

SHRI N. TOMBI SINGH : Kindly allow me to continue Sir.

MR. CHAIRMAN : All right. You may continue when we next take up this Bill,

15.30 hrs.

RESOLUTION RE : CENTRE-STATE  
RELATIONS—Contd.

[English]

MR. CHAIRMAN : we may now take up further discussion on the following Resolution moved by Shri H.M. Patel on the 18th March 1988 :—

“This House expresses its deep concern over the present Centre-State relations and demands their early restructuring so that federalism underlying our Constitution is made more meaningful.”

Dr. Manoj Pande to continue his speech. He is not present in the House. Shri Jagatrakshakan may speak please.

[Translation]

\*DR. S. JAGATHRAKSHAKAN (Chingleput) : Hon, Chairman, Sir, I support the resolution on Centre-State relations moved by the Hon. member Shri H.M. Patel.

Sir, federalism is the hallmark of our Constitution. Our Constitution says that there shall be a Union of States. But only when one particular language or culture is imposed upon one set of people, they develop secessionist tendencies. Therefore, imposing unwanted things on people, this very Government sows the seeds of secessionism in the minds of people.

Sir, 'nation' and 'Nationalism' are age-old ideas. The metamorphosis of these would continue for ages to come. It was

\*Translation of speech originally delivered in Tamil.

Mazzini in Italy who first gave 'nationalism' a distinct political delineation. In those days nationalism meant loyalty to the ruler. Liberal ideas later crept in and 'nationalism' blossomed into a wider concept of 'nation state' in Europe in the 19th century and in Asia in the present century. The federalism and the golden principle of maintaining 'unity in diversity' came to India very recently in the middle of this century.

Sir, as far as Tamilians are concerned, they feel they are Tamilians first and Indians next. The broader feeling of being Indian, as it is of nascent origin, cannot shake off the pride of every Tamilian that he is a Tamilian first as it is ingrained in him since ages immemorial. The spirit of being a Tamilian is blended in his blood and flesh that the recent nationalist idea of being Indian cannot either alienate or take precedence to the former feeling of being a Tamilian. Sir, only when the Government tries to tame the Tamilians to sacrifice this in born spirit and pride of feeling that they are Tamilians first, we detest such moves and speak in secessionist tones.

When the Constitution was framed, it was framed to be a federal Constitution. Our Constitutional ideologies are based on those of the Constitutions of Canada, Australia and such other countries. Federalism is working very well and is being preserved in those countries. We have restructured the Constitution by amending it 59 times so far, yet we could not get at its spirit and make it shine. Without the concept of federalism our Constitution would be merely a code of alphabets arranged in readable syllables.

Article 356 is a spurious provision in the Constitution. There is no such parallel provision in any of the federal Constitution in the world. It is there only in our Constitution. This provision is the Government's trump card. They will misuse the same provision to keep an unpopular Government on saddle as they did in Meghalaya and misuse it again to deny an opportunity to forming a majority Government in Nagaland. This is an anti-democratic provision. This provision is there to serve as an handle for the Central Government to murder democracy. This is not there in the Constitution

to safeguard democracy and democratic institutions. This provision has been misused by this Government several times to topple and to get rid of unwanted State Governments. History stand testimony to these sordid acts of this Government.

Next is about the interference of the Central Government in the day-to-day administration of the State Governments. The Prime Minister Shri Rajiv Gandhi whenever visits a State meets the collectors and other district officials who owe allegiance to the State Government without taking into confidence the Chief Minister concerned. This is nothing but an attempt to instigate the district officials to destabilise the State Governments which they ought to serve. People have already started to view with scepticism these moves of the Prime Minister. This Government has a duty to dispel such doubts.

