabinet Ministers, Chief Ministers of States should be included. This will solve many problems and many controversies will be put to an end.

As regards the appointment of Governors, this Commission has not favoured the appointment of politicians as Governors. It is very strange that the politicians have been treated as untouchables. Even a man of means may enter into politics by mistake and besides men of status can also become politicians. Today it is a fashion to join politics. We can see cartoons of politicians in the newspapers everyday and they are lampooned. Should not good and competent people enter politics? Therefore, I strongly oppose this recommendations of the Sarkaria Commission that politicians should not be appointed as Governors. In fact, only politicians and politicians alone should be appointed as Governors because they have vast political experience and have witnessed all shades of politics. Some people think that politics is the resort of the incompetent, the rejects and the dregs of society. I would say that even good people enter politics. Now the situation has changed. Competent and good people have started entering politics and in the years to come even better people will take to politics. Therefore, politicians should be appointed as Governors, and if not all, at least 80 percent of them should be politicians.

As regards regional imbalances, all out efforts should be made to remove regional imbalances. I would like to humbly submit and I should not be misunderstood. Bihar has all the minerals, labour and infrastructure but still it is backward. People laugh at such agruement and dismiss it by saying that

for a Bhiari and for that matter the people of eastern U.P., they are destined for it. If you think impartially you would realise Bihar and Eastern Uttar Pradesh should at least be given their due. This should not happen. If regional imbalance is not removed the resentment among people will increase. The Naxalite movement in Central Bihar is spreading all over Bihar. This is not a matter to be laughed at but is of serious concern. Therefore I would like you to pay full attention to remove regional imbalance. All backward states should be helped to develop and come up. One of the recommendation of the Sarkaria Commission which I liked most is with regard to reviewing of amounts of the royalty after every two years instead of two years. I would like to suggest that such review should take place every year. Bihar is suffering on this account. The minerals of Bihar are sent to various parts of the country and are also exported to foreign countries. However the state is getting only a nominal royalty. Therefore, I render full support to the recommendation made in the Sarkaria Commission Report for reviewing the royalty after every two years. The Sarkaria Commission has made the most outstanding recommendation about the three tier Government. In fact, Hon. Shri Rajiv Gandhi is making efforts in this direction. Efforts are being made to establish the Panchayat Raj System. If there is a devolution of power from Centre to States, there should be further devolution of powers from state to the local bodies. Only then there will be real democracy. We shall hold detailed discussions on the Panchayati Raj System when this subject will be taken for discussion in the House.

As the hon. Member who spoke proceeding to me stated and I want to reiterate the same that there is a tendency of empowering the District Magistrates vast powers. All powers are concentrated in the District Magistrate. All the development works are undertaken by him. The public representatives have no voice. This is a very dangerous trend for which democracy will have to pay the price. The bureaucrats have little interest in development programmes. The issue of corruption is often raised in this House and I

do not want to repeat it. But I want to emphasise that power should not be concentrated in the hands of the District Magistrates who are I.A.S. officers. Persons with rural backgrounds are unable to compete in the civil services examination and one destined to lead the life of slaves whereas the urban youths who have the opportunity of receiving education in public schools and have acquired fluency in spoken English are able to compete in this examination even though they may not have sound knowledge of academic subjects. This system has to be put to an end if we want to bring real democracy.

The States should be empowered to formulate their own plans and I do not agree to the recommendation with regard to residuary powers. Residuary powers should be in the hands of the Centre and in the schemes of the Centre which are executed by the State, M.Ps and M.L.As should also have a say. They should be approved of the position with regard to steps taken for the welfare of the people.

The Sarkaria Commission has emphasised upon the supremacy of the Parliament. I do not want to go into further details but I would like to repeat what I have already mentioned. A country wide discussion should be held on the Sarkaria Commission Report because 48 or 49 years have gone by since the constitution came into force and therefore, it is necessary to have source changes in the federal structure in consultation with the people of the country.

[English]

SHRI P. KOLANDAIVELU (Gobichettipalayam): Madam Chairman, the Sarkaria Commission was constituted in 1983 and it submitted its Report in 1987. After four years of hard work, they have submitted the Report and almost all the States have given their opinion with regard to the Centre-State relations.

As far as my State is concerned, when my lamented Chief Minister was there in

[Sh. P. Kolandaivelu]

Tamil Nadu, he had given the opinion with regard to the Centre-State relationship. He had given the opinion that the relationship of the States with the Centre must be cordial and the Centre should be strong because only a strong Centre can build strong States. If the foundation is not strong, if the base is not strong, the structure also will not be strong. That is why the Centre must be strong enough and more powers must be given to the Centre. The States must have their own powers.

