

SHRI SATYASADHAN CHAKRABORTY : The Minister has stated...

Mr. DEPUTY SPEAKER : Nothing will go on record.

(Interruptions**)

Mr. DEPUTY SPEAKER : Professor, you are terching rules to your students. The rules are very clear. They do not permit it.

15.30 hrs.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

FIFTY-SEVENTH REPORT

PROF. RUP CHAND PAL (Hooghly): Sir, I move :

“That this House do agree with the Fifty-seventh Report of the Committee on Private Members’ Bills and Resolutions presented to the House on 12th April, 1983.”

Mr. DEPUTY SPEAKER : The question is :

“That this House do agree with the Fifty-seventh Report of the Committee on Private Members’ Bills and Resolutions presented to the House on the 12th April, 1283.”

The Motion Was Adopted

15.32 hrs.

RESOLUTION RE. CENTRE-STATE RELATIONSHIP-CONTD

Mr. DEPUTY SPEAKER : The House will now take up further consideration of the Resolution moved by Shri Amal Datta on the 31st March 1983 on Centre-State relationship. Shri Amal Datta will continue his speech.

SHRI BRAJAMOHAN MOHANTY (Puri) : Sir, I have a point of order on the admissibility of th’s Resolution.

** Not recorded.

Mr. DEPUTY SPEAKER : You should have opposed it at the introduction stage.

SHRI BRAJAMOHAN MOHANTY : Sir, you will appreciate that this Resolution affects and involves the basic structure of the Indian Constitution. That is the problem. That is why I am opposing it. I have absolutely no quarrel with the spirit of strong States but the Resolution is contrary to basic concept of the Constitution and with the desire of the moves. But it has been so worded, I may state...

Mr. DEPUTY SPEAKER : This is not the stage at which you can oppose the introduction of this Resolution. That stage is over. It has been already moved. Now it is the subject matter or property of the House. How can you oppose it, when it is the property of the House? You cannot oppose it.

SHRI BRAJAMOHAN MOHANTY : I accept your decision and I would take it up when I participate in the discussion.

Mr. DEPUTY SPEAKER : I will call your name and then you can participate in the discussion.

Now, Mr. Amal Datta may continue.

(Interruptions)

SHRI AMAL DATTA (Diamond Harbour) : Sir, last time, when I spoke I was able to elucidate on some of the points which need recapitulating today. The first one is, the Constitution as originally enacted. Although called federal, it was not really a Federal Constitution. It was something of a cross, between a unitary and a federal Constitution, it may be called a quasi-federal Constitution. But whatever federal elements were there originally incorporated in the Constitution, had been slowly eroded. The reason for the erosion has been the fact that the same ruling Party has been ruling at the Centre as well as in the States for a very long period so that they have made adjustments between themselves as if they are making adjust-

[Shri Amal Datta]

ments between a party at the Centre and the party branches in the States, and the Centre wanted to take away more power to which the branches agreed, which means the Chief Ministers of the States acquiesced and therefore, the power was gradually eroded and taken away. (Interruptions). That is why everybody has said so. Anyway you will have a chance.

Mr. DEPUTY SPEAKER : Everybody will get a chance.

SHRI RAVINDRA VARMA (Bombay North) : He is ensuring his chance.

SHRI AMAL DATTA : When the cry for devaluation of power came, people who were in favour of centralisation started to say that this would mean weakening of the Centre and I have contended that this is posing the question in a wrong manner. What we need is a strong country which we cannot have unless we have both a strong Centre and strong States, and strong States do not necessarily mean a weak Centre, but in fact means a strong Centre. And then those who have advocated strong States, cannot show that by centralising powers in the Union Government, the country has benefited. In fact, I have been able to show through statistics that the country has progressed very little, in fact it has lost quite a bit because the genius of the Indian people which lies in its diversity has not been given proper place in this unitary system of Government which has sought to impose a type of uniformity which people have resented.

Sir, there are various aspects to be examined when one has to look at the Centre-State relationship. First, there is the administrative side in which certain Articles of the Constitution—Articles 256 and 257 which are in this context relevant—give to the Central Government certain powers, powers of giving direction to the States to comply with the laws of the Central Government. That is Article 256. And by Article 257 which is in four parts—parts (i) and (ii) are import-

ant—the Central Government can give directions to the State Governments that the State Governments are to act in a certain fashion so as not to impede or prejudice the laws of the Union or to impede the executive function of the Union. They can also give certain directions regarding construction and maintenance of communications, etc.

Now in so far as Articles 256 and 257 go, read by themselves, they appear to be quite harmless. Directions may be given. It may be said what is wrong with that? Why should the Central Government not be able to give directions to the State Government? But the evil lies in another Article—Article 365 which says—if the State Government fails to comply with any direction of the Central Government, then the President will be entitled to dissolve that State Government and take over the administration of the State. This is where the catch lies. Therefore, merely by giving directions which the State Government cannot conceivably or possibly carry out, which may go against the grain of the entire population of the State, making them to do something which they do not want to do, the Central Government may say “since you are not complying with the direction, your Constitutional machinery has broken down. We will, therefore, take over your Government.” This can be easily done. I can give you an illustration. Now the Central Government has enacted certain Acts which we in West Bengal have termed as black Acts—ESMA and National Security Act. The State Government of West Bengal says that they will not let these Acts to be implemented. They will not get these Acts enforced. The Central Government says, all right, we give direction that you arrest these people under NSA. You arrest these people under ESMA. West Bengal Government cannot do that because they are politically pledged not to do so. So, Article 365 will come into play. President will say that the West Bengal Government is not complying with the direction from the Centre, therefore, West Bengal Government will be dissolved and taken over in spite of the fact that about 244 Members out of 294 Members belong to the ruling left front.

Mr. DEPUTY SPEAKER : Article 365 does not envisage such an action for not having carried out the direction of the Central Government or that the State Government can be dismissed. I think that is not there under Article 365. Article 365 is for a different purpose—for law and order or for financial crisis. It is not for carrying out the direction of the Central Government.

SHRI AMAL DATTA : If it does not apply, then it so good. The competence of the Central and State Government is given in the Seventh Schedule of the Constitution. I have dealt with it before. So, I will deal with it in a very short manner to-day. In the Seventh Schedule of the Constitution, powers between the Centre and State have been divided. Concurrent powers are also given there. These are mostly imitations or copies of what was there in the Government of India Act, 1935. Certain changes have been made. Only certain powers which were previously exclusive prerogatives of the State legislatures have been taken away. So, instead of giving more powers to the State, when the change from the Government of India Act 1935 to the present Constitution was made, the States were made less powerful. So far those entries are concerned, they are not of great importance except for jurists. I am not going to deal with them also here. But the main point is that the whole field of concurrent powers and the whole field of powers which are exclusively to be exercised by the Union Government, concentrate practically on the entirety of the economic powers which are necessary for carrying on the developmental work in the States, for carrying on the welfare work, the social, cultural, educational, and all kinds of work in their respective States. These powers instead of being left to the States have been taken away by the Central Government. Now, the 1935 Government of India Act is not an Act of ours. Our people were not consulted at the time of framing of this Act. That was an Act made by the British Parliament. Yet we have blindly copied it and we have not given a chance to the people to the genius of our Indian people to decide which powers are to be given to the States and which are

not. The powers that should have been left to the States have been taken away by the Centre. What do we want today? There should be some areas specified in which the Central Government can act. For example, defence, foreign relations, banking and currency and communications—these are the subjects which have all-India implications and all-India repercussions when anything is done with them. Therefore, these are the powers which will be exercised by the Central Government. This will be in the Union List. All others and the residuary powers must go to the States because it is the States which are ultimately responsible to the people. They are not only nearest to the people, accessible to the people but they are also Constitutionally made responsible for all the welfare programmes, for the health programmes, for education, for social welfare and for whatever you can conceive of. The Central Government has no such responsibility and no such obligation. But they have got all the powers.

Sir, now we come to the financial powers. The financial powers are crucial because everything ultimately depends on the money power. Originally, the Central Government has enacted in the Constitution that the income-tax is in the divisible pool. That means, the entire collection of income-tax had to be divided between the States and the Centre. But at what proportion this should be divided? That was not said in the Constitution. That is determined by the Finance Commission. Each Finance Commission has successively increased the proportion of income-tax which will go to the States—from 55 in the First Finance Commission it has gone upto 85 in the Seventh Finance Commission. But the Centre has played a trick. I would call it a trick because they have taken away from this pool of income-tax the most paying and elastic part of income-tax collection—the Corporate tax—the tax paid by the companies. This was done in 1959 very cleverly by a small amendment of the Constitution. They have taken away the most elastic part of the income-tax from the divisible pool and made it the exclusive reserve and the exclusive revenue of the Central Government.

[Shri Amal Datta]

(Interruptions.)**

The other item of the divisible pool was the basic excise duty. The divisibility of the basic excise duty was not mandatory but it was only recommendatory. It was for the Finance Commission to give a share of the basic excise duty to the States or not. But the successive Finance Commissions have been given it and it has been increased from 20% originally to 40% now. But the Central Government has introduced several forms of taxation which, of course, the Constitution empower them to do so. I have not said that the Constitution does not empower the Centre. My complaint is against the Constitution itself. The Central Government was given the power to raise revenue by imposing sur-charge, they have imposed sur-charge on excise duty and on income-tax on a permanent basis. The sur-charge is something which is ad-hoc or temporary in nature. They have made the sur-charge permanent and no share of the sur-charge is payable to the State Government. So they have denied the State Governments a share of the revenue. They are playing again a trick. They have increased their own revenue in such a way that the State Government will have no share in that. Moreover, what has been given exclusively to the State Government namely, the sales tax collection, even that revenue has been whittled down. Again by a trick, by saying that certain goods are declared to be of national importance on which the State Government cannot levy any sales tax. And then they are saying again "Why don't you collect sales tax? We will give you additional excise duty on these same items and we will give you a share. The entire amount would be distributed to the States". In that way, they have deprived the States of some revenue but which was not been adequately compensated. It can be seen that in the States sales tax have gone up at a much higher rate than the total collection of additional excise duties. In these various ways, the Central Government has increased its own revenue, whereas the State Governments have been left to fend for themselves and as they have not been able to do so, they have to come

hat in hand to the Central Government, beg from them whatever resources are required, just to maintain themselves. Apart from this, Finance Commission's recommendations are meant to only bridge the revenue gap of the State for the day-to-day expenditure, but the Central Government devised another mechanism for greater control of the States and that is the great Planning Commission, a body which does not find any mention in the Constitution, which has no statutory basis which has been constituted only by a resolution of the Government of India. The resolution does not say who is to constitute the Planning Commission and what are going to be the qualifications of the Members of the Planning Commission so that anybody can be appointed, anybody who is a political favourite of the powers that be, can be appointed to the Planning Commission and this Planning Commission which is a quasi-political body, has been given the jurisdiction to distribute the resources for Plan purposes to the States, to recommend what Plans would be taken up by the Central Govt. and where, which will be the Centrally-sponsored schemes and everything. Who takes the decisions in the Planning Commission? Some officers who are under direct control of the Central Government, the Minister-in-charge of Planning or the Prime Minister. They take the decisions that here we will locate this Plant, the Central Government will have a plant here. We will have a Central Government irrigation project here, and here we will have a Central Government power project. They are all taking all these decisions without consulting the States. The States have no say whatsoever. Even to get their own projects approved, they have to go to the Planning Commission and beg them to approve their own projects which they are financing out of their own resources, own revenue. Through the Commission and largely through the largesse which is distributed through the Planning Commission, the Central Government has a grip over the States. They are not allowing the State Governments to do what they want. They are making them bend to the will of the

Central Government. This is the way in which the Central Government arrogated to itself all the powers and not allowed the Indian people and the diversity of Indian people, to grow.

