

दिनांक 20 अगस्त, 2001 को जारी रहेगी। अब सदन की कार्यवाही भोजनावकाश के लिए अपराहन 2:30 बजे तक के लिए स्थगित की जाती है।

The House then adjourned for lunch at twenty-nine minutes past one of the clock.

The House reassembled after lunch at thirty-four minutes past two of the clock,

[THE VICE-CHAIRMAN (SHRI RAMA SHANKER KAUSHIK) in the Chair]

### PRIVATE MEMBERS' RESOLUTIONS

#### **Increasing Erosion of the Federal Principles in Centre-State relations due to the Union Government usurping the powers of the State Governments - *Contd.***

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब हम माननीय श्री एस.रामचन्द्रन पिल्लै द्वारा उपस्थित संकल्प “यह सभा संघ सरकार द्वारा राज्य सरकारों की शक्तियों को हड़पने के कारण केन्द्र राज्य संबंधों में संघीय सिद्धान्तों के बढ़ते हुए अपक्षय पर अपनी गहरी चिन्ता व्यक्त करती है” पर आगे चर्चा करेंगे। माननीय श्री मीणा जी, आप बोलिये।

**श्री मूल चन्द मीणा (राजस्थान):** उपसभाध्यक्ष जी, श्री एस.रामचन्द्रन पिल्लै जी ने जो संकल्प प्रस्तुत किया है, वह बहुत ही महत्वपूर्ण है। आज केन्द्र और राज्य के संबंधों में कई तरह के विवाद सामने आ रहे हैं। भारतीय संविधान की एक विशेषता रही है कि इसके अनुसार शासन व्यवस्था दो तरह की होती है — एकात्मक, संघात्मक। भारतीय संविधान के रचयिताओं ने भारतीय संविधान में इन दोनों पहलुओं की ही रखा है — एकात्मक स्वरूप भी इसका हमको दिखाई देता और समय समय पर संघात्मक स्वरूप भी इसका हमें दिखाई देता है। डा. अम्बेडकर ने भारतीय संविधान के स्वरूप के विषय में कहा है कि भारतीय संविधान समय के अनुसार एकात्मक और संघात्मक स्वरूप ले सकता है। चाहे संविधान के निर्माताओं ने संविधान में कहीं भी संघीय शब्द का प्रयोग न किया हो तो भी इस संविधान में संघीय लक्षण विद्यमान हैं। आजादी के 50 साल के बाद यदि हम देखते हैं तो हमें भारतीय संविधान के दोनों लक्षण दिखाई देते हैं — जब कभी भी देश के अंदर आपातकालीन स्थिति पैदा हुई तो देश का और संविधान का एकात्मक स्वरूप दिखाई दिया और साधारण परिस्थितियों में तो संघात्मक स्वरूप कार्य कर ही रहा है। इसलिए संविधान निर्माताओं ने जो अपेक्षाएं इस संविधान से की थीं, वे अपेक्षाएं इस संविधान ने पूरी की हैं।

संविधान के अंदर राज्य और केन्द्र के संबंध में संविधान निर्माताओं ने एक ऐसी

व्यवस्था की है कि राज्य और केन्द्र किसी विवाद को लेकर आपस में झगड़े नहीं, उनमें झगड़ा न हो, कोई इस तरह की समस्या पैदा न हो, राज्यों को केन्द्र से शिकायतें न हो, इसकी कोशिश की गई है। राज्य और केन्द्र के बीच में विधायी संबंधों के बारे में संविधान के अंदर व्यवस्था की गई है। सम्पूर्ण भारत के लिए अगर कोई विधायी कार्य हो या विधि बनाने की बात हो तो उसमें केन्द्र को पूरा अधिकार है, वह चाहे सम्पूर्ण देश के लिए हो या किसी एक भाग के लिए हो। वहीं राज्यों की विधान सभाओं को राज्य के किसी भाग के लिए विधि बनाने की स्वायत्तता है। संविधान निर्माताओं के द्वारा तीन सूचियों में इन विधायी कार्यों को बांटा गया है — संघीय सूची, राज्य सूची और समवर्ती सूची। प्रथम सूची जो संघीय सूची थी, उसके अंदर 97 सबजेक्ट्स को विषयों को रखा गया। इन 97 विषयों पर केन्द्र सरकार या संसद ही कानून बना सकती है। दूसरी सूची, राज्य सूची, में 66 विषयों को रखा गया। इन विषयों पर राज्य की विधान सभाएं विधि बना सकती हैं। तीसरी सूची, समवर्ती सूची, में 47 विषयों को रखा गया इस समवर्ती सूची का सम्पूर्ण अधिकार केन्द्र को दिया गया। शिक्षा पहले यह विषय राज्य की सूची में था लेकिन इस विषय को समवर्ती सूची में रखा गया क्यों कि इसमें केन्द्र से संबंधित कई कानून देश के लिए संसद को बनाने पड़े। इसलिए विधायी अधिकार जो राज्यों और केन्द्र को दिए गए थे, उनमें कई बार खटास पैदा हुई है। भारतीय संविधान और उसके अधीन केन्द्र और राज्यों के बीच जो शक्ति का, विधि कार्य का विभाजन संविधान निर्माताओं द्वारा दी गई व्यवस्था के अनुसार किया गया था, इसका दुरुपयोग करने के कारण ये मतभेद उत्पन्न हुए। उपसभाध्यक्ष महोदय पिछले कुछ समय से केन्द्र और राज्य के संबंधों ने इस देश की राजनीति को झकझोर रखा है। इसका मुख्य कारण यह रहा कि केन्द्र और राज्यों की सरकारें इस क्षेत्र में उत्पन्न समस्याओं का निराकरण नहीं कर पाई और अपनी असफलताओं का दोष वे एक दूसरे पर डालती रहीं। जहां कोई काम केन्द्र सरकार को करना था, केन्द्र सरकार ने उसे पूरा नहीं किया और उसका दोष राज्य सरकार पर डाल दिया। इन परिस्थितियों के कारण केन्द्र और राज्यों के संबंधों में विवाद उठ खड़े हुए। कई बार किसी राज्य में केन्द्र द्वारा राष्ट्रपति शासन लागू करने का विवाद खड़ा हुआ। अनुच्छेद 356 के बारे में आज सारे देश के अंदर इतना बड़ा विवाद है। मेरा निवेदन है कि इस पर चर्चा होनी चाहिए और मतैक्य करके कोई रास्ता निकालना चाहिए ताकि आगे जाकर अनुच्छेद 356 का दुरुपयोग न हो, बल्कि सदुपयोग हो।

महोदय, आज केन्द्र और राज्य सरकारों के बीच जो अविश्वास और शंका की भावना पैदा हो गई है, उसका मुख्य आधार राजनीतिक माना जा रहा है। आजादी के कुछ समय बाद तक केन्द्र और राज्य सरकारों के बीच जो झगड़े हुए हैं, उनमें राजनीतिक दलों का काफी हाथ रहा है, पहले काफी समय तक एक ही दल की सरकार केन्द्र और राज्यों में थी, इसलिए झगड़े कम हुए। उस समय पार्टी का केन्द्रीय नेतृत्व भी मजबूत था, इसलिए छोटे मोटे झगड़े जो हुए, वे केन्द्रीय नेतृत्व के हस्तक्षेप से सुलझा लिए गए लेकिन आज स्थिति बदल गई है। आज देश में अनेक दल बन गए हैं, क्षेत्रीय दल भी बन गए हैं और अब केन्द्र में किसी एक दल की सरकार नहीं रही है, बल्कि मिली-जुली सरकार है। इसलिए आज आवश्यकता इस बात की है कि इस विषय में देश में विस्तृत चर्चा कराई जाए और तब जनता की राय लेकर कुछ ठोस निर्णय लिए जाएं ताकि हमारा देश एक रह सके और राज्यों और केन्द्र के विवाद दूर हो सकें और कोई हमारे राष्ट्र की एकता को खंडित न कर सके।

उपसभाध्यक्ष महोदय, केन्द्र और राज्यों के संबंधों में जो बिगाड़ पैदा हुआ है, उसके कई आधार हैं। इसकी विधायी आधार तो मैंने बता दिया है, इसका दूसरा आधार है वित्तीय आधार। महोदय, संविधान में केन्द्र और राज्यों की वित्तीय शक्तियां विभाजित कर दी गई हैं और एक केन्द्र को ज्यादा वित्तीय अधिकार मिले हुए हैं। जहां तक अनुदान देने की बात है या सहायता देने की बात है, तो वित्तीय अनुदान और सहायता देने का एक नियम होना चाहिए और वह उस नियम के आधार पर दी जानी चाहिए। लेकिन इस बारे में कोई नियम नहीं है। केन्द्र आज राज्यों को केवल अपनी राजनीतिक भावना के आधार पर अनुदान और सहायता देता है। इस कारण से केन्द्र और राज्यों के बीच वित्तीय संबंधों में बिगाड़ आया है। इसलिए इस बारे में निश्चित नियम और कानून बनाने चाहिए।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब आप समाप्त कीजिए।

**श्री मूल चन्द मीणा :** महोदय, अभी तो मैंने बोलना शुरू किया है।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** आप पहले भी बोल चुके हैं। मैं आपको सूचित कर देना चाहता हूँ कि इसके लिए 2 घंटे का समय निश्चित है और 2 घंटे समाप्त हो चुके हैं, कई और माननीय सदस्य अभी इस पर बोलने वाले हैं। आप अपनी बात पूरी कर लीजिए।

**श्री मूल चन्द मीणा :** महोदय, मैं कह रहा था कि केन्द्र और राज्यों के संबंधों में जो झगड़े पैदा हुआ, वह राज्यपाल की शक्ति और स्थिति से उत्पन्न हुआ। राज्यपाल ऐसे लोगों को बनाना चाहिए जो निष्पक्ष विचारधारा के लोग हों। उनको जो अधिकार और शक्तियां दी जाएं, उनका वे सही तरीके से प्रयोग करें। लेकिन पिछले कई सालों से यह देखा गया है कि राज्यपालों ने अपने कर्तव्य का पालन नहीं किया, बल्कि उनको जो अधिकार और शक्तियां दी गी हैं उनका कई बार दुरुपयोग हुआ है। दुरुपयोग करने के कारण राज्यों के अंदर लोकतंत्र को खतरा पैदा हो गया, प्रजातंत्र को भी खतरा पैदा हो गया है, चुनी हुई राज्य सरकार को बिना वजह केन्द्र सरकार के इशारे पर, केन्द्र ने जैसा निर्देश दे दिया, राज्यपाल ने वैसा ही व्यवहार करके उसको भंग कर दिया। इस प्रकार की स्थितियां कई बार बनी हैं। राज्यपालों ने अपने विवेक का सदुपयोग नहीं किया था इसलिए राज्यों के अंदर कई बार इस प्रकार की स्थितियां पैदा हुईं। राज्यपाल ऐसे लोगों को बनाया जाए जो निष्पक्ष रूप से प्रजातंत्र की रक्षा के लिए, केन्द्र राज्यों के संबंधों को सही रखने के लिए ऐसा कोई कार्य नहीं करे जिससे इनको किसी प्रकार का खतरा पैदा हो, देश की एकता को नुकसान हो।

अभी देखने को मिला। पहले राज्पालों की नियुक्तियां होती थीं, लेकिन अब तो राज्यपालों के कर्मचारियों की तरह ट्रांसफर भी हो जाते हैं। यह गलत सिस्टम है और इस सिस्टम को रोकना चाहिए। राज्यपाल कोई गवर्नमेंट सर्वेंट तो नहीं है कि उसे कभी गुजरात भेज दिया, कभी बिहार भेज दिया, कभी राजस्थान भेज दिया। ऐसा हुआ है। अगर किसी भी राज्य में राज्यपाल की नियुक्ति गवर्नमेंट सर्वेंट की तरह से होगी तो वह केन्द्र के इशारे पर काम करेगा। अभी पिल्लै जी कह रहे थे, तमिलानाडु की बात कह रहे थे, उनकी बात सही है। केन्द्र की मंशा के अनुसार राज्यपाल ने अपनी रिपोर्ट नहीं भेजी तो उसे हटा दिया। ..