Now the Prime Minister has increased his visits to Tamil Nadu. We would welcome the Prime Minister at all times, if he visits the State as Prime Minister. But he comes as the Congress President under the garb of Prime Minister. More than 7½ crores are being spent on every such visit of the Prime Minister. But what is the benefit to the State? Nothing. Let us take a count of his visits since he became Prime Minister in 1985 and the number of his visits since the State came under President's rule. I am unable to understand the sudden spurt in the number of his visits to the State. I am unable to decipher the reason behind his sudden love for the people of Tamil Nadu. People also wonder and doubt the intentions of his visits.

About the office of the Governors, Sir, Perarignar (the Enlightened) Anna repeatedly appealed when he spoke in Parliament that the institution as a whole has to be abolished. Even the very Congress party which is now heavily relying on the Governors for their cheap political game of toppling the State Governments, voiced vehemently against the office of the Governors. The Congressmen, then, said that Governors were extra-constitutional authorities, their powers should be snatched and their offices should be abolished and all that. But

now the same Congressmen have vested in the Governors of free India more powers than the colonial Whites were kind to give them. This is the way the Congressmen are safeguarding democracy. This is the way the Congressmen are championing the cause of democracy. I would like to charge, Sir, that every Congressman has in his inner heart colonial attitude. That's why these Congressmen send the Governors as plenipotentiaries to pull the carpets from under the Chief Ministers' feet.

Sir, the President of Indian Union is elected by ballot. But the Governor is appointed, that too, appointed by the Central Government. If this Government believes in democracy, they must amend the Constitution so that Governors are elected by ballot as President of India.

Had this Government been sincere in keeping cordial relations between the States and the Centre, tell us, what this Government has done to solve the water problem in Tamil Nadu. Every year, they celebrated the Independence and Republic days. They stop with that. No concrete action follows. We have been appealing to this Government Ganga and Cauvery and thereby help to achieve unity and integrity among the people of North and South and also to solve the water problem in Tamil Nadu. But our voices have fallen on deaf ears. Nothing has been done so far in this regard. Even if the Government had made a sincere effort to save money from wasteful expenditure on functions attended by the Prime Minister and other dignitaries I believe, it could have been fruitfully utilized for the project. The same is the fate of Cauvery water dispute. No step has been taken so far in this direction. If this the situation, how could the Centre and the States go together?

This Government is apportioning finances to the State Governments. When there is a Congress Government in the State, they make an increased allocation. When there is an opposition Government in the State, they make inadequate allocations. In nutshell, financial allocations are being made to the States as per the whims and fancies of the Central Government. This discretion should

[Dr. S. Jagathrakshakan]

go. This is a matter of economic development of the Country as a whole. The terms and conditions, the ratio and other parameters of financial allocation to each State by the Centre should, therefore, be unambiguously specified in the Constitution itself, so that, whichever Government is there in the Centre or in the States, the duty of the Centre in this behalf becomes imperative and the parameters of such financial allocations become invariable.

Yesterday, this House approved the Tamil Nadu budget. We hoped that in view of the Prime Minister's frequent visits to the State, there would be some new programmes. To our dismay, there was none. In Tamil Nadu the conditions of schools are far from satisfactory. Children sit in tree shade and receive education. Nothing has been done in the budget to improve the educational facilities.

Now, they say that they wish cordial Centre-State relations. But what actually they do? In Tamil Nadu, the Governor's rule is there. On TV and over radio, they eulogise the Governor's administration. Along with the media, the official machinery is also being misused. They tomtom the glory of the hollow Governor's administration. If this blitzkrieg over radio and TV about the alleged efficacy of the Governor's administration is allowed to continue, I am sure people will lose faith in the democratic devices. People will lose faith in elections. People will lose faith in popular Governments.

This Government toppled a Government in the State which commanded majority. They said the Constitutional machinery had failed. They imposed the President's rule in the State for 6 months. They could not restore the Constitutional machinery back into operation within those 6 months. Then they extended it further by another 6 months. Still they are unable to repair it back. Such a Government is unfit to rule this country. This Government has become a laughing stock before the people of Tamil Nadu.

