

enables large number of prospective youth for taking up Short Term Training (STT) and Recognition of Prior Learning (RPL) through empanelled training centers / training providers (TCs/TPs) throughout the country including tribal dominated areas. Under the scheme, the empanelment of TCs/TPs is done through single window IT application known as SMART (Skill Management and Accreditation of Training Centres). As on 11.11.2019, 181 TCs (STT) have been empanelled for imparting training in the State of Jharkhand.

In addition, the Ministry promotes establishment of model and aspirational skill centres known as Pradhan Mantri Kaushal Kendra (PMKK) in every district throughout the country for imparting skill training through its flagship scheme PMKVY 2016-20. The Ministry through National Skill Development Corporation (NSDC) provides upto 75% of the project capital cost as well as operational support to each PMKK. As on 11.11.2019, 24 PMKKs have been allocated in the State of Jharkhand; out of which 23 PMKKs have been established.

Under Pradhan Mantri Kaushal Vikas Yojana (2016-20), as on 11.11.2019, 69.03 lakh (appx.) (38.01 lakh STT + 31.02 lakh RPL) candidates have been trained throughout the country. Under STT, as per data reported on SDMS (Skill Development Management System), 30.21 lakh candidates are certified. Out of these certified candidates, 15.4 lakh candidates have been reported to be placed in various sectors across the country.

*The House then adjourned for lunch at one minute past one of the clock.*

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

MR. DEPUTY CHAIRMAN *in the Chair.*

#### **PRIVATE MEMBERS' BUSINESS**

##### **Resolution regarding amending Constitution for bringing back subjects transferred from State list of concurrent list**

MR. DEPUTY CHAIRMAN: Shri Vaiko to move a Resolution urging the Government to empower the States by bringing back the subjects which were transferred from the State List to the Concurrent List, vesting of residuary powers

with the States and allocating more finances and corpus funds to them to mitigate the sufferings of the people of each State. Shri Vaiko, please move your Resolution.

SHRI VAIKO (Tamil Nadu): Sir, I move the following Resolution:-

"Having regard to the fact that-

- (i) India is a pluralistic society, consisting of myriad cultures, languages, religions and ethos, and the founding fathers of the Constitution provided for federalism which is the foundation of democracy;
- (ii) India being a multi-region and multi-linguistic nation with people of different hues and colours, decentralisation is the need of the hour;
- (iii) some important subjects have been transferred over the years from the State List thereby diluting and diverting the States' powers;
- (iv) important and sensitive subjects which have a bearing on the people of the country should be left to the States alone to decide in respect of its policy and implementation, since the State is nearer to the people than the Centre;
- (v) to protect the unity and integrity of the country, federalism in true sense should be provided for in the Constitution;
- (vi) there is an urgent need to improve harmonious development of the Centre-State relationship and to empower the States with more self-sufficient, autonomous and financial powers;
- (vii) there is an urgency to examine and consider all the recommendations of the various Review Commissions submitted in the past, on the working of the Constitution for implementation,

this House urges upon the Government to-

- (a) take necessary measures, including amendments to the Constitution to bring back the subjects which were transferred from the State List to the Concurrent List, during the last 70 years;
- (b) ensure that the residuary powers are vested with the States, by reviewing and restructuring the Seventh Schedule to the Constitution;

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- (c) take necessary steps to ensure that the States are financially empowered by allocating more finances to them; and
- (d) provide corpus funds to mitigate the sufferings of the people of each State, of such amounts depending on the past disasters each State faced like drought, floods, cyclone, etc."

Hon. Deputy Chairman, Sir, I extend my thanks from the core of my heart for I am very glad indeed. The reason for my happiness is a cause for which our Dravidian Movement has been fighting so far, a cause for which States are craving more powers, that subject, federalism. I move this Resolution on federalism.

At the very outset, I extend my gratitude for this unforgettable opportunity to move a Private Member Resolution to deliberate one of the cornerstones of the Constitution, that is, federalism, broadly speaking, Centre-State relations. This is the occasion to put forth a concept which I cherished in my public career, which was well-established by scintillating articulations on the domain of Centre-State relations by the great leader, late lamented *Arignar Anna*. This Resolution throws light on my major subject, which has been dealt in the Seventh Schedule of the Constitution of India — Union List, State List and Concurrent List.

In 1965, the *Illustrated Weekly* interviewed *Perarignar Anna*. The newspaper man asked the question: What are the main principles and policies of the DMK? This was on 26th September, 1965. *Arignar Anna* says, 'First, the reshaping of the Constitution so that it becomes effectively federal; second, fuller autonomy to the States; third, proportional representation which seeks to solve the problem of communal minorities; four, democratic socialism; five, eradication of caste. Federalism, full autonomy for the States and egalitarianism are our principles.'

The cardinal principle of my Party, Marumalarchi Dravida Munnetra Kazhagam, is decentralisation, giving more powers to the States and having a true federal country. Sir, we are for real federation. This Constitution has been amended 103 times. Dr. Babasaheb Ambedkar, in his wisdom, clarified this point. I quote the speech made by him on 25th November, 1949 in the Constituent Assembly. I quote, "The Assembly has not only refrained from putting a seal of finality and infallibility upon this Constitution by denying to the people the right to amend the Constitution as in Canada

or by making the amendment of the Constitution subject to the fulfilment of extraordinary terms and conditions as in America or Australia, but has provided a most facile procedure for amending the Constitution." Not only that, he visualised the forthcoming scenario and challenges. Therefore, again, on this pertinent point of amending the Constitution, without giving a rigid finality, Dr. Ambedkar stated, "Jefferson, the great American statesman who played so great a part in the making of the American Constitution, has expressed some very weighty views which makers of Constitution, can never afford to ignore." In one place he has said, "We may consider each generation as a distinct nation, with a right, by the will of the majority, to bind themselves, but none to bind the succeeding generation, more than the inhabitants of another country." I repeat the sentence, "We may consider each generation as a distinct nation...." The Preamble to the Constitution of India reads, "We, the people of India, having solemnly resolved to constitute India into a Sovereign Socialist Secular Democratic Republic and to secure to all its citizens: Justice, Liberty, Equality and Fraternity, in our Constituent Assembly this twenty-sixth day of November, 1949, do hereby adopt, enact and give to ourselves this Constitution." Yesterday, we bowed our head before the great leader and we raised our voice for real democracy and federalism, not inside the Parliament but outside the Parliament before the statue of Dr. Ambedkar. This very concept itself is against truth. It is because the Constituent Assembly did not really represent the population of the country. Mr. K.C. Wheare, a great theoretician on Constitution, in his *Modern Constitution*, mentions this. Let me quote it: "in India, the people enact the Constitution in our Constituent Assembly. But the Assembly was composed of representation elected by a minority of the people of India and the Constitution itself was never submitted to the people directly." Until 1733, there was no such thing as Central Government so far as the British Empire was concerned. People are advocating for a strong Centre. I hear the voice of many political parties for a strong Centre, including the present political party which is holding the reins of power. We are for a strong India. I am for a strong India; MDMK is for a strong India; DMK is for a strong India; all the political parties are for a strong India. But, at the same time, I would like to stress and emphasise this point in no uncertain terms that we are for the unity and integrity of India. On this question, our *bona fides* are clear, and whether we belong to MDMK, DMK, Trinamool, Telugu Desam, Akali Dal or National Conference, or any other party, it is so easy to argue that a common language is needed for the unity of India. Before we analyse that,

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may I request the Members of this august House to make a distinction between unity and uniformity? Is it merely unity that you want? You want uniformity. Is it merely unity that you want? You want uniformity through the bulldozer of a common language. If it is uniformity that you are going to aim at, you are not going to achieve it, come what may. This country consists, as the late Prime Minister Pandit Jawaharlal Nehru stated in this very august House, of different ethnic elements, different cultural elements and different linguistic groups. It is only unity within this diversity that we should arrive at, and not by destroying the fine niceties of this diversity, mistaking uniformity for unity. That was a great empire, raised by great Chanakya. Chandragupta Maurya - Maurya Empire had a strong Centre. What happened to that Maurya Empire? Then they say, 'this is the golden period of Guptas? They had a strong Centre. What happened to Gupta Empire? Then came the Mughal Empire, concentrated all the powers in Delhi. What happened? So, this argument of strong Centre, accumulating all the powers at the Centre, will lead to balkanisation that happened in Yugoslavia and Soviet Russia. May I ask hon. Members of this House? The Constitution of United Kingdom is mostly guided by conventions. I, as a student of Modern Governments, B.A. (Economics), would like to quote a very interesting quotation of Ivar Jennings, who says,/ The Constitution of United Kingdom is mostly governed by Conventions, could be compared to a horse, galloping forward, looking its head backward.' So, there were Morley-Minto Reforms, Montagu Chelmsford Reforms, then came 1935 Act. Most of the principles we inherited from these. In the Constitution of Australia, the residuary powers are vested with the States. In the United States of America, the residuary powers have gone towards the States. Only in Canada, they have residuary powers towards the Centre. I have given this Resolution to bring amendment to the great Constitution. The Entry No. 97, that is, residuary power, is in the Union List. I am very glad that my great friend is here. He is an authority on this.