Another aspect which has to be also in this connection mentioned is that of the institution of Governors. Originally the Governors were and ought to be quite harmless creatures. They did not exercise any political influence. They did not feature anywhere except they were very good for opening functions, and cutting tapes and for things of that sort. But, recently, for the last 15-20 years, as soon as other political parties came into power, the Governors have assumed a very good function. They are now seen, not as impartial persons who are constitutional heads of States. They are now seen as agents of the President, of the Central Government. President carries out the wishes of the Central Cabinet. So, he is seen as a representative of the Central Government sitting there to frustrate the activities of any political party which is not the political party ruling at the Centre.

Mr. DEPUTY SPEAKER : They can function only under some Constitutional provisions, they cannot function as the agents of the Central Government.

SHRI AMAL DATTA : They are seen by the people as such—I am not saying that they are acting as such—because under certain crucial circumstances they have played a role which the people have thought to be very partisan, namely, in the choice of whom to call to form the Government. The most recent example is that of Haryana where a person not commanding the majority in the Legislature, even when all the results of election to that Legislature were not out, was called to form the Government. But even before that, we had instance in West Bengal in 1967 and 1969. All these instances are there where the Governors were seen to act in a fashion by which they were acting as agents of the ruling Party in power at the Centre. Therefore, what is necessary now is restructuring of the Constitutional

provisions regarding the appointment of the Governor, the tenure of the Governor and the guidelines under which the Governor must function, and those guidelines must be evolved by another Constitutional mechanism, namely, an inter-State Council which the President has the power to call under Article 263 of the Constitution.

I will just finish after mentioning the judiciary, because this is also my personal interest. It has been seen that more and more cases are accumulating in the Supreme Court. Now it has reached such a position that a period of ten years is the time required to get a case disposed of by the Supreme Court in the normal course. Now the country's highest court has come to such a position. Only the other day, I think the Finance Minister said that crores of rupees of taxation were not being collected because of stay orders in courts and that the cases were not being heard for two or three years. We have come to such a pass where it affects the administration also. It affects not only the administration of the Central Government but also the administration of the State Governments, at all levels, and that is because of congestion of cases in Supreme Court. My suggestion here is that the Supreme Court need not hear cases which have no Constitutional implication and which do not arise out of interpretation or application of a Central Act. So far as cases which arise out of application of any State Act are concerned, they may end their life in the State High Courts. Why should we think that the State High Courts will not show enough independence, and enough integrity to dispense of the cases to the full satisfaction of the people of the State? We must have that faith. Everything is being centralised, just as what is happening in the Government, just as what is happening in the Planning Commission, concentration of power, similarly there is concentration of judicial authority in Supreme Court and the whole judicial system is collapsing. That collapse has to be arrested by restructuring the powers of the courts, the way the courts are to function, and dividing their jurisdiction.

Lastly, I say that it is necessary now to call for a restructuring of the Consti-

[Shri Amal Datta]

tution, after 33 years of the working of the Constitution, the Constitution which was not suited to the genius of the Indian people to start with and which was, in other words, a copy of the Government of India Act of 1935 with certain additions. One could not visualise then as to what will be the pattern of growth which the Indian people will be able to achieve. But now that we have the benefit of that hindsight, we should not hesitate to call for a restructuring or reframing of the Constitution and deleting those articles which are arresting the growth, the economic, cultural and social growth, of the people of India. We call our country a great country and our nation a great nation because in the diversity that is India, there is unity and there is integrity. We want more and more integrity. But we must achieve that integrity not through any uniformity or regimentation. We must achieve that integrity through more and more development of the diverse cultural, social and linguistic groups which comprise India. And that can be done by giving more autonomy and by more devolution of power and it can be done again by a thorough restructuring of the Constitution itself.

With this I commend to the House to adopt this resolution.

Mr. DEPUTY SPEAKER : Motion moved :

“This House is of the opinion that the emerging pattern of different linguistic and ethnic groups as distinctive political entities in the body politic of our country necessitates the restructuring of financial and other relations between the Centre and the States and, therefore, resolves that the relevant provisions of the Constitution be amended suitably.”

Now, Shri Mool Chand Daga—he is not here.

Shri Satyendra Narain Sinha.

SHRI SATYENDRA NARAIN SINHA (Aurangabad) : I beg to move :

That in the resolution,—

add at the end —

“and the House welcomes the setting up of Sarkaria Commission to study in depth the problem of restructuring of Centre-State relations and recommends that the Commission be strengthened by including two more members and report within six months, after which the Government should take steps for time-bound implementation of its recommendations.” (2)

SHRI BRAJAMOHAN MOHANTY (Puri) : I oppose this resolution. The resolution as framed has a disastrous potential and I do not know where the nation will end if the spirit and substance of this resolution is accepted and recommended to the Government.

I would invite your attention to the wording of the resolution :

“...restructuring of financial and other relations between the Centre and the States and, therefore, resolves that the relevant provisions of the Constitution be amended suitably.”

So, it is not financial only, it speaks of other relations also. So it is too comprehensive which will mean re-writing of the Constitution....

SHRI CHITTA BASU (Barasat) : What is the harm in that ?

1557 hrs.

[Dr. RAJENDRA KUMARI BAJPAI
in the Chair]

SHRI BRAJAMOHAN MOHANTY : I am coming to that. Whether it hurts you or not is a different thing, but it will harm our nation, it will harm our culture and it will harm the unity and integrity of this country....(Interruptions). I am coming to that. Why do you bother ? I have heard you. The problem is that you absolutely have no patience to bear with a difference of opinion.

If this resolution is adopted, what is to be re-examined restructured ? It will

mean restructuring of the University Grants Commission, Central Water Commission, the Planning Commission, the role of Governor, not only the role of Governor but also the institution of governorship and not only the distribution of powers and the idea floated on the horizon that the Union Government should have only three or four subjects like defence, foreign affairs, communications and currency and the rest should go to the States and not only that, the All India Services also which my friend has not mentioned and the reservation policy. Not only that, the most dangerous potential is the language policy and the formation of States on the basis of language. So far as India is concerned, in the Constitution we have accepted 15 languages. But hundreds of languages are there and there is a demand that every language should be recognised and recognition given. Not only that, the whole concept of formation of States on the basis of language is again a disastrous proposition. I do not know where it will end, if again the matter is re-opened.

So my submission would be that if the resolution is adopted, Part II, Part XI, Part XII, Part XIII, Part XIV, Part XV and Part XVI of the Constitution will need to be amended. Not only that; the provisions relating to the Supreme Court also would require to be amended. So everything will have to be restructured and will have to be re-drafted. So a new constitution will have to be re-drafted. This is what is the import of this resolution. My submission would be that this is not in the interests of the nation and this is also constitutionally not possible. You know and my learned friend knows that in the case of Keshavnanda Bharati and also in the case of Minerva Mills it has been repeatedly decided by the Supreme Court that the basic structure of the Constitution cannot be changed by the Parliament. That is the reason why a number of Amendments to the Constitution were declared *ultra vires*. The Federal Character of the Constitution is a basic feature of the Constitution and it cannot be altered or changed by Parliament. We cannot agree to the Resolution as it is worded

because it goes against the Constitution of India.

16 hrs.

Another aspect is this. Let us now come to the spirit of the Constitution. It is very essential for us to see that the spirit of the Constitution is preserved. We have got historical experience in this regard. Whenever the Central Government is weakened the country has been split up. That is the background against which the Constitution was drafted, the founding-fathers, the framers of the Constitution had this aspect in mind, namely, that the Constitution should normally be Federal but at times of need it can be converted into a Unitary Constitution. The basic features of the Constitution are always there, they cannot be changed. Now, as everybody knows, different divisive forces are working against the interest of the nation. Different ethnic groups have been voicing various demands in various States. Such divisive forces are terribly active from east to the west. There are such divisive forces which are deliberately conspiring to see that the country is split up; they are trying to take full advantage of the situation.

The hon. Mover of the Resolution repeatedly stated that every State has got a culture and its own traditions and should have freedom of its development. But uniformity of development is needed for unity of the country; this is one of the essential features of the Indian Constitution. That is why you have in the Union Government to monitor and co-ordinate all the developmental activity and all the commercial activity; otherwise it will spell disaster for the nation. Now, on financial and fiscal matters, I admit, there is some scope for improvement. Sarkaria Commission has been set up and it is going into the matter, not through any amendment to the Constitution, but within the scope and within the purview of the Constitution. Now, these problems have to be sorted out.

So far as 1981-82 is concerned the total tax revenue of the Central Government comes to Rs. 14,800 crores; and out of that, they have given to the States Rs. 7,000 crores. About 38% of the tax

[Shri Brajamohan Mohanty]

and non-tax revenue is being given to the States. All the responsibility for Defence lies with the Centre. The Centre is spending Rs. 6,000 crores annually on Defence. Our Debt Service amounts to another Rs. 4,500 to 4,700 crores. The subsidy element comes to another Rs. 2,500 crores. We know that some of our public sector undertakings are running into losses and they are being given subsidies. These are the specific responsibilities which have been discharged by the Union Government. The States cannot undertake such types of activities within their limited financial resources. If we substantially squeeze the union finance what will be the result? Whatever the Union Government is spending, it has no territory of its own naturally all the money is being spent by centre. States take full advantage of these things. In respect of any developmental activity undertaken by the Union Government the full advantage goes to the States. My submission is that one should not be so much allergic about the present arrangement which has created a very sound balance and we can still see how certain matters can be sorted out and improved within the purview of the Constitution. I would like to place before you another important fact. Sir, some States remain backward and some States are in an advantageous position and that position is continuing and with all our efforts, things do not change. If you look into the licensing policy of the Government, from 1980 to February 1983 you will find that out of 1613 licences which were issued during this period, 580 licences or something like have been issued to two States. So, the growing regional disparity, regional inequality is being widened. That is a problem which must be looked into and for that the Centre must be powerful.

Sir, you will find that so far as the dispute between Assam and Bengal is concerned. I am not referring to other disputes but here I mean to say the disputes regarding economic and fiscal disparity, marketing of tea and Calcutta are concerned the Union Government can sort them out. But so far as the weaker States are concerned, they should get protection from the strong Union

Government and also financially they should get a little bit more consideration from the Union Government and if the matter is left to the States themselves, then it will be an unhealthy step and the weaker States will further be weakened and the backward States will remain far behind the advanced States and the advanced States will go ahead on and on. So, in that background, my submission would be Resolution should not be considered and should be rejected.

Another point I want to place before the House is that the Southern States Chief Ministers had met recently and they had expressed their opinion regarding redistribution of financial assets, financial allocation and financial arrangement as prescribed in the Constitution. They have demanded that it should be readjusted, restructured and sorted out. That is, of course, reasonable, but if you kindly take into consideration all their demands which they have made, then you will find that the Union would become the weakest and the Union Government cannot defend the country against the foreign aggression. So, that is not the way in which the matter should be sorted out. Further, when the Commission is set up, they have to look into it and the Commission must do justice to the problem of the States but in the background of the Constitutional provisions, not by amending the Constitution. With these words, I oppose the Resolution.

