

SHRI R. MARGABANDU: Since an assurance has been given by the Government - I am thankful to the hon. Minister - I am withdrawing this Bill.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Thank you.

The Bill was, by leave, withdrawn

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, we take up the Indian Penal Code (Amendment) Bill, 1999. Shrimati Saroj Dubey; she is not here. We take up the Constitution (Amendment) Bill, 1998 (to amend articles 269 and 270 etc.). Shri-C. Ramachandraiah.

THE CONSTITUTION (AMENDMENT) BILL, 1998 (to amend articles 269 and 270 etc.)

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, I move:

"That the Bill further to amend the Constitution of India, be taken into consideration."

Sir, this Bill was introduced in 1998. A number of developments have taken place since then. Of course, a Constitutional Review Committee has been appointed to review the Constitution in an integrated manner. But, I do not say that my Bill has got no relevance. Devolution of powers to the States is a long-standing demand and it should be addressed in all its seriousness. I want to make it clear that it should not be mixed up or confused with the demand for autonomy. Irrespective of which party has been there in Government at the Centre, they have been trying to mop up more powers, thus diluting the spirit of federalism, which is the basis of the Constitution. At this juncture, I have to say that strong States constitute a strong Centre. The entire process of devolution of powers from Centre to the States, - financial, administrative and legislative - needs to be re-examined.

Sir, take, for example, the 11th Finance Commission. Some more thrust has been given to poverty. Poverty and undeveloped States have to be taken care of. There is absolutely no doubt about it. But there should be a cut-off date. A date has to be stipulated from which the poverty has been acquired. It may be out of over-population; it may be out of the fiscal

profligacy; it may be out of the financial indiscipline that has been indulged in by the States. It should not be rewarded. Sir, I want to make it clear that we are not against backward States; backwardness has to be taken care of; it should not be perpetuated. It is on record that we have protested against the guidelines that have been taken into consideration for devolution of funds in the 11th Finance Commission. A premium has been put on inefficiency, on fiscal profligacy, and on financial indiscipline of the States. If that is the case, every State would tend to indulge in luxurious schemes. Sir, for example, in the State of Andhra Pradesh, to achieve the financial discipline, we are paying a political price. We have increased price of rice from Rs. 2 to Rs. 3.50 that is being supplied to weaker sections. We are very aggressively adopting the reforms in the power sector for which we have to earn the wrath of the common man. And ultimately, this is for what? We are paying a political price there, and we are being punished here with lesser allocations. What message is being sent to the States by this sort of assessment? This has to be kindly taken note of. Sir, we have been demanding, right from the inception of my party, that the Centre has to take care of the main activities like defence, i.e., national security; national finances, national growth and external affairs. It should leave all other activities to the States. Do not try to usurp the powers of the States. Bring all the subjects which are in the State List to the Concurrent or the Central List, and try to bring a unitary organised system. Ultimately, whatever schemes you formulate, these have to be implemented by the States. The State Governments have got their people, land and their machinery. I do not say that the Centre is a myth. But the Centre has to realise that ultimately it is the States which have to play a role in this regard. The States will reflect the aspirations of the people. The States have got the responsibility to cater to the needs of the people for which they require more funds, more powers. So, in this scenario, I have introduced this Constitutional (Amendment) Bill proposing amendments to Articles 269 and 270. Article 269 deals with the collection of revenues by the Centre and transferring them to the States. Article 270 deals with the collection of revenues by the Centre and dividing them between the Centre and the States. Sir, right from the Sarkaria Commission, our demand is that we should not only try to bring back all subjects to the State List which were included in the Concurrent List, but also to make our economy and democracy more federal and more vibrant. Sir, whatever party is there in power - the Congress Party was there in power for so many years and now the B.J.P. has come - my request is, let them play a big brother's role; we

do not have any objection to that. Let them not play the proverbial mother-in-law's role as we have been seeing. ...*(Interruptions)*... I say "proverbial".

Sir, even the selection of the roads in the States is being centralized today. The Centre has got a tendency of sending the rural funds directly to the districts, totally disregarding the States. Whenever there is a natural calamity, till the Central committee visits, not even a single pie is released. The Centre never trusts the States. In this atmosphere of mistrust, it is very difficult to function in a federal set-up. The Centre has to believe the States. The States also have elected governments. Elected parties, not foreigners, are ruling the States. In this connection, I want to quote what Babasaheb Ambedkar stated in the Constituent Assembly:

"The hallmark of our Constitution lies in the partition of the legislative and executive authority between the Centre and the units by the Constitution."

This well thought out and judicious balance of responsibility and authority between the Centre and the States has been eroded over the last 50 years by indiscriminate over-generalization. This has largely been the result of a single party being in office both at the Centre and in the States, whereby the States came to be treated as no more than the Centre's extended arms. The Centre came to usurp control and authority over a number of areas, which should legitimately be within the States' ambit. Just to quote a couple of instances, the actions of the Centre, such as passing on the funds directly to the Panchayats, bypassing the State Governments or conferring with District Collectors, again bypassing the State Governments, militates against a healthy federal structure. The States, on the other hand, were reduced to having to seek the Centre's permission for even routine tasks in the course of governance. This hegemony of the Centre not only causes delay and inefficiency but also even inhibits the development effort.

Sir, democracy and decentralization should be the twin pillars of our evolution as a strong nation-state and our emergence as a vibrant economy. The Centre should cede authority and responsibility to the States as the Centre, after all, derives its strength and resilience from the federating units. The Centre should keep only those subjects, which, in national interest, need to be under a Central authority, such as defence, internal security, currency and external relations.