The Centre must strive to respect the regional feelings. They must strive to fulfill the regional aspirations. Persons sitting in

Delhi, 2000 kms. away, cannot decide what the people in Tamil Nadu want. They must respect the views of the people hailing from the State on all matters including the language issue. That's why Periragnar Anna suggested federalism in Centre and autonomy for the States.

This Government tried to use language as a device for unification of this country. This Government has miserably failed. Over the 40 years, all such attempts to impose one language, one culture etc. have been thwarted. This Government cannot achieve cordial Centre-State relations if it does not become accommodative and shed its craving to impose unwanted ideologies on the people belonging to one region. With these words, I support this resolution.

15.46 hrs.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SONTOSH MOHAN DEV) : Sir, at the very outset I am grateful to the Hon. Member who has moved this Resolution. He himself has got vast experience about administration both in the Centre and in the States, and the idea of bringing this Bill was noble and it has given a chance to several members both from the Treasury Benches and from the Opposition to discuss various matters in connection with the Centre-State relations.

Our Constitution is based on two very important institutional arrangements that is, parliamentary democracy and federal administrative structure. I hope and I am sure all the members of this august House will certainly agree with me that after 41 years of independence and 39 years of our Constitution, our Constitution has stood the test of the time and this august House on various occasions, as the Hon. Member who has spoken just now has said, to suit the need of the political, economic and social conditions has amended the Constitution. All these amendments were made by this august House in order to suit the various needs of the various situations, or the various situations that have arisen from our experience.

The federal structure which our Constitution envisages is democratic in its operation

and aspects. And some of the crucial subjects which have agitated the minds of the Hon. Members have been raised through this debate. One was the appointment of the Governor, another was the role of the Governor. Some have raised the distribution of the financial resources of the Centre between the States and the Centre. Some have raised the three language formula. Some have also raised the introduction of Hindi in non-Hindi speaking States.

Many members during the discussion have also brought forward the various recommendations which have been made by the Sarkaria Commission and also the various mamoranda which have been given by different political parties and different governments before the Sarkaria Commission. Many members, defending them in this House, have also brought those papers to this august House, at the time of the debate,

I am happy to say that we have written letters to the Hon. Speaker and the Chairman of Rajya Sabha requesting to allot time to have a full fledged discussion on Sarkaria Commission. This would give further chance to the Hon. Members of this House to discuss the Centre State relations at length and also on the various recommendations which have been raised today or in the past in connection with this particular debate.

As I mentioned earlier, our federal structure is quite unique to the extent that while Constitution provides maximum possible autonomy to the States, it places in the hands of the Centre adequate power to ensure the unity and integrity of a country like ours which is not only vast in its area but varied in terms of culture, language and topography. The Constitution strikes a fair balance between the Centre and the States by clearly defining the legislative and executive powers for the Centre and the State and putting the residuary powers vested in the Union. In view of this position, this country is one of the biggest democracies in the world. It is true that on certain occasions, certain matters have created some

misunderstanding between the State and the Centre, but our democracy is so strong and the Legislature and the Parliamentary democracy is so cohesive, during the last fortyone years, we have been able to solve all the problems between the States and the Centre and never our Constitution has stood in the way. In view of the fact that there were certain grievances from the state, the Government has not hesitated to have a further look on the Centre State relations. Now the Sarkaria Commission has submitted its report. This was one of the reasons that the Government had appointed Sarkaria Commission to see with the change of time, some other adjustments or some amendments or diverting some powers either to the Centre or to the State are necessary. As I said earlier its deliberation will come before this House and I am sure during the deliberation, the Members will be able to give their valuable suggestions.