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** माननीय मीणा जी, अब आप कृपया समाप्त करिए।

**श्री मूल चन्द मीणा :** सर, मेरी तो बात अभी पूरी नहीं हुई है।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** आप कृपया समाप्त करिए। आप 20 मिनट का समय ले चुके हैं। नियम 161 को अगर आप देखेंगे तो पायेंगे कि ऐसे संकल्प की चर्चा में 15 मिनट से अधिक का समय नहीं दिया जाता है।

**श्री मूल चन्द मीणा :** सर, यह बहुत महत्वपूर्ण संकल्प है।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** यह महत्वपूर्ण तो है लेकिन सबके लिए महत्वपूर्ण है।

**श्री मूल चन्द मीणा :** हाँ, यह सबके लिए महत्वपूर्ण है। मैं, संक्षेप में खत्म करता हूँ। मैं पाइंट्स बोल देता हूँ। उपसभाध्यक्ष महोदय, केन्द्र से सुरक्षा बलों को राज्यों में भेजना भी विवाद का कारण रहा है। कई बार राज्यों की मंशा के बगैर सुरक्षा बलों को राज्यों में भेज दिया जाता है। यह भी विवाद का कारण रहा है। अखिल भारतीय सेवा के अधिकारियों के ट्रांसफर भी राज्यों की इच्छा के बगैर कर दिए जाते हैं। आप ट्रांसफर करिए लेकिन इसमें राज्यों की सहायता और सहयोग भी ले लीजिए, उनकी राय ले लीजिए। विवाद का एक कारण यह भी रहा है। अन्तर्राज्यीय समिति, योजना आयोग, फाइनेंस आयोग ये सब चीजें केन्द्र के एकात्मक स्वरूप, केन्द्र की तानाशाही को महसूस कराते हैं इसलिए कई बार इसके कारण भी विवाद उत्पन्न हुये हैं। इसलिए इनको भी बड़े तरीके से, जो इनको अधिकार दिए गए हैं उन अधिकारों से आगे बढ़कर के काम नहीं करना चाहिए, अगर ये अधिकार में रहें तो केन्द्र और राज्यों के विवाद नहीं हो सकते हैं। भाषा के आधार पर भी कई बार मतभेद हुए हैं। केन्द्र का राज्यों के ऊपर जो हस्तक्षेप रहा है यह भी विवाद का कारण रहा है। केन्द्र और राज्यों के संबंधों के क्षेत्र की गहराई जब महसूस की गई तो केन्द्र सरकार ने अनेक बार इन संबंधों के व्यावहारिक समाधान ढूँढने के प्रयास किए थे। इसके लिए 1968 में प्रशासनिक आयोग बनाया गया। उसकी रिपोर्ट मंगायी गयी। 1970 के अंदर एक कमेटी—भगवान सहाय समिति बनी थी, उसकी भी रिपोर्ट ली गयी और जब केन्द्र और राज्यों के बीच स्वायत्तता का विवाद ज्यादा हो गया तो 1983 में सरकारिया आयोग स्थापित किया गया। उसकी भी रिपोर्ट आयी लेकिन इन तीनों की रिपोर्ट आने के बाद, इन पर कार्यवाही होने के बाद भी केन्द्र और राज्यों के बीच के संबंधों में कोई सुधार नहीं हुआ बल्कि विवाद बढ़ता गया। परिणास्वरूप जिस तरह आज हर विषय पर केन्द्र से राज्य स्वायत्तता की बात करते हैं, उसी तरह राज्यों में जिले भी स्वायत्तता की बात करने लगे। संपूर्ण भारत में चर्चा का विषय है कि जो मुख्य विवाद पैदा हो रहे हैं, देश को उन विवादों के कारण राजनैतिक, आर्थिक, प्रशासनिक और भौगोलिक रूप से बहुत हानि हुई है।

**उपसभाध्यक्ष (श्री रमाशंकर कौशिक):** अब आप आसन ग्रहण करें।

**श्री मूल चन्द मीणा :** महोदय, मैं केवल कुछ सुझाव देना चाहता हूँ।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब समाप्त करें।

**श्री मूल चन्द मीणा :** मैं केवल पांच सात सुझाव दूंगा। महोदय, केन्द्र और राज्यों के संबंधों को ठीक बनाने के लिए मेरा पहला सुझाव है कि राष्ट्रीय एकता में केन्द्र को अधिक शक्तिशाली होना चाहिए। दूसरा केन्द्र और राज्य सरकारों को राजनैतिक दलों के आधार पर देखने के बजाय देश की एकता और अखंडता को बनाए रखने के आधार को देख कर काम करना चाहिए। तीसरा, स्वायत्तता और विकेन्द्रीकरण लोकतंत्र के लिए बहुत आवश्यक है। चौथा, आर्थिक साधनों के बंटवारे के विषय में कुछ निश्चित नियम और पद्धति विकसित करना आवश्यक है। पांचवां, वित्त आयोग और योजना आयोग के कार्यों की समीक्षा होनी चाहिए। छठा, राष्ट्रपति और राजपाल की शक्तियों का पुनरावलोकन करना अति आवश्यक है।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अभी तो आप पांच ही प्वाइंट्स बता रहे थे।

**श्री मूल चन्द मीणा :** सर, केवल तीन चार और प्वाइंट्स हैं, ज्यादा नहीं हैं।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** अब आप आसन ग्रहण करें। माननीय श्री संघ प्रिय गौतम।

**श्री मूल चन्द मीणा :** महोदय, बस केवल दो प्वाइंट्स और रह गये हैं, वे बहुत महत्वपूर्ण हैं। राज्यों को केन्द्रीय सहायता उनकी आय के आधार पर न देकर उनके विकास के अनुपात के अनुसार देनी चाहिए। अखिल भारतीय सेवाओं के अंदर अधिकारियों का स्थानांतरण और नियुक्ति राज्य सरकारों के सहयोग और सहायता से होनी चाहिए। अंत में मैं यही कहना चाहता हूँ कि केन्द्र और राज्यों के संबंधों का समाधान विवाद शंका झगड़े, तनाव से संभव नहीं है अपितु सहयोग, सौहार्द सहिष्णुता, आपसी समझ और समाधान तथा राष्ट्रीय हितों को ध्यान में रखते हुए सदभाव के आधार पर किया जा सकता है। धन्यवाद।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** श्री संघ प्रिय गौतम। कृपया करके आप भी समय का ध्यान रखिएगा।

**श्री संघ प्रिय गौतम (उत्तरांचल):** महोदय, मैं समय का ध्यान रखूंगा किन्तु मेरे साथ एक अन्याय हुआ है और आपको न्याय करना पड़ेगा। वह मैं आपको बाद में बताऊंगा। मेरा नाम इस विषय पर नम्बर-एक पर था। आपके सामने है, आप देख लीजिए पर जाने-अनजाने वह नम्बर-दो पर हो गया। मैं आरोप नहीं लगा रहा हूँ पर उस अन्याय की क्षतिपूर्ति कृपया जरूर कर दीजिएगा।

**उपसभाध्यक्ष (श्री रमा शंकर कौशिक):** ठीक है, आप 10 के बजाय 11 मिनट बोल दीजिए।

**श्री संघ प्रिय गौतम:** महोदय, पिछले लम्बे अरसे से हम सूखा, बाढ़, अकाल, चक्रवात, भूकम्प, दलितों पर अत्याचार, महिलाओं पर अत्याचार, अल्पसंख्यकों पर अत्याचार, आर्थिक विपन्नता और बेरोजगारी आदि विषयों पर किसी न किसी रूप में हर सत्र में चर्चा करते रहे हैं लेकिन मेरी जानकारी में, मेरे कार्यकाल में केन्द्र और राज्यों के संबंधों पर कभी चर्चा नहीं हुई। न तो उस समय की सरकार ने चर्चा कराई, न किसी विपक्षी दल ने इसमें चर्चा की मांग की इसलिए इस विषय को महत्वपूर्ण और गंभीर बताना मेरी समझ में नहीं आता। मुझे लगता है कि ऐसा नहीं है क्योंकि अगर होता तो इस पर चर्चा होती या लोग मांगते। दूसरे, संविधान में वित्त आयोग का संवैधानिक स्थान है। हर साल वित्त आयोग की रिपोर्ट राष्ट्रपति जी को प्रेषित की जाती है। राष्ट्रपति जी उस रिपोर्ट की प्रति दोनों सदनों के सभा पटल पर रखते हैं और यह चर्चा के लिए खुली होती है लेकिन मेरे कार्यकाल में कभी इस वित्त आयोग की रिपोर्ट पर चर्चा नहीं हुई। यह इसके महत्वपूर्ण और गंभीर होने पर दूसरी भ्रांति पैदा कर रहा है। अगर चर्चा भी प्रारंभ हुई तो विद्वान, सम्मानित, सहसाथी के निजी संकल्प पर, और वह भी शुक्रवार के दिन, न हाजिरी पूरी होती है और न लोगों की रुचि होती है। कोढ़ में खाज, वह भी साम्यवादी मित्र के द्वारा जिनका विषय ही आर्थिक रहा है, घुट्टी में पीकर आए हैं। मान्यवर, फिर भी I will talk sense. You listen to me. यह चर्चा आज से 70-80 वर्ष पहले कनाडा से प्रारंभ हुई थी। मेरे पास सारे कोटेशनस हैं लेकिन टाइम नहीं है, I will not quote. मैं उद्धरण दे रहा हूँ। कनाडा में यह कहा गया कि हमारे राज्यों के अधिकार कम हैं और यही लगता था कि केन्द्र अतिक्रमण कर रहा हूँ। यह मामला प्रिवी काउंसिल के पास चला गया। प्रिवी काउंसिल ने एक ज्यूडिशियल कमेटी, न्यायिक समिति एपाइन्ट की। उस न्यायिक समिति ने अपनी आख्या दी और कहा कि राज्य और केन्द्र अपने अधिकारों का उपभोग और कर्तव्यों का पालन कर रहे हैं, किसी तरह का अतिक्रमण नहीं है। फिर भारत का कानून बनना था। इसके लिए एक गोल मेज कांफ्रेंस हुई उस कांफ्रेंस में सारे मुद्दे विस्तार से चर्चित हुए और ये विषय भी चर्चित हुआ और अन्ततोगत्वा राष्ट्रियनिर्माताओं और देश भक्तों ने एक निर्णय लिया। उस को भारत सरकार अधिनियम 1935 में सन्निहित किया गया। मान्यवर, ये अतिशयोक्ति नहीं होगी अगर मैं कहूँ कि यह जो वर्तमान संविधान है ये बड़ी मात्रा में भारत सरकार अधिनियम 1935 की ही प्रति है। लिहाजा एक प्रक्रिया उसी समय से चली आ रही थी। इसके बाद संविधान सभा बैठी। संविधान सभा के सामने भी यह विषय चर्चा के लिए आया और इस पर तीन तरह से चर्चा हुई। एक तो apportionment of revenues. यानी किस अनुपात में राजस्व का वितरण होगा, जो चला आ रहा था, भारत सरकार अधिनियम 1935 में, उस पर उन्होंने सहमति जताई। दूसरे एक एक्सपर्ट कमेटी बैठाई गई और उस एक्सपर्ट कमेटी ने भी अपनी आख्या उसी के अनुसार दी। फिर श्री टी.टी. कृष्णामाचारी वित्त मंत्री थे और संविधान सभा तथा ड्राफ्टिंग कमेटी के मैम्बर भी थे, उन्होंने सारे राज्यों के वित्त मंत्रियों, अपने कुछ मंत्रियों की और ड्राफ्टिंग कमेटी की, अपनी अध्यक्षता में एक बैठक बुलाई और उसमें यह तय हुआ कि वर्तमान संविधान सभा में जो प्रावधान है, वही निष्कर्ष निकला और जैसा मैंने बताया कि यह उसी समय से ज्यों का त्यों चला आ रहा है। दूसरे मायनों में संबंधों की चर्चा करना संविधान की आलोचना करना है। संविधान की आलोचना लोगों ने उस समय भी की थी और बहुत लोगों ने ... (व्यवधान) ... प्लीज, मैं आपको भी एक बात कहने वाला हूँ, to both of you, with folded hands, because I am not personalising and localising the issue. But I have experienced it. Kindly listen to me. मान्यवर, मैं यह निवेदन कर रहा था कि उस समय श्री टी.टी. कृष्णामाचारी, अल्लादी कृष्णम स्वामी अय्यर

