

**RESOLUTION RE. APPOINTMENT
OF PARLIAMENTARY COMMITTEE
TO REVIEW, CENTRE-STATE RE-
LATIONS—contd.**

श्री सुन्दर सिंह भंडारी (राजस्थान) :
उपसभापति महोदया, श्री भद्रम के प्रस्ताव पर
एक सामयिक विचार इस समय सदन में हो
रहा है। केन्द्र और राज्यों के सम्बन्ध सारे
देश की बहोतरी, सुरक्षा और एकता के लिए
आवश्यक हैं। इसमें कोई शक नहीं कि पिछले
दिनों में राजनीतिक नक्शे में तब्दीली आ
रही है और अब तो 17 राज्यों में से 9
राज्यों में गैर-कांग्रेसी मंत्रिमंडल बने है।
इस सन्दर्भ में इस नए साल को सोच लेना
कि ठीक प्रकार से ये चलें, इसका विचार कर
लेना निहायत उचित होगा।

मैं इस बात को स्वीकार कर लेने के
लिए तैयार नहीं कि क्योंकि अलग-अलग
भाषा बोलने वाले लोगों का संघटना है या
अलग-अलग मजहब मानने वालों का संघ-
टना है इसलिए कुछ दिक्कतें प्रतीत होती हैं।
मैं समझता हूँ कि राज्यों और केन्द्र में ही अलग-
अलग भाषा या अलग-अलग मजहब का
सवाल खड़ा नहीं होता; यह सवाल तो एक
राज्य में भी उठता ही है जितना केन्द्र और
विभिन्न राज्यों के बीच में सम्बन्ध आते समय
होता है। अगर हम एक राज्य का प्रशासन
एक ही राज्य में भिन्न-भिन्न भाषावालों के होने
हुए भी चला सकते हैं, उनमें हमको कोई
कठिनाई नहीं तो फिर कोई कारण नहीं कि
केवल इसी से कुछ प्रान्तों में वहाँ की क्षेत्रीय
भाषा या मातृभाषा एक दूसरी है और केन्द्र में
कोई दूसरी भाषा चलती है या हम इन भाषाओं
को मिला कर एक सम्पर्क भाषा के रूप में काम
करना चाहते हैं, इससे कोई नई समस्या नहीं
खड़ी होनी चाहिए। ये समस्याएँ आज जब
अलग-अलग राज्यों में गैर-कांग्रेसी मंत्रिमंडल
है उसके पहले भी किसी न किसी रूप में रही
है। क्यों? अपने-अपने क्षेत्र के विकास,
अपने-अपने क्षेत्र के हित का विचार—ये

कुछ ऐसे सवाल हैं जो स्वाभाविक रूप से
विद्यमान माने जाने चाहिए, जो पिछले दिनों
में उठे हैं। अपने-अपने प्रान्तों के विकास की
दृष्टि से भी कांग्रेसी मंत्रिमंडलों ने भी केन्द्र
के साथ प्रश्न को उठाया, अपने-अपने प्रान्तों
के लिए उन्होंने जोर डाला और अपने-अपने
प्रान्तों का विकास हो इस बात के लिए अपने
ढंग से आग्रह किया। लेकिन एक वजह दूसरी
थी कि प्रान्तों में भी कांग्रेस पार्टी का शासन
था और केन्द्र में भी कांग्रेस पार्टी का शासन
था और इस कारण से संगठनात्मक स्तर पर
ऐसे कई प्रश्नों को वे परस्पर के समझाने में
एक दूसरे के साथ कुछ बातों में रियायत
करके सुलझा लेते थे। अगर सुलझा न भी
पाते थे तो वे पार्लियामेंट या असेम्बली के
फ्लोर पर एक कांस्टीट्यूशनल झगड़े के रूप
में उन्हें उपस्थित नहीं होने देते थे। नहीं तो
यह सवाल तो थे और ये सवाल रहेंगे भी।
अब इसमें से कोई यह निष्कर्ष निकाले कि ये
सवाल न खड़े हों इसके लिये प्रान्तों में और
केन्द्र में एक ही पार्टी का शासन होना चाहिए
तो मैं समझता हूँ कि इन सवालों को हल
करने का यह बिलकुल गलत और एक
अधिनायकवादी सुझाव होगा और अनुशासन
के हथौड़े से उन सारी चीजों को कुचलने के
समान होगा। आज यह मान कर हमें चलना
पड़ेगा कि हिन्दुस्तान के विभिन्न राज्यों में
और केन्द्र में यह जरूरी नहीं कि एक ही
पार्टी का शासन हो या एक ही पार्टी का शासन
लाने का प्रयत्न किया जाये, देश के हित में
ये झगड़े पैदा न हों इस बात को सामने रख
कर यही विचार करें तो वह विचार जनतंत्र
की हत्या करने के समान होगा, जनतंत्र की
मूल भावनाओं के विरोध में जायेगा। लेकिन
जिस पहलू पर आज तक विचार नहीं कर सके,
जिसकी जरूरत महसूस नहीं हुई वह है जिसको
हम वैधानिक स्तर या वैधानिक सम्बन्ध कहना
चाहिये। अगर हम आपस में तय कर लिया
करते थे एक ही पार्टी होने के कारण, किन्तु
आज यह स्वाभाविक बात है कि जब अलग-
अलग पार्टियों की वैधानिक सरकारें

[श्री सुन्दर सिंह भंडारी]

प्राप्ति में बनी हुई हैं तब इन सारे सम्बन्धों को तय करने के लिये, हम सारे परम्परा के सम्बन्धों को हल करने के लिये हम कुछ वैधानिक व्यवस्थाएँ भी लागू करें, वैधानिक इंतजाम करें, जिसके कारण इन सम्बन्धों में कटुता पैदा न हो, कोई चीज किसी पर थोपी जा रही है इस बात का आभास किसी को पैदा न हो सके।

मैं ऐसा समझता हूँ कि इस एक चीज पर विचार करने के लिये पहले हम एक मूल बात का विचार करें। 1950 ई० में जब हम संविधान का विचार इस देश में बना रहे थे तब हमने अपने लिये एक मध्य बनाने का फैसला किया और उसके साथ ही यह भी तय किया कि इसमें से अलग होने का तो विचार ही नहीं खड़ा होता। सब से जरूरी बात यह है कि क्या हम आज अपने लिये किये गये उस फैसले पर पश्चात्ताप करते हैं? क्या हम इन सारे प्रश्नों को खड़ा करके इन सारे विवादों के पीछे, जो हमने एक देश की कल्पना के आधार पर, अपनी देश भक्ति की भावना के आधार पर यह कहा कि हम एक जन हैं, जो प्राविसेज थे उन को खुद ब खुद अपने आधार पर स्टेट्स का नाम दिया, इस चीज को दृढ़ बनाने की नीयत से ही अलग होने की, इससे पृथक् होने की कोई गुंजाइश हमने नहीं छोड़ी, उसे भुलाते हैं। ये सारे सवाल बिल्कुल भिन्न रूप धारण कर लेंगे यदि हम इस मूल भावना से हट कर कि इस सारे देश को हमें एक रखना है, किसी भी परिस्थिति में रखना है, दूसरी भावनाओं पर ध्यान देने लग गये तो मेरे मत में वह देश के लिये सब से अधिक दुर्भाग्य पूर्ण अवसर होगा। आज यह सारा एक संघ हमारा है, इसमें प्रश्न खड़े होते हैं मैं यह मानता हूँ और इन प्रश्नों को सारे देश के दायरे में हमें हल करना पड़ेगा। आज इस देश की एकता को कायम रखने के लिये और इस

देश के प्रांतों और देश के शासन और प्रशासन को ठीक रूप में चलाने के लिये हमें कुछ फैसले लेने हैं, जैसे कि हमने भाषा के प्रश्न पर फैसला लिया कि देश के हित में हिन्दी को यहाँ की सम्पर्क भाषा रखेंगे। अब, बजाय इसके कि हम इस पहलू पर विचार करें कि हिन्दी सम्पर्क भाषा कैसे बने, कितनी जल्दी बने, किस प्रकार से बने, अगर हम हिन्दी के नाम से यह कहेंगे कि यह तो हिन्दू विवाधवलिज्म का प्रयत्न है तो मैं समझता हूँ कि हम विषयांतर कर देंगे, हम कहीं और आघात पहुँचाना चाहते हैं। हम उसके पीछे इस देश को किसी और दिशा में ले जाना चाहते हैं। इसलिये मैं आग्रह पूर्वक निवेदन करूँगा कि इस देश के, यूनिन के, सारे काम को सुगमता से चलाने के लिये हमने कुछ निर्णय लिये हैं तो फिर उन निर्णयों को लागू करते समय अगर हम क्षेत्रीय भावनाओं के आधार पर या संकुचित भावनाओं के आधार पर विचार करना शुरू करेंगे तो फिर इस देश की एकता, इस देश की दृढ़ता और फिर केन्द्र की क्या जरूरत है, लोग कहने लगे कि लिक लेगुएज की भी क्या जरूरत है और आज कहीं उनके दिमाग में इससे बढ़कर यह भावना पैदा न हो जाये कि मेटर की क्या जरूरत है, इसको तय करने की भी क्या जरूरत है, अपने आप इसका इवाल्व होने दो, अपने आप इसकी जरूरत महसूस होने दो, क्यों थोपते हो किसी के ऊपर केन्द्र, क्यों थोपते हो किसी के ऊपर सेटर। इसकी तो फिर कोई सीमा नहीं रहेगी। इस देश का नक्शा फिर तो किसी दूसरी भावनाओं के आधार पर प्रेरित होकर हम बनाना चाहते हैं, इसे कुछ और रास्ते पर ले जाना चाहते हैं, फिर यह होगा कि इन्होंने इंटरफियर किया, इन्होंने साधन जुटाकर हमको दिया या नहीं दिया, फिर यह सवाल इतना छोटा नहीं रहेगा, फिर इस सवाल से बहुत दूसरे प्रश्न खड़े हो जायेंगे। लोग ऐसा रवैया लेते हैं कि

