

15.31 hrs.

RESOLUTION RE : CENTRE-STATE
RELATIONSHIP

MR. DEPUTY-SPEAKER : The House will resume discussion on the following Resolution moved by Shri Amal Datta on 31.3.1983 :

“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.”

Dr. Subramaniam Swamy.

DR. SUBRAMANIAM SWAMY (Bombay North East) : I wish to speak on Mr. Amal Datta's resolution on the question of Centre-State relations. Shri Datta has in his resolution stated that this House is of the opinion that the emerging pattern of different linguistic and ethnic groups as distinctive political entities in the body politic necessitate a restructuring of our Centre-State relations.

I am very much concerned by the choice of words of Mr. Ar. Amal Datta because he has not explained what he means by is emerging pattern of linguistic and ethnic “groups” and so on. What has been the experience of the last 35 years ? What has been the emerging pattern ? Are we moving towards more cohesive society or moving away towards a more divided society ? The allegation implicit in Mr. Datta's resolution is that we are moving towards a more divisive society and, therefore, the Constitution should be changed in this regard.

Of course, it is true that the Prime Minister makes statements from time to time that the need of the hour is national unity. Actually, after 35 years of independence, I do not think that the country needs to be told that. I do realise that since she makes most of the statements outside the House, they are for political purposes. But an objective understanding of this country would show that we have grown to greater and greater national unity over the last 35 years.

I remember even when I was a student in college, the general impression was that this country will break-up sooner or later. In fact, the expectation of Mr. Winston Churchill was that after independence is given to Indians, they will fight amongst themselves and the British would have to come back. This was his expectation but that was belied. Then an impression was created that Mr. Nehru was keeping the country together and the day he would die, the country would fall apart. In fact, many books were written on this subject. There used to be a question “After Nehru who ?” and so on and the general impression created in the Western world was that the day Mr. Nehru would go, the country would break up.

Subsequent to it, in the State of Tamilnadu, there was a massive agitation against Hindi and this led to violence and there was again the late 60s, an impression that Tamilnadu is on the verge of seceding and the rise to power of a party called DMK with which I know you are familiar...

MR. DEPUTY SPEAKER : I have nothing to do with the DMK when I sit in the chair.

DR. SUBRAMANIAM SWAMY : I say you are familiar. I do not say you have something to do with it. When they came to power in 1967, an impression was created that now the country is going to break-up because the DMK has got the mandate. What we find in retrospect ? What we find is that an exact opposite has happened. In fact, Tamilnadu led the agitation against Hindi but, today Tamilnadu is the largest producer of Hindi films. It produces more Hindi films than Bombay. It used to be the No. 1 before and all the leading actresses of Hindi films for the last 15 years have been from Tamilnadu whether you name Hemamalini, Rekha and Padmini. Mr. Sathe knows about these actresses quite well.

AN HON. MEMBER : Still you are agitating Hindi.

DR. SUBRAMANIAM SWAMY : You may agitate.

MR. DEPUTY SPEAKER : Why have you forgotten Vyjayantimala ?

DR. SUBRAMANIAM SWAMY : Before that, Vyjaayntimala, you know

better than I do. Here is a state where the people of that State have described Hindi as anathema to them. But we find in this very State a complaint from the Chief Minister, the Chief Minister of Tamil Nadu, that some ban or restriction should be put on the number of Hindi films that will be shown in the Tamil Nadu theatres because the Tamil Nadu film industry is in danger of becoming extinct because of Hindi films. Now what do we find? The DMK today has the closest of closest relations with the ruling Party. In fact, there is a competition in Tamil Nadu today between the DMK and the ADMK as to who is closer to the ruling Party and particularly to the Prime Minister which has made me suggest to them that both of them should join, the DMK and the ADMK, and form one Party and call it 'Amma DMK' because of their inclination to be close to the ruling Party. So, what do the trends of the last 35 years, show?

MR. DEPUTY-SPEAKER : Everybody, including Dr. Subramaniam Swamy, belongs to Amma.

DR. SUBRAMANIAM SWAMY : It depends on how you define 'Amma'.

PROF. N. G. RANGA (Guntur) : You must go to Chidambaram for explanation.

DR. SUBRAMANIAM SWAMY : If you look objectively, at the trends in the last 35 years, you will find that the emerging pattern is greater unity, not less unity. I would say that the problems we are facing step by step, whether in Assam or in Punjab, I think, are part of the resolution of the problem. If you look at what happened in 1965, 1966 and 1967 in Tamil Nadu, it is reminiscent of what is happening today in other States, and I think, in due course, we will be able to find a solution within the national framework. I, therefore, have to reject the first presumption of Mr. Datta that the emerging patterns require a re-definition and re-structuring of the Centre-State relations. In my opinion, the emerging patterns in fact show that the Constitution has functioned reasonably well within its framework.

The second thing is, we are in terms of a modern nation, a new nation. In cultural terms we are an ancient nation, centuries old, but in terms of a modern political State,

we are a new nation. For a new nation the Constitution should have certain basic features. I am not talking about the basic structure which the Supreme Court is talking about. I am talking of the basic feature, and the basic feature is that the Central Government must exercise power in a Constitution which is more or less unitary in nature. I would say that our Constitution is not federal as is popularly assumed. We are not a federal State. In fact, the word 'Federation' does not appear anywhere in the Constitution. If one makes an objective analysis, one will see that this is a unitary Constitution with subsidiary federal principles. There are federal principles, but they are subsidiary. The basic thrust of the Constitution is unitary and I would say that it is necessary for our country; I would not like any change even taking into account the emerging trends which Mr. Datta is concerned about.

The relationship between President and Governor is straight out of a unitary Constitution. Even in respect of law and order, I draw your attention to article 247 of the Constitution which reads—this is an article which has hardly been used; it is there in the Constitution and has not been touched :

“Notwithstanding anything in this Chapter, Parliament may by law provide for the establishment of any additional courts for the better administration of laws made by Parliament or of any existing laws with respect to a matter enumerated in the Union List.”

PROF. N. G. RANGA : Industrial courts.

DR. SUBRAMANIAM SWAMY : I would say, for example, if you set up a court and put a magistrate to head it with a seniority higher than that of any of the State magistrates, automatically the Centrally-appointed magistrate would become the Chief Law Officer of that State. This article could be used for even bringing law and order under the Central control if you enact a law in Parliament and set up additional courts and put as head of those courts a magistrate whose seniority exceeds that of the magistrate who are presently in the State. The question then is : is there any need for any review of the Constitution, particularly, the

Centre-State relations ? The Rajamannar Committee had brought out, shall I say, a scholarly and erudite report on the subject and I do not think one needs to have another Commission to look into question. He has done a very thorough job. (Interruptions) They might recommend anything. But they have analysed the problems. And it was written at a time, it was prepared at a time when the DMK was in its revolutionary fervour. Since long it has gone. Nevertheless it could be stated and I do not think that there could be a more radical solution prepared by any other committee. I certainly do not know what the Sarkaria Commission is going to do. I do not even know whether they have appointed any other Members, whether they have announced the terms of reference and so on. One does not know really what it is going to do. But any way I would say that if one wants to look at a radical alternative opinion, Rajamannar Committee report is different. I had been through the suggestions of the Rajamannar Committee report. I have looked at those suggestions and I am not so sure that it would be right to say that the general thrust of the committee report is that there is no adequate justiciable bodies for Centre-State relations.

I shall refer to only Article 131 of the Constitution which talks about the Supreme Court's power to look at the problems between the Government of India and one or more States. For example, Art 131 says :

"Subject to the provisions of this Constitution, the Supreme Court shall, to the exclusion of any other court, have original jurisdiction in any dispute ;

(a) between the Government of India and one or more States ; or

(b) between the Government of India and any State or States on one side and one or more other States on the other ; or

(c) between two or more States,..."

Here, you have the power where the Centre-State relations, disputes between Centre and States and also disputes among States can be looked at by an independent body, i.e. the Supreme Court.

AN HON MEMBER : Only legal issues.

DR. SUBRAMANIAM SWAMY : I

am giving one example. Look at the States Reorganisation Act of 1956. That provides for setting up of the Zonal Councils which I think do not exist. (Interruptions) Well, I do not know where they exist. Originally the idea was that the Union Cabinet Minister would preside and the Chief Ministers of the Zonal States plus one or two Ministers would be Members of the Zonal Council. I have not seen this in existence anywhere...

THE MINISTER OF HOME AFFAIRS (SHRI P. C. SETHI) : There are Zonal Councils. They do exist. Next month we are going to have a number of meetings of such Zonal Councils.

DR. SUBRAMANIAM SWAMY : I think the ignorance of members like me should be regularly removed by presentation of reports here. Obviously it must be very ineffective. Otherwise we must have known about it.

Art 263, Let me see whether here also this has been properly used. Art 263 is about Co-ordination between States. It says :

"If at any time it appears to the President that the public interests would be served by the establishment of a Council charged with the duty of—

(a) inquiring into and advising upon disputes which may have arisen between States ;

(b) investigating and discussing subjects in which some or all of the States, or the Union and one or more of the States, have a common interest ; or

(c) making recommendations upon any such subject and, in particular, recommendations for the better co ordination of policy and action with respect to that subject,

it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure."

So, Sir, here is a very powerful instrument in the hand of the President—in other words, in the hand of the Government—because he acts on their advice. So, the Presidential Council can be created. They

have not created that. For example, the National Integration Council would have been a Presidential Council. You have appointed an ad hoc committee. I do not know whether it has met. It does not meet at least once a year. It has all kinds of membership which has no relevance to National Integration. There is noway out to make it answerable. Here is an Article in the Constitution itself which provides for the President to make the working of this between the Centre and the States more equal.

I would conclude by making two or three points. The one point on which the States have grievance, particularly, in the case of Central investment is in the pattern of employment where many of the States feel that the people of the State are not getting their due representation in the employment by the public sector projects. Here again, the Constitution is not at fault. Article 16(3), as amended by the Seventh Amendment Act, 1956, says :

‘Parliament can make laws for restricting employment of a particular State’.

So, it is not the Constitution which is at fault.

Again, on the question of language, the development or the neglect of the language, there is Article 350-B(1) I shall read it out. It is in connection with the linguistic problem. So, you would be every much interested in that. It says :

“There shall be a Special Officer for linguistic minorities to be appointed by the President.

(2) It shall be the duty of the Special Officer to investigate all matters relating to the safeguards provided for linguistic minorities under this Constitution and report to the President...”

So, we do have that already. Therefore, these are the two problems. When you talk of common people about the Central resources and Centre-State relations, one is the employment and the other is the language. For both, the Constitution has sufficient articles to moderate it. I would only say that if there is anything that you would like to

include, that is this. I hope you will understand what I am saying.

MR. DEPUTY-SPEAKER : I was expecting that you would speak something about the American system. There are so many States. I was expecting that from you.

DR. SUBRAMANIAM SWAMY : I am coming to that. I know what you like America.

MR. DEPUTY-SPEAKER : There are many States. How are they pulling together ? You are the best person to speak on that.

DR. SUBRAMANIAM SWAMY : I know the Chinese system as also the Pakistani system. (*Interruptions*). We, the democrats would be interested to know about the American institution. Our Constitution is weak on one of the things. That is about the development of a common—link—language. I do not want imposition of Hindi. As you know, I am a Tamilian link you. So, Hindi is not something which I would relish being imposed. I would say that Tamil literature compared to any other literature is in a very advanced stage. (*Interruptions*). If one goes round the country, one already finds that as a politician.

MR. DEPUTY-SPEAKER : You know the majority of the votes that Dr. Subramaniam Swamy got was from the Tamils of Bombay.

DR. SUBRAMANIAM SWAMY : Don't reveal my secret.

MR. DEPUTY-SPEAKER : He was elected from that constituency.

DR. SUBRAMANIAM SWAMY : I found to my surprise as to what happened during the last thirtyfive years. If you go to the extreme parts of Assam you find that people understand the Hindi language. If you go to Kashmir there too you find the people understand that language. If you go to western—most part of Gujarat, there too, the people understand the Hindi language if you speak in a public meeting. If you go to South, the whole of Telengana region of Andhra understands the Hindi language. If you go to the northern part of Karnataka—Hubli—the people there understand the Hindi language. People in Raichur or Gulbarga can understand Hindi. I am talking

of ordinary people. I am not talking of elite or highly educated people. The only Portions which do not understand Hindi today are Tamil Nadu, Kerala, parts of Karnataka and Andhra Pradesh.

PROF. N. G. RANGA : Two-thirds of Andhra Pradesh do not know Hindi.

DR. SUBRAMANIAM SWAMY : Well, I said 'a part of Andhra Pradesh'. If you go to a Hindi films, you can understand it. But in the case of certain films, you need not understand them, especially when Mr. Sathe was in-charge of that Department. So, what I mean to say is that this portion which consists of a population of 28% of the country, which is outside the Hindi-understanding area, should be wooed. I am not for imposition. Some methods should be found for getting around them. They were prejudiced. Their original position was justified because there was a sense. Now, the time has changed. Now, I think there is no fear of Hindi people having to speak Hindi in homes in Tamil Nadu. People like Mr. Dhandapani and others should be wooed and made as agents to spread one language. In the case of these remaining 28% of population, we may have to think of giving some incentive schemes. I do not know why in Tamil Nadu Hindi is not to be taught. I think as far as option is concerned, there should be no bar. If you talk of emerging trend, for the last 35 years, there has been a tendency towards greater national unity. Elections in the past have shown that a certain amount of national consensus in fighting the elections was there. Votes spread, people have common opinion in North, South, West and East. But this has to be fostered and after fostering this, I would like the Centre to take special steps to see that this remaining 28% of the population, which is outside the Hindi knowing belt, is given encouragement also to learn Hindi. If Tamilians learn Hindi, they can speak better Hindi. Whereas people in the North speak camp Hindi. The Tamilian can speak good Sanskritised Hindi. They can speak better. This is one thing.