**3.00 P.M.**

इन लोगों ने बड़ी भारी वकालत की थी, सबके जवाब दिए। यही प्रश्न उठे थे कि पैसा राज्यों को कम जाता है। मैं सिर्फ श्री टी.टी. कृष्णमाचारी को कोट करना चाहता हूँ "The powers are substantial and significant in the legislative sphere and in the executive sphere. The State must exercise compulsive power in the enforcement of a given political order. Secondly, These powers must be regularly exercised over all the inhabitants of a given territory. Thirdly, the activity of the State must not be completely circumscribed by orders handed down for execution by the superior authority". This is what Shri T. T. Krishnamachari said. It is a warning and ये सब राज्य सरकारों के लिए वरदान भी हैं। This is an eye-opener as to how to exercise your powers. मान्यवर, संविधान की आलोचना हुई तो इसमें सारे प्रावधान है ...**(व्यवधान)**... अनन्त कुमार जी, मैं आपसे प्रार्थना करूंगा कि आप अपनी मीटिंग बाहर कर लें या यहां सुन लें।

If that is more important than this, then you can do that. I don't have any objection. श्री सुरेश चंद्र मजूमदार ने क्या कहा इस संविधान के बारे में। बड़ी सिम्पल बात है कि "There is one feeling in my mind which dominates every other feeling. The feeling is that this Constitution is wholly of our own making. It may be good, it may be bad or anything, but it is we, the Indians, who have framed it. It has not been imposed upon us from outside, by any alien authority. Moreover, we can amend it as and when we want it to." I think, it is more than sufficient हमने बनाया है यह संविधान। अपने हित के लिए बनाया है, सारे देश के दिमाग थे, हर क्षेत्र के लोग थे, अनुभवी लोग थे, राष्ट्र भक्त थे, विद्वान थे, उन्होंने अपना सारा जीवन राष्ट्र सेवा में बिताया इसलिए हमें उनकी नीयत पर शक नहीं होना चाहिए। यह मैंने आपको कोट किया है। अब अधिकार और कर्तव्य दोनों के अलग अलग हैं। अगर अधिकारों का उपभोग हो और कर्तव्यों का पालन हो तो संबंध अच्छे हो जाएंगे। मैं उसे दोहराना नहीं चाहता लेकिन जरा-सी बात कहना चाहता हूँ कि केंद्र की विधायिका है तो राज्यों की भी विधायिका है, केंद्र की न्यायपालिका है तो राज्यों की भी न्यायपालिका है केंद्र की कार्यपालिका है तो राज्यों की भी कार्यपालिका है केंद्र कर लगा सकता है तो राज्य भी कर लगा सकता है। केंद्र राज्यों से वसूल कर सकता है, तो राज्य राज्य से वसूल कर सकता है, केंद्र विकास और कल्याण के काम करा सकता है तो राज्य भी विकास और कल्याण के काम करा सकता है, केंद्र कानून-व्यवस्था और देश के अंदर शांति स्थापित करने में राज्यों को सहयोग दे सकता है और राज्य ये काम अपने आप कर सकते हैं। जिन राज्यों में आवश्यकता होती है जैसे सूखा पड़ जाए तो केंद्र मदद करता है, बाढ़ आ जाए तो केंद्र मदद करता है, अकाल पड़ जाए तो केंद्र मदद करता है, चक्रवात आ जाए, तो केंद्र मदद करता है, भूकंप आ जाए तो केंद्र मदद करता है, 355 के अंतर्गत यदि कानून-व्यवस्था बिगड़ जाए तो केंद्र मदद करता है और यदि बिल्कुल ही हाथ से निकल जाए तो 356 भी केंद्र ही लगाता है ये सारे अधिकार केंद्र को प्राप्त हैं। इस संबंध में मैं एक बात कहना चाहूंगा कि जब इन विषयों का बंटवारा हुआ है तो डा.अम्बेडकर ने अपने विचार रखे। यह

[17 August, 2001]

RAJYA SABHA

जो आज कह रहे हैं कि राज्यों को अधिक स्वायत्तता मिलनी चाहिए तो क्यों मिलनी चाहिए। राज्यों को तो इतनी स्वायत्तता मिली हुई है। डा.अम्बेडकर ने इस समय कहा था जब यह बात आई थी कि विषय केंद्र के पास ज्यादा हो या राज्यों के पास तो उस समय तीन बातें आई कि जो विषय क्षेत्रीय, राज्य महत्व के हैं और केंद्रीय राष्ट्रीय महत्व के भी हैं वे केंद्र के पास रहने चाहिए जैसे कृषि श्रम और किरायेदारी है दूसरे जो विषय कहीं भी परिभाषित नहीं है *The subjects which are not defined anywhere, they should remain with the Central Government.* और तीसरा है रेजीड्यू, जो विषय इन दोनों में बंटवारे से बच रहे हैं वे भी केंद्र के पास रहने चाहिए। वही व्यवस्था आज हमारे संविधान में है मान्यवर जहां तक पैसों कानून व्यवस्था और संबंधों का प्रश्न है माननीय मूलचंद मीणा जी चले गए हैं मैं उन्हें बताता कि ये संबंध खराब क्यों हुए। ये संबंध राज्यों और जनता ने खराब किए। मैं जनता कि भी बात कहूंगा देअरफोर आई वाज इंडिकेटिंग उसने अपने दायित्व को नहीं निभाया। राज्य सरकारों के दायित्व क्या थे डा.अम्बेडकर सेड इन राउंड टेबल कांफ्रेंस। नम्बर एक, *there should be a guarantee for the protection of the minorities.* Secondly, *there should be a guarantee for the protection of the anusuchit jati and janjati,* and there should be a guarantee for the national interest ये तीनों चीजें अगर कोई राज्य सरकार करती है तो वह अपने दायित्व को पूरा करती है लेकिन इस दायित्व को निभाया नहीं गया। मैं केवल उदाहरण के लिए कह रहा हूं अपनी सरकार को भी शामिल कर रहा हूं, किसी पर आरोप नहीं लगा रहा हूं, हमारे इस सदन में चर्चा हुई कि गुजरात, उड़ीसा और मध्य प्रदेश में ईसाइयों पर जुल्म हुए। अभी यहां चर्चा हुई कि उत्तर प्रदेश में मुसलमानों के साथ ज्यादाती हुई है।

जम्मू-कश्मीर में हिन्दुओं के साथ ज्यादाती हो रही है। वे यहां बे घर पड़े हुए हैं सिखों के साथ छत्तीसिंह पुरा में ज्यादाती हुई महाराष्ट्र में बौद्धों के साथ ज्यादाती हुई। *These are the minorities. Where is the protection for minorities in these States? The Government may be of any party. The Chief Minister may be anybody. The State Governments have failed to give protection to the minorities. Now come to the dalits.* आप देखिए कि महाराष्ट्र के अंदर सारे मुकदमे वापस कर लिये जब नामीनेशन की बात थी। रामाभाई चौक पर दस आदमियों को कारण गोली से भून दिया और कुछ भी नहीं हुआ। आपके उत्तर प्रदेश और राजस्थान में, मीणा जी चले गए, रोज बलात्कार हो रहे हैं। मध्य प्रदेश में कल हमने देखा कि अनुसूचित जाति की एक महिला जिला परिषद की अध्यक्ष चुनी गई लेकिन उसको चार्ज नहीं लेने दिया गया। यह रात को टीवी पर देखा। हिन्दुस्तान में पहली मिसाल है कि काल बैक कर दिया। अनुसूचित जाति की महिला जो डाइरेक्ट चेयरमैन बनाई गई उसको रिकाल कर दिया। *It has never happened with any member of any other community anywhere in the country. But it has happened with dalits* अब आप बताइए कि कितने सुरक्षित दलित हैं? *Many State Governments have failed,* क्या राष्ट्रीय हित यह है कि प्रदेशों में सेना बनाकर लोगों को मारा जाये और वहां पर अशांति पैदा करें। क्या यह राष्ट्रीय हित है कि चंदन चोर को पकड़ो मत। *Is it in the national interest?* आज देश के लिए हम बहुत परेशान हैं। आज देश में आर्थिक तंगी है। यहां कहते हैं कि रोजगार नहीं है, मकान नहीं है, रोजी नहीं है, रोटी नहीं है, कपड़ा नहीं है, दवा नहीं है, सुरक्षा नहीं है और पैसों का क्या हो रहा है? पैसों का दुरुपयोग तनखाहों



पर, रहन-सहन पर हो रहा है। दो-तीन लाख रुपया एक मिनिस्टर का महीने में चाय-पानी पर खर्च हो जाता है। मान्यवर, इसके अलावा करप्शन, भ्रष्टाचार हमारे देश के कैंसर है। जो व्यक्ति भ्रष्टाचार में सजा पाए, उसको जनता को चुनाव नहीं चाहिए। लेकिन चुने जाते हैं। यह इस देश की जनता का कसूर है। I am saying this to the AIADMK and the DMK people. भ्रष्टाचार में सजा हो गई। अगर अदालत ने निर्णय गलत दे दिया तो अदालत को निर्णय सही है तो जनता को सोचना चाहिए कि उनको क्यों वोट दिया जाना चाहिए। आज चोर, डकैत, बदमाश, गुंडे, लुच्चे, लफंगे, ऐयाश, मक्कार, शराबी, कबाबी, माफिया ये जेल से चुनाव जीतते हैं। Who is responsible for this? The public is also to be blamed for this, कौन चुनता है इन्हें? जब राजा ही चोरी करे तो न्याय कौन पर जाए। जब कन्विक्ट व्यक्ति, भ्रष्टाचार में लिप्त व्यक्ति राजा हो जाएगा तो फिर भ्रष्टाचार कैसे समाप्त होगा। नहीं आता कि यह हमारे देश में क्या हो रहा है। इसके अलावा हमारे अधिकारियों की ट्रांसफर और पोस्टिंग की जो बात है तो कोई नहीं कहता कि केन्द्रीय सरकार के कर्मचारियों का कैडर बदलता जा सकता है। मान्यवर, मैं आपके माध्यम से कहना चाहता हूँ, महोदय, मैं लायर भी रहा हूँ और मैं अदालतों का बड़ा आदर करता हूँ। मान्यवर, अदालतों को भी इस पर पुनः विचार करना चाहिए कि ऐसे मामलों पर They should review it. क्या भ्रष्टाचार में कन्विक्ट किसी को मुख्य मंत्री बनाया जा सकता है? गोलकनाथ केस में, Advocates on record i^ersas the Union of India. The Supreme Court has reversed its judgment totally. Mr. Ramachandran Pillai, you are a lawyer. When the Supreme Court can reverse its judgment over there, the judgment in this case also can be reversed. मैं कहना चाहता हूँ कि यह कोर्ट का मामला है ..(समय की घंटी).. मेरी प्रार्थना है कि मेरे साथ अन्याय हुआ है। पहले दिन पहले नंबर 1 पर मेरा नाम था लेकिन किसी वजह से वह पीछे चला गया। मैं आरोप नहीं कर रहा हूँ। लेकिन कहना चाहता हूँ कि आप न्याय कर दीजिए। मैं बहुत ज्यादा समय नहीं लूंगा। हालांकि मेरे पास बहुत मैटेरियल तैयार है। लेकिन मैं ज्यादा समय नहीं लूंगा।

तो मैं आपके माध्यम से निवेदन कर रहा था कि अदालतों की दुहाई देते हैं और फाइनेंस कमिशन की बात करते हैं।

(THE VICE-CHAIRMAN (SHRI NILOTPAL BASU) in the Chair] .