काश्मीर के सवाल पर हम आग्रह क्यों करें, इस झगड़े को ले दे कर हम खत्म क्यों नहीं कर दें, क्योंकि उनको लगता है कि उनके विशेष हित देश के दायरे से अलाहिदा हैं। कांग्रेस ने भी पिछले अनेक वर्षों में — आज मुझे दुःख है इस बात को कहते हुये — प्रो-मुस्लिम नीति को अपना कर इस देश में पोलिटिकल निर्णय लिये प्रो-नेशनल नीति अपनाने के बजाय। अगर आज कांग्रेस भी उचित परिपाटी का निर्माण करना चाहती है तो देश के हिन्दू मुसलमान सब को नागरिकता का अधिकार है लेकिन किसी भी तरफ आप स्लैट ले कर चलेंगे किसी तरफ आप झुकेंगे तो फिर उसमें से गड़बड़ियाँ पैदा होंगी, फिर भिन्न भिन्न प्रकार के अर्थ उसमें से निकलने शुरू होंगे और आप अपने ढंग से उसको इंटरप्रिट करना चाहेंगे, अपने पोलिटिकल मोटिव्स से उसकी पूर्ति करना चाहेंगे। आज कांस्टीट्यूशनली फार्मंड गवर्नमेंट्स हैं प्रान्तों में, राज्यों में और अगर वह भी इसी स्ट्रेच आफ आर्गुमेंट्स से, अपने हित की दृष्टि से, उस चीज को खीचना चाहे तो फिर आपको आपत्ति करने की गुंजाइश क्या रहेगी। आज ला एंड आर्डर सिचुएशन की बातें खड़ी होती हैं। ला एंड आर्डर सिचुएशन को, परिस्थिति को, वह समझने नहीं मौके पंग तो देश के लिये भी संकट का कारण बनता है लेकिन आज आपने देखा कि देश के लिये संकट की यह स्थिति पैदा न हो इसके लिये जो आवश्यक कदम उठाने चाहिये उसके अन्दर कितना खिटाव, कितनी मुश्किलता, कितना सम्मेलन सम्मेलन कर कदम रखने की बातें पैदा हुई। अन्न का संकट खड़ा हुआ, अन्न के संकट में आज सब तरफ से मांग उठती है कि हमको इतना मिलना चाहिए इतना नुस् हम तो नहीं दे सकते तो हमें सीधे फारेन एक्चेंज कमाने के लिये सीधे इंटरनेशनल ट्रेड करने का अधिकार देना चाहिये ताकि हम उस फारेन एक्चेंज के

आधार पर खुद बाहर में अनाज मंगा सकें। अब ये सारे जो ट्रेड्स बन रहे हैं, ये सारी दिशाएँ जो पैदा हो रही हैं उन दिशाओं के पीछे कौन सी भावनाएँ काम कर रही हैं। प्रश्न होता है कांस्टीट्यूशन में कौन सा आर्टिकल है, कौन सा आर्टिकल नहीं है। पिछले दिनों गवर्नरों के अधिकारों के बारे में यहां पर चर्चा चली, कांग्रेस पार्टी ने कांस्टीट्यूशन की धाराओं के नीचे शरण लेने की कोशिश की। उन धाराओं का चाहे उल्लंघन नहीं हो सका लेकिन उसके पीछे कौन सी मनोवृत्ति काम कर रही थी। क्या देश के लोग उस भावना को समझने के लिये उतनी योग्यता नहीं रखते, क्या उनको यह समझ में नहीं आता कि आप असेम्बली को पोस्टपोन क्यों कर रहे हैं। आप असेम्बली को एडजर्न क्यों कर रहे हैं, आप असेम्बली को डिजाल्व क्यों कर रहे हैं। पावर्स हैं, कांस्टीट्यूशनल सैक्शंस हैं लेकिन हम उन कांस्टीट्यूशनल सैक्शंस को जिन भावना में आप इस्तेमाल करते हैं उससे आज अलग अलग पार्टियों में, देश के अलग अलग लोगों के मनों में इम्प्रेशन का निर्माण होता है और फिर जब उनको भी कांस्टीट्यूशनल धाराओं का लाभ उठा कर उसके ऊपर कार्यवाही करने का अधिकार प्राप्त होता है तब हमारे सामने केन्द्र और राज्यों के सम्बन्धों के रूप में एक प्रश्न बन कर खड़ा हो जाता है। इसलिये मेरा निवेदन है कि इस सारे देश में प्रांतों की, राज्यों की और केन्द्र की, सारे देश की एकता के पहलू को लेकर के ही आज सब तरफ से विचार करते समय हमें केवल कांस्टीट्यूशनल क्विबलिंज में नहीं पड़ना चाहिये और यहां पर केन्द्र में बैठी हुई सरकार को भी, केन्द्र को भी, मजबूत होना चाहिये। लेकिन यह पावर्स देकर ही केन्द्र मजबूत नहीं होगा, यह एक एल्डर ब्रदर की भावना से काम करने से मजबूत होता है। अगर पावर्स के बल पर होगा तो डिक्टेटोरियल ट्रेन्ड्स पैदा होंगे आपका यहां का व्यवहार, कांस्टीट्यूशनल

[श्री सुन्दर सिंह भंडारी]

मैं ही अपने को जीवित रखने का जो मोह है, उसको त्याग कर आप अगर प्रांतों के अधिकारों के प्रति, प्रांतों की समस्याओं के प्रति टालरेंस अपनायेंगे तो फिर इन सवालों को एक दूसरे एंगल से देखने की जरूरत पड़ेगी।

THE DEPUTY CHAIRMAN: Only fifteen minutes are allowed under the rules. You have already exceeded that.

श्री सुन्दर सिंह भंडारी: मैं तो यह कहना चाहूंगा कि आज जब कि लोगों का एक रीजनल आग्रह है, तब यह कोशिश हमको करनी पड़ेगी कि योजनाएँ बनाते समय उसकी फारमेटिव्ह स्टेज पर कन्सलटेशन की व्यवस्था हम करें, योजना बना कर हम थोपें नहीं। क्योंकि हमारी एक डेवलपिंग इकानामी है इसलिये खर्चें बढ़ रहे हैं, जिम्मेदारियाँ बढ़ रही हैं, इसलिये स्थायी वित्त निगम इस बात का हमेशा विचार करे और सेंटर और प्रांतों के अधिक साधनों का निदान करता चला जाय और केन्द्रीय सरकार भी इससे गाइडेड हो—ये दोनों चीजें नितांत आवश्यक हैं।

SHRI K. P. MALLIKARJUNUDU (Andhra Pradesh): Madam Deputy Chairman, this Resolution raises a very important constitutional issue. It also seeks to revise the existing relations between the Centre and the States as adumbrated in our Constitution.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair]

To my mind, it appears that this Resolution is motivated by the fact of emergency of Governments in certain States constituted by parties other than the one which constituted the Government at the Centre. In a matter like that we have to examine this question in the light of certain salient facts of our Indian history. Since the

Mahabhartar period, we hardly find a single administration holding sway over the entire length and breadth of India. I am not obvious of the glorious empires like the Mauryan Empire, the Gupta Empire or later, the Moghul Empire and the Maratha Empire. Even then, we find that those empires held sway over a part of India only however big it might be. Apart from that, their rule continued only for some short stretches of time. So, when examining this question, we have got to see that these empires fell because of the various fissiparous tendencies existing in the social structure. Whenever the Central Government became weak, the component units asserted their independence, weakened the Centre, and thus encouraged the disintegrating forces. So, in any scheme of Indian Constitution or in any scheme under which we want to amend the Constitution, we have got to bear in mind this central fact that we should never encourage or do anything which would strengthen the centrifugal tendencies. Whatever we should do, we should do in the direction of strengthening the centripetal forces. It is an important fact which should be borne in the mind of any legislator or parliamentarian.

After the advent of the British rule, which, I know, had brought in a multitude of evils, there was one silver lining, namely, that the political unity of India had been constructed and maintained. When the British ruled, they made the political system as a kind of unitary system under which the British representative in India ruled the entire country as one single unit; even though for the purposes of administration there were the provincial units, virtually it was the Centre that ruled the entire country. Subsequently, during the Montagu-Chelmsford Reforms in the year 1919, they wanted to introduce the principle of devolution and diarchy. That was the first step which the British Government took towards

some kind of devolution. When Mahatma Gandhi started his non-violent movement in a unique way, the British realised that their days were numbered and they wanted to disrupt the unity of India slowly. That is what we find if we carefully read the history of recent events in India. After our national movement got strengthened and percolated into the entire Indian masses, the British Government tried to disrupt the unity of India and in the name of federal principle, they introduced the Government of India Act of 1935 under which they maintained a semblance of federalism though it was, in fact, a kind of unitary Government. That was the first time when our country assumed a federal character. Then our movement got strengthened and when the British realised that they would be compelled to leave India, they began to disrupt Indian unity. The first act which they did was to amputate a part of India and create Pakistan. And when they ultimately left India, they introduced the dangerous doctrine of lapse of paramountcy under which 560 States became independent States. Fortunately for us, thanks to our far-sighted great statesman, Sardar Vallabhbhai Patel, all these States were integrated and they were made to merge with India, thus constituting our present Indian Union. My earnest appeal is, let us not endanger this unity which our great leaders like Mahatma Gandhi and Sardar Vallabhbhai Patel brought about. That should be our primary effort in any scheme of constitutional reform, in any scheme of political reform. And we should not forget that situated as we are, as our social structure is made up, the divisive forces are always stronger than the forces of unification. That fact should not be forgotten. I would request all the hon. Members to kindly bear this fundamental fact of our Indian political system in their minds. With this factor in view the framers of our Constitution took great pains to see that our Constitution should be a federal one with a strong Cen-

tral bias.

3 P.M.

We know there are federal constitutions of various types. For example, there is the Canadian model. There is the Australian model and there is the U.S.A. model. Keeping all those federal Constitutions in view, our Constitution-framers took care to see that they did nothing which would jeopardise the Indian unity and integrity. They were not unaware of the necessity to vest the States with large powers. No doubt the States require large powers. I do not mean to say that the States should be strangled and the Centre alone should be strengthened so as to deprive the States of their political autonomy. That is far from my intention. What we have to see is to keep the Centre always strong in such a manner that it could intervene effectively when a situation arises. That should be our guiding principle. With that principle in view our Constitution-makers made certain wise provisions. Without disturbing the balance between the States and the Centre, without belittling the autonomy of the States, they framed the Constitution in a nicely balanced manner. Let us take, for example, Part XI of the Constitution. It embodies certain provisions which would safeguard the integrity and the unity of India. While they distributed all the legislative powers between the Centre and the States, creating another List, called the Concurrent List, they vested the Centre with residuary powers under article 248 of the Constitution. That is a very, very sound principle, copied from the Canadian Constitution.

Then in the Constitution we find articles 249 and 250 which enable the Central Government to act swiftly and effectively under certain conditions even in a case where State subjects are concerned. Even in cases where the States are empowered to legislate, the Centre is allowed to intervene under certain conditions

[Shri K. P. Mallikarjunudu.]

and circumstances. I should not delay the House by reading in *extensi* the provisions of the articles but in the articles there are definite provisions enabling the Centre to intervene under certain conditions even in regard to matters which are within the special purview of the States

Again, there is article 254 which deals with a case where conflict arises between a Central legislation and a State legislation. In such a case, where the subject is covered by the Concurrent List, where there are two pieces of legislation, one by the Centre and the other by the States, it has been clearly stated that the Central legislation should prevail.

In addition to that, Sir, there are provisions contained in article 253 which give power to the Centre to legislate in matters affecting international agreements. And apart from these things, there are other provisions like articles 262 and 263 in that Part which enables the Government to arbitrate in disputes arising between different States. These provisions are carefully evolved to see that the Centre can act in any situation which endangers the unity and integrity of the country.

