

[Dr. Bhai Mahavir]

on the Table of Parliament during the current session. Later on, reports came that this was not likely to be done. I am not aware of any second Report having been submitted. If, as my hon. friend says, this has also been received, it is all the more reason why Parliament should get an early opportunity of discussing what the Shah Commission has been able to report and what its findings are.

So far as the question of police firings and all that is concerned, all sensible persons, responsible persons, persons who have some stake in public life, would like that the police should not run amuck. Whatever situation arises in the matter of law and order should be controlled with restraint and with a sense of full responsibility. I am sure that the Home Ministry is seized of the problem and they are trying to do their best. Still, the Members of both the Houses would like to know what they are trying to achieve, and whatever sentiments Members express on that should be taken into account by the Government. Sir, my friend has referred to some sort of emergency having arisen at the present moment. If it were an emergency it should get his support as the last emergency got. I am not sure if it is anything like emergency. But there are certainly some events which need to be discussed in this House, and I share his views in this regard. I would also urge upon the Government to place the Reports of the Shah Commission and also their views on whatever the problems that have arisen on the law and order front.

SHRI K. K. MADHAVAN (Kerala): Sir, if the Government is prepared to furnish the copies of the Shah Commission's reports to the Members of Parliament, I would like to know whether sufficient time would be given to the Members. Very often it happens that the Members are taken by surprise because there is not enough

time between receiving the report and the time given for commencement of the discussion.

श्री उपसभापति : अब सदन की कार्यवाही
ढाई बजे तक के लिए स्थगित की जाती है ।

The House then adjourned
for lunch at eleven minutes
past one of the clock

The House reassembled after lunch
at thirty-two minutes past two of
the clock, Mr. Deputy Chairman in
the Chair.

RESOLUTION RE. APPOINTMENT OF A PARLIAMENTARY COMMITTEE TO GO THOROUGHLY INTO THE MATTER COVERING LEGISLATIVE, ADMINISTRATIVE AND FINANCIAL RELATIONS BETWEEN THE CENTRE AND THE STATES, EMERGENCY PROVISIONS IN THE CONSTITUTION OF INDIA AND PLANNING

SHRI V. B. RAJU (Andhra Pradesh): Mr. Deputy Chairman, Sir, I
move the Resolution:—

“Having regard to the fact that, for ensuring proper and harmonious relations between the Union and the States to meet the needs of national unity, political stability, economic growth and social justice and for devising suitable steps to remove strains and stresses that have developed in recent times in the body-politic, this House is of opinion that a review of the Centre-State relations is of immediate and utmost importance, and recommends that a Parliamentary Committee consisting of members of both the Houses of Parliament be appointed to go thoroughly into the matter covering Legislative, Administrative and financial relations between the Centre and the States, emergency provisions in the Constitution of India and planning, with direction to submit its Report making suit-

able recommendations in this regard within a period of six months from the date of its appointment."

Mr. Deputy Chairman, Sir, the subject of Centre-State relations is a theme of continuous political dialogue even in the oldest Federations. In our Constitution, Part XI exclusively deals with the subject of relations between the Union and the States. Besides, there are so many provisions in the Constitution which cover these relations. Sir, many seminars have been held, much discussion has taken place and even academic circles have evinced a lot of interest and much literature has been produced on the subject in the last two decades and more. Sir, the last word is never said about anything in this universe and much less about a political system. A system for its survival and for its growth has to accept the principles of change and adaptation. We are not slaves to any particular system. A system has to subserve the best interests of the community. Sir, as I just read from the Resolution, what are our objectives, the national objectives as such? They are the preservation of national unity through political stability and through economic growth and defence capability and ultimately redistributive social justice being given to the people so that they may have a feeling of contentment and satisfaction. Now, a system must, as I said earlier, subserve this particular national objective and national interest and, for this purpose, in a growing democracy like ours, a periodical review is necessary and readjustments have to be made. There is no use of adopting a rigid posture about the system as such and, in fact, our Constitution, a great document, has provided so much of elasticity and there is a lot of scope for resilience and we should take the best advantage of our constitutional document. Our written Constitution is really a great achievement for this nation.

Mr. Deputy Chairman, Sir, the unfortunate contradiction, that was pre-

sent at the time of our independence, was that while we adopted a Constitution to ourselves which was particularly federal in character and though leaning a bit towards a unitary posture, the political party system in the country at that time, by and large, laid emphasis on its unitary character. The political party system did not respond to the requirements of the federal philosophy that the Constitution tried to propound. In fact, this is my understanding with my hindsight. Looking back, I see that the political party system did not help the development of federalism on this soil. This is a subject matter for research. Another factor is the single party rule or the predominance of a particular party continuously for a period of two decades.

SHRI P. RAMAMURTHI (Tamil Nadu): Two and a half decades, nearly three decades.

SHRI V. B. RAJU: I am not actually going into the arithmetical factor of it. More than two decades, yes, I would accept it. The predominance of a particular party being at the helm of affairs in this country, both at the State level and at the national level, did not permit the contradictions in the Centre-State relations to come to surface and the resolution of any conflict was confined to the party mechanism as such and it became, actually, an internal matter of the party. It might be good and it is a matter of fact. And, it is good for us to remind ourselves that there had been four milestones, four significant dates, which will really reveal the recent political history of our country. The first date is 1937, when the seeds of democracy were planted and it was on 1-4-1937 that provincial autonomy was inaugurated under the Government of India Act of 1935. There was an effort to project a federation also. That way 1937 is actually the starting point. Then, after a decade, in 1947, the country became independent. And, in 1957, a dent was made on the

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monolithic structure of the Congress which held the reigns, both in the States and at the Centre, by the emergence of a non-Congress party Government in Kerala. It was in the year 1957 when the first effort to make a dent on, what you call, the monopoly of the Congress Party in taking care of the affairs of this country was made. Then, we came to 1967, when a big breach was made in terms of the Congress losing in nine States; and by 1977, the Congress was displaced. In a nutshell, this is the history of the political parties, particularly, the Congress, in the last four decades. The history, the political history, was almost the history of the Congress. If anybody takes the trouble of reading the political history of India, the history of the political parties in this country in the last four decades and if he reads about the Congress Party, I think, by and large, it would give him a correct impression. After the Fourth General Election, there were many roads to power other than the Congress, though those roads did not lead them to the destination, or whatever it might be. This was the time when certain SVD Governments came to power in some States and this was the time when the question of Centre-State relations took the shape of inter-party conflicts. The contradictions in the Centre-State relations got magnified by these inter-party conflicts. After 1967, in the last one decade, much has been said on the question of Centre-State relations.

But we should remember one thing here. There is no static position in this. There is no question of rigidity in this. It is not a party matter. In fact, the subject of Centre-State relations, the discussion on the subject of Centre-State relations, cuts across party lines. Therefore, any dogmatic or rigid approach will not help. This is one aspect in retrospect which we should keep in our mind. We should

realise how the question of Centre-State relations has assumed importance at this moment. After the March, 1977, elections, a new configuration has emerged. It is interesting to study this. Even in my last visit to Europe, people were asking me 'What will be the shape of things in future?' Then, I said only about two things. I said that in India I find that two abnormalities have taken place. One is the difficulty of excessive monetary liquidity on the economic front and the other is the abnormal political fluidity on the political front. This monetary liquidity and this political fluidity, these two things, really demand our attention and we have got to find solutions for them. In fact, I remember those days when our Commerce Minister used to say 'Export or perish', everything for exports. But today, under the umbrella of the present Government, we hear the slogan 'Import or suffer'. We see how, in so short a time, things have reshaped themselves and it is necessary that we keep a continuous watch. Through my Resolution, I articulate my wish that there must be a continuous study of this matter; we should watch how the things are actually taking shape. We should see whether we are really moving towards our destination.

The matters that are at conflict are: unity and diversity. Many people talk about unity without really understanding its implications. When they say unity, they mean uniformity. But they do not realise that the legitimacy of the Indian nation is its diversity and diversity is its strength. The word unity comes in with the pre-supposition that there is diversity. If there is no diversity, the concept of unity does not arise at all. What we really desire is unity and not uniformity. This must be realised by those people who talk about an Akhanda Bharat and at the same time say that it must be a monolithic structure. No. It cannot be. In fact, the day you start moving in that

direction, it will be the beginning of our fall. It is like the human body where every limb has an important role and an important function to perform. What do we call a 'body'? The combined functioning of all the limbs is the body. We have one eminent writer, James Boyce, who has said very nicely about the functioning of the federal structure. He said: "The problem of every federation is to keep centrifugal and centripetal forces in equilibrium so that neither the planet states shall fly off into space, nor the sun of the Central Government shall draw them into its consuming fires." He compared it to a solar family, like the sun and the planets. The planets have got to be kept in such a position that they would not drift away from the course orbiting the sun and at the same time the planets shall have the necessary strength as not to be drawn into the body of the sun, to be devoured. Therefore, there is a two-way function—the centrifugal and the centripetal. We must find an equilibrium and not say everything is Delhi. India means Delhi. Central Government means Delhi. Congress means Delhi. Janata Government means Delhi, and so, on.

SHRI JAGANNATHRAO JOSHI (Delhi): What about Indira Gandhi?

SHRI V. B. RAJU: Let us not go into personalities, Mr. Joshi.

SHRI PILOO MODY (Gujarat): Not a personality, but an institution.

SHRI V. B. RAJU: You can have your views on this matter, but we do not want to reduce the debate to a personal level. (Interruptions) Rajya Sabha is known for its decorum.

Therefore, Sir, what I want to say is that this conflict between centrifugal and centripetal forces has got to be resolved. Then the concepts of diversity and unity have to be reconciled. All these things need a very patient approach on our behalf for removing the contradictions and reconciling the

positions. Ours is a great country with rich diversity, linguistic diversity, religious diversity, even ethnic diversity for that matter. As we all know, we were in a unitary state under the British. In fact, before 1937 it was a unitary state. Even after the introduction of provincial autonomy—that was only confined to British provinces as such—and even though the federal concept was there, the introduction of native states was not there. Even when the present Constitution was drawn up and adopted, we had only alphabetical States, States A, B, C and D. In fact, the Constitution created the States and also the Centre. This was just copied from the British North American Act for Canada which the British gave them. On the same pattern, through the one and the same Act the States and the Centre were created. There is nothing big and small here both derive authority and power from the same source. In fact, I recall to myself, when I first came to this Council of States, on the floor of this House, it was used to be said 'Parliament is Supreme'. Now I realise that it was not correct. This is my personal view, others may hold their own opinion. There are States also, State Legislatures also which have got sovereignty in their own sphere.

Whether the President of the Republic should actually be at the behest of the Union executive? The President is elected both by the Members of Parliament and by the Members of the State Legislatures. And the Constitution makers have nicely framed the fifty-fifty ratio. Fifty per cent voting strength was for the Members of State Legislatures and fifty per cent was for the Union Parliament Members. In fact the designing was also such that the Council of States, i.e. Rajya Sabha, and the President were expected to safeguard the interests of the States.

Some people question "Where are the States"? True, there were no

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States before the commencement of the Constitution. But after 1956, with the linguistic re-organisation, the States have begun to feel conscious of their personality. There is consciousness now. There is a sense of feeling and pride. We cannot ignore this reality. Therefore, people who speak in terms of a strong Centre, do they mean weak States? The Prime Minister himself has made it very clear that a strong Centre does not mean weak States. And I would like to put a question to those who talk in terms of a strong Centre from where does the Centre derive its strength? If you take the federal pyramid, the base is the States; the strength is drawn from the States. Without a viable, stable, strong base, where is the apex of the pyramid? It is an illusion. It is trying to do some thing or talk about some thing which is not there. In fact, when we talk about a strong Centre, we do not mean an authoritarian Centre but a Centre which is capable, as I gave the example of the solar family, of holding the units together so that a unit may not get away into space or drift away. That is all.

Then we come to what has happened in these 30 years. In these 30 years, much has happened. As I have said in the first two decades, we had not this problem; we could resolve it by ourselves within the party. Before I go into a detailed analysis of this, I would just quote what the President of the Republic at this moment has said. The President of the Republic, in his G. B. Pant Memorial Lecture delivered on March 7, 1978, has touched upon the subject of Centre-State relations and said:

"A considerable devolution of authority from the Centre to the States within the constitutional framework and without endangering the fundamental unity of the country would be necessary if the common man is to play an effective role in national development. The

Centre and States are not big and small brothers but joint partners in national development. Even more important is the devolution of authority and responsibility right down to the village level. It is only such a policy that would put an end to the present centralised system where fewer people tend to take basic decisions and the common man is alienated and marginalised".