Sir, I, therefore, in the interest of the federal structure of the country, which has been contemplated by the framers of the Constitution, demand:

- Give greater autonomy to States in determining their priorities in developmental programmes;
- Give States greater freedom to draw their State Plans within the broad framework of the National Five-Year Plans;
- Transfer most Centrally-sponsored schemes to the control of the State Governments;
- Grant assent promptly to Bills passed by State Legislatures on matters, which are within the legislative powers of the State Legislatures.

I once again request the Government of India to see the recommendations of the Sarkaria Commission.

श्री कलकवि बैरानी : महोदय, मेरी एक आपत्ति है। यहां जिस विषय पर और जिस बिल पर हम बात कर रहे हैं, उस विषय से जुड़े मंत्रालय के एक भी मंत्री यहां दिखाई नहीं पड़ रहे हैं तो उत्तर कैसे होगा और उत्तर कौन देगा ?

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI O. RAJAGOPAL): The concerned Minister is coming. I am taking notes meanwhile.

उपसभाध्यक्ष (श्री सुरेश पवीरी) : ये नोट्स कित्त मंत्री को देने हैं। वैसे तो संबंधित मंत्री को यहां रहना चाहिए, फिर भी मिनिस्टर ऑफ स्टेट फॉर पार्लियामेंटरी अफेयर्स बिन्दुओं को नोट कर रहे हैं और वे उन्हें कगदे कर देंगे।

SHRI C. RAMACHANDRAIAH: It is such an important Bill. At least the Minister of State should have been here. He is not here.

SHRI O. RAJAGOPAL: I am taking notes.

DR. Y. RADHAKRISHNA MURTY (Andhra Pradesh) : The mother-in-law is ignoring us. ...*(Interruptions)*...

SHRI C. RAMACHANDRAIAH: Sir, there was a move on the part of the Government of India to put a cap on States' borrowings. We have no objection. As the guardian of the national economy, national monetary resources, you can put it but only after consulting all the States. What I am trying to emphasize is that **sauce for the gander is sauce for the goose also** when you stipulate financial discipline for the States, it equally applies to the Centre.

What happened to the Eleventh Finance Commission?

Sir, I seek the attention of the hon. Minister. He is not listening to me. Sir, I request the Chair to direct the hon. Minister to pay some attention to my speech.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): He is noting down your points.

SHRI C. RAMACHANDRAIAH: Sir, if he is not in a position to give attention, let the debate be postponed to the next date.

Sir, there should be some fiscal discipline. I do admit that discipline is not only for the States, but also for the Centre. Having made a proposition to distribute around 37 per cent of the revenue to the States, the Centre is keeping 63 per cent of it with itself. It is not proper. What are their responsibilities and what are the responsibilities of the States? This has to be analysed and a pragmatic approach has to be adopted while arriving at the allocations.

Sir, the Fiscal Responsibility Bill has been introduced. This responsibility rests equally with the Centre as well. The same BJP, when it was in the Opposition, fought for more powers to be given to the States. Now, they are conveniently ignoring their own demand.

Sir, I do not want to go into other aspects of the powers, except the financial aspect. I once again emphasise that the people look to the States, not to the Centre, for the fulfilment of their obligations. We have been demanding that 50 per cent of the revenue collected should be transferred to the States. Our demand is already there. It has not yet been fulfilled. Even the assurance that was given during the debate on the 11th Finance Commission has not been fulfilled. What I am trying to say is that

till the assurances are fulfilled, the agitational approach of the States will continue. You should understand the reality of the situation. Already regional parties are getting strengthened in the States. It is because the national parties are failing in their duties and are not living up to the expectations of the people. Therefore, the people are looking to the regional parties. So, be careful. People are reposing their confidence in the regional parties because they are in a position to deliver the goods to the people. This fact has to be realised. The States' responsibilities are more. Proportionally you have to devolve more powers to the States. We have been demanding, as the hon. Member before me has suggested, 50 per cent of the funds to be allocated to the States so that the States are in a position to live up to the expectations of the people, provide better administration and improve the living and economic standards of the people.

The question was proposed,

उपसभाध्यक्ष (श्री सुरेश पचीरी) : संघ प्रिय गौतम-जी, क्या आप बोलना चाहते हैं ?

श्री संघ प्रिय गौतम (उत्तरांचल) : उपसभाध्यक्ष महोदय, मेरा यह सुझाव है कि आप कोरम की बेल बजा दें ताकि बहुत से मੈम्बर्स आ जाएं क्योंकि यह बहुत दिलचस्प विषय है ताकि इस पर खुलकर चर्चा हो सके क्योंकि यहां मेरे विद्वान मित्र ने एक राजनीतिक प्रश्न भी उठाया है राष्ट्रीय पार्टियों का और क्षेत्रीय पार्टियों का । उन्होंने राष्ट्रीय पार्टियों की आलोचना की है और क्षेत्रीय पार्टियों की प्रशंसा की है । यदि यहां बहुत से सदस्य इस चर्चा में भाग ले सकें तो ज्यादा अच्छा होगा । मेरा सुझाव है कि आप कोरम की बेल बजा दें जिससे हमारे साथी मੈम्बर्स आ जाएं । तीन मिनट तक हम इंटरजार कर लेंगे और फिर इस पर चर्चा हो ।

उपसभाध्यक्ष (श्री सुरेश पचीरी) : देखिए...(व्यवधान)...