श्री राजेश कुमार सिंह (फिरोजाबाद) : सभापति महोदय, केन्द्र और राज्य के संबंध किस तरह के हों, इस बारे में यह प्रस्ताव है। इसके तीन मुद्दे हैं। राज्यों को स्वायत्तता शक्ति दी जाए और उन पर कितना केन्द्र का अंकुश रहे। दूसरा करों में राज्यों का हिस्सा होना चाहिए और राज्यों के विकास के लिए केन्द्रीय आवंटन का आधार। ये तीन मुद्दे हैं जिनका संबंधों पर कहीं प्रभाव पड़ता है।

डॉ० राम मनोहर लोहिया हमेशा कहा करते थे कि राजनीतिक, आर्थिक सत्ता का विकेन्द्रीकरण होना चाहिए। उनकी एक बहुत

ही अच्छी कल्पना थी—चौखंबा राज्य की। उनकी कल्पना यह थी कि केन्द्र से शक्ति राज्यों को, राज्य से जिलों को और जिलों से गाँवों को शक्ति दी जानी चाहिए। गाँधी जी ने भी गाँवों तक शक्ति पहुंचाने के लिए पंचायत राज की कल्पना की थी। ये गाँधी जी के ही विचार थे। आप अवश्य सोचेंगे कि ये प्रश्न क्यों उठ रहे हैं? इसका मतलब है हमारी केन्द्रीय सरकार ने कुछ स्थानीय बातों की अवहेलना की और लोगों में जो जन-असंतोष था, उसकी तरफ उतना ध्यान नहीं दिया। कुछ मुद्दों पर जन-भावना की अभिव्यक्ति हुई है। उसका परिणाम यह निकला कि अन्य लोगों ने, जैसे कर्नाटक या आंध्र प्रदेश में, शासन पर अपना आधिपत्य जमा लिया। इसके पीछे बड़ी गहराई से सोचने की जरूरत है। केन्द्र सरकार की योजना में कहीं-न-कहीं खामियाँ हैं जिसकी वजह से गैर-कांग्रेसी सरकारें वहाँ पर आईं। धारा 354, 356 के साथ और राष्ट्रपति के अधिकारों द्वारा असेम्बलीज को डिजालब करना ये कुछ ऐसी चीजें हैं जिन पर आज एकदम प्रश्न उठ खड़ा होता है। उत्तर हो या दक्षिण या अन्य देश का कोई भी प्रान्त हो, सबका एक ही प्रश्न है कि राज्यों को और अधिक शक्ति मिलनी चाहिए। इस पर गम्भीरता के विचार करने की जरूरत है। सरकार ने एक सदस्यीय आयोग का भी अपाइन्टमेंट किया है। एक वित्त आयोग भी बनाया है। मैं उसके विस्तार में नहीं जा रहा हूँ। सरकार ने इस दिशा में जो प्रयास किया है, उसका मैं स्वागत करता हूँ। संविधान के निर्माताओं ने उस वक्त यह नहीं सोचा कि जो आर्थिक साधन हम राज्यों को दे रहे हैं, वे उनको प्राप्त होंगे या नहीं होंगे? उस वक्त की और आज की परिस्थिति में बड़ा फर्क है। जहाँ तक भाषा और संस्कृति का प्रश्न है, उसमें बंगाल के लोग हों या दक्षिण भारत के, उनके रीति-रिवाज अलग-अलग ही देखने को मिलते हैं। इसीलिए, राज्यों की एक कंफरेन्ट

लिस्ट बनायी गयी और उस पर अमल भी किया गया। जहाँ तक धारा 248-249 की शक्ति का प्रश्न है, वह आपसे ज्यादा निहित मान लिया जाए कि असम में इस वक्त जैसे कांग्रेस की सरकार है या और कोई सरकार हो वह यहाँ के नियम या कानून की परवाह न करे और दूसरा कानून बना ले तो प्रेजीडेंट के एसेन्ट के बिना वह लागू नहीं हो सकता। ये ऐसे मुद्दे हैं जिन पर पुनर्विचार करने की आवश्यकता है।

आर्थिक प्रश्न के बारे में कुछ कहना चाहूँगा। कुल रकम का पाँचवा भाग राज्यों को बाँट दिया जाता है और 31 से 45 प्रतिशत तक राज्यों से आयकर के रूप में प्राप्त होता है। जहाँ तक राज्यों की योजनाओं का प्रश्न है, वहाँ के मुख्य मंत्रियों को केन्द्रीय सरकार के दरवाजे खट-खटाने पड़ते हैं। ऐसी स्थिति को देखते हुए कभी-कभी ये लोग क्षेत्रीयता की बात कहने लगते हैं और कहीं-कहीं पृथक्तावादी शक्तियाँ भी सिर उठाती हैं। ऐसे हालात पैदा नहीं होने देने चाहिए जिससे किसी प्रकार के कानूनों का गलत प्रयोग होने की संभावना हो या गलत रास्ते पर लोग चले या किसी को उनको गुमराई करने का मौका मिले। इसकी गहराई जाए तो पता चलेगा कि मुख्य मंत्री आते रहते हैं, उन्हें प्लालिग कमीशन कुछ और केन्द्रीय सरकार कुछ और कहता है। इससे सही मायने में योजना लागू नहीं हो पाती। माननीय प्रधान मंत्री कहती हैं कि जहाँ गैर कांग्रेसी सरकारें हैं, उनके साथ हम भेद-भाव नहीं करेंगे। मैं उसकी बहस में नहीं जाना चाहता। यदि आपने सही समय पर उनकी सहायता नहीं की तो अवश्य ही प्रान्तीयता उभरती हुई दिखाई देगी। बंगाल में लोगों को आटा न मिले, कहीं पर पानी का क्राइसिस हो जाए और केन्द्र की रुचि दूसरी तरफ हो, तो इससे क्या पता चलता है यही कि योजनाओं में खामियाँ हैं।

[श्री राजेश कुमार सिंह]

हाथ पीछे खींचेंगे तो दिमांग में एक भावना पैदा होती है। इस प्रस्ताव के सम्बन्ध में एक मुख्य बात यह है कि सरकार को चाहिये कि आर्थिक नीति के बारे में राज्यों को केन्द्र पर अधिक निर्भर रहने की प्रवृत्ति नहीं रहनी चाहिये। योजना निर्माण में प्राथमिकता का निर्धारण राज्य की आवश्यकताओं के अनुरूप होना चाहिये। केन्द्र को इस मामले में छूट देनी चाहिये, ऐसा करना कोई असंवधानिक बात नहीं है और न परिस्थितियाँ बिगड़ेंगी। आप अभी राज्यों को पांचवाँ भाग देते हैं। इसको बढ़ाकर एक तिहाई कर सकते हैं। लेकिन इसको निश्चित समय पर दें। यदि ऐसी स्थिति नहीं बनेगी तो राज्य और केन्द्र का सवाल उठता रहेगा कि केन्द्र और राज्यों के सम्बन्ध कैसे हों।

डॉ० राम मनोहर लोहिया कहते थे जब उन्होंने बौखम्बा राज्य की कल्पना की थी तो उन्होंने इस बात का ध्यान रखा कि यदि गाँव का इलाका मजबूत बनेगा तो राज्य मजबूत बनेगा और केन्द्र भी मजबूत बनेगा। इसलिए यदि राजनीतिक और आर्थिक सत्ता का विकेन्द्रीयकरण कर देते हैं तो आपस में टकराव होगा या केन्द्र कमजोर बनेगा, ऐसी बात नहीं है। डॉ० लोहिया ने कहा था कि कलेक्टर की बात मुख्य मन्त्री तक पहुँचने में काफी वक्त लगता है। जिला परिषद् को अधिकार देने की बात आयी। हमारे यहाँ उत्तर प्रदेश में जिला परिषद् कहीं है ही नहीं। आप यहाँ से बैठकर हजारों मील दूर की बात नहीं देख पाते हैं, जो राज्य सरकारें देख सकती हैं या जिला प्रशासन देख सकता है। इसलिये सत्ता का विकेन्द्रीयकरण आवश्यक है, यह राष्ट्रीयता और देश को शक्तिशाली और समृद्धशाली बनाने के विपरीत नहीं है और इससे कहीं विघटन की भावना पैदा नहीं होती है।

इन शब्दों के साथ मैं इस प्रस्ताव के

हित मैं अपनी राय देता हूँ।

SHRI A.K. SEN (Calcutta North-West) : Madam Chairman, I feel duty bound to oppose this Resolution not merely because it has been proposed by a Member of the Opposition, but because in my view, it strikes at the very foundation on which our Constitution rests, and for which all of us have taken oaths at the time of entering this House, and for which every member of the Assembly takes the same oath—even the judges of High Court takes the oath; the President and Vice-President and all high dignitaries take this oath. The oath is that we must uphold the Constitution and the integrity and sovereignty of India.

The Constitution envisages a very delicate and a very well thought-out balance between States and the Centre in every facet of Government. Ours being a Federation, the areas for legislative, fields for administrative action, and for judicial functioning have to be demarcated. Also, similarly, the power of taxation and the distribution of resources of the country raised by taxation, both levied by Parliament and by State legislatures had to be provided for. And the entire Part XI of the Constitution, as also several other parts of the Constitution, including the VI and VII Schedules and other Schedules made a clear demarcation between the functions of the States and the Central Government and Parliament. Legislative powers has been demarcated. List I belongs to Parliament and List II belongs to the State legislatures, exclusively. Any Parliamentary law which trenches upon the field set apart for the States in List II would be bad, and frequently it is being struck down for that reason. Similarly, any legislation passed by State Legislatures which trenches upon List I field would be bad. List III gives a concurrent legislative field for the State Legislatures and for Parliament so that whole of Criminal Law, Criminal Procedure and various other subjects would be open for legislation both by Parliament and the States. Subject to this, no State law can contravene or go counter to any law passed by Parliament earlier without the

sanction of the President or if it is a later law, it will be to that extent, void.

Power of taxation is also clearly demarcated both under List I and List II. The States, for instance, can levy excise duty on alcohol and various other articles, sales tax, land law, land tax and other taxes. Parliament can levy various duties by imposing taxation like income tax, wealth tax, excise tax, custom duty and various other taxes; and no law passed by Parliament can impinge upon the taxation power of the States and *vice-versa*; and what is collected by way of taxes by the Centre has to be distributed in regard to various taxes to the States, according to the Constitution, under the recommendations of the Finance Commission which has been set up from time to time. The present Finance Commission is presided over by an hon. Member of the House, Shri Y.B. Chavan and consists of judges and other dignitaries. Whatever resources are raised from taxes for their distribution, we have to follow the recommendations of the Finance Commission. I don't see how either administrative, legislative or financial provisions can lead to any restructuring because that is the language used in this Resolution. The language sets out a very dangerous proposition; it pre-supposes that India today is rent apart, rent as under by ethnic group, by distinctive political entity and, therefore, this relationship between the Centre and the States needs restructuring. Are we agreeable that India today is rent as under by ethnic groups and distinctive political entities? What is the political entity—a State or a sub-State? What are the ethnic groups? These ethnic groups are given their rights. Minorities, tribals, 'C' they are all given constitutional safeguards for their improvement, for their upliftment and for equality with the other communities, and the entire safeguards have to be found in Part III of our Constitution for ST, SC and various other backward classes. The Home Ministry and to some extent the Ministry of Social Welfare are in charge of that and the States work in close collaboration with the Centre; and I don't think that there has been ever a conflict between the Centre and the States with regard to those objec-

tives of the Constitution. But, I do strongly protest against the preparation of this resolution. Should it be passed by the house, it will declare to the whole world that India is no longer a nation; it is cut up by small distinctive, ethnic and political entities. Thus, this House, must condemn in no certain terms; this can never be accepted unless we choose to betray the oath we had taken at the time of entering this House and at the time when we fought elections. This country, through all the ages, has survived as a country of distinct culture.