THE MINISTER OF LAW AND JUSTICE; THE MINISTER OF COMMUNICATIONS; AND THE MINISTER OF ELECTRONICS AND INFORMATION TECHNOLOGY (SHRI RAVI SHANKAR PRASAD): I am listening to your very intellectually stimulating interventions.

SHRI VAIKO: I am very happy you are here. You are an authority on this. That is why I am very happy. The Entry No. 97, that is, residuary powers, in the Union List, should be included in the State List. Many may not agree with me. This is a

forum for debate. This is a forum for deliberations. This is a forum for discussion. This is a forum for analysis. I wish that the following ten items should be deleted from the Concurrent List and added to the State List. Entry No.6 - transfer of property other than agricultural land, registration of deeds and documents. Entry No.8 - actionable wrongs, Entry No. 25 - education. When we were languishing in the dark dangerous cells of emergency, education was easily swallowed by the Centre. The Education went to the Concurrent List. Now, it has become more or less Union List. Only for namesake, it is in the Concurrent List. Right from Class-I, through the new education policy, they are thrusting - 'one nation, one ration card, one aadhaar card, one language, one religion'. Where are we leading to? Finally, you won't have that one nation. I warned you. If you want to thrust everything, as one, 'one language, one religion, one aadhaar card and one food habit, what are you going to do? Are you going to do like the Nazis and Fascists in Germany and Italy? What is this? You are thrusting on us. It is a unity in diversity. It is a plural society. It is not a State. It is a multi-national State. My friend will not agree. He may get angry against me on this. So many other friends. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: I may not get angry.

SHRI VAIKO: It is a multi-national State. It is not a nation. India is a multi-national State. Entry No.25 - Education, including technical education, medical education and universities. Subject to the provisions of Entry Nos. 63, 64, 65 and 66 of List 1; vocational and technical training of labour... This was done in the 42nd Amendment. Then there is Entry No. 28 - Charities and charitable institutions, charitable and religious endowments and religious institutions; Entry No. 30 - Vital statistics including registration of births and deaths; Entry No. 31 - Ports other than those declared by or under law made by Parliament or existing law to be major ports; and then Entry No. 40, Entry No.41, Entry No.42 and Entry No.44. Because of the paucity of time, I am rushing through different entries. These items have been given to the States. But, at the same time, what are the items given to the States? Ridiculous, shameful. Then, there is Entry No.16 - Pounds and the prevention of cattle trespass. You are trespassing everywhere, but you have vested the issue of cattle trespass with the States. Then, there is Entry No.28 - markets and fairs. Then, there are the items like treasure trove; betting and gambling; pilgrimages. The next item is very interesting - burials and burial grounds. You are going to bury the federal concept, the State

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autonomy concept. That is why, you have allotted burials and burial grounds to the States. Then, the next item is: relief of the disabled and unemployable. Then, there is Entry No.28 -Charities and charitable institutions, charitable and religious endowments and religious institutions.

It would be very appropriate to quote late lamented Arignar Anna, the founder of DMK. This is what he wrote in his party organ '*Home Rule*' on 12th January, 1969, just some 20 days before he breathed his last. This is his last article. I quote, "Dear brother, they know not of what mettle I am made up. Never have I been mad after power. Nor am I happy of being the Chief Minister of our State under a Constitution which on paper is federal, but in actual practice tends to get more and more centralised. If by being in office, the Dravida Munnetra Kazhagam is able to bring to the notice of the thinking public that the present Constitution is a short of diarchy by the backdoor, that would be a definite contribution indeed to the political world."

There was a very interesting discussion in the Constituent Assembly on the provisions of the President's Rule in the States, which came up for discussion on 3rd August, 1949. In the Constituent Assembly, when the debate was going on, the great Dr. Ambedkar was at pains to observe one thing. It is very interesting to note this. He was at pains to emphasize this. Dr. Ambedkar said, "I think it is agreed that our Constitution, notwithstanding the many provisions which are contained in it whereby the Centre has been given powers to override the provinces, nonetheless is a federal Constitution and when we say that the Constitution is a federal Constitution, it means that the provinces are as sovereign in their field, which is left to them by the Constitution, as the Centre is its field which is assigned to them."

Finally, when the Assembly had completed its deliberations, Dr. Ambedkar replied to the debate on 25th November, 1949. I quote Dr. Ambedkar, "As to the relation between the Centre and the States, it is necessary to bear in mind the fundamental principle on which it rests. The basic principle of federalism is that the legislative and executive authority is partitioned between the Centre and the States, not by any law to be made by the Centre, but by the institution itself. That is what Constitution does. The States, under our Constitution, are in no way dependent upon the Centre

for their legislative and executive authority. The Centre and the States are co-equal in this matter. It is difficult to see how such a Constitution can be called centralism. It may be that the Constitution assigns to the Centre too large a field of operation of its legislative and executive authority than is to be found in any other federal Constitution. It may be that the residuary powers are given to the Centre and not to the States. But, these features do not form the essence of federalism." These are the words of none other than Dr. Ambedkar. He says further, "The chief mark of federalism, as I said, lies in the partition of the legislative and executive authority between the Centre and the States by the Constitution. This is the principle embodied in our Constitution." Anna said in Rajya Sabha "I can never forget that I have got a hoary language called Tamil. I will never be satisfied till that language in which my forefathers spoke, in which my poets have given sermons and scriptures, in which we have got classics and literatures of inexhaustible knowledge, I will never be content till that day when Tamil takes its due place as one of the official languages in the Union". On this very concept of sovereignty of the State, our Arignar Anna says "The Preamble to the Constitution clearly states that the political sovereignty rests with the people. Then legal sovereignty is divided between the federal union and the constituent units". Why don't you take it in that light? Sovereignty does not reside entirely in one particular place. We have a federal structure, that is why the framers of the Constitution wanted a federal structure and not a unitary structure, because many political philosophers have pointed out, India is so vast, in fact, it has been described as a sub-continent. The mental health is so varied, the traditions are so different, the history is so varied that there cannot be a steel framed unitary structure here". Hence I want to quote Dr. Ambedkar again, "what I want to say is that the working of the federal structure is in such a way that the States are feeling more and more frustrated, and their demand is to make the Union Government think that there should be a review of the Constitution, a reappraisal of the Constitution". This is what Dr. Ambedkar says, a review of the Constitution, a reappraisal of the Constitution. 'The scheme of distribution of the powers under the Constitution'... I am skipping so many things. Sir, there was one Sarkaria Commission. Then, there was the Rajamannar Committee of DMK. When Anna passed away, Dr. Karunanidhi became the Chief Minister of Tamil Nadu. When he came to Delhi for the first time, all the press people encircled him because everybody knew that he was a tough man. They asked as to what will be your relationship with the Centre. He immediately said, here in Delhi,



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"I am going to constitute a Committee of judges and educationists to analyse the Centre-State relations". He appointed a Committee, headed by the then Chief Justice of the Madras High Court, Dr. P.V. Rajamannar, Justice P. Chandra Reddy and the former Vice-Chancellor of Madras University, A. Lakshmanaswami Mudaliar. That Committee gave its report in the year 1969. But the resolution came in the year 1974 on 16th April and on April 20th, 1974, the resolution was adopted. According to Sarkaria Commission, "The Governor of the State should not consider himself as an agent of the Centre—what is happening today it has been indicated— but should play his role as the Constitutional head of the State. The Governor, as a last resort, before recommending President's Rule should explore all possible avenues open to him to secure a Ministry which would command the confidence of the legislature. The Governor before sending his recommendation for President's Rule should refer the report to the Legislative Assembly within a specified period to know the views of the Assembly." The Rajamannar Committee recommendations are very important for autonomy of the States and also suggests some checks upon the misuse of the provisions relating to the President's rule. What happened in Maharashtra? The night drama. \* What is happening and \* I do not know. Within two nights things changed, magic, Alladin and the miracle lamp. Sir, then came the Anandpur Sahib Resolution.

DR. VIKAS MAHATME (Maharashtra): Sir, reference to Maharashtra and underworld may kindly be removed from the records.

MR. DEPUTY CHAIRMAN: It will be examined.