Of course, some provisions have been made about the financial allocations. Even there the Constitution-makers made provisions to see that the States do not suffer. Take, for example, article 280 of the Constitution under which a Finance Commission has to be appointed once in five years or even earlier, if the President so decides. The Finance Commission is given ample powers to make allocations and adjustments in the matter of distribution of revenues. So even in the case of finance there is absolutely no difficulty so far as the States are concerned. They can get those grievances rectified by means of the Finance Commission which is contemplated in article 280 of the Constitution.

So, Sir, bearing all those things in mind and bearing in mind the historical facts which I mentioned briefly, I should think that no attempt should be made in the form of a revision to weaken the Centre and to see that the Centre is made ineffective in times of emergency or in times of distress. Whatever provisions we may devise to give more autonomy to the States one fundamental fact to be remembered is, let there be a strong, effective Centre for the whole of India, otherwise the unity and the integrity of the country shall be endangered.

With these few words I take my seat. I thank you, Sir, for giving me this opportunity to speak.

SHRI TRILOKI SINGH (Uttar Pradesh): Sir, I rise to support the Resolution moved by my friend, Mr. Bhadram, along with the amendment proposed by Shri Banka Behary Das. I need not go into the history leading to the causes which have . . .

SHRI NIREN GHOSH (West Bengal): Sir, the quorum bell should be rung.

श्री त्रिलोकी सिंह: नो क्या मैं बैठ जाऊ ?

Why should I continue when there is no quorum?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The quorum is there.

Mr Ghosh, you must count before you make a request.

SHRI TRILOKI SINGH: There were reasons then that compelled the Constitution-makers to have a Chapter upon the relations between the States and the Union. Now after 17 years of experience and so many amendments to the Constitution of India, it has become all the more necessary that this question should be re-examined. If I remember correctly, the hon. Home Minister this morning during the question hour said that the Governor was the agent of the President of India. I do not think, Sir,

What any article in the Constitution warrants such an assumption. Therefore, it has become all the more necessary that this question should be re-examined in great detail. As rightly pointed out by my friend on the other side, there is a history behind such provisions in our Constitution. If you remember, Sir, the idea of a federation was first mooted in this country by the first President of the Indian Legislative Assembly, Sir Frederic White. Before that, the Britishers as well as the Indian public opinion stood for a unitary system of Government. The idea behind the federal structure of Constitution in this country was to rope in the Indian princes and also to make adequate safeguards in the interest of the minorities, particularly the Muslims. It was with this end in view that the North-West Frontier Province was carved out into a State. It was with this end in view that Sind was constituted into a separate province, just to assure the Muslim minority that they would also have a majority in some parts of India. Not only that, the demand then, Sir, was that the residuary powers should vest in the constituent units. Under our Constitution, as it is to-day, the residuary powers do not vest in the States but in the Centre. So, if I may say so, our Constitution is an amalgam of both the unitary form of Government and the federal structure. This is all the more reason why this question should be re-examined in its great detail.

Grievances have been voiced in this House and outside of partial treatment, of unfair treatment, meted out by the Centre to the States. I am not prepared, nor is it necessary for me, to go into those details. But I am simply aghast to find that half a dozen Ministers or more from a State are coming here not only to voice their protests against the Centre, but also to resort to satyagraha or dharna or God knows what else. Now this is the condition. Where have we drifted to? Perhaps the Constitution-makers never thought that responsible Ministers Ministers responsible for running

the Government of a State would be compelled to resort to this means to have their grievances redressed. There are ample provisions in the Constitution for arbitration by a nominee of the Chief Justice of India; they relate only to the costs incurred on account of certain functions which the Centre might ask the States to perform, there are other provisions relating to arbitration. There are provisions for a law to be passed by Parliament relating to disputes on power and water. But there is no provision in the Constitution to meet such a contingency. Perhaps this contingency was not envisaged. Therefore, Sir, I would most humbly beg of this House to pass this Resolution and I would request also the hon. Home Minister to have the concurrence of the other House for this Resolution in order to enable us to go into details over this question of vital importance.

The Leader of the Jan Sangh Party referred to the fissiparous tendencies now prevalent in the country. We thought that with the partition of India, the country was one whole of what remained after it. But now we are faced with a Bill called the Unlawful Activities Prevention Bill. What are the activities that this Bill seeks to declare as unlawful? Any tendency for the severance of any part of India from the rest of the Union. After 20 years of independence, we have come to such a pass that a special law is deemed necessary to curb such activities. Why? There is mounting disaffection against the Centre in those States where non-Congress Governments are in power. The Centre is in the control of the Congress Party and most of the States are in the control of non-Congress Governments, somewhere singly and at some places composed of half a dozen parties. Now how are we going to reconcile the conflicting interest like that?

Then, I have seen after independence that there is a growing tendency of more and more powers going to the Centre. Because of the Planning Commission, because of the Central

[Shri Triloki Singh]

aid and subvention, the State Governments have been more or less reduced to the position of glorified local bodies.

SHRI CHITTA BASU: Municipalities.

SHRI TRILOKI SINGH: Local bodies include municipalities, district boards and corporations also.

SHRI CHITTA BASU. Panchayats also.

SHRI TRILOKI SINGH: There is no doubt about it. Now the biggest control they have is the financial control. In most of the States, more than 50 per cent of the income of a State comes in some form or other by way of loans or subsidy or subvention from the Centre. Look at this food problem. Food is on the Concurrent List but the Government of India was advised to have the Essential Commodities Act in the year 1955. Under the Essential Commodities Act, not only the distribution, not only the movement, but also the production of food is the concern of the Government of India. They have taken things upon themselves which rightly belong to the States and they have added to their headache, and we are faced to-day with problems which it is not possible for them to solve unless foreign powers come to their aid, unless they are able to get foodgrains imported from other countries. Why? It is because there has been a tendency to have more and more powers with the Centre. This tendency should go. It will relieve them of much of their burdens. Price-fixation and price control is also on the Concurrent List. Why should they take upon themselves this fixation of the price of sugar? Once they take it up, the State Governments recommend that it should be Rs 3.25 per maund—I do not know how much it will come to in kilograms. They say "No" it should be Rs 2.25.

DIWAN CHAMAN LALL (Punjab): You mean sugarcane, not sugar.

SHRI TRILOKI SINGH: I am thankful for the correction. So, Sir, the U.P. Government makes one recommendation, the Bihar Government makes another recommendation, and the Centre decides the other way round. There has been such a hotch-potch, and that could continue, because both at the Centre and in the States, the Government was in the hands of one party which was led by a very powerful and popular person, namely, the late Pandit Jawaharlal Nehru. We have no person of that stature here at the Centre. Then, Sir, I do not mean any disrespect to the Congress leadership at the Centre, but it is not possible for them to have their writ run in all the States. They may issue any orders, but certain State Governments are not going to carry them out. In such a contingency, it is very necessary that the matter should be thoroughly probed and a Committee of Parliament, a Joint Committee of both Houses of Parliament, should go into it and suggest measures that should be taken. I would suggest, Sir, that if necessary—and perhaps it would become necessary—we should amend the Constitution. We should not be afraid of amending the Constitution. It has become almost an annual feature. There have been more amendments to the Constitution than there have been years since it came into force. The sanctity of the Constitution has been set at naught. Look at the American Constitution. It was framed about 200 years ago. But how many amendments have there been? But here we do it so often that I do not think there is any reason why the Government of India should be hesitant in accepting this Resolution and suggesting such amendments to the Constitution as would ensure the successful working of the Governments in the States. Sir, under article 355, it is the duty of the Central Government to ensure that the Government of a State is carried on in accordance with the provisions of this Constitution. It is also the duty of the Central Government to save the State Governments from internal disturban-

ces. How are they going to do it? Everyday we hear that this is an encroachment; if the Home Minister makes a statement, makes even the slightest reference to something which happens in Naxalbari or some other area in any part of the country immediately there is objection from some quarters: 'On' this constitutes an encroachment upon the rights of the States. These contradictions in the working of our administration in the working of our Government can only be resolved if we re-examine this question. I have nothing more to say. I think it would be labouring the obvious if in support of what I have submitted just now, I am to add instances. The matter is very important, the matter is very urgent, it does not brook any delay. If India is to remain one single united country, we cannot shelve this problem. We must face them and try to solve the difficulties, put our heads together and I hope and believe that if this were done, if this Resolution were accepted and passed by this House and also concurred in by the other House and if the Government were willing to go into this question in the manner suggested by Mr Bhadram or any other modified form as it may suit the Home Minister of the Government of India, for much of what obtains to-day, whether in the matter of food or economic control or law and order or any such thing, suitable remedies could be found and the problems solved.

SHRI M RUTHNASWAMY (Madras). Mr Vice-Chairman, we must be grateful to the hon Member who has introduced this Resolution, for, it gives us an opportunity to discuss some of the difficulties in the working of the Constitution the past 18 years have revealed. But I do not think a Committee of 45 Members of Parliament would be the proper body for such a critical examination. We want a lesser body, a body consisting not only of representatives of Parliament but also those who have been concerned with the working of the Government in the States and at the Centre and also one or two constitu-

tional experts. A body of 12 persons would be numerous enough and would have the leisure and competence as well as the calmness and quietness which are required for a consideration of such difficult questions.

When it was determined that our Constitution should be more or less a federal Constitution—not altogether federal, not altogether unitary—the principle of enumerated powers which is essential to any federal Constitution was accepted. Only I think it has run to death because of the detailed distribution of powers. There were three Lists—the Union List of 97 subjects, the State List of 66 subjects and the Concurrent List of 47 subjects. The residual governmental power was given to the Centre including taxes because any tax not mentioned in either the State List or the Concurrent List went to the Central Government, so that the States are financially handicapped because they have not got all sources of taxation at their disposal. The US Constitution makers were wiser in their generation because they felt that both the Federal Government and the State Governments would require all the financial resources possible. So they left taxation sources practically unlimited to the States and to the Federal Government, leaving it to their good sense to adjust between themselves as to what sources of taxation they would prefer and if the States wanted to exploit the same source of taxation, as the Federal Government, then they should do that thing within the limitations of commonsense. So the States, being therefore limited in their power of taxation, naturally looked to the Centre for aid and help. And therefore I do not see any point in the Finance Minister criticising the State Governments for any financial aid or for a moratorium upon their obligations. They do not want to repudiate their debt. They only want to postpone the date of repayment. You have handicapped them by limiting their sources of taxation and you criticise them for getting into debt because you must remember that the

[Shri M. Ruthnaswamy.]

States have a number of welfare services to finance, unproductive services like education, health, and other social services. They are all State subjects but their sources of taxation are limited so that they are financially dependent upon the Centre.