I now come to my last point.

In the State of Maharashtra, which I represent in Parliament, there is a constant pressure to put across the Maharashtrian point in Parliament. It is very hard to do it.

In parliamentary structure, there is hardly any time to discuss it. Originally, the Rajya Sabha was conceived of as a Council of States where States matters should be discussed. I am not talking against the Rajya Sabha. But I am referring to the political parties who are using the Rajya Sabha as a method of satisfying some people. They may have talents, may not have talents, they are brought in. I am not committing any breach by saying this. But, Sir, the Rajya Sabha is not in a position to do this. So, I would say that the main functions of this General Body of Parliament should be for debating broad policy issues and detailed analysis of what the States want, how the Acts should be amended, the Finance Bill should have gone to a Select Committee where it should have been discussed in detail and the States' point of view should have been incorporated and the Appropriation Bill should have been farmed. Mr. Ranga knows that there was the States Standing Finance Committee till 1951. It was given up. We are supposed to have imitated the British Parliament. The British Parliament has adopted this Select Committee System. Canadian Parliament has adopted that system, Australian Parliament has adopted this system. Today if you want to see the archaic archive from of the British Parliamentary system you have to come to India. That is the situation we have created in India. So, a comprehensive Committee system where Bills go to the Select Committee, get thoroughly discussed, the States' point of view is put across, and then those are brought back here for a short discussion, in my opinion, is the best way for the representation of the States' opinion in the Central pool here. And that way, I think, Americans are the pioneers in this. They brought the Committee system there; they have taken it so far—I am not expecting that we go that far—that in their system, you cannot appoint a Minister unless it is cleared by the Committee. And that Committee consists of Members both from the ruling as well as opposition parties. The President of United States names a Minister, and then he is called before the Committee, the Committee cross-examines him to see whether he is a knowledgeable fellow, whether there is any GAR BAR in his income tax returns, or whether he has

one wife or two wives etc. and then only his name is cleared. Supposing, Shri Sathe had to be made a Minister under the American system, his name would have to be cleared by the Committee. I know, there will be no problem, he will get cleared, he is such a likeable fellow.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : Why are you partial to him ?

DR. SUBRAMANIAM SWAMY : Because he is from Maharashtra.

PROF. NARAIN CHAND PARASHAR : You clear all our Ministers.

DR. SUBRAMANIAM SWAMY : But I may not clear some Janta Ministers.

Sir, I am not saying that we need to go that far, but the ruling party with its present majority should come forward with some proposal for bringing in and synchronising it with the present Select Committee system like that in England or Canada which can allow the States to play a much greater role in deciding the final course of action.

That would be all that I would want. But I do not want any fundamental restructuring of our constitution.

MR. DEPUTY-SPEAKER : Hon. Members, Already four hours were allotted for this discussion. There are still 15 Members who want to participate. We have got another half an hour to complete four hours. This is a very important problem. I would like to take the sense of the House whether we should extend the time further. We have already extended it earlier.

MANY HON. MEMBERS : Yes, it should be extended.

THE MINISTER OF HOME AFFAIRS (SHRI P.C. SETHI) : You may kindly extend it upto 1730 hrs, because we have got another meeting thereafter.

MR. DEPUTY-SPEAKER : The Private Members' Business will be over at 6.00 O'clock. You may ask somebody else to be present. We will have it upto 6.00 O'clock. We extend the time for this by another hour.

Prof. N.G. Ranga.

PROF. N.G. RANGA (Guntur) : Mr. Deputy-Speaker, Sir, I am inclined to agree with the general trend of the stand taken by Dr. Subramaniam Swamy. When we were framing our Constitution, in the beginning we were all keen in leaving the maximum power with the States and not only minimum power, but also minimum departments with the Centre. But as we went on discussing these things by months, as it were, the trend of opinion began to swing more in favour of the Centre. Why ? We wanted the Centre to be strong, the country to be held together ; there should be more and more integration; and the States will have to fall in line only to help the people, to have more and more decentralisation of power, in regard to social and economic development so that people would be able to feel a greater sense of belonging when it comes to the settlement of their own day to day problems: And the production of deliberations is our constitution.

As Dr. Subramaniam Swamy has said, it is neither American nor English, but then he stopped short of it, he could have said that it is Indian. It is something special for our country, and this is a thing which every country, half big as ours, loaded with as many social problems as we are, would have to adoptes.

16.00 Hrs.

(SHRI F.H. MOHSIN *in the Chair*)

And it is no good for our people to depend on the Rajamannar Committee or these various demands that are coming now from several of the States which are not being governed by Congress Party, We could have had very much more of unity and very much more of cohesion if only the power that was given to the Centre and the Central leadership by various States which were competing with each other in regard to their border problems had been exercised quickly and sagaciously. But unfortunately somehow or other because at that time the Congress Party was in power in almost all the States and the local Congress people were more keen about their own localisms and local proclial priorities, the national leadership was not

prepared to assert itself and decide these matters. It happened like that in Maharashtra and Karnataka. Till today it is still hanging fire. A few villages at this side or a few villages at that side would not have nattered much. They could have easily transferred one or the other and made peace with each other.

But the national leadership somehow lagged behind. Why? It lagged behind because the national leadership did not wish to upset these people who were parochial minded. They were unpatriotic although they did not realise it. They were planing ducks and drakes with the sense of national unity and their own duty towards the country and the national leadership also did not play its role. The same thing happened about Chandigarh also. Heavens are not going to fall if Chandigarh is given away to somebody. Why should these people go on quarrelling that Chandigarh should be divided into two? A city has got its own personality. It has its own civic entity. It should not be cut into pieces. It is like a human-being and yet they want to cut it, like the Germans quarrelling over Berlin. It makes no sense at all. When they were dealing with thousands and tens of thousands of crores of ruppees in the Budget, a hundred crores this side or that side will not matter very much. A hundred crores would have been given to Punjab and Chandigarh could have been given to Haryana or vice-versa. Why these people should be allowed to quarrel to this extent in this manner is something which baffles me.

Now, Sir, Tamil Nadu and Andhra have set an example to the rest of India. At that time they had courageous Chief Ministers. They settled their border problem because they were able to assert themselves in their own areas and then keep their own followers under control. Now, we have had these goody-goody leaders at the State level and they could not make peace amongst themselves and control their own followers. And, Sir, we also know the result. You also come from that troubled area-Gulbarga.

MR. CHAIRMAN : Not Gulbarga, he is from Hubli.

PROF. N.G. RANGA : Hubli and

Gulbarga, anyhow, and Kannadigans claim it. What does it matter, if it is allowed to remain with Karnataka? Heavens are not going to fall, as I said in regard to Chandigarh. The same thing is applicable there also. So, this is our real trouble.

Secondly, in regard to finances, what is the use of the West Bengal Government and other people simply saying that they are not getting enough money from the Centre. Centre has got all the elastic sources of revenue and they do not have enough of it. If they really feel like Indians-100% or 15.0 per cent as they should be-they should feel happy that the Centre is taking all the blames for levying taxes and they are allowed to raise only simple duties here or a cess there in the kind of a municipal fashion and they have a merry time and they are free from the responsibility. They can say. I since we do not have enough money and the Centre is not giving enough money, therefore, we are not able to do this." In that case they can play to the gallery very conveniently. If by any chance, or mischance, the Sarkaria Commission or any other Commission were to give greater powers to these gentlemen at the state level not only West Bengal, my State or any State-and places upon them also greater burdens of responsibility i.e. of catering to the growing social and economic needs of the people, whoever becomes the Chief Minister of any State would not be able to thank these Commissions at all, because he would have to raise more money; he would become more unpopular. Raising money has never been a popular function of any Government.

Therefore, it is good that the Constitution has placed at the disposal of the Central Government greater areas of taxation; and Central Government has been bold enough to raise this taxation. All this money is here; it is for them to take it. When they take it, they have to play their own responsible role. Many of the States do not do that. The Centre must have found it. They chafe at it. That is why the Centre said-with regard to the Food for Programme, 50-50...

Only yesterday, somebody was finding fault with the Central Government, because so much money, viz. Rs. 300 crores or something like that, was spent in the States

where the response from the States was better ; and, therefore, their work was better and they deserved this additional support from the Centre ; and this money was given to them. Mr. Chitta Basu raised it. This is my answer. There are States which are not prepared to play the game, and do their work. Therefore, they do not deserve this 50% from the centre. That kind of a system can be developed. If it is not 50% it can be 75%. But anyhow, we are going to share.

Take Education, for instance. For the whole of India, we have to develop our educational system. How can we do it, if we are to give a vocational turn to it ? Crores and crores of ruppees will have to be spent on each district. Wherefrom is that money going to come ? Supposing money is there at the Centre, and it is provided to these gentlemen ; and they begin to play ducks and drakes with it. Are we to understand that the Centre should not have any power at all ?

Mr. Subramaniam Swamy has put his finger rightly at the new development of unity in the country. There is a much greater sense of national integration to-day than there ever was, especially at the time of Partition-you remember. They are all united. Fortunately for us, we are a big enough nation. The leadership is also there. Some people may feel sensitive about one particular name. It was not only Jawaharlal Nehru who was our national leader. A number of members of our Congress Working Committee were national leaders. We came to recognize them. Thereafter, Lal Bahadur Shastri was recognized as a national leader. So were Rajaji, Rajan Balu. Mr. Morarji Desai himself was also honoured as a national leader wherever he had gone, long before he had become our Prime Minister. Several of us have worked in the national political scene in our country for decades. In this way, we have built up the atmosphere of unity.

Now Mr. Subramaniam Swamy has been speaking with his own personal experience. It is because he has been going round and speaking to people in Hindi that he is able to say to-day that Hindi is a link language. Otherwise, would he be

able to get any gathering of people in any one of these linguistic States ? It would be impossible ; but that does not mean that I want Hindi to be imposed upon the rest of the people at the point of a political bayonet, as even some of our strange, what should I say, under-developed and under-educated. Members also go on shouting from day to day. We cannot have any link language in this country at the point of a bayonet. We are bound to have it because of our sense of national unity on the one side, and because of development of commercial unity on the other. Because of its growing impact, it is bound to come. Hindi would come. In the meantime, we need not denide English.

Go to Nagaland ; English is their language. Go to Meghalaya ; English is their language. Our friends from West Bengal are proud of their literature. So am I about mine. You are also proud of your own thousand-year-old, Cannada literature. Hindi has not developed any literature as yet. But Hindi is growing in a vertical fashion towards the sky, and no other language can possibly compete with it in our country. See the number of books that are being placed in our own Library, from the other languages and English. Compare them. Therefore, it is a growing language ; it is a binding language for all of us ; it is our girdle. Let us help it. I make an appeal to the friends who hail from Hindi speaking area not to be so mad as they are, as they seem to be. To expect a man like me to learn to speak Hindi now and to be as good a Member of Parliament here as I happen to be when I speak in English is a mere impossibility. Therefore, let them have sympathy for us and administration also for us, because we put up with them. Therefore, they have to put up with us.

MR. CHAIRMAN : Being here a Member of Parliament since so many years, you must have already learnt Hindi.

PROF. N.G. RANGA : Not much. I have been busy over so many other things. Then the question of the court has been raised by one of my hon. friends. That is a power that the Centre has not exercised so far, but it would be a good thing for the government to begin to think how they can

possibly exercise that power without upsetting newly developed sentiments of parochialism of so many of our people.

Similarly, zonal councils also, we have about, there appeared to be some importance given to them. Afterwards, they established. When some of us were going seem to have lost their importance. We can put some life into it.

Then there is a question of the Inter-States River water dispute, in regard to flood control also, in regard to distribution of electricity and so many other things. We should not give a veto power to the States. The Centre should assert itself. It is high time to do it. Fortunately, for us, we have been a Prime Minister, who has been providing national leadership for well over 14 years; and for another 6-7 years, we will be able to have the benefit of such a leadership. This period is the best possible period for us, when we can assert the central authority—what should I say, the majesty of the nation's unity in our country. Otherwise, afterwards, I do not know what party would be coming into power in different States and in what way and how they would be able to come together, God only knows, because we find here some people seem to be pulled towards West; some people are being pulled in another way towards East; and these people may be quarrelling one with the other and those people also would be having their finger in every pie, as they are doing it now in some of the North Eastern States and in Punjab also. Before those secessionists, separatists, obscurantists and unpatriotic elements gain too much power at the State level, I make this appeal to Indiraji, to the Government of India to take courage in both hands, and not to be bothered about the kind of reaction that may arise in the different States and assert, as I had said, the majesty of the nation's unity; it is not the property of any political party.