SHRI VAIKO: The Resolution was adopted at an open session of All India Akali Committee held at Ludhiana on October, 1978. "It urges upon the Government to take cognizance of the different linguistic and cultural sections, religious minorities as also the voice of millions of the people and recast the constitutional structure of the country on real and meaningful federal principles to obviate the possibility of any danger to the unity and integrity of the country". In Calcutta, restructuring of Centre-State relations was talked about in 2004-05. The Left Front Government in West Bengal had adopted a 15-point programme in 1977 seeking re-alignment of Centre-State relations. Several political parties have also stood for re-structuring of Centre-State relations and greater federal autonomy. Srinagar Conclave in 1983 brought together parties like

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\* Expunged as ordered by the Chair.

**3.00 P.M.**

DMK, Telugu Desam, Akali Dal, Republican Party of India, the Asom Jatiyatabadi Dal and J&K National Conference along with the left parties. Many areas were identified at the Srinagar Conclave but what happened? Twice, I attended the Conclave convened by my great friend, Dr. Farooq Abdullah, who is now under house-arrest.

I do not want to take time on the Srinagar Resolution but the Calcutta Resolution, Anandpur Sahib Resolution, Rajamannar Committee Resolution, Sarkaria Commission Report, these are all very, very important events. Many of my friends want to participate in this debate. I can speak for another half-an-hour but I am told that some of my friends have to leave. Sir, this Resolution should be adopted. Residuary powers should be vested with the States and the Governor's post should be abolished.

MR. DEPUTY CHAIRMAN: Thank you, Mr. Vaiko.

*The question was proposed.*

**श्री शिव प्रताप शुक्ल** (उत्तर प्रदेश): माननीय उपसभापति जी, माननीय वाइको जी ने बड़ी दृढ़ता के साथ अपनी बातों को रखा है। अगर मैं यह कहूँ कि उन्होंने जो शुरुआत की, द्रविड़ संघर्ष और संप्रदाय की, तो मुझे लगता है कि भारत एक ऐसा देश है जिसमें शुरु से ही इस बात की संकल्पना की गई। यह कहा गया कि

**सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः,  
सर्वे भद्राणि पश्यन्तु मा कश्चिद् दुःख भाग्भवेत्।**

हमारे शास्त्रकारों ने सबके सुख की कल्पना की, सबके स्वास्थ्य की कल्पना की और धीरे-धीरे वह भाव, जब अंग्रेजों ने एक केंद्रीयकृत कानून को बनाने का काम किया था- मैं यह कहूँ कि डलहौजी ने जब एकीकृत किया था तो उस समय भी देश में विद्रोह हुआ था, लेकिन जब देश स्वतंत्र हुआ था, तो जिस डॉ. अम्बेडकर जी की बात यहां कही गई है, उन्होंने शुरुआत में ही अनुच्छेद (1) के आधार पर सबको जोड़ने की बात कही थी, संघवाद की बात कही थी, राज्य और केंद्र को जोड़कर चलने की बात कही थी। आज हम उसी पर काम कर रहे हैं, उसी को बढ़ा रहे हैं, कहीं भी उससे इधर-उधर जाने की बात फ़िलहाल वर्तमान में आदरणीय श्री नरेन्द्र मोदी जी सरकार नहीं कर रही है।

मान्यवर, मैं यह कहना चाहूँगा कि पहले योजना आयोग हुआ करता था, आज नीति आयोग है।

[श्री शिव प्रताप शुक्ल]

अभी वाइको साहब जिस बात को कह रहे थे, तो इस पर भी बात कहनी चाहिए थी कि अन्य सरकारें, राज्यों के भाग को केवल 35% तक समेट कर रखती थीं। नीति आयोग के गठन के बाद स्वयं आदरणीय प्रधान मंत्री जी ने इस बात को कहा कि सभी मुख्यमंत्री अपनी योजनाओं को लाएं। नीति आयोग में प्रधान मंत्री और मुख्यमंत्रियों के साथ बैठने की बात आई, तब केन्द्र सरकार ने 42 परसेंट भाग राज्यों को देने का काम किया। यह श्री नरेन्द्र मोदी जी की सरकार की बात है। उन्होंने राज्य के हित को समझा, देखा और देख करके उधर ध्यान दिया कि राज्य और केन्द्र दोनों स्थिति में एक होने चाहिए, दोनों साथ-साथ चलने चाहिए। सभी राज्यों से मिलकर यह बना है। इस नाते आज मैं यह कहूँ कि इस देश में श्री नरेन्द्र मोदी जी की सरकार ने 2 लाख 87, हजार करोड़ रुपये केवल और केवल पंचायतों के लिए दिए।

**एक माननीय सदस्य:** यह बहुत बड़ी बात है।

**श्री शिव प्रताप शुक्ल:** उन्होंने 2 लाख, 87 हजार करोड़ रुपये पंचायतों को देने का काम किया है। आदरणीय स्वर्गीय राजीव जी ने भी पंचायत सिस्टम में बहुत काम किया था और उन्होंने एक बात कही थी। उन्होंने कहा था कि जब मैं एक रुपया भेजता हूँ, तो केवल पन्द्रह पैसे वहां पहुंचते हैं। सर, सिर्फ पन्द्रह पैसे ही क्यों पहुंचते हैं - एक रुपया पहुंचना चाहिए था, विकास का काम होना चाहिए था, लेकिन नहीं हुआ। उसको देखते हुए जब वर्ष 2014 में श्री नरेन्द्र मोदी जी की सरकार आई, तो उन्होंने कहा कि अगर एक रुपया भेजा जाता है, तो एक रुपया ही क्यों न पहुंचे। जनधन खाते की शुरुआत उन्हीं की रही और आज उस जनधन खाते में 37 करोड़ खाते खुले। उसका परिणाम यह रहा कि जब एक रुपया भेजा जाता है, तो पूरा एक रुपया ही खाते के आधार पर पहुंचता है, वह पन्द्रह पैसे नहीं पहुंचते हैं। हम वाइको साहब की इस बात से सहमत हैं कि राज्यों की बात समझनी चाहिए। राज्य और केन्द्र दोनों का पारस्परिक संबंध होना चाहिए। राज्य और केन्द्र एक-दूसरे से अलग नहीं रह सकते हैं। संघवाद की भावना वही है, जो कही गई है। एक सूत्र से जो मैंने कहा कि

**"सर्वे भवन्तु सुखिनः सर्वे सन्तु निरामयाः।**

**सर्वे भद्राणि पश्यन्तु मा कश्चिद् दुःख भाग्भवेत्॥"**

महोदय, सब को जोड़कर चलने की आवश्यकता है। आज तमिल भाषा की बात आपने कही, उस तमिल भाषा को केन्द्र सरकार ने पूरे तौर पर आग्रह के साथ स्वीकार किया है, स्थान दिया है और भारत की भाषाओं में रखा है। हम तो यह कहेंगे कि हमारे माननीय सभापति जी सभी लोगों से यह कहते हैं कि सभी लोग अपनी-अपनी मातृभाषा में बोलने का काम करें। यह एक अद्भुत काम आपने और उन्होंने इस सदन में प्रस्तुत किया है। इसी

तरह से हमेशा राज्य का और केन्द्र का संबंध रहा है। भारत का केन्द्र कभी अधिनायकवाद के आधार पर नहीं जाना गया। वह लोकतंत्र रहा है और लोकतंत्र के आधार पर ही चला है। कभी किसी ने कह दिया था, इस देश में पहली बार जब केरल की सरकार को हटाने के लिए धारा 356 लागू की गई थी, तब धारा 356 की परिकल्पना की गई थी। वह धीरे-धीरे बढ़ता गया। वे राजनैतिक कारण हुआ करते थे, लेकिन उनमें कहीं भी राज्यों को disturb करने की बात नहीं थी, वे राजनैतिक कारण थे और उन राजनैतिक कारणों की वजह से यहां से कुछ हो जाता था। हम तो कहेंगे कि इस सरकार के पांच बरस बीत गए और इधर यह हुआ, अनेक बातें आईं। हम यह कह सकते हैं कि पश्चिमी बंगाल में एक डॉक्टर ने, चाहे गलत किया था या सही किया था, उसने ऑपरेशन किया था और एक मरीज की मृत्यु हो गई थी। कुछ लोगों के द्वारा उस डॉक्टर को अधमरा कर दिया गया। उसकी रिपोर्ट जब बाहर आई, तो उस रिपोर्ट के आधार पर डॉक्टरों ने स्ट्राइक कर दी। स्ट्राइक डॉक्टरों ने की और उस राज्य के लोगों ने केंद्र पर उसका दोष मढ़ दिया और कहा कि केंद्र सरकार इसके लिए जिम्मेदार है। राज्य में यह बात हो रही है और केंद्र सरकार जिम्मेदार है - ऐसी बातें क्यों होनी चाहिए? पूरे देश में बवाल मचा, अंततः बात तय हुई और वहां की सरकार ने डॉक्टर को ही कटघरे में खड़े करने का काम किया था। यह राज्य का विषय है। मुझे उससे कुछ नहीं लेना है, लेकिन उसका आरोप केंद्र पर तय किया जाता है। मुझे लगता है इससे कहीं न कहीं तनाव की स्थिति आती है। राज्य और केंद्र के बीच तनाव कभी नहीं आना चाहिए। उनके बीच हमेशा सामंजस्य स्थापित करना चाहिए और उस सामंजस्य के आधार पर ही हम कार्य कर सकते हैं।