So even the President of the Republic has echoed these aspirations. He has been able to perceive the trends in the country. Who can be more depended upon for interpreting the present situation than the President of the Republic? I hope that this is the viewpoint of the present Government also and there shall be no hesitation about it. In fact, he has gone to the extent of saying that authority and responsibility must actually filter down to village level and the present ruling party—the Janata Party—in its manifesto has mentioned about political decentralisation.

I do not want to go into great details about the legalities for the simple reason that my suggestion is for constituting a Parliamentary Committee for this purpose and the Committee, when it is constituted, will certainly go into this question. There cannot be a better method than the Parliament being seized of it. In fact, one of the methods of making a democratic system successful is by providing certain safety valves. Whenever there are issues which have come to surface, it is no use brushing them aside saying, "No, no, they are not relevant". I remember to have read in the papers that the Minister of State for Home Affairs stated in the other House that the time was not propitious for this discussion. I hope I am right that this is what he said. I want to ask if this is not the propitious time, when will that propitious time be? Does he want agitations to take place? Does he want something untoward to happen? What

is it that he has in his mind? When some of the Chief Ministers, who have been the allies of their party, themselves are voicing this demand, when they want a discussion on the matter, if you shut out a discussion and say that time is not propitious, then you are driving the people to a point from where they would react. Therefore, the guideline which the president of the Republic has given is correct and has got to be picked up and followed and concrete action should take place.

Sir, centralisation is the shortest cut to the earliest disintegration. Let it be clear. People who talk about strong Centre do not realise that when power is concentrated and—and by whom it is handled?—it is not handled by the political forces. It is handled by the bureaucracy. That has been our experience also. So, therefore, let those who talk about a strong centre not think in terms of concentration of more power than is absolutely essential at a particular point of time otherwise it will burst.

Coming to practical suggestions, there are three areas of Centre-State relations where they converge. One is the area of legislative authority. The second is the area of financial participation. The third is the area of planning.

Now only a few words about the legislative authority and I will go to the next point. We have got a provision in the Constitution of sending the Bills passed by the State Legislatures for the consideration of and assent by the President. What is happening because of this? The Bills are passed by the elected representatives of the people there. If the provisions of the Bill are repugnant to the provisions of the Constitution, are violative of the provisions of the Constitution, the judiciary is there to look into. Why the interference of the Executive? When they say the Presi-

dent', does it mean the President, the Government of India or the Union? Whether the three are synonymous or not I do not know.

SHRI BHOLA PASWAN SHASTRI (Bihar): It means bureaucrats.

SHRI V. B. RAJU: When the Bill comes to the President, it is to the Central executive, to the Central Cabinet, and the Cabinet means the Home Minister. Home Minister is not king of the Union . . .

SHRI P. RAMAMURTI: Not the Home Minister but the Home Secretary. According to the provision all these Bills are lying in the Secretariat.

SHRI V. B. RAJU: For example two Bills are lying here. One Bill is from Maharashtra 'Employment Guarantee' Scheme and another Bill is from Bengal about giving benefits to share croppers.

SHRI P. RAMAMURTI: That has been given assent after six months.

SHRI V. B. RAJU: In practice it is the rule of the Finance Ministry. Even in normal administration when the concerned Department sends a proposal after the concerned Minister who has approved it, the examination begins with the Superintendent of the Finance Ministry. Then it goes to the Assistant Secretary, and from Assistant Secretary to the Deputy Secretary, Secretary and so on. This mother-in-law attitude is most injurious.

SHRI P. RAMAMURTHY: What is this mother-in-law attitude?

SHRI V. B. RAJU: I do not want to take the time of the House. This relates to the story of the mother-in-law and the daughter-in-law. Therefore, it is unnecessary to reserve the Bills for consideration of the Union

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Executive when there is already remedy provided. It is the executive of the Centre sitting in judgement over the legislature of the State. It is the State Assembly who is sovereign. As I said earlier, if the Parliament has adopted any Bill and if the provisions of the Bill are repugnant to the provisions of the Constitution, there is the judiciary to take care of it. If anybody is interested to examine it in the Ministry here, let him go to the State and sit there . . .

SHRI P. RAMAMURTHY: For what?

SHRI V. B. RAJU: There is a tendency here to claim that the Centre never commits mistakes. Although people sitting here have come from the States, they assume that they do not commit any mistakes, only States commit, according to them.
3 P.M. This suspicious attitude is wrong. Let us not belittle the States. Let us give equal treatment.

Then comes the Concurrent List. Sir, in the Concurrent List, in fact, most of the entries belong to the State List. Anyhow, they have been usurped and put in the Concurrent List. On any item in the Concurrent List, when both the Centre and the States have the power to legislate, the powers of the Centre are paramount. That being the case, before a Bill on a concurrent item is presented here, why not consult the States also? Will they be doing anything wrong by doing so? Don't they like co-ordination? So my suggestion is that on all those pieces of legislation which relate to the entries in the Concurrent List, before a Bill is presented here, let the Centre take the opinion of the States so that the opinion of the States also is presented here. In fact, I want that the Council of States, the Rajya Sabha, should evince more interest in States' matters. I would go to the extent of suggesting a study of

the working of the American Senate. All the major appointments, appointments of Governors, Ambassadors and other dignitaries should have the concurrence of a committee of the Rajya Sabha or the Rajya Sabha. That will be the healthiest thing. I do not want to leave the matters into the hands of the President, an individual but at the same time I do not want the President to be merely a rubber stamp of the Executive on States' matters. Let him be so in Union matters. Let the Union Executive have full power, 101 per cent power in Union matters. But in the States' matters, let them be guided by the wish of the States.

Then there is the demand that a redistribution in the three lists—State List, Union List and Concurrent List—should take place with the experience we have gained so that there will be more elbow-room available for the States.

Then coming to article 252; under this article any two States can request Parliament to make a law on a State subject. When Parliament makes a law, the other States, by a resolution, can adopt it, but once they adopt that piece of legislation or law or enactment, they are caught; because whenever they want to amend it they cannot do so. Only Parliament can amend. But it is a State law. It is only for the sake of convenience that power was given to Parliament. Should they come to Parliament to amend it? This is the difficulty the State Legislatures are feeling. Now they will not agree for Parliament to make any law for them. Therefore, Sir, article 252 needs a re-examination. These things do not take away the power of the Centre, the strength of the Centre. Strength of the Centre is not derived only by mere technical incorporation of a few words here and there in the Constitution, not by mere gimmicks. There are other things—the political situation, co-

operation of the political parties and an understanding in the political system. Many extra-constitutional things also must be there so as to give the necessary status.

Now I come to the important article, article 356. I do not think any other article in the Constitution has been so misinterpreted and so misused, and so many times as article 356. I do not know whether this fact has come to the notice of all. It is always difficult to remember also because it happened in such rapid succession. In these 27 years, President's rule in the States has been imposed 51 times. As we know very well, the introduction of President's Rule means converting a federal policy into a unitary system in the State that is taken possession of by the Home Ministry, without any coup.

SHRI BHOLA PASWAN SHASTRI: Not by the Home Ministry but by the Government.

SHRI V. B. RAJU: Which Government?

SHRI BHOLA PASWAN SHASTRI: The point is that it is not the Home Ministry.

SHRI V. B. RAJU: I will not go into that controversy. Fifty-one times they have done it. And the credit goes to this Government that thirteen times they have done within a period of 10 months; Thirty-eight times by the Congress Party Government in a period of more than 25 years, more than quarter of a century, and thirteen times by the Janata Party Government in a period of 10 months, and that too at a stretch! In the month of February, the Acting President with a stroke of pen dissolved nine Assemblies and removed nine Ministries . . .

SHRI P. RAMAMURTI: Whose terms were over according to the old provisions of the Constitution, but

whose terms you yourself had extended. (Interruptions).

SHRI V. B. RAJU: When the 44th Constitution Amendment Bill comes up, you may speak on that. The point is . . .

SHRI PILOO MODY: Having said that, you should not stress that it was nine times. That is what he says. (Interruptions).

SHRI V. B. RAJU: And where is the mischief? The mischief is in the use of the words "or otherwise" in article 356. I do not think the predecessor Government had taken recourse to or taken shelter under these words. Now it is a matter of fact, which has gone into history, how this article 356 has been misinterpreted and misused. I would particularly stress that the words "or otherwise" should be deleted. Article 356 needs to be examined carefully by all the political parties of the country.

Sir, there is another article which has not come into the lime-light. It is a very interesting article. Everybody knows about it, but it has not come into the lime-light. It is article 365. Article 365 tells us clearly that if any executive direction of the Union Government is not carried out by a State or the State refuses to carry it out, that State will attract article 356; it will come under President's Rule. What an obnoxious article! It has not become necessary. . . (Interruptions) If an executive fiat or an executive order of the Centre is not carried out by a State, its Assembly is dissolved. Its ministry is dismissed and the President takes it over.

SHRI L. R. NAIK (Karnataka): That is not applicable to Jammu and Kashmir. (Interruptions).

SHRI V. B. RAJU: You are right that it is not applicable to Jammu and Kashmir. The question is, when the executive order goes from the

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Centre, how are the elected representatives of an Assembly responsible? If the President thinks the Cabinet thinks and the Home Ministry thinks that the governance of a particular State should be taken over, that State is simply taken over. Therefore, we have realised that the fountain-head of power is the Prime Minister and the Cabinet. They are actually treating this as a unitary system and they can do or undo anything. Fortunately, this article has not been invoked. I congratulate four States for not having attracted the attention of the evil eye of the Home Minister. Those States are: Assam, Maharashtra, Meghalaya and Sikkim. These are the four States which have escaped the rigours of President's Rule in the past 28 years. I congratulate them and I wish they would never come into the orbit of the President in the manner that the other States have come. Anyhow. . . (Interruptions). It is an obnoxious article.

As I have said earlier, what do we mean by the President, what do we mean by the Union Executive? And what is meant by the Government of India? In some articles of the Constitution it is mentioned as the Government of India, in some others, the Union, in still others, the President. Is there any independent functioning of these three institutions or are these three institutions the same? In my view the Constitution-makers had something in their mind that these three are distinct institutions. This matter has to be examined. Wherever the word 'President' occurs, should it be taken as the Government of India? Is any meaning associated with the word 'President?' Wherever the expression 'Union executive' occurs, what does it mean? It is for the jurists and for the experts to say whether these three expressions are synonymous or whether they have different functions to perform.

Then the next item I come to is the resources, the financial resources, Sir, the struggle is between responsibilities and resources. The period of talking

of strong Centre is over. Today, the problems that confront the nation are rapid economic development and full employment. Now it is the States who have to carry the brunt of the burden. All the troubles we see in respect of law and order in the States, in my view, are being caused by the activities in Delhi. For such tensions to grow, Delhi is responsible.

Take one item, Delhi considers the Central Government employees as superior to the State Government employees as regards emoluments. One fine morning they raise the wage structure of the Central Government employees, and that creates problems to the States. The States do not find resources. There are strikes by the State Government employees. Delhi has the advantage of deficit financing. Delhi actually creates a situation, making more money flow into the market. The prices rise, and the States have to bear the brunt. Who are responsible for this? So, tensions grow in the States for which the Centre is responsible. In all these matters, has the Centre at any time discussed with the States before raising the emoluments of the employees? What difficulties will be created to the States, you do not consult them.

I would now go to an important item. The Centre has finished the Fifth Plan one year ahead. The Five-Year Plan was converted into a Four-Year Plan. But planning is for the whole country. Did the Centre consult the States whether it is advisable to reduce the period of the Plan from five years to four years? They never consulted them. In fact the Centre does not take the trouble of even telephoning them. They are not on formal communication with them just to say that they are going to do such and such a thing and to ask for their views.

The point here is about the resources and the responsibilities. There is a demand that all the three Lists and the tax powers should be completely reviewed. Where there is need for money, there must be scope and

power to tax or to make a source yield something. All elastic resources have been kept by the Centre.

The Centre talks about prohibition. I was just looking to the financial figures of the States the other day. Prohibition will affect more than Rs. 500 crores of the States resources annually. The excise revenue of all the States is more than Rs. 500 crores. When the Centre talked about prohibition; did it take into consideration these resources and did it have any discussions or any talks with the States about prohibition to be introduced and about not only the loss that will be sustained in terms of the States' revenue but also the employment or unemployment that it may create? No. The Centre talks about replacing the sales tax by excise duty. If you take away the State excise duties, if you take away the sales tax, what is left with the States?