I was very unhappy the other day, when we were discussing the Punjab problem. I did not find that sense of national consensus of unity taking shape and then giving strength to the Central Government. Whose Central Government is it? It is not our Central Government? Whose Prime Minister is she? Is she not the Prime

Minister of the whole lot of our people? Just because it has pleased us—we think it is our national duty also—we have formed ourselves into different political parties. That does not mean that we are going to be so disloyal to our own Constitution, to our political system here that we are not prepared to accept the Prime Minister as our national leader.

When I was in the opposition—I was one of the opposition leaders for some time; also the principal opposition leader I happened to be here. I did not take that line. Every time, when such a question as this arose, I took the stand as an Indian, not as the leader of a political party, the Swatantra party. I did not witness that atmosphere the other day. And it made me feel very unhappy. I sincerely hope, Sir, and I am glad that this opportunity has come thus, it has been given to us, by the mover of this Resolution. I sincerely trust that our Prime Minister would make up her mind; her Ministers would strengthen her, and we also will help her to make up her mind, and all our people also, of all political parties here also will try and help her and make her feel the reality of the national leadership and begin to assert the powers that are given to the Centre in order to ensure and strengthen national unity.

Sir, what I wanted to say is, no doubt, we are borrowing from abroad. That is where I could not agree with Dr. Subramaniam Swamy. We are borrowing money. We have to borrow money. Some of our leaders, our friends have spoken about multinationals. We are also a multinational. Go to Africa or any number of African countries, or nearer home, Eastern countries. You will find our people there. Are we not encouraging our own business people to go there and start various industries? Were we not taking pride the other day, taking the credit during NAM Summit here, that we are making our own contribution for the development of those countries. Therefore, why be afraid of those multi-nationals? Let us have confidence in ourselves. Invite any body, any entrepreneur from any part of the world to come over here with the latest technology and to develop various kinds of industries here. Certainly, we would take care. We have taken care also when Jawaharlalji was there. I

was a Member of the planning Committee at that time. We all took care, I was the man who moved the Industrial Policy Resolution in AICC and also in the open Session of the Congress and we got it passed. We do not want anybody else to control here. But at the same time, we are not prepared to keep out any entrepreneur from anywhere to come here, make his own experiment and make his contribution and take a legitimate profit for himself, as we would expect our own entrepreneurs also to make legitimate profits in other countries and over here in our country. We are opposed to neo-imperialism; we are opposed to the conception of imperialism—economic as well as social, but nevertheless, we must be prepared to welcome strength, support cooperation from all over the world. And at the State level, our friends should be prepared to welcome, to a much greater extent and in a more intimate sense, much greater strength and support and intervention and leadership, as I have told you, on behalf of the majesty of national unity.

MR. CHAIRMAN : Shri C.T. Dhandapani.

SHRI C.T. DHANDAPANI (Pollachi) : Mr. Chairman. I would like to make some observations on the Resolution moved by our hon. friend. This is a question—the Centre-State relationship—with reference to financial allocations, division of powers, and sharing of resources which are most important issues concerning all our political parties as well as our nation.

Many senior leaders, hon. Members, have given their views on this issue I take it that this discussion is an academic discussion rather than a political discussion.

AN HON. MEMBER : Not even that :

SHRI C.T. DHANDAPANI : Because, nobody should take this discussion particularly... (*Interruptions*)

AN HON. MEMBER : It is an exercise in futility !

SHRI C.T. DHANDAPANI : Particularly a Resolution moved by our CPM friend, that it is against the national interest or saying antinational or it is going to support

the separatist movement and so on and so forth. That is not correct. This is not a new thing which we are discussing here. For many years, we have been discussing about Centre State relations. Not only the political parties but the economists from various countries also have discussed at length whether the federal system is suitable to a particular country or not. There are many countries which have adopted the federal system. But majority of the countries have not accepted it because they are ruled by dictators. Out of 153 countries of the world, nearly 115 countries are ruled by dictators. Democracy and federalism alone will go together. Dictatorship and federalism will not go together. Take, for example, Russian Constitution. We call it as a federal constitution. There is a right to secede, but they cannot do it because the political system is like this; whereas in America there is no right to secede even though it has adopted federal system. Some other countries like Canada, Switzerland, etc. also have not got this right to secede. Considering Multiplicity of our culture, language, etc. we have not provided that right in our Constitution, which I welcome. The right to secede should not be there in the Constitution. When the question of Sikkim was raised in this House that Sikkim had been annexed to our territory, many people raised the question that when there is a provision to annexe a territory to a particular nation, why can you not have a provision to secede from the nation. At that time also, on behalf of the DMK Party we apposed it and we said that it should not be there.

Here the question is of making the Centre neither weak nor strong. But the question is only about some problems relating to the financial resources, some of the administrative difficulties, something about religion, language and other things. I do not think the mover of this Resolution is going to ask for any separate State or to preac for the disintegration of this nation. He is also for the integration of this country. Every Member, who speaks here, is for the integration of the nation. Therefore, I do not think there is anything wrong in the move of Centre-State relations. I would request the hon. Minister to go into the matters in detail. Of course, I must congratulate the Government that they have

constituted the Sarkaria Commission to go into the Centre-State relations.

DR. SUBRAMANIAM SWAMY : Not like the last Sarkaria Commission !

SHRI C.T. DHANDAPANI : Dr. Swamy has drawn my attention to this. I must say that he is really a judge to the core. Certainly he will do impartial justice because we had the experience of him. The Central Government referred some 58 cases against Mr. Karunanidhi. He has rejected all the cases except two and there too he has stated that these are only administrative lapses. Mr. Sarkaria did not say any thing against Mr. Karunanidhi even though there was a lot of pressure on him.

MR. CHAIRMAN : Lot of pressure from whom ?

SHRI C.T. DHANDAPANI : That is unspecified...*(Interruption)*.

DR. SUBRAMANIAM SWAMY : He did not say from Government, he said pressure.

SHRI C.T. DHANDAPANI : From many quarters Sir. One point we must know whether we should be a federal set up of government or unitary. People say it is federal set up but many economists say it is not a federal set up, it is a quasi-federal set up. In normal course our Constitution functions as a federal set up but during Emergency it becomes a unitary one. As far as I am concerned, I will say that it should be a federal government, it should be a federal Constitution, that is what I want.

Now I will come to problems relating to languages and other religions and different cultures. Even the other day our hon. Mr. A.K. Sen has said something here. Actually I was expecting much from him because I thought he will throw some light on the legal aspects of these issues but I could not get anything from him. He said that culturally we are all one or something like that he said but I do not want to go into detail.

SHRI CHITTA BASU (Barasat) : Culturally we are one.

SHRI C.T. DHANDAPANI : In this

connection I would say that there are many lapses in the present Constitution. That is the reason when DMK was in power, they constituted a committee, namely, the Rajamannar Committee. That Committee had made some recommendations to the Government. We also requested the then Home Minister Mr. Uma Shankar Dixit and I personally requested him to refer this matter to a committee of the Central Government so that the Central Government can examine all these matters and can arrive at a conclusion as to which of the recommendations can be accepted and which cannot be accepted. However, he refused to accept it. But now the time has come. So, the Central Government has announced that Central-State relations will be reviewed.

As far as Rajamannar Committee recommendations are concerned, they have made certain recommendations. For example, you take List No. 1, that is, the Union List. The Rajamannar Committee only nine items have to be omitted in List No. 1. In the State List, only three new items can be included.

MR. CHAIRMAN : But the Rajamannar Committee was appointed by the Tamil Nadu Government and not by the Central Government.

SHRI C.T. DHANDAPANI : Of course, Sir, but the recommendations relate to Centre-State relationship.

SHRI CHITTA BASU : What is the harm if those recommendations are considered by a committee set up by the Government of India ?

MR. CHAIRMAN : I am just telling him the fact, I am not making any remark.

SHRI C.T. DHANDAPANI ; Where the Central-State relationship question arises, when the State Government appoints a committee or a commission and it gives some recommendations, the Central Government will not take them into consideration but if the Central Government appoints some commission, all the States should carry out the recommendations of that commission, accept the recommendations of that commission. So, this is the tendency which is prevailing now.

SHRI CHITTA BASU : That is the attitude. The Rajamannar Committee committed sins, virtues will be committed by the Sarkaria Commission.

SHRI C.T. DHANDAPANI : It is my personal opinion that such commissions should be appointed by the Central Government because of the Centre-State relations.

SHRI CHITTA BASU : I share his views.

MR. CHAIRMAN : In my personal opinion such Commission should be appointed by the Central Government because the Centre-State relations are involved.

SHRI CHITTA BASU : Sir, I share his views.

SHRI R.R. BHOLE (Bombay South Central) : The recommendations of Rajamannar Committee can be considered by the Sarkaria Commission.

SHRI CHITTA BASU : Is it only because that was set up by the State Government that you should not accept its recommendations ? This is your attitude.

MR. CHAIRMAN : Sarkaria Commission can take into consideration the recommendations of Rajamannar Committee.

SHRI C.T. DHANDAPANI : Sir, in the List III items 21 to 45 have to be omitted. As far as the financial area is concerned, there are 23 Articles in the Constitution which have to be reviewed. Either they should be amended or they should be dropped or if any inclusion is necessary, that also can be done.

In the same manner, as far as other disputes are concerned, what I say about our Constitution is, there are certain provisions in the Constitution. The question is whether we are sincerely applying these Articles in a particular crisis or whether we are applying these Articles to diffuse the crisis. We are never doing it. For example, Article 262 dealing with inter-State water disputes. In how many cases this Article 262 has been applied ? None. Then why are you having this Article in the Constitution ? What is the reason for it ? Just for names sake you are having this Article 262. Under this

Article the Central Government has enormous power, they themselves can intervene in this matter. I do not want to cite any example now, because many questions will arise in many States. Sir, take your State and my State, Karnataka and Tamil Nadu. The Central Government can intervene in this matter and they can give some award or they can tell that this is the share of this State government or that State Government. Then what is the reason that the Government is keeping quiet ? I know it is because of the political reasons. In that case, why should you have this Article in the Constitution ?

In the same way, you take the Industrial Development and Regulation Act, 1951. Wherever they need the industry, the States have to go to the Central Government and obtain the licences. Not only Tamil Nadu and Andhra Pradesh, but all the States feel that they have to go to the Central Secretariat, and even Chief Minister has to wait at the Central Secretariat to obtain the licences. What is the reason ? Why should you have this Article in the Constitution ? You can give the liberty to the States. I can understand that if an industry is based on raw materials to be imported from foreign countries the Central Government can intervene, but I cannot understand why if a State Government wants to start an industry based on local raw materials which are available normally in the country, it has to come to the Central Government and obtain the licence. The Central Government cannot give licence to every one on a particular matter, as for example, a polyester unit.

MR. CHAIRMAN : It is in respect of big industries.

SHRI C.T. DHANDAPANI : Polyester requires Rs. 40 crores per unit. The other day, Mr. Sethi stated when he was Minister for Petroleum that in the Sixth Five-Year Plan the Government decided to put up four units. The Tamil Nadu Chief Minister was sleeping over that matter. He did not apply to the Central Government. Out of the three States which applied, your State Karnataka got it, but the other States have a grievance about it because they think they are neglected. But when they get the raw material locally, they can start the units. This is the thing.

In the same way, there is Article 307 dealing with inter-State trade. Even in U.S.A. the Commerce Commission has been constituted to regulate inter-State trade. Now all these State Government when they like they adopt tactics and harass the people. If there is a Commission like the Inter-State Trade Commission, the matter can be looked into by them and disputes can be settled between the States. The trade can be regulated. There can be smooth movement of trade in this country. As we have not utilized this Article so far, then what is the use of having it?

Now I come to Article 263—Inter State Council. What is the use of having this? CPM once objected to it. Shri Numboodri pad said, "Inter-State Council should not be there." The situation was like this that the Prime Minister will be the Chairman and the States will be represented as the Members. The recognised Opposition party in Lok Sabha will have a Member. The Council will settle the issues like Chandigarh issue. So, there is a forum in which the issues can be negotiated with other States. There are many Articles like this. But we are not at all applying those Articles. What is the use of having these Articles?

Now I come to the appointment of Governor. The Governors are appointed by the Central Government. In olden days the Governors were appointed from among the persons of high stature. That does not mean that the present Governors are not of high stature. The Central Government appoints retired officers as Governors. Some of the Governors do not even forget about their previous jobs. They think that they are Secretaries in a particular Department. That is why they are following the foot steps of the Chief Ministers. I do not want to name them. I would request not to appoint retired persons as Governors in the States. By appointment or retired persons as Governors, you are not going to get benefit out of it. His job is to assess the situation in a State. It is not to tow line or oppose the Chief Minister. So far as the DMK is concerned, we are for the abolition of the post of Governor. It is un-necessary. Public money is involved. One may put a question, when Constitutional crisis is there in the State who would take up the job of reporting the same to the Central Government.

I would say Chief Justice of the respective High Court can do this job. Even now also when the Governor goes on leave, the Chief Justice acts as a Governor. Even the Chief Justice of the Supreme Court acts as President when both the President and the Vice President go out. In this way there cannot be any political motivation. I would like to give an example. DMK Government was dismissed at 10 O. Clock on 30th January. In the first instance Shri K.K. Shah former Governor was praising the D.M.K. Government. At about 4.30 p.m. he said that it was the corrupt Government. He therefore; recommended dismissal of the Government. Governor has to act in a limited way. Why should we spend lot of money—peoples money? They are not at all useful.