The great song of Tagore, says this, and it was quoted by one of the Supreme Court Judges while delivering the Charter for Minorities. It says this, that—

“Throughout the ages various races have come into this country. *Pathans* have come, *Mughals* have come, *Hoons* have come, *Aryans* have come. So many strains of international rivers have come into this land but have mixed into one sea so that when they are mixed and form this great nation and this great culture they have ceased their differences. Still, they are part of this vast sea of humanity.”

This is what is Bharat; this is what is our civilisation, and both during our struggle for freedom and before, we were brought up with this great fervour that this country is one, culturally, philosophically and historically. They may speak different languages in different parts; they may follow different rituals in various matters which are of no consequence. But basically, they subscribe to the same stream of culture and civilisation which have fertilized this great land of ours. Why is it, Madam,—may I ask the hon. Member who has moved this resolution—why is it today that Indian civilization is having to be raked up from the sands of history? When you think of the Egyptian civilization, you have to dig the earth and the sand to find the Pyramids and the traces of Egyptian civilization. That civilization is not a living civilization today. When you try to discover the Babylonian civilization it is the same. When you try to discover

[Shri A. K. Sen]

Greece and Rome you have to dig into the earth and find from the archives of history what their civilization was. It is not a living civilization. But why is that all these thousands of years this civilization of ours in which the votaries come from different parts of the country—many of them speaking different languages—are still stitched together by the same bond of unity and through all the web of differences which have characterised the historical growth of different communities in this country one golden thread has always run and that is that we are descendants of a great civilization for which all of us have been proud and we are really distinctive from that point of view from the rest of the world. Why are we today in our position? Why is it that Mahatma Gandhi's film is given the best of recognition and the highest of admiration? Because that expresses that ancient and unified culture and civilisation which like the water of the Ganges has fertilized pages of our history.

Therefore, let us not betray that lesson of history and now declare again as the Britishers wanted us to declare at the time of our struggle for freedom, that we are not one, that there are Muslims, Harijans, this and that and then say, how can India be a Nation? How can India be a self-governing country? Because, Churchill used to say, "They will be driving at each other's throats the moment you give them independence". Are we now to go back on the vast steps we have taken these hundreds of years both before and after independence? Are we supposed to put the clock back and say that we are not a Nation and that we are cut off with ethnic distinctive political entities? Political entity has no meaning. This is a lie and this is a complete lie. This betrays a complete oblivion of the lessons of our history. We are a Nation. We belong to one civilisation which has run uninterrupted for thousands of years and which still enlivens our lives every day.

And look at this, look at here, *Satyameva Jayate*, look everywhere. Go

to Brindavan, Kashmir, Kanyakumari, people may speak different languages. *Asetuhimachal* is underlined by the same culture and civilization. Therefore, when pilgrims travel from one end of the country to another, from Kanyakumari to Amarnath, from Western Ghats into the eastern regions of India, to Kamakhya in Assam and all over, they carry the same message of history. Years ago, when I was dealing with the Department of Religious Endowments, I had the occasion to travel extensively in the South because there our glory and whole Hindu culture is still preserved. When we go to the South at Kanyakumari, and have a dip into the ocean, we realise the greatness of India when we look at the vast ocean throwing out the ages of history before us and streams of Indian civilisation marching together. I had the occasion to see a copper grant given by an old Raja somewhere near the border of Andhra Pradesh and Madras. I forgot the exact place. But this Raja in his copper grant in pure Sanskrit—now a days, Sanskrit is not so much read at least in Tamil Nadu, but in those days, we had not those difficulties—which I happened to read. This was the language, if I remember a right, translated into English. He said this:

"Year after year, thousands of our brothers and sisters travel from the North. They wade across miles and miles up and up in inhospitable country. Many of them die in the way. Very few people care for their food and for the sick. They go and lose their numbers until they reach Kanyakumari and Rameshwaram. Therefore, it is my duty, my *dharma*, and the dictate of my forefathers that I set apart these lands so that its income will look after these pilgrims from the North, the sick will be tended, the hungry will be fed and there will be no sickness and death on the way to pilgrimage."

Is this cutting up the country into definite ethnic, cultural and political groups? Is it not an extreme example a supreme example of the unity of our life and culture that you see a Raja of the South dedicates lands so that its

income may feed the poor and hungry, look after the sick when they are on the pilgrimage from the North to the South? Was it an accident that our places of pilgrimage are dispersed all over the country, from Amarnath in the North to Kanyakumari in the South, Kamakhya in the East, Puri in the middle, Dwarka and others in the centre and last but not the least, Tirpathi? Therefore, we are proud that we are the inheritors of such a great culture and civilisation. Let us be born and die a thousand times as Indians and Indians only. Let us sing the praise of India as one country and one nation until we breathe the last on this life of ours. That possibly would be living true to the traditions of our history and philosophy and to the great teachings of the seers and leaders of Indian thought and culture, which we have inherited very proudly.

I personally think that the Constitution was devised after very great deliberations with the assistance of the best intellectuals of the country at that time belonging to different shades of opinion and the so-called ethnic group from the north, south east and west. Of course, those days were the days when the teachings of the Mahatma and our great seer were still running very fresh in our blood and we are not yet trying to bleed ourselves out by cutting our veins and committing suicide. And, the Constitution said that this will be one country—India—consisting of different States. This is the preamble and what better tribute can there be to the history of India than this Preamble and may I read, because I always read whenever the forces of disintegration seem to appear and rent us as under. When I moved the Seventeenth Amendment Bill in this very House and introduced the oaths to be taken by the Members of Parliament and Members of the Legislature and all judges and everybody, the introduction that we shall be faithful and we shall uphold the integrity and sovereignty of India, we have to taken oath before we stand for election, we have to take that oath when we enter the House, I said the same thing that the integrity of India is too precious. Our inheritance is too great and we must be true to those

great ideas and this is the Preamble and this saves India from disintegration and nothing more should be done excepting better people to run the country everywhere. Nothing more should be done excepting true patriots honouring their pledge, so that all these civil war tendencies are not allowed to rake up their heads, so that every fetter to the cause of Indian unity and Indian history is not brooked even a second. This is a great lesson of the Indian Constitution. We, the people of India, not the people of different linguistic groups or political entities, as India has been for the last thousands of years from Amarnath to Kanyakumari from Dwarka to Kamakhya, we gave to ourselves this Constitution. What is the Constitution? It is a Federal Republic giving each State its own share of political and administrative power and financial power and all the States knit together in one common endeavour of making this country and this nation the greatest in the world, wiping out every tear, as we said on the 26th of January, 1950, from every eye, building a house for every Indian and making him a proud citizen of a proud country, unified together and not rent as under by these narrow, squabbles and petty fights and civil war tendencies. Therefore, with these words, I have the honour and privilege to oppose this Resolution and ask this House to reject this in no unclear terms.

SHRI BHOGENDRA JHA (Madhubani): Madam, after hearing Shri Sen, I was feeling a bit seriously whether and to what extent one can misinterpret not only this Resolution but in order to oppose this Resolution, the Constitution itself. But I feel that had Shri Sen been on this side, he would have argued with equal vehemence in favour of the Resolution itself. As a senior advocate, he can do either way. So, I am not going to deal with those points. Madam, in this House... (Interruptions). Any way, on that point I am not going to dispute, especially about his ability and capability... (Interruptions) On that point, I am not going to dispute. That is a thing which is never on sale in the market...

(Interruptions)

[Shri Bhogendra Jha]

In this House, great men, great leaders, who are not with us today, on similar lines argued against the linguistic States. With equal force they resisted the linguistic States, and they had to pay with people's lives. And yet our great religions proved wrong and the Constitution proved right. Our culture proved strong, the unity of this country was safe and today we have Tamil Nadu, Andhra Pradesh, Kerala, Maharashtra and Gujarat.

If we read the speeches of our very great leaders, then we feel that unity in diversity is the cornerstone of our Constitution, of our country itself. Ours is not a nation-State, like the European States, which have a different pattern. Those nations gained freedom after the Industrial Revolution with industrial development. In India the case is different. Still, we are multi-religions, multi-linguistic, multi-cultural and yet one country, one nation, a single nation, a single country. So, the copy book definition does not fit in here. Even if I copy, I prove wrong. That is the peculiar feature of our Indian history, that is the peculiar feature of the composition of this great country.

At one time we cried with vehemence that Hindi is our national language. With all honesty, with all patriotic fervour, we tried to impose it. We found that it is causing a threat to our unity. So, this House itself—I was present here at that time—adopted a language resolution, characterising Hindi as a national link language. That link language process had been helpful in maintaining the linguistic balance and helping the maintenance of the unity of our country.

Hindu is the most popularly understood and known thing of our country. Yet, after the partition of 1947, we said that India is much bigger than Hindu or any other religious group, though I was very much surprised to hear Shri Sen arguing on the lines of the Hindu religion and culture. In our Vedas, nowhere the term 'Hindu' comes in our Upanishads, nowhere the term 'Hindu' comes. In the original Sutras, in no single philo-

sophy this term is given... (*Interruptions*) Exactly, that was not the religion. That is our great tradition. The concept of God was not present, because that concept was yet unborn. The ancient Indian philosophy, Indian history, began when there was no superficial division between the rich and the poor. Then the writer of fate, God, was not yet born. That is the greatness of our culture, that is the greatness of our tradition.

Keeping in view that tradition and the interests of our country, taking the lesson from the fatal blunder in 1947, when lakhs of people lost their lives, millions were uprooted from their homes and our motherland was partitioned, taking lessons from all these things, in our Constitution, the amendability clause was inserted, and our Constitution is very firm and very flexible on the point that unity of the country has to be saved but based on diversity. Once we try only unity with no diversity, it would be too big a strain for this country to bear. Once we try only diversity and no unity, again we will be nowhere. So, that concept is a developing concept, not a status quoist concept and as the country develops, the requirement is that we keep our minds open. Today we have got several more States than we had when the Constitution was framed, we have several more Union Territories than we had when the Constitution was framed and yet, we have done it on the basis of the present Constitution by amending it and by developing it. That way, Madam, the Resolution very aptly and very appropriately uses the terms as follows :—

“...that the emerging pattern of different linguistic and ethnic groups as distinctive political entities in the body politic of our country.”