श्री संघ प्रिय गौतम : मैं यह बात इसलिए कहना चाहता हूँ क्योंकि यह विधेयक अचानक आ गया है और ऐसा भी लग रहा था कि मार्गबंधु जी का विधेयक काफी देर चलेगा किंतु यदि आप कहें तो मैं अपनी बात प्रारंभ कर दूँ ... (व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : देखिए, राज्य सभा की यह परंपरा रही है कि हम कोरम के लिए किसी को बाध्य नहीं करते हैं, इनसिस्ट नहीं करते हैं फिर भी यदि आप इस बात के लिए जोर देंगे तो हम कोरम बेल बजा देंगे ... (व्यवधान)...

श्री संघ प्रिय गौतम : नहीं, नहीं.... (व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : राज्य सभा की परंपरा प्रायः रही रही है फिर भी 1984, 1991 से पहले के कुछ ऐसे उद्घरण रहे हैं जिनमें कोरम बेल बजाई गई और अगर कोरम पूरा नहीं हुआ तो हाउस एडजर्न कर दिया गया ।

श्री संघ प्रिय गौतम : उपसभाध्यक्ष महोदय, मैं परंपरा नहीं तोड़ना चाहता । आप अपने विवेक से चुन लें । मैं बोलने के लिए तैयार हूँ । मैंने तो इसलिए कहा कि चर्चा में अधिक सदस्य भाग ले सकें...(व्यवधान)...

श्री बालकवि बैरागी : आप कोरम बेल बजा दीजिए(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : यह भी एक नई परंपरा बनी है कि ट्रेजरी बेंच के मੈम्बर कोरम की बात उठा रहे हैं ...(व्यवधान)...

श्री संघ प्रिय गौतम : उपसभाध्यक्ष महोदय, मैं बोलता हूँ, मैं अपनी बात प्रारंभ करता हूँ ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : नॉर्मली प्रायः विपक्षी सदस्य कोरम की बात उठाते हैं ...(व्यवधान)...

श्री संघ प्रिय गौतम : उपसभापति महोदय, सदन सर्वोच्च है । सदन की गरिमा और चर्चा का क्या स्तर है यह और भी ज्यादा महत्वपूर्ण है ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : क्या चाहते हैं आप ? कोरम बेल बजाई जाए ?

श्री संघ प्रिय गौतम : नहीं, मैं अपनी बात प्रारंभ कर रहा हूँ ...(व्यवधान)...

श्री बालकवि बैरागी : गौतम जी, मुझे आपसे एक निवेदन करना है कि यदि माननीय उपसभाध्यक्ष महोदय घंटी बजा भी दें तो सेंट्रल हॉल में कुल दो मੈम्बर और बैठे हैं वे आ जाएंगे ...(व्यवधान)...

श्री संघ प्रिय गौतम : इसलिए मैं अपनी बात प्रारंभ कर रहा हूँ ।

उपसभाध्यक्ष (श्री सुरेश पचीरी) : नहीं अगर इनसिस्ट नहीं करें तो चलतें लेंगे ...(व्यवधान)...

श्री संघ प्रिय गौतम : उपसभाध्यक्ष जी, उनका सुझाव सही है ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचीरी) : तो क्या आप अपनी कोरम की बात विदग्धा कर रहे हैं या इस पर जोर देंगे ?

श्री संघ प्रिय गौतम : वे ठीक कह रहे हैं बाहर मੈम्बर हैं ही नहीं तो आएंगे कहां से बेल बजाने से ?

उपसभाध्यक्ष (श्री सुरेश पचीरी) : आप विदग्धा कर रहे हैं ?

श्री संघ प्रिय गौतम : हां, जी हां ...(व्यवधान)...

उपसभाध्यक्ष (श्री सुरेश पचौरी): क्योंकि अगर बात उठाई है तो फिर मुझे कोरम बेल बजानी पड़ेगी ...(व्यवधान)...

श्री संघ प्रिय गौतम : नहीं, नहीं, मैं विदग्ध कर रहा हूँ । उपसभाध्यक्ष जी, मैं बड़ी विनम्रतापूर्वक अपने माननीय सदस्य श्री रामचन्द्रैया जी का ध्यान इस ओर दिलाना चाहूंगा क्योंकि उन्होंने यह बात कही है कि राष्ट्रीय पार्टियां अपने दायित्व से हट रही हैं और इसीलिए अलोकप्रिय हो रही हैं जबकि क्षेत्रीय पार्टियां लोकप्रिय हो रही हैं क्योंकि वे अपने दायित्व निभा रही हैं। यह अलग बात है कि क्षेत्रीय पार्टी आगे चलकर राष्ट्रीय पार्टी बन जाए और सारे राष्ट्र के मुद्दों को उठाए और राष्ट्र की समस्याओं को हल करे । आम तौर से इतिहास यह रहा है कि क्षेत्रीय पार्टियों का जन्म क्षेत्र के आधार पर, भाषा के आधार पर, प्रांत के आधार पर, व्यक्ति के आधार पर, जज्बात के आधार पर, जाति के आधार पर और संप्रदाय के आधार पर होता है और होता भी रहा है चाहे वे आगे चलकर जिलानी बड़ी पार्टियां बन जाएं और देश को संभाल ले और सारे देश के मुद्दों को अपने कार्यक्रम में सम्मिलित करके उनका समाधान कर ले ।