MR. CHAIRMAN : During the President's Rule who will be the Head of Administration?

SHRI C.T. DHANDAPANI : The Chief Justice.

SHRI AMAL DATTA : The post of President can also be abolished.

SHRI C.T. DHANDAPANI : I have not said about the President. I have talked only about the Governor.

MR. CHAIRMAN : Who will look after the State if the President's rule continues for one year?

SHRI C.T. DHANDAPANI : The Chief Justice of the State. Even if you put the Governor, you appoint Advisers also. It is the Advisers who are eventually ruling the State under the President's rule.

PROF. N.G. RANGA (Guntur) : Even then, there should be a Governor.

MR. CHAIRMAN : That is his view.

SHRI C.T. DHANDAPANI : I may be wrong. But you open the door for a discussion. This is an important opinion.

I would now come to another important thing, i.e. State autonomy. It is not only relating to the sharing of power or sharing of resources but it is more than that.

I would like to say one more thing. Shri A.K. Sen has stated about the culture,

religion and language. That is most important. We must apply our mind in that respect also because our country is a big country having many languages and many races. I would like to quote some relevant portions from the book entitled "Modern Constitutions" written by Shri K.C. Wheare :

"If the communities differ in language, race and religion, safeguards may be needed to guarantee to them a free exercise of these national characteristics . . . Even when communities do not differ in language, race; or religion, they may still be unwilling to unite unless they are guaranteed a measure of independence inside the union. To meet this demand, the Constitution must not only divide powers between the government of the Union and the governments of the individual, component parts, but it must also be supreme in so far as any rate as it enshrines and safeguards this division of powers."

Therefore, the question of autonomy not only relates to the sharing of power but it relates to the way of life of the people. Therefore, that should also be taken into consideration. I do not want to talk much because I have already said about it and there are many discussions and many opinions in this regard.

Sir, I have gone through one important book entitled Ambedkar—A Critical study by Shri W.N. Kuber. He gives some other idea. He says, as far as India is concerned, one federation is not sufficient : it is not enough. He says, there should be two federations—one federation from the South and another federation from the North.

PROF. N.G. RANGA : There should be only one federation and that is the super-federation.

MR. CHAIRMAN : That is his view. Let him state. You may not agree with him.

SHRI C.T. DHANDAPANI : It is not my view. It is the view of the author.

MR. CHAIRMAN : But you are supporting it.

SHRI C.T. DHANDAPANI : This is the view of the author and Ambedkar and

I place it before the House to consider what he says.

It is at page 232. Ambedkar had talked about the language issue also. I quote :

"One federation for the whole of India with equal representation for all areas will not work. In such a federation, the Prime Minister and the President of India will always be from the Hindi-speaking areas. You should have two federations—one federation of the North and one federation of the South and a confederations of the North and the South with three subjects for the confederation to legislate upon and equal representation for both the federations."

MR. CHAIRMAN : This is the opinion of Dr. Ambedkar or Kuber ?

SHRI C.T. DHANDAPANI : This is Ambedkar.

श्री आचार्य भगवान देव (अजमेर) : सभापति महोदय, मेरा ध्यान आफ आर्डर है। किसी मनचले व्यक्ति ने अपनी पुस्तक में डा० अम्बेडकर के कथन का उल्लेख किया है लेकिन यह पता नहीं कि डा० अम्बेडकर ने यह बात कब और कहाँ कहीं ? ऐसा लगता है कि डा० अम्बेडकर के मुँह में जबरदस्ती अपनी बात डाली जा रही है। इस पर मुझे आपत्ति है।

MR. CHAIRMAN : There is no point of order. You can continue. Mr. Dhandapani is only quoting. He may not be supporting the views. But you may not agree with what he says.

SARI C.T. DHANDAPANI : Do not get annoyed. You must have an open mind. You must discuss all points. I can understand as long as Mrs. Gandhi is Prime Minister, being the national leader, people from the South will have no fear. We need not have any apprehension that our rights will be suppressed, But after Prime Minister, certainly we will have our own grievances.

MR. CHAIRMAN ; Now you speak of the present.

SHRI C.T. DHANDAPANI ; This is one school of thought.

SHRI AMAL DATTA : We are here to shape the future.

MR. CHAIRMAN : Why ifs and buts. We can just see later.

SHRI C.T. DHANDAPANI : Another important matter which Dr. Subramaniam Swamy also stated here is about Hindi language. I have already stated when I took part in the Home Ministry discussion that DMK is not against Hindi language as such. We are against the imposition. Dr. Subramaniam Swamy also stated here that we must give some opportunity to the people who want to learn Hindi. That opportunity was not given. For example, when I was a student of III Form, I myself voluntarily went to Hindi School and I studied. I completed two books. When I went to IV Form, they said it is not compulsory. Then I said I do not want to learn. They said you must secure 35% marks to pass the examination. I said I do not want to learn. Even when I came here in 1967 for the first time to Parliament, I was carrying some Hindi books in order to Learn Hindi. After coming here, even when I sit in the Committees, Members who know English, they all speak only in Hindi. I found particularly from this side our Vajpayee's group, used to talk only in Hindi. I decided not to learn at all. That is the reason. It is not a mistake of the Tamilians. It is not a mistake of the Southerners. It is a mistake of the protagonists.

MR. CHAIRMAN : But you have learnt some words already.

AN HON. MEMBER : Hindi imperialists.

SHRI C.T. DHANDAPANI : As far as this language is concerned, I am very sorry to say that language alone will not unite the people. I differ with that argument. Even religion will not unite the people. For example, in Andhra Pradesh our Shri Satyanarayan Rao and Shri Rangaji, both know a simple question of of Mulki issue, own brothers, own sisters, all relatives, have quarrelled.

PROF. N.G. RANGA : They killed one another.

SHRI, C.T. DHANDAPANI : They

killed one another. But I did not want to say that word. In fact, they killed one another. It is a question of reservation of right. So they killed one another. Same thing. There are many Arabian countries. They are not able to get united even though they belong to one religion and one language. East Pakistan and Bangladesh, even though they belong to one religion, they are not able to unite. For example, communist countries and socialist countries even though they have one ideology, they are not able to be one bloc. There are many countries like that, Russia, China and Vietnam. Therefore, which will unite the people? only the mutual respect and understanding alone will unite the people. For example, in Switzerland there are four languages. Why should we cite Switzerland? Let us take Pondicherry. There are five official languages. Anyone can write in Telugu or Malayalam or Tamil or English or French. A Telugu man can write his application in Telugu. They have some arrangements to translate it. Malayalam man also can write like that. Pondicherry, a small union territory, is running a Government. In that case, why cannot we have such an arrangement? Therefore, on the question of language, national language or official language, whatever it may be, Government must think twice before going in for implementation.

Before I conclude, I would like to quote some of the important leaders who have talked about formation of a federal Constitution and more powers to the units. It is not the DMK's policy. Nobody should think that the DMK alone has started this policy. Many important leaders had already spoken about it. At the same time I would like to tell my hon. friends that the DMK is not against the Central Government, they must understand that. If it is a move-against the Central Government, certainly the DMK will not support it, will not be a party to it. If it is against the Congress-I Party or against the Prime Minister, certainly the DMK will not be a party to it.

SHRI CHITTA BASU : Then what is the good of having a different party?

SHRI C.T. DHANDAPANI : It is not against the Central Government, I am

talking about the motive. There is no motive at all in this Resolution. We want to have some arrangements. That is all. Many Members from the Congress-I used some harsh words which I did not expect. Some of them have said that whosoever is pleading for more autonomy is anti-national. I was very sorry to hear this. That is not the intention of the Mover or myself.

Shri K. Santhanam, who was a member of the Cabinet, a learned man, and who was a member of the Finance Commission, has stated :

“The Indian Union, though it is a federation, is a special type of Paramount Federation, a federation in which the paramountcy powers which the British Government had over the Indian States have been taken over by the Union Government and applied to all its units...”

Shri B.N. Rao, an economist, says ;

“In a country of the size of India where some of the provinces are larger in area and population than the largest European power outside the Soviet Union, no form other than federal would have been possible.”

This was said by Shri B.N. Rao in 1963.

This is what Shri Ramaswami Mudaliar has said :

“No one objects to strong Centre. If in spite of that there have been voices raised regarding provincial autonomy, hushed voices, clamant voices, greatly daring at times perhaps, it is only because there is another aspect of the question which has to be appreciated by this august Assembly.” That is, the Constituent Assembly.

Dr. H.N. Kunzru has stated ;

“We should not go so far in our desire to give comprehensive powers to the Central Government to deal with emergencies as to make the provincial governments subordinate to the Centre.”

Shri K.T. Shah has stated ;

“The general trend of the Draft Constitution seems, excessively, and unnecessarily, to place power in the Centre to the serious prejudice not only of the units but even of the very idea of democracy. We flatter ourselves, we are embodying in this Constitution...”

This is what Prof. Ranga said while he was taking part in the Constituent Assembly debate :

“To enslave those provincial governments and place them at the mercy of the Central Secretariat and the Central bureaucracy...”

So, many eminent scholars have talked about the need for a federal Constitution. Therefore, I support the Resolution moved by my hon. colleague and I request the Government to look into the matter. The terms of reference of the Sarkaria Commission should be widened and other members who are going to be included in that Commission should be announced very soon so that the work can be started immediately because it is a laborious work no doubt. I request the hon Minister for Home Affairs. Even though it is delayed much, the function of the Commission can be expedited very soon.

By saying this, I support the resolution moved by the hon Member, Shri Datta.

श्री वृद्धिचन्द्र जैन (बाड़मेर) : सभापति जी, जो प्रस्ताव श्री दत्त साहब ने रखा है, उससे मेरे विचार भिन्न हैं। मैं उन विचारों को सदन के समक्ष प्रस्तुत करना चाहता हूँ।

मेरा स्पष्ट विचार यह है कि केन्द्र मजबूत होना चाहिए। केन्द्र मजबूत नहीं होगा तो हमारे जितने भी राज्य हैं, वे कमजोर हो जाएंगे और और देश खतरे में पड़ जाएगा। आज के आधुनिक युग में राष्ट्र की सुरक्षा का प्रश्न बहुत ही महत्वपूर्ण है। हमारे पाकिस्तान से संबंध अभी तक अच्छे नहीं हैं। दूसरे देश जैसे अमेरिका भी पाकिस्तान में अपना बेस कायम करना चाहता है। इसलिए महत्वपूर्ण है कि हम राष्ट्रीय सुरक्षा को समझें और अगर राष्ट्रीय सुरक्षा होगी तभी हमारी एकता होगी। इसलिए केन्द्र को अधिक

से अधिक मजबूत बनाने की अधिक से अधिक आवश्यकता है।

संविधान का निर्माण करने वाले व्यक्ति बहुत ही अनुभवी थे, जिन्होंने देश की स्वतन्त्रता की लड़ाई लड़ी थी और बहुत ही कुर्बानियां दी थीं। उन्होंने ही बहुत सोच-समझकर संविधान को बनाया है। एक बात में विशेष रूप से कहना चाहता हूं कि हमारे देश में ऐसे बहुत से राज्य हैं, जिनकी वित्तीय स्थिति कमजोर है सबसे पहले मैं राजस्थान का नाम लेना चाहता हूं। इसी प्रकार से उत्तर प्रदेश, मध्य प्रदेश आदि राज्यों की आर्थिक स्थिति कमजोर है, वे अपने पैरों पर भी खड़े नहीं हो सकते हैं। यदि किसी भयंकर विपदा का सामना करना पड़ता है, फ़ैमिन जो कि राजस्थान में पिछले चार-पांच सालों से रहा है, का सामना करना पड़े, पलड का सामना करना पड़े, साइक्लोन का सामना पड़े; किसी भी प्राकृतिक विपदा का सामना करना पड़े; तो किसी राज्य की स्थिति ऐसी नहीं है कि वह उसका स्वयं मुकाबला कर सके। उसको केन्द्र की सहायता लेनी पड़ेगी। बिना केन्द्र की सहायता के वह किसी भी तरीके से उस स्थिति का मुकाबला नहीं कर सकता है।

दूसरी बात यह है कि जब कभी किसी राज्य में कानून व्यवस्था की स्थिति बिगड़ती है, साम्प्रदायिक दंगे हो जाते हैं, तो उस समय की बी एस एफ, सी आर पी एफ की आवश्यकता पड़ती है। उस वक्त चाहे विरोधी पक्ष हो या सत्ता पक्ष हो, वे यही विचार रखते हैं कि बी एस एफ की आवश्यकता है और सी आर पी एफ की आवश्यकता है या आर्मी की भी आवश्यकता है। यदि सेन्टर मजबूत नहीं होगा तो वह किस प्रकार इसकी व्यवस्था कर सकेगा। केन्द्र पर हमें पूरा विश्वास है कि जब भी इस प्रकार की मांग करते हैं, तो वह उसको पूरा करने की कोशिश करता है। कभी किसी मामले के लिए सी बी आई की जांच के लिए केन्द्र से निवेदन किया जाता है कि वह सी बी आई की जांच करे।

17.00 Hrs.

हमें विश्वास होता है कि सी० बी० आई० की जांच होगी तो वह निष्पक्ष होगी, इसलिए सी० बी० आई० की जांच के लिये जोर दिया जाता है।