The Chief Ministers of some of the non-Congress(I)-ruled States are criticising the Prime Minister and the Union Cabinet Ministers. even in Tamil Nadu, when Karunanidhi was the Opposition Leader, our Prime Minister, when he went to Tamil Nadu, was criticised as '*chhota bhai*' in politics. Is it correct to say like that? Karunanidhi may be having enough experience in politics and in age also he may more than sixty, but that does not mean that our Prime Minister is a *chhota bhai*. But he was criticised like that. Even our Union Minister of State for Home Affairs, Mr. Chidambaram, has been criticised that in politics he is a small boy. How can they say like that? Not only the Tamil Nadu Chief Minister, even the Chief Minister of Andhra Pradesh criticised the Prime Minister like this. I think only a strong Centre can have hold on both Congress (I) and non-Congress (I) - ruled States. The States must be given limited powers. If more powers are given to them, they will come to the conclusion that they are separate from the Centre and then they will become autocrats in their States. So, I will plead for a strong Centre and the relationship between the Centre and the States must be cordial. When the Constitution was framed in 1949, a different situation was prevailing at that time. At that time the social structure was totally different. Since then, far-reaching and sweeping changes have taken place in the country. So, in the prevailing present situation, the Constitution should be amended. The Constitution should be amended according to the sweeping changes that have taken

place in the country. There are three Lists given in the Constitution the Concurrent List, the Union List and the Central List. Now, I would like to point out that some of the powers are being taken away which are within the jurisdiction of the States, without even informing them. If any power under the State is taken away and vested with the Centre, the States should be kept informed of those powers which have been taken away from them and vested them with the Centre. If the powers are taken away by the Centre from the States, it will be an unhealthy practice and it will set a precedent.

As far as the Sarkaria Commission Report is concerned, they recommended that the residued powers with regard to the taxation should be vested the Union Government and the legislative powers must be in the Concurrent List. I accept this recommendation and it is a correct recommendation. Sir, with regard to the State-Centre relation, the then Chief Minister of Tamil Nadu, the late Mr. Annadurai said in 1962—he was imprisoned for having taken part in a rally and he was in jail for more than six months in Vellore—when the Press people asked when the Chinese invaded the country at that time, about his demand for a separate 'Dravidanad', he said "I am giving it up. I want a strong Centre and the nation can be great and when the nation is great I can be safe and my State can be safe". So, he had given up the demand of separate 'Dravidanad' once for all in 1962. Mr. Somu, my colleague from the DMK party, was stating that Article 356 must be taken away from the Constitution. How can it be? The very same provisions under Article 356 were used in 1980 with the active connivance of... \*\*...in order to dismiss our Government in Tamil Nadu. (*Interruptions*)

SHRI N. V.N. SOMU: There were so many reasons for sending away M.G.R. from the Government in 1980. There were so many reasons. (*Interruptions*)

MR. CHAIRMAN: Mr. Somu, he is not yielding. Mr. Kolandaivelu, please continue.

EXpunged as ordered aby the chair.

SHRI P. KOLANDAIVELU: Madam, he was quoting the very words of Shri Sanjeeva Reddy, the then President of India, that Article 356 of the Constitution must be taken away. *(Interruptions)*

SHRI N.V.N. SOMU: I have not said so. He is misquoting me. I have not stated that. Kindly go through the records.

MR. CHAIRMAN: You have clarified the position. That is over.

SHRI P. KOLANDAIVELU: Madam, what I was saying is that these people who were in power were not saying anything with regard to Article 356 of the Constitution and they did not make any criticism about the Article. Mr. Sanjeeva Reddy, after he had relinquished the Office of the President, had stated that the Constitution should be amended. Why should Mr. Sanjeeva Reddy comment with regard to the Constitution? Why did he not make comment when he was in power?

MR. CHAIRMAN: Mr. Kolandaivelu, as far as possible, please do not mention the names because they are not here to defend themselves. Please speak on the subject.

SHRI P. KOLANDAIVELU: Madam, as far as the Centre-State relation is concerned, the Chief Minister of every State, particularly non-Congress ruled State, is taking powers in his own hands. The Chief Ministers are misusing their own powers.

Madam Chairman, on 18.3.89 one Mr. Natarajan's house was raided.

SHRI N.V.N. SOMU: Madam, how is it connected with this Resolution?

MR. CHAIRMAN: Let me see.

*(Interruptions)*

SHRI P. KOLANDAIVELU: What is

this? The Chief Ministers are misusing their powers for their political ends.

SHRI N.V.N. SOMU: How it is connected? *(Interruptions)*

MR. CHAIRMAN: I am here to watch the proceedings, who do you come in the way? Let me see what it is.