The working of the Constitution itself reveals a number of anomalies. Even taxes whose proceeds are assignable to the States are to be collected by the Union Government according to articles 268 and 269. These articles take care to say that the proceeds of these taxes shall not form part of the Consolidated Fund of India but still the collection of these taxes is left to the Centre. Another curious thing is, the State Government officers are to act as the agents of the Union Government. In the U.S.A. the Federal Government has its own agents and officials to carry out its orders whereas here the Central Government has to depend upon the goodwill of the State Government, upon the good offices of the State Government and to depend on the State officials for the fulfilment of their duties. The distribution of the Income-tax and Excise Duties between the States and the Union Government is to be considered by a periodical Finance Commission. This Commission is to come into existence once in every five years but what if something happens within the five years, some financial crisis in the States or some special need of the State arises? Are they to depend upon the decision of the Finance Commission which suggests the distribution of the proceeds of the taxes as between the States and the Centre? In the U.S. they have a number of permanent commissions like the Inter-State Commerce Commission which regulate the internal trade of the States. It is a pity that water disputes were, by a special article, taken out of the jurisdiction of the Supreme Court. The Government of India under the British Government, for their own reasons took out the settlement

of the Federal Court. Our Constitution-makers have followed the British practice whereas in the U.S. the Supreme Court has, more than once, decided on this question of water disputes. Chief Justice Marshall, one of the makers of the Constitution of the U.S., in two decisions, in *Maculloch Vs Maryland* and in *Gibben Vs Ogden*, made it possible for the Federal Government to interfere with the State Governments in regard to matters regarding navigability of water ways and also the establishment of banks. And then there is a curious article in the Constitution article 258, which gives the Governor of a State rather peculiar powers. It says:

"Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends."

I think this is an atrocious provision which gives the Governor of a State powers to entrust to the Government of India and to its officers functions in relation to matters to which the executive power of the State extends, without the consent of the State Government in question. This, I think, is a very serious interference with the autonomy of the State. When once you recognise the State as an integral part of the Government in India, I think this neglect or ignoring of the State Government in regard to certain functions to be entrusted to the Government of India or its officers, is an extraordinary power.

Further a study of the Constitution and the working of the Constitution in India shows that a number of powers and facilities are not made use of. For instance there is a provision in the Constitution for Inter-State Council. It is in article 263 which runs thus:

"If at any time it appears to the President that the public interests

would be served by the establishment of a Council charged with the duty of—

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

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

(c) making recommendations upon any such subject and, in particular, recommendations for the better coordination of policy and action with respect to that subject; it shall be lawful for the President by order to establish such a Council, and to define the nature of the duties to be performed by it and its organisation and procedure."

I suppose one of the reasons why this article was not utilised was that till recently all the State Governments were Congress Governments. Therefore, through internal adjustments, internal discussions and conversations and also through pressure from the Centre, all these difficulties and disputes would be resolved. But now when there are Governments in the States which are not of the same complexion as the Government of India, it is high time that this article is made use of. The other day at a public meeting the Chief Minister of Madras requested that such an Inter-State Council should be established. And then, as I have already pointed out, there are other inter-State agencies and councils that could be appointed. I have mentioned the Inter-State Commerce Commission of the United States of America. Similarly the Federal Government of the USA has constituted an Inter-State Trade Commission. A number of commissions and agencies have been appointed in the USA in order to smoothen the relations, in order to make efficient the relations between the Federal Gov-

ernment and the State Governments. So I think that there is need for a study and a critical study, of the working of the Constitution of India as has been suggested and for the amendment of the Constitution of India. But I think that it should be proceeded with in a scientific and critical way, in a judicious and judicial manner, and not with such a large parliamentary committee as has been suggested here, but with a small committee consisting of representatives of Parliament, students of the Constitution and retired judges, in order to go into this very serious matter of the working of the Constitution of India and to remedy the several defects and deficiencies that have been pointed out not only in this debate but from time to time in public.

DR. (MRS.) MANGLADEVI TALWAR (Rajasthan): Mr. Vice-Chairman, Sir, when the fathers of our Constitution framed the Constitution of India, they had kept a few things in view and now after listening to this debate and after going through the discussions that were held at the time of the making of the Constitution I have to submit that ours is not a Federal Constitution nor a Unitary Constitution, but it is a quasi-Federal Constitution. The many examples that the hon. Member Shri Ruthnaswamy, has given of the American Constitution, I submit, do not apply to us because ours is not a purely Federal Constitution. Ours is a unitary-biased constitution. That means that in the Constitution it is envisaged that the Centre should be strong. It was necessary at that time and I submit that it is even more necessary at the present time that the Centre should be strong. Otherwise our country would be divided into small units. I think the makers of our Constitution had the vastness of the country in view, the population of this country, the vast territories and the people living in the different parts of the country, following different faiths and speaking different tongues.

[Dr. (Mrs.) Mangladevi Talwar.]

In addition to all that there were the many Princely States of those days which had to be integrated into the Indian Union. There was also the burning question of the minorities at that time. So it was very essential that in the Constitution which would be applicable to the country they should have a strong Centre. The previous speaker from this side had stated the importance of remembering history in this regard. He mentioned the days of the Mahabharata, but I will say that right from the time of Samrat Ashoka and then the Mauryas and then the Guptas and so on, they had vast territories. They had vast empires. Later on also the Moghuls were there with their empire. They had all a very strong central government. As soon as that central government became weak, all the parts separated and the unity of India no longer remained. You may say that they were kingdoms and not a democratic set-up. But all the same the fact remains that a strong centre was always required to keep the vast country with its distant territories under one rule. The British too followed the form of a unitary government. Take the other countries of Asia. Which other country except India has this democratic set-up? The President of Pakistan has stated that the people of Pakistan were not ready for democracy. Similarly there are other neighbouring countries. There they have either dictatorships or some unitary type of government. No other country in Asia except this great country has this democratic set-up.

Then, Sir, it is stated that the States are oppressed by the Centre, that they are not treated fairly because they are governed by non-Congress Governments. I beg to differ because so far the Union Government has been very fair and impartial. It is necessary that the Union Government should treat all the States alike, whether they are governed by Congress Governments or by non-Congress Governments. There are no doubt

difficulties; there are shortfalls regarding food supplies, regarding allocation of finances and also there is the question of law and order. I will come to that later.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have three minutes more, Mrs. Talwar.

DR. (MRS.) MANGLADEVI TALWAR: I will just wind up but am I given only five minutes?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have three minutes more.

DR. (MRS.) MANGLADEVI TALWAR: I would appeal to the State Governments that they should not use the inability of the Centre or these difficulties as a political handle to condemn the Central Government. Ours is a living Constitution. Constitutions are always made for the people and therefore the Constitution can always be reconsidered from all points of view. We should have an open mind but just at this time I do not agree with Mr. Bhadram that we should appoint a Committee of 45 M.Ps to go into this matter. We can wait for some time for looking into the question of Centre-States relationship from different angles, from different points of view.

I would like to mention one thing more and that is about the question of law and order. As Mr. Triloki Singh has just mentioned, as far as law and order in the country is concerned article 355 provides for it. It says:

"It shall be the duty of the Union to protect every State against external aggression and internal disturbance and to ensure that the government of every State is carried on in accordance with the provisions of this Constitution."

Law and order is a fundamental question. If we leave every State to look after itself either in the case of external aggression or in the case of internal disturbances, they may not be

able to cope with the situation. Of course, external aggression is out of question, the States cannot deploy their own forces because they have no army of their own. But in the case of internal disturbances sometimes the State Governments are not able to cope with the situation. Then there may be situations as in Naxalbari where the internal situation and external interference might be combined and how is the Central Government to act in such cases? And I submit that this article 355 provides for all contingencies.

SHRI V. V. RAMASWAMY (Madras) Mr Vice-Chairman, Sir, we are considering a Resolution to appoint a Committee consisting of 45 members representing both Houses of Parliament to review the Centre-States relations in all their aspects, and to make recommendations for necessary changes in the present arrangements where such changes are called for.

[THE VICE-CHAIRMAN (SHRI P K KUMARAN) in the Chair]

To begin with, we must consider what is the situation that prompted the Mover to bring forward such a Resolution. After the recent general elections the set-up in the States has considerably changed and in many a State Ministries with different persuasions from the Centre have been formed and so there is likelihood of friction either due to ideology or for some other reasons. Moreover the hardship and privation due to faulty food distribution have caused many a State to worry about its relationship with the Centre. The use of inter-State river waters has also been the cause of much bickering. There is the question of law and order which has caused some trouble between the Centre and the States. The question of financial allocations has also given cause to the States to demand that the Centre-States relations must be reviewed. This is all due to the absence of a strong and popular leader of a

national stature who can command the confidence of the entire country. It was the sole divine soul force of the Father of the Nation that made the mighty British to clear out of the country, it was left to the grim determination and far-sighted statesmanship of Sardar Vallabhbhai Patel to integrate the whole of India and it was the great love of the people to Jawaharlal that made the entire country bow to his will. But now we cannot find such a leader who can command the confidence of the entire people and who can sway them to his own point of view. So this aspect must be viewed from a national point of view.

Now our country is faced with external aggression and next to that, the food position is precarious. For all this we would like to have a strong Central Government. When we say that the States must have some more powers and that the Centre should divest itself of some of its powers and responsibilities, it should not be misconstrued that it is in furtherance of the policy of disintegration or secession. It is easy for any Congress partyman to decry the non Congress party people if they plead for more powers for the States. When we plead for more powers for the States it is not that we want to weaken the power at the Centre. The Centre must be strong in the sense that it must be based upon the goodwill and co-operation of all the federating units, that is, the States. Therefore it is high time for us to make an enquiry into the various factors and reasons that go to create differences of opinion and conflicts. For example, we feel that the Government at the Centre is overloaded with many responsibilities which can be easily administered by the various States. And there is much overlapping of powers and responsibilities between the Centre and the States. That is why the Chief Minister of Madras says that only certain powers which are necessary for the independence and sovereignty of the country should vest in the Centre.

[Shri V. V. Ramaswamy]

Much of the ordinary and routine administration must be left to the States. There need not be any overlapping, for example, in regard to education, public health, public works etc. Therefore, from this point of view we must try to find out and adjust, whatever might be the reason which would lead to a conflict the matter of allocation of funds.

[THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN in the Chair)]

I would like to say that when the Chief Minister of Madras wanted that certain loans granted to Madras should be given lease of time for repayment or the interest should be written off, the Finance Minister at the Centre is reported to have said: "Why should they ask for a loan and then request us to write it off"? In this connection I would like to point out that it was the Government of India, at the instance of Morarji bhai, that introduced the Gold Control Order and the consequence was that thousands of goldsmiths lost their livelihood. In order to rehabilitate them, the Madras Government, which was then under the Congress Ministry, asked for help and assistance and the Central Government gave a loan. The present Chief Minister has asked why it should not be treated as a distress loan. When the Government of India came to the assistance of Madras when it was afflicted by the cyclone, they gave them some assistance. All these things should be treated as distress loans and written off: Interest should not be collected. When considering all these things, it is high time that there should be a permanent council or permanent institution to examine all these questions as and when they arise and come to a satisfactory solution.