मेरे एक मित्र कह रहे थे कि आर्टिकल 262 और 263 कांस्टीचूशन का डिलीट कर दिये जायं। चूंकि इनका उपयोग नहीं हुआ है इस लिए ये डिलीट होने चाहिये। मैं कहना चाहता हूं कि कांस्टीचूशन में अभी भी बहुत से ऐसे प्रावीजन हैं जिनका उपयोग नहीं किया गया है, लेकिन कभी-कभी ऐसी परिस्थितियां पैदा होती हैं जब उनका प्रयोग करना पड़ता है। आर्टिकल 262 का प्रयोग अगर किया जाता तो आज इन्टर-स्टेट रिवर डिस्प्यूटस होते हैं, जिनके लिये ट्रिब्यूनल्स मुकर्रर किये जाते हैं तथा जिन में 10-10 और 15-15 साल का टाइम लग जाता है, अगर इस आर्टिकल का एप्लीकेशन समय से होता, कानून इस प्रकार का बनता जिसमें केन्द्रीय सरकार को अधिक पावस होतीं, तो ये डिस्प्यूटस कभी के समाप्त हो जाते और हमारी इकानामी ज्यादा सुदृढ़ हो जाती।

अभी जब फाइनेंस बिल पर चर्चा हो रही थी, हमारे एक मित्र कह रहे थे कि हमारी प्रगति इसलिये धीमी है कि हमारे यहाँ इरिगेशन की जो बड़ी-बड़ी योजनाएँ थीं, जिनको हमें पांच साल में पूरा करना था, उनके पूरा होने में 10 साल लगे। इसलिये मैं कहना चाहता हूं— आर्टिकल 262 को सप्लाय करना चाहिये, उसके अन्तर्गत कानून बनाना चाहिये, सेन्ट्रल एक्ट बनाना चाहिए और एक्ट बनाकर जो इन्टर-स्टेट रिवर डिस्प्यूटस हैं उनका निपटारा किया जाना चाहिये।

अभी राष्ट्रभाषा हिन्दी के बारे में जिक्र किया गया। हमारे प्रोफेसर रंगा साहब ने इस सम्बन्ध में अपने विचार प्रकट किये, कुछ अन्य मित्रों ने भी अपने विचार प्रकट किये। हमारा इतना बड़ा राष्ट्र है, इसकी कोई न कोई भाषा अवश्य होनी चाहिये। चीन हमारे मुकाबले बड़ा

देश है, लेकिन उसकी भी एक भाषा है। आज हमारा डेलीगेशन चीन में जाय और वहां अंग्रेजी भाषा का प्रयोग करे तो इसका अच्छा प्रभाव नहीं पड़ता है। उनके दिमाग में यह बात पैदा होती है कि ये लोग अभी तक अपनी एक भाषा नहीं बना सके हैं। जो भाषा अंग्रेजी राज्य के जमाने में प्रयोग होती थी, उसी भाषा का प्रयोग करते हैं.....

श्री एम० सत्यनारायण राव (करीमनगर)
सी० पी० (एम) वालों के डेलीगेशन से उन्होंने यह प्रश्न पूछा है।

श्री वृद्धिचन्द्र जैन : इसलिए मेरा कहना है कि भाषा एक हानी चाहिए। मैं इस बात को मानता हूँ, पं० जवाहर लाल नेहरू भी इस बात को मानते थे कि हम भाषा किसी पर थोपनी नहीं चाहिए। किसी पर जबरदस्ती भाषा को थोपा जाय, यह उचित नहीं है, परन्तु हमें पसुं एसिव-मैथड एडाप्ट करना चाहिये और डेमोक्रेसी में यही मैथडस एडाप्ट किये जाते हैं, लेकिन इसके लिए वातावरण भी बनाना चाहिए, अभी स्वामी जी ने कहा कि 28 परसेन्ट लोग इस प्रकार के हैं जो हिन्दी भाषा को नहीं जानते। उत्तर भारत जानता है, गुजरात जानता है, मध्य प्रदेश जानता है, महाराष्ट्र के लोग जानते हैं, आन्ध्र प्रदेश का काफी भाग हिन्दी जानता है, इसका मतलब है.....

सभापति महोदय : कर्नाटक भी जानता है।

श्री वृद्धिचन्द्र जैन : कर्नाटक भी जानता है, इसलिए यह आवश्यक हो जाता है कि हमें राष्ट्र भाषा हिन्दी के बारे में पूरी तरह से कोशिश करनी चाहिये। यह सही है कि प्रयास हो रहा है, होम डिपार्टमेंट कोशिश कर रहा है, हर जगह हिन्दी की कमेटिज् बनो हुई हैं, हिन्दी भाषा समितियां बनो हुई हैं, प्रयास हो रहा है, राज्यों में भी प्रयास हो रहा है, लेकिन जो प्रयास हो रहा है उसमें गति नहीं है, इसमें थोड़ी गति आनी चाहिये। हम इस काम को

दबाव डाल कर नहीं करना चाहते हैं, जबरदस्ती नहीं करना चाहते, लेकिन यह कोशिश कर रहे हैं कि 10-15 या 20 साल तक हमारी एक भाषा हो जाय। भाषा देश को एकता में बाँधने की एक कड़ी है। ऐसा नहीं है कि हिन्दी के राष्ट्र भाषा बनने मात्र से एकता आ जायगी यह तो केवल एक कड़ी है। इसलिये भाषा के बारे में हम को कोशिश करनी चाहिये तथा हिन्दी भाषा को विकसित करने का प्रयास करना चाहिए।

दूसरी बात जो मैं विशेष तौर पर कहना चाहता हूँ वह यह है कि दरअसल में डिस्प्यूट तब होते हैं जब राष्ट्रपति शासन स्थापित किया जाता है और प्रान्तीय सरकारें भंग की जाती हैं। उस समय वाकई में डिस्प्यूट होता है और हमें भी महसूस हुआ जबकि जनता पार्टी का राज्य आया। तब उन्होंने जो प्रान्तीय सरकारें थीं, उन्हें खत्म कर दिया, उनका डिजोलूशन कर दिया। उस समय हमें यह पसन्द नहीं आया क्योंकि ऐसा उन्होंने गलत तरीके से किया था। हम भी अगर इस प्रकार से इन पावर्स का दुरुपयोग करते हैं और राष्ट्रपति शासन वहाँ स्थापित करते हैं, जहाँ कि नहीं करना चाहिए, तो यह उचित नहीं है।

एक और बात मैं यह कहना चाहता हूँ कि गवर्नरों का चयन भी इस प्रकार का हो, जिससे लोगों को महसूस न हो। अब यह स्थिति पैदा हो गई है कि पहले जहाँ कांग्रेस सरकारें थीं, वहाँ अब दूसरी सरकारें आ गई हैं। वेस्ट बंगाल में सी० पी० एम की सरकार है और त्रिपुरा में भी इसी पार्टी की सरकार है और जनता पार्टी की सरकार कर्नाटक में है। जब इस प्रकार की सरकारें हैं, तो हमें यह कोशिश करनी चाहिए कि हमारे जो अधिकार हैं, प्रेसीडेंट की जो पावर्स हैं, उनका दुरुपयोग हम न करें और इसके लिए कांस्टीट्यूशन में विशेष तौर से गाइडिन्स होना चाहिए और उसके लिए अगर संविधान में कोई चेन्ज करने की जरूरत हो, तो वह चेन्ज भी करनी चाहिए। जब जनता पार्टी का

राज्य था, तो एक स्थिति और पैदा हुई थी। जनता पार्टी के जमाने में जब श्री मोरारजी देसाई ने इस्तीफा दिया था, तो उस समय राष्ट्रपति जी के सामने एक प्रश्न आया कि किस को सरकार बनाने के लिए आमंत्रण दिया जाय। उन्होंने श्री यशवन्तराव चव्हाण को आमंत्रित किया। इस पर लोगों ने यह कहा कि श्री यशवन्तराव चव्हाण को आमंत्रित करने के बाद श्री जगजीवन राम को आमंत्रित क्यों नहीं किया गया। तो यह एक प्रश्न उस समय था। उस समय राष्ट्रपति जी ने अपनी डिस्ट्रिक्शनरी पावर्स एकसरसाइज की और श्री जगजीवनराम को आमंत्रित नहीं किया। इसके लिये अलग-अलग राय हो सकती हैं। संविधान इस प्रकार से हमारे देश के अन्दर भिन्न-भिन्न पार्टियों की सरकार भिन्न-भिन्न प्रदेशों में हैं, तो उन पार्टियों को भी किसी तरह का एतराज न हो और लोगों को केन्द्र के खिलाफ कुछ कहने का अवसर न मिले। राष्ट्रपति शासन और गवर्नरों की नियुक्तियों के बारे में जो प्रावधान हैं, उनके बारे में बहुत ही गहराई से चिन्तन करना चाहिये, यह मेरा कहना है।

मैं यह अवश्य कहना चाहता हूँ कि केन्द्र को मजबूत होना चाहिये। अगर केन्द्र मजबूत न हो, तो हमारे जो 4-4 और 5-5 साल से फैमिन पड़ता है, उससे प्रान्तों में रहने वालों की दुर्गति हो जाएगी क्योंकि केन्द्र इसमें बहुत सहायता करता है। इसी प्रकार से डैजर्ट डैवलपमेंट की जो स्कीम है, क्या उसको कोई स्टेट चला सकती है। वे डैजर्ट स्कीम चलाकर हमारे एरिया का विकास नहीं कर सकतीं क्योंकि उन के पास इतने साधन नहीं हैं। इसी तरह से गरीबी की रेखा के नीचे के लोगों को ऊपर लाने की स्टेटों में ताकत नहीं है। आपके जो एन०आर०ई०पी की स्कीम है या स्माल और मार्जिनल फारमस और गरीब आदमियों को ऊंचा उठाने की जो स्कीम में है या 20 सूत्री कार्यक्रम है, इनका कार्यान्वयन सेन्टर की मदद से ही करना पड़ता है। इस तरह से बहुत से

ऐसे प्रश्न हैं, जिनको हल करने के लिए राज्य में क्षमता नहीं है, उनके पास सीमित साधन हैं। इसलिए यह बहुत आवश्यक है कि केन्द्र मजबूत हो क्योंकि अगर केन्द्र मजबूत होगा, तो हमारे देश की सुरक्षा हो सकेगी, केन्द्र मजबूत होगा, तो हम पिछड़े हुए क्षेत्रों को विकसित कर सकते हैं। इसी तरह से हमारे जो सीमावर्ती क्षेत्र हैं, नार्थ-इस्टर्न इंडिया में मिजोरम का सीमान्त क्षेत्र है, नागालैंड का सीमान्त क्षेत्र है, अगर हम इन सीमान्त क्षेत्रों को मजबूत नहीं करेंगे, उनका मोरल बूस्ट नहीं करेंगे, तो किस प्रकार हम देश की सुरक्षा कर सकेंगे, किस प्रकार हम दुश्मन का मुकाबला कर सकेंगे। उन क्षेत्रों के लिए जो रेगिस्तानी क्षेत्र हैं, जो सीमावर्ती क्षेत्र हैं, जो पहाड़ी क्षेत्र हैं, जो अविकसित हैं।

आदिवासियों के क्षेत्र के लिए जो अविकसित हैं, उन सभी क्षेत्रों के विकास के लिए यह आवश्यक और जरूरी है कि हमारा केन्द्र मजबूत हो और इसको मजबूत करके इस देश की एकता कायम करें, राष्ट्रीय एकता कायम करें। इस प्रकार से हम अपने राष्ट्र के हाथ मजबूत करें जिससे कि कोई भी दुश्मन हमारी तरफ निगाह न उठा सके।

श्री रीतलाल प्रसाद वर्मा (कोडरमा) : सभापति जी, केन्द्र और राज्यों के संबंधों पर यह चर्चा आज सारे भारत वर्ष में चल रही है। यह प्रश्न इसलिए पैदा हुआ कि 36 वर्षों की आजादी के बावजूद देश के हर भाग का सर्वांगीण विकास आज तक नहीं हो पाया। चाहे जो कुछ भी हुआ हो, लेकिन संविधान की प्रस्तावना के अन्तर्गत सर्वांगीण विकास नहीं हुआ। संविधान की प्रस्तावना में बताया है—समानता, एकता, न्याय और भाईचारा। लेकिन अगर ये सब बातें संविधान की पुस्तकों में ही लिखी रह जायें और प्रजातंत्र में जो हर व्यक्ति का अपना एक हिस्सा है, उसके अनुसार अगर उसको कार्य करने का अवसर नहीं मिलता त

ऐसी परिस्थिति में लोगों का केन्द्र पर दोषारोपण करना स्वाभाविक है।

आज जो परिस्थिति है, हर राज्य की जो परिस्थिति है, उसको देखने से यह पता लगता है कि सारे मुख्य मंत्री प्रधान मंत्री के एजेंट के रूप में ही रह गये हैं। उनके पीछे जनता की शक्ति नहीं है और वे जनता का प्रतिनिधित्व नहीं करते हैं। वे प्रधान मंत्री के एक एजेंट के रूप में जैसे कार्य करते हों और जब चाहे उन्हें हटा दिया जाय। जब ऐसी स्थिति हो तो कोई कैसे काम करे।