SHRI P. KOLANDAIVELU: Madam Chairman, this is the very thing that happened on 18.3.1989 when Mr. Natarajan's house was raided by the Police Commissioner of Madras. He has seized so many articles from his house. Even I have got the photostat copy of the report seized by the police. It is true copy of it, which I have got.

SHRI N.V.N. SOMU: Madam, are we discussing Home Ministry's Demands?

MR. CHAIRMAN: Let me see. Why do you interrupt, Mr. Somu? Let him say whatever he wants to say. I am here, I am watching the proceedings carefully. Let me see.

*(Interruptions)*

SHRI P. KOLANDAIVELU: Madam, the police has seized a blue sealed cover which was addressed to the Speaker of the Tamil Nadu Assembly. Actually the police raided the House for a charge under Sections 420, 407, 409 and 307 also. Does the sealed cover which was addressed to the Speaker relate to the crime actually? *(Interruptions)*

MR. CHAIRMAN: Mr. Kolandaivelu, please try to come to the point.

SHRI P. KOLANDAIVELU: Yes, Madam, I am coming to the point. It is a very shameful act.

SHRI E. AYYAPU REDDY: Everybody is speaking what he wants to speak, but not on the subject.

MR. CHAIRMAN: But anyhow, they should come to the point.

SHRI P. KOLANDAIVELU: Actually I am on the subject. I am telling how the Chief Ministers are misusing the police powers. That is what I am telling. Madam Chairman, actually this cover is a sealed cover which was addressed to the Speaker of the Tamil Nadu Assembly, but it has also been written that the cover was broken open and the letter was taken away and it was sent to the Home Secretary of Tamil Nadu Government. Ever it has been reported in the weekly magazine:

"According to the sources in the State Intelligence, as soon as the letter was found,..."

MR. CHAIRMAN: Don't read. Try to mention.

SHRI P. KOLANDAIVELU: Very well, I am mentioning. The Assistant Commissioner sent it to the Commissioner who, in turn, handed it to the Home Secretary at 10.30 P.M. What business the Home Secretary has got with regard to the cover which was addressed to the Speaker of the Tamil Nadu Assembly? How this is being misused? Madam, actually this letter was sent to the Speaker. Even now press people ask, even so many politicians ask with regard to this question.

SHRI N.V.N. SOMU: He is unnecessarily trying to bring the name of the Speaker of the Tamil Nadu Assembly (*Interruptions*)

SHRI P. KOLANDAIVELU: I am not casting any aspersion. What business the Home Secretary has go? (*Interruptions*) I am not referring to the Tamil Nadu Speaker.

SHRI N.V.N. SOMU: What is the relevance of the Tamil Nadu Speaker here?

MR. CHAIRMAN: I am watching to see whether it is relevant or not.

SHRI N.V.N. SOMU: How can he refer to the Tamil Nadu Assembly Speaker?

SHRI P. KOLANDAIVELU: I have not mentioned his name.

MR. CHAIRMAN: He is not dragging his name into this.

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): He has not said anything against the Speaker (*Interruptions*)

SHRI G.M. BANATWALLA (Ponnani) The Chair will rule. He has not said anything. The hon. Member must not be disturbed like this. The Chair will rule. (*Interruptions*)

SHRI N.V.N. SOMU: How can he refer to the Speaker of the Tamil Nadu Assembly?

MR. CHAIRMAN: No, no. You have to take permission before you speak, Mr. Somu.

SHRI N.V.N. SOMU: What relevance it has got?

MR. CHAIRMAN: Why do you interrupt like this? Let him speak whatever he wants. I am watching the proceedings.

SHRI E. AYYAPU REDDY: His point is Article 356 should remain (*Interruptions*)

MR. CHAIRMAN: Mr. Kolandaivelu, try to be brief. Please continue.

SHRI P. KOLANDAIVELU: This is the highest forum where I can seek a remedy and you are the custodian of democracy, Madam.

When the democratic norms are being violated, I have to report to you then.

"The Commissioner in turn handed it to Home Secretary. By 10.30 p.m. copies of the resignation letter and the four-page appeal to party men had reached all newspaper offices. It is said that policemen in plain clothes took them to newspapers."



SHRI N.V.N. SOMU: Which paper he is quoting?

SHRI P. KOLANDAIVELU: I have stated already.

MR. CHAIRMAN: Mr. Kolandaivelu, I have told you not to read the paper. As far as possible, try to avoid this. Try to mention the points if you have got anything to say within the scope of this discussion.

SHRI P. KOLANDAIVELU: Madam, the very important point is, it is said that policemen in plain clothes took them to newspapers. What business they have got to do so? (*Interruptions*).

MR. CHAIRMAN: Why do you again interrupt?

SHRI N.V.N. SOMU: No, Madam, we cannot discuss it here (*Interruptions*)

MR. CHAIRMAN: Mr. Somu, you should not interrupt like that. I am here to watch the proceedings.