In regard to inter-State rivers there are many bickerings among the various States. There is article 262 in the Constitution under which the Government of India might have appointed a commission which can arbitrate on all these things and whose

findings will be non-justiciable. Again, under article 263, the President can appoint a Council to go into any inter-State questions that might have to be settled. The Government of India might as well have taken advantage of these two articles then and there and if they had done so, so many disputes among the States and the Centre might not have arisen. If a parliamentary committee or some such body is appointed with full powers to go into every aspect of the question I am sure so many changes will have to be made. The Constitution was written long ago and as one Member pointed out it has undergone so many amendments. It can afford to have some more amendments to suit the present conditions. Then only with the co-operation and goodwill of the various States, the Centre will be strong. Only when there is willing co-operation, the independence and sovereignty of the country can be preserved. Therefore, I am happy to support this motion and request the House to adopt it.

Thank you.

SHRI NIREN GHOSH: Mr. Vice-Chairman, Sir, this question of Centre-State relationship is, I think, the question of questions in Indian politics today, the most burning question. Now, after the emergence of the non-Congress Governments, no doubt, this question has been highlighted and underlined in various ways, but the question was there even before that. It was simmering for a pretty long time. Why is it that the demand has come from various people and various States in India that this question must be examined afresh and more powers must and should be given to the States, so that the State Governments can function in an efficient way?

Now, questions are raised that if the States are given more powers, disintegration would set in and the oneness of India would go. I rather think the opposite is true. What are you really afraid of? You are afraid that the unhampered rule of big business may be curbed or circumscribed.

in different States. So, you have devised a unitary Constitution with concentration of power in the Centre. That is the big stick you wield. Along with that naturally there are repressive measures like the one that has been brought forward recently by the hon. Home Minister, viz., the unlawful Actives (Prevention) Bill. It is a fascist measure. If this Bill is put on the Statute Book, I think DIR would be put permanently on the Statute Book. That is what it has come to. Now, these non-Congress Governments, from their experience of four or five months, have come to this position that they are circumscribed, hampered, obstructed, and denied the opportunities to give any relief to the people in all possible ways. That is the real position which has highlighted this problem and brought it out into the open, though it was there. At one time our Congress rulers used to think that there should be no linguistic States. They resisted it and Maharashtra and Gujarat were formed after some 250 precious lives were laid down.

SHRI CHITTA BASU: Andhra.

SHRI NIREN GHOSH: Andhra is there. There are so many things. I do not want to recount history. This question of having more power for the States reflects the deepest urges of the peoples of the different States, but you attempt to curb it or suppress it. Another argument that is advanced is if you give more power to the different States, it would lead to disruption and disintegration. Unity lies not in focusing power at the Centre, in the repressive and suppressive in the repressive and suppressive measures and in the denial of all opportunities to the State peoples to develop swiftly, quickly and forge ahead. The small industrialists in different States find that they cannot build new enterprises. They cannot start new enterprises. The small capitalists of all the States have suffered. They are under stress and strain because under the Draconian policy, all powers are vested in the Centre.

All the cream of the industries and everything else is going to the high, top-most echelons in the business community. The State Government cannot bring forward agrarian reforms. They have to seek the consent of the Centre. Then the question of money, this provision, that provision, and so on, will come. They cannot institute radical agrarian reforms. They cannot institute radical labour laws. They cannot give urgent relief needed by the people. All powers have been vested in the Centre. So that is the real position and that is why this question has come to the fore reflecting the innermost, the most fundamental urges of the peoples of the different States. No policy of having a sort of dictatorial attitude towards this question would solve this problem. It would aggravate the problem. You say if you grant more powers, India would break. Rather I say if you grant more powers to the States, India would remain one unified country for centuries and for ever. If you do not do that, your policy would lead definitely to the disintegration of India and nobody can check it. You could not check the demand of linguistic States. What you call fissiparous tendencies would break out all over the country, because they are feeling hampered and hamstrung in every possible way. You cannot rule the country in that way.

Look at the Soviet Union. It is composed of sixteen different States, Union Republics. It is not breaking asunder. Ukraine and Byelo Russia have representatives at the United Nations.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): The Centre and the Party have got great powers in Soviet Russia.

SHRI NIREN GHOSH: There the power is granted in the Constitution that any constituent Republic can even secede if they like. It is the people's will. But they do not do it. Why? Their interests lie in coming together and in unity.

SHRI P K KUMARAN (Andhra Pradesh). The right of secession is there

SHRI NIREN GHOSH The right of secession is there That is never exercised by the people Why should they? When the exploitation is ended and the peoples of the different States have become brothers, no antagonism exists So why should they break asunder? These two States are represented at the United Nations Organisation They are independent The Republics of Byelo Russia and the Ukraine have permanent representatives at the United Nations The Soviet Union is not breaking up I do not demand so much powers for our States but really the widest possible autonomy must be given to the States Why is there trouble in Mizoland and Nagaland? Why antagonise the Kashmiris? India is sinking hundreds of crores of rupees in the bottomless pit of Kashmir You are antagonising the Kashmiris precisely on this question By your stick and carrot method you are raising a revolt there You are disintegrating India So I would urgently appeal to you to revise your policy We do not want those parts to break up Our party wants a strong India well cemented and unified but on the basis of the voluntary will of the people of the different States Otherwise you cannot have that unity Why did Mr Annadurai feel the need to raise the slogan of Tamilnad or Dravidastan? Precisely because of that If the widest possible autonomy is given to the Tamilnad I think the Tamil people would never for a moment consider or harbour the thought of seceding or have any separatist tendencies at all In order to cement the unity of India (Time bell rings) I should have fifteen minutes

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): You have taken twelve minutes

SHRI A D MANI (Madhya Pradesh). You cannot question the Chair.

SHRI NIREN GHOSH I say the watch I can submit to the Chair

SHRI M RUTHNASWAMY: He is cementing the unity of India So he must be allowed more time

SHRI G RAMACHANDRAN (Nominated) If the Member speaks at Punjab Mail speed, he forgets the time

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN) That also has to be taken into consideration

SHRI NIREN GHOSH I would also recall some other history from our Congress Party, our Congress movement It is that Maulana Azad devised a formula for avoiding division of India, and that was in for acceptance by all parties almost What was that? A federal India, not a unitary India, but a federal India Defence Communications, External Affairs, fiscal policies, etc were to be in the Centre and the rest were to be vested in the States A very good idea, Something should be devised along that line

Then this institution of Governorship must be abolished here and now without waiting for any reconsideration of this question It has become a source of conflict and suspicion and what not Why should we need these Governors? I do not know The State Legislature can devise ways and means Governors are needed to rule because you are afraid of the peoples of your country You have installed a satrap to govern them because you do not know where you can go If they pass a legislation that the British Tramway Company must be taken over for a nominal compensation, you say, "Oh, you cannot do that" The Britishers must be protected So a Governor must be there That is how you think

Then a State Government, in order to give urgently needed relief to the people, must have absolute power over the officials the bureaucracy If

these officers are unfaithful or if they are in collusion with the vested interests, then the State Government must have the power to overhaul the machinery and instal such officers who have been tested and found to be faithful to the people. You cannot execute any reforms through officers or bureaucrats who have been trained and nurtured in the spirit of fighting the people and protecting the vested interests and thereby sort of getting themselves enriched in various sorts of illegal ways and corruption. So even a minimum reform cannot be executed. This is our experience for a pretty long time. Even now there are non-Congress Governments in several States. Fancy, you cannot do anything. Small relief you cannot give to the people. The State Governments must have these powers to overhaul the bureaucracy. No Central law or constitutional law should stand in the way, so that they can protect the people. Also they must have the power to fashion their lives. I would say that the peoples of the different States should conduct a mass movement all over India in order to force this issue. It is a vital question. Unless we win, these bureaucratic, dictatorial rulers at the Centre would dismember India. In order to prevent that, in order that India can blossom forth and the various peoples of the States can develop quickly, we must have an all-India mass movement in order to force this issue. If they do not see reason then the only course left open to the people is to have a mass movement. They may have a general strike even before September, a general strike on the issues which the people of West Bengal are facing, shortage of food, against interference, for land reforms, against bureaucracy and police, their maladministration and collusion with the vested interests against all those things. What is the way left for the people except to ask for more power to the States. For this, the people of West Bengal are likely to have general strike in order to ventilate their ideas and issues, even before Septem-

ber 11. So, I would like that this should be looked at in that way.

श्री शीतभद्र याजी (बिहार) माननीय वाइस चेयरमैन महोदय, हमारे सविधान में लिखा हुआ है कि जो यूनियन गवर्नमेंट है और जो राज्य सरकार है उनका क्या-क्या काम है, उनका क्या सम्बन्ध है, उन्हें किस तरह से रहना चाहिए। इसलिए भद्रम जी ने जो यह प्रस्ताव रखा है कि 45 सदस्य की एक कमेटी बने वह उचित नहीं है। यह कमेटी करेगी क्या? जब सविधान में सारी चीजें लिखी हुई हैं तो इन कमेटी का कोई काम नहीं होता है और फिजून की यह कमेटी बनेगी। हमारे सविधान बनाने वाले लोगों ने पहले ही सोचा था कि किस तरह का यूनियन गवर्नमेंट होगा और किस तरह की राज्य सरकार होगी, उनका क्या कर्तव्य होगा, वे क्या करेंगे और इसलिए सारी चीजें उममें लिखी हुई हैं। इसलिए मैं इस प्रस्ताव की खालफत करता हूँ, यह प्रस्ताव बेमानी है।

क्याकि कुछ राज्यों में गैर-कांग्रेसी सरकारें बन गई हैं, इसलिए फिर से नया सम्बन्ध स्थापित करने की बात, नया सविधान बनाने की मांग उठ रही है। सविधान बनाने वालों ने वर्षों सोचा नहीं होगा कि सेन्टर में कांग्रेस की हुकूमत रहेगी और राज्यों में कांग्रेस की हुकूमत रहेगी या नहीं रहेगी—यह वर्षों सोचा नहीं गया था। इसलिए कुछ सूबों में गैर-कांग्रेसी सरकारें बन गईं तो उनकी मांग आ रही है कि हम नये सिरे से सम्बन्ध कायम करना चाहते हैं। हमारे तरेन घोष ने एक चुनौती दी है कि ज्यादा से ज्यादा पावर मिलनी चाहिये। उनकी पार्टी का मकसद हम समझते हैं। अभी तो नक्सलबाड़ी शुरू की है, उनका बहुत बड़ा बड़ा इरादा है, वे खुद मुख्तियार बनना चाहते हैं, इसलिए अटोनोंमी चाहते हैं। मुझे यह भाग्यमान है कि उनकी पार्टी आगे

[श्री गील भद्र याजी]