आज संघवाद का सबसे अच्छा सबूत अगर कोई है, तो मैं यह कह सकता हूं कि इस सरकार ने जो जीएसटी लागू किया है, वह है। जीएसटी का कोई एक निर्णय भी ऐसा नहीं आया है, जिसको जीएसटी काउंसिल के बाहर सरकार ने किया है। सारा निर्णय जीएसटी काउंसिल ने किया। वह जीएसटी काउंसिल, जिसका एक-एक सदस्य राज्यों का वित्त मंत्री या मुख्यमंत्री के द्वारा नामित मंत्री हुआ करता है, वह उस जीएसटी काउंसिल में बैठता है, निर्णय लेता है कि इस पर कर लगाया जाए, इस पर कम किया जाए, इस पर अधिक किया जाए। यह निर्णय, जो नरेन्द्र मोदी जी की सरकार ने किया है, जिसके लिए बार-बार नरेन्द्र मोदी जी की सरकार को यह कहा गया कि यह नहीं करना चाहिए, उसने संघवाद को पूरे तौर पर जन्म देने का काम किया है, जोड़ने का काम किया है और यह कहा कि राज्य और केंद्र समान रूप से बैठकर कार्य करें। मैं कहना चाहूंगा कि एक विषय ऐसा आया था, तीन-चार प्रदेशों में कांग्रेस की सरकार बन गई थी, जिनमें मध्य प्रदेश, राजस्थान, छत्तीसगढ़ आदि हैं। उस दिन जीएसटी काउंसिल में ताज्जुब हुआ, जब पहले मीटिंग करके और जीएसटी काउंसिल में आकर विरोध किया गया। मैं जरूर इस बात को कहना चाहूंगा

[श्री शिव प्रताप शुक्ल]

कि स्वर्गीय अरुण जेटली जी ने कहा कि नहीं, आप लोग इसे फिर समझ लीजिए। आज मैं इस बात को जरूर कह सकता हूँ कि जीएसटी काउंसिल में अगर कोई भी निर्णय होगा, वह सर्वसम्मत होगा, वह बहुमत के आधार पर नहीं होगा। बाद में उन्हीं मुख्यमंत्रियों ने इसको स्वीकार किया और स्वीकार करने के बाद उन्होंने बैठक आगे बढ़ा दी। जब दूसरी बैठक हुई, तो उसमें सर्वसम्मत से जीएसटी काउंसिल ने निर्णय लिया। यही संघवाद है। ये जिस संघवाद की परिभाषा की बात कह रहे हैं, मैं उन नेताओं का आदर करता हूँ, जिनका नाम आदरणीय वाइको साहब ने लिया है। वे लोकतंत्र के एक प्रहरी थे। हम इस बात को जरूर कहना चाहेंगे कि वर्तमान में इस सरकार ने जितना राज्यों को अधिकार देने का काम किया है, उतना शायद किसी भी सरकार ने नहीं किया है। अब तो यह भी कह सकते हैं कि हमने कभी भी किसी राज्य के खिलाफ, भले ही उसने हमारे ऊपर आग उगली हो, फिर भी 356 का उपयोग करने का काम नहीं किया है। यही तो संघवाद है।

**श्री उपसभापति:** शुक्ल जी, आपके अलावा और भी पांच स्पीकर्स हैं।

**श्री शिव प्रताप शुक्ल:** मान्यवर, मैं इस बात को कहना चाहता हूँ कि केंद्र और राज्य का जो संबंध होता है - एक हाथ से ताली कभी नहीं बजती है, ताली दोनों हाथों से बजती है। अगर श्री नरेन्द्र मोदी जी ने बार-बार ...

SHRI T.K. RANGARAJAN (Tamil Nadu): Sir, you need two hands, but equally. There is no equal.

**श्री उपसभापति:** प्लीज, रंगराजन साहब। शुक्ल जी आप अपनी बात को पूरा करें।

**श्री शिव प्रताप शुक्ल:** मैं इस बात को कहना चाहता हूँ कि निश्चित रूप से संविधान में जो भी बातें कही गई हैं, उनमें ऐसा कहीं नहीं कहा गया है कि केंद्र पूरे तौर पर निरंकुश होना चाहिए। इस बात को साफ-साफ कहा गया है कि केंद्र को राज्यों के अधिकार देने चाहिए। केंद्र ने राज्यों को 52 अधिकार देने का काम किया है। उसी संविधान के निर्देशों के द्वारा यह सरकार चल रही है। निश्चित रूप से हम इस बात को कह सकते हैं कि श्री नरेन्द्र मोदी जी की सरकार सम्पूर्ण राज्यों की सहमति के आधार पर निर्णय लेगी, केन्द्र की सरकार राज्यों की सहमति के आधार पर निर्णय लेकर सरकार चलाएगी। अगर संघवाद का सही अर्थ किसी ने दिया है, तो श्री नरेन्द्र मोदी जी ने दिया है, भारतीय जनता पार्टी की सरकार ने दिया है, एनडीए की सरकार ने दिया है, बहुत-बहुत धन्यवाद।

SHRI JAIRAM RAMESH (Karnataka): Sir, for many years, I have been an admirer of Mr. Vaiko's oratory. Today, he has given a powerful speech in favour of the rights of States. My Division No. is 189. Between 1962 and 1967, in Division No. 185 sat

the great Shri C.N. Annadurai making similar speeches for the rights of States. Between 1984 and 1988, Division No.185 was J. Jayalalithaa, who made similar speeches for rights of States. So, I am conscious of the background to Mr. Vaiko's Resolution. I am in sympathy with the spirit of his Resolution but when you look at what he wants the House to agree to, 'A', 'B', 'C' and 'D', there are some aspects which, in my view, would be detrimental to the national interest. So, with great respect, I have to disagree with Mr. Vaiko.

Sir, Mr. Vaiko's first demand is that all items, that were shifted from the State List to the Concurrent List, should go back to the State List. The Forty-Second Amendment came in 1976. Four big items were switched from the State List to the Concurrent List. What are those items? Number one is population control. Second Resolution today is on population control. Population control went from State List to Concurrent List. Second big item forests went from State List to Concurrent List. Third big item education went from State List to Concurrent List. Fourth item administration of justice went from State List to Concurrent List. Who can argue that population is not a national concern? Population is a national concern. The Central Government must have a role in population planning. It was done deliberately so that the Central Government can have a greater role in the management of forests, in management of education, in the management of population and in the management of justice. Forty-Second Amendment, Mr. Vaiko will rightly point out, was done at the height of the Emergency. He is right. It happened in 1976. But, Sir, I would like to remind Mr. Vaiko, the Forty-Fourth Amendment came to this House in 1978 when there was no Emergency, when Shri Morarji Desai was the Prime Minister of India, when regional parties played a very important role. ...(*Interruptions*)... Please let me finish. Forty-Fourth Amendment - the Congress Party went back on some of the Amendments that were part of the Forty-Second Amendment. However, on four items the entire House was united in Lok Sabha and Rajya Sabha. What were those four items? Population, education, forests and management of justice. So, my point is that there has been a national consensus. It was created during the Emergency. It could have been very easily withdrawn. Many parts of the Forty-Second Amendment were withdrawn by the Forty-Fourth Amendment but these four items were not withdrawn. So, I would like to caution Mr. Vaiko that there is a background to this. Sir, after education has come on the Concurrent List, the funding for education has increased astronomically; after forests have come on the Concurrent List, we have had the Forest

[Shri Jairam Ramesh]

(Conservation) Act; after population has come on the Concurrent List, population planning has taken place and, in fact, many States of the country, barring six, have already reached replacement levels of population. So, bringing it on to the Concurrent List has had beneficial effects on States which have seen public expenditure in these areas increase.

My second point to Shri Vaiko is this. Sir, I support greater powers to States. I support that greater administrative and financial powers must be given to States but I have not seen one Chief Minister who comes to Delhi and demands greater power from New Delhi, will go back to the State and is prepared to give the same power to the Panchayats and Nagar Palikas. ...(*Interruptions*)... Every Chief Minister demands power from New Delhi rightly so, but no Chief Minister is prepared to respect the 73rd and 74th Amendments. This is a paradox. So, Shri Vaiko, we must be consistent. If the Centre gives more power to States, States must devolve more power to Panchayats and Nagar Palikas. That is not happening. There are double standards here. So, my request is, while we look at federalism, federalism is not just Centre and States. Federalism is Centre, States, Municipalities and Panchayats, all four of them. This is a Rudraksha Mala. They are bound together; strong Centre, strong State, strong Municipalities and strong Panchayats. This is true federalism. For 70 years, we have had a debate on federalism as Centre and State. It is time to abandon this model and look at Centre, States, Municipalities and Panchayats.