'Country' means individually a single country and yet various facets. Madam, up till now we have got 15 or 16 languages. Can any one say that the number has to be the same? Certainly not. If our democracy has to develop—three-fourths of the population of the country is illiterate and if cent per cent literacy

has to be achieved, that has to be done through mother-tongue. Then it can be done in a few years. Cent per cent literacy can be achieved only through mother-tongue and so many more languages will have to be added to the Eighth Schedule or, the Eighth Schedule will have to go on and the list of national languages will have to be increased. Similarly, we have today Meghalaya. Earlier, a few years ago, Meghalaya was not there and Arunachal was not heard of previously. Can any one say that the number of States shall remain the same and shall never increase? So, Madam, in that context I want to emphasise that our Constitution is flexible keeping in view the interest of national unity as a paramount interest and very correctly, as the Prime Minister stated that the Centre is strong so long as the States are strong, and that a State can be strong when the Centre is strong. So, that has not to be counterposed or we have not to become panicky that certain States or people of a particular State raised some demand. In West Bengal, Madam, consequent to the partition of the State of Bengal, Maithali language people had raised their voice and the West Bengal Government had the courage to accept it. And I do hope that this House will have the courage and understanding some day to accept Manipuri, Maithali, Santhali, Bhojpuri and such other languages in the Schedule itself and that will not weaken our Constitution, that will further develop our country. Similarly, today strains are being caused, the problem is posed whether separation of a part from the whole country is a remedy. That is not the remedy. Similarly, I am not talking about the question of centralisation or decentralisation, but the problem here is — and in 1976 the CPI had proposed some amendments to the Constitution and I would like my friends in this House to consider those aspects — whether our parliamentary democracy itself does not require some modification or something more to be done in the interest of democracy itself. For example, we are elected Members of this House, People send us here. They expect us to do something. Can elected Members of the Lok Sabha or of any Vidhan Sabha do anything

exactly to implement anything in his or her Constituency? Officers have to do that. But the officers say that whatever order is received from above, they have to implement that. The elected Members do say that they have done their duty and now it is for the officers to implement. Is it or is it not necessary to think over this issue? Can we make constituencies by developmental and administrative units headed by elected representative from that constituency? The officers may take active part to implement those decisions, the policies which have been enacted or legislated upon in the Assemblies and the Parliament. These are the problems which require a regular thought by us here. Not that we are allowed in Zero hour and other hours. That is not the main thing. So, I think my friend Mr. Amal Datta has served the purpose of not one group or party, opposition or the ruling party; it is of all of us. We should think over these issues. Not that by strength of a party we can get anything passed. Not that the ruling party can reject it, if it likes. No, not that. We have to think over this — to what extent things are required in the interest of our national unity and at the same time the flowering of our various linguistic groups, ethnic groups, so that in total we are stronger, we are healthier as a country, as a nation. These aspects will have to be taken into account.

It was quoted that the basic structure of the Constitution cannot be touched. The Supreme Court gave the judgment; I am not going to quarrel with the Supreme Court ruling though this House had quarrelled over it. Recently, a few days back a certain High Court has given judgment that capitation fee is a fundamental right of the Medical, and Engineering colleges.

PROF. MADHU DANDAVATE
(Rajapur); Fundamental right of the
vested interest.

SHRI BHOGENDRA JHA : Some day one may decide that bride is a fundamental right because mutual giving and taking is there. For what purpose is the

[Shri Bhogendra Jha]

House sitting? Not that we can amend the Constitution at will. That is why proviso of 2/3rd majority is there. It is also to be approved by the other House. These brakes are there, very necessary brakes. Not that we should have a closed mind and not to think over the issues. Then there has to be unity of the country. It is for the Government to deal with it flexibly and firmly—both, politically and administratively both, but sometimes willingly or unwillingly, the force, if applied, it has also to be weak. Force is not a remedy. Remedy lies elsewhere—in the direction proposed in this Resolution. That is why the Resolution has defined it in a cut and dried manner. It says that appropriate solution should be found, appropriate amendment to the Constitution may be made. I think my friends on the other side should think over these things. If to-day they reject it, to-morrow they may have to adopt the same thing. Naturally, they should not think that people will forget everything or they will forge everything. Keeping that in view, very correctly, the solution is, I think, the House should approve it unanimously. This is a concrete resolution. The idea or the direction is, every one in the country, every linguistic group in the country, every minor section of the country may feel that here is the Parliament which can think of their interest—the interest of not only the majority; Majority can rule, but takes into account the interest of the minority also. The minorities may be linguistic, may be cultural, may be ethnic or whatever it is. So, Madam Chairman, taking that into account, I will request the hon. Members on the other side that they need not oppose this resolution and we should unite here to approve it. It is not a No-confidence motion or adjournment motion. So, I think, by adopting the resolution, the Government will not fall. There is no question of bringing in the something and arguing in a partisan manner so that we close our minds and do not think ahead.

With these words, Madam, I am sitting down; thanking you and appeal-

ing to my friends on the other side that they should also consider it and support the resolution. When the time comes, what actually the amendment will be, we can all think and decide.

(Interruptions)

Mr. CHAIRMAN: Do you want to extend the time?

SOME HON. MEMBERS: Yes. There are several other hon. Members also to speak.

PROF. MADHU DANDAVATE: We should continue till the Centre-State relations are changed.

SHRI EDUARDO FALEIRO (Mormugao): Well, Madam Chairman, let me say these words before the Chair is taken by the Deputy Speaker.

1656 hours.

[Mr. DEPUTY SPEAKER in the Chair.]

Mr. DEPUTY SPEAKER: Now the time allotted—two hours—is over. I will take the sense of the House. The other resolutions have also to be moved if the House so likes.

SOME HON. MEMBERS: The time may be extended by two hours.

PROF. MADHU DANDAVATE: As sometimes the Ministers are allowed to intervene in the proceedings and make a statement, he may be allowed to move his resolution and then let this continue.

Mr. DEPUTY SPEAKER: Rules do not permit. I would very much like to respect your words but the rules do not permit.

SHRI SATYENDRA NARAIN SINHA: Last time, you extended the time for the resolution. And still you permitted the next mover.

Mr. DEPUTY SPEAKER : When a resolution or Bill is taken up today and if the time is extended, then he is eligible.

(Interruptions.)

SHRI SATYENDRA NARAIN SINHA : This is being extended now.

PROF. MADHU DANDAVATE : We will get the rule modified with retrospective effect.

Mr. DEPUTY SPEAKER : Is it the sense of the House to extend it by two hours?

SEVERAL HON. MEMBERS : Yes.

Mr. DEPUTY SPEAKER : Then we will extend it by two hours.

(Interruptions.)

Mr. DEPUTY SPEAKER : My sympathies to my friend Shri Varma and Shri Harikesh Bahadur also. Yes, Mr. Eduardo Faleiro.

SHRI EDUARDO FALEIRO : Mr. Deputy Speaker, Sir, the time is most inappropriate. The time, I mean, the time that this country is facing is most inappropriate to take the line of thought that has been endorsed and formulated here by Shri Amal Datta, the mover of the resolution and endorsed by Shri Bhogendra Jha and some other hon. Members of the Opposition.

SHRI CHITTA BASU : It has been endorsed by many.

SHRI EDUARDO FALEIRO : The historical imperative that faces us today is not to harp on the differences—linguistic, religious, ethnic, regional or others that may exist in this country—but to emphasise and to work towards greater integration, greater unity so that, really the nation is strengthened and is able to overcome the difficulties which the country is facing at this present moment.

Mr. DEPUTY SPEAKER : Sir, it is indeed

a new thing to find that Shri Bhogendra Jha, for instance, and some other Members of the Opposition are now taking the line that the Constitution ought to be flexible, that after all the basic structure of the Constitution is not so basic that the amendments are called for even in such basic issues as the quasi-federal, strongly unitary character of our Constitution. The memory is still fresh on how many times and on how many occasions, how many progressive amendments of the Constitution and how much of progressive legislation brought in by the ruling party has been defeated and has been altered during the Janata rule on the plea that it offended the basic structure of the Constitution. I have said, that emphasising on the differences rather than on what brings us together is not the proper thing at all to do, at this crucial juncture of our history. From this side and from that side, very often we speak on how foreign powers are trying to take advantage of the divisive forces in this country. Undoubtedly, the foreign powers are at work and they are at work obviously in their own national interests because it suits their national interests but we alone should be blamed if we fall into this game and if we fall a prey to this game and if we ourselves emphasise what divides us, if we ourselves give a fillip to it by having this type of doctrines propounded in the House and outside.

17 hours.

Having said this much, I yet think that this resolution has been brought in a manner that will provoke a useful debate.

I appreciate and I am sure we all appreciate, the manner in which Mr. Bhogendra Jha endorsed what the Prime Minister has said, that the Centre ought to be strong and that the States have to be strong also. If the States are strong, the Centre will be strong also. But I also hope Mr. Jha endorses the spirit in which the Prime Minister has said it. There may be grievances and, I am sure, there are some grievances which can be rectified and where the States have something genuinely to say. However, the

[Shri Eduardo Faleiro]

way of doing that is not the manner in which it was done at the so-called Southern Ministers' meeting or the meeting of the Chief Ministers of the South some-time back.

SHRI CHITTA BASU : What is wrong?

SHRI EDUARDO FALEIRO : There are lot of things wrong which have been exposed by some of the leaders of the Opposition themselves like Mr. Charan Singh and some others.

SHRI CHITTA BASU : Did you not meet earlier during the Janata regime? That meeting is different?

(Interruptions)

SHRI EDUARDO FALEIRO : The very approach of the meeting which was held by Mr. Hegde, the Chief Minister of Karnataka, when he said that :

"The purpose of the meeting was to keep the Centre at a respectable distance..."

This attitude of implied confrontation between the States and the Centre who are facing each other, that each other should be at a distance, is not the correct attitude. 'At a respectable distance,' but why the distance? Keeping the Centre at a distance itself from the States is not a healthy perspective to solve the Centre-States issues.

Mr. DEPUTY SPEAKER : If the Janata Government was in power in Delhi, would you have said that?

SHRI EDUARDO FALEIRO : I will say that, Mr. Morarji Desai, when he was the Prime Minister, one such Conference was held and Mr. Morarji Desai came strongly against that.

If I am not wrong, it was a conference initiated by Mr. Jyoti Basu and

endorsed also by Sheikh Abdullah during the Janata Government, and Mr. Morarji Desai came out strongly against this. Quite apart from the language on which the whole Conference was oriented giving a populist stance to the whole thing ..

श्री मनीराम बागड़ी (हिसार) : मोरारजी भाई तो अब भी खिलाफ हैं, वह तो अब भी कहते हैं कि सिर्फ 4 राज्य क्यों, सारे स्टेट्स को समान होना चाहिये ।

Mr. DEPUTY SPEAKER : He has just now come from Mr. Morarji Desai.

श्री हरीश रावत (अल्मोड़ा) : लेकिन आपके पुराने साथी क्या कहते हैं ?

SHRI EDUARDO FALEIRO : There were a few other things. I cannot go to the heights of oratory and legal brilliance to which my respected colleague, Mr. A. K. Sen, has gone while demolishing the whole case of the Resolution. I will be more done to earth and I will point out that some of the statements that were made at the Conference are really very damaging to the very national structure. For example, one of the statements made or one of the policy approaches taken was that the State Governments should be permitted, should have the powers, to take loans from a foreign country, from foreign banks, from the world Bank, directly. It is a most dangerous statement, and if it was not coming from such a seasoned and senior political leader as Mr. Hegde, I would have said that it was an irresponsible type of utterance to make, the utterance that a State in this country, in this system, should have financial power to the point of obtaining loan directly from the World Bank and from other foreign agencies.

(Interruptions)

श्री जगपाल सिंह (हरिद्वार) : हेगडे साहब ने यह कहा था कि जिन-जिन शर्तों पर इंटरनेशनल मानिटरी फंड और वर्ल्ड बैंक तथा दूसरी संस्थाओं से पैसा लिया जायेगा, उन्हीं कंडीशन्स पर स्टेट्स को दिया जायेगा ।

हेगड़े साहब का यह स्टेटमेंट नहीं है कि वह डायरेक्ट किसी दूसरे मुल्क से लें।

SHRI EDUARDO FALEIRO : I appreciate the feelings of the hon. Member that he has made the statement in good faith, but I have before me the actual statement and that is from where I am quoting. They have said that there should be direct negotiations with foreign agencies such as the World Bank for loans, and they have also said something which is again objectionable, namely, that in the High Courts there should be only judges who knew the local language, which means the destruction of what everybody in this House has been saying, what the different sections of this House have been saying, that there should be an all India judiciary, what the Law Commission has been saying, that the judges should be in a position to be transferred from State to State under certain conditions so that there is a unified judiciary and a uniform approach to the Constitutional problems and to the interpretation of the Constitution.