इस हिन्दुस्तान में सैंकड़ों, हजारों आयोग बैठे गए। उन आयोगों ने अपनी रिपोर्ट दी। मुझे बता दें क्या सभी आयोगों की रिपोर्ट स्वीकार कर ली गई, बिलकुल नहीं की गई। काका कालेलकर आयोग की रिपोर्ट को पूरी तरह से रद्दी की टोकरी में डाल दिया गया। कुछ आयोगों की रिपोर्ट स्वीकार हुई partially not fully, आयोग की दुहाई देना कि आयोग की ऐसी सिफारिश है, इसलिए उसे हमें मानना है तो बी.पी.मंडल आयोग ने सात सिफारिशों की थीं implemented only one. You never implemented the other six. यह कोई जरूरी नहीं है कि आयोग जो कह दो वह बिल्ली का मूत है, वह पत्थर की लकीर है। हमने बहुत सी बातें नहीं मानी हैं। इसलिए करना क्या है वर्तमान संदर्भ में हमें यह देखना है कि देश की एकता, देश की अखण्डता, कैसे बरकरार रहे और तब रहेगी जब केन्द्र मजबूत होगा। There must be a strong Centre, लेकिन सेंटर तब स्ट्रॉंग होगा, जब न्याय करे, उनको भी दे। महोदय, एक

छोटी सी पुरानी कहावत है, मेरा ख्याल है लोग बुरा नहीं मानेंगे, पत्नी को, औलाद को और नौकर को बहुत प्यार करना चाहिये लेकिन आंख में सुरखी रखनी चाहिये। यह बड़ी गहरी बात है। ठीक उसी तरह से The Centre must have that *surkhi* about the Centre ताकि स्टेट्स आऊट आफ कंट्रोल न हो जाएं। आपने देखा 239 ए में अनुसूचित जनजातियों के कल्याण के लिए प्रावधान है अनुसूचित जनजाति एरिया में सरकार डायरेक्शन देती है। बिहार में कमेटी बनी लेकिन झारखंड मुक्ति मोर्चा ने राजद सरकार को वोट नहीं दिया तो उस कमेटी को भंग कर दिया गया। क्या यह मनमानी नहीं है? These States are demanding more powers in order to ruin the poor people of the country यह एक जिन्दा मिसाल है। It has happened in Bihar सरकार ने स्पेशल कंपोनेंट प्लान का पैसा डाइवर्ट कर दिया दूसरी मदों में जो शैड्यूल्ड कास्ट्स के ऊपर खर्च होना चाहिये था। तीन तीन सौ करोड़ रुपया स्कालरशिप का दलितों का खा गये भ्रष्ट सरकारों के लोग, कोई कार्यवाही नहीं हुई, चाहे कोई किसी भी पार्टी का हो। I am not concerned about the parties. I am concerned about the interests of my country and about the relationship between the Centre and the States होना क्या चाहिये कि जिस किसी के लिए पैसा जाता है, उस पर खर्च होना चाहिये। पैसा खर्च कहां हो रहा है ? तनखाहों में, एम.एल.एज.की तनखाह पर। उपसभाध्यक्ष महोदय, माफ करिये, हाथ जोड़ कर मैं प्रार्थना करता हूं, मैंने आज अखबार में पढ़ा है कि 20 हजार से 35 हजार सांसद भी मांग रहे हैं। थोड़ी सी लज्जा आनी चाहिये। तुम तनखाह में ही खर्च कर लोगे तो विकास के लिए, कल्याण के लिए पैसा कहां से आएगा ? Already the State is running under a heavy loss. It may be a State Government or it may be the Central Government. आखिर हम पैसा कहां से लाएंगे? अपनी इज्जत का भी ख्याल रखिये। आज मैंने पढ़ा है, फुस-फुस हो रही है कि सांसदों की तनखाह बढ़नी चाहिये। हां बढ़नी चाहिये किन की, जिनके पास अपना कोई कुछ भी नहीं है। लेकिन जो आलरेडी वेल प्लेस्ड हैं, वेल टूट्ट हैं, ...(समय कि घंटी)...मान्यवर, आखिरी बात यह है, जब संविधान बना, मैं उसी में से कोट कर रहा हूं। डा. अम्बेदकर ने जवाब दिया तो उन्होंने कहा "The condemnation is coming from two quarters. One is from the Communist and another from the Socialist. Why are the Communists condemning it? Is it because it is a bad Constitution? No. It is because they want the dictatorship of the proletariat? This is a democratic Constitution. And why are the Socialists condemning? It is because they want Fundamental Rights to be absolute so that if they fail to come to power on the basis of this absolute power, they may overthrow the Government."

Therefore, Sir, --unfortunately, *sanyogvas*, you happen to be a Communist — I oppose this Resolution.

SHRI JIBON ROY (West Bengal): Mr. Vice-Chairman, Sir, I wish to be precise and not repetitive. The point is: The Constitution, conventions, the Planning Commission, the Finance Commission and the Judiciary, together determine the Centre-State relations. Of course, at the end, politics does determine the Centre-State relations. And, Pranabdas has

explained last time as to how the change of politics, change of co-relation of politics, have changed the outcome of the Finance Commission's outcome and the recommendations of the Planning Commission. Whatever may be the course of the Centre-State relations, at the end, it is the bureaucracy and the Government which will have to implement the recommendations.. This is the crux of the issue. My point is: Whoever implements the recommendations, they must have an aesthetic sense to understand the psychogenic pattern of Indian nationalities. All ethnic groups should understand all the nationalities. People, their behaviour, their culture and their sense. The role of the Central Government is just little more than a 'gardener' of a big garden. Finally, India is a 'garden' -- internally - of many flowers, many cultures, many feelings, many realities, religious faiths and other things. The Centre -- gardener -- should understand it, should feel it and should have the sense to keep the nation united, to keep the nation integrated so that it can prosper. My point is, probably, there is some lacuna in that. Sir, under the Eighth Schedule of our Constitution, we have absorbed so many languages. But, we do not bother about all the languages. Last time, we have included the Nepali language in the Eighth Schedule. When somebody speaks in Nepali language, in this House, probably, it may not be translated simultaneously. Therefore, that sense is required. This\*is the first point I want to emphasise. An aesthetic sense to know the country, to understand the country, to understand its behavioural pattern and its culture has to be there.

The second point is, as I have said, you may have the Constitutional norms, conventional norms and Commissions. But the things are determined by the Indian politics, and economics is the mirror of the politics. Now, during the last ten to twelve years, policies of the Government of India have greatly changed because of external pressure from the IMF, the World Bank, etc. And, obviously, the World Bank, the IMF and economic reforms are against de-centralising or having authority at the Centre, and are playing havoc with the Centre-State relations and will play havoc in the coming days.

You go through the recommendations of the Eleventh Finance Commission. The Eleventh Finance Commission made two recommendations. The first recommendation was a preliminary recommendation. It was the initial recommendation. And the second one was the final recommendation. In the initial recommendation, the Eleventh

Finance Commission kept a kitty of an amount equivalent to 15 per cent of the Budgetary deficit of the States. It was kept aside for distribution to the deficit States. In the final recommendation, the Commission said that the entire amount would be withheld. The amount, along with the matching grant to the States, comes to Rs. 5,300 crores. That amount was withheld for distribution. The Commission, as Pranabda has mentioned last time, has said that that amount would be distributed on the basis of performance. It is the money of the States kept aside for the total kitty, distributable kitty, to the States. And, now, that amount of Rs. 5,300 crores is withheld to be distributed on the basis of performance. What are the performance norms laid down by the Eleventh Finance Commission? The performance norms are: Growth of tax revenue, growth of non-tax revenue, increase in salaries and allowances, growth of interest payment and progress in reduction of subsidies.

Therefore, those States which will reduce the manpower, expenditure on salaries and allowances; those States which will not take loan; those States which will reduce the subsidies, will get that amount; otherwise that amount will be re-distributed among the performing States. And you will find that for a single norm, States have been penalised twice. When grant-in-aid is sanctioned all those norms are taken into account. Again, an amount is kept aside, and the same norm is imposed. Are these not attempts to impose the dictates of the World Bank and the IMF on the autonomy of the States? You will find, in this way, double punishment is given. First, while sanctioning the grant-in-aid you had taken this consideration; and, again, you had kept separate Rs. 5,300 crores and there also the same conditions are imposed. Then, you have introduced a Bill, called, the Fiscal Discipline Law. In the name of that law you are imposing same conditions on the State. Therefore, economic centralisation is taking place. The Centre is dictating economic terms to the States. My point is that -- as I have raised - you can make any law, the Constitution can be amended, any convention can be adopted, but, in the end, you should take into account the overall economy, overall economy of the States. If you go through in detail the economic development of the entire country, you will find that poverty is getting shifted from the West to the East, rather I would say from the Coastal States to the Eastern and the North-Eastern States. Since reforms have dictated us, export and import-oriented economy, and internal economy are getting collapsed. Therefore, the States, which have a long seacoast and port facilities, are prospering. (*Time-bell*) In response to

a question put to the Planning Minister by me, I had got an answer. He said, "How dangerous is the economy of Arunachal Pradesh! It has come down from 8.9 per cent to 4.2 per cent from 80's to 90's. Assam has come down from 4.1 per cent to 2.7 per cent. In Meghalaya, a little bit improvement has been claimed, but there has not been much improvement because the figures of 90's have been calculated at the price of 90's. They have come down from 6.01 per cent to 5.94 per cent. Orissa has improved from 3.97 per cent to 2.79 per cent. Tripura has come down from 6.38 per cent to 5.66 per cent. West Bengal has improved from 7.32 per cent to 4.35 per cent." This improvement in the 90's has been because they have taken the price of 80's. Therefore, there is not much improvement. Practically, the Eastern provinces are getting destroyed ones -- with this fiscal line, adopted by the eleventh Finance Commission, and being processed by the Centre... The condition of UP is very serious. The condition of Bihar is very serious. The entire Eastern provinces are getting doomed. I would not take much time. Just two more points, I want to make. Another point is that since reforms are taking place, all reservations for social justice are no more.<sup>v</sup> It is not an accidental thing. The food you are supplying for the poorest of the poor is not being taken. Because of the reforms and a competitive economy, the poor people, mainly the backward class people, are getting destroyed. All employment opportunities have come to an end. All have been privatised. Therefore, the reservation in employment opportunities has gone. The poorest of the poor people of these States are getting destroyed. The last two points that I want to raise are these. First, the political convenience should also be viewed. If you find that the recent Central announcements on river disputes are of little bit partial to those coalition partners who have friends here - either you take Tamil Nadu or Karnataka or any other State - you will have to take care of this aspect. Then, I come to deployment of forces. This is a sensitive aspect. Tripura does not get forces, when it requires them. They are fighting insurgency. Even a demand for it had been made in the Cabinet. On a number of times, the main ruling party in the ruling coalition, has said, "We are ready to bring down the Government of West Bengal, provided the Congress agrees to it." Such statements are made only to satisfy the ruling partners. It is said, "We are ready to bring down the Bihar Government, provided the Congress agrees." Therefore, Centre's relation and politics of convenience should also be viewed. My last point is that, nowadays, our politics is such that one set of people rule in the Centre, while other set of people rule in the States. Many a time, those who are

ruling in the State are not represented in the Centre. The Government, the party, that is ruling West Bengal, has no representatives in the Centre for the last 25 years. Even the representation of bureaucracy is also very less. The gardener, the Central Government, has to take care of such States also. Sometimes, the parties, which are not ruling in the States, have Central Ministers. How will they behave? I will give you an example. Once, a Central Minister, incidentally he was she, she announced that she would Remonstrate in front of the room of the Chief Minister. The Chief Minister immediately telephoned, "Why even the Central Ministers need to demonstrate in front of the Chief Minister's room? You come and talk to me." She said, "No, I won't talk. I will only demonstrate, and demonstrate in front of the door of the Chief Minister." The Chief Minister did not go to his office for half the time. Finally, the Government was forced to remove her from there. If a Central Minister behaves like that, and does not behave as a custodian of the Constitution, the problem will arise in Centre-State relations. Therefore, in a critical situation, in a sensitive situation, all should act judiciously. I understand politics. Finally, I speak the last word. The economics is the meaner of policy. No. But still some kind of a static stand, some kind of decency, a little bit of code of discipline should prevail. Thank you very much.