Thirdly, Sir, we are a nation of great diversity. But, the Constitution of India was prepared at a time when the single biggest concern was how to have a strong Centre. If the Centre is weak, India is weak. The Centre has to be strong. In fact, one of the problems with GST is that the power of the Centre has reduced very substantially and that is creating problems for the Finance Minister, whoever the Finance Minister may be. So, in our romantic notion of States, let us not under-value, under-mine the importance of a strong Centre. Strong Centre does not mean one language; strong Centre does not mean one food item; strong Centre does not mean one religion, as Shri Vaiko rightly points out, but strong Centre means that the Central Government has the pivotal role in raising resources and in distributing those resources equitably across the States. That is why, Sir, we have the Finance Commission. What does the Finance Commission do? The 15th Finance Commission will submit its report tomorrow to the President of India. Tomorrow, they are submitting the report. What will it do?

It will distribute the resources from the Centre and the States and distribute the resources between the States. The Finance Commission has been a very good model. It has been one of the great successes of the Constitution. Let us maintain the positive elements of federalism that are contained in the Constitution. On the Indian model of the Constitution, we can have an endless debate that whether our Constitution is a Unitary Constitution or a Federal Constitution. This debate will continue. But, what I want to say is that no Constitution can be divorced from its historical context. And, the historical context was Gandhiji, Nehruji, Patelji, Dr. Ambedkar, Azadji, Dr. Rajendra Prasad, Shri Syama Prasad Mukherjee, all wanted a strong Centre. All wanted the Government of India to be strong because if the Government of India is not strong, India is going to wither away. So there is a background with the Constitution. And I sympathize with Mr. Vaiko's sentiments. I think Mr. Vaiko is going to the other extreme of denying the centrality of the Central Government.

**विधि और न्याय मंत्री; संचार मंत्री; तथा इलेक्ट्रॉनिकी और सूचना प्रौद्योगिकी मंत्री (श्री रवि शंकर प्रसाद):** रमेश जी, मुझे बस आधा, एक मिनट बोलना है।

सर, मुझे आज बहुत सुकून मिला कि वरिष्ठ नेता जयराम रमेश जी सरदार पटेल, मौलाना आज़ाद, राजेन्द्र बाबू और श्यामा प्रसाद मुखर्जी का भी नाम ले रहे हैं। इसके लिए इनका अभिनंदन है।

**डा. के. केशव राव (आंध्र प्रदेश):** लेकिन हिस्ट्री वहाँ से स्टार्ट नहीं हुई है, हिस्ट्री बहुत पहले से स्टार्ट हुई है।

**SHRI JAIRAM RAMESH:** This is not the first time I have done it. I have done it on many occasions. Unfortunately, the Law Minister selectively hears. What can I do?

**SHRI RAVI SHANKAR PRASAD:** I am hearing for the first time.

**SHRI JAIRAM RAMESH:** These are the founding fathers. There are many other founding fathers. Rajagopalachari was one of the founding fathers. There are many people, who are the founding fathers. And let me say, since श्री रवि शंकर प्रसाद टोका-टाकी करने में लगे हुए हैं, मैं भी कहूंगा, the founding fathers had differences amongst themselves, but they were not rivals. They were not antagonists, as you are making them out to be. They had differences, but their commonalities overcame their differences and the commonality was, India must have a strong centre. And that gets reflected in our Constitution.



SHRI T.K. RANGARAJAN: Patel, Nehru. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Rangarajanji, please. Let us hear Mr. Jairam Ramesh.

SHRI JAIRAM RAMESH: In short, what I want to say is this. Mr. Vaiko's sentiments for a strong State is incontrovertible. However, let us not throw the baby out with the bathwater. Let us respect the Constitution as it exists today. Tinkering with the Seventh Schedule will open up Pandora's box. Giving the residuary powers from the Centre to the States will be a very retrogressive move. Transferring items from the Concurrent List back to the State List will be detrimental not for the Centre, it will be detrimental to the States. Their investment in education will come down, their investment in forests will come down, their investment in population planning will come down. So it is in the interests of the States to have the Concurrent List. In short, I sympathize with Mr. Vaiko's sentiments. He has been a great spokesman for the rights of the States, and States in India are like countries in the rest of the world. They are independent. Uttar Pradesh is the sixth largest in size in the world. Many States are larger than many countries of the world. They do require some powers, however, no State should forget that they are part of the Indian Union and they are strong if the Union is strong. If the Union is weak, the States are weak. Therefore, cooperative federalism is the only way. But cooperative federalism was not invented in 2014. The words 'cooperative federalism' were used for the first time in 1996.

SHRI VAIKO: But they do not understand. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: Sir, I have also been a student of political history. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please let him speak. ...(*Interruptions*)...

SHRI JAIRAM RAMESH: The first time when the words 'cooperative federalism' were used, was in the Common Minimum Programme of the United Front Government in 1996. It was not invented in 2014. Cooperative federalism is the right way. However, what we have seen in the last couple of years, is not cooperative federalism, it is combative federalism. It is competitive federalism, and this is not the federalism that is implicit in the Constitution of India. So when you say that we are committed to cooperative federalism, it should go beyond words. It must get reflected in the actions of the Central Government and what leads to suspicion in the States are unilateral,

arbitrary and discriminatory actions by the Central Government, whichever the party the Central Government may belong to. I am not defending. Sir, the Private Members' time is, usually, a time when we don't speak on party positions. When I was listening to Shuklaji, he was giving the party line. I wish he had given his views. In these three hours, we forget our party affiliation and we talk about what we think. So, I feel, I am not defending any political party, but, when any political party says, 'we are committed to cooperative federalism,' actions must be louder than words. And, in the last couple of years, cooperative federalism has taken a big hit, has been damaged, and that is why Mr. Vaiko, I think, has come forward with this Resolution. There are parts of this Resolution which are worth thinking about, which are worth reflecting on, but, I am afraid, the remedy, he is suggesting, is worse than the disease. He is asking for more funds for the States for natural disaster, one hundred per cent he should be supported; he is asking for greater administrative and financial powers, one hundred per cent he must be supported, but, he must not be supported on the other two items that are part of his Resolution. So, with great respect, Sir, my position on his Resolution is 50:50; 50 per cent I support him, 50 per cent I oppose him. Thank you.

[THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA) *in the Chair*.]

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Now, Shri Derek O'Brien. ...(*Interruptions*)...

श्री शिव प्रताप शुक्ल: सर, मैंने पार्टी लाइन नहीं ली है, बल्कि भारत के प्रधान मंत्री ने वर्तमान में जो किया है, वह बात कही है।

SHRI DEREK O'BRIEN (West Bengal): \*"I would like to convey my thanks to Shri Vaikoji for taking up the resolution and giving us an opportunity today to speak about federal structure. I wanted to say something after yesterday's victory in West Bengal, but we believe even after victory, humility should reign and one should not be arrogant. ...(*Interruptions*)... There is a translator there. See, if we are discussing federalism and Centre-States, it is better I speak in the language of my State as everybody else has a freedom to speak in whatever language he wants."

DR. K. KESHA RAO: Whatever we speak, others don't understand. Do you want us not to understand you?

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\*English translation of the original speech made in Bengali.

SHRI DEREK O'BRIEN: No, the translator is there.

\*"Let me first say that the scope of the subject is vast and time is short. I will deliberate on the specific points not touched upon by earlier speakers. We should first understand the relations between the Centre and the States in a federal structure. The problem is that many Governors have not read Chapter XI of the Constitution. If it is read properly, one can understand that people's verdict is directed towards the Chief Minister of the State while the Governor is the Constitutional Head. The aspirations and wishes of the people are reposed in the Chief Minister while the Governor remains the Constitutional Head. Sir, I would not just make my points, I would rather quote a few examples from the Constituent Assembly debates. I would continue with my speech by citing examples from the Punchhi Commission and the Sarkaria Commission besides Constituent Assembly debates. The Sarkaria Commission states that the Chief Minister would recommend the names of 3 eminent personalities to the President who in turn will appoint the Governor in consultation with the Chief Minister. But what is happening now? We get to know from 'Breaking News' of Media channels who has become the new Governor of the State and his name. Means there is absolutely no discussion.