It has been the singular duty of the Centre to protect the States against external aggression communal disturbances and to ensure that the governance of the States is carried out in accordance with the provisions of the Constitution as defined under article 355. Article 356 has been questioned now and again and on this pretext, just now the Hon. Members has mentioned certain things regarding Tamil Nadu about the visit of the Prime Minister and also why the Central Government has imposed President's Rule in Tamil Nadu. Governor has a constitutional power and whenever the discretionary power was used by the Governor, it has never become an accepted decision. I do not think that Governor, at any stage has misused in our independent India except on one or two occasions, where the Government has also amended the mistakes done by the Governor. It will be wrong to say that article 356 has been constantly misused. When the Constitutional breakdown comes in a particular State, the Governor has got an inherent power to decide. As I said, it is a matter of debate and this is one of the subjects in the Sarkaria Commission. The Hon. Members will be getting more chance to discuss about this particular power of the Governor when we take up the Sarkaria Commission's report for discussion,



[Shri Sontosh Mohan Dev]

Many members have also raised about the sharing of the Central resources by the States and in the process they have given some valuable suggestions. All these suggestions are noted. But the Mover of the Resolution himself knows that there is the Finance Commission which is constituted every five years. It gives recommendations after detailed deliberation with the State Governments, detailed assessment of the revenue and non-plan expenditure of different State Governments, as to what portion of the income-tax revenue and excise duty revenue should go to the respective State Governments. It is an established fact that the Finance Commission before making recommendations, take into consideration the non-plan expenditure, specially of the deficit States and economic imbalance which is a major problem in our country giving rise to agitations in different parts of the country. It has always been proved that the Finance Commission's recommendations have solved many of the problems than creating any. I am sure, the suggestions which have been given by the Hon. Members will be taken care of by the respective State Governments with the Finance Commission which is now having its deliberations. It has submitted an interim report. Its final report is yet to come. We, on our part, shall try to draw the attention of the Finance Commission to many of the suggestions that have been placed here.

Many Members have also referred to the functioning of the Planning Commission. The Planning Commission is the brain-child of the founding fathers of our nation specially Pandit Jawaharlal Nehru, which was subsequently strengthened by Shrimati Indira Gandhi and other Prime Ministers. The success of seven five year plans has proved that the economic development of our country has taken rapid strides. Now we are one among the 10th industrially and scientifically developed countries of the world. This has been achieved because of the correct planning. Today we do not have to go to other countries with a begging bowl. That is the success of our planning, the agriculturists and the cooperation that exists between the States and the Center, which is going to be strengthened further. The Planning Commission takes into consideration various aspects of different States like

imbalance, etc. You know many of the north-eastern States are subsidised to the extent of 90 per cent. The funds which are allotted from the Centre go not as loan but as grants. Thereby the imbalance which is now persisting in various parts of the country, is take care, of by the Planning Commission. Not only that, Prime Minister, Shri Rajiv Gandhi, has taken a decision that in order to make planning more meaningful, planning at the district level should be given more importance. So the old process has been reversed, This has been done because on various occasions, in this august House Hon. Members from both sides have drawn the attention that the planners have not taken into consideration the reality which existed in the field, So this corrective step has been taken on the suggestion of Hon. Members.

16 00 hrs,

Many Members have raised their grievances and they have also suggested the development of Scheduled Castes/Scheduled Tribes, the Hill Areas and the Tribal Areas. As you know, this Government is very sympathetic to the development of SCs/STs and also of the Hill Areas. Various schemes have been given in the past. At present also, there are various schemes in existence and I am sure that in the coming Plan, more funds will be allotted for these backward communities, which is the thrust of the Government because the Government is aware of the fact that 75 per cent to 80 per cent of our population lives in rural areas. This is why I am grateful to the Hon. Members who have suggested various schemes to be implemented. They have also criticised some of the schemes which are in vogue today in the country. All these suggestions have been taken note of by us and we shall try to communicate the same to the respective implementing Ministries, and I am sure that ultimately care will be taken by the respective Ministries.