SHRI P. RAMAMURTI: Begging bowl.

SHRI V. B. RAJU: Yes, begging bowl. So, ultimately the present policy would leave the States with two things. One is the begging bowl. They will have to come with a begging bowl to the Centre. They cannot borrow. The States cannot borrow. They cannot go in for public borrowing. So they have to come with a begging bowl here. Ultimately what will be left with them? One Year ago, an effort was made—as I said, I am not dealing with this subject on party lines—to cut down the State List. Education was taken away. All right. 'Forests' were taken away. There was an effort to take away 'agriculture' also. Then I tried to go into the List to see what will be left with the States? 'Burial grounds' and a begging bowl for revenue receipts.

SHRI P. RAMAMURTI: But even for the upkeep of the burial grounds. You must come to the Centre with a begging bowl.

SHRI V. B. RAJU: Is it our intention to convert the States into dignified municipalities? As I said, these matters cut across party lines. Please do not consider them from the party angle at all. After all, a party's name may change, but the persons are the same. It makes no difference. The other day when I was told that my friends in Andhra Pradesh were walking into the Janata Party. I said "Don't worry. They are not walking alone. They are carrying with them their struggles also there. Their quarrels also they are carrying. Instead of quarrelling on this platform, in this circus company, they would do it in that company. It makes no difference to the country." So history repeats itself and parties emulate other parties. That is all. Anyhow, these financial matters are very important.

Now, take the indebtedness of the States. The States are getting very badly indebted. The latest figure is, as on the 31st March, 1978, the indebtedness of the States to the Centre is Rs. 11,369 crores. It is growing, because they have no resources and they have to beg. I was wondering why the Centre was anxious that the State Finance Ministers should run here. They think it is political control. But there cannot be a more dangerous situation than this if the federal authority has some 'favourites' in the States. The Union will be stable only when the federal authority behaves in an impartial manner, particularly in financial matters.

When the position of indebtedness of the States was like this, I tried to examine what was the pattern of financial assistance by the Centre to the States because the States have no elastic resources. There has even been an attempt to do away with land revenue. Some States have already foregone land revenue on certain uneconomic holdings—below six acres, five acres and like that. But land revenue today may come to about Rs. 160 or 170 crores for all the States.

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It is not a very big revenue. It is not an elastic revenue like the excise duty or the customs duty.

SHRI P. RAMAMURITI: It is a shrinking revenue.

SHRI V. B. RAJU: What is the Centre doing? (*Time bell rings*) I will take five minutes. The Centre is doling out in three ways. One is, sharing of the tax revenue. The second is, grants under article 275, which the Finance Commission actually allocates. The third source is, discretionary grants on the advice of the Planning Commission. And the fourth is Plan loan, as recommended by the Planning Commission. These are the four sources, the four channels, the four streams, through which Central assistance flows to the States. How do these work? As we are all aware, the Finance Commission is a body created by the Constitution and it is a very healthy instrument. But the importance of the Finance Commission has been taken away by the emergence of the Planning Commission. The Planning Commission is a creature of the Central executive, that is, the Cabinet: by a Cabinet resolution, not even by a statute. The word 'planning', the entry 'socio-economic planning' we find only in the Concurrent List, not anywhere else. I do not know where else in the Constitution this term 'planning' occurs. The Central Government has not come before the Parliament for any statute, for any law, for the creation of the Planning Commission. This was created by the Central Cabinet. The Finance Commission is a creature of the Constitution. But it is a temporary body, whose importance has now been reduced to do some arithmetic of devolution. But the Planning Commission has become a parallel Government, a body which is created only by the executive. It has no statutory sanction; it has no constitutional sanction. And it is interfering today not only in State matters, but even in local government matters as, for example, even where latrines have to

be constructed. You will remember those days of community development. What happened to Panchayat Raj? After 1½ decades of hard work, when the Central Government showed a step-motherly feeling, the whole thing collapsed, because there was no local initiative, there was no local enthusiasm. It was sought to be thrust from the top.

The dichotomy created by the Planning Commission and the Finance Commission has to be removed. As I said, grants are of two types: one is a grant made by the Finance Commission under Article 275 of the Constitution, another is a discretionary grant given on the recommendation of the Planning Commission. In the Year 1978-79, the current year, the division of grants is like this. Total grants amount to Rs. 2399 crores, that is, Rs. 2400 crores. What the Finance Commission has under its purview is only Rs. 699 or, say, Rs. 700 crores out of Rs. 2400 crores. Only Rs. 700 crores is the grant appropriated by the Finance Commission; the remaining Rs. 1700 crores, that is 70 per cent, being the discretionary grant by the Government of India on the advice of the Planning Commission. And the Planning Commission is a quasi-political body whereas the Finance Commission is a quasi-judicial body. The Planning Commission is a quasi political body, it is like a tail wagging the body.

Then, coming to loans, as I said, loans are recommended by the Planning Commission. Through purse-strings Centre's effort is to secure a political control over States. This should stop. The time has come when the status and the functions of the Finance Commission in the light of the constitutional provisions, have to be examined, when the status and the functions of the Planning Commission also have to be examined. In my view the Finance Commission must be made a full-time, permanent, body, and the Planning Commission

should be made a statutory body. Planning must be decentralised. Unless we do this, the present state of affairs cannot be rectified. Planning has inherent weaknesses; it develops centralisation, and all the troubles that have arisen and many of the tensions that have developed, are due to the method and manner in which the Planning Commission is functioning.

In the end I would just say one word. Recently one of our eminent jurists, Dr. L. M. Singhvi, has said like this, and I think that will sum up the whole thing:

"Those advocates of autonomy, who view India as a federal conglomerate of many nation-States as well as those adherents of uniform unity, who envision a monolithic State which denies our variegated pluralism and its sensitiveness, would equally, if unwittingly, promote dissension, disharmony, disintegration in our national life."

Therefore, let us avoid the two extremes. As I said earlier, to achieve the objectives of national unity, political stability, economic growth, defence capability and social justice—these five objectives to be achieved—what are improvements we have to bring about in the Constitutional framework? What are the changes we have to make in the functioning of the Government of India? How can we bring about harmonious relations particularly in the five fields I have mentioned earlier? For this purpose I want a Parliamentary Committee to be constituted and its report should be made available within six months to the House . . .

AN HON. MEMBER: Four months.

SHRI V. B. RAJU: There is an amendment. I am not rigid about it. It is not a question of four months or six months. It is a question of Parliament being seized of it. I may warn the Government that if the Parliament is not allowed to be seized of

it, they will be unnecessarily allow the atmosphere of this country to be polluted because the people will then go out of their track to use other methods to bring pressure on the Government of India.

The question was proposed.

SHRI N. G. RANGA (Andhra Pradesh): Sir, I beg to move:

"That in the Resolution,—

(i) in line 11, the word 'Legislative' be deleted; and

(ii) in line 15, for the word 'six months' the words 'one year' be substituted."

The question was proposed.

श्री विश्वम्भरनाथ पांडेय (नाम-निर्देशित)

उपसभापति जी, श्री राजू ने जो प्रस्ताव इस सदन के सामने पेश किया है उसका मैं समर्थन करने के लिए खड़ा हुआ हूँ। यद्यपि एक बात हमें नहीं भूलनी चाहिए कि यह एक बड़ा नाजुक मसला है, हमारे देश का इतिहास आज से नहीं हजारों वर्ष से हमारे सामने एक तस्वीर पेश करता है कि जब जब केन्द्रीय सरकारों ने उपक्रम हुकूमत कमजोर हुई इस देश पर बाहर के हमले हुए। श्रीमन्, 12 वीं व 13वीं सदी में जब मंगोलों का सैलाव आया तो उस जमाने में हिन्दुस्तान में अलाउद्दीन खिलजी की हुकूमत थी। चूनांचे उसने बहादुरी के साथ मुकाबला किया और मंगोलों का मुंह बजाया हिन्दुस्तान की तरफ आने के उसने उनका मुंह अरबों की तरफ मोड़ दिया। नतीजा क्या हुआ कि मंगोलों ने अल्पासी की हुकूमत को तहस नहस कर दिया और इस्लाम करीब करीब खत्म हो गया। एक नयी शह उसमें पैदा हो गयी लेकिन उसकी वह शकल मंगोलों ने खत्म कर दी। हिन्दुस्तान बच गया। इसलिए जब जब मर्कजी हुकूमत कमजोर होती है तब तब एक सैलाव आता है, बाहर के हमले होते हैं। मुगलों की हुकूमत कमजोर हुई तो यहां पर अंग्रेज आये, फ्रांसीसी आये, डच आये और उन्होंने हमको डेढ़ सौ वर्ष तक गुलामी की डोर पहना दी। जहां एक

[श्री विश्वम्भर नाथ पांडेय]

पर यह सही है कि मर्कजी हुकूमत का मजबूताना बहुत जरूरी है वहां दूसरे यह भी सही है कि अगर सुवाई हुकूमतें कमजोर रही इस काम की हुई कि अपने पैरों पर नहीं खड़ी हो सकी तो वह भी मर्कज के लिए एक गम्भीरत और परेशानी का वायस हो सकता है।

आज अगर हम अपने पिछले 40-50 वर्ष की तहरीर पर नजर डालें तो हम पाएंगे कि किस तरह से हमारे देश में जाति भेद है, भाषा भेद है, सम्प्रदायिक भेदभाव है, धार्मिक भेदभाव है। इन तमाम भेदभावों के जड़ तक होते हुए ऐसा मालूम होता है कि भारतीय मानवता को उन भेदों ने खण्ड खण्ड कर रखा है। डिवि-सिड्ड टेडेंसीज इतनी अधिक हैं इस देश के अंदर कि अगर उन को एकता के धागे में पिरोया न गया तो उस देश का बिखराव होता है। ऐसी सूरतें आप देखें—मर्कजी हुकूमत अंगरेजों की थी लेकिन एक सवाल आया बंगाल बिहार, उड़ीसा तीनों को मिलाकर एक सूबे की बात मगर ऐसा सख्त जट्टोजिहद हुआ कि बिहार और उड़ीसा को अलग कर दिया गया। चुनाव बिहार और उड़ीसा, अलग हुआ, फिर बिहार से लगे इतने राज्य हैं उन्होंने कहा बिहार से हम ताल्लुक नहीं रखेंगे। उड़ीसा फिर अलग हुआ। एक सूबे के 3 सूबे हुए। आपने देखा असम जो अभी हाल तक स्टेट ऑफ सेवन सिस्टर्स कहलाता था आज वे सातों बहिने अलग अलग हो गई और अलग अलग शक्ल में आ गई। आपने देखा, किस कदर साऊथ में जब कि तामिलनाडु और आन्ध्र प्रदेश दोनों एक मुत्तहिदा स्टेट थे...

SHRI P. RAMAMURTI: Tamil Nadu, Andhra, Kerala, part of Karnataka.

श्री विश्वम्भरनाथ पांडेय ... लेकिन लोगों को ऐतराज हुआ, लोगों ने यह समझा कि एक प्रेसीडेंसी, प्राविन्स का मर्कजी ताकत सबके लिए एकसा सलूक नहीं कर सकती तो वे सब

बिखर के अलग हो गए। आपने देखा आन्ध्र-प्रदेश में कितना जबरदस्त, एजिटेशन न तामिल नाडु को लेकर हुआ और उसका कितना भुगतान आन्ध्र प्रदेश को भुगतना पड़ा। आपने देखा कि महाराष्ट्र और गुजरात दोनों एक स्टेट नहीं रह सकी। उन्होंने मुक्ति दिवस मनाया जब वे महाराष्ट्र से अलग हुए। आज आप देख रहे हैं कि नाग विदर्भ के लोग मांग कर रहे हैं कि वे महाराष्ट्र से अलग होना चाहते हैं, महाराष्ट्र में नहीं रहना चाहते। तो परिस्थिति ऐसी है कि जो चीजें हम को एकता के बंधन में बांधती थीं आज वे ताकतें या तो कमजोर हो गई हैं। आखिर क्या बात थी कि पंजाब जो कि एक बहुत बड़ा मुत्तहिद सूबा था जहां महाराजा रणजीत सिंह हुकूमत करते थे जिनकी मुसलमान बेगमें थी, जिन के प्राइम मिनिस्टर मुसलमान थे और जो पूरे पंजाब को मोहबबत के साथ बांध कर एकता के धागे में रख सके थे, आज पंजाब के हिस्से हो गए—आज पंजाब अलग, हिमाचल प्रदेश अलग, हरियाणा अलग। तो आज जिस बात की तरफ टेडेंसी है, हमें अफसोस है उस टेडेंसी को बाज बाज इलाकों में बढ़ावा देने की कोशिश की जा रही है। आज कोशिश हो रही है मध्य प्रदेश के टुकड़े हो जाएं, बिहार के टुकड़े हो जाएं।

[The Vice-Chairman (Shri U. K. Lakshmana Gowda) in the Chair].