SHRI P. PRABHAKAR REDDY (Andhra Pradesh): Sir, thank you for giving me an opportunity to speak here. First of all, I would like to congratulate the hon. Member, Shri S. Ramachandran Pillai, for having brought such an important issue like the Centre-State relations by way of a Resolution. Sir, there is a debate going on in the country, today, both inside the House and outside the Parliament, about the Centre-State relations. Sir, our party, the Telugu Desam Party, is always for a strong Centre, and, at the same time, for strong States also. But, unfortunately, the reality is that more powers are vested in the Centre, and the States are not given their due. Therefore, our party is advocating that, in view of the changed economic, political situation in the country, there should be a redefining of the Centre-State relations. If we recall, the Sarkaria Commission was constituted in 80's to thoroughly go into the Centre-State relations, and, then, give its recommendations. Sir, at that time, the scope of the Commission was to review the working of the existing arrangements between the Union and the States in regard to powers, functions and responsibilities in all spheres and recommend such changes or other measures, as may be appropriate. In examining and reviewing the working of the existing arrangements between the Union and the States and making

recommendations as to the changes and measures needed, the Commission should keep in view the social and economic developments that have taken place over the years and have "due regard to the schemes and framework of the Constitution which the founding fathers have so sedulously designed to protect the Independence and ensure the unity and integrity of the country which is of paramount importance for promoting the welfare of the people. This was the scope of the Sarkaria Commission. Sir, the Sarkaria Commission, after an exhaustive and painstaking study, had submitted its report way back in 1988. It had given about 250 recommendations. Though 14 years have lapsed, only 50 per cent of the recommendations are implemented, and the Central Government and the Chief Ministers of the States are still considering the other 50 per cent of the recommendations.

Sir, I would like to mention here one very important point. Our party is demanding for more powers and for higher allocations of funds. We have been demanding that 50 per cent of the Central revenues must be made available to the States. Sir, the demand is absolutely reasonable, because all the welfare programmes and the developmental activities are being undertaken by the State Governments. Therefore, the State Governments must be given higher allocations.

Sir, another contentious issue is about the Centrally-sponsored schemes. It is time that the Centrally-sponsored schemes should be scrapped at once. There are 210 schemes, and if we see, Sir, in the midterm appraisal of the 9<sup>th</sup> Plan, the Ministry itself has agreed, how ineffective these Centrally-sponsored schemes are. I will just quote one or two items that are mentioned here. I quote,

- There are too many schemes - 210 schemes.
- Ministries do not encourage independent evaluation.
- Unwillingness to do monitoring.
- Schemes follow a blue print and top-down approach, with little\* flexibility given to field staff - uniformity of schemes all over the country from Mizoram to Kerala.
- States do not own such schemes.
- Delay in release of funds. "

Finally, the conclusion is, "It would be better to do a fewer things well rather than messing up with a larger number of activities." Sir, this is the view of the Planning Commission. It is a very honest appraisal. Therefore, it is better, if the Central Government leaves the States on their own as to what is to be done in the States and what their priorities should be. It is better if the Central Government confines itself to important subjects like Railways, Commerce, External Affairs, etc. It is better to leave the rest of the things to the States.

Sir, another thing is that the Central Government and the State Governments are doing one and the same thing, which is resulting in the wastage of money and wastage of time. It is becoming redundant. Therefore, there must be a clear demarcation of what the Central Government should do, and what the States should do. Sir, another problem faced by the State Governments is that the Central Government is concentrating only on increasing its resources, whereas the States are limited to collection of shares in income-tax and excise duties. Sir, our State Government has also made a request to levy sales tax on Services, which has not been accepted so far. As a result of it, the States are left with very limited resources, and they have to fulfil a lot of social obligations, but they have no resources at their disposal.

Sir, another important aspect is, under Article 293 of the Constitution, the power of the States to borrow money is restricted. We are strongly advocating that this should either be amended or should be totally removed, because the States should be given powers to access financial market for borrowing money within India and abroad. Sir, I would only highlight two or three points and conclude. I would mention them to show how the Centre is powerful and how States are not being given their powers. A perusal of the Seventh Schedule shows that the cream of the subjects are reserved in the Union List, like defence, foreign affairs, railways, airlines, waterways, sports, trade and commerce, banking, insurance, taxes on income, Central excise and customs duty, jurisdictions of the Supreme Court and the High Courts. There is a provision in the Constitution which says that any law made by Parliament with reference to any subject in the Concurrent List prevails over the State enactment on the same subject notwithstanding whether the State enactment is earlier to or subsequent to Parliament enactment. Another sweeping power in favour of the Centre is Articles 249 and 253 which empower Parliament to make laws even with respect to subjects in the State List.



Sir, we are all aware what powers Article 356 has. It can dissolve even elected Governments. It can dissolve State legislatures. In the past, this power was grossly misused. So, our party is totally against this Article 356.

Article 3 empowers Parliament to increase or diminish the areas of an existing State, alter the boundaries of the State or alter the name of the existing State. Sir, I would like to say how the Sarkaria Commission has viewed the Centre trying to take more powers allocated to the State. The report states, "Centralised Planning through the Planning Commission (a non-statutory body) is a conspicuous example of how through an executive process, the role of the Union has extended into areas such as agriculture, fisheries, soil and water conservation, minor irrigation, area development, rural reconstruction and housing, etc. which were within the exclusive State field." This is the report of the Sarkaria Commission.

Another dangerous provision is that though the Chief Minister of a State and his Council of Ministers are answerable to the State legislature, by virtue of the Commissions of inquiry Act, the Centre can order investigation into the working of the Chief Minister and the State Ministers.

These are the contentious issues. They have to be reviewed. There is an urgent need for reviewing the Centre-State relations. There is also a need for empowering the States.

With these few words, I again congratulate my colleague, Mr. Ramachandran Pillai, for bringing this resolution. Thank you.

SHRIMATI S.G. INDIRA (Tamil Nadu): I thank you, Mr. Vice-Chairman, for giving me this opportunity. At the outset, on behalf of our party, I thank the hon. Member, Mr. Ramachandran Pillai, for bringing this resolution regarding Centre-State relations.

The founder of our AIADMK party, the revolutionary leader, Mr. M.G. Ramachandran, was advocating a principle regarding Centre-State relationship. That is, the relationship should be neither independent nor dependent, but it must be inter-dependent. Even now, this principle is followed by our present leader, called Puratchi Thalaivi.

Article 1 of the Constitution of India states, "Our nation, India, that is Bharat, shall be the Union of States". The Union of States is combinedly called India. Though our Constitution stresses federalism, there are some features in the Constitution which are unfederal as well as non-federal. The Father of our nation, Mahatma Gandhi, rightly observed that a good government cannot be a substitute for a self-government. Do our States have self-government? He put this question. Our States are not allowed to govern themselves independently and freely within their own spheres. I will give an example. Governor is the executive head of the State. Chief Justice is the judicial head of the State. Both of them are appointed by the Union, from outside the State. They are under the control of the Union Government. So, the heads of two organs, out of the three important organs of the State, are under the control of the Union Government. Moreover, the Chief Minister, his Ministry or Members of the State Assembly, duly elected by the people, can be thrown out by a proclamation of the President under Article 356 of our Constitution. Therefore, the third wing is also under the control of the Union Government. In effect, the heads of all the three organs of the State are under the control of the Union Government.

The Supreme Court, in a judgment, observed categorically that the Governor is not amenable to the direction of the Government of India nor accountable in the manner in which he carries out his constitutional office which is not subject to the control of the Government of India. But, beyond a shadow of doubt, in most cases, the Governors have used their office to serve the interests of the Centre. We all know what happened in Tamil Nadu recently. The Governor had to resign. This affects the Centre-State relationship. The free movement and free action of the State Governments are hampered. They are under the threat of the Union Government.

Again referring to Tamil Nadu, in the past two months, so many incidents have occurred there. The duty of the Union Government is to protect the State Governments against external aggression and also internal disturbances. But the present Government in Tamil Nadu is facing disturbances continuously from the main opposition party, with the support of the Union Government! When the DMK was in power, they opposed Article 356. Let us look at the dual stand taken by it. I would like to lay stress on this point. Now, I would like to refer to the news-item which had appeared in the Hindustan Times of 23<sup>rd</sup> January, 1999. wherein, the Chief

Ministers of Tamil Nadu and Punjab had suggested the abrogation of Article 356 of the Constitution in toto. Now, here, they are coming forward to impose Article 356 in the State of Tamil Nadu, and this move of the Central Government is being supported by the NDA allies. In this way, they are disturbing the State Government. The Centre has directed the transfer of three IPS officers serving the State Government of Tamil Nadu, and they have been directed to report within one month. There are so many IPS officers in India. Why have these three IPS officers been picked up by the Centre to serve the Union Government? What is the reason? I think, the Union Government is partial. I would like to quote another point. On 12<sup>th</sup> August, a rally was conducted by the DMK party in opposition to the present Government. It was permitted by the present Tamil Nadu Government. The motive of the rally was to create a law and order problem in Tamil Nadu. During the rally, the DMK cadres have acted unlawfully. They have attacked the police officials, the DGP office, the public property and also scolded the police officials. ... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): I think, you are transgressing your limits, because, you are referring to the law and order problem of the State Government, and normally, in the Council of States.... *...(Interruptions)*...

SHRIMATI S.G.INDIRA: I would like to come to the point. The Central Government has asked for a report from the State Government.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): You can refer to the action taken by the Central Government. ...*(Interruptions)*...

SHRIMATI S.G. INDIRA: I want to submit one thing. The law and order problem comes within the jurisdiction of the State Government. How has the Central Government asked for a report from the State Government? The State Government has not committed any atrocities against the women-folk. They have not committed any atrocities against the SC/ST and they have not committed any atrocities against the minority community, which warranted interference by the Central Government. Why has the Central Government asked the State Government to submit a report forthwith? I think, here also, the Central Government is partial. I would also like to submit one more point. In order to protect the integrity of the country, the Central Government should not make the State Government to succumb to

its pressure. The Centre should protect every State, irrespective of its political leanings, that is, whether the party in power in the State is having an alliance with the party in power at the Centre or not, it should have no bearing on the relationships between the Centre and the State. The Centre should give equal treatment to each State. Now, I would like to refer to what Abraham Lincoln. "The Union Government is of the people, for the people and by the people." So, it should not be partial, and every State Government should be allowed to act freely, and the Centre should protect each and every State Government, irrespective of its political leanings. Every State is for the people, and they are acting for the welfare of the people. Thank you. ...(*Interruptions*)..,

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): I think we are not having a discussion among the Members of the House. Dr. M.N. Das.

DR. M.N. DAS (Orissa): Mr. Vice-Chairman, Sir, I thank you for giving this opportunity to speak. I would be very brief. But I would start with paying tribute to the framers of the Constitution, and come to the root cause of the present trouble. Why is this suspicion all over the country? Why should the Government appoint a Constitution Review Committee? The whole nation is agitated over the issue. Sir, the framers of the Indian Constitution were wise persons.

They exercised their intelligence, intellect and also intuitive power to frame a Constitution for a great Republic, having the largest democratic nation. And they had an extra advantage. They could consult a number of functional Constitutions, as are available in successful democratic countries. Naturally, of course, they took up the British system of parliamentary democracy. They were very much impressed with the West Minister model of parliamentary democracy. But while accepting the cream of parliamentary democracy, they could not imitate the British Constitution at all. Britain has no written Constitution. And that nation conducted its governance on, what they call, common laws of the land, conventions, precedents, traditions, etc. etc., without a written Constitution! So, our framers could not dream of a Republic without a written Constitution. So, they consulted some other Constitutions. Then, while taking the British parliamentary democratic system, they could know that India is not Great Britain, a small island country; India is a vast sub-continent with regional diversities, linguistic and ethnic differences; so they must have to implement

parliamentary democracy in a federal structure. How did they name it "The Union of India"? The United States of America is a classic example of a federal Constitution, but they went in for a fixed Executive. India could not go in for that. India wanted parliamentary democracy in a federal structure. But they also could not imitate the classic example of American Federal Union because the American States are given enough, enough powers; the Centre having some essential powers. So, it was a compromise between unitary regime and federal regime, and in that compromise, what did the framers of the Indian Constitution do? Essential powers are kept with the Centre in the Union List. Required powers are kept with the States, and powers, where both the Centre and the States are involved, are kept in the Concurrent List. Of course, residuary powers go to the Centre. So, they maintained a balance, a well-maintained balance. It was a tight-rope exercise, as you go through the debates of the Constituent Assembly.