There has been a reference to the institution of Governor, selection of the incumbent and the manner of functioning. The Governor derives his authority, powers and functions from the Constitution. He is the Head of the State. It is the fact that

because of his discretionary powers, the Governor's task is sensitive. I would not, however, hesitate to say that since independence, the Governors have fulfilled their constitutional responsibility not only effectively but also in a judicious manner. There are, to be sure, occasional criticisms about the functioning of one or two particular Governors. It is, however, a matter of opinion. I would like to specifically mention that the institution of the Governor is one of the focal points of our federal system and there is no question of undermining or abolishing this institution. As I said, in both the Houses the Sarkaria Commission's Report will be discussed at length and the Members will get further chance to discuss.

Particular issues raised regarding various States, I would not like to answer today, nor would I like to go into detail about the various points which have been raised. But I am very much thankful and grateful to the Hon. Member who has moved this Resolution. This has given us a chance to listen to the valued views of Hon. Members of this House.

Before I conclude, I say that our federal structure contemplates a strong Union with strong States working harmoniously in the process of development and progress. In this context, I would like to quote the report of the Administrative Reforms Commission which examined the Centre-State relations in the light of the present situation. I quote :

"The Constitution is flexible enough to ensure its successful working, irrespective of whichever party may be in power, provided that those who are in power, mean to work it and not wreck it. We are convinced that it is not in the amendment of the Constitution that the solution of the problem of the Centre-State relationship is to be sought, but in the working of the Constitution by all concerned in the spirit in which the founding fathers intended them to be worked. There is no other way of ensuring cordial and fruitful Centre-state relations."

This is the theme on which we should try to work, we should try to survive. The Centre-State relations will be strengthened further in future. It is now also in a very strong position and there are cordial relations between the Centre and the States. I hope that the Member who has brought this particular Resolution will take this into consideration and will withdraw his Resolution and wait for a better occasion when we can discuss this. But I must accept that this debate has given us enough chance to know the feelings of the Members and has also given us many valued suggestions which will be kept in our mind for our future work. Before I conclude I want to say :

"No Constitutional amendment is necessary for ensuring proper and harmonious relations between the Centre and the States in as much as the provision of the Constitution governing the Centre-State relations for the purpose of meeting any situation or resolving any problem that may arise is envisaged."

With these words, I would like to commend to this august House that the Resolution tabled by the Hon. Member regarding the Centre-State relations may not be accepted and I would request the Hon'ble Member to withdraw his resolution.

MR. CHAIRMAN : Mr. Patel, would you like to withdraw your Resolution ?

SHRI H. M. PATEL (Sabarkantha) : Sir, I must say that I was very much disappointed at the Minister's observations. I had expected him to have read a little more carefully the Resolution itself. I have not said in the Resolution anything that warrants his final commendation that this Resolution be not accepted. What is the Resolution ? This House is asked to express its deep concern over the present Centre-State relations. I presume that when you say you don't accept it, you are of the view that the Centre-State relations are so excellent that there is no need for any concern. Actually, I think if you are honest to yourself you would say that undoubtedly the Centre-State relations are a cause for concern. If they were not, why did you appoint of Sarkaria Commission ? Why have you had to estab-

[Shri H. M. Patel]

lish more and more problems for examination? Undoubtedly, the Centre-State relations are such that they cause concern. Causing concern does not mean that the Centre-State relations are necessarily bad, that the Constitutional provisions are bad, nothing of the kind. But, it is a statement of fact. Your degree of concern may be different in degree. Your degree of concern may be less than. But I would certainly say that this is a matter which would be causing concern to every honest citizen of this country.

Then what the Resolution says next is about the need for early restructuring so that federalism underlying our Constitution is made more meaningful. Am I saying that federalism should not continue that federalism underlying our Constitution should not be made more meaningful? I should say that our federalism is based on our Constitution. But because of the way in which we have worked, even the last quotation which the Hon. Minister read out said that it is the spirit in which you work, not just a mere Constitutional provision that enable us to work any human relationship satisfactorily.