भविष्य में क्या करने वाली है तीन-चार महीने में । यह हो सकता है कि चीन के इशारे पर, पीकिंग के इशारे पर वे बंगाल को भारत से अलग एक रिपब्लिक डिक्लेयर कर दें । ये रूम का हवाला देते हैं, लेकिन रूस के खिलाफ काम करने हैं । ये चीन के इशारे पर, पीकिंग के इशारे पर काम करेंगे । अभी नक्सलवाड़ी में इन्होंने शुरू किया । बंगाल में क्या-क्या हो रहा है ? केन्द्र सरकार और राज्य सरकारों के सम्बन्ध की बात तो दूर रही, इनके साथ वैस्ट बंगाल में क्या सम्बन्ध हो रहा है । 14-14 पार्टी की हुकूमत है, लेकिन वे उनकी बात को ठुकरा रहे हैं क्योंकि वे इनकी साजिश को जान गये हैं कि क्या करने वाले हैं । एक एक राज्य में 14 पार्टी, 9 पार्टी, 8 पार्टी—वहाँ स्वतन्त्र पार्टी, कहा जन सघ, कहा लेफ्ट सी० पी० आई०, कहा राइट सी० पी० आई०, कहा पी० एस० पी०, कहा एस० एस० पी०—यह जो चू-चू का मुरब्बा है उसमें कैसे इन का सम्बन्ध रहेगा, जरा 4-6 महीने देखा जाय । अभी बंगाल से शुरू हुआ है । इनका आपस में क्या सम्बन्ध है यह देखने की जरूरत है । यह जरूर है कि जब तक केन्द्रीय सरकार मजबूत नहीं रहती तब तक भारत की रक्षा नहीं हो सकती, भारत की एकता नहीं रह सकती । यह प्रान्तीय सरकारों का काम नहीं है । संविधान में यह लिखा हुआ है कि केन्द्रीय सरकार का क्या फर्ज होता है और राज्य सरकारों का क्या फर्ज होता है । चूँकि कुछ राज्यों में गैर-कांग्रेसी सरकारें बन गई हैं इसलिए सवाल आया है कि नये सिरे से बात होनी चाहिये । नये सिरे से क्या होगा ? मान लीजिए डेवलपमेंट के लिए रुपये देने हैं उसके लिए प्लानिंग कमिशन है, और भी कमेटी है, वहाँ तय होता है कि कौन राज्य डेवलप है, कौन अनडेवलप है, कितने रुपये देने की आवश्यकता है, यह

45 आदमियों की कमेटी क्या राय देगी । यह जरूर है कि हमारे साउथ के अन्ना-दुराई जी की जो द्रविड मुन्नेत्र कडगम की सरकार है उसके एक मंत्री ने कहा कि यदि चावल सब्सीडाइज्ड रेट पर देने के लिए रुपया नहीं मिलेगा तो फिर हम पुराना नारा शुरू करेंगे । पुराना नारा क्या ? वह यह कि जो तमिलनाडु है वह हिन्दुस्तान से सिंसीड करेगा । यह धमकी उन्होंने दी । एक धमकी इधर से शुरू हुई, जो पीकिंग-पन्थी भाई लोग हैं वे अलग धमकाते देते हैं । कभी-कभी हमारी केन्द्रीय सरकार कमजोर हो जाती है । अभी नीरेन घोष ने कहा कि क्या जरूरत है भारत से अलग हो जाने पर इस तरह का बिल लाने की । उनकी बात से चोर की दाढ़ी में तिनका वाली कहावत सही मालूम पड़ती है । जब ये पीकिंग-पन्थी भाई लोग कहते हैं कि हमारी यह हुकूमत हिन्दुस्तान से बाहर होगी तो यह कहावत सही मालूम पड़ती है । धमकी देते हैं कि इतना रुपया दो नहीं तो हम हिन्दुस्तान के बाहर जाने वाले हैं, और भी लोग हैं, मित्रों और लुशाई हिल के लोग कहते हैं कि उन की अलग स्टेट बननी चाहिये, नहीं तो वे भी बाहर हो जायेंगे, सब बाहर हो जाएंगे । यदि केन्द्रीय सरकार मजबूत रहती है तो बाहर तो किसी को नहीं जाने देगी । इसलिये जरूरत है कि आज हिन्दुस्तान की एकता के लिए, हिन्दुस्तान की आजादी को बचाने के लिए, यहाँ सोशलिस्ट गवर्नमेंट बनाने के लिए, समाजवाद राज की स्थापना के लिए, हिन्दुस्तान की गरीबी को दूर करने के लिए, यहाँ की बेकारी को दूर करने के लिए जब तक केन्द्रीय सरकार मजबूत नहीं रहेगी तब तक जो 14 आइडियो-लोजी और अकीदा की जो पार्टियाँ हुकूमत कर रही हैं उनका आपस में झगडा होगा । इसलिए जरूरत है कि इन सरकारों का सम्बन्ध ठीक तरह से रखने के लिए केन्द्रीय सरकार को मजबूत होना चाहिए ।

राज्य सरकारों का यह फर्ज होना चाहिए उनका जो देशभक्त हैं जो विदेशों के इगारे पर चلتते हैं उन का बात छाड़ दीजिए— कि केन्द्र में जो सरकार हो वह मजबूत हो, वह आजादी की रक्षा भी कर सके, हिन्दुस्तान की एकता को भी रख सके और उसके साथ ही समाजवादी राज की स्थापना कर जो हिन्दुस्तान की गर्बी है उसको खत्म कर सके। इसलिए प्रस्ताव की कोई आवश्यकता नहीं है।

नीरेन घोष जी ने एक हवाला दिया है। रूस में डिक्टेटरशिप है, न कांस्टीट्यूशन है, न कुछ है। नीरेन घोष की यहाँ हुकूमत हो जाय, हुकूमत उनके हाथ में आ जाय तो ये डिक्टेटरशिप स्थापित करेंगे और जो पार्टियाँ यहाँ बैठी हुई हैं वे कभी हुकूमत नहीं कर पायेंगी। डिक्टेटरशिप में केन्द्र मजबूत रहता है तो डण्डे से काम लेता है। यहाँ तो डण्डे की बात नहीं है, कांस्टीट्यूशन है, जनता की राय से गवर्नमेंट बनी है। यह कहना कि सोवियत रूस में स्टेट्स को इतनी पावर दी गई है कि चाहें तो अलग हो जायें, सही नहीं है। अलग होने वाला कोई नहीं है क्योंकि वहाँ मास्को की तलवार है जो पीकिंग की तलवार से ज्यादा मजबूत है, डिक्टेटरशिप में ऐसा नहीं कर सकते। यहाँ तो संविधान में लिखा हुआ है कि केन्द्र का क्या कर्तव्य है। इस तरह की कमेटी बनाने से फिजूल खर्च होंगे। कोशिश यह करनी चाहिए कि सब राज्यों को कि केन्द्र को मजबूत करें। आज कुछ राज्यों में अपने डेवलपमेंट के लिए नये सिरे से सोचा जा रहा है, नये सिरे से रुपये माँग रहे हैं, गलने माँग रहे हैं—यह तो सरकार भेजती है ही। बाकी यह प्लानिंग कमीशन का काम है कि किस राज्य में क्या प्लानिंग होनी चाहिए, उसके लिए क्या योजना भेजनी चाहिए, उसका कैसा विकास होना चाहिए।
(Time bell rings.) इन शब्दों के साथ जो यह प्रस्ताव पेश है उसकी

मैं सख्त मुखालिफत करता हूँ और मैं देश को चीन-पन्थियों से होशियार करता हूँ कि उनका प्लान बड़ा गड़बड़ है और निकट भविष्य में—अभी तो नक्सलवादी से शुरू हुआ है—बंगाल में गड़बड़ करने वाले हैं, इसीलिए आटोनोमी माँगते हैं। देश के हित में इनको आटोनोमी देने की कोई कोशिश नहीं करनी चाहिए। इन शब्दों के साथ मैं इस प्रस्ताव का विरोध करता हूँ।

SHRI BALACHANDRA MENON (Kerala): Marx once said the spectre of communism haunts Europe. I am afraid our Congress friends are now seeing the spectre of Naxalbari haunting them. Have they ever cared to understand why such a situation has come?

Sir, we have got a Constitution which is federal in form and unitary in practice. It is a strange thing. It looks federal, but as day by day the Government assumes greater powers more and more powers are concentrated in the Centre with the result that the States are turning out to be no better than mere municipalities with absolutely no powers. That is why the Chief Minister of States, whatever be their political complexion, have come forward and demanded greater powers. Why do they ask for it? One thing will have to be taken into account. The various States want greater powers because they are afraid, the States cannot advance with revenues that are inelastic.

Sir, when the framers of our Constitution thought about giving us the Constitution, they could never have

[Shri Balachandra Menon.]

foreseen what would happen 18 or 20 years hence.

[THE DEPUTY CHAIRMAN in the Chair]

We are passing through revolutionary times. People are not satisfied with the position that they are having today. The whole world is not satisfied. Some people are speaking about the federal character of the American Constitution. It is federal, but we fully know that in spite of the powers that the States have, the monopoly capital there has entrenched itself to such a stage that the Negroes there are demanding their homeland. Why is it so? A situation has come about when a more federal Constitution cannot save it.

There are friends who have come forward and said that ours is a great democracy. The other countries which are recently liberated, some of them, according to such critics, are now military dictatorships. Burma with a socialist concept is now moving in a socialist direction. Some of the Arab countries like the U.A.R. and Syria which are going in a socialist way have been able to solve some of the problems which we have not been able to solve in spite of the fact that we have democracy. It is because our democracy cares only for the interest of the monopoly capital. During the last 20 years what have we seen? Monopolies have developed these 20 years. What we have seen is that you have allowed black-marketing everywhere. This is what has happened. This has meant support to capitalism. The Capitalists, moneylenders and landlords have taken more and more powers into their hands to deny the people their legitimate rights.

Madam, ours is a multi-nation country. Let us not forget that. Somebody asked, "What is happening in the Soviet Union?". Let him understand that it is a multi-nation country with a Constitution which has secured the rights of the various nationalities. We must also do that. Eighteen years back there was no

such necessity because there was only one party all over the States. Now a situation has come when there are nine Ministries which have gone out of the Congress hold. Thirty crores or more of people have gone out of your hands and many more will be going away. It means whether it is Mr. Brahmananda Reddy, or Mr. Namboodiripad or Mr. Jyoti Basu, they are all demanding greater powers to the States. So, these powers will have to be conceded. Therefore, should we not take up this question rather seriously? Do you mean to say that it is a mere challenge to the Central authority? No, Sir. It is an expression of the people of our country, of the various States. They are anxious to see that they exist and develop.