यह बात नहीं है कि हमारे यहां सभी मुख्य मंत्री ऐसे रहे हैं। हमारे पंडित गोविन्द बल्लभ पन्त भी मुख्य मंत्री थे। और भी प्रसिद्ध लोग भारत में मुख्य मंत्री हुए हैं। जब वे प्रांतों में मुख्य मंत्री थे तब इस तरह का प्रस्ताव नहीं आया। क्योंकि उन्हें अपनी शक्ति के द्वारा अपने-अपने राज्यों के विकास के लिए धनराशि प्राप्त हो जाती थी। इस कारण से उस समय प्रश्न नहीं उठा।

आज हम देखते हैं कि भारत के नक्शे पर जितने राज्य हैं उनमें किसी राज्य में पर कैपिटल इनकम 2500 रुपये है और किसी राज्य में 400-500 रुपये पर कैपिटल इनकम है। राज्यों में जो यह खाई और विसंगतियां हैं, इनको देखते हुए राज्यों में यह भावना जागी है कि हमें राजस्व में से पर्याप्त हिस्सा मिलना चाहिए। यह इसलिए होता है कि किसी को कम हिस्सा मिला है और किसी को ज्यादा हिस्सा मिला है। 7-8 वित्त आयोग बने हैं। हर बार राजस्व का हिस्सा फिक्स किया जाता है। यह डेमोक्रेसी है। यहां समानता और एकता है। क्यों नहीं राज्यों के लिए, जो केन्द्रीय राजस्व की प्राप्ति का है बराबर का हिस्सा फिक्स किया जाए ताकि सभी राज्यों का विकास संतुलित रूप से हो सके और यह जो क्षेत्रीय असंतुलन आ गया है, बहुत से राज्यों में क्षेत्रीय विकास में अन्तर आ गया है उसको पाटा जा सके।

यही कारण है कि बंगाल के मुख्य मंत्री श्री ज्योति बसु ने और कश्मीर के स्वर्गीय मुख्य मंत्री शेख अब्दुल्ला ने यह निर्णय किया था कि इस प्रश्न पर फिर से विचार करने की जरूरत है और राज्यों को अधिक शक्तियां प्रदान करने की जरूरत है, राज्यों को अधिक शेअर मिलने की जरूरत है। इस पहलू को समझ कर हमें इस पर विचार करना चाहिए। आज यह प्रश्न और गंभीर होता जा रहा है।

आज जब दक्षिण के राज्यों, कर्नाटक, तमिलनाडु, आन्ध्रप्रदेश, पाण्डिचेरी के मुख्य मन्त्रियों ने श्री राम कृष्ण हैगडे के साथ मिल कर अपने अपने राज्यों के लिए एकताबद्ध होने का आह्वान किया तो आप उस पर विचार करें।

श्री एम० सत्यनारायण राव : पैसा तो सेंट्रल गवर्नमेंट को देना है।

श्री रीतलाल प्रसाद वर्मा : आप उस पर विचार कर रहे हैं।

इसका परिणाम यह निकला कि हमारी प्रधान मंत्री जी ने तुरंत 24 मार्च को सरकारिया आयोग की घोषणा कर दी, ताकि केन्द्र-राज्य संबंध सुधरें। इसको राजनीतिक तुरूप चाल कहा जा सकता है।

यह भी देखने की आवश्यकता है कि क्या सरकारिया आयोग को सभी राज्यों की आस्था और विश्वास प्राप्त है? कहीं इसमें भी छल-कपट की राजनीति तो नहीं आ जाएगी? इसमें भी पहले की परंपरा को बरकरार रखने की चेष्टा की जा सकती है।

यह सही है कि आठवां वित्त आयोग माननीय चौहान जी के सभापतित्व में बना है। वे मुख्यमंत्री भी रह चुके हैं। आशा है कि वे राज्यों की स्थिति को देखते हुए मसलों पर विचार करेंगे इस तरह से देश की बिगड़ती हुई स्थिति को सुधारा जा सकता है। जितने भी आयोग बने हैं, सबने अपने ढंग से निर्णय दिया है। क्या इसका कोई ठोस आधार नहीं बनाया जा

सकता ? इस तरह का ठोस आधार बनाया जाना चाहिये जो देश को अक्षुण्ण रख सके । जिससे आपस में मतभेद की स्थिति पैदा न हो । इस पर विचार किया जाना चाहिए ।

इस बार 1734 करोड़ रुपए का केन्द्रीय राजस्व प्राप्त हुआ है । इसमें से 4200 करोड़ रुपया संवैधानिक हिस्सा राज्यों को दिया गया है । और भी कुछ देने की बात कही गई है । 1430 करोड़ रुपये के नए टैक्स जो केन्द्र सरकार ने हासिल किए हैं, उसमें से केवल 80 करोड़ रुपये राज्यों को दिए गए । क्या यह प्रजा-तांत्रित बंटवारा है ? राज्य केन्द्र से अलग नहीं हैं तो उनके हिस्से का पैसा कहाँ चला जाता है । इसलिए राज्यों को ठीक तरह से राशि का आवंटन किया जाना चाहिये ताकि उनकी आस्था केन्द्र के प्रति रहे । मतभेद पैदा न हों ।

संविधान के अनुच्छेद 241 से 263 में केन्द्र राज्य सम्बन्धों की अच्छी व्याख्या की गई है । 255-256 में प्रशासनिक शक्तियों का भी उल्लेख किया गया है । 355-356 में केन्द्र को विपुल शक्ति प्रदान करने का प्रावधान है जिसके द्वारा केन्द्र सरकार कभी भी राज्य को टेक ओवर कर सकती है । राज्य की प्रशासनिक शक्तियां केन्द्र अपने हाथ में ले सकता है, कोई कारण हो या न हो । आपतकाल में भी केन्द्र को शक्ति है, यह उचित भी है । हर पहलू पर केन्द्र-राज्य के बीच टकराव की परिस्थिति में अनुच्छेद 255-256 के अन्दर काफी गुंजाइश है । आज राष्ट्रपति शासन लागू कर देते हैं । इसके अंदर गलत राजनीति और सत्तारूढ़ दल का वचस्व साबित करने की मंशा रहती है ।

मैं आपका ध्यान आकर्षित करना चाहता हूँ कि आज जो केन्द्र और राज्यों के सम्बन्ध बिगड़ते जा रहे हैं, इसके लिये सरकारिया आयोग के लिए कुछ टर्म्स एण्ड कंडीशंस तय की जानी चाहिए । इसमें किसी को मतभेद नहीं होना चाहिए, इस बात की गारंटी होनी चाहिए ।

जिस तरह दक्षिण में मुख्य मंत्रियों की बैठक हुई, उसी तरह नार्थ-इस्ट में भी अगर बैठक हुई और ऐसी ही परम्परा चलती रही तो कोई कारण नहीं है कि टकराव का वातावरण पैदा होगा । बीसवीं शताब्दी में सभी राज्यों के सम्पूर्ण विकास के लिए जो प्राप्तियां हैं, उनका आवंटन सही प्रकार से होना चाहिए ताकि कोई भ्रंश पैदा न हो सके ।

बिहार सरकार ने 226 करोड़ रुपये की मांग की है । वहां भयंकर अकाल पड़ रहा है और सैकड़ों लोग मर रहे हैं । लेकिन, अभी तक उनकी मांग की पूर्ति नहीं हो सकी है । ऐसी स्थिति में लोगों में बहुत ही अनास्था हो गई है । अभी हाल ही में प्रधान मंत्री जी राजस्थान गई थी । वे कहती कुछ हैं और करती कुछ हैं । अगर, भाषण बाजी होती रहे और वास्तव में कुछ न हो तो ऐसी हालत में टकराव की स्थिति पैदा होगी । बिहार के लोगों में जो असंतोष बढ़ रहा है, उसका मिटाने का प्रयास करना चाहिए । सारे राज्यों को अलाटमेंट न्यायपूर्ण होना चाहिए, पक्षपात पूर्ण नहीं । सरकारिया आयोग को ऐसी हिदायतें दी जाएं जो सब राज्यों को मान्य हों ।

MR. CHAIRMAN : This discussion is to conclude at 5.30 p.m., according to the extended time. Is it the pleasure of the House that it should be extended further, i.e. for more time—because there are many speakers ? It can be extended by one hour. To-day we cannot sit after 6 p.m. But it will be carried over.

SOME HON. MEMBERS ; Yes.

MR. CHAIRMAN : So, we extend the time by one hour more. Mr Harish Rawat is not here. So, Mr N., C. Parashar may speak. He may please be as brief as Possible.

PROF. NARAIN CHAND PARASHAR (Hamirpur) : The Resolution that has been brought is a very timely one because it has brought about a debate in this House on an emerging situation which has caught the interest of the nation.

The appointment of the Sarkaria Commission at this moment when this House is discussing this Resolution is also in line with this new interest which has been evinced in the Centre-State relations. This is also the time when the new Finance Commission is doing useful work, and we are also on the threshold of the 7th five-year Plan. About two years are still there.

There are some basic issues which have to be thrashed out. There is, I believe, no basic conflict between the Centre and the States, because the Powers that have been divided between the Centre and the States are the Powers which are necessary to carry on the affairs of the nation ; and it is some sort of an internal arrangement meant by the framers of the Constitution to ensure that the nation moves on the Path of Progress and social justice. But the very fact that this Constitution has been amended more than 40 times in a Period of less than 40 years, is proof that there is enough resilience and flexibility in this Constitution to cater to the developing situations, and to take on new responsibilities, and to divide the various sectors of authority, as per the need be. At present, the Indian Union has 22 States and 9 Union Territories. Now, there is only one point on which all the States and the Union Territories are equal or put on the equal footing—that is when an amendment to the Constitution has to be rectified, by more than 50 per cent of the States ; that is the only point when Himachal Pradesh, Sikkim, Uttar Pradesh, Rajasthan, Harayana, Tamilnadu and West Bengal are on equal footing ; this is the only point when true federalism emerges and it can be said to be truly federal in this respect only.

The constitution of the Lok Sabha is on the basis of population. The constitution of the Rajya Sabha is not on the basis of population but is more or less patterned as such, because all these States do not have an equal representation in the Upper House just as in the case of American Constitution. So, what happens is that the pressure of population or volume of population which is reflected in the constitution of Lok Sabha is also reflected in the constitution of the Rajya Sabha. The largest State has got 85 members here ; the largest State has got 35 members there

and the smaller State has got a few members there. Interesting enough, there are Union Territories which do not have any representation in the Rajya Sabha. For example, Chandigarh does not have any representation in the Rajya Sabha. This is one lacuna.

AN HON. MEMBER : One is there.

PROF. NARAIN CHAND PARASHAR : Chandigarh is not having any representation in the Rajya Sabha, You better check up.

AN HON. MEMBER : There is one nominated member.

PROF. NARAIN CHAND PARASHAR : You kindly check it up before making this statement. He should check as to what the fact is which I am trying to bring to his notice. So, this is one lacuna that one integral part of the country is not represented in the Rajya Sabha.

MR. CHAIRMAN : That became a Union Territory when the Punjab was divided.

PROF. NARAIN CHAND PARASHAR ; May be, whatever is the cause. That is not the case because may be you have given more seats to Union Territories.

THE MINISTER OF HOME AFFAIRS (SHRI P. C. SETHI) : One nominated member is there.

PROF. NARAIN CHAND PARASHAR : Maybe he was nominated only last year. Earlier, there was no representation. Chandigarh became a Union Territory in 1966. So, for 16 years, there was no representation from Chandigarh in the Rajya Sabha.

SHRI M SATYANARAYAN RAO : That is why they have amended it now.

PROF. NARAIN CHAND PARASHAR : It is not amended. But such contingencies should also be catered to. There are seven States in this country which have less population than you can say 10 million. The States are ; Jammu & Kashmir, Himachal Pradesh, Meghalaya,

Tripura, Manipur, Nagaland and Sikkim. So far as these States are concerned, when it comes to financial allocation, they do not have their full share because they are smaller States. Therefore, the very process of raising resources is not fulfilled by them. It is not quick and efficient. So, they are given special grants by the Centre and the Centre looks to it that the process of development is not halted. These States are given 90 per cent of the subsidy and 10 percent of loan whereas in the case of other States, the ratio is 50 : 50. So, within our planning process, within our financial allocation, there are practices, there are instances where the weaker States, the smaller States, are also given their dues. But when my friends from the opposite side raised this question that the resources are raised by the Centre through taxation and the States are not given their dues, they should also remember that for the first time it so happens that the plan allocations in the 6th Five Year Plan for the States are larger in size than the allocations for the Centre. Therefore, hereto, a new ground has been broken as we have moved on from one plan to another plan or from one set up of a situation to another set up of a situation. What has happened is that a new pattern has emerged. Still, we would like that smaller States are given more prominent voice, more prominent share in the development of the country, but the whole process vitiated because our plan allocations are allocation-oriented. We allocate this much of money for Himachal Pradesh, this much of money for Meghalaya. The same amount of money which you allocate for Himachal Pradesh may not be sufficient to build the same number of roads and the kms which you may have built in the case of Punjab. Therefore, unless allocations are target-oriented, unless physical targets are also taken into consideration, Till then the economic justice would not be done to the whole of the Union. The task of Centre-State relations should be to see that no part of the country suffers on account of backwardness, that every section of Indian society has a share of this distributive justice and is able to march on the path of social and economic amelioration or betterment of transformation, whatever you may like to call it. So, with this end in view, I piloted a Private Member's Bill in

the Lok Sabha, in the earlier one the Fifth Lok Sabha, when I was a Member and in this one also, that Article 371 should be amended and one clause (f) should be added so that in addition to the enumeration of the States like Nagaland, all the other hill States should also be enumerated where the process of development is peculiar, is full of certain constraints and is not as smooth as it is in the plain. And just as my friend from Rajasthan was saying 'there are some border States which have problems of their own. Now, the country as a whole is interested in Defence. The Union Government looks after Defence but the people of these States which are bordering Pakistan or China or let us say Bangladesh, or Burma, they have problems of their own: insurgency, in one form or other; infiltration; exodus from the neighbouring countries or some other problems crop up. Now, to that the Union Government can play a limited attention. The States which are border States have a special claim on the Centre. So, this is not recognised. The States which are the hill States, they have a special claim on the Centre; this should also be recognised, and so on and so forth. Added to this there are problems of a peculiar nature. Now you have adopted the Seventh Schedule in the Constitution. You have put fifteen languages and the sixteenth also has been put. These are not the only languages spoken in the country, I would invite your attention to the Fourth Educational Survey conducted by the NCERT in which more than 1,000 languages have been enumerated as having been used in the schools. I would invite your attention to the programmes of All India Radio where more than 300 languages are also being used as media of communication between the people of India and the Government for various programmes. Now, whose responsibility is this to cater to the development of the languages and dialects which do not have. State patronage, which are not in the Seventh Schedule, and which are not recognised by the Sahitya Akademi?