Sir, the Centre-State relations are unsatisfactory, not because our Constitution is bad. Our Constitution went into this very carefully, for it had a problem to solve. The problem arose in this way. The circumstances at the time when the Constitution was being formulated were such that on the one hand everyone felt that the Centre must be strong and at the same time everyone also felt that the States should be strong and autonomous, autonomous within of course the powers given to the Central Government. So, the point was not that either the State should be strong at the cost of the Centre or the Centre should be strong at the cost of the States. But that the Centre should be made strong and nothing should be provided in the Constitution so that there should be any danger of the centrifugal tendencies getting the upper hand. So, it still seems to me that the Resolution had been very carefully drafted and it certainly should not have warranted your commendation to the House that it should not be accepted. On the contrary I would have expected you to say, accept it, but let us discuss it further in the light of the Sarkaria Commission's recommendations. You have made no observations whatsoever on what your views are in regard to the

recommendations of the Sarkaria Commission perhaps rightly because there is to be further discussion. But at any rate you should have indicated something about the various problems to which a reference was made in the course of this debate in the House.

I must say, Mr. Chairman, that I was very agreeably happy to find that the various speakers spoke on the whole in a constructive manner. Every one who spoke wants that the Centre-State relations should be strong and healthy, there should not be suspicion in the minds of the States that 'the Centre is trying to do them down.' But that is so and when I can give you illustrations. Illustrations were given in the course of this debate which show that the States were not always satisfied that the Centre was doing justice to them.

SHRI AZIZ QURESHI (Satna) : It is a two-way traffic.

SHRI H. M. PATEL : Undoubtedly, I agree, but more is expected of the Centre. Do you realise that it is the Centre which is stronger in every way? It is the Centre which has money to give because of the essential taxation powers it has and which can really enable it to raise money that is why this is the requirement that we have the Finance Commission every five years to see that if there is any imbalance etc., it is rectified. So the point is realised. But, for you to say it is a two-way traffic as if it was denied that there should be anything other-than a two-way traffic?

SHRI AZIZ QURESHI : The money being given by the Centre should be properly utilised for the benefit of the people, not for political ends. That is what I mean.

SHRI H. M. PATEL : Well, I think nobody suggested anything else. I do not know why suddenly my Hon. friend here suggested that merely because I say that 'the Centre should be fair to the States' means that the States, even if they are misusing funds they should be provided funds. I have not suggested anything of that kind. I have merely said that the Constitution provides that the Centre should be strong and desires that the Centre should be strong and there is no reason and no suggestion whatsoever

that anything should be done to weaken the Centre. If the States are weakened, the Centre cannot be strong. The Centre's strength depends upon strong States. I think this is a self-evident proposition. Quite obviously it surprises me to find an Hon. Member who straightaway rises to say that it is a two-way traffic. Undoubtedly, what I said, Mr. Hon. Minister, was that the spirit in which the constitutional provisions are implemented matters most and the spirit in which they are implemented does not mean only the spirit to be observed by the Centre, it is also for the States to work in the same spirit. Now consider this, the power has been given to the Governor to withhold Bills for submission to the Centre. There are Bills which have been pending, you will see from the Sarkaria Commission's Report, for years. Could there be any justification? Not at all. There are even today Bills which have been sent by Congress Governments, which are still with the Central Government even though several years have passed. Now, what justification can there be for that? And therefore, naturally the States are unhappy. There are a number of projects which the States have forwarded to the Centre and they have been with the Centre for years together. Is that something which is satisfactory? Mind you, this is not only about projects which have been sent by non-Congress Governments but Congress Governments also. This is something which must arouse of unhappiness in the State Governments.

Similarly, take for instance, the question of royalty. The Gujarat Government has a major complaint against the Centre as also, I think, has Assam. This is not a complaint that the Gujarat Government has had today but has been there for long.

SHRI SONTOSH MOHAN DEV :  
They had during your time also.