उत्तर प्रदेश के टुकड़े हो जाएं। तो परिस्थिति ऐसी है कि अगर डिविंसिव टेडेंसी, यह खंड खण्ड करने की टेडेंसी की भावना को रोकना न गया तो फिर ऐसी परिस्थिति आ सकती है कि इस देश में कहां तक टुकड़े होंगे, कहां तक बिखराव होगा, यह कह सकता बड़ी पेश-गोई का काम है और इतिहासकार ही इस बात की पेश गोई कर सकता है। लिहाजा हमारे सामने बात साफ है। पहले तो यह कि हम इस देश की एकता के ऊपर जोर देते हैं, यानी इस देश की जो मर्कजी हुकूमत है वह मजबूत रहनी चाहिए। पहली चीज तो यह है; और आप को बाद होगा,

कुछ अरसे पहले स्वामी विवेकानन्द ने एक बात कही थी। उन्होंने यह कहा था कि क्या आप देश भक्त हैं? अपने एक व्याख्यान में उन्होंने जनता से पूछा कि आप देशभक्त हैं? और उन्होंने कुछ कमौटियां बनाई मेरी कसौटी में देशभक्त वह है जो — क्या आप अगर बंगाली हैं तो क्या आप मद्रास के रहने वाले या गुजरात के रहने वाले लोगों को भाई की तरह समझते हैं? अगर नहीं समझते हैं तो आप देशभक्त नहीं हैं। क्या आप एक बड़ी जात वाला जो हरिजन है उसको सगे भाई की तरह समझते हैं? अगर नहीं समझते हैं तो आप देशभक्त नहीं हैं। तो यह एक कसौटी है। योगी अरविंद ने एक मर्तबा कहा था कि हम भारत माता की जय बोलते हैं लेकिन क्या सचमुच अपनी भारत माता को अपने दिल में जगह दे रखी है? नहीं, आपने भारत माता को दिल में जगह नहीं दे रखी है। क्या आपके दिल में बंग माता विराजमान नहीं है, क्या आपके दिल में पंचनद माता विराजमान नहीं है, क्या आप के दिल में गुजर माता विराजमान नहीं है? अगर आपके दिल में वह विराजमान है तो आपके दिल के अंदर भारत माता नहीं है। ऐसा मालूम पड़ता है कि जो उन्होंने यह बात 1907 में कही, यही चीज तो आज आप फालो नहीं कर रहे हैं? लेकिन उसके बाद, जब देश आजाद हुआ, तो हम ने देखा कि सचमुच हमारे देश में भारत माता की उतनी गुंजायश नहीं है जितनी कि अलग अलग प्रदेशों की माताओं की मूर्ति हृदय में विराजमान है, और जब तक वह विराजमान रहेगी तब तक भारत माता की गुंजायश ही नहीं है जगह ही नहीं है। तो सवाल बड़ा साफ है। सवाल यह है कि आप ने देखा कि किस तरह से यह काम हुआ। वैसे यह सवाल बड़ा ताजुब सवाल है और सवाल यह है कि केन्द्र को इस को किस तरह से हल करना चाहिए। पहली चीज तो यह है कि हम अहद करें कि हम इस मामले को पार्टी का मसला नहीं बनायेंगे। यह

मसला राष्ट्रीय मसला है। हम भूल जायें इस भेदभाव को। कोई पार्टी वाला क्या कहता है इसे हम भूल जायें। लेकिन चूँकि हमारे यहां बहुत सी पार्टियां हैं इसलिए यह बात बार बार उभर आती है। आप ने देखा कि पिछले दिनों जम्मू कश्मीर के मुख्य मंत्री ने, पंजाब के मुख्य मंत्री ने, पश्चिमी बंगाल के मुख्य मंत्री ने, तमिलनाडु के मुख्य मंत्री ने एक समस्या रखी कि हम भव मुख्य मंत्रियों को मिल कर सोचना चाहिए कि स्टेट्स के केन्द्र के साथ क्या सम्बन्ध होने चाहिए और इस मसले पर बात होनी चाहिए। लेकिन बात नहीं हो सकी। प्रश्न यह है कि इन चीजों पर बात करने में कोई परेशानी नहीं होनी चाहिए और जैसा कि राजू जी ने कहा कि पार्लियामेंट के पैराये पर यह बात हो, तो उस में देश का कुछ व्यावहारिक बात होगी। उस की कुछ अहमियत होगी। पिछले दिनों श्री पी. राममूर्ति जी ने इसी सदन में स्टेट्स को क्या अधिकार मिलने चाहिए इस बात को लेकर एक बहुत सुन्दर भाषण दिया था और उन्होंने बहुत मजबूती से इस बात को रखा था कि स्टेट्स के सम्बन्ध में जो केन्द्र का व्यवहार हो वह कैसा हो इस विषय पर एक डायलाग होना चाहिए। इस बात से इनकार करना मुनासिब नहीं है। वह डायलाग जरूर होना चाहिए। तो मैं यह कह रहा हूँ कि राजू जी के प्रस्ताव का जो दूसरा भाग है उस को मैं समझता हूँ कि सरकार को मान लेना चाहिए और सरकार को उसे मान कर जैसा कि वह कहते हैं सरकार को देखना चाहिए कि वह इस बात को देखे कि राज्यों और केन्द्र के बीच में क्या कठिनाइयां उपस्थित होती है। क्या कठिनाइयां आती है और उन को हम कैसे हल कर सकते हैं। ऐसा करने पर एक नतीजा निकल सकता है कि जिस को बूनियाद बना कर जो कुछ भी देश में भावना है, बहुत से प्रदेशों के अन्दर जो भावना है उस का समाधान किया जा सकता है। आज हमारे दिल बहुत संकुचित हो गये हैं। देशक संकुचित हो गये हैं। एक जमाना था

[श्री विश्वम्भर नाथ पांडेय]

जब गांधी जी कहा करते थे कि कुछ असम के लोग कहते हैं कि असम असमियों का है। कुछ बिहार के लोग कहते हैं कि बिहार बिहारियों का है। तो अगर असम असमियों का और बिहार बिहारियों का है तो आखिर भारत किस का है। उन्होंने बड़े गर्व से पूछा था कि आखिर यह भारत किस का है। तो इस का भी हम ध्यान रखें और बिहार और असम किन लोगों के है इस का भी हम ध्यान रखें। इन दोनों भावनाओं में सन्तुलन होना चाहिए, समन्वय होना चाहिए। अगर उचित समन्वय और सन्तुलन से हम चीजों को देखेंगे और विचार करेंगे तो मैं समझता हूं कि कोई भी भारतवासी ऐसा नहीं होगा कि जो चाहेगा कि भारत की प्रतिष्ठा को नुकसान पहुंचे, भारत की प्रतिष्ठा जाय और उस के प्रदेश की प्रतिष्ठा ऊंची रहे। ऐसी बात कोई व्यक्ति नहीं सोच सकता। तो मैं समझता हूं कि बीच में एक समन्वय का रास्ता निकल सकता है। निकलना चाहिए और एक बात चीत का रास्ता निकलना चाहिए, वहस का रास्ता निकलना चाहिए, विचार का रास्ता निकलना चाहिए और ऐसा रास्ता निकाल कर हम एक नतीजे पर पहुंच सकते हैं और उस के बाद ऐसी तजवीज हम ला सकते हैं कि जिस से प्रदेश वालों को भी फायदा हो और उन की जो भावनाएँ हैं उन की पूर्ति हो सके और केन्द्र भी यह समझ सके कि वह प्रदेशों के प्रति अपने कर्तव्य को अदा कर रहा है। तो मान्यवर, हमें देखना यह है कि यह भावना क्यों पैदा हुई। जैसा कि राजू जी ने कहा कि कांस्टीट्यूशन की अनेक धाराएँ ऐसी हैं, हमारा व्यवहार ऐसा है, हमारा भट्टी पार्टी सिस्टम ऐसा है, बहुत से प्रदेशों में अलग अलग सरकारें हैं, केन्द्र में दूसरी पार्टी की सरकार है, वहाँ दूसरी पार्टी की सरकार है, तो पहले भी ऐसा था, केन्द्र में दूसरी सरकार थी और प्रदेशों में दूसरी सरकारें थी, तो हम को इस तरह से काम करना चाहिए कि जिस से

केन्द्र मजबूत कर सके प्रदेशों को और प्रदेश मजबूत कर सके केन्द्र को और इस तरह से दोनों की मजबूती में ही देश का कल्याण है। कांस्टीट्यूशन की बात बहुत विस्तार से राजू जी ने हमारे सामने रखी कि कौन सी ऐसी धाराएँ हैं कांस्टीट्यूशन में कि जो उस में बाधक हो सकती है। उन पर हम विचार कर सकते हैं। आखिर बहुत से कांस्टीट्यूशन अमेंडमेंट आये हैं और दूसरे अमेंडमेंट्स भी हम सोच सकते हैं कि स्टेट्स और केन्द्र के रिलेशनस को मजबूत करने के लिए, उन को स्थायित्व प्रदान करने के लिये, दोनों के हितों की रक्षा के लिए कौन कौन सी धाराएँ बनायें कि जिस से केन्द्र भी मजबूत रहे और स्टेट्स भी मजबूत रहें। तो मैं समझता हूं कि इस पर हमें विचार करना चाहिए और खास तौर पर राजू जी के प्रस्ताव का जो दूसरा भाग है जिस में उन्होंने यह मांग की है कि हम एक ऐसी पार्लियामेंट की कमेटी बनायें कि जो 6 महीने में अपनी रिपोर्ट दे दे और जो उसमें श्री रंगा जी और दूसरे सज्जन का अमेंडमेंट आया, चार महीने या एक साल की बात है, जितनी जल्दी से जल्दी हो सके क्योंकि यह वहस ऐसी है कि जितना बढ़ाया जाएगा इस वहस से उतनी ही परेशानियाँ पैदा हो सकती हैं। इसलिए इस में सोच-समझ कर और अगर जरूरत पड़े तो ऐसी कमेटी में पार्लियामेंट के सदस्यों के साथ साथ जो एक्सपर्ट्स हैं, स्पेशलिस्ट्स हैं, उनको भी इनवाइट कर सकते हैं, शामिल कर सकते हैं और उनको शामिल कर के उनके सलाह-मशविरों के साथ एक तजवीज हम सामने रख सकते हैं जो देश के लिए उपयोगी होगी। माननीय उपसभाध्यक्ष महोदय, मैं इन शब्दों के साथ श्री राजू की इस तजवीज का समर्थन करता हूं।

श्री जगन्नाथ राव जोशी: उपसभाध्यक्ष महोदय, मैं सब से प्रथम राजू गारू का धन्यवाद करता हूं क्योंकि पिछले साल देश के अन्दर जो परिवर्तन आया जिसकी वजह से हमारे

राजू गारू अधिकार से वंचित रहे, इसलिए चिन्तन करने के लिए काफी समय उनको मिला और अपने संविधान के अन्तर्गत जो धाराएं हैं, चाहे 252 हो, 356 हो या 365 हो, यह कहां तक राज्यों के अधिकार पर अतिक्रमण करता है या नहीं। किन्तु कम से कम इसके विषय में उनको सोचने का समय मिला, इसलिए परिवर्तन और राजू जी को धन्यवाद दोनों को साथ-साथ मैं देता हूं। किन्तु राजू जी ने बीच में मेरी ओर देख कर कहा कि अखण्ड भारत की कल्पना मोनोलिथिक है। किन्तु जब हमारे देश में संविधान बनाया गया था, इसका ढांचा जो है, वह सघातमक है, किन्तु भाव एकात्मक है।

श्री पी० राममूर्ति : उन्होंने कहा नहीं।

SHRI V. B. RAJU: I said about those who talk of Akhand Bharat in the concept of...