We are now here in the Private Members' time. Throughout the week we are held by party whips and we have to abide by the party line, but once in a week for two hours we have this opportunity of expressing our own personal views, and while doing so, I should think that, while the Resolution is not worded in a felicitous manner, yet, I should say, if there are grievances of States, the grievances ought to be remedied so that we come to that stage where the States would be strong and if the States are strong, the Centre will also be strong, the nation will be strong.

I would like to express my appreciation here for the move of appointing a Commission to go into this vast ambit of Centre-State relations, the Commission constituted at present under Justice Sarkaria. All section of this House are aware that Justice Sarkaria has been one of the most eminent judges of the Supreme Court, a man of highest standing; while he was a judge of the Supreme Court, he was respected by all and respected every

where as a man of utmost integrity and intellectual honesty, all over the country. What I would like to say again is that, now that we have appointed this commission, we must allow this commission to start functioning in right earnest. Here I would like to point out that very often we appoint a commission but we do not provide the commission either with staff or with office. These are things which are necessary so that the bigger things may come. we do not do this type of thing and, therefore, the work of many commissions is delayed indefinitely.

The other thing I would like to say is that while I do not agree with the approach of some of the gentlemen over there who immediately jump to the conclusion that the Constitution must be amended, yet I would make a respectful submission that when the terms of reference have to be framed, they should be framed in a particular manner as to give latitude to the commission to suggest constitutional amendments if required. That should be made possible. To begin with I am very sceptical that amendments would be required on this delicate issue, but the greater authority will be the authority of the Commission. The Commission should be empowered by the terms of reference and by giving sufficient flexibility and latitude to suggest amendments to the constitution if it so chooses.

But the other thing is that now that the Commission will go on for a long period of time, that is, the work of the Commission, my personal view is that at this moment the Government should not hasten in appointing more Members on the Commission immediately. And I say this for good reason. I say this from the experience of what happened to a commission which was appointed in the utmost good faith and which could have done a lot the Minorities Commission which was appointed some time ago by the Janata Government. As soon as the Minorities Commission was appointed, representatives from all communities were also appointed to the commission and each one went to the Press making statement thinking that he would obtain the support of his community and thereby the commission lost all

[Shri Eduardo Faleiro]

the credibility as its different members were working at cross purposes and were making different kinds of statements, advancing the interests of their own community. So the Minorities Commission ended where it is to-day. The Commission ended in the dump because we appointed a lot of people representing a lot of sectional interests, each one of them trying to advance his own what he thought his sectional interests and ultimately that commission ended in the dump. We should see that this very important commission which is one of the most important Commissions, that were ever appointed, to my mind, should not fall in to this pitfall.

With these words, I should think that the time is for all of us to feel as one to build the country and to work as one. Differences there are. There are differences and there is no point in closing one's eyes and saying that there are no differences. But if we are going to build this country, if we are going to make this country great and if the country is to be great, then every section of the country will be great and if the country is divided and if the country is weak, then everyone in this country will suffer. With this spirit we will go forward for the progress of this country and for the well being of all our different people, but who yet are one and whom we represent.

SHRI SATYENDRA NARAIN SINHA (Aurangabad): I have also an amendment which I have moved, which I will refer to towards the end of my speech.

I was rather disappointed by the speech of my learned friend Shri Ashok Sen for whom I have very great respect. While referring to the resolution he spoke about the unity of culture, unity of the country and the integrity of country and he read certain separatist, divisive tendencies in this resolution. He also said that there was no complaint from the States, that the States have got sufficient powers to function and that there is no need for emendment of the Constitu-

tion or devolution of more powers to the States.

I am surprised to listen to the speech of my hon. friend Mr Mohanty. He opposed the Resolution saying that States have sufficient powers and there is no need for any review of Centre-State relations.

One thing I would remind the House of, Even as far back as in 1951, Dr. Bidhan Chandra Roy had raised this question of Centre-State relations. He told Pandit Nehru that he was trying to build a strong Centre on the foundation of weak States. He compared this exercise to a building on the foundation of sand. He told Pandit Nehru further that he must strengthen the States adequately so that they may be able properly discharge their responsibilities and their functions concerning the development and security of the States. This was what will the position as far back as 1951.

And then the Planning Commission was set up. Dr. Roy further felt crippled in his powers, to undertake social welfare measures. He told Pandit Nehru again that 'You are trying to introduce dyarchy into the administration of State subjects. That was the kind of strong feeling which was expressed by Dr. Roy. But, at that time, the Central Government and all State Governments were belonging to the same party. Their voices were not heard outside the party forum. You would recall that disputes and complaints were dealt with in the party forum; they had not been dealt with on Constitutional grounds. On such occasions the Constitution was by-passed. A different type of convention was developed. I am pointing out to you how the voice of even a person like Dr. Roy was not heeded. We are wedded to the Gandhian principle, we are wedded to the principles of democratic decentralisation. We have always believed that democracy can succeed only if the powers are properly decentralised, right down to the Panchayats. Then and then alone democracy will be strengthened. But here we find that through administrative devices, through amendments of the Constitution, etc. the Centre has

been acquiring more powers. The Congress-I Chief Ministers now do not raise their voice. In 1967 when the Congress-I was ousted from power, the States raised their voice of dissent and it became more strident gradually as they found that the Centre was not listening to their demands and complaints.

Dr. Annadurai while addressing the Press Club here in New Delhi has stated that the Constitution had given more powers to the Centre but the Centre was still trying to grab more and more powers through a new institution which was not even remotely visualised by the farmers of the Constitution. He referred to the Planning Commission. Between the Finance Commission and the Planning Commission there is a certain dichotomy in their functions. The Finance Commission deals with revenue resources; it is trying to help States through grants and aid for balancing their Budget; but with regard to Plan Budgets in the field of Plan administration we find that the Planning Commission is acquiring more and more powers. If wants the State Governments to spend less on non-plan projects and more on plan projects, to that extent the power of the State Government is getting circumscribed. They were given autonomous status under the Constitution in prescribed areas of administration. But I want to ask my congress friends here whether or not that status is being circumscribed by various decisions of the Government which have been taken. Now, they talk of the unity of the country and it is, as if the question of Centre-State relations, the issue of greater power and greater autonomy to the States. It is as if they are seceding from the country or being disloyal to the country. Mr. N.T. Rama Rao had said that he was not against the Centre but he had categorically said that his demand for greater power and greater autonomy for the States should not be confused with separatist tendencies or demand for separate State. He also wanted that the Centre should be strong. Mr. Jyoti Basu has also said that the centre must be strong. Nobody has disputed that point. Mr. Annadurai had also said that the Centre should be strong so that it was in a position to protect the unity and sovereignty of the

country. But now, a different tendency is growing. While listening to the speeches of the Congressmen here I was greatly disappointed. They are now adopting the ostrich-like attitude. Mr. A. K. Sen referred to the different linguistic and ethnic groups as distinct from political entity. This resolution does not endorse this development in the States. The resolution refers to the reality as it exists today, and says that Government should take the initiative on Centre-State relationship. But Mr. Sen was stating that it was something which was against the grain of this country.

Pandit Jawaharlal Nehru appointed the States Reorganisation Commission for carving out different States. On what basis? On what basis were different States to be carved out? The Congress Government resisted the move for carving out the State of Andhra. Mr. Potti Sriramulu gave his life for the cause of formation of separate Andhra State and the Congress Government was forced to carve out a separate State for Andhras. The Congress Government had to take note of the linguistic aspirations of the people of the State. In the case of Maharashtra also, the same thing happened.

SHRI M. RAM GOPAL REDDI (Nizamabad): Your father was also a Congressman. He was also responsible for the creation of the linguistic State.

SHRI RAVINDRA VARMA: It seems that you have forgotten that it was the view of the Congress and it has fallen to our lot to remind you of the views and traditions of the Congress.

(Interruptions)

SHRI SATYENDRA NARAIN SINHA: It must be taken note of by our friends on the other side. I am happy to say that the Prime Minister has taken note of it, though late, in appointing the Sarkaria Commission. She said that there had been some social and political developments and, therefore, she appointed this Commission. She told the State Chief Ministers who met here

[Shri Satyendra Narain Sinha]

to review the 20-Point programme about this. She referred to Centre-State relations and she said 'Yes', the States have problems and they are saddled with the social programmes and responsibilities, but the resources at their disposal were inadequate. Even within the framework of federal structure, adequacy and elasticity of financial powers are necessary. Therefore, if you are today taking the same stand which you had been taking so far and with the result so much development has taken place in the States, I don't think that you are serving the cause of the country or serving the cause of your own party. And you are not even following the lead given by your leader, the Prime Minister. The Akalis have come out with their demands for State autonomy, more powers to the States. They are taking a militant posture; and the Prime Minister has rightly responded to the challenge of the situation to-day and has appointed the Sarkaria Commission. She has realized the need for a review of Centre-State relations. We cannot shut our eyes to the realities of the situation and say to-day that this is something which is against the unity or integrity of the country.

Then my friend Mr. Faleiro referred to the meeting of the Chief Ministers of the South. Perhaps, he remembers that an invitation was sent to the Kerala Chief Ministers also; and he chose not to attend. Three Chief Ministers attended the meeting. And what did they decide? They do not believe in confrontation. They made a public declaration that they did not want a confrontation, but they wanted to cooperate with the Centre. Shri N. T. Rama Rao said that the Centre should take over irrigation projects. What did it mean? He wanted greater subvention and subsidy for irrigation projects. If they wanted to have a confrontation with the Centre, they would not have asked for this kind of a thing. And, therefore, you are misreading the whole thing, and saying that these developments are against the interests of the country.

I would suggest to you, even till

recently, it was said that these regional parties were anti-national, and that they were a threat to the integrity of the nation. I beg to submit that this is a very erroneous view of the situation. They are not anti-national; they are not a threat to national integrity. Each of these regional parties have sworn allegiance to the country and to its integrity. And they wanted the Centre to be strong; but the Centre can only be strong if the states are also strong. The Prime Minister has herself said that the State should be strong and the Centre should be strong. They are complementary to each other. And then alone can the nation be strong.

If you want to make the nation strong, you must make the states also strong. Shri Amal Datta went through various Articles of the Constitution to show that the powers of the States were very limited. If the Central Government which his almost always remained in the Congress Party, had tried to create healthy conditions, had not shown any partisanship in their dealings with the non-Congress States, perhaps this kind of a demand would not have acquired this strident tone. But, unfortunately, during the course of the years, this has been their attitude; and, unfortunately, an impression has been created all over that the Centre ruled by Congress (I) takes a more sympathetic attitude towards the States which are under the rule of the Congress (I), sometimes it goes out of its way to help out any State Government ruled by the Congress (I) when it is in distress.

PROF N. G. RANGA (Guntur): It is not correct.

SHRI SATYENDRA NARAYAN SINHA: Prof. Ranga, I said; a wrong impression has been created. And it is necessary now, by aggressive conduct and attitude, to remove this impression and then win the confidence and trust of those States which are labouring under a misapprehension that they will not be given proper treatment and they will not get their dues. This is incumbent on the Central Government to-day.