दूसरी बात यह है कि आज हमारे देश में उन राज्यों को, जो क्षेत्रीय पार्टियों द्वारा या मिली-जुली सरकारों के द्वारा चलाए जा रहे हैं पहले से ही बहुत अधिकार मिले हुए हैं । उपसभाध्यक्ष जी, आप जानते हैं कि प्रत्येक राज्य का विधानमंडल अलग है और अपनी आवश्यकताओं के अनुसार विधानमंडल को पूरी स्वतंत्रता है अपने विधेयक पारित करने की, कानून बनाने की । अपने हित के कानून प्रत्येक राज्य बनाता है, पारित करता है, इसकी उम्मीद पूरी स्वतंत्रता है और केंद्र की इसमें कहीं पर भी कोई दखलवाजी नहीं है ।

तीसरी बात यह है कि बहुत से मुद्दे ऐसे हैं, विषय ऐसे हैं, विवाद ऐसे हैं जो पूर्ण रूप से राज्यों के ही अधिकार में हैं और उनकी सारी संपत्ति, उनकी सारी आमदनी केवल राज्यों को ही प्राप्त होती है । रॉयल्टी के हिसाब से वे किसको कितना अदा करें यह दूसरी बात है ।

चौथी बात यह है कि कुछ विषय ऐसे हैं जो अकेले राज्य पर नहीं छोड़े जा सकते उसमें केंद्र की भी भागीदारी होगी, जो दोनों के विषय हैं ।

आपने जो विषय गिनाए थे उनके अलावा मैं दो विषय और बताता हूँ । श्रम और कृषि ये दो विषय ऐसे हैं जो केंद्र से भी संबंधित हैं । सारे देश की श्रम नीति एक सी होनी चाहिए क्योंकि श्रमिकों की समस्या सारे देश में एक सी है । इसलिए अकेले राज्यों के ऊपर इस विषय को नहीं छोड़ा जा सकता । इसमें खेती से, कृषि से उत्पादित चीजों के समर्थन मूल्य की बात है । पूरे देश में गेहूँ पैदा होता है, धान पैदा होता है और भी बहुत से ऐसे अनाज हैं जो सारे देश में पैदा होते हैं । उनके मूल्य सारे देश में एक ही होने चाहिए । इसलिए यह अकेले राज्य का विषय नहीं हो सकता । यह केंद्र का भी विषय है, इसलिए इसको केवल राज्यों पर नहीं छोड़ा जा सकता है । कुछ मामलों में पूरे अधिकार राज्यों को इसलिए नहीं दिए जा सकते हैं क्योंकि हमारे देश में जातिवादी व्यवस्था है, साम्प्रदायिक व्यवस्था है और जिस राज्य में जिस

जाति और जिस सम्प्रदाय का बहुमत होता है वह अल्पमत वाली जाति और सम्प्रदाय के अधिकारों का हनन करता है। ऐसा देखने में आया है कि कानून उनके खिलाफ पारित होते हैं जो कम मत में हैं या उनके अधिकारों की अवहेलना की गई है और सत्ता, संगठन और सरकार में उनको भागीदारी से वंचित भी रखा गया है। इसलिए उनको ये पूरे अधिकार नहीं दिए जा सकते हैं।

मान्यवर, इसके अलावा केंद्र जो भी पैसा वसूल करता है वह राज्यों से करता है, राज्यों से इकट्ठा करता है। यह पैसा वह विदेश से तो लाता नहीं। विदेश से केवल कर्जा ही लिया जा सकता है। आज यहां पर भारतीय जनता पार्टी की सरकार है जिसका समर्थन रामचन्द्रैया जी की पार्टी भी कर रही है। पहले सरकार कांग्रेस की थी, कल यहां पर किसी भी दल की सरकार हो सकती है। मैं यहां पर किसी एक दल की बात नहीं कर रहा हूँ। मैं केंद्र सरकार और राज्य सरकार के संबंधों की बात कर रहा हूँ। केंद्रीय सरकार राजस्व राज्यों से लेती है और जब कोई राज्य विपदा में, आपदा में आ जाता है तो वह राज्य केंद्र सरकार से बहुत सी एड, बहुत सी ग्रांट और बहुत सी सहायता प्राप्त कर लेता है। अभी आपने देखा कि उड़ीसा में आपदा आई और केंद्र से उसको सहायता दी। तो केंद्र कहां से यह पैसा लाएगा? क्या विदेशों से लाएगा? वह यह पैसा राज्यों से ही लेगा। अगर राज्य पहले ही पैसा ले लेंगे तो केंद्र उनको ऐसी स्थिति में पैसा नहीं दे पाएगा। केंद्र कहां से देगा? गुजरात में अभी आपदा आ गई और केंद्र ने उसको पैसा दिया। अभी आंध्र के तेलुगु देशम वाले घान के लिए पैसा मांग रहे थे। पंजाब वालों को 350 करोड़ रुपये घान खरीदने के लिए दिया। केंद्र कहां से इस पैसे को लाएगा? अगर वह सारा पैसा राज्यों को दे देगा तो केंद्र कहां से यह पैसा लाएगा? कहां से इसकी आपूर्ति होगी? यह एक विचारणीय विषय है। ... (व्यवधान) ... आप केंद्र में आ नहीं सकते, इसलिए क्लाम मत डो। हमें केंद्र में रहना है इसलिए हम यह बात कर रहे हैं। तो मैं यह कह रहा था कि ऐसी क्लाम में केंद्र कहां से पैसा लाएगा। इसके अलावा बहुत सी योजनाएँ

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SHRI C. RAMACHANDRAIAH: One point of clarification. We do not want to come there. You continue there. You just behave in such a way that you continue there and we support you.

SHRI SANGH PRIYA GAUTAM: I agree with you.