SHRI H. M. PATEL : If some gas or oil has been found, you evolve a formula, that is 20 per cent of the price of the crude would be given to them. Who fixes the price of the crude—the Central Government. Even if the Central Government fixes the price of crude, it should do it so that it is fair at all times. You have arranged a formula of 20 per cent

of the price which is fixed once in 4 years. Thus the royalty which has been fixed on the basis of price which obtained in the initial year and the price rises greatly in the next 4 years. There would be a 10 times increase. But the royalty remains the same and it is not considered by you as fair to increase it. What you are paying as royalty to the State Government is only a fraction of today's price. They consider they are entitled to get 20 per cent of the current price. Despite their submissions that this should be revised, not on a purely technical or legal ground but in the spirit of fairness and on an equity approach. That is not done, unfortunately. As I have said, it should be a two-way traffic and it would mean, if the Centre felt, "Yes, in the mean time, the price has gone up, the royalty should also be increased as understanding between friends. After all, the State development is your Central development. You consider that the Constitution requires that the development of the States should take place. I might correct the Hon. Minister who stated that the Planning Commission was the creation of the founding-fathers. It is not so. Planning Commission came into existence after the Constitution. Quite rightly, it was the Prime Minister of that day, Pandit Jawaharlal Nehru's idea. I would not say it was his brain-child, but it was certainly his desire that a Planning Commission should be set up in order to that our future development may be on planned lines. But the Planning Commission coming in to existence, upset, in a sense, the balanced scheme that had been envisaged in the Constitution. The Finance Commission was to sit every 5 years and examine in the light of whatever had taken place in the previous 5 years to see what further financial assistance may be given to the States so that they can pursue their development activities satisfactorily. The Constitution did not envisage the existence of the Planning Commission. It came after the Constitution was formulated. The Planning Commission decides almost everything and therefore, you will see that a substantial amount of funds are placed at the disposal of the States by the Planning Commission on the basis of its scheme of things. This is where a certain amount of unhappiness, certain amount of difference of opinion now and again arises and that takes place with reference to all States.



[Shri H. M. Patel]

It has nothing to do with the ruling party governed States or with the non-ruling party governed States.

I emphasise these view points and I do not think I will to repeat whatever has been said before.

The Hon. Minister said that the Sarkaria Commission report will be discussed in this House and I do hope that it will be discussed fairly soon. The Hon. Minister was careful not to mention any date.

**SHRI SONTOSH MOHAN DEV :** It will be discussed during this Session. You have asked why did I not answer the various points of the Sarkaria Commission report which have been raised ? The precise reason is the Consultative Committee of our Ministry has started parawise discussion and they had two sittings. They are going to have two more sittings on it. Both the Houses of Parliament would discuss it. We have extended time up to 31st August. Various State Governments had asked for time. We have an open mind. We have not formed any opinion. At this stage, it will be very difficult for me to give any opinion from our side to the various suggestions which have been made by you now or by other Members. Hence I have said in the very beginning that as regards this particular subject, further detailed discussion will be there in both the Houses of Parliament and in the various forums.

So, I request you to take it in that light. The suggestions that you have given would be taken note of and we will definitely consider them at proper time. (*Interruptions*).

**SHRI H. M. PATEL :** The Hon. Minister said something about the appointment of Governors. The institution of Governor is necessary. I have no objection to that at all. I would also agree with the Hon. Minister. The Sarkaria Commission has gone into it. It has suggested that certain conventions be established. In fact, the Sarkaria Commission laid great emphasis on the need for conventions in any written Constitution. We really cannot cover all grounds in a written Constitution and, therefore, conventions have to be developed and it is up to us to respect those conventions and then not set them aside when they

do not suit us merely because they are not in writing. This is one of the important prerequisite conditions of the conventions. The institution of Governor is really, to my mind also, necessary but we have to take care that we appoint as Governors persons who will act as objectively, neutrally and as judiciously as possible and, therefore, I think Sarkaria Commission has made an attempt to spell out the sort of persons you might select. I do not think it is a point on which I would like to say anything now. But I agree that we should make every attempt to see that we appoint as Governors those persons who are experienced, knowledgeable but, above all, objective in their approach.