The appointment of Governor has become like appointing a Branch Manager in some branch office. So we want that the recommendations of Sarkaria Commission should be followed strictly. This is one of my views as it was included in the recommendations. Now, let us have a look at the Constituent Assembly debates wherein Dr. B. R. Ambedkar had said so many things about the role of Governor - the things he can do and things he should not do. I would like to point out that only some days ago, 50 Members of Parliament sat down in front of the statue of Dr. Ambedkar in Parliament premises and read out from the Constitution. I would humbly point out that everyone including us, the Governors and all the politicians should read Chapter XI, page number 10, of the Constitution. What is now happening, Sir? An elected Government of the State is being obstructed. You may ask what kind of obstruction it is. It is happening regularly, Sir. The Governor tweets before taking tea in the morning, again he issues one or two statements about the State Government before morning walk - I am not citing any name - and after lunch he would roam about the State with photographers to get photo opportunity and by dinner he makes a remark. Is that the daily duty befitting the Governor? We have to ponder over it, Sir.

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\*English translation of the original speech made in Bengali.

Until we can solve this matter, the situation will worsen day by day. Sir, we respect the chair the Governor holds; everyone respects the chair he holds. But the events happening in my State over the last 2 months or the recent events in Maharashtra 2-3 days ago are dangerous signs. And today we have got the chance to listen to the Members on my right side what a Private Members' Bill stands for; we have got to know from Shri Jairam Ramesh about the State leaders who rose to different positions at the Centre. Sir, I do not want to talk politics. He suggested that we should rise above party line during Private Members' Bill yet some Member utters the name of his party six times in the discussion as they are full of arrogance. Sir, too much arrogance is not good. If this arrogance runs supreme, then you will face more defeats like the 3-0 defeat in West Bengal yesterday. I again extend my thanks to Shri Vaikoji for bringing up the resolution and thereby giving us an opportunity to speak on this very important issue. The resolution gave us a chance to deliberate on the issues of defence, finance and education. Let me say that education was earlier in the State List and then included in the Concurrent List and we want it back in the State List."

Vaikoji, thank you so much for giving us an opportunity to speak on federalism because it is a subject which is very, very close to our hearts. I think, all of us, irrespective of political parties, must read that Chapter XI here and remember the words of Dr. Ambedkar who said that the Constitution is but a skeleton and the flesh has to be put by all of us every day. I am afraid, with all due respect, Sir, some of the high constitutional authorities, I don't wish to discuss today in this debate, are making a mockery of the chairs they are sitting on.

SHRIMATI VIJILA SATHYANANTH (Tamil Nadu): Mr. Vice-Chairman, Sir, in the wake of this Private Member's Resolution brought by our veteran parliamentarian, great orator, fighter, Shri Vaiko, whom we all respect, for greater autonomy to States, it has become important to revisit Tamil Nadu's long history of advocating federalism to preserve national unity. Almost half a century ago, the DMK, in its conference at Tiruchirappalli, in February, 1970, floated one of its most popular slogans, "Maanilathile Suyatchi, Mathiyile Kootatchi", means, autonomy for States; federalism at the Centre, in an attempt to continue the party founder, Peraringnar Anna, demand to restructure Centre-State relations.

Peraringnar Anna, who championed the idea of federalism and staunchly resisted any attempt that infringed upon the State's prerogatives and emphasized the need to

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amend the Constitution, argued that an ideal Centre is the one which left sufficient powers to the State and kept just enough power to itself to protect the integrity and sovereignty of the country.

Tamil Nadu Assembly passed a Resolution — it has already been referred by Shri Vaikoji — on State autonomy based on the recommendations of the Rajamannar Committee which urged the Centre to make immediate changes in the Constitution of India to establish a true federal set up with full State autonomy.

My party, the All India Anna Dravida Munnetra Kazhagam, which broke away from the DMK, also continued to raise voice against anything that breached State's autonomy. Our founder-leader, Puratchi Thalaivar MGR upheld Perarisingan Anna's ideology on autonomy for States. All along, he was strongly in favour of Tamils in Sri Lanka. Puratchi Thalaivar MGR supported, all along, the right cause and was a godfather for Tamils in the island country of Sri Lanka, stood for their welfare and strongly believed that the only solution for Tamils is emerging Tamil Eelam. The same thing was pioneered by our leader, Puratchi Thalaivi Amma also.

SHRI VAIKO: I congratulate you.

SHRIMATI VIJILA SATHYANANTH: Thank you. In her last public address before her untimely demise, during her Independence Day Speech, our outstanding leader, the iron lady of the South, Dr. Puratchi Thalaivi Amma, who constantly opposed the Goods and Service Tax, claiming it will impact the fiscal autonomy, stressed that the country's true freedom is in economic freedom.

Our leader strongly condemned the genocide of lakhs and lakhs of Tamils in Sri Lanka. She forcefully enforced the UN that the then President of Sri Lanka, Mr. Rajapaksh should be declared as a war criminal by the International Court of Justice. This was the proclamation of our Amma.

Sir, I wanted to say about the other sentiments of our State. Sir, you know about the Hindi agitation and the Jallikattu. Sir, you know about the Hindi agitation and how strongly people opposed it. It is not because we don't want that language. It was only because the rights of our people, the rights of Tamils, should be preserved. Coming to Jallikattu, people of our State united in large numbers. They came with

children and families to Marina Beach in hundreds and hundreds, not just to bring the great valour and sport, but to demonstrate the pride of Tamils. It is the pride of our State. People came not only for that, but also to protect the rights of our State, language, heritage and culture. That is the reason people came there. The Southern States have become "aspirational economies and it is of prime importance to address it." Sir, I now want to appreciate the Government also. States were given a well-defined legislative and executive jurisdiction in the Seventh Schedule of the Constitution. Institutions like the Finance Commission, the Election Commission and the Supreme Court were created to ensure some degree of fairness in dealing with the States. However, the appointment of Governor as Head of the State with discretionary powers, Article 356, the All-India Services, the Planning Commission, all these eroded the States' powers significantly. Habitual abuse of Union's powers for partisan political gain, frequent dismissal of elected State Governments that they did, and the Union's near complete control of public and private investments, excessive discretion of the Union in resource transfers, the internal emergency that made India a *de facto* unitary State, and mass dismissals of State Governments in 1977 and 1980 led to a serious friction.

In the second phase, powerful leaders like Shri N.T. Rama Rao, Shri Ramakrishna Hegde, Shri Jyoti Basu, Shri Biju Patnaik and Perarignar Anna, Puratchi Thalaivar MGR, Puratchi Thalaivi Amma emerged to rally people around federalism and States' rights. A series of developments — the S.R. Bommai case verdict of 1994 about abuse of Article 356, largely a thing of the past, successive Finance Commission's reports on resource transfer, end of licence raj, decline of discretionary public sector investments, rise of regional parties and abolition of Planning Commission — helped create a more balanced federal India. For example, according to the revised estimates of 2017-18, half of the Union expenditure of around ₹22 trillion has been transferred to States by the Government. Of the total resource transfers, 69.4 per cent is by the Finance Commission devolution and grants, and the bulk of the rest is under Centrally Sponsored Schemes. The Indian federalism has matured quite a lot — that we have to agree—and the States have far greater control of their economic and political management than in the earlier phase.

In the end, I would like to say that we need more flexible federalism, strengthening India's unity and integrity and allowing us to fulfil our potential. I would just like

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to mention here that education is a subject which touches every person, every family and every institution in this country. So, any reform in the education sector naturally evokes a lot of emotion, because it impacts everybody's life. Education being a sensitive subject, any reform in the education sector must be handled with great sensitivity and care. It can be handled well only by the respective States. So, I would like the Union Government to soon switch over education as a State subject. It is a matter of language.

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Please conclude.

SHRIMATI VIJILA SATHYANANTH: The 42nd Amendment was made by them only. During Emergency, Shrimati Indira Gandhi, implemented that. This has already been mentioned. So, education is essential for everybody. It is an emotion and it touches everyone. So, we want education to be made a State subject. Along with this, States' rights also have to be preserved. With these words, I conclude. Thank you.