तो मैं यह अर्ज कर रहा था कि ऐसी बहुत सी योजनाएँ केंद्र सरकार की पहले से ही हैं जिनमें उसे खर्च करना पड़ता है। जैसे ग्रामीण विकास योजना है। 60 हजार करोड़ रुपये से विभिन्न राज्यों में सड़कें बनेंगी। ये सड़कें कहां बनेंगी? राज्यों में बनेंगी। जो राष्ट्रीय राज मार्ग हैं उनको केंद्र सरकार बनाएगी लेकिन जो गांव से गांव को सड़क बनेगी वह राज्य सरकार बनाएगी। तो इसमें भी केंद्र की सरकार राज्यों को पैसा देगी। तो इस तरह केंद्र सरकार राज्यों पर खर्च करती है। इसी प्रकार गेहूँ या अन्य अनाज काम के बदले अनाज योजना के लिए वह राज्यों को देती है। जो मजदूर वहां पर काम करते हैं, तालाब खोदते हैं, सड़कें बनाते हैं, नहरें खोदते हैं, यह पैसा भी राज्यों को केंद्रीय सरकार देती है। यह पैसा कहां से आएगा?

4.00 P.M.

इसके अलावा बहुत सी योजनाये ऐसी है जैसे स्पेशल कम्पोनेट प्लान है, जो अनुसूचित जाति और जन-जातियों के लिए है

यह अनुसूचित जातियों के लिए है और आबादी के हिसाब से यहां से पैसा आबंटित होता है । प्रत्येक राज्य को अनुसूचित जातियों के लिए स्पेशल कम्पोनेट प्लान की शक्ति में वह पैसा एक सीमा तक केन्द्र सरकार राज्य सरकारों को देती है । अगर राज्यों को पैसा चला जाएगा केन्द्र सरकार नहीं लेगी तो केन्द्र सरकार कहां से पैसा देगी ? केन्द्र सरकार की भी आज के दिन राज्य सरकारों के संबंध में बहुत सी जिम्मेदारियां हैं जिनको केन्द्र सरकार पैसा देती है । हां, यह बात मैं जरूर मानता हूँ कि कुछ सुविधाएं अधिक हो । अभी सरकारी कामीशन रिपोर्ट के अनुसार जो परसेंटेज पहले था उसे बढ़ा दिया गया । अगर मैं गलत नहीं हूँ तो केन्द्र सरकार ने और फाइनेंस मिनिस्टरी ने उसे स्वीकार कर लिया और राज्य सरकारों को उतना परसेंटेज बढ़ा कर दे दिया गया । इसके इलावा राज्यों की आज पूरे देश में क्या स्थिति है और केन्द्र सरकार की स्थिति क्या है ? आज पैसे के लिए सब मोहताज है । हमारी कोई योजना आज पैसे के बगैर कामयाब नहीं होगी । अब यह पैसा कहां से लाए । विदेशों का कर्ज हम अदा कर रहे हैं, सूद भी अदा कर रहे हैं । यह पैसा कौन अदा करेगा, उसका सूद कौन अदा करेगा ? यह केन्द्र सरकार अदा करेगी । अगर राज्यों को पैसा चला जाएगा तो केन्द्र सरकार विदेशी कर्ज को कैसे अदा करेगी ? इसलिए केन्द्र सरकार को भी पैसे की आवश्यकता है । मैं इतना जरूर उमकी बात से सहमत हूँ कि जब किसी भी राज्य पर मुसीबत या परेशानी आए तो उसमें पूरा सहयोग केन्द्र सरकार को करना चाहिये । अगर राज्य सरकारें अपनी आमदनी के साधनों को बढ़ाना चाहती हैं और उसमें यदि केन्द्र सरकार की मदद की कोई आवश्यकता पड़ती है तो केन्द्र सरकार को उसमें सहयोग करना चाहिये । तीसरी बात यह है कि अगर कहीं किसी मामले में राज्य सरकारें विशेष परिस्थितियों में कोई छूट आर्थिक मामलों में चाहती हैं तो उसे दे देना चाहिये । जैसे अभी तीन नये राज्य बने हैं, उन्होंने विशेष राज्य का दर्जा चाहा, उत्तरांचल राज्य ने मांग क्योंकि वह एक नया राज्य बना है और अभी अपने पैरों पर खड़ा नहीं हो पाया है । उसे कुछ समय लग सकता है । ऐसे मामलों में केन्द्र सरकार को अवश्य विचार करना चाहिये । रामचन्द्रैया जी की बात से मैं सहमत हूँ कि केन्द्र सरकार को भी अपने राजस्व और अपनी आमदनी के साधन बढ़ाने चाहिये, अपने खर्चों को कम करना चाहिये । सरकार यह कर रही है । वालेटरी रिटायरमेंट स्कीम में अधिकारियों और कर्मचारियों की छटनी कर रही है । इसके इलावा कई अन्य कदम केन्द्र सरकार ने उठाए हैं । आज के दिन जो संसाधन के रूप में और जिन मांगों को विद्वान सदस्य ने उठाया है वह आज के संदर्भ में सही नहीं लगती है । इसलिए मैं अपनी बात यह कह कर के उनकी बात से सहमत हो कर के समाप्त करूंगा कि केन्द्र सरकार और राज्य सरकारों के संबंध हर प्रकार से अच्छे बनाने का प्रयास करना चाहिये । उसमें अकेला आर्थिक सहयोग नहीं है, उसमें और भी बातें हैं लेकिन उममें केन्द्र सरकार को पूरा दिल खोल कर के राज्य सरकारों के साथ अच्छे संबंध बनाने का प्रयास करना चाहिये । बहुत बहुत धन्यवाद ।