श्री जगन्नाथ राव जोशी : अखण्ड भारत की कल्पना मोनोलिथिक...

He joined together Akhand Bharat and monolithic. I stand corrected.

तो जो संविधान हम लोगों ने स्वीकार किया और उसका ढांचा जो सघातमक है, इसका कारण यह है कि जिस ऐतिहासिक परिस्थिति में अपने को वह ढांचा स्वीकार करना था, उस समय समग्र देश एक ही शासन के अन्तर्गत नहीं था। कहीं तो ब्रिटिश हिन्दुस्तान जिसको हम कहते, वहां का शासन अपनी अन्तरिम सरकार के हाथ में आया था। किन्तु अभी भी रिसायनों का राज्य जिसको कहते हैं, वहां अलग शासन चलता था। इसलिए कुल मिला कर सब को साथ ले जाने की दृष्टि से ढांचा सघातमक जरूर रहा। किन्तु इसकी भावना एकात्मक है, इसकी हकीकत और व्यवहार, प्रत्यक्ष वस्तुस्थिति

में जो प्रयोग हुआ है, वह एकात्मक दृष्टि से हुआ है। इसमें गलत कुछ नहीं है। जिसको हम अमरीकी संघ ढांचा कहते हैं, वह यहां नहीं है क्योंकि अमरीका राज्य जैसे बना, पहले 13 राज्यों का, बाद में एक-एक राज्य मिलता गया। उन्होंने अपनी ताकत केन्द्र को दी। किन्तु बची हुई, शेष शक्ति रेसिड्युल पावर जिसे कहते हैं, वह स्टेट्स के साथ रहीं। वह यहां नहीं हैं। यहां जिसको कहते हैं शेष शक्ति-रेसिड्युल पावर, इट इज विद दि सैन्टर। इसका कारण यह है कि हमारा जो दर्शन है, उसको लेकर यह भाव है।

It is with the Centre. When we talk about our own country, India or Bharat, that is not merely a geographical expression. It is a living entity with a distinct spiritual personality.

इसलिए आज भी राज्य और केन्द्र के सम्बन्ध की जब बात करते हैं तो भूल नहीं सकते कि एक ही शरीर के केवल अलग-अलग अवयव हैं। वे सारे एक सूत्र के अन्तर्गत, एकात्मक ढांचे के अन्तर्गत बन्धे हुए हैं। जब यह व्यवहार चलेगा तभी हम कह सकते हैं कि यह सुचारू रूप से चलेगा। वास्तव में पिछले 30 साल से ऐसा शासन चलता आया है।

1957 में सब से पहले केरल में जब गैर-कांग्रेसी कम्युनिस्ट की सरकार बनी तो दो साल के अन्दर कुछ ऐसी परिस्थिति का निर्माण हुआ जिसमें केन्द्र ने हस्तक्षेप कर के सब से पहले वहां के राज्य के शासन को समाप्त किया। तो सब से पहले केन्द्र ने राज्य के बारे में जो एक अधिकार चालू किया था वह 1967 में आठ प्रदेशों में जब गैर-कांग्रेसी सरकारें आईं तो...

श्री पी० राममूर्ति : उसके पहले 1953 में भी हो गया। पेप्सू में।

श्री जगन्नाथ राव जोशी : वह तो 1956 की बात है । तो 1967 के बाद यह स्वाभाविक था कि गैर-कांग्रेसी सरकारें आठ प्रदेशों में आने की वजह से केन्द्र और राज्यों के सम्बन्ध कैसे रहा करते हैं यह मालूम होने लगा । राजू साहब ने आज जो बात कही है वह 1967 में भी राज्य सभा में अग्रस्त में केन्द्र और राज्यों के सम्बन्धों की बात को लेकर एक गैर-सरकारी प्रस्ताव, जैसा आज राजू साहब ने दिया है, वैसा ही प्रस्ताव आया था । उस पर बहस के समय केन्द्रीय गृह मंत्री श्री यशवन्त राव जी चव्हाण ने कहा कि कोई भी ऐसी संमंदीय समिति की जरूरत नहीं है क्योंकि ऐसी कोई व्यवस्था में तबदीली करने की आवश्यकता महसूस नहीं होती ।

He then did not really understand the ramifications that are inherent in this article 356.

तो 1975 में प्रशासनिक सुधार आयोग ने भी इस बात का हवाला देते हुए कहा कि अपने संविधान के अन्तर्गत केन्द्र और राज्यों की बात को लेकर परिवर्तन करने की आवश्यकता नहीं है किन्तु राजू साहब ने पहले बता दिया है कि उनकी 365 धारा का उस समय समझ में नहीं आया था कि इसके अन्दर क्या-क्या छिपा हुआ है । लेकिन 1975 में प्रशासनिक सुधार आयोग ने भी जब ऐसी बात कही कि कोई ऐसी स्थिति पैदा नहीं हुई कि जिसको लेकर केन्द्र और राज्यों के सम्बन्ध को लेकर संविधान में परिवर्तन किया जाए । केन्द्र और राज्यों के अधिकारों की स्पष्ट व्याख्या की गई है, इसलिए इसमें कोई परिवर्तन करने की जरूरत प्रशासनिक सुधार आयोग को 1975 में भी महसूस नहीं हुई । अब केवल आज जनता सरकार केन्द्र में आने के उपरान्त यह आवाज फिर से जोर पकड़ने लगी है ।

श्री देव राव पाटील (महाराष्ट्र) :
आपने आशा है आप मही बात मानेंगे ।

श्री भीष्म नारायण सिंह (बिहार) :
नौ राज्यों में सरकार पहले ही डिसमिस कर चुके है, अब क्या मानेंगे ?

श्री जगन्नाथ राव जोशी : 1977 में जनता सरकार के आने के बाद यह जो मांग आने लगी है, मैं राजू साहब का ध्यान आकर्षित करना चाहता हूं कि लगातार राज्यों के अधिकारों की मांग कौन उठा रहा है । एक तो कर्णानिधि डी० एम० के० की तरफ से, दूसरे शेख-अब्दुल्ला साहब की तरफ से और तीसरे ज्योति बसु की तरफ से । इसलिए जब भी ऐसी मांग आती है तो इसके पीछे पक पृष्ठ भूमि है । सभापति महोदय, हम इसको भुला नहीं सकते । एक अधिकार जम्मू-काश्मीर का यह है कि इसका अलग संविधान है । हमारे संविधान में धारा 370 है जिसके अन्तर्गत एक कानून लोक सभा में पारित होने के बाद उसका वहां लागू करने के लिए फिर पारित करना पड़ता है और आज शेख साहब खुले रूप से यह कह रहे हैं कि 370 के अन्तर्गत जो अधिकार जम्मू-काश्मीर को है वह हर प्रदेश को दिया जाए । क्या राजू साहब इस बात के लिए सहमत हैं । डी० एम० के० ने अलग संदे की बात कही । मैं कहता हूं कि...

श्री पी० राममूर्ति : अब तो छोड़ दिया है ।

श्री जगन्नाथ राव जोशी : मैं राम-मूर्ति जी से भी कहना चाहता हूं कि अपने देश का विचार करना चाहिए कि यह एक राष्ट्र है, यह एक देश है, किन्तु हमारे राममूर्ति साहब या

ज्योति बसु या शंकर नम्बूदरीपद की हिन्दुस्तान के बारे में जो उनकी शब्दावली है, वह कहते हैं—

India is a multi-racial, multi-religious, multi-national State.

SHRI P. RAMAMURTI: You don't put words into our mouth. We said a multi-national State.

SHRI JAGANNATH RAO JOSHI: My important point is multi-national State.

SHRI P. RAMAMURTI: You don't talk of integration. When you are already a nation, why do you talk of integration?

SHRI JAGANNATH RAO JOSHI: I am saying that whenever the CPM people refer to it, they speak in terms of a multi-national State.

SHRI P. RAMAMURTI: Yes, we stand by that. It is a multi-national State.

श्री जगन्नाथ राव जोशी : मैं समझता हूँ जब उनकी धारणा ही एक बहु राष्ट्रीय देश जैसी है और जब हम इस आधार पर अधिकार मांगना शुरू करते हैं तो फिर यह खतरे से खाली नहीं है। यह देखने से लगता है । क्योंकि if you yield to an inch, people demand something more. यह बात बहा नहीं ठीक लगती। क्योंकि इनके विचार के अनुसार यह देश एक राष्ट्र है ही नहीं। जहाँ-जहाँ प्रदेशों के लिए कोई अधिकार के अतिक्रमण की बात होती है तो वहाँ साथ में बैठ कर विचार किया जाता है। क्योंकि जनता सरकार इस शक्ति का विकेंद्रीकरण करना चाहती है। इसमें विश्वास करती है, राजू साहब ने पूछा कि शक्ति कहाँ होती है ? यह शक्ति केन्द्र में होती है, जनता में होती है।

It is the people who give the strength, whether it is a panchayat or a Parliament. The real strength behind the country is the people.

जनता ने शक्ति दी संविधान में । इसलिए जनता के प्रतिनिधियों ने बनाया जिनको हम कहते हैं 'फाउंडिंग फादर्स' । वह शक्ति जनता की थी ।

SHRI P. RAMAMURTI: Shri Krishnaswami Iyer was the representative of the people. The Constituent Assembly people were elected by the people of India.

SHRI JAGANNATH RAO JOSHI: But that was adopted by the Parliament and that Constitution is still continuing.

जनता अधिकार देती है, पंचायत को वह चुनती है, पार्लियामेंट के प्रतिनिधि वह चुनती है । यह शक्ति जो होती है यह केन्द्रित होती है जैसे शरीर का केन्द्र हृदय है और सारा खून और रक्त एक हृदय में केन्द्रित होता है । अगर किसी शरीर के हिस्से तक यह पहुँचेगा नहीं तो आदमी मर जाएगा । हार्ट फेल हो जाएगा ।

श्री बी० बी० राजू : : यह खतरा है अगर सिर्फ इसी के ऊपर भरोसा रहे। यह ध्यान रखें कि शरीर काम करता रहे ।

श्री जगन्नाथ राव जोशी : यहाँ की शक्ति जो है वह शक्ति विकेंद्रित रूप से समग्र देश की आखिरी पंचायत तक जाकर पहुँचे ।

श्री सीताराम केसरी (बिहार) : राजू जी ने कहा है कि अगर आत्मा खत्म हो जाए तो शरीर काम करता रहे । बिना आत्मा के शरीर काम करे । इनका कहने का मतलब यह है :

श्री जगन्नाथ राव जोशी : मैं चाहता हूँ कि शरीर हृदय के साथ चले। मैं समझता हूँ राजू साहब यह कहेंगे कि जब पहले हर चीज दिल्ली से निपटाई जाती थी उस वक्त मैंने टोका था। एक ही व्यक्ति काम करता था। केन्द्र भी नहीं था और यूनियन कैबिनेट भी नहीं थी।

श्री सीताराम केसरी : यही आप भी कर रहे हैं।

श्री जगन्नाथ राव जोशी : पंचायतों को सही माने में अधिकार देने की दृष्टि से अशोक मेहता जी की अध्यक्षता में एक कमेटी बनी। इस समय पंचायतों को वित्तीय सुविधाएं, नगरपालिका और महानगर पालिका को मौलिक अधिकार प्राप्त नहीं हैं।

SHRI K. K. MADHAVAN (Kerala): Sir, I rise on a point of order. Are we discussing the Panchayati Raj or are we discussing the Centre-State relations?

श्री जगन्नाथ राव जोशी : आश्चर्य की बात यह है कि जो प्रदेश ज्यादा अधिकारों की मांग करते हैं वे प्रदेश अपने अधिकारों में मिले अधिकारों का सही उपयोग नहीं करते। नगरपालिका के 10-12 साल से चुनाव नहीं हुए, महानगरपालिका बर्खास्त कर दी और पंचायतों के चुनाव नहीं हुए। जनता के हाथ में अधिकार देने का सवाल आता है। यह राज्य और केन्द्र का संबंध नहीं है। केन्द्र से राज्य को अधिकार मिले और वह आखीर तक नहीं जाय यह ठीक नहीं।

The blood should not clot there.

जैसे समय शरीर के अन्तर्गत खून का फैलाव होता है और फिर शरीर

तरोताजा होता है इसी दृष्टि से अधिकार का विकेंद्रीकरण आखीर पंचायत तक होना चाहिए।

श्री पी० राममूर्ति : कहां किया है ?