What I said has happened so far in the exercise of political power. What has

happend ? Many State Governments were dismissed. I know about the 1967 Government in West Bengal. It was dismissed—the United Front Government was dismissed. Secondly the Governor was made to invite people who had doubtful majority, there by giving them some artificial advantage. This institution has been utilized for partisan purposes. If you are going to say only 'no', this will not remove the impression that has been widely created; you can do so only by your conduct, behaviour and attitude. Therefore, my very humble suggestion to my friends on the opposite side is that they should cease to think in the old mould; they should take cognizance of the developments that have taken place. They failed to take note of the developments that took place in 1967; they failed to pay any heed to the warning of Dr. B. C. Roy and several Chief Ministers. Mr. Veerendra Patil, who is now adorning the treasury benches, come out in 1970 very strongly in favour of a review of the State Centre relationship. He said, "It has deteriorated very much." He went on to say that 'Bhawans', and houses owned by the State Governments in Delhi would be converted into Embassies. That was the feeling of Mr. Veerendra Patil, then the Chief Minister of Karnataka. Therefore, you can not say that there is no problem of Centre-State relationship. The problem is there, it has been created by us, by you. The Constitution gave a lot of power to the Centre; there is a concentration of power, but the Centre is still not suffering from any surfeit; it is more hungry for more powers, it appears, and is not allowing the State Governments to have sufficient elbow room to respond to the challenges of the development. They must get power. Therefore, I welcome the appointment of the Sarkaria Commission even though late; and my amendment is that it should be strengthened by including two more members; one from the South and one from the North-Eastern States. I do not share the views of Mr. Faleiro that if there are more members they will only pull in different directions. Let us presume that they will take a dispassionate view. Of course, they will bring to bear on the deliberations their own experience and, therefore, it should be strengthened.

Secondly, there should be a time-limit. We cannot wait for long, The situation in Punjab is such that you cannot go on waiting like this or tinkering with this problem. Therefore, I would suggest that a time-limit of six months should be fixed for the Sarkaria Commission to make recommendations; and my suggestion is that the Centre should also implement as a time-bound programme the recommendations of the Sarkaria Commission. The situation today in the country is explosive. You are decrying regionalism, but, at the same time, you are not dealing with the situation. Assam is burning today. You will say that they are taking a very narrow view of things. Punjab is asking for more powers. You are not able to satisfy them, and militancy is in the air. Everywhere, you find as if the whole atmosphere is surcharged with violence, and all kinds of incidents of violence are taking place all over the country. I can say that there is need for taking a constructive view of the situation and dealing with it in a constructive manner so as to satisfy the different State with have a large responsibility to discharge their function as Welfare States. Thank you.

SHRI M. SATYANARAYAN RAO (Karimnagar) : Mr. Deputy Speaker, Sir, I am sorry that I am not in a position to support this resolution moved by Mr. Amal Datta. Obviously, I have got my own reasons. I would have definitely supported him had he drafted this resolution in a different manner. But, unfortunately, he has included in this resolution all things.

SHRI CHITTA BASU : Not all !

SHRI M. SATYANARAYAN RAO : Yes, certainly. He should not have brought this ethnic group, linguistic and political things; all these things he has brought; he has unnecessarily confused the whole thing. That is why we cannot support this resolution, although pleaded by my hon. friend Shri Satyendra Narayan Sinha. He was requesting us, please support this resolution. We cannot obviously do it for these reasons. I was really sorry, when I listened to the speech, particularly made by Mr. Sinha. I think he is a great follower of Mr. Morarji Desai. I do not know whether

[Shri Satyanarayan Rao]

he has obtained his permission or at least he has consulted Mr. Morarji Desai and others on this issue at least.

PROF. MADHU DANDAVATE : He is not from Congress (I).

SHRI M. SATYANARAYAN RAO : I do not know whether this is the view of Shri Morarji Desai because that has already been pointed out by my friend, Mr. Faleiro. Now, the situation in this country warrants that—in fact I suggest—on certain matters, particularly political matters, more powers should be confirmed on the Centre. More powers should be given to the Centre on certain political matters.

PROF. MADHU DANDAVATE :
Telangana !

SHRI M. SATYANARAYA RAO : Certainly. I want that regional balance should be there and they should be developed also. I am coming to that point also. But why I am saying that the Centre should be strengthened on this politically is this : The hon. Member has also referred to the Punjab situation and Assam and also the whole of the North-Eastern region. It is in turmoil. On the one hand they say, "Give more powers to the States." And, on the other hand, they blame the Central Government that you have not tackled this issue. It is not our fault. After all, all the Opposition Parties were unanimous so far as the Punjab and Assam problems were concerned. But I think our Home Minister or somebody has gone on record in the House itself, and that is what Shri Ravindra Varma was saying. He was also distressed the way the people were behaving in regard to Assam problem and also Punjab. They are not willing. Our Government is prepared to solve this problem. And we want that it should be acceptable to those people also. But do you think that they are prepared for this ?

PROF. MADHU DANDAVATE ;
They are !

SHRI M. SATYANARAYAN RAO : Let us not forget one thing. You also know that unfortunately, we inherited this problem from you. This Assam problem and the Punjab problem we inherited from you.

PROF. MADHU DANDAVATE : There was no Assam or Punjab problem during our time.

SHRI M. SATYANARAYAN RAO : Certainly. Because you were hobnobbing with them. There was no problem. That is why you realise that it is a political problem, rather than an economic problem. There was a demand from the people of the Punjab and Akali Dal. So far as the Akali Dal demands are concerned, our Hon. Prime Minister has conceded all these religious demands.

PROF. N.G. RANGA : Much more, and promptly !

SHRI M. SATYANARAYAN RAO : And also other things, about water problem and also territory. Because it is not that we are not aware of the Punjab problem. The other States like Rajasthan and Haryana are involved. We have to take into consideration the interests of the other States also. I would like to ask Prof. Dandavate whether he is not interested in Rajasthan or Haryana, Poor Rajasthan is already suffering because of lack of water and also your State.

Mr. DEPUTY SPEAKER : They do not have drinking water and now the Punjab people, the Akali Dal people say that we do not want to give water to Haryana and Rajasthan. How can it be possible ? And particularly that is why I am saying that more powers should be given to the Centre. Recently we had discussion on Irrigation here. We have several rivers flowing through many States. (Not one State. Naturally when you want to give a project to them the other States also object. The Centre then comes into the picture. Without the Centre's cooperation how are these State going to solve this problem ? At that time you were demanding that in the fields of Energy as well as Irrigation, the Central Government is not helping them; that the Central Government has failed to solve

the water dispute problem and other problems. You want more funds, and for that you want the Centre to come to our rescue.

I would like to refer to a speech made by Shri N. T. Rama Rao before he came to power. Poor man, I can understand and appreciate his difficulty, he was never a politician.

Mr. DEPUTY SPEAKER : Personally, he is a rich man. Why do you call him a poor man ?

SHRI M. SATYANARAYAN RAO : That is all right. Poor man in the political sense, not in the economic sense. He has got no political background. There is no murder in politics. There is only suicide. Nobody murdered us. We committed suicide ourselves. Our own mistakes were there. Definitely, I admit. I am prepared to admit. There are so many things. I do not want to blame anybody. We ourselves are responsible. I accept the situation.

PROF. MADHU DANDAVATE : You are referring to the Emergency.

SHRI M. SATYANARAYAN RAO : Mr. N. T. Rama Rao while campaigning was telling the people, "What is this Congress Government ? After 35 years of Independence it has not solved any problem." When he was addressing meetings in rural areas, he was really acting like a weeping man. He was in tears also. He used to say : "When I see the condition of the poor people, no drinking water, no roads, no schools, no hospitals, I feel why God has given me this birth to see all these things ?" If you vote me to power, I am going to solve all the problems. I am going to give you drinking water, roads, hospitals, schools and also provide employment to all people, etc. etc. He said so many things. Particularly the youth were attracted because they were unemployed. It is a fact that we are not able to provide drinking water to each and every village. When he came to power, he realised that it is not possible to imple-

ment what he said. So he said that irrigation and power should be taken over by the Centre. Previously he was saying that everything is with the Central Government; more powers are vested in the Central Government. Why should we go to the Central Government for everything, for medium project, big project and all that ? After he became the Chief Minister, he realised that there is no fund and he cannot mobilised resources in his State. So, he said that the Centre should take over irrigation and electricity. If irrigation and electricity is taken over by the Centre, then what else remains ? Everything depends on irrigation and electricity. Without these things, nothing is going to happen. He cannot do anything. That is why he is blaming the Central Government. He is saying that he cannot do anything because the Central Government is not providing sufficient funds. That is why I am saying that the Centre should have more powers and finance in order to develop the backward regions like Telengana region. In fact, we were fighting against this backwardness. We wanted to develop this region-region within the State. It was being neglected by certain people. We were agitating a that kind of injustice and not anything else. We never said that the Centre should be forgotten or the Centre should not be given anything. In fact, we were pleading that the Centre should be strong. The poor people of the North-Eastern Region have not seen a railway line. That is why our Government allocated sufficient funds to this region. As a matter of fact, on priority basis, they have taken up construction of railway lines. From where are the funds coming ? Do you think that the Central Government has got a tree from which they can pluck the money in order to develop the backward North-Eastern Regions ? Definitely, it should have funds from whatever taxes we are levying, in order to develop those regions.

Mr. Ashoke Sen was right when he said that the Centre has no territory of its own. You are representatives of the people. The MLAs are also representatives of the people. We are representing

[Shri M. Satyanarayan Rao]

the people. Why do we feel that the Centre is something foreign to us? You are treating the Centre as foreign to us? That is the most unfortunate thing. Everyday you blame the Centre Government. I would like to remind my hon. friend that one day, Mr. Madhu Dandavate was also sitting here. He was the Railway Minister.

Mr. DEPUTY SPEAKER : Not one day but for three years.

SHRI M. SATYANARAYAN RAO : Two-and-a-half years and not three years.

Mr. DEPUTY SPEAKER : I stand corrected.

SHRI M. SATYANARAYAN RAO : Before that, they could afford to be irresponsible. After tasting power, they should be very careful. Let them not behave like Mr. N. T. Rama Rao. I can understand Mr. N. T. Rama Rao because he is not a politician. You are a politician. You are a professor. Before criticising the Central Government, please consider it properly, coolly, whether it is proper to do so. The Constitution is very clear about the Centre-State relations. About financial aspects, the Constitution provides the Finance Commission. Now the Eighth Finance Commission is there. If you have got any grievance, if West Bengal or any other State thinks that more funds should be provided or from taxation more share should be there, they should approach that Finance Commission. After all, Shri Y. B. Chavan is not the only person, other judges are also there, people are there, they are prepared to listen to your grievances. If the Finance Commission comes to the conclusion that there are certain States which require more funds, definitely they will recommend and these recommendations will be accepted by the Government. We are not coming in the way at all. So, where is the hitch I do not know. They are making a hue and cry here unnecessarily. The Constitution is very clear so

far as finances are concerned. Now about the legislative powers also, it is very clearly laid down in the Constitution. After all, do you think our founding fathers were *buddhus*? They were great intellectuals, consisting of all parties. They have already demarcated what should be the legislative powers of the State and also what should be the legislative powers of the Parliament and they were very considerate about it. Although they said that it is Federal in character, but they wanted it deliberately to be quasi-federal because of various reasons the freedom struggle was there for hundreds of years we were under the subjugation of foreign countries, so many people came and invaded and occupied our territory, because of that bad experience, why did it happen, why did we lose our freedom? Because of the disunity of the country. That is why we did not want to repeat it again. That is why they have deliberately provided in the Constitution that Centre should be very strong in order to meet this kind of a situation. So, they have deliberately done it, and do not try to say something unnecessarily. The good work they have done and all those things are there. The only thing I say is where there is a will there is a way. I think Mr. Faleiro was telling somebody that proper persons should be there, there should be proper outlook in understanding the problems of the State and also solving them. I definitely say that certain regions are there in which development has not taken place. I have mentioned about North Eastern region, I have also referred of my own State Rayalaseema and also Telangana and Ko kan area in Maharashtra. I have visited Mr. Dandavate's own constituency. It is very backward. I plead his case. In fact, after I came here, I have written a letter to Prime Minister that it is just like our Telangana region. Although it has got all potentialities but unfortunately it is not being exploited properly due to certain reasons. I definitely agree that there is scope for development. My only request to you is the situation is not what my friend Mr. Faleiro has said. It is not at all the proper time to discuss this problem of States and Centre.