SHRI A. VIJAYA RAGHAVAN (Kerala): Sir, my friend, Shri C. Ramachandraiah has moved a very important Bill. Relationship between the

States and the Centre, giving more powers to the States, etc. are issues which have been discussed in this House so many times. Almost all the political parties are unanimous on giving more powers to the States. But, in practice, ever since Independence, whenever we discuss these matters, only oral support is given. Practically, the States are the losers. According to our Constitution, we have a federal structure. There is the Central Government and the State Governments. If we look at the situation prevailing in the last few years, one after another, the States are losing in the field of taxes. So far as excise duty is concerned, most of the powers are with the Central Government. For each and every issue the States have to come to Delhi with a begging bowl. Even for a small project costing Rs. 2 crores or Rs. 1 crore, the Chief Minister has to come here. This is what is happening in this country. If they want to make some big bid, they have to come to Delhi first. A very tragic situation is prevailing in this country. We are talking too much about decentralisation, Panchayati Raj institutions and decentralised planning. But in reality, the Centre is keeping all the powers in its hands. I come from a State where we have handed over the financial and other powers to the Panchayati Raj institutions. Forty per cent of the total expenditure of the State is done through the Panchayati Raj institutions. We are handing over money to the Panchayati Raj institutions. But what is the situation in Delhi? The country is facing so many hardships and problems. India is predominantly an agricultural nation. Eighty per cent of our women are working in the agricultural sector. Seventy per cent of our workforce is engaged in agriculture. If we look at the total expenditure in the field of agriculture in the last 30 years, in GDP terms, we find that there has been no increase in the investment on agriculture infrastructure development. What is the reason? The States have to invest more. The entire burden is on the States. There is not much support from the Centre. If there is a major project, the State Government has to approach the Central Government. After that it will take a minimum of 10 years for clearing one project, whether it is an irrigation project or some other project. This is the situation.

Then, you talk about education. It is the State which spends on it. We are supposed to spend 45 per cent of the total expenditure on education. What is the share of the Central Government? So, the expenditure incurred towards the eradication of illiteracy is again on the shoulders of the State Government. What support are we getting from the Central Government? Then, you take the welfare schemes for the down-trodden sections in our society, be it the agricultural labourers, the

fishermen or the construction labourers. Now, who has contributed for the Welfare Fund? Is there any contribution from the Central Government for any of the welfare fund schemes in the States? No responsibility is borne by the Central Government. They do not give any assistance to the States. Naturally, the burden of development is being put on the shoulders of the State Governments. So, whether it is for agriculture or for education or for the welfare measures, it is the State which has to spend from its Budget. What is the role of the Central Government? Creating problems. That is the problem. In my State, we have a decentralised democratic co-operative movement. If the co-operative banks want to give some kind of incentive to the farmers, who are ready to pay the interest as well as the instalment amount, that is not possible as they will have to approach the NABARD and the Reserve Bank for instructions. From here, you are giving so many instructions. Nobody knows whether these would be fit enough in the respective States. Recently, the Central Government increased the cess on diesel prices and they announced that the collection of thousands of crores of rupees from the Cess would go towards the implementation of two programmes for the States. Now, one scheme that was announced is the Golden Quadrilateral, but this will not touch my State. Then, they announced another scheme, namely, the Prime Minister's Sadak Yojana. In my State, all the villages are connected by 'Sadak'. Then, the Prime Minister also announced that there would be equal contribution to all the States. So, the contribution is equal to the States like Mizoram which has a population of five lakhs, or for that matter, Arunachal Pradesh with a population of ten lakhs and so on. I am coming from a State which has a population of about three crores. Where can we go and complain? Sir, this is the situation. The Government has allotted Rs.2,500 crores, but my State, Kerala, would get only Rs.20 crores. Moreover, the road project would not touch my State. This is happening because nobody knows the mechanism. You are preparing everything from Delhi and do not know whether it is fit for the States or not. My State is far ahead in education, in health system and road system. But we do not have employment facilities in our State. Now, those States are paying for the advantages that they already have. Sir, there was a hue and cry about the Sarkaria Commission Report. When this Government was in the Opposition, they were very much vociferous about the implementation of the Sarkaria Commission Report which would give more powers to the States. Now, what is the position? Sir, the present Finance Commission has increased the percentage of money to the States. But, in reality, what happens?

They do not cover some areas and the States are losing. It is a typical situation that has been created by the BJP Government. They have enhanced the percentage but, in real terms, the amount has come down. That is what has been happening after the latest Finance Commission. Naturally, all the powers are with the Central Government. If you look at the economic situation of the States, you will find that they are not able to survive. I read a news item that came from the hon. Prime Minister's constituency, Lucknow. The U.P. Government is not able to pay the pensions of its employees. People are crying in front of the treasury because they are not getting their pensions. The same thing was reported about Maharashtra, which is the most industrialised State in India. They are also facing acute financial problems. It is the same about Punjab, which is agriculturally the most developed State in India. So, the most industrialised State, agriculturally the most advanced State, are also facing acute financial shortages. Their economies are in a serious crisis. They do not have any avenue to levy taxes. Whatever avenues for levying taxes were there, the Central Government has plugged them. The State Governments have no avenue to collect more money. This is the situation. It is a very difficult situation. The States are in a very difficult position. The States have gone bankrupt. Now, of course, the financial position of the Central Government is also equally difficult. But, fortunately, the Central Government has the authority to print the currency. That is why it is surviving. Then, you are able to sell these Navaratnas or Miniratnas or whatever. So, something concrete should be done in this regard. Something real should be done to assist the State Governments. There should be a serious rethinking in this regard. This Government is very keen to review the Constitution. They are very worried about review committees on Constitution, the President's Rule and so on, and they are very seriously discussing these things. But they are not serious about the serious things. They just want themselves to survive. They do not want the country to survive. There should be a strong Centre and strong States. But, unfortunately, the ruling party is thinking only about the Centre. I am very much aware that the ruling party in this country at present is only for a strong Centre. They do want strong States, philosophically and in principle. This is going to lead to a very difficult situation in the country. This will be more helpful for the forces that are arguing for disintegration and separatism. This country has already paid a lot for that. Hundreds of people have lost their lives. That kind of a slogan is now coming from the North-East because of backwardness there. The same kind of scenario is there in Jammu and Kashmir. You have all