श्री जगन्नाथ राव जोशी : जब सिफारिश आ जाएगी तो उसी के आधार पर हम करेंगे। अब सवाल यह है कि जनता पार्टी के हाथ में अधिकार आने के बाद, जैसा राजू साहब ने कहा कि नौ, दस महीने में कई बार अधिकारों का दुरुपयोग हुआ है। जो प्रदेश सरकारें थीं वह भी बर्खास्त कर दी गई। मैं बताना चाहता हूँ कि जो 77 का चुनाव था वह अलौकिक चुनाव था। यह स्वाभाविक नार्मल स्थिति में चुनाव नहीं हुए थे आप जानते हैं कि पिछले आम चुनावों में उत्तर प्रदेश, बिहार, पंजाब, हिमाचल प्रदेश, दिल्ली और हरियाणा राज्यों से एक भी कांग्रेस का प्रतिनिधि चुन कर नहीं आया तो ऐसी स्थिति में वहां की जो सरकारें थी वे लोक प्रतिनिधि सरकारें नहीं रह गई थीं। किसी भी दृष्टि से उन सरकारों का सत्ता में रहना उचित नहीं था। आप इस बात को भी जानते हैं कि पुरानी सरकार ने भी डी० एम० के० की सरकार को उसका एक महीने का कार्यकाल समाप्त होने से पहले ही समाप्त कर दिया था, किन्तु चुनाव नहीं कराया था। लेकिन उस समय की परिस्थिति और पिछले साल की परिस्थिति में बड़ा अन्तर है। हमने इन राज्यों की सरकारों को समाप्त करते ही वहां पर चुनाव करवाये।

श्री सीताराम केसरी : आपने कर्नाटक में क्या किया है ?

श्री जगन्नाथ राव जोशी :

We referred the matter to the people to elect a popular government.

हमारे राजू जी यहां पर बैठे हुए हैं। उन्होंने देखा होगा कि पिछले दिनों महाराष्ट्र से यह मांग आई थी कि वहां की सरकार को बर्खास्त किया जाय, आन्ध्र प्रदेश से यह मांग आई थी कि वहां की सरकार को बर्खास्त किया जाय, लेकिन वहां की सरकारों को बर्खास्त नहीं किया गया। हमने विरोधी दलों का सम्मान किया है। आप जानते हैं कि कर्नाटक की सरकार के खिलाफ भ्रष्टाचार के आरोपों की जांच करने के लिए ग्रीवर आयोग बनाया गया था उसने जब दोषी पाया तो सरकार को बर्खास्त किया गया, किन्तु दो महीने के बाद जब चुनाव हुए और वही सरकार सत्ता में आ गई तो उसके हाथ में सत्ता सुपुर्द कर दी गई। मैं जानना चाहता हूं कि क्या हमने कहीं विरोधी दलों के साथ सीतेला व्यवहार किया है। मैं समझता हूं कि एक भी उदाहरण ऐसा नहीं होगा जिस में वर्तमान सरकार ने पक्षपात से काम लिया हो। आप महाराष्ट्र के उदाहरण को ही ले लीजिए। मैं समझता हूं कि महाराष्ट्र का सवाल यहां उठा था। वहां पर सरकार बनाने के संबंध में प्रश्न किया गया था। लोक सभा में जब यह सवाल उठा तो हमारे प्रधान मंत्री जी ने स्पष्ट शब्दों में कहा कि हमने वहां के राज्यपाल को कोई निर्देश नहीं दिया है। जब कांग्रेस के दोनों घड़े डकड़ते हो गए तो राज्यपाल ने उनको आमंत्रित करना ठीक समझा और उन्हीं को सरकार बनाने के लिए आमंत्रित किया गया। मैं यह नहीं कहता कि हम गलती नहीं करते हैं। हम चाहते हैं कि हमारा विरोधी सतर्क रहे।

We have to run a democracy here, not a particular party's government and on the norms and traditions established during the last 30 years.

राज्य और केन्द्र के संबंधों के बारे में यदि कोई प्रश्न हो तो उसको हल करने के लिए आज भी हमारे प्रधान मंत्री तैयार हैं। वे व्यक्तिगत रूप से इस बारे में बातचीत करने के लिए तैयार है। हमारी सरकार ने यह कहा है कि पुलिस और सेना राज्य सरकारों की सहमति से ही राज्यों में भेजी जाएगी। राज्यों के अन्दर केन्द्रीय सरकार के जो औद्योगिक प्रतिष्ठान हैं उनकी सुरक्षा के लिए इंडस्ट्रियल सिक्योरिटी फोर्स बनी हुई है। इसी प्रकार से रेलवे की सुरक्षा के लिए रेलवे प्रोटेक्शन फोर्स बनी हुई है। अगर राज्यों के अन्दर कोई तनाव पैदा हो तो उसके संबंध में केन्द्रीय सरकार की भी जिम्मेदारी हो जाती है। जनता पार्टी की सरकार ने यह निर्णय किया है कि पुलिस और सेना राज्यों के अन्दर राज्य सरकारों की सहमति से ही भेजी जाएगी। आन्ध्र प्रदेश में पिछले साल जब भयंकर तुफान आया तो केन्द्रीय सरकार की इस बात के लिए आलोचना की गई कि उसने वहां पर सेना नहीं भेजी। लेकिन हमारे रक्षा मंत्री जी ने साफ़तौर पर बता दिया कि सेना केवल मात्र आन्ध्र प्रदेश की सरकार के आवेदन करने पर ही भेजी जाएगी। राज्य सरकारों को जो अधिकार प्राप्त हैं, हम उनका उल्लंघन नहीं करना चाहते श्री राजू ने समवर्ती सूची का सवाल उठाया...

श्री पी० रामनृति : इस सभा में इस समय सवाल यह नहीं है कि जनता पार्टी की सरकार ने इन धाराओं का दुरुपयोग किया है या इन धाराओं को

ठीक प्रकार से इस्तेमाल किया है। हम यह मानते हैं कि जनता पार्टी की सरकार ने इन मामलों में ठीक तरह से अमल किया है। लेकिन हमारे सामने सवाल यह है कि हमारे संविधान में जो इस प्रकार की धाराएं हैं, उनका दुरुपयोग किया जा सकता है या नहीं। इन धाराओं को किस तरह से हमें बदलना है, यह सवाल हमारे सामने है।

श्री जगन्नाथ राव जोशी : हम खुद ही इस बात पर विचार कर रहे हैं कि इस प्रकार की जो धाराएं हमारे संविधान में हैं उनका दुरुपयोग न हो, इस दृष्टि से हम इस सवाल को सोच रहे हैं यानी आपातकाल की घोषणा हो सकती है तो उसका दुरुपयोग न हो। Even Article 355 can be taken undue advantage of because it can be declared from the top that law and order situation has completely broken and so we request the Governor to dismiss. Any Article can be taken advantage of; why only Articles 356 or 355 etc.?

SHRI K. K. MADHAVAN: May I know how much time you are allotting to each Member?

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Mr. Madhavan, I am watching the time. I am giving around 15 minutes. That is the stipulated time for the private Members. I have already rung the bell. In another two minutes he will finish.

4 P.M.

SHRI JAGANNATHRAO JOSHI: Much of my time has been taken away by interruptions. As a gentleman, I yielded to Mr. Ramamurti and Mr. Raju. What can I do?

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): You can take another two minutes.

SHRI P. RAMAMURTI: Please take into account the interruptions also.

श्री जगन्नाथ राव जोशी : तो इसलिये जहाँ संविधान की धारा का दुरुपयोग करने का सवाल है हम यह नहीं चाहते। हम यह चाहते हैं कि ऐसी व्यवस्था बने कि कोई भी दल जो अधिकार प्राप्त हो, केन्द्र में या राज्य में तो वह किसी दूसरे केन्द्र का, चाहे वह जिला स्तर का हो, ताल्लुका स्तर का हो या पंचायत स्तर का हो, उनके अधिकारों का हनन, उनके अधिकारों का अतिक्रमण न कर सके। ऐसा कोई फूलप्रूफ अरेजमेन्ट हो जाये तो उसके लिये बैठ कर विचार हो सकता है। किन्तु जो राजू जी की बात है, राजू जी की बात को मानते हुए... The demand for a review of the Centre-State relations is not... (Interruptions)

SHRI V. B. RAJU: Don't associate myself with Shri Sheikh Abdullah and others. Whatever I have said is on non-party lines. It is an objective analysis of the situation.

SHRI JAGANNATHRAO JOSHI: I know it. I am very very clear in my mind.

मैंने यह क्यों कहा। यह इसलिये क्यों कि यह जो मांग आ रही है इसकी गूठ भूमि भिन्न है। इस मांग के पीछे राजनैतिक विचार ज्यादा है, बनिस्वत इसके कि असल में किसी के अधिकार का अतिक्रमण किया गया हो। यदि यह बात हो तो बात अलग है। इसके लिये उस प्रदेश का मुख्य मंत्री बैठ कर प्रधान मंत्री के साथ विचार कर सकता है और यह बता सकता है कि इस अधिकार का दुरुपयोग कहाँ हो रहा है।

एक बात मैं राजू जी की मानता हूँ और यह बात मेरे ध्यान में उनके कहने से पूर्व

ही थी। केन्द्रीय कमचारियों की सरकार जो महंगाई भत्ता देती है, उससे प्रदेश सरकारों के कर्मचारी भी उसकी मांग करते हैं और इससे प्रदेश सरकारों को बड़ी कठिनाईयाँ होती हैं। तो ऐसी स्थिति में प्रदेश सरकार की वित्तीय आवश्यकता जो है, उसकी फाइनेन्स कमीशन, वित्त आयोग के अनुसार हम करते ही हैं। इसके अलावा भी यदि कुछ ऐसी अड़चने पैदा हो जाती है तो उसके लिये केन्द्र सरकार को प्रदेश की सहायता करनी चाहिए। क्योंकि मैं यह मानता हूँ कि यह जो अड़चन पैदा होती है वह केन्द्र की ही वजह से होती है। इस निर्णय के जो कन्सीक्वेन्स एफेक्ट जहाँ-जहाँ हैं उसको ध्यान में रख कर राज्यों की इस प्रकार की अड़चनो को दूर करने के लिये केन्द्र की जो जिम्मेदारी है, केन्द्र का जो दायित्व है वह केन्द्र निभाये, यह मैं भी चाहता हूँ। लेकिन आज देश में जो हालत है और जैसा कि अभी यहाँ एक मित्र ने बताया कि आन, अलगाव, बिखराव, अलगाव का भाव देश के अन्दर है। हमारे देश में जाति, भाषा, पंथ, सम्प्रदाय, रहन-सहन, खान-पान कई तरह की भिन्न व्यवस्थायें हैं और कई तरह की विविधताये हैं। इन सब को साथ में लेकर हम सब एक हैं। आज से नहीं बल्कि प्राचीन काल से हैं। गोवा की जेल में जब मैं था उस समय कोर्ट के सामने मुझे खड़ा किया गया और पूछा गया कि गोवा भारत से अलग है फिर आप यहाँ क्यों आये। मैंने कहा कि गोवा भारत में अलग नहीं है, यह भारत का अभिन्न अंग है। विष्णु पुराण में है कि :

उत्तरं धत् समुद्रस्थ,

हिमाद्रेश्चैव दक्षिणम् ।

वर्षतद् भारतं नाम

भारती धव संतती ॥

यानी कि हिमालय के दक्षिण का सारा हिस्सा और समुद्र के उत्तर का सारा हिस्सा,

समग्र जाति, फाति, पंथ, सम्प्रदाय रहन-सहन के मेढ के साथ हम एक देश, एक राष्ट्र, एक शरीर में आत्मा के रूप में रहे हैं, हजारों-हजारों भावों से है और आगे चल कर हमारे संविधान को व्यवस्थाओं के अनुसार केन्द्र और राज्यों के बीच में तनाव पैदा न हो, वह तनाव हमारी इस एकता को नष्ट और तहम-नहम न करे, इस दृष्टि में हम साथ में बैठ कर जहाँ तनाव, टकराव, फ्रिक्शन हो, उसको हल करने के लिये तैयार हैं।⁴ लेकिन आज जो आपकी मांग है वह ज्यादा राजनैतिक है। यदि इसको एक बार हम स्वीकार करें तो यह देश के अन्दर एक खतरा मोल लेना जैसा होगा। अलगाव, बिखराव, टकराव और सेपरेटिस्ट वाली ताकतों को इससे बढ़ावा मिलेगा। इसलिये मैं इस मांग का विरोध करता हूँ। किन्तु इसके साथ ही साथ राज् जी की जो भावना है कि किसी प्रदेश के ऊपर अतिक्रमण न हो, इस भावना का मैं साथ देता हूँ। जहाँ-जहाँ ऐसा देखे हम साथ में बैठ कर विचार कर सकते हैं और प्रधान मंत्री जी ने आश्वासन भी दिया है कि मैं खुद बैठ कर विचार करने के लिये तैयार हूँ, इसको स्वीकार कर लिया है। अतः मैं उनकी मांग का विरोध करता हूँ।

THE PRIME MINISTER (SHRI MORARJI R. DESAI): Sir, the subject matter of this Resolution is the appointment of a Committee to go into certain Centre-State relations and their redefinition, that is how I understand it. Otherwise, the Committee will have no meaning. Now, it has to be considered whether in the light of experience gained in working the Constitution, a change in these fundamental matters is necessary. This must be considered dispassionately. There are bound to be different views, but one has to consider this matter first from the point of view of the interest of the country as a whole because if the country as a whole is united and strong, then we

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can always meet the situation arising out of accidental aberrations of Government or of some people and see that this country goes from strength to strength. You must look at our history for this matter. And that is how I would beg of you and all those who are thinking in these terms, to consider it from that point of view.