Punjab problem is there. It is a very delicate problem. As I have already mentioned, Government is prepared to accept their genuine demands but unfortunately they are putting certain demands which are impossible for any Government to consider and it is not in the interest of the country also. In view of this, I request the mover of the Resolution to withdraw it... (Interruption). Evidently, he withdrew from the House.

On Defence also, because of the sophisticated weapons the neighbouring countries are obtaining, we will have to spend lot of money and the Centre also requires more money for this purpose. Not only for defence, for communications, for the development of the whole country and also for the development of the particularly the backward States, the Centre should have more finances and the Centre should have more political powers in order to meet the situation being created in Punjab and Assam and in other States. So, it is very necessary. That is why I said that more powers should be conferred on the Central Government and I hope other Members will have good sense and they will support.

श्री जगपाल सिंह (हरिद्वार) उपाध्यक्ष जी, केन्द्र और राज्यों के सम्बन्धों पर चर्चा हो रही है। यह चर्चा कोई नई नहीं है। इस देश में केन्द्र और राज्यों के सम्बन्ध क्या हों, वित्तीय संसाधनों के लिये उनके वितरण का निर्धारण किस ढंग से हो, उस पर विचार विनिमय हो, यह काफी दिनों से चर्चा चल रही है। और आज भी सदन में इसी विषय पर चर्चा हो रही है। हमारी रूढ़िवादी पार्टियों के जितने साथियों ने विचार रखे, उन्होंने एक ऐसा डर पैदा करना चाहा कि अगर राज्यों के वित्तीय साधन बढ़ जायेंगे तो केन्द्र कमजोर हो जायेगा। संविधान के बनाने वालों ने यह परिकल्पना बिल्कुल नहीं की थी और कहीं यह नहीं कहा था कि अगर केन्द्र की तरह वित्तीय संसाधनों में राज्यों के अधिकार बढ़ जायेंगे

तो केन्द्र कमजोर हो जायेगा। हालांकि संविधान के बनाने वालों ने यह सोचा था कि केन्द्र की जिम्मेदारी राज्यों को मजबूत करने की भी होगी।

आज इस संविधान को लागू हुए 33 साल हो गये, लेकिन हिन्दुस्तान में जितने भी प्रदेश बने हैं, उनकी हालत आज बंद से बदतर होती चली गई है। सभ्यता और संस्कृति का सवाल इस संकल्प में लाया गया है, मैं कहना चाहता हूँ कि आर्थिक विकास से ज्यादा संस्कृति और सभ्यता की रक्षा करने की कल्पना हमारे संविधान बनाने वालों ने की थी। अगर हमारे देश में संस्कृति और सभ्यता की रक्षा नहीं हुई तो इस देश की एकता को आघात पहुंच सकता है। चाहे मिजो हों, नागा हों, कुकी हों, गिरिजन हों, निकोबारी लोग हों अगर उनकी सभ्यता और संस्कृति उन प्रदेशों की जिम्मेदारी पर नहीं छोड़ी गई, केन्द्र यहां बैठकर उनकी सभ्यता, संस्कृति और भाषा को अपने साधनों के द्वारा लागू करना चाहे तो वह अच्छी तरह से लागू नहीं कर सकता। राज्यों को ज्यादा से ज्यादा संसाधन दिये जायें तो उनका विकास ज्यादा होगा। यही कारण है कि चाहे असम हो, नागालैंड हो, मिजोरम हो या चाइना से लगा हुआ पूरा वैल्ट हो, आज उनका जो असंतुलित विकास हुआ है, उसके पीछे केन्द्र की गैर-जिम्मेदारी की नीति रही है। केन्द्र उन साधनों को उन्हें मुहैया नहीं करा पाया है, जो उसको कराने चाहिए थे। इसलिए इन प्रान्तों में सभ्यता, संस्कृति, भाषा, विकास, रेल, सड़कों के नाम पर असंतोष ज्यादा बढ़ता जा रहा है। इसलिये उनके संकल्प की सैंस दूसरी नहीं लगानी चाहिए। अगर राज्यों को आप ज्यादा अधिकार देंगे तो केन्द्र की जिम्मेदारी कम होगी, राज्य अपनी जिम्मेदारी से उन सभी विकास योजनाओं को लागू करेंगे और आगे आ सकेंगे।

[श्री जगपाल सिंह]

एक प्रदेश के मुख्य मन्त्री को चावल की सप्लाय की केन्द्र की नीति के खिलाफ भुख-हड़ताल पर बैठना पड़ा। वह भुख-हड़ताल पर क्यों बैठे ? इसलिए कि प्रदेश को यह अधिकार भी नहीं है कि अगर उस प्रदेश में अनाज कम हो गया है और केन्द्र उसको सहायता नहीं दे रहा है तो वह खुद पंजाब या किसी दूसरे प्रदेश से अनाज खरीद ले। यह भी उन्होंने इस लिए किया कि केन्द्र ने इसको सेंट्रलाइज किया है और उसका गलत इस्तेमाल किया है।

हमारे हिन्दुस्तान के किसी नेता का यह विचार या नीति नहीं रही कि केन्द्र कमजोर हो। सेना, रेल, पोस्ट-आफिस, संचार साधनों के बारे में हम कहते हैं कि केन्द्र ज्यादा मजबूत हो। देश की स्वतंत्रता और अखंडता को बचाने के लिए केन्द्र ज्यादा मजबूत हो, उसका कोई भी विरोध नहीं करता है, लेकिन केन्द्र अपनी जिम्मेदारी पर स्टेट्स का पूरा विकास नहीं कर पाया। अगर आज 33 साल की आजादी के बाद भी असंतुलित विकास हो तो साफ है कि केन्द्र अपनी शक्तियों का गलत इस्तेमाल कर रहा है।

मैं पंजाब के अकालियों का समर्थन नहीं करना चाहता। आज आप कहते हैं कि हेगड़े सहाब के नेतृत्व में 4 प्रदेशों के मुख्य मन्त्रियों ने बैठक की। आपकी पार्टी के केरल के मुख्यमन्त्रियों ने अपनी कन्सैट दी और लिखकर दिया कि मैं अपनी व्यस्तताओं की वजह से नहीं पहुंच पा रहा हूँ। उनका कोई मंशा ऐसा नहीं है कि वह देश की अखण्डता को चोट पहुंचाना हो या टुकड़े-टुकड़े करना चाहते हों।

मैं कहना चाहता हूँ कि प्रदेशों के मुख्य मन्त्री केन्द्र पर निर्भर न रहकर अपनी

समस्याओं का समाधान कर सकते हों तो वह बहुत अच्छी बात है, केन्द्र उससे कमजोर नहीं होता है बल्कि केन्द्र को भी समस्याओं के समाधान में सहयोग मिल सकता है लेकिन वह उस दृष्टि से उसको नहीं लेना चाहता। आज स्थिति यह है कि प्रदेशों की खेती के उत्पादन की कीमत भी केन्द्र तय करता है। इसके स्थान पर केन्द्र और प्रदेश आपस में विचार-विमर्श के द्वारा यह व्यवस्था कर सकते हैं कि गेहूँ, गन्ने और अन्य खेती की उपज की कीमतें इस प्रकार निर्धारित की जाएं कि एक प्रदेश से दूसरे प्रदेश में स्मगलिंग न हो और सभी जगह कीमतों में संतुलन बना रहे। अगर केन्द्र और राज्यों में सौहार्द हो, तो इन सब प्रश्नों का कोई संतोषजनक हल निकाला जा सकता है।

जहाँ तक राष्ट्रीय विकास परिषद् का सम्बन्ध है, उस पर पूर्णतः केन्द्र का अधिकार है। इसके साथ ही समवर्ती सूची तो एक प्रकार से केन्द्रीय सूची बन कर रह गई। प्रदेश राज्य सूची के विषयों पर भी जो कानून बनाते हैं, उन्हें लागु करने से पहले राष्ट्रपति की अनुमति लेनी पड़ती है। मैं समझता हूँ कि अगर प्रदेशों को अधिक अधिकार दिए जाएं तो इससे देश के प्रशासनिक तथा राजनैतिक क्षेत्र में एक संतुलन कायम होगा। इससे विदेशी शक्तियों के हस्तक्षेप को रोका जा सकेगा और देश में असम, पंजाब और नागालैंड जैसी स्थिति पैदा नहीं होगी।

1917 में जब रशा आजाद हुआ, तो वहाँ पर सभी नैशनलिटीज को मान्यता दी गई और उनके कल्चर तथा लैंग्वेज को बराबर का स्थान प्रदान किया गया। इसी कारण रशा में रूसी लैंग्वेज या नैशनलिटी के प्रति कोई असंतोष या नाराजगी नहीं है। रूस में सभी नैशनलिटीज की लैंग्वेज और

कल्चर की सुरक्षा की गारन्टी दी गई है और हर एक संस्कृति तथा भाषा को जिन्दा रखा गया है।

इस देश में यह सरकार हिन्दी को तो लागू नहीं कर पाई है और बराबर अंग्रेजी को बढ़ावा दे रही है। यहां केन्द्र सरकार के पास वित्तीय साधनों का सेंट्रलाइजेशन है, जिसके कारण देश का असंतुलित विकास हुआ है। केन्द्र सरकार ने धागा बनाने से ले कर बड़ी-बड़ी इण्डस्ट्रीज लगाने के लाइसेंस मोदी को दिए। अगर प्रदेश सरकार को लाइसेंस देने का अधिकार होता, तो वह अलग-अलग लोगों को उद्योग लगाने का अवसर देती, जिससे प्रदेश का संतुलित विकास होता और हर क्षेत्र में छोटे-छोटे उद्योग-धंधे पनपते। केन्द्र ने अपने वित्तीय साधनों द्वारा हिन्दुस्तान में कैपिटलिज्म को बढ़ाया है, न कि सोशलिज्म को। अगर प्रदेशों को अधिक अधिकार होते, तो देश में कैपिटलिज्म इतनी तेजी से न बढ़ पाता। प्रदेश सरकार कुछ गिने-चुने पूंजीपतियों को लाइसेंस देने के बजाए बहुत से लोगों को लाइसेंस देतीं।

DEPUTY SPEAKER : Mr. Jagpal Singh, are you concluding or you will continue next time?

SHRI JAGPAL SINGH : I will continue next time.

Dr. DEPUTY SPEAKER : All right, you will continue next time.

18 hrs.

PAPER LAID ON THE TABLE-CONTD.
NOTIFICATION UNDER CENTRAL EXCISE RULES, 1944

THE MINISTER OF STATES IN THE MINISTRY OF FINANCE (SHRI PATTABHI RAMA RAO) : I beg to lay on the Table a copy of Notification No. 125/83-Centrnl Excises (Hindi and English versions) published in Gazette of India dated the 15th April, 1983 exempting copolymers of acrylonitrile used in the factory for manufacture of acrylic fibre from the whole of excise duty together with an explanatory memorandum, issued under the Central Excise Rules, 1944. [Placed in Library. See No. LT-6385/83.]

18.01 hrs.

*The Lok Sabha then adjourned till
Eleven of the Clock on Monday,
April 18, 1983, Chaitra 28,
1905 (Saka).*