kinds of demands for new States, separate States. Those kinds of feelings are coming up because the States are not able to support the common people. In such a situation, there should be a very concrete discussion. Some proposals are there in the Sarkaria Commission's Report. The recommendations are here. But, unfortunately, none of the Governments that have been ruling at the Centre has been serious about it.

This Government is not at all serious. I request the Government to think seriously about the existing patterns of division of powers between the Centre and the States, and more powers should be given to the States. I also suggest that more avenues of taxation should be given to the Central Government and from the total taxes which are being collected by the Central Government, the allocations to the States should be increased. So, we have to discuss about some of these areas. As far as foreign affairs, defence, etc., are concerned, the Centre has more responsibilities, and I am not against a strong Centre. The experience is showing that the powers of the States are coming down, their economic position is becoming bad; whereas their responsibilities are very high. We have to think about the realities which are prevailing in the country. The States are crying. For each and every issue, they are facing problems. In such a situation, there should be a proper discussion, not only a discussion, but also a proper implementation of the existing recommendations. More attention should be given to the recommendations of the Sarkaria Commission. Through that, we have to give more powers to the States. In this way, more avenues of progress will be opened for the people of our country. So, I am very thankful to my friend Shri Ramachandraiah who took this initiative. I hope, something will come out of it. I have no faith in this Government, as far as these kinds of things are concerned. They were demanding one thing when they were in the opposition, and now they are doing quite contrary to what they had demanded earlier. Sir, this suggestion has come from a Member of a supporting party. So, more attention should be given to such issues. I think, sometimes this may be ...*(interruptions)*... My good friend who is from Andhra Pradesh has got a bitter experience in this regard. If the State Governments want to do something, they are not able to do it. Recently, the newspapers reported the position of paddy farmers. They are not able to do their work. If some States want to expand their public distribution system, they are finding it very difficult. Shri Ramachandraiah has given some good suggestions. I hope, the Central Government which wants to survive will give proper attention to it. With these words, I am thankful to you, Sir, for giving me an opportunity to speak on this Bill. I hope,

something fruitful will come out of this discussion.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now, Mr. Minister...*(Interruptions)*...

SHRI C. RAMACHANDRAIAH: Sir, there should have been more speakers on this Bill. I am sorry that this House is being run without quorum. It is a very important Bill. I thought more speakers would participate in this discussion.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI) : Do you want to insist on quorum?

SHRI C. RAMACHANDRAIAH: No, Sir. I have got my own constraints.

THE MINISTER OF STATE IN THE MINISTRY OF FINANCE (SHRI GINGEE N. RAMACHANDRAN): Sir, I am thankful to hon. Member Shri C. Ramachandraiah who moved this Bill. He has given some very good suggestions. The hon. Member wants to include corporate taxes under taxes on income, distribution of surcharge and customs duty among the States, appointment of one representative from each State by the Governor, and such number of experts from various fields as may be appointed by the President of India. I am thankful to all the Members who took part in the discussion. Shri Gautam and Shri Vijaya Raghavan spoke very well. The NDA Government has constituted a Constitution Review Commission under the Chairmanship of Shri M.N. Venkatachaliah for examining the constitutional position and suggesting on how to carry out our duties to the fullest satisfaction of the people.

After Independence, in the last fifty years, the only Government which instituted a Review Committee to examine all aspects is the NDA Government. Many aspects have been mentioned by our TDP Member, the regional parties and the national parties. I also belong to a regional party from Tamil Nadu. We know the facts fully. We know what is the position of the States at present. At this time, the Government is thinking on every aspect, from top to bottom. The Central Government is providing all sorts of assistance to the State Governments wherever there is a necessity, whether it is a natural calamity or any other problem; if it were a backward area, we give special consideration. According to the present system, the Finance

Commission decides on the share of the States and other things. On various aspects, the Central Government is already thinking of sharing the Central revenue.

The Government of India would examine the whole lot of suggestions put before the House here. We will examine and see whether they can be considered at an appropriate time. A new Committee has been constituted. The hon. Members may avail of the opportunity by giving their suggestions to the Review Committee also. It will help the Government in taking new initiatives in this area.

We are for providing more funds to the States. We are with you. At the same time, we will examine the whole aspect of how to share the funds and in what way it would be useful. This is my reply. I request the hon. Member to withdraw his Bill. Thank you.

SHRI C. RAMACHANDRAIAH: Sir, the very unfortunate thing is, we, in the Indian polity, whenever we are in the Opposition, we demand something; and, when we sit in the Treasury Benches, entirely there will be a complete transformation. This is what our hon. Minister has conveyed, if you look at the way he has given his reply. ...*(Interruptions)*...