**श्री विशम्भर प्रसाद निषाद** (उत्तर प्रदेश): माननीय उपसभाध्यक्ष महोदय, हमारे माननीय सदस्य, श्री वाइको द्वारा जो संकल्प प्रस्तुत किया गया है, उस पर मैं बोलने के लिए खड़ा हुआ हूँ।

सर, इस संकल्प में इन्होंने ये बातें रखी हैं कि केन्द्र सरकार और राज्यों के बीच में बेहतर समन्वय होना चाहिए, जिससे कि राज्यों का विकास हो सके, लेकिन देखने को यह मिलता है कि जब किसी राज्य में कोई दैवीय आपदा आती है, तो वे केन्द्र के सामने भिखारी की तरह हाथ में कटोरा लिए माँगते रहते हैं कि हमारे यहाँ बाढ़ आ गई, दैवीय आपदा आ गई, इतने हजार करोड़ रुपये किसानों के लिए मुआवजा दीजिए, उनके मकानों के लिए मुआवजा दीजिए। मेरा मानना है कि इन सब बातों को कहने के लिए प्रदेश सरकारों को अधिकार होना चाहिए, उनको rights होने चाहिए, इसके बारे में वाइको जी ने यह संकल्प प्रस्तुत किया है।

हमारा देश बहुत पुराना देश है, आदिवासियों व द्रविड़ों का देश है। हम लोग तो बुंदेलखंड से आते हैं, लेकिन जब सभ्यता का विकास हुआ, तो नदियों, झीलों और जलाशयों के किनारे मनुष्य इकट्ठे हुए, वहीं से धीरे-धीरे नदियों के किनारे शहर-गाँव बसते चले गए और इस प्रकार से सभ्यता का विकास हुआ। हम देखते हैं कि आज भी देश के तमाम राज्यों में ऐसी जनजातियाँ हैं, जिन्होंने ट्रेन नहीं देखी है, बस नहीं देखी है, वे आज तक बस में नहीं चढ़े हैं। आज आज़ादी के 72 साल हो गए, हम लोग दिल्ली में पार्लियामेंट के अंदर

बैठकर यह कहते तो हैं कि हमने सबका विकास कर दिया, लेकिन देश में अभी भी कितने ही ऐसे लोग हैं, कितने ही ऐसे राज्य हैं, जहाँ उनके लिए पर्याप्त शिक्षा की व्यवस्था नहीं है, चिकित्सा की व्यवस्था नहीं है, उनकी सुरक्षा की व्यवस्था नहीं है। इसलिए हमें उनके लिए ये सारे इंतजाम करने चाहिए।

सर, हम अंडमान-निकोबार गए थे। हमने देखा कि वहाँ की जो जराबा और ओन्गी जनजातियाँ हैं, उनको संरक्षित करने के लिए उस केन्द्रशासित प्रदेश में केन्द्र सरकार इंतजाम तो करती है, लेकिन वह अभी पर्याप्त नहीं है। उनकी बोली और भाषा पर रिसर्च किया जाना चाहिए। उनके लिए भी स्कूल्स का इंतजाम किया जाना चाहिए और उनको भी सभी लोगों की तरह सुविधाएँ देकर मुख्य धारा में लाने का काम किया जाना चाहिए। सर, हमने एक कहानी पढ़ी थी कि एक दीनानाथ तिवारी जी थे। जब उनका जहाज लूटा गया था, तब दीनानाथ तिवारी जी घायल हो गए। जब वे अपनी साँस साधे पड़े थे, तो जराबा लोगों ने उनको हिला-डुलाकर देखा, तब उनको पता चला कि वे जीवित हैं। उन्होंने कहा कि ये तो जीवित हैं। जब उन लोगों से दीनानाथ जी ने कहा कि मुझे आप लोग बचा लीजिए, तो वे लोग उनको बचाकर अपने साथ ले गए, उनकी दवा-दारु की और इस प्रकार उनकी जान बच गई। दीनानाथ तिवारी जी उन लोगों के साथ बहुत दिनों तक रहे, लेकिन बाद में उन्हीं दीनानाथ तिवारी जी ने अंग्रज़ों की खुफियागिरी करके उनको धोखा दिया और उन जनजातियों का सर्वनाश करने का काम किया। सर, जब हम वहाँ के म्यूजियम में गए, तब हमें वहाँ की यह हिस्ट्री दिखाई गई।

इसी तरह, हम द्वापर युग में देखें कि वीर एकलव्य के साथ क्या हुआ था। वे द्रोणाचार्य जी के पास जब शिक्षा ग्रहण करने के लिए गए, तो उन्होंने कहा कि तुम कोल-भील आदिवासी हो, तुम्हें शिक्षा ग्रहण करने का अधिकार नहीं है। इसके बाद एकलव्य ने उनकी मूर्ति बनाकर शिक्षा ग्रहण की। हम समझते हैं कि दुनिया में आज तक एकलव्य जैसा कोई शिष्य पैदा नहीं हुआ, जिन्होंने बिना शिक्षा ग्रहण किए अपना अंगूठा द्रोणाचार्य को दान में दे दिया। इसलिए मेरा कहना है कि देश के राज्यों में ऐसे लोगों का विकास करने की आवश्यकता है। इसी तरह, जब गाँधी जी अफ्रीका गए, तब उनको लगा था कि मैं अपने देश का प्रथम नागरिक हूँ जो इंग्लैंड में पढ़कर बैरिस्टर बनकर यहाँ आया हूँ। एक बार जब वहाँ वे एक ट्रेन के फर्स्ट क्लास के डिब्बे में बैठकर यात्रा कर रहे थे, तब उनको उस ट्रेन से बाहर फेंक दिया गया था। उसके बाद, उन्होंने अफ्रीका में ही आन्दोलन किया, वे वहीं से महात्मा गाँधी बने और अफ्रीका में आज़ादी की लड़ाई लड़ने के बाद अपने देश को भी आज़ाद कराया।

सर, जिस तरह से हमारे देश में यह भेदभाव हो रहा है, उसमें हम लगातार माँग कर रहे हैं कि "जिसकी जितनी संख्या भारी, उतनी उसकी भागीदारी।" देश में चाहे कोई गाँव में रहने वाला हो या वह किसी भी राज्य में रहने वाला हो, उसको भी सारे अधिकार हैं। हम लोग पिछड़ों की जनगणना के संबंध में माँग कर रहे हैं कि उनकी जनगणना की



[श्री विशम्भर प्रसाद निषाद]

जानी चाहिए, ताकि मालूम हो सके कि देश में इनकी संख्या कितनी है, लेकिन सरकार उनकी जनगणना नहीं करा रही है। जब वर्ष 2011 की जनगणना के आँकड़े आए, तो उस समय भी हमने यह माँग की थी, लेकिन उसमें भी नहीं किया गया। इसी तरह, वर्ष 2021 में जो जनगणना होने वाली है, उसमें भी हम लोग यह माँग कर रहे हैं।

हम लोग माँग करते हैं कि बुंदेलखंड की बुंदेली भाषा, पूर्वांचल की भोजपुरी भाषा, छत्तीसगढ़ की छत्तीसगढ़ी भाषा, जिसके बारे में आज छाया वर्मा जी भी बोल रही थीं, इन सभी भाषाओं को मान्यता दी जानी चाहिए। देश में अंग्रेजी पढ़ने और बोलने वाले कितने लोग हैं? वे मात्र आठ परसेंट हैं। बाकी, हर राज्य की जो भाषा है, हमारी जो मदरटंग है, हमारी जो मातृभाषा है, उनको अधिकार दिया जाना चाहिए। पूरे देश में जो एससी-एसटी के लोग हैं, जो दलित लोग हैं, उनको एकसमान अधिकार नहीं है। अगर कोई दिल्ली का मल्लाह है और वह गाजियाबाद चला जाता है, तो वहाँ वह सामान्य जाति में आ जाता है। इसलिए मेरी माँग है कि सरकार की ओर से ऐसा कोई बिल लाना चाहिए कि अनुसूचित जाति और अनुसूचित जनजाति के लोगों को पूरे देश में एकसमान अधिकार हों और उनके संबंध में जो विसंगतियाँ हैं, वे दूर हों। हमारे माननीय नेता सदन बैठे हैं, यह इनका विषय है, लेकिन अभी एक-एक राज्य में, एक-एक जिले में उनके लिए अलग-अलग आरक्षण है, तो ये सारी विसंगतियाँ दूर करने का कार्य संसद का है। हमारे वाइको जी ने जो संकल्प प्रस्तुत किया है, वह बहुत ही अच्छा संकल्प है। हम चाहेंगे कि राज्यों को स्वायत्तता देनी चाहिए। जब चुनाव आता है, तब बिहार में कहा जाता है कि तुमको 50 हजार करोड़ रुपये देंगे, 1 लाख करोड़ रुपये देंगे। चुनाव हो जाने के बाद एक रुपया भी नहीं मिलता है। राज्यों के साथ भेदभाव होता है। संविधान में हमारा अधिकार है। शिक्षा के संबंध में अनुच्छेद 21(A) में व्यवस्था है कि 6 वर्ष से 14 वर्ष के बच्चों को निःशुल्क अनिवार्य शिक्षा दी जानी चाहिए, समान शिक्षा दी जानी चाहिए। उसके लिए अब तक 72 साल में कुछ नहीं हुआ। इसके बारे में चर्चा होनी चाहिए। हम आपसे अनुरोध करेंगे कि राज्यों को स्वायत्तता देनी चाहिए, उन्हें पूरे अधिकार देने चाहिए, चाहे वे फाइनेंशियल हों या अन्य, उनको automatic अधिकार मिलने चाहिए। उन्हें अधिकार पाने का हक है। इन्हीं शब्दों के साथ मैं इस संकल्प का समर्थन करता हूँ, धन्यवाद।