But what happened thereafter? Why is there this suspicion today? I am coming to the grass-root point. Mr. Vice-Chairman, Sir, could the framers of our Constitution have ever imagined that a time would come when India would enter into an era of coalition Governments? Look at the Thirteenth Lok Sabha today, with 38 political parties. Those parties, when they form the Alliance, the so-called NDA today, must have to go by some kind of manoeuvring, some kind of manipulative exercise. What for? To keep the Alliance in control, in cordiality, and thereby axing at the feet of the federal polity of India! What is happening, we know; I would not go into detail how the Centre-State relation is conducted today. But I will come to three specific incidents. Should the Centre arrogate to itself a supreme power, without consulting the Chief Ministers of several North-Eastern States, going in for extension of the truce with a particular group of Naga insurgents? Does that speak well of the Centre? Is it not neglecting and disrespecting the State administration? This is one instance. Only two days ago the Prime Minister announced from the ramparts of the Red Fort that 'free and fair elections' would be held in Jammu and Kashmir. When elections are 14 months away, the Prime Minister could have announced it on the next Independence Day. Was it necessary? Is it not a direct or indirect threat to a State Government that your days are numbered?

Finally, what is happening in Tamil Nadu? There is a thing called the spirit of the law. There is a thing called the letter of the law. If you abuse the spirit of the law on the plea of the letter of the law, it will create a good deal of confusion and a good deal of crisis also.

The other points, fiscal control, this control, that control, etc., have been covered by others. Even education is going to be controlled. My humble submission is that the Centre should not overstep its Constitutional jurisdiction. The Centre must follow strictly the spirit of the law and should not try to interpret and reinterpret the letter of the law to suit its political ends.

SHRI N.K. PREMACHANDRAN (Kerala): Mr. Vice-Chairman, Sir, thank you for giving me this opportunity to participate in the discussion on the Resolution regarding the Centre-State relations. First of all, I would like to take this opportunity to congratulate the leader of CP (M), Comrade S. Ramachandran Pillai, for bringing this Resolution at the right time. I think this Resolution has got much significance, if we consider the recent developments, especially, the episode in Tamil Nadu. I hope the Government of India would look into the Centre-State relations afresh and come forward with comprehensive amendments to the Constitution in order to have a cordial relationship between the Centre and the States and an effective federal structure, which is functioning in the country. Let us go to the merits of the issue and let us analyse our experience in the past five decades, after the commencement of the Constitution. During the last five decades, what has been our experience with regard to the Centre-State relations? The founding fathers of the Constitution, the Constituent Assembly, were for centrally-powered governance in our country. Much dominance has been given to the Union Government. But adequate powers and importance have not been given to the States. It was because the Constituent Assembly was dominated by the leaders, especially, leaders of the Congress Party, and there was no lobby to protect the interests of the States. That was the thing. If we go through the debates of the Constituent Assembly-I am not going to quote from the speeches of anybody due to lack of time-we can very clearly understand that there was nobody to protect the interests of the States and there was no lobby as such or such other things. All of them were in favour of centrally-powered governance, or, a more powerful Government at the Centre. On Jy 47 subjects have been given to the States, as per the Seventh Schedule of the Constitution. The powers in respect of the rest of the subjects, which were in the Concurrent List and the Union List, were enjoyed by the Centre. It was at the primary stage of the Constitution. Article 356, which has been discussed elaborately in this House so many times-I am not going into the details-is blatantly used by the Centre to achieve its political ends. That was first used, as a weapon, against the Government of Kerala in 1957, to

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topple the Government of Comrade E.M.S. Namboodiripad. That was the first experience.

That has become a precedent to meet political ends. Now I come to the 42<sup>nd</sup> Amendment. The Constitution has lost its federal character by way of the 42<sup>nd</sup> Constitutional Amendment because so many powers which were entrusted to the State List in the Seventh Schedule, have been transferred to the Concurrent List. After the 42<sup>nd</sup> Constitutional Amendment, the Centre has taken away the powers of the State Governments. What is the result of all these things? Let us analyse whether we have been able to achieve the goals which have been enunciated in the Preamble of the Constitution regarding justice, liberty, freedom, fraternity, equality, etc. Have we been able to achieve these goals by having a powerful Government at the Centre? After analysing these things, We have come to a conclusion that we have not been able to achieve these goals. There is a regional imbalance and poverty and unemployment are increasing day by day. Considering all these aspects, the Sarkaria Commission was appointed to review the Centre-State relationship.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU):Mr. Premachandran, will you yield for a minute? I have to make a proposal. Since there is no other Vice-Chairman sitting in the House who is on the Panel of Vice-Chairmen, I would like to take the sense of the House. I would request Shri Eduardo Faleiro to preside over the House.

[THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO) in the Chair]

SHRI N.K. PREMACHANDRAN: So far as the devolution of powers is concerned, the Sarkaria Commission has maintained *status quo*. But what about the 247 recommendations which have been made by the Sarkaria Commission? My learned friend, Shri P. Prabhakar Reddy, has already stated that less than 50 per cent of the recommendations made by the Sarkaria Commission have been implemented. Most of the recommendations are still gathering dust. That is the position so far as the Sarkaria Commission is concerned.

Now I come to the 73<sup>rd</sup> and the 74<sup>th</sup> Amendments regarding the Panchayati Raj institutions. It was very well stated in those days that so

many powers vested with the States have been transferred to the local bodies, to the Panchayats and to the Nagarpalikas. So many powers which were vested with the States have been transferred to the local bodies. So the devolution of power has taken place from the States to the Panchayats. But none of the powers which have been entrusted to the Centre has been transferred to the States. Is it devolution of power? It was the dream of Shri Rajiv Gandhi. I do accept it. But what about the powers which are conferred upon the Union Government? The Union Government was not willing to transfer, to devolve its powers to the States. But as per the 73<sup>rd</sup> and the 74<sup>th</sup> Amendments, the State Governments have to transfer the powers vested with them to the local bodies. Earlier, it was a two-tier system, i.e. the Union Government and the State Government. Now we are having a three-tier system. The Panchayati Raj institutions are doing all the development works. I fully support the proposal made by the hon. Member who belongs to the TDP. Why should we have Centrally-sponsored schemes? There is the State Government and there are local bodies. They are doing all the work. If the local bodies are taking welfare measures and doing all these things, where is the need for a Centrally-sponsored scheme? The Centrally-sponsored schemes should be scrapped. The geographical conditions have changed all over the country. The 73<sup>rd</sup> and the 74<sup>th</sup> Amendments have not taken into consideration the geographical conditions.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Just a minute. The time given for this Resolution was two hours. We have already taken more than two hours. There is one more speaker. There is another important Resolution which has to be taken up after this. How much time will you take? Please be as brief as possible.

SHRI N. K. PREMACHANDRAN: Sir, I will take five or six minutes more. This Resolution has been moved because of the increasing erosion of the federal principles in the Centre-State relations due to the Union Government usurping the powers of the State Governments. I think it is on the basis of the recent experiences. And, there had been misuse of Article 356 in Bihar, but this was negated by Parliament. The Sarkaria Commission recommended that misuse of Article 356 should be avoided, and they have made some four recommendations in this regard; but for this, an amendment to the Constitution has to be brought before Parliament. But, so far, nothing has been done in this matter. It is also stated that



before dissolving an Assembly, some warning has to be given, for which also an amendment is required. But this amendment also has not been brought before this House. Thus, there has been misuse of Article 356.

Sir, I am coming to a Centrally-sponsored scheme that' has been recently announced. Even in his Independence Day speech, the hon. Prime Minister vehemently spoke about the Pradhan Mantri Gram Sadhak Yojana, for which Rs.56,000 crores have been allocated. I strongly believe that this is an encroachment upon the powers conferred on the State Governments. If the Union Government is constructing the rural roads, if the rural road connectivity work is being taken up at the Centre, then, for what purpose are the State Governments there? For what purpose are the local bodies there? What is their function then? What can the Union Government, sitting in Delhi, know about the pitiable conditions of the rural roads in Mizoram or Kerala? Who is to recommend all these things? So, Sir, it would be better to leave these functions to the State Government. Let the Central Government decide about the major functions and not engage itself in these development works. The rural connectivity work and all such things can go to the Panchayats. Let these work go to the State Governments. It is not the function of the Union Government.

Then, when I talk about the Eleventh Finance Commission and the Planning Commission, it has already been stated here that they are curbing the powers of the State. Now, even in the matter of fiscal management, the Centre is coming into the picture and they are dictating terms to the States. If you want to get a Plan allocation, if you want to get adequate allocation, you have to comply with certain formalities. Should the Finance Commission be given such an authority under the Constitution? I feel, it is not right. The job of the Finance Commission is to allocate the funds of the Centre amongst the State Governments. But, here, they are prescribing the norms; they are monitoring the fiscal management of the States. Sir, as per the recommendations, with the new modalities that have been adopted by the Eleventh Finance Commission, even the reformed States and the major progressive States are suffering. The States, which have performed and which have made a lot of reforms, are also being dictated by the Eleventh Finance Commission. The similar is the case with the Planning Commission as well. So, these are all indirect curbing of the powers of the State Governments, whereas the Union Government is being vested with more powers, Sir, there are several instances to show this, and the latest

incident has been the Tamil Nadu episode. I am not going into the factual position; I am not even supporting whatever has taken place there. I would only like to caution the Government and those who are supporting the activities of the Union Government that if this can happen there, it can happen in other States as well in future. I would like to highlight two things that have happened there. No.1 is the removal of the Governor and No.2 is the recall of the three IPS officers. As regards the removal of the Governor, the Sarkaria Commission is very specific on this. In Para 4 (16) (05), the Sarkaria Commission recommends that the Governor's tenure of office of five years in a State should not be disturbed, except very rarely and that too under some extremely compelling reasons. "That is the specific recommendation given by the Sarkaria Commission in the matter of removal of the Governor from office." And, if you want to remove a Governor from office, there is another recommendation which is there in Para 4 (16) (06) which states: "Save where the President is satisfied that in the interest of the security of the State, it is expedient to do so, the Governor whose tenure is proposed to be terminated before the expiry of the term of five years, should be informally addressed on the grounds of the proposed action and also afforded a reasonable opportunity for showing causes against it." Sir, Justice Fathima Bibi was not shown any courtesy on this thing. One fine morning, she was removed from office. So, none of the recommendations of the Sarkaria Commission has been taken into consideration by the Central Government. The Police is under the State. The recent episode creates new apprehensions, so far as Centre-State relations are concerned. I would give three suggestions. Firstly, a review of Article 355 is required. I fully believe in this and, I am sure, my DMK friends will support me. DMK had given specific suggestion to the Sarkaria Commission that Article 355 should not be used if there is internal disturbance. That was the suggestion given by DMK. Then, so far as the appointment and removal of Governors is concerned, the recommendation of the Sarkaria Commission has to be fulfilled. So far as the Police Service is concerned, powers should be given to respective States because law and order is a State subject. They should be given the authority since it is a State subject.

To conclude, I would say that a stronger India could be realised only if the States were allowed to become stronger. The Union Government should have powers to look after matters of national importance only. The States should be given more powers so that they could implement

developmental works also. The Constitution should be a living document. The purpose of every Constitution is to serve the needs of a growing nation. A dynamic Constitution must adjust to the changing needs and requirements of the society.

I would like to emphasise that so far as Centre-State relations are concerned, a comprehensive Constitutional amendment is the need of the hour and I hope the Government of India will consider all these aspects as far as the Centre-State relations are concerned. We expect that an amendment should come after a detailed discussion. With these words, I conclude.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Prof. M. Sankaralingam. How long will you take, Professor? We have taken more than one hour in excess of the allotted time.