There are a number of other points which create dissatisfaction among the States. Things like the appointment of judges and the delay in their appointment and the consequential effect. Similarly, I think there is some reference to the tribals etc. But I don't think they need be gone into. This is really a matter of management.

One final point I would like to refer to is about reference to District Planning which is the basis on which planning should start. The Prime Minister suggested that the planning may be done at the grass-roots level. It is not new thing. It has been going on already. It has been suggested before. You cannot just plan from the bottom and end up at the top. It is just not practical for you to do this. It doesn't. Certain amount of discussion on what is needed at the District Level should be considered at the District Level and the suggestions that emerge from that should be considered by those who formulate the state plan. The last speaker has referred to one point as to why the Prime Minister is calling meetings of the District Magistrates and so on without consulting the States. I would say that if that is so, then it is not proper to do so.

**SHRI SONTOSH MOHAN DEV :** It has been explained by Shri Chidambaram that State Governments are taken into confidence and the Chief Ministers are also invited.

**SHRI H. M. PATEL :** What the Hon. Member mentioned was that the States are not consulted. If that is so, then I would say that it is not correct. But it cannot be

so. I can really understand that the Conference of District Magistrates could only have been called with the full knowledge and concurrence of the State Governments. The Hon. Minister was good enough to say about that. I have some familiarity with the administration. So, I would not say like that. As I see, it will take me more into the details of things. So, I would not like to go into all these other matter, I leave it over till the Sarkaria Commission's recommendations are finalised.

**SHRI PIYUS TIRAKY (Alipurduars) :** Sir, many of the State Chief Ministers are not finding it easy to get appointments with the Ministers here. It is very difficult...

**MR. CHAIRMAN :** This is not a question regarding Government. You are asking the clarification. It pertains to a resolution of a private Member. You are not entitled to that.

**SHRI H. M. PATEL :** Sir, I feel that the purpose I had in mind when I had moved this Resolution, to my mind, has been served because practically every speaker brought out points in regard to Centre-State Relations which worried him and he put forward some remedies also. This was the objective. This is a matter which causes concern and therefore it should be discussed and thought over with a view to ensuring that federalism underlying our Constitution functions in a more meaningful way.

Though I would withdraw my Resolution willingly—because the Hon. Minister says that this matter is going to be discussed again in the light of the Sarkaria Commission's recommendations—but I would also request the Hon. Minister also to withdraw his recommendation that this Resolution should be opposed.

**SHRI SONTOSH MOHAN DEV :** If you withdraw your Resolution, I will also do the same.

**MR. CHAIRMAN :** Shri Shantaram Naik had moved two amendments to the Resolution on 30.3.88. But I find that he is not present in the House. So, I shall now put the amendments to the vote of the House.

*Amendments Nos. 1 and 2 were put and negatived.*

**MR. CHAIRMAN :** Shri Patelji, are you prepared to withdraw your Resolution as promised ?

**SHRI H. M. PATEL :** Yes, Sir. I seek the leave of the House to withdraw my Resolution, namely :

“This House expresses its deep concern over the present Centre State relations and demands their early restructuring so that federalism underlying our Constitution is made more meaningful.”

**MR. CHAIRMAN :** The question is :

“That leave be granted to withdraw the Resolution, namely;

This House expresses its deep concern over the present Centre State relations and demands their early restructuring so that federalism underlying our Constitution is made more meaningful.”

*The motion was adopted.*

**SHRI H. M. PATEL :** Sir, I withdraw the Resolution.

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**RESOLUTION RE : IMPLEMENTATION OF NEW 20-POINT PROGRAMME**

[*English*]

**MR. CHAIRMAN :** We now go to the next item Shri Somnath Rath to move his Resolution on Implementation of New 20-Point Programme.

**SHRI SOMNATH RATH (Aska) :** Sir, I beg to move :

“This House, while expressing its appreciation of the New 20-Point Programme initiated by the Government, notes that implementation of