What has happened during this time? I come from a State which is deficit in food. It does not produce sufficient food for itself. A State which has to spend its maximum over education, what is the sort of help it is getting? Whatever help is given to us is in the form of loans which will have to be repaid with interest whether it is the question of a hydro-electric scheme or anything else. Canada gives you loan at 2 per cent. interest which you give to Kerala at 6 per cent. and the plea is that the World Bank wants you to charge 6 per cent. It is a money lenders' government, nothing more than that. This is what you learnt from the British. If they were shopkeepers, you are money lenders and nothing more than that. This sort of attitude will not help. Our Finance Minister says, "No. I cannot help you. Whatever be your difficulties, we are not going to give you more money for your development". Just like the Brahma, you are all powerful. But the States are not just like an individual. The States are very much there very real. You may think the States are all Maya, but you will realise States are real and they have their place. Perhaps you do not have a place for yourself. Why do you not realise that?

I would, therefore, say that I agree with Mr Bhadram's Resolution. I would request you to call the representatives of both the Houses, discuss with them seriously and find out what are the requirements of the States. You should know that we are passing through new times. The old concepts cannot stand. If you accept this position, there will be no difficulty because nobody is anxious to get out of India, everyone wants to see that a very strong country comes out. And this strong country can come out only when you will respect and understand the aspirations of the various States in our country.

Madam, the suggestion that there should be a permanent Finance Commission, the suggestion that an inter-State Council must be there must be accepted so that by our collective wisdom, whatever be the differences of the political parties—after all, our ultimate masters are our people and not the political parties—we bring about necessary changes in our Constitution. With that respect to every section of our people, let us try to see what changes can be brought about in the Constitution. After all, the Constitution is not like the Vedas. It can be changed. You have changed it so many times and you must be ready to always change it so that it can fit in with the modern aspirations, so that it will fit in with the demands of the various States who want greater powers.

Sir, we have found that unless we get greater powers it is not possible to build up the various States. And this can be done only if the inelasticity in the revenues of the States is changed and we get a greater share from the Centre's revenues. You must find out how it can be done. I, therefore, request that the entire House accept this Resolution and let us seriously work out the changes that are required to be brought about in the Constitution so that we can have a powerful, strong, real, federal India with greater powers to the States, and with overall direction by the Centre.

THE MINISTER OF HOME AFFAIRS (SHRI Y B CHAVAN):
Madam Deputy Chairman, a very interesting debate has gone on for many hours now. Interesting points have been made out during the course of this debate. Madam, I do not want to reply to each and every point. But certainly I would like to explain the approach of the Central Government in this matter of the Centre-State relationship.

Madam, I must make it very clear at the outset that I do not agree that the Centre-State relationship problem has become prominent only after the elections. Certain political aspects have certainly become very pressing. I do not deny that. But in the very nature of things, the problem of the Centre-State relationship in this country existed even before independence and even after independence. The problem was there and naturally the Central Government had to take note of this aspect. To illustrate this point, I will only mention one thing, and that is in 1965 when the Government of India appointed the Administrative Reforms Commission, this was one of the major terms of reference given to the Reforms Commission. I would like to inform this hon. House that the Reforms Commission has appointed a Study Team to go into this aspect under the chairmanship of a very eminent Member of this Hon. House, Shri M C Setalvad. I am mentioning this to show that we are certainly aware of the importance of the problem of Centre-State relationship. But I would like to say how it has become more political nowadays. In the very Constitution itself, this question has been very carefully recognised and the character of our Constitution is such that some call it unitary Constitution, some call it federal Constitution. I do not want to name it by any one particular name. Our Indian Constitution is Indian Constitution and it has elements of both. When we talk of federalism academically, I think there are two or three very important

[Shri Y. B. Chavan.]

features in that. One is that there is a very clear-cut division of responsibilities, executive and legislative, between the States and the Centre. That feature of federalism is visible, of course, and is recognised under our Constitution. But in the very pure and theoretical federalism, the presumption is that the States agree to unite together, to federate, and they surrender some of their powers to become a federal Government. But the residuary powers are vested in the federating units. Under the Indian Constitution, the residuary powers are not with the States. The residuary powers are with the Centre. So this has certainly some elements of federalism and at the same time, there are certainly some elements of a unitary Government also. So I can say that the system that works in India is that we have given autonomy to the States without weakening the Centre. The lesson that we have to learn, the important point that we have to recognise, is that we have to see that the autonomy in the States functions without weakening the Centre. And I think this very important feature of the Indian Constitution is there because of certain historical compulsions. What are those historical compulsions? I had an occasion to emphasise this aspect once in the other House also. For me, Madam, the most important lesson of the history of India that stands out very clearly is that we suffered many reverses or many defeats in Indian history because, really speaking, we had always a very weak Centre. The British regime brought India together politically under one administration with their military might. But the real unity that was brought about was by a very forceful and powerful movement of the Indian people for freedom. So these are the historical compulsions, really speaking, that have given the shape to the Constitution as it is. I do not want to go on discussing this academic aspect of it, but I want to make it clear that we have to understand the significance of the problems of centre-

State relationship. We have to understand the very nature of the Constitution that we have to work under. Therefore, I want to warn some of my friends that these problems are there. We say that we should have many States and they should have autonomy because there are certainly many diversities in our Indian life. There are linguistic diversities. There are territorial diversities. There are diversities of resources. Some people are more advanced; some people are less advanced. Some areas are more hilly; some areas are less hilly. Some areas have got very rich rivers like the Ganges, the Jamuna, the Kosi, the Gandak and the Brahmaputra; others have not got anything. Some areas have got the facility of being near the coast-line; other are thousands of miles away from the coast-line. Some States have got the facility of having very rich mineral resources; others have not got it. Some areas have got the great facility of having very intelligent people, very resourceful men—human material is also a very important resource; others have not got perhaps people that resourceful. So these varieties of Indian life are there. But at the same time, we have to see that we pool all these resources together and try to build one big, great Indian nation. That, really speaking, is the task that we have to face in this country. Naturally, in the course of the last many years, there were the problems of food; and if I may merely narrate some of the problems that arose after the last general elections, there were the problems of 'gheraos'; there were the problems of industrial unrest; there were the problems of Naxalbaris . . .

SHRI P. K. KUMARAN: The problem of Shiv Sena.

SHRI Y. B. CHAVAN: Yes, quite right. These problems are the very realities of our life. I do agree that this is also a problem.

SHRI CHITTA BASU: The problem of defection.

SHRI Y. B. CHAVAN: The problems of recession, the problems of food shortage and problems of many types. Not that these problems were not there before. But today certainly there is a different political picture: one Party Government here at the Centre while in many States there are coalition Governments. It is a different political feature that we see today. But even before the last general elections, when all the Governments belonged to one political party, there were problems of Centre-State relationship. I happened to be one working in one State. I cannot say that there were no problems between that State and the Centre. They are bound to be there. These problems arise not because somebody wants to have problems but because there are certain realities of life. After Independence, there is an urge in the people that they should make progress—economic progress, social progress and progress in all respects. And naturally, when these problems are thrown up, there are bound to be some differences of emphasis. There are going to be different approaches to the solutions that have to be found out. Now, for example, some hon. Member mentioned, not to-day but in the last debate, the problems of irrigation. As I have said, there are some States which have got a very rich irrigation potential while others have not got it. There are some States which are deficit-food States, and there are some States which are surplus-food States. So these problems were there even before. And in order to find solutions to these problems, if there are any demands, if there are any tensions, if there are any pressures, there is nothing wrong about it because these are the problems, these are the tensions, these are the difficulties, of growth. When a small child grows, it has its own problems. Naturally, when a State grows, when the people want to grow in all fields, there will be some problems. So, there is nothing wrong about it. But something wrong is introduced when these problems are being handled or approached from a politically motivated point

of view. Particularly when party political motivation comes into the picture, it becomes a very difficult problem. Madam, as recently as the latest Chief Ministers' Conference, the Prime Minister, in her inaugural speech, made it, very clear that there are problems, there were problems and that there will be problems. The question is how do we solve these problems. Are there not enough institutional arrangements at the present moment to find out a solution to these problems?

If there is any lack of any such institutional arrangements, let us think about it. At the present moment there are some Zonal Councils. There is the National Development Council. We have got many forums of Inter-State Conferences. Sometimes the Health Ministers meet, sometimes the Education Ministers meet and on many occasions the Chief Ministers meet and they discuss their problems and they throw out their problems. Apart from these Conferences, the representatives of those States come to Delhi. Sometimes the representatives of Delhi go to those States and discuss the problems on certain pragmatic, practical basis and they try to solve the issues or try to solve the problem. That, really speaking, will have to be the approach to the problem. If somebody wants that there will have to be some permanent institutional arrangement about it, I would not take a position that it should not be done. If it is necessary that it will have to be done, let it be done. On that matter certain studies will have to be made, some expert, experienced, objective people will have to be asked to go into these questions and make recommendations to this House and the other House and possibly the Government might consider that problem. That is a different matter. I am sure when the Study Group of Mr. Setalvad makes the recommendations to the Administrative Reforms Commission and the Administrative Reforms Commission comes with some definite set of suggestions before us, we certainly will go into the details of it to find out what can be done; that is the approach that we

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certainly would like to take but at the present moment, what is being done? I tried to understand the spirit of the speeches of some of the Members. Let us take the question of food. Food is a problem and it is not merely going to be solved by 'A' State making a demand on 'B' State or the Centre. We all know and I do not want to take up the position of the Food Minister and explain the problem. It is more or less a basic problem and all of us know about it. It is not that there is something like unlimited stock of food available from which a State is demanding and somebody is refusing to part with it. It is not the position. If at all we concede that it is a national problem, then we will have to think about it nationally.

AN HON. MEMBER: National policy also.

SHRI Y. B. CHAVAN: Certainly there will have to be a national policy also, I have no doubt about. What is the national policy about food? The national policy about food is more production. There cannot be anything else.,

(Interruption)

SHRI CHITTA BASU: Equitable distribution.

SHRI Y. B. CHAVAN: Quite right.

SHRI AKBAR ALI KHAN (Andhra Pradesh): Not dharna in any case.

SHRI Y. B. CHAVAN: If there are any deficiencies of policy about food, you can criticise and if it is right, I will say: 'you are right and I am wrong'. I will not argue on that point.

About regional development, it is certainly a very important point. When we think about planning the development of India as a whole, we do not think in terms of development Delhi, Bombay, Madras and Calcutta. Even if you take a State itself—I am telling the hon. Members because I have faced these very practical questions—there are certain backward re-

gions and there are some developed regions. I take the State of Maharashtra. It is much better I take my own domestic case in this matter. Naturally, Bombay city is very well developed but there are some areas in the State which have not yet seen what a motor car is like. In the city of Bombay there are big companies producing hundreds of motor cars per day but there are some areas which have not seen even to-day how a motor car looks like.

So the problems of regional development are there. There are many problems, I know. I know it but those problems can be tackled, can be handled, if we take a non-political view and in this matter, we will have to take a non-political view. While formulating plans you can take your political approach, your Party approach because I believe in that case, the Party differences are based on certain ideologies. That is a different matter. Take food, as he said and as I said. The hon. Member from the Opposition made certain points about the Bengal situation. Is there a case like any discrimination being made against Bengal? Is that the case? Then the hon. Member will have to prove that it is a case of discrimination. It is not a case of discrimination.