PROF. M. SANKARALINGAM: I will try to finish it within the limit.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): The limit is ten minutes. And after the Professor, the Minister will reply.

PROF. M. SANKARALINGAM (Tamil Nadu): Sir, I am thankful to the mover of the Resolution for the spirit behind it. He insists that so far as the Centre-State relations are concerned, the federal structure has to be developed and strengthened in course of time. That is his motive. In India, DMK of Tamil Nadu has been the only party which initiated this discussion in the form of constitution-making. We know that our Constitution was framed at a time when India was one. Even now, we believe India is one. India should be one and there is no difference on this. After the Britishers had decided to transfer the power, a parliamentary delegation of three Members of the House of Commons had come to attend the conference at Shimla. They met all our leaders and decided to transfer the power. The decision taken at that time was that the sovereignty rests with the people in the Provinces and sovereignty rests with the kings and princes in the States. Sardar Vallabhbhai Patel was the Home Minister at that time and he contacted all the kings and the princes and they all signed the instruments of accession and, thus, we became a united India. It happened in 1947. In 1950, the Constituent Assembly declared India as a republic. Though it is described as a federal structure, it is more unitary in nature. It is not

disputable. But we want more powers for the States, more financial powers so that the States can improve their conditions. That has to be reviewed now. We have set up a commission to review the Constitution of India, after fifty years. All the friends who supported it are now opposing it and saying, "Don't change the spirit of it; don't change the structure of it". What does it mean? I am not able to follow.- They say, when a commission was appointed to go into the facts and when they have to recommend the future Constitution, we are here to decide on that matter. This will come to our knowledge and we will decide it. We can decide it. As and when a proposal was made to constitute the Commission, my learned friends of this House and of that House said that the NDA Government wanted to change the entire Constitution. When we speak of the review of the Constitution, you suspect us. It is a welcome feature that the hon. Member of the CPI (M) has brought forward this Resolution before this House. Incidentally, when this issue is being debated in the House, all the Members quoted the incidents of Tamil Nadu. So, I have to reply to them. It is my duty to do so. You see, on that particular day when that procession was taken in Chennai, before that, on 6<sup>m</sup> of this month, there were more than 100 processions which were organised all over Tamil Nadu. No untoward incident happened in those processions. We got the permission from the district authorities for organising those processions, and those processions were taken through the routes prescribed by the district authorities. So, no untoward incident happened there. So also in Chennai, we got the permission for organising the procession. It was not an unlawful procession. It was a lawful procession. In a democratic country, one should be allowed to express what he feels. So, a procession was organised for which we got the permission of the Commissioner of Police. Sir, you might have read about it. I have not brought all the papers with me — there is no time also. You all remember that on that day, 13,000 police personnel were deployed to monitor the procession. From all sides, except from the sea side, the police authorities checked all the vehicles, and then only they allowed vehicles to enter into the city. The procession was 10 1/2 kilometres long, from *Saidapettai* to the Marina Beach -- all of you might have seen the Marina Beach. There were more than one lakh people in that procession, The procession took three hours to reach the meeting place. There was no problem at all. When the procession reached the *ma/dan*, i.e. Marina Beach -- the office of the DGP was some 50 yards away from the meeting place -- the meeting was going on.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Sorry P<sup>of</sup>. Sankaralingam, you have three minutes more.

PROF. M. SANKARALINGAM: The meeting was going in. Sir, I have not taken seven minutes as yet.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Because these are important events, have been covered by many Members who have participated in the debate. You can carry on.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, please be considerate.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Oh, sure.

PROF. M. SANKARALINGAM: So, when the procession came to the meeting point, the meeting was going on; leaders were addressing the meeting. The police officials who were there watched the trend of the meeting and the mode of the procession. They were alarmed and they themselves thought of disturbing the meeting. I am telling this with my personal knowledge because I was present in the procession. When the procession came over there, near *ayodya Kuppam*, from there some antisocial elements were called for, and they were inside the DGP's office. They attacked the procession. This thing was covered by the press cameras. The press people were assaulted. Why did they assault the press people? They assaulted them because they knew...

SHRI P.G. NARAYANAN (Tamil Nadu) : Sir, he is narrating certain incidents.... (*Interruptions*)...

SHRI S. VIDUTHALAI VIRUMBI: Sir, the name of DMK party was mentioned by some of the Opposition Members. At that time, I did not interfere. Now, he is giving the reply.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): That is very correct. You are welcome to give the reply. You are within your right to give the reply, but the only thing I am noting is, we have exceeded the time by more than one hour. Please keep it within time. Yes, please.

SHRI P.G. NARAYANAN: Sir, it is a State subject. Why is it relevant here? ...(*Interruptions*)... He is misleading the House. ...(*Interruptions*)...

PROF. M. SANKARAUNGAM: Sir, when the hon. Member spoke on this subject, I did not interrupt him. He was allowed to speak, it is on the record. So, my speech should not be interrupted. Sir, at that time, the anti-social elements inside the DGP's office attacked the procession. That incident picture was covered by the presspersons with TV cameras. They were beaten up, their TV cameras were snatched from them, and their films were taken away. This is the order of the day. Sir, this all is reported in the newspapers. ...*(Interruptions)*... They have employed very unlawful things... *(Interruptions)*...

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Professor, please conclude now. ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: They have accused us. The procession was very peaceful. It was interfered by the anti-social elements, with the connivance of the police officials. When the media persons took the photos, they were stopped from doing their job and their film rolls were confiscated. As a protest, on the 15<sup>th</sup> August, the journalists went on a fast and passed a resolution asking the concerned to have an inquiry by the CBI. ...*(Interruptions)*...

PROF. M. SANKARAUNGAM: Mr. Vice-Chairman, Sir, you have allowed me to speak. They should not interfere. This is not the way in a democratic country. ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI: Sir, the DMK demands that a Commission of Inquiry, headed by a sitting Supreme Court Judge be constituted to inquire into the arrest of Dr. Kalaignar, assault on the Central Ministers and assault on the DMK cadres. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Please conclude. ...*(Interruptions)*...

PROF. M. SANKARAUNGAM: Sir, I will conclude. Please ask them to sit down. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO) : Nothing will go on record. So, no point to be bothered. *(Interruptions)* Please sit down. ...*(Interruptions)*... Nothing will go on record. ...*(Interruptions)*...

SHRI P.G. NARAYANAN: Sir, \*

SHRIMATI S.G. INDIRA: Sir, \*

SHRI S. VIDUTHALAI VIRUMBI: Sir,

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO) : Are you concluding, Prof. Sankaralingam? Otherwise, I would call the Minister.

SHRI M. SANKARALINGAM: Sir, since a different version has been given to this incident, I request the Central Government to constitute a Commission of Inquiry, headed by a sitting Supreme Court Judge only to look into the violence on the human rights and arrest of the DMK leader. ...*(Interruptions)*...Thank you, Sir. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Only what the Minister speaks would go on record and nothing else. ...*(Interruptions)*...

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI I.D. SWAMI): Sir, at the very outset, I would like to thank all the fourteen hon. Members who have participated in this debate on a very important subject, on Centre-State relations, excepting a different note which was struck by Shri Sangh Priya Gautam. It was not that important. But, all the same, the consensus of all the speakers who participated in this debate was that it is a very important issue, and I am grateful to Mr. Pillai, who has raised this issue at a very important time... when in many of the quarters there is an apprehension that perhaps the Central Government is encroaching upon the jurisdiction of the State Governments. Sir, I would like to submit that if we have a cursory reading of the Constitution, the framers of the Constitution were so clear in their mind that they had from the very beginning divided the spheres of jurisdiction of the Centre as well as the States - unequivocally, the State List, the Centre List, the Concurrent List as well as the residual powers. Later on, Sir, as far back as in the year of 1969, the Administrative Reforms Commission was appointed. The Administrative Reforms Commission also in its report had recommended the setting up of an Inter-State Council. Of course, they wanted it to be set up only for a period of two years to deal with the issues

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\* Not recorded

relating to or arising out of legislative enactments, administrative, financial, etc. etc. But, Sir, there was another historical background with this recommendation. The Sarkaria Commission was appointed in 1983 and in its very comprehensive report made in 1988 dealing with the Centre-States relations, it dealt with issues in Chapter IX of the report and the *raison d'être* of the need to set up an Inter-Governmental or an Inter-State Council was provided therein under article 263 of the Constitution. I would quote from the Sarkaria Commission report where the Commission has observed, "There is another historical factor which underscores the urgency of setting of an all-embracing Inter-State Council. Before 1967, it was easier to resolve differences or problems that arose between the Union and the States at the party level because the same party was in power in the Union and the States. Since 1967 parties or coalition of parties other than the one running the Government in the Union have been in power in several States. These State Governments have diverse views, have different views on regional and Inter-State problems. In such a situation the setting up of an Inter-State Council with a comprehensive charter under article 263 has become an imperative necessity." Sir, it was in this background that an Inter-State Council was constituted and the constitution of the Inter-State Council, as everybody knows, includes all the Chief Ministers of the States, some of the Ministers of the Centre. It has been functioning since long. The political structure now obtaining at present and is likely to continue, may be, for some time more would be a common coalition with a dominant party acting as a core around which regional parties may gather in accordance with their preferences. Now, as the Inter-State Council has become the only very important institutional forum for an inter-Governmental character representing the Union Government with its coalitional character and the State Government with parties of diverse entities. Now, in this context, Sir, many hon. Members have pointed out certain digressions. But I would only mention briefly that the Sarkaria Commission recommendations were aimed at developing harmonious Centre-States relations and which are being considered by the Inter-State Council which has all the Chief Ministers of the States, as I have said. Now we take into consideration what the Inter-State council has been doing all these years. Out of 247 recommendations made by the Commission, the Inter-State council has been able to deal with, to take a view on 171 recommendations so far. The Inter-State Council has so far taken a view of these recommendations and 95 of these recommendations have already been implemented by the Government of India.



And, about 60 recommendations are under implementation by the States and the Central Ministries. The recommendations of the Sarkaria Commission were considered, and it was decided that the Inter-State Council deals with the devolution of more administrative and financial powers to the States relating to the Chapters on administrative relations, reservation of Bills, deployment of Union armed forces, financial relations, forests, etc. Sir, if I may be permitted to give in a little detail about the financial powers which have been talked about more...

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): I am sorry. Mr. Swami, how much time will you take to complete your reply?

SHRI I.D. SWAMI: As you like, Sir.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Whatever you say.

SHRI I.D. SWAMI: I will finish my reply soon.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Will you finish your reply within ten minutes?

SHRI I.D. SWAMI: I will finish it within five to ten minutes, nor more than that.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Thank you.

SHRI I.D. SWAMI: In summary, I would say that the Inter-State Council, as an institution of federal mechanism, has now acquired a much greater importance and relevance. I would like to give the details of the financial relations that have been dealt here. What has been done on the basis of the recommendations of the Inter-State Council is: Initially, only the income tax and the Central excise collected used to be disbursed between the Centre and the States. But, now, all the Central taxes are collected and are disbursed between the two. Devolution of share of the Central taxes has been enhanced from 27 per cent to 29 per cent with effect from 1<sup>st</sup> April, 1996. Now, there is an approximate increase of about 90 per cent in the transfer of funds over the Tenth Finance Commission. An Expert Committee of the State Finance Ministers has been

set up to examine and recommend reforms in taxation. Recommendation with regard to the relief assistance — some hon. Members have also raised that relief assistance should be extended the whole financial year -- to the States, during the natural calamities, has also been accepted. The State PSUs are allowed to issue taxable bonds with counter-guarantee by the State concerned. Earlier, it was not there. The period of overdraft has been increased. This point was also raised that the period of overdraft is very little and the same is limited to seven days only. But the period of overdraft has also been extended from seven days to ten days. Like this, we are taking steps.