SHRI P. RAMAMURTI: Just one minute please. Usually you are very audible, but today you inaudible.

SHRI MORARJI R. DESAI: I did not know. Now I hope I am audible. I thank you for pointing it out because I do want to be heard.

SHRI P. RAMAMURTI: I want to hear you.

SHRI MORARJI R. DESAI: I want all to hear me because unless they hear me how are they going to consider it?

We have a history which is unique in the history of the world—there are other countries which also have long histories. But we have a culture which is unique. Unfortunately during the last fifteen centuries we were never united. We have a history of division, internecine wars, which led to the loss of our independence, and we were subjugated as a colony by a small country, a country of 300 millions at that time came under the rule of 40 million people. And it was not as if they had conquered us. We conquered the country for them and ran it for them. They could not conquer it. Even many of their soldiers were Indians. There were a few Europeans, a few Englishmen. About 35 years ago, when we were not free, I was asked a question by an American, "What is your population?" I said, our population—then India and Pakistan were one—must be about 400 million. He said, how many Englishmen are there to run the Govern-

ment of this country? I said, there may be about 3,000 at the most 4,000 people who are Englishmen. Then he told me and disclosed why he had asked the question. He said, if here were 400 million sheep it would require more than 4,000 shepherds to look after them, and here they were looking after men and that too in a different country. All that is because we quarrel amongst ourselves. And that is going on even today. Not that it has stopped, but it has to stop sometimes and it will stop I have no doubt. Long inheritance of this kind cannot disappear in a day or in a month or in a year, it takes some time. And we have also to remember that until freedom came we did not have one Government of our own in this country. There were hundreds of Governments in this country all the time in our history and whatever history is available to us—even the Puranas show that we were disunited. And that is why we did not have one common language and we did not have patriotism in this country. Patriotism is always associated with the whole country and not with parts of it.

We had, therefore, so many States which tried to disrupt each other, conquer the territory of one another by creating traitors from within the neighbouring State. It was a traitor-infested society, more or less, at that time. This is not a very happy thing for me to say, but we must recognise facts as they are. This is why the Britishers were able to succeed. That is why also those who came from the north succeeded and became rulers here.

For the first time, the freedom movement started in 1885. But when it started, even then the purpose of the Congress was to laid down as reconcile the Government to the needs of the people and see that the Government is run in the interests of the country, not for removal of the British Government to achieve freedom.

And it was founded, amongst others, by three enlightened Englishmen who were prominent civil servants. And it was done under the aegis of the British Government. They thought that this was the best way of keeping an indefinite control over the country with them. But within five or seven years. Indian leaders began to feel the necessity of freedom and they began to assert their right to freedom. They saw in 1857 that the whole country became one and under one Government. But the British felt they were not safe, therefore, they kept 650 Indian States which were supposed to be independent States but they were all working under their guidance and orders. And when they left as a result of the freedom movement and as a result of the good sense shown by the British in the sense that they realised that it was not possible to rule over this country much longer and they felt that if they went away in good grace there could be good relations between the two countries. as we see them today. But they left behind a legacy of one Government, British India was handed over to the people, but India was divided into two parts India was now left with 550 independent States India had therefore 551 States in it.

SHRI P. RAMAMURTI: With Pakistan, 552.

SHRI MORARJI R. DESAI: That is an independent State. They did this but we agreed to it. Therefore, we cannot have any quarrel about it. It was the genius of Sardar Vallabhbhai Patel who, by his great capacity not only his imagination but by his tact in dealing with the people and winning them over—within about a year enabled all these States to merge into British India and made India one nation. For the first time this was achieved in 1948-49 and then began our progress. That does not mean that we have become completely united in this country.

Now, such a big country cannot have a unitary government. It is ridiculous to think of a unitary government in India which is a vast country. There are bound to be States, and therefore, our Constitution has provided for a Union of States and not a Federation of States. This has been deliberately done. It is not like other Federations. It is a combination of the two so that the country remains one but the States also develop with all their capacity and they enrich the country. That is how the Constitution has been framed. And the constitution that has been framed, I must say, has been framed with great foresight and sagacity in my view. The division of functions between the States and the Centre has been very well done to ensure that the States have an opportunity of development and the country remains one and becomes strong.

SHRI BHUPESH GUPTA (West Bengal): Broadly, on the basis of the Government of India Act 1935.

SHRI MORARJI R. DESAI: It was not exactly based on that.

SHRI P. RAMAMURTI: It was based on that.

SHRI MORARJI R. DESAI: Maybe, the people say that democracy was given by the British.

SHRI P. RAMAMURTI: I can quote chapter after chapter.

SHRI MORARJI R. DESAI: That is all right. But there cannot be always something new in every government. We have certainly adopted several things from them and from others. But there is a unitary Government in England. Ours is not a unitary government. The powers that are given here to the Centre in order to get the country united. These are powers which are entirely vital. We are trying to find out remedies that these powers are not misused. As, for example, the power of article 356 where the Presidential rule

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declared and the Central Government has power to supersede a State Government, that power in my mind, is very vital, otherwise there will be complete chaos. But that power must not be used to bring the States under the hegemony of the Centre according to the sweet will of the Centre. That should not happen. Therefore, I have said it often, that this power has to be so utilised that the Central Government does not, in its exercise of power, interfere in ordinary circumstances with the State Governments. But if there is chaos—and there can be such chaos—then the Central Government has to interfere. And it must not then carry the President's Rule for more than two months and immediately elections should be ordered so that the autonomy of the State is maintained. We believe in democracy. Many of our educated people think that we have received our democracy from England. India has given democracy to the world. This is forgotten because we do not know our past history. There were several Republics in this country which were completely democratic Republics more than 2,500 years ago when the world did not know anything about democracy. What started as democracy in Western Greece was not a democracy for all people. It was only for the aristocrats and not for the slaves. The slaves were excluded from it. Therefore, that cannot be called a proper democracy. But in this country we have instructions even in the Rig Veda. Later on there are several other instances. How the person at the head of the Government, is to be elected, what instructions are to be given to him so that he behaves properly, and if he breaks those instructions, how he should be removed by the people. These are all given properly. Therefore, democracy was in practice here and was not given to this country by the world. Not only that. It is based on the very foundation of our culture

We consider all people have equal potential and that its realisation is a question of equality of opportunity for all people. People cannot come up unless everybody is free to develop himself fully as he wants. This is the basis of democracy.

We had panchayats functioning in this country which were the envy of many people. They languished during the British period, but those panchayats did well for the villages. They could not keep this country together because there was no central power. They were all divided and scattered. Therefore, it was nobody's concern to look after the country. That is why it went wrong. And that is why the fathers of the Constitution wisely decided to frame the Constitution which they have framed. It was done unanimously, as far as I remember. There has been no difference of opinion in it. And I can't say that people can doubt their wisdom. Specially they were some of our best men in this country and they were represented properly. They may not have been elected by the people by adult franchise separately as we elect Parliament today. But this House too was not elected in that manner. Therefore, does it cease to be democratic? Does it cease to be effective? It can't. They have been elected by the Assemblies which were elected by adult franchise by the people.

SHRI P. RAMAMURTI: That was not adult franchise.

SHRI MORARJI R. DESAI: At that time it was not there, I agree.

SHRI P. RAMAMURTI: Those Assemblies were elected on the basis of property qualification.

SHRI MORARJI R. DESAI: I do not disagree there. It was not adult franchise. It was a mistake but it was done by people, who conducted all the elections. And this is how we have come to have this Constitution. Now, why do I say that this is neces-

All the States do not think about it.

When they begin to think about it, I am quite sure that things will be solved much more easily. But if we have to work for it, should we not see that there is a binding link for all the States which sees to it that there is no division of the country on any account? And if that is also one of the purposes of the Central Government, then the Central Government must have powers which enables it to do so. Can the military be distributed between the States? It cannot be. But what is the demand here? When the question of law and order comes, the Opposition wants to blame the Treasury Benches. They say that we are responsible for law and order. The position under the Constitution is that the States are responsible for law and order, but the opposition insist that we must act. Will you enable me to act in that manner? I would not like to take away those powers from the States. I want the States to exercise those powers. We should help them. And where the States fail to maintain law and order, I would rather change the Government by having elections. That is how the people will come up; otherwise, they will not come up. Ultimately, our strength lies in the strength of the people. On the question of the reorganisation of the States, we know what happened. These are the things which happen in this country. Today, wherever you turn, you find there is the desire for division, not unity. Should we not change it? Will the States be able to do it by themselves if they are left free? If the Central Government has to keep themselves back, will they be able to do it? We are not yet able to agree on a common language for all of us because we have rich languages in every State. In a big country like ours this is inevitable. Before freedom, most of the people from all parts of India had agreed; after freedom, it is a matter of controversy. That controversy also is to be resolved by common consent, and we have to work for it; we have to go on strug-

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gling for it. But who is to work for it except the Centre? Will the States work for it? They cannot do it. The arrangement in the Constitution is that it is like a necklace of pearls or diamonds. The string which goes through the necklace gives it strength and gives it beauty. If that string breaks, then all the pearls disappear and they lose their value. That is what happens. And that is the function which the Central Government ought to perform.

SHRI V. B. RAJU: But that string is not seen.

SHRI MORARJI R. DESAI: That string is always seen and known. How can you put it without seeing it? Is this how you want to convince me about the reality of your argument, if you deny even a plain fact?

SHRI P. RAMAMURTI: If the pearls go, then only the string remains.

SHRI MORARJI R. DESAI: That is why the string does not take the plane of the pearls. It only strengthens the pearls and keeps them together, and in that keeping together lies the strength of all of them, not of each pearl. And this is what the Government of India has got to do. The function of the Government of India cannot be to dwarf the States. It is to strengthen the States, and it is in strong States and in a strong Centre that the advantage of a country lies; the interest of a country can be preserved only when both are strong. This demand for removal of these powers or those powers is not intentionally made for any other purpose, I hope, except to see that the States become stronger. I can understand that position. But it can be taken advantage of by some people to see that the country breaks. What will you do then? Afterwards you will go on crying about it. It has taken thousands of years for us to be-

come one country. We have a culture which is unique, but because this country has not been one, we are not making any effect, though the people of the world hanker for the culture and civilization of this country. That is what my experience has been throughout, not only now. But if we are not good specimen of that culture, how will anybody take to us? That only can happen if there is a strong Centre and strong States. It was, therefore, that I was not in favour of small States, and I pleaded at that time that that was no way to strengthen the States. What will happen if you leave the States completely free as the intention is and what will be the result of this? There are the small States; what will they do?

Then, where are the leaders to come from? The size of a State has something to do with the leadership. Small States have not produced leaders. Kerala is the most intelligent part of the country, and yet all-India leaders are not coming from that State because it is small in size. And U.P., Bombay, Bengal, Madras and Andhra Pradesh joined together gave us all the leaders and all the Presidents even of the Congress.