SHRI NIREN GHOSH: Yes it is.

SHRI AKBAR ALI KHAN: Question.

SHRI Y. B. CHAVAN: Now you are trying to justify. I know that there is shortage of food supplies in the country. There is a certain scarcity. We are suffering because of certain natural calamities that the country had to face in the last 2 or 3 years and we, as a nation, have to face it. Then certainly you can sit with the Food Minister and try to get your right share, whatever it is, but I do not understand any State trying to make out a case that it is right, its demand is correct and the only scape-goat they want to find out is the Central Government. In this process the Member said that he does not believe in secession. I am glad to hear that. He

wanted India to be strong and powerful but this is not the way of making India strong and powerful.

SHRI NIREN GHOSH: Precisely this is the question which does not need an expert eye. That is the basic approach where we differ.

SHRI Y. B. CHAVAN: It is not...

SHRI NIREN GHOSH: Have we differed on the question of formation of linguistic States?

SHRI Y. B. CHAVAN: I am prepared to sit with him and discuss but I do not think I can just carry on conversations like this at this point.

SHRI RAJNARAIN: What is the difference between you and him? He wants to secede?

SHRI Y. B. CHAVAN: He does not want to secede but is this the way? It is a different thing but the way things are being presented, the way the demands are put up and the way the political policies are being formulated merely show that only they are good. The problems of Bengal are there. I take Bengal as an illustration. There is nothing special about it. I am prepared to take any other State also. If there are problems in any State, naturally the people of that State are concerned about it or exercised about it. In order to win over the support of the people if we say: "Well, well, we are only for you but this damned Central Government is not doing anything about it". You know in the mind of your minds that you are not likely to get a solution that way. Suppose, if somebody convinces me or if somebody convinces all of us that by resorting to dharnas there is going to be more food, instead of doing cultivation and irrigation, let us start dharnas all over the country. They know that this is not going to solve the problem of food supplies or food production but they know that this is going to possibly give them some politi-

tical dividends. If you try to look at the real problem—because I know it is a real problem—the food shortage in Bengal is a real problem. The demand of the people to have better food and enough food is a real problem. I sympathise with them, I have no doubt about it but if you try to give a political, a party-political orientation to this problem, it is naturally neither going to lead them to the solution of that problem nor is it going to help them or support them.

SHRI NIREN GHOSH: I repudiate that.

SHRI Y. B. CHAVAN: It is neither going to help them to find a solution of that particular problem nor is it going to help them to achieve what they think, a powerful and united India. In this process what is happening is this. My worry in this process, as some other Members have rightly said, is this. What is happening is the strengthening of the centrifugal forces and that is a tragic situation.

SHRI AKBAR ALI KHAN: Discrediting democracy.

SHRI NIREN GHOSH: We want democracy, you want to attack it. That is the difference.

SHRI Y. B. CHAVAN: The hon. Member gave me the parallel of Soviet Russia. I am one of the admirers of Soviet Russia.

SHRI NIREN GHOSH: No.

SHRI Y. B. CHAVAN: Possibly you are not.

SHRI NIREN GHOSH: You have already said so the other day . . .

(Interruptions)

Now you admire that.

SHRI Y. B. CHAVAN: They are a friendly country and certainly they have achieved some important successes in their work. He gave me the parallel of their Constitution and told me that those States have right

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to secede. I thought probably he was for secession. But then he corrected himself and said he was not for secession. May I ask my non-friend this question? I am an admirer of Russia and I know something of their political life. Can any State in the Soviet Union think of secession? Can they even imagine secession?

AN HON. MEMBER: They dare not.

SHRI Y. B. CHAVAN: Will they ever dare to think of it?

SHRI NIREN GHOSH: They can dare to think of anything.

SHRI Y. B. CHAVAN: Those who dare to think of anything cease to be thinkers.

AN HON. MEMBER: They cease to exist even.

SHRI Y. B. CHAVAN: I know my Hon. friends' philosophy. I know something about it. Their philosophy is democratic centralism. Their emphasis really is on centralism and they call it democracy. I do not really know what they mean by this democracy. They really mean centralism. There is nothing wrong in it. I am not fighting against it. I do not believe in centralism. We certainly want autonomous States and the powers are there given to the States. The Constitution is so clear. In all the important things the powers are so well divided and they are clearly explained that this is the field of the States and let them work. Sir, by starting some new innovations in our political life and in our economic life we certainly would be going beyond this. There is this process of planning which we started under our great leader Jawaharlal Nehru and what the last fifteen years of planning have done is something which we can see. The Planning Commission is not a body created by the Constitution. The Constitution has nothing to do with it. The Planning

Commission is an advisory body. But the way in which it has been functioning during the last 15 years, the way in which it has worked with mutual cooperation between the State Governments and the Centre, though their legislative and executive powers are divided in the field, the cooperation that has developed through the process of planning, between the States and the Centre, they are there for anyone to see. The huge resources that the Centre commanded were at the disposal of the States and you can see the progress that we have made during the last fifteen years. May be that our friends here may not agree. I know there are many problems which are not yet solved. That cannot be denied. But the unique progress that we have made during the last fifteen years through the functioning of democracy has laid the foundations of a progressive country. That is a fact of history.

SHRI NIREN GHOSH: Yes, under the aegis of the Americans.

SHRI Y. B. CHAVAN: You dislike some people. But I do not dislike any people. I like the Americans and I like the Russians also.

(Interruptions)

Perhaps my hon. friend does not like it. But the fact remains that in this country we have certainly laid a great foundation. On that foundation we have to build further. I know it is a continuing process and we have to build still further. Many things have to be done. I am reminded of a line in an English poem which says that what is done is petty, what is yet to be done is vast. Whatever we have done is small in comparison with whatever yet remains to be done. We have to go a long way. How are we going to do it? That is the most important thing. Sir, we have to create an atmosphere in this country of working the Constitution in the proper spirit, with the proper spirit of autonomy for the States.

SHRI A. D. MANI: Qualified autonomy.

SHRI Y. B. CHAVAN: Certainly in the fields in which that comes. But some people are creating conditions by their speeches and by some of the positions they take up by which they try to strengthen an attitude which says: "Whatever we want let us do. The Centre must do everything for us. We owe nothing to the Centre." I am not talking of owing in terms of money. They certainly owe certain responsibilities to the States. But at the same time they also owe something to the Centre. Let us not forget one thing, one lesson of history. Let us strengthen our country. Let us strengthen the Centre. If India dies who lives? That should be the warning to everyone of us. It is only because India lives that we can take part in this cruel world. If we are isolated . . .

SHRI NIREN GHOSH: India will live. India will not die despite all your wishes to that effect.

SHRI Y. B. CHAVAN: I am so glad to hear that. I am glad that my hon. friend thinks so.

SHRI LOKANATH MISRA (Orissa): It is the Congress that is dying.

SHRI Y. B. CHAVAN: India will certainly live and we will see that India lives in spite of people like my hon. friend.

SHRI NIREN GHOSH: Even if you try to bring about the death of India, India will live.

SHRI Y. B. CHAVAN: I am glad that at least my hon. friend says so. His wishes are going to help us. Now ultimately, to come back to the basic question that we are discussing here, in this Centre-States relation there are problems. There would be tensions, some sort of difficulties and so on. But there is nothing unnatural about it. That is how I look at it. These problems are going to remain for some time to come. Even in advanced countries they are there. My

hon. friend mentioned Soviet Russia. I say even in America there are many tensions and difficulties. Tension is a fact of life. The question is how we meet these challenges, how we meet these tensions? They can be tackled if we accept the spirit of the Constitution and decide to work it. Well, I do not want to suggest even remotely that we are not for thinking about it and finding some new institutions or new forums where we can discuss these problems, consider these problems. That will have to be done. That will have to be done continually and constantly, not only today but for many years to come. Possibly throughout the life of India, this process will have to be continued. I do not think this process will stop at a particular stage. It will have to be continued. That certainly is life, that is growth. The problems will be there. The question is how we handle these problems, with what attitude we handle these problems, with what approach we tackle these problems? That is the most important thing. My approach to the problems is the approach and the spirit which the Constitution has laid down before us.

श्री राजनारायण : आप इस प्रस्ताव के विरोध हैं या पक्षपाती हैं ।

श्री वाई० बी० चव्हाण : मैं यह कह रहा हूँ कि मैं इस प्रस्ताव की स्प्रिट से सहमत हूँ । लेकिन इस प्रस्ताव की आज आवश्यकता नहीं है ।

श्री राजनारायण : चव्हाण साहब का तर्क तो प्रस्ताव के पक्ष में जा रहा है ।

SHRI Y. B. CHAVAN: One small point which was mentioned here has to be dealt with. My hon. friend, Shri Ruthnaswamy, read out an article from the Constitution—article 258-A—and he referred to it as if we have

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given some powers to the Governor as if he were a depot. That article reads like this:

"Notwithstanding anything in this Constitution, the Governor of a State may, with the consent of the Government of India, entrust either conditionally or unconditionally to that Government or to its officers functions in relation to any matter to which the executive power of the State extends."

But he did not read article 258. It says almost the same thing:

"Notwithstanding anything in this Constitution, the President may, with the consent of the Government of a State, entrust either conditionally or unconditionally to that Government."

that is to say, the government of the State,

"or to its officers functions in relation to any matter to which the executive power of the Union extends."

This was the provision and there was no counter provision and therefore by the seventh amendment of the Constitution this provision of article 258-A also has been introduced. Whether the word used is "President" or "Governor", whoever he be, he is supposed to act on the advice of the Government. He is not functioning or working in his own discretion. And why has this been done? I was trying to find out from the Commentary of Basu where he has very well explained these things. I will read out that part from his Commentary.

"While the President is empowered by article 258(1) to entrust Union functions, to a State Government or its officers, there is no corresponding provision enabling the Governor of a State to entrust State functions to the Central Gov-

ernment or its officers. This lacuna has been found to be of practical consequence in connection with the execution of certain development projects in the States."

This lacuna was found in the course of the administrative responsibilities that one has to undertake in the implementation and execution of certain important projects and therefore, this amendment of the Constitution was found necessary. It was brought in not to make the Governor a despot but to facilitate the programmes of economic development. This is all that I wish to say.

As far as the Resolution is concerned, I would request the hon. Member not to press it further because as I said this question is to be very carefully considered by a team which is headed by a very eminent Member of this hon. House, Mr. Setalvad, and naturally when they make a report to the Administrative Reforms Commission they will study it and they will make their recommendations which this hon. House will have some occasion to study and at that time if it thought that a body consisting of Members of this House and the other House should go into it, we can consider at that time.

MESSAGES FROM LOK SABHA

- I. THE PUBLIC WORKS (EXTENSION OF LIMITATION) AMENDMENT BILL, 1967.
- II. THE UNLAWFUL ACTIVITIES (PREVENTION) BILL, 1967

SECRETARY: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

I

"In accordance with the provisions of Rule 96 of the Rules of