MR. CHAIRMAN : It is the Eighth Schedule not the Seventh.

PROF. NARAIN CHAND PARASHAR : I am sorry, I mean the Eighth Schedule, They are not in the Eighth

Schedule ; they are not recognised by the Sahitya Akademi. Nobody bothers about them. And every effort is made by the protagonists of bigger languages. A similar smaller attempt was made during the census operations our Union Home Minister must be aware to dissuade the people from recording their languages and mother tongue, because they are not recognised. Recognised by whom ? I do not know whether it is a healthy process, but it is a great set back to our national integration. Even a very small language has a beauty of its own. Now these languages have rich literature, they are folk languages and given the opportunity to develop, they can develop. So, therefore, either the Centre should take over this responsibility, of developing all the languages spoken on the soil of India, of promoting cultures, even sub-cultures that are there, that are parts of our undying tradition for which.

*"Yunano Misoram sammit gaye Jahan se
Vaaki Avtalak Bhi Namon Nishan Hamara"*

What is this ? These are all fifteen languages not the other languages. There is a pahari language, a language spoken in Himachal, there is a language spoken in Ladakh ; there is a language spoken by tribes of these parts. These languages have rich cultural advantage: and they have rich literature but because they are not recognised by the Union Government or the State Governments, the result is they are neglected. So this should also be the responsibility of one set of regulations of the Constitution. But there is no mention. What I would plead for is that the people who are living in these areas, the languages spoken by them, must also be covered when we talk of Centre-State relations. Otherwise, what is happening is that a section or area of our cultural heritage is being washed out by an invasion, what we call a cultural invasion, or a threat is there, and similarly there are other factors which should also be looked into.

Now, there are certain in-built things; I know, for example, there is one Article 169 under which any State Government can recommend to Parliament to abolish the Legislative Council. Now, Andhra Pradesh has recommended this that the Legislative Council should be abolished. Not only that ; Bihar and West Bengal have also

recommended to Parliament and Parliament has accepted it.

AN HON. MEMBER : Punjab.

PROF. NARAIN CHAND PARASHAR : Punjab and West Bengal. So, these two Legislative Councils were abolished under Article 169 and this Parliament accepted it. Now, Andhra has also come forward and there are some States where there are unicameral legislatures ; there are others where we have bicameral legislatures. But West Bengal or Punjab has not suffered in any way with the abolition of the Council. Similarly, the Chief Minister of Andhra Pradesh is coming forward with a plea that Andhra Pradesh should be renamed as Telugu Nadu. In the eastern sector, many States have changed their names with the concurrence of the Centre. what I am trying to say is that there is no inherent contradiction or conflict between the Centre and the States. The Central Government and the Union as such has reacted and responded to the situations in a very liberal manner and the emerging situations have been responded to in a very nationalistic spirit. Our attempt should be to see that both the Union and the States are strengthened and the new set of relations that emerges out of this understanding, is to the benefit of both. If Himachal or Ladakh remain undeveloped and they are not linked by the railway line to the Union capital or if Mizoram and Nagaland are not linked with the union capital by air or by railway line, it will not be to the benefit of the nation. Similarly, if the Centre is weak, Himachal, Ladakh or Nagaland and Mizoram will not be benefited. Though we agree with some of the points that emerged out of this Resolution, it is very difficult to agree to the working of the Resolution which shows as if there is some conflict of ethnic groups. There is no conflict. Rather I would say that it is neglect on the part of the Centre and the States. Let the Centre and the States come forward in unison, in harmony and take India on the march to progress and prosperity so that the people of India realise the dreams of our martyrs and framers of the Constitution.

With these words, I request the Mover of the Resolution to have a second thought and take it back because the task for which

the Resolution is being discussed here, has been assigned to the Sarkaria Commission.

***SHRIMATI JAYĀNTI PATNAIK** (Cuttack): Mr Chairman, Sir, I rise to say a few words on the resolution regarding Centre-State relationship that has been brought forward by Shri Amal Datta.

The Indian Constitution has been the beacon light for the people of India during the last 33 years when they have gone through both good and bad days. This has become the eternal guardian of the freedom of the people. The Constitution is of the Union of States. It provides for a powerful Centre and equally powerful States. The secret behind the success of the Constitution is primarily due to the provisions laid down in it for maintaining ideals of amity between the Centre and the States and for proper balance of powers between them for equal distribution of fiscal and physical resources. The success of India as a political democracy depends on the success of Constitutions. Our loyalty and dedication to this Constitution should be reflected in our day to day life.

Article 1 of the Constitution proclaims that India, that is Bharat, shall be a union of States. The preamble declares among other things that the people of India, have solemnly resolved of constitute India into a Sovereign Democratic Republic and to secure to all its citizen justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of status and of opportunity and to promote among them all fraternity, assuring the dignity of the individual and the unity of the Nation. Therefore, it becomes our bounden duty to bear in our minds these essential pre-requisites of our Constitution while discussing the Centre-State relations. The resolution under discussion strikes at the very roots of our Constitution. While taking oath, the President, the Vice-President, the Members of Parliament, the Members of Legislative Assemblies, and Legislative Council and the high functionaries of the State at the time of taking over office swear in the name of God or solemnly affirm to the integrity and the sovereignty of India as enshrined in the

Constitution. The Resolution itself is not in tune with the provisions of the Constitution and do not support this.

In the past, the Supreme Court has delivered monumental judgments asserting that the basic structure of the Constitution should not be amended in any circumstances. The foundations of the Constitution are based on the Union of States. The resolution brought in this House seeks to change the basic structure of the Constitution. On the other hand, we have to subserve the basic ideals of the Constitution at any cost.

The Constitution provides balance of power between the Centre and the States. The powers of the Centre and the States have been delineated in the Union List, the Concurrent List, and the State List of Seventh Schedule of the Constitution. The Constitution provides for independent judiciary, empowering it to resolve the Centre-State disputes. The Centre has been empowered to intervene in the administrative and legal affairs as also in the financial matters of the States. The Constitution arrogates the power to the Centre for maintaining Defence, Foreign relations and Communications. With the rapid development of technology and introduction of sophisticated weapons and missiles, the outlay for maintaining a modern army is bound to be considerable. Effective safeguarding of the country's territorial integrity and the preservation of the hard-won freedom have always to be given topmost priority. The country has also to make rapid strides in the field of economic development. All States are not endowed with the same type of natural resources. For example, Orissa, Bihar and Andhra Pradesh have abundance of iron ore, Bihar, U.P., Orissa, West Bengal and Andhra Pradesh have plenty of coal. The States like Himachal Pradesh are ideally located for the construction of dams and for optimum utilisation of hydel power. The creation of inter-State grids like the Damodar Valley project or the Bhakra Nagal Dam or the exploration of our mineral ores have thus become the national responsibilities and have to be undertaken by the Centre. They are also to subserve

the common good of the nation, by providing large scale employment, greater self reliance, reducing the imports and bringing about a general wellbeing in the areas where the projects are set up through provision of better amenities like roads, protected water supply, transport, hospitals, schools etc. All these basic requirements for common goal demand a strong Centre.

If States, where crude oil is extracted, are to levy high rates of sales tax, it will upset the economy of other States. The same consequence will follow, if electric power generated in one State and supplied through an inter-State grid is subjected to high rate of sale tax. Consequently in respect of goods of special importance in inter-State trade or Commerce, some regulatory control by the Centre is inevitable. This is secured by Article 286 (3) of the Constitution, incorporated through the 6th Amendment based on the recommendation of the taxation Enquiry Commission. For all such financial matters, provision for the setting up of a Finance Commission has been made in the Constitution. The Eighth Finance Commission has been functioning now. If any particular State has any grouse or grievance it can place them before the Eighth Finance Commission. When all these facilities are provided in the Constitution, the question of further amending the legal, financial and administrative powers does not arise.

The various ethnic groups have also been given some rights. A provision has also been made for all round development of minority communities, Hill tribes, Scheduled Castes, Scheduled Tribes and weaker sections of the society. In Article 3 of the Constitution, this has been specially stated. On these issues Centre and States have no clash of views.

Our beloved Prime Minister has always been emphasising the need for a strong Centre and equally strong States. If the States become powerful, the Centre should also become powerful. But this has been interpreted by some persons in a different manner. They have been saying that the Centre should remain also of from the States, that States would be allowed to obtain foreign aid directly, that the persons knowing local languages should be made

the Judges of the High Courts. Are these demands justified? The States advocating these issues are also asking for higher allocation of funds from the Centre, but they are not performing the duties entrusted to them by the Centre. The question of overdraft can be taken as an example. The Hon. Prime Minister has rightly said that with the denial of overdraft facility some States are putting the Centre in trouble. As a retaliatory step, some other States are presenting O' tax budget. It becomes difficult for them to manage their fiscal deficit. Under these circumstances some States will virtually depend upon more allocation from the Centre or they will try to prevail upon Eighth Finance Commission for recommending to the Centre to provide additional allocation of funds to such States.

I shall be failing in my duty if I do not mention about Sarkaria Commission. The hon. Prime Minister has announced the setting up this one man Commission. I welcome wholeheartedly the Prime Minister's announcement in Parliament of the Constitution of this Commission to examine Centre State relations and to suggest appropriate changes. It is in the fitness of things that a Constitutional expert with judicial experience has been chosen to head the Commission. Our Prime Minister has rightly said that "keeping in view the social and economic development that had taken place over the years, such a review would take into account the importance of the unity and integrity of the country for promoting the welfare of the people. The Commission will definitely find out the duties and responsibilities and duties of the States in mobilising the resources. This Commission will certainly examine the Centre-State relations as may be appropriate within the frame work of the Constitution. Relations between the Centre and States and coordination between the States are clearly demarcated under Article 245 and 263 of the Consitution. Some members may say that the States are not able to become strong due to lack of power with them. But this argument is not justified. Those, who express this kind of opinion, forget their real responsibilities. They argue that important revenue sources are with the Centre and what is left to the State does not enable them to fulfil their

obligations without depending upon Central assistance. This, they say, cripples their style of functioning and obliges them either to give up or postpone well meaning social or developmental programmes.

In this context, I would like to point-out that some States are not able to exercise their financial powers properly. Our Prime Minister has said time and again that the Centre totally depend on the States for implementing various welfare programmes that are introduced by the Centre itself. I entirely agree with hon. Prime Minister who has stated in the House that there could not be any strong Centre without strong States and we are interdependent. We want stable and strong States with a strong Centre."

It is unfortunate that some provincial leaders and regional political parties have been emphasising on the regional issues. They want to become popular by raising parochial slogans. They are not laying stress on national problems and their main objective is to acquire power in the States. The non-Congress ruled States believe in this line. Some non-Congress ruled State Governments are threatening to demonstrate and agitate. They have been putting pressure on the Centre in the name of slow pace of implementation of developmental programmes, resulting in the break down of law and order. If they continue to project their stand in this manner the Centre will be weakened. The differences between the States and the Centre will prevail and will evoke feelings of antipathy towards the Centre. Some extremists are deliberately creating chaos in the country. I must say that such type of political parties or the people have no faith in democracy. By projecting their stand in a wrong track, they are cutting at the very roots of democracy which has been nurtured and nursed by the Centre.

Recently, four Southern States Chief Ministers convened a Conference in which they demanded additional power to their States. Because of their differences with the ruling party at the Centre, these non-Congress Governments are raising this issue. They are making an attempt to weaken the Centre. Perhaps they are thinking that if the Centre becomes weak they can overpower the Centre and will get additional funds.

MR. CHAIRMAN : Rest of the points you can say on some other occasion.

SHRIMATI JAYANTI PATNAIK : I am touching upon the points only, I am not going to expand now. I am going to conclude.