If I am respected outside in the countries of the world, does it mean that I am respected because I have some special qualities? No. It is because this country gives me that stature. A man in Ceylon or a man in any other small country can be more capable than I am, but he will not have that stature. Whatever may be the capacity of the United States President or the Russian President, because of the size of their countries, they are respected and heard everywhere in the world, and that is also the case of India. That is why I said, let there not be very small States. But now that it has been done we cannot change it although there is a demand that we must change it. I do not like to do this. That would be wrong. Necessarily, we cannot correct

things afterwards. Therefore, I am pleading we should not take any action which will be beyond repair afterwards once you do it. All kinds of suggestions are being made. And God knows what will happen. We do not seem to be working from that paramountcy of the country's unity. It is a country with diversity, but it is unity in diversity; otherwise, diversity would finish us as it did for several centuries. This is why unity is very vital. It is essential that the Constitution, so far as the distribution of powers and functions between the States and the Centre is concerned, must remain. I do not want to advance them. There is talk of both things. When it suits them, they say they have already done it and Education has been put in the Concurrent List. We wish to change it. I do not want to take away powers from the States. It is essential that it should be there. We do not want to have more of them there like that. I would like to see a day when all work so well that the Central Government need not maintain a separate staff. Then it works only through the States' staff. And there will not be any necessity of duplication in that case. But we have not reached that stage. We have got to reach that stage. That is the unity we want, and that is how the Central Government should function. And in the last one year, I would like to be informed if any State has any grievance against the Centre that it has interfered with the State in any manner. We won't do it. That would be wrong. Whatever may be the cost. I do not want to interfere with any State. As I said to the Chief Ministers when we met together first, there is no question of changing these relations. But if it comes to that, if it is necessary and if a State is in chaos and has failed, then the Centre will have to interfere. Somebody has to interfere. Which can be that authority? It can be only the Centre. But it will interfere not to have its will on the State but to see

that fresh elections are held so that the people choose their new leaders or their Government so that it starts work again properly. This is the business of the Centre. We do not want to have President's rule anywhere and everywhere. The number of times it has happened during the last few years is something of which I cannot be proud. But that has happened. We should take a lesson from that. But that does not mean that the baby should go with the bathwater. The method to cure a man is not to kill him but to see that he is cured and, if not cured, at any rate maintained in as healthy a condition as is possible to do, and keep him alive and not kill him. Yes, there are now demands also that if somebody is in pain, you should kill him. There are all kinds of suggestions in the world. It is, therefore, that I would plead with my hon. friends who are of this view and who agree with the Resolution to consider it more deeply and to see that they do not go on with the Resolution. Let there be a full discussion but let it be understood that our purpose is common, to strengthen this country, the States as well as the Centre because they are one whole; they are not separate. But let them not ask for this committee because this committee can do nothing. And when the committee comes, it is bound to make some suggestions. Otherwise, it does not justify itself. That is what I have seen in all these committees and commissions. Once they are appointed, they must make some suggestions. And once they make suggestions, you must accept them. If you don't do it, you are not democratic. Therefore, I cannot agree with the appointment of the committee as is proposed. I have, therefore, to say that I am opposed to it. Thank you.

THE VICE-CHAIRMAN (SHRI
U. K. LAKSHMANA GOWDA): Mr.
Sankar Ghose. Not here. Mr. Nanda,

[Shri U. K. Lakshmana Gowda]
You will have to finish in less than ten minutes.

SHRI NARASINGHA PRASAD NANDA (Orissa): Mr. Vice-Chairman, Sir, Mr. Raju tried to make out a strong *prima facie* case for a review of the Centre-State relations. Sir, while my head would like to accept what Mr. Raju said, my heart does not accept it. The basic question that this poses is whether, with the change of the political set-up in the country, we have to reconsider the Centre-State relations and accordingly change the provisions of the Constitution, or, whether the Constitution should remain as it is, so far as its fundamental features are concerned, whether that should remain more or less a permanent and continuing feature. The second corollary from this proposition is whether the Constitution, as it is, is capable of making necessary and suitable adjustments to the new situation that arises or that is arising now. The main contention of Mr. Raju was that we have had one form of Government for the last so many years, and now there has been a change; we find different Governments in different States: In Jammu and Kashmir we have a Government headed by the National Conference, in Tamil Nadu we have a Government headed by the Anna DMK, in West Bengal we have a Government manned by the CPI(M), in Maharashtra we have a coalition Government, and in Karnataka and Andhra Pradesh we have Cong-I Governments. Because of the change in the Government at the Centre, because the different State Governments are manned by different political parties, the question is whether the Centre-State relations should be reviewed or whether whatever stresses and strains may be there can be adjusted within the existing provisions of the Constitution. To this my answer would be that the Constitution is quite flexible so far as the Centre-State relations are concerned. I am

not going into the detailed provisions because you have allowed me only ten minutes. But if you will kindly scrutinise the provisions of Chapter XI, the provisions of Article 275 and the Concurrent List and other provisions pertaining to the Centre-State relations, I would respectfully submit that there may be brushing of shoulders on some issues between the Centre and the States but that does not necessitate a complete review of the Centre-State relationship. The structure that we have envisaged for the country has worked well. In spite of those minor brushings to which reference was made by Mr. Raju, I would submit that more or less the Constitution has worked very effectively in this regard and the Centre-State relationship has remained more or less what we expected it to be. And if there have been any minor brushings—and there will be minor brushings in future, some stresses and strains, between the Centre and the States—then, certainly within the provisions of this very Constitution those stresses and strains can be met.

The second thing I should like to emphasise is this. Of course, when I speak of unity and integrity of the country, I do not mean uniformity. Even a garland does not look beautiful unless there are different flowers, flowers with different colours. And with the string they make a beautiful garland. It may be that parties with different thinking, with different philosophies and different approaches to various problems may make different State Governments and there may arise certain occasions of strains in regard to the functioning of these States. The point is whether such stresses and strains can be squarely met within the provisions of the existing Constitution or not. That is the basic question. To my mind, the present Constitution has enough provisions to make the necessary adjustments. When you are driving a motor car you do not keep

gave some indication of this. I do not want to repeat it because you have allotted me only a short time.

Another point Shri Raju has raised is a review of Centre-State relations in the context of planning. The concept of planning can always be only decentralised planning. Planning can be at all levels, right from the level of panchayat or block and then

district and State upto the Centre. Planning cannot be at all levels. The very concept of planning always leads to centralism. Without the central concept, how can you have proper planning? In India, there are so many States. Suppose Punjab is allowed to plan for itself and Nagaland is allowed to plan for itself or Manipur is allowed to plan for itself. You cannot even imagine as to what will happen. One State is a backward State and another State is a backward State and if they try to plan for themselves, what will happen? Can Manipur or Meghalaya or Nagaland ever imagine to come on a par with a State like Punjab or Haryana? And, Sir, the honourable Prime Minister, while intervening in the debate today, did make this point. Therefore, I do not want to elaborate on it. All that I would like to submit is that the question of planning in this matter cannot be reviewed in the context of Centre-State relations. Of course, you may have to consult the Chief Ministers and you may have to consult the State Governments when you prepare a plan and you can allow a discussion on the plan by the State Legislatures, by the State Governments and by other bodies and that a different matter. But planning must be by the Centre only and there can be no doubt about it. You cannot plan for a country at all levels. There cannot be a decentralised planning. At least Sir, I am not able to understand how there can be a decentralised planning. If they think that planning can be on a decentralised basis, I think they are far from planning itself. One more point, Sir, and I will conclude. After all how do you do it? Everybody talks about it as if it is a solar system. You should not allow the planets to run away from the solar system and you should also not allow the sun to devour the other planets. It is all right. It sounds very well. But how to create that balance? I think the founding-fathers of our Constitution had this principle in their minds while framing the Constitution and they did maintain a proper balance

[Shri Narasingha Prasad Nanda] between the centrifugal and the centripetal forces. We are now talking of Centre-State relations and that is because one type of Government has come to power in Tamil Nadu, another types of Government has come to power in West Bengal and some other type of Government has come to power in Jammu and Kashmir. But you must go to the basic issue and find out as to where it comes from. Just to say that a balance has to be maintained is not enough. I think a balance has been maintained and that balance is being maintained. Of course, there have been some occasions when there has been misuse of power or abuse of power and certain instances were mentioned by Mr. Raju. We ourselves did it. If there was a misuse of power, we are responsible for it. Now, whom to blame? We must take lessons from this and see that it is not repeated in the future. I would, therefore, submit, Sir, in agreement with the Prime Minister on this point, that there can be no question of any reconsideration of the Centre-State relations and I think there can be no objection to a debate or discussion on this issue, because if there are some stresses and strains, necessary readjustments can be made and a proper mechanism has been provided for in the Constitution.

With these words, Sir, I conclude. Thank you.

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Yes, Mr. Bhupesh Gupta. There are five minutes only. Will you start now?

SHRI BHUPESH GUPTA: I have nothing much. I think I can start and then continue.

Sir, I would like to say in the beginning that a situation has arisen when the review of the Centre-State relations, with a view of restructuring them in order to give wide powers to the States and to provide them with greater resources, has become a categorical imperative. This is necessary not only for the sake of States

themselves, whose demands are absolutely justified, but this is equally necessary for strengthening the cohesion and unity of the country. I was a little surprised by the Prime Minister's discourse about the unity of the country. Unfortunately for him, even the President of India does not agree with what the Prime Minister has said, because in his interview to the Republic Day Number of the journal 'LINK', the President of India has recently said:

"The point is that the federal structure as envisaged in the Constitution has been eroded somewhat . . ."

Delivering the commendable Pan Memorial Lecture in Delhi on March 7, the President very rightly stressed the need for "a considerable devolution of authority from the Centre to the States within the constitutional framework and without in any way endangering the fundamental unity of the country."

Now, here we have the Prime Minister laying down one set of ideas and there we have the President more or less supporting our case and contention.

Sir, I should like here only to touch upon a few points. The Indian Constitution was framed by the so-called founding fathers and many of them came from the upper classes and good number of them were nominated and came from the Indian States: conservative lawyers and others who had their own ideas, and it goes to the record that the Constitution was framed on the model of the Government of India Act, 1935. So it is no use for Shri Morarji Desai trying to make out as if that was not a very important factor in the making of the Constitution of the country. Sir, far as the States are concerned the powers are defined in the Seventh Schedule of the Constitution. If you go into the Entries in Lists I, II, III, you would find that the pattern followed is that of the Government

of India Act. So it is no use saying that it had no relevance. States of the Indian Union suffered from very grave lack of resources. Today they are indebted to the Centre to the extent of Rs. 10,000 crores. Rupees ten thousand crores is not a small sum. They have to live on ways and means and advances by the Centre and also on the overdrafts, against which the complaint is meant. Whereas the development activities of the States are expanding, the resources are shrinking. They do not have the resources open to them such as deficit financing and external assistance. Moreover, all the financial institutions of the country are under the control of the Centre, and the entire economic policy of the country is settled and determined by the Centre.

No wonder, therefore, that
5. P.M. 50 per cent of the State resources come from the

Sales Tax and when the Government asks them not to impose Sales Tax, they are actually not in a position to do so because they will starve of the resources. When we began the Constitution, the grants-in-aid, the statutory grants, grants under the constitutional provisions or the permissive provisions of the Constitution dominated. Sir, what do we have today? Sir, instead of that, today there is the predominance of the discretionary grants which means that the States have to wait on the pleasure of the Central Government in order to get both plan and non-plan

allocations. It also means that the Secretaries decide as to what they should get or should not get. This point has been considered by the Administrative Reforms Commission of which Mr. Morarji Desai happened to be the Chairman for a while and very strong remarks have been made about the manner in which the bureaucrats have established their authority over the States in the name of allocation. This exactly is the position. There are many other provisions. I just mention the resources problem because it is a great problem. As I said, their developmental activities are increasing with the expansion of planning in this country. Their liabilities are increasing and their assets are going down. This is absolutely a retrograde and subversive development. Then, Sir, under the Constitution, the Centre . . .

SHRI K. K. MADHAVAN: How long are we going to sit?

THE VICE-CHAIRMAN (SHRI U. K. LAKSHMANA GOWDA): Mr. Bhupesh Gupta, it is already five o'clock. You can continue on the 12th May. The House stands adjourned till 11 o'clock on Tuesday, the 2nd May, 1978.

The House then adjourned at three minutes past five of the clock till eleven of the clock on Tuesday, the 2nd May, 1978.