श्री बालकृष्ण वैरागी : रामचन्द्रैया जी, आप दोनों के बीच में मैं कुछ पंक्तियाँ निवेदन कर दूँ। मेरी एक बहुत पुरानी शॉर्ट स्टोरी मुझे याद आ गई है। मैं उस ओर गीतम जी का ध्यान दिलाना चाहता हूँ क्योंकि उन्होंने इनकी बात को तो सुना नहीं है लेकिन उनसे मेरी प्रार्थना है कि वे मेरी बात सुन लें। एक बार बिल और बछड़े में बातचीत हो रही थी। बिल बछड़े से बात कर रहा था और बछड़ा बिल से बात कर रहा था। बछड़े ने कहा कि मैं मजबूत रहूँगा तो तुम्हें मजबूत माना जाएगा। बिल ने कहा कि मैं मजबूत हूँ तो तुमको मजबूत माना जाएगा। तभी वहाँ पर गाय आ गई, गाय ने कहा कि बक-बक बंद करो, अगर मैं मजबूत हूँ तो तुम दोनों मजबूत रहोगे। केन्द्र यहाँ बिल है, प्रदेश यहाँ बछड़ा है और हुजूर, गाय इस देश की जनता है। जनता मजबूत रहेगी तो ये दोनों मजबूत रहेंगे वरना सभी मारे जाएंगे।

SHRI C. RAMACHANDRAIAH: Sir, there is an imperative need ...*(Interruptions)*... I could not understand it. Otherwise, I would have given a reply. ...*(Interruptions)*...

SHRI B.P. SINGHAL (Uttar Pradesh): Sir, with your permission, I would like to explain him the story. ...*(Interruptions)*... There was a bull telling his young one, "If I am strong, then only are you strong." The young one said, "If I am strong, then only are you strong." When they were

arguing like this, there came a cow. It said, "If I am strong, then only both of you are strong." ...*(Interruptions)*... So, here the Centre is the bull, the State is the calf and the cow is the poor Janata.

SHRI C. RAMACHANDRAIAH: With his good wisdom, he has made this suggestion. ...*(Interruptions)*... The Janata should be strong. ...*(Interruptions)*... Sir, I am thankful to the hon. Minister for giving his reply though it was not satisfactory. I also did not expect much from him. This Bill was introduced sometime in 1998, as I said in my introductory speech, much before the Constitution Review Committee came into existence. This Review Committee is studying all these aspects. They are debating it in an integrated manner. To a certain extent, this has got some relevance. So, this can also be transferred to that Committee.

Sir, before withdrawing my Bill, I would like to make two or three suggestions. I advise the Government that when they accept the recommendations of the Pay Commission, they should also take the States into confidence. The recommendations of the Fifth Pay Commission have totally shattered the economy of the States. It has got very wide ramifications on the economy of the States. So, my request is -- kindly take note of it - before accepting the recommendations of the Pay Commission they should convene a meeting of the National Development Council or a meeting of the Chief Ministers. You should take their opinion on this matter. You cannot thrust your opinion on the States particularly when their financial position is high precarious. My second suggestion is that you kindly scrap all the Central schemes. What business has the Central Government got? Ultimately, it is the State which has to cater to the needs of the people there. It is the State machinery which has to implement these schemes. Then why do you formulate these schemes and thrust them on the States? Directly pump the funds to the concerned agencies. After all, it is a federal structure. You should repose confidence in the States and the States have to approach the Centre for certain powers. The States have to delegate some of their powers also. This sort of reciprocity and mutual trust should be there. No federal set-up can survive if there is no mutual trust. There is one more suggestion and this has been referred to in the President's Address also. There are some controversial debates when relief is provided to the States which are affected by any natural calamity. Maybe, the Central Government is doing it in good faith. My request is that there should be a Constitutional body like the Election Commission or the Comptroller and Auditor General which can

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monitor the allocation of funds to the affected States, assess the damage, supervise the spending of the funds and oversee the relief operations. I request that the Central Government should consider these suggestions actively. With these words, I am withdrawing my Bill.

The Bill was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI SURESH PACHOURI): Now we shall take up the next Bill. Shri Rumandla Ramachandraiah - not present. Dr. Dasari Narayana Rao - not present. Shri C.P. Thirunavukkarasu.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL, 2000

SHRI C.P. THIRUNAVUKKARASU (Pondicherry): Sir, I move:

"That the Bill further to amend the code of Criminal procedure, 1973, be taken into consideration."

Sir, this is a small amendment to the Criminal Procedure Code. It seeks to increase the quantum of maintenance from Rs.500 to Rs.1000. I would like to submit that this amount of Rs.500 was fixed in the year 1966. From that year, the courts have been granting maintenance up to Rs.500 only to the parents, children and the wives. Taking that fact into consideration, this Bill has been moved in this House. Section 125 says that if any person having sufficient means, neglects or refuses to maintain his wife unable to maintain herself, or his legitimate or illegitimate minor child, whether married or not, is unable to maintain itself, his legitimate or illegitimate child, (not being married daughter) or who has attained majority, where such child is by reason of physical or mental abnormality or injury unable to maintain itself, his father or mother unable to maintain himself or herself, ... So, the maintenance fixed for these people is only Rs.500 and it was fixed as early as in 1966. The main objective of introducing it in the Criminal Procedure Code was to prevent vagrancy or at least its consequences.

The object of maintenance proceedings is not to punish a parent for his past neglect but to prevent vagrancy by compelling those who can afford to support those who are unable to support themselves. It ensures a speedy remedy, providing some supply of food, clothing, shelter, etc., to wife and children. The idea behind this measure is that no wife, child or