If you take historical precedents, we can find a lot of them when and under what circumstances India was in trouble due to the weak Centre. When the Maurya and Gupta empires were weak, the Greeks, the Huns and the Kushans had invaded India. The Afghans invaded the country when Moghals become weak. The Marathas and the other regional rulers made war to build independent kingdoms. At this juncture the British sneaked in and became the rulers of India.

This is not only the history of India, but China and Soviet Union had also faced similar fate when the Centre there had become weak. The regional forces and the private armies failed to safeguard their Governments at the Centre. They learnt lessons from history and they established strong Centre. The people living in all parts of the USSR do not speak one language. The people of some States are ethnically different from the culture and languages of the others. Yet the sense of nationality has been infused in all of them by the strong Centre. In the United States of America, the States are very powerful ; and but at the same time the Centre is equally powerful. But the States accept the views expressed by Centre.

Therefore, the development and prosperity of a State cannot be had from a debilitated Centre. If this feeling is perpetuated then the history will repeat itself in India. The States will clash with each other and foreign power will take the opportunity to invade India.

The concept of national integrity and unity has three main aspects. They are political unity, financial integrity and emotional integration. Freedom is the symbol of political unity in the country. Mahatama Gandhi is the first patriot who encouraged the Indians to fight unitedly for achieving the freedom. If he had not united the nation, we would not have become free. The Jalianwala Bagh massacre and the unprece-

dented drought in Bihar were declared by Mahatama Gandhi as national calamities and requested the people of India to face this national disaster and work unitedly to help the affected people. Pandit Jawaharlal Nehru had given the clarion call of unity in-diversity. He laid emphasis on the unity of thought and action on the part of the people which alone will ensure their economic prosperity. In the political field Constitution is their greatest contribution and he introduced five year plans for the economic upliftment of the country. Therefore, the Constitution is the first main achievement of free India and through the five year plans the economic development of India has become possible. We have got various schemes for the development of the States and for the removal of regional imbalance.

Our Prime Minister Smt. Indira Gandhi has made a significant contribution to our national economy. She took a bold step of nationalising the major commercial banks in 1969. After that they are taking a major role in implementating the various developmental programmes for the good of the country. I take this opportunity to congratulate our hon. Prime Minister for having introduced the revised 20-point economic programmes in January 1982. It is worthwhile to note that the revised 20-point programmes lays special emphasis on realisation of specific goals which will show immediate tangible results for the welfare of different segments of our population. This can be called the new agenda for the nation. The new agenda lays stress on direct attack on poverty and on vigorous implementation of various rural welfare programmes. Therefore, the revised 20-point programme is the highway for the socio-economic development in the country.

Let me discuss a few things on the emotional integration, The regional and parochial feelings are not at all conducive to emotional integration. These feelings are anachronisms in a democracy. The emotional and spiritual feelings had been created by our religious servants and spiritual masters, who had deep love for India. Vyasa, the author of Mahabharata first used the word Bharat. During those days Bharat had been mentioned as a country and the people of that country were called 'Bhartiya' (Indian). In the mythology and in the legends of history, you will find

that Manu and Gautam Buddha had advised the people of this country to accept the whole of India as one ideal country. The eminent poets in different regional languages have also narrated India as one nation and emphasised the need to maintain unity in the country.

The Nobel Laureate Rabindra Nath has said that "He mor chitta, punya Tirtha, Jagare dhire, Ei Bharater Mahamanober sagar tire." which means something like this, Oh my mind, slowly in the holy pilgrimage on the shores of this Bharat, of great people."

The Tamil poet Shri Subramaniam Bharati has described India as "one nation one people". When there was demand for separate Orissa State, the great Oriya poet, Radhanath described India as our mother land, not Orissa, and therefore, he had advised the people of Orissa to work for the integrity and unity of India at any cost.

Now, we have got our Constitution which has provided us a democratic set up. This country belongs to Hindus, Muslims, Buddhists, Christian, Sikhs and Parsis. The well-being of all these segments of population is only possible in a country which has a strong Centre. The main task before us is to preserve the national unity, and emotional integration. The unity and strong Centre has not remained an elusive goals but has become an inalienable part of the blood and flesh of the people of India as a whole. Despite their unbearable poverty, illiteracy and fatalistic approach to life, the people of India have tried to live up to the ideal of one nation and have never hesitated to sacrifice themselves for the independence of India. During 1962, 1965 and 1967, when India was facing external aggression, the people stood as one man in defence of motherland. During the recent international meets like the Asiad and the Non-Alligned Summit, they gave their mighty response and their support to the call of our enlightened leadership. India has achieved wide-range of influence in the international sphere and Indians are regarded as the people of strong mind and the whole world feels that we have a bright future. The Indian Constitution which has emerged from such a national ethos should not be harmed by adopting this resolution. Therefore, I oppose this resolution which should be thrown out, lock, stock,

and barrel. I conclude my speech with these words.

श्री राम सिंह यादव (अलवर) : माननीय सभापति जी, केन्द्र एवं राज्यों के सम्बन्ध के संबंध में भारत के संविधान में 11वें अध्याय में अनुच्छेद 245 से लेकर 263 तक व्यवस्था की गई है। पश्चिम बंगाल से आने वाले माननीय सदस्य ने जो यह आशंका व्यक्त की है और इस प्रस्ताव के माध्यम से जो चाहा है कि संविधान में परिवर्तन किया जाये या संविधान को आमूलचूल रूप से परिवर्तन करके उसमें दूसरे तरह की व्यवस्था की जाए। इसके लिये मैं निवेदन करना चाहूंगा कि यह उपयुक्त नहीं है। मैं इसका विरोध करता हूँ। आप जानते हैं कि वही संविधान सक्षम है, जो राष्ट्र को आर्थिक राजनीतिक एवं सार्वजनिक संकट के समय उस राष्ट्र की समस्याओं का निदान यदि उस संविधान में है, तो हम यह कह सकते हैं कि वह संविधान सक्षम है। वह इस प्रकार का संविधान है कि उसको किसी तरह से बदलने की आवश्यकता नहीं है। मैं आप से निवेदन करना चाहता हूँ कि जो मौजूदा संविधान है, उसमें किसी तरह का विवाद नहीं है। मौजूदा संविधान के सम्बन्ध में अमरीका के जूरिस्ट, इंग्लैंड के जूरिस्ट फ्रांस के जूरिस्ट और हिन्दुस्तान के जूरिस्ट ने एक मत होकर इस बात को कहा है कि This is a federal type of constitution.

श्री डाईसी जो लॉ के एक्सपर्ट माने जाते हैं, उन्होंने जो कहा है, मैं उसको कोट करना चाहता हूँ :

“A federal State derives its very existence from the Constitution. Hence, any power, legislative, executive or judicial, whether it belongs to the Centre or to the individual States, is subordinate to and controlled by the Constitution.”

(Dicey's Law of the Constitution).

The Supreme Court of India has referred to the federal structure and to the federal background of our Constitutional

system in Automobile Transport Limited v. State of Rajasthan, Justice Subba Rao dealt with this question in his dissenting judgment reported in State of West Bengal v. Union of India.

Justice Subba Rao came to the conclusion thus :

“I have no doubt that the Indian Constitution is a federation.”

भारत वर्ष का संविधान अपने आप एक अनुठा संविधान है। जहां इसमें यूनिटी-टाइप आफ गवर्नमेंट की मान्यता दी है, उसी के साथ-साथ कुछ संघीय व्यवस्था भी है। किसी संविधान का मूल्यांकन यदि आप करें तो उस देश की सांस्कृतिक, ऐतिहासिक और धार्मिक व्यवस्था को जब तक आप सामने नहीं रखेंगे तब तक आप उसका मूल्यांकन नहीं कर सकते हैं। आप अमरीका के संविधान से इसकी तुलना नहीं कर सकते हैं।

क्योंकि अमरीका की फ़ेडरेशन जिस तरह से अस्तित्व में आई है, आप सब जानते हैं, वह देश एक है लेकिन उसमें अलग प्रकार की सामाजिक व्यवस्था है, अलग-अलग एथनिक ग्रुप्स हैं, लेकिन हिन्दुस्तान जब से यह देश बना, तब से एक देश है, इसमें अलगाव की बातें नहीं हुई। आप कह सकते हैं कि भारतीय संस्कृति में विभिन्नता में एकता है। राजनीतिक दृष्टि से, आर्थिक दृष्टि से, सामाजिक दृष्टि से हमारा संविधान आज उस विभिन्नता में एकता को बनाये हुए है। इसमें सन्देह नहीं है कि पिछले कुछ सालों में कुछ राज्यों के अन्दर जो दल सत्ता में आये, उन दलों के दिमागों में इस तरह की बातें पैदा हुई हैं, उन से एक बड़ा चैलेन्ज इस देश की एकता को मिला है, लेकिन हमें इस बात को भी नहीं भूलना चाहिये कि वे रीजनल पार्टिज हैं।

मैं पूछना चाहता हूँ—सन् 1967 में कई राज्यों में संविधान की सरकारें बनी थीं, उस समय भी दिल्ली में, केन्द्र में, कांग्रेस की सरकार थी, क्या आप कह सकते हैं कि उस समय कोई

विवाद पैदा हुआ जिस की वजह से संविधान की सरकारें नहीं चल सकीं? वे खूब चलीं, यदि गिरीं तो संविधान की वजह से नहीं गिरीं, वे उन की अपनी पार्टियों की कमजोरी की वजह से गिरी। आप अपनी कमजोरी को देखिये, संविधान में कोई कमजोरी नहीं है। आप में कमजोरी है, आप की पार्टी व्यवस्था में कमजोरी है। मैं आपको 1977 की याद दिलाना चाहता हूँ—यहां केन्द्र में आपको सरकार बनाने का मौका मिला, आप ने जनता पार्टी के नाम से यहां सरकार बनाई। उस समय भी दक्षिण में कर्नाटक और आन्ध्र प्रदेश में कांग्रेस (आई) की सरकारें थीं। क्या संविधान के कारण किसी तरह का कोई विवाद सरकारों के बीच पैदा हुआ? क्या केन्द्रीय सरकार और राज्य सरकारों के बीच संविधान के कारण कोई इस तरह का भय पैदा हुआ जिस से राज्यों ने यह महसूस किया हो कि उनकी सरकारें नहीं चल सकतीं? केन्द्र में आपकी सरकार थी, आपको पूरा अवसर मिला, आन्ध्र और कर्नाटक में कांग्रेस (आई) की सरकारें थीं, केन्द्र ने नहीं गिराया। आप यदि गिरे तो स्वयं अपने कारण गिरे, क्योंकि आप की स्वयं की नीति सही नहीं थी, आपके स्वयं के उद्देश्य सही नहीं थे। यह हमारा संविधान ही था, जिस ने इस देश में फिर भी राजनीतिक व्यवस्था, बाडी-पोलिटिक को कायम रखा।... (व्यवधान)...

सभापति महोदय : वह जनता पार्टी में नहीं थे, सी० पी० (एम) में थे।

श्री राम सिंह यादव : उस समय सी०पी० एम० भी उन्हीं के साथ था, उनसे अलग नहीं था। इन की एक खूबी है, ये समय के साथ रंग बदल लेते हैं, कभी चीन के गीत गाने लगते हैं, कभी किसी के गीत गाने लगते हैं।

इनको आज सब से ज्यादा बेचेनी है। क्या आप यह चाहते हैं कि अमरीका के संविधान की तरह यहां पर भी दोहरी नागरिकता हो? क्या आप यह चाहते हैं कि रेसिडयुअरी पावर्स जिस तरह से अमरीका में स्टेट्स को दी गई हैं, उसी तरह से यहां भी 246 को हटाकर स्टेट्स को दी जाएं, मैं जानना चाहता हूँ—आप के मन में ऐसी आशंका क्यों है? संविधान के अनुसार रेसिडयुअरी पावर्स केन्द्र को मिली हुई हैं, मैं पूछता हूँ—क्या केन्द्र ने कभी इन रेसिडयुअरी पावर्स का दुरुपयोग किया है? कभी नहीं किया। पं० जवाहर लाल नेहरू, श्री लाल बहादुर शास्त्री इस देश के प्रधान मंत्री रहे, मौजूदा प्रधान मंत्री श्रीमती इन्दिरा गांधी हैं—क्या कभी इन्होंने रेसिडयुअरी पावर्स का पार्लियमेंट के माध्यम से या प्रेजिडेंट के आर्डिनेन्स के माध्यम से दुरुपयोग किया? कभी नहीं किया, आप कोई इस्टेंस नहीं दे सकते, फिर आस रेसिडयुअरी पावर्स की दुहाई क्यों दे रहे हैं कि इन को स्टेट्स को दीजिये? इसमें क्या लाजिक है, क्या औचित्य है? क्या 1950 से आज तक कोई इस तरह का विवाद पैदा हुआ?

MR. CHAIRMAN : This discussion will continue next time.

श्री रीतलाल प्रसाद वर्मा (कोडरमा) : सभापति महोदय, मैं चाहता हूँ कि सदन का समय बढ़ाया जाये ताकि मेरा जो संकल्प है, मैं उसे प्रस्तावित कर सकूँ।

सभापति महोदय : नहीं, अभी नहीं।

18.00 Hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, May 2, 1983/ Vaisakha 12, 1905 (Saka).