Mr. Pillai, the Mover of the Resolution, raised another point. The additional terms of reference have been added to the Finance Commission. I may inform the House that this issue was also raised in the sixth meeting of the Inter-State Council held on 20<sup>th</sup> May, 2001, and it was clarified, at that time, by the Finance Minister himself, that the additional terms of reference for drawing a monetary programme is aimed at reduction of revenue deficit of the States and was a step in the direction of fiscal reforms for which the Finance Minister has praised the State Chief Ministers who were present at the Inter-State Council meeting. The norms issued by the Eleventh Finance Commission will become only the guidelines and a road map to monitor such reforms in future. It was not that any additional terms of reference was added to curb the authority or the jurisdiction of the State Governments. It was also apprehended that, may be, this additional terms of reference stand in the way of disbursement of Rs. 11,000 crores to the States.

This was also made clear that it would not come in the way of disbursement of these grants at all. So, this fear was also not based on any ground, except that, yes, some additional terms of reference were made, and they were only to ensure the fiscal discipline by the State Governments, and the Chief Ministers of the State Governments were told about that. It was only a road map; it was only a guideline. About the Planning Commission also, the hon. Member, Shri Pillai and some of the Members have said that it is also an encroachment. I may only mention, in this respect, that the Planning Commission is not giving any directions. The Planning Commission is going by the guidelines, by the directions of the N.D.C. The National Development Council is the authority, in which all the Chief Ministers are again the members, and they give the guidelines to the

Planning Commission, and the Planning Commission is guided only by that. On that score also, Sir, I think, the hon. Member's apprehension or the objection or the criticism that the Planning Commission is another encroachment on the rights or on the jurisdiction of the States is misconceived, is not very valid.

So far as the administrative powers are concerned, many of the Members, particularly, of the DMK and the AIADMK, have raised very small points about the transfer of officers, about the deputation of the officers from Tamil Nadu. I may not go into these details. Sir, I would only mention that the Sarkaria Commission itself, though did not make any recommendation, only made observations, and in those observations also, it has said -- the subject matter of the Resolution though was not centred on this point, but all the same, this was made much of, because of the recent incidents in Tamil Nadu - - and I would like to quote from the Sarkaria Commission's observations. In regard to deputation of All India Service officers to Centre, there is no specific recommendation. There is no doubt about it. But on this aspect, the Sarkaria Commission observed, "The above argument overlooks the basic principle that a pool of resources meant for a number of users ceases to be a common pool, if individual user gets the power to veto the decision of the authority which manages the pool. We are, therefore, unable to visualise any arrangement as workable, if it gives overriding authority to the State Governments on matters concerning officers of All India Services, and yet expect the Union Government to be responsible for their training, career management and other crucial aspects of personnel administration of All India Services." This is the observation made even by the Sarkaria Commission, and in regard to the deputation of All-India Service officers, there is no such specific recommendation. There is no doubt about it. But as regards the transfer or deputation, which was made a very controversial subject during the debate, it was observed in the Report in para 8.2.15 that 'in the event of any disagreement between the Union Government and the State Government in regard to deputation of a particular cadre officer, the decision of the Union Government would be final.' But we need not go into details about it, because the matter is already *sub-judice*. The officers have gone ...*interruptions*)...

SHRI P. G. NARAYANAN: The question of disagreement does not arise at all. The concurrence of the State shall be obtained as per rule 6.

SHRI I.D. SWAMI: Let me say, Mr. Narayanan, that not only rule 6 but the proviso under rule 6 also say so. I am only quoting the observations of the Sarkaria Commission. I have not said anything because the matter is already *sub-judice*. The courts are seized of the matter. The matter is already *sub-judice*. On one side, the officers have gone to the CAT, and on the other, the PIL has also been filed. So, we will not go into those details. I was only trying to tell you that even the Sarkaria Commission, while going through the administrative distribution of the powers of the States and the Centre, came to make this observation. Though no recommendation was made, an observation was made, keeping in view the police rules as well as the proviso, and the harmonious working of the States and the Central Government.

Sir, many other questions were raised I think, I will not go into them in detail because the time at my disposal is very short. At the end, I would only say that the Government is committed to continue its endeavour to evolve a broad consensus on the implementation of steps for devolution of such powers to the States as would be conducive, to the harmonious, to the efficiency of administration and acceleration of development, and the fullest realisation of creative potential of all sections of our people. The Government is also of the firm view and firm conviction that realisation of federal principles and devolution of powers to the States must go together. That is the endeavour of the Central Government; and the Constitution had been framed in such a manner that the spheres of the State and the Central Government have been clearly, unequivocally and unambiguously earmarked. That is why the framers of the Constitution and commentators on the Constitution have unanimously said, "It is neither federal nor unitary, it is a quasi-federal Constitution." Keeping that cooperative federalism in view, I think, the endeavour of the Government is to pursue it vigorously, to keep it alive, to give it more strength and more vigour.

Last but not the least, since the Central Government has already appointed a Review Commission, it is also keeping in view, or, going through the whole Constitution on the basis of the experience of the last 54 years and also the difficulties which have come in the way. I think it is the time when the Review Commission's report would also come. But keeping in view the endeavour of the Central Government, we would like to keep the Constitutional structure intact. We would like to give the State Governments that autonomy which is needed for them, for realisation of their aspirations.

In view of this context, I would request the hon. Member to withdraw his Resolution so that the matter can be finalised later on.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): I thank the Minister for taking precisely ten minutes, as he had promised. Mr Pillai, how long will you take?

SHRI S. RAMACHANDRAN PILLAI (Kerala): Mr. vice-Chairman, Sir, I will take less than ten minutes so that we would get an opportunity to move the next Resolution. It can be taken up for a detailed discussion next time.

Sir, 13 hon. Members took part in the discussion. The Minister, on behalf of the Government, intervened in this discussion. They made their valuable contributions. Their valuable contributions made the discussion more purposeful and meaningful. I am grateful to all those who have participated in the purposeful debate on this issue.

Sir, my intention was to bring to the notice Of this august House, some Important issues in Centre-State relations, how the powers have been divided in the Constitution, what is the practice during the last 50 years when this Constitution came into existence and how in certain areas the Centre is usurping the powers of the States. Sir, no doubt, we stand for a strong Centre. We also stand for strong States. But after an amendment to the Constitution, Panchayati Raj institutions came into existence. We also stand for more powerful and strong Panchayati Raj institutions. But how to achieve these? Of course, the speakers based on their experience, based on their perception, have explained various aspects on this particular subject. Of course, there were also moments of emotion and outburst. That is natural also. I would only say, that added some spice to the debate that we are engaged in. Sir, I do admit that after the emergence of the coalition politics at the Centre, not only one major party, but other political parties are also involved; many regional parties and many State parties are involved. And because of the pressures and counter-pressures, many of the issues raised by the States are taken care of. In the present situation, it is only possible to implement a consensus that is emerging. What I pointed out in my introductory remarks was not this thing. Some of those who intervened in this discussion, raised this issue. I am in full agreement with them. Now, it is possible, only to a certain extent, to take care of the interests of the

States. But the issue is, the major political party is precariously depending on allies. There may be pressures to do something undemocratic *or* something not within the framework of the Constitution. That pressure is there. How to withstand that pressure? That is an important question. There are certain instances. I am not going into all those details. But the issue is, this eventuality is also there because of the present political set up that has emerged at the Centre. I do also admit that some of the State Governments are not performing as they ought to. But it is not the fault of the State Governments alone. In many areas, if you look at the performance of the Central Government, there are many mistakes; there are many shortcomings and failures; and there are even transgressions of constitutional powers. So, it is not proper to blame the States alone. The Centre is also responsible for that. So, how to find a solution to this situation? The Centre may commit some mistake. The States may commit some mistakes. The Constitution provides for certain methods and certain institutions. We have to strengthen those institutions. We know the history of the Inter-State Council. It was constituted very very late. That can take care of many of the problems. And the NDC can take care of many of the conflicts and contradictions that will naturally emerge in a democratic society. Differences of opinion will be there; different pushes and pulls will be there. But we should try to evolve a consensus, making use of the institutions, making use of the constitutional provisions. If more provisions are required, based on our experience, we can sit together, discuss and we can frame new provisions. Also, we can institute new institutions to find solutions to these problems.

The hon. Minister and an hon. Member raised the issue of a Commission for making changes in the Constitution. Of course, we are opposed to the present Commission. Why do we oppose it? In the present set up, the Government should discuss with all the political forces in this country. With the present strength in both the Houses, it is not possible for the Government alone to pass such a Constitution. What should be the scope of this Commission? What should be the terms of reference? There was no discussion. The Government, based on certain announcements, unilaterally declared the constitution of the Commission. That is why we have very serious apprehensions. I am not going into those details because I will be taking more time. I am just mentioning that.

r-w we all know, federalism is not a structure alone. It is a process. How to strengthen this process? The Centre has its responsibilities. The States have their responsibilities. We have to make use of the provisions of the Constitution, the methods and the institutions. Let us all work together to strengthen these institutions; and whatever shortcomings, failures, are there, let us all sit together and try to find solutions to those problems. Of course, in my introductory remarks, I raised the issue of the Planning Commission and the Finance Commission.

The hon. Minister has explained certain things. The Minister must be remembering that this issue was discussed in the Inter-State Council, and an assurance was given by the Finance Minister. Our criticism was that, that assurance has not been carried out by the Finance Minister. That is why all these apprehensions have been raised by various State Governments, not only by the State Governments ruled by the Opposition parties, but also by the State Governments who are the constituents of the NDA. They have also raised this issue. So, my intention, while moving this Resolution was, to bring to the notice of the august House various issues involved in this. We stand for more devolution of powers to the States; we stand for more devolution of powers to the panchayati raj institutions, and the Centre should make concerted efforts in this direction. Sir, the hon. Minister has rightly referred to Cooperative Federalism. What is the essence of Cooperative Federalism? It is not coercion, it is cooperation. It is consensus through open, democratic dialogue, and then reaching consensus and carrying forward and implementing those things. So, that was the intention for bringing forward this Resolution. Sir, I am not going to take much time of the House because only five minutes are left. I think, the purpose for which I have moved this Resolution, has been served by having a meaningful discussion. I do not press the Resolution. With these words, I conclude.

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Does the hon. Member have the leave of the House to withdraw the Resolution?

*The Resolution was, by leave, withdrawn*

THE VICE-CHAIRMAN (SHRI EDUARDO FALEIRO): Now, before we proceed to the next item, I must say that I have an amendment to the next Resolution. So, I must leave the Chair and sit down on my seat. But there

[17 August, 2001]

RAJYA SABHA

is nobody here from the Panel of Vice-Chairmen. May I suggest to the House that Shri Dipankar Mukherjee take the Chair?

SOME HON. MEMBERS: Yes.

(THE VICE-CHAIRMAN (SHRI DIPANKAR MUKHERJEE) in the Chair]

THE VICE-CHAIRMAN (SHRI DIPANKAR MUKHERJEE): Now, Prof. (Shrimati) Bharati Ray to move the Resolution.

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### **REVIEW OF NATIONAL EDUCATION POLICY, 1986**

PROF. (SHRIMATI) BHARATI RAY (West Bengal): Sir, I move the following Resolution:-

“That this House recommends that the National Education Policy, 1986 be reviewed.”

Sir, we are facing a crisis in the field of education. It is time, therefore, to concentrate on the Education Policy, and more specifically, on the implementation of the policy that we have. We had a National Education Policy passed by Parliament in 1986. It was modified by Parliament in 1992, and we also had an Approved Plan of Action, 1992. The NEP provided for "monitoring and review" every five years. A Central Advisory Board of Education was envisaged in the NEP "as a body to play a pivotal role in reviewing the educational developments, determining the changes required to improve the system and monitoring implementation." But today, we have come to a point when crucial decisions are being taken without consulting Parliament. If reviews have to be made, they have to be transparent. Well-known scholars and intellectuals from different branches of knowledge have to be consulted. Professionals have to be involved to identify the lacunae and find out ways and means to rectify them.

Sir, education is a vast subject. In this short time at my disposal, I will mention only a few points. The NEP emphasises on the universal access, universal enrolment and universal retention of all children up to 14 years. "Education is for all." But, see, not even illiteracy has been removed,