SHRI P. KOLANDAIVELU: When you were on your legs, I did not disturb you like this.

SHRI N.V.N. SOMU: When I spoke on this Resolution, I academically struck to it. I have dealt with the main point only. But he is unnecessarily dragging all the things here. (*Interruptions*)

MR. CHAIRMAN: Without taking my permission, don't try to get up like that—It is not good. You must take my permission. What is this you are speaking? Is it a point of order or a point of information? What is that you want?

SHRI N.V.N. SOMU: I am on a point of order.

MR. CHAIRMAN: Under what rule? Mr. Somu, please resume your seat. Mr. Kolandaivelu, please continue.

SHRI N.V.N. SOMU: Let him confine himself to the Resolution on the Centre-State relations.

SHRI P. KOLANDAIVELU: It is very much connected with the Centre-State relations.

MR. CHAIRMAN: Mr. Kolandaivelu, try to come to the point.

SHRI P. KOLANDAIVELU: Yes, Madam. The policemen took the letter in plain clothes to all the newspapers. This is bad.. Actually....\*\*..... is misusing the police for his political end. What is the political end here? After the recent by-elections, Madam, actually he is afraid that Miss Jayalalitha, the Opposition Leader, may come to power. That is why, in order to dislodge her from the position of Opposition leadership, he has misused the police in order to serve his political ends.

Madam, actually she has already sent a Memorandum to the Prime Minister and also to the President to appoint an Inquiry Commission to inquire into the matter and immediate action to be taken to find out who are all the assailants in this matter.

The next incident also happened in Tamil Nadu Assembly on the 21st March.

SHRI N.V.N. SOMU: How can he go into the happenings of Tamil Nadu Assembly? (*Interruptions*)

MR. CHAIRMAN: Let me see what he says. I do not know what he is going to speak.

SHRI N.V.N. SOMU: He has mentioned Tamil Nadu Assembly. There is no question of seeing at all (*Interruptions*)

SHRI P. KOLANDAIVELU: Do you mean to say that I have no right to mention Tamil Nadu Assembly? What is this? At the mere mention of the Tamil Nadu Assembly he is agitated. (*Interruptions*)

MR. CHAIRMAN: Mr. Somu, let me hear what he is going to say.

SHRI N.V.N. SOMU: How can you allow it?

MR. CHAIRMAN: Let me hear him first.

SHRI N.V.N. SOMU: He has mentioned the very name of the Tamil Nadu Assembly.

SHRI P. KOLANDAIVELU: Is it illegal then?

SHRI N.V.N. SOMU: How can he mention it?

SHRI P. KOLANDAIVELU: Have I not got the right to mention the Tamil Nadu Assembly. (*Interruptions*)

SHRI N.V.N. SOMU: He has not right to mention that.

SHRI P. KOLANDAIVELU: Is it unparliamentary then? It is a democratic forum.

MR. CHAIRMAN: If it is unparliamentary, I will rule it out. Let me first hear what he is going to say. How can I prevent him from saying that? It is not possible because I cannot prevent him. Please resume your seat.

SHRI N.V.N. SOMU: I am on a point of order.

MR. CHAIRMAN: What is your point of order?

(*Interruptions*)

SHRI P. CHIDAMBARAM: I think you should recommend that we should have Sarkaria Commission on DMK-ADMK relationship.

SHRI N.V.N. SOMU: Not only that. (*Interruptions*)

MR. CHAIRMAN: What is your point of order?

SHRI N.V.N. SOMU: The past relation of the Congress Party with DMK and ADMK may also be considered by Commission.

MR. CHAIRMAN: What is your point of order?

SHRI N.V.N. SOMU: The Tamil Nadu Assembly is a separate forum. This House has not discussed so far anything about the happenings of any Assembly or any other forum. Speaker has given his Ruling. In the light of that, I am asking how you can allow him to mention the happenings in the Tamil Nadu Assembly. That is the point. (*Interruptions*)

MR. CHAIRMAN: I will give my ruling. You are not the person to reply. I am here to give my ruling. My ruling is, there is not point of order. However, you were saying something. I will see what Mr. Kolandaivelu is going to say. Mr. Kolandaivelu, you can continue on Monday.

15.31 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

MR. DEPUTY SPEAKER. We are now taking up private Members Business Shri Ram Awadh Prasad.

[*Translation*]

COMMITTEE ON PRIVATE MEMBERS'  
BILLS AND RESOLUTIONS

[*Translation*]

Sixty-Second Report

SHRI RAM AWADH PRASAD (Basti):  
Mr. Deputy Speaker Sir, I beg to move:

"That this House do agree with the  
Sixty-Second Report of the Committee