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया):** डा. अमर पटनायक जी।

DR. AMAR PATNAIK (Odisha): Sir, Mr. Vaiko's Resolution starts by saying, "India is a pluralistic society, consisting of myriad cultures, languages, religions and ethos, and the founding fathers of the Constitution provided for federalism, which is the foundation of democracy." I just have a quarrel with the second part of this particular sentence, to say that precisely because of the first two lines of this

paragraph, India is a Union of States. The Constitution, or our forefathers, clearly decided that it would be a Union of States, unitary in character and federal only in the structure. The character has to be unitary precisely for these reasons. Therefore, the unitary character of the country, in terms of the Lists, have been mentioned in the Union List. Defence and external affairs have to be there with the Union to maintain this particular aspect, that is, so that the society remains plural, the sovereignty of the country is safeguarded, the security interests, and internal security are maintained. Having said so, the Constitution did divide the subjects in three Lists. It is a part of the Federal Structure. I have a submission to make, Sir. Now, if you go according to the Lists, if a State wants to implement anything in the State List after legislation, it really can't do so unless it raises the resources. So, ultimately, what is important is financial federalism or financial autonomy. If there is a risk to financial federalism, then there is a risk to the federal structure and the unitary character itself. Federalism becomes dysfunctional if there is no financial autonomy for the States. The legendary Biju Patnaik had once said, 'Give me financial autonomy, I don't need anything else'. It is the hon. Chief Minister of Odisha, Shri Naveen Patnaik, who demanded financial autonomy for Odisha once again in 2017 when he recalled Biju Patnaik's demand for fiscal autonomy for the State. He said that Biju babu had rightly sought financial autonomy to transform Odisha into the most advanced State in South Asia. 'I would use the State's money for development of its people.' People might say, 'how'! Now, let us talk about the demand of the State that has been there for, at least, two decades since Biju Patnaik's time. It was that Odisha being a poor State, there are huge regional imbalances that it has started with and therefore, a Special Category status must be given, which has never been given. But he said, 'Increase our coal royalty revision, make it automatic, give us money for the mines' royalty that we are getting, allow us to raise it on our own'. That was the spirit behind our hon. Chief Minister stating, 'Give me financial autonomy and I don't need the Special Category status'.

Sir, I would like to say that when we are talking about fiscal autonomy, one glaring thing that I mentioned in the Zero Hour in the last Session is the Terms of Reference of the 15th Finance Commission, which was changed, while giving an extension, to include internal security and defence as a part of the non-divisible pool. It is not to be included in the divisible pool. It will be carved out of the total collection of taxes and then the divisible pool will be netted. This is a clear infringement in fiscal

[Dr. Amar Patnaik]

federalism of this country. This will reduce the allocation to the States and the States would be deprived of their ability to discharge their constitutional requirements and constitutional responsibilities to their citizens, to their utilities and to their villages. The internal security requirements, the defence requirements, should have been met out of the allocation earmarked for the Central Government and not to be taken out and then netted for division amongst the States. Despite our objections in this House itself, the changes have taken place. The Report is about to come. I think, tomorrow, the interim Report would come. This will have a serious impact on the fiscal autonomy of the States. If you can think about the number of cesses and surcharges, these are not divisible. We had made a calculation in Odisha where we found that despite 42 per cent allocation, as was being talked about, actually there was no increase compared to the Fourteenth Finance Commission. If this particular terms of reference is included in the Fifteenth Finance Commission, which has taken place, then you would see that the States' allocation would drastically reduce. Given the pressure on the tax collection this year itself, we will see the impact in the States from this year itself. Now, when you impinge on fiscal autonomy, the discussion on decentralisation, federalism and transferring one particular subject from one List to another List, really doesn't matter because if you have fiscal autonomy, only then you can implement whatever is included in your State List.

DR. K. KESHAHA RAO (Andhra Pradesh): Mr. Vice-Chairman, Sir, I stand to support strongly, not just support, Mr. Vaiko. We are the protagonists of a federal front and we are fighting for it. When we say this, we are not trying to say that whatever has been taken or whatever has been transferred to the Concurrent List should be sent back. There has to be a review. Do not unnecessarily centralise the federal rights. What exactly is that? If we are going to hair-splitting technical analysis of the Resolution and find fault with few of the words, which Shri Jairam Ramesh is apt to do, I think, I am not getting into right track. I am not saying that even if the Resolution is passed, Shri Ravi Shankar Prasad will come tomorrow with an amendment to the Constitution and say that the things are transferred from the Centre to the federal back or whatever it is. But our views are the same as we have been doing outside the Parliament also. Why are we saying this and why? Dr. Patnaik said, this country is essentially a 'multi-national State', I would rather say 'multi-national nation'. Please get back to history; not the historicity which Jairamji said, "We started

**4.00 P.M.**

from Mahatma Gandhi." We had a polity which is much ancient to Gandhi. We had this system; we had the system where the rights of each other parties were taken note of. So, what I am saying is, Centre, according to me, is a mere conceptual myth. Take any inch of this country, it belongs to a State. So, State has to be ruled and governed. It is not merely finances. Although BJD has made a strong case that without finances nothing will come, even these finances come through the system. Even if you have asked for the Fourteenth or the Fifteenth Finance Commissions' outcomes, they can as well be incorporated or factored into the Constitution. We can as well work out the Constitution where the financial autonomy automatically comes to us. We needn't go with begging bowl to the Centre often asking for financial autonomy or for more funds.

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Dr. Keshava Rao, address the Chair. It is not a public meeting. ...(*Interruptions*)...

DR. K. KESHA RAO: I am sorry. ...(*Interruptions*)... He made a strong case on the autonomy. ...(*Interruptions*)... When we are asking for more powers to the States, it is not only devolution of funds.

Along with devolution of funds, it is also devolution of powers, devolution of all other things that we in the State need to take. Sir, let me tell you this. If you look into what has happened in the last seven decades, the entire powers of the States are being appropriated by the Centre. But, the outcome, the responsibility of delivery are put on the States. So much so that we are failing at every stage. This is more because India is trapped in a bipolar disorder, the overlapping of authority and diversity of accountability. We don't know who is accountable to what. So, this has become the outcome of the present order where you have the three Lists; you have the State List, you have the Central List and the Concurrent List. Day-by-day, we ourselves, as one of the Members said, have given up our own powers, like the Public Service Commission, to the Centre. This is what we have been doing. In 72, 74 Amendments, have been doing all this. I agree when it goes back to the State; the State has the same mood to keep all the powers in their hands while fighting with the Centre, as Centre does. The Centre goes and says that one size doesn't fit all. The Centre always talks against this kind of diversion. But, nonetheless, it still sticks to its stand. So, the villain of the entire game is your Concurrent List because you

[Dr. K. Keshava Rao]

cannot take things from the State List and then enter them into the Centre's List. It is a Concurrent List. Through repeated Amendments to the Constitution, the Centre encroached upon the domain of States and expanded the Concurrent List to include, as I said, — Jairamji might differ with me — land, forests, justice, population, weights and measures, education and all. I stop here. The Union List number has 97 subjects, the State List has 66 subjects and the Concurrent List has now come down to 47 subjects. Sir, I take only one subject in this, which is education. Mr. Jairam had a point as to why education has been taken. I belong to a State, you belong to a State and everybody belongs to a State. Ours is a tribal area. Let us go into the tribal areas. In Madhya Pradesh, go to any tribal area. In Karnataka, there are tribal areas and Bhadrachalam in Telangana where he always visits, or go to Adilabad. Do not you think that Adilabad with its half-fed, half-clothed tribals. Its entire aspirations and urges are different from that of the urban man. The man sitting here comes from the backward area of Nalgonda. Do you think that Nalgonda area would be asking for the things, which an urban man like me asks? And, you are preparing the books here under CBSE and sending the books there. Sir, you have been an Education Minister. I would tell you. In the seventh class, we had a subject, in the third lesson about airplane. How an airplane runs; how it flies; what kind of a gear is to be used? But, the question is I have not seen even a bullock cart. I don't know and nobody tells me how a bullock cart can be run and how the wheels of a bullock carts are made. Now, you are trying to teach us about airplane. What I am trying to tell you is this. Please understand the needs of the particular milieu, about the local area, about my tribal area, about my tribal people's aspirations. Unless you understand that, there is no meaning. So, why we are objecting to the State List getting into Concurrent List is because our aspirations are getting defeated. It is not a casual thing. It is true. All right, you are trying to send finances. Last word, I should say, Sir, the allocation that we have given to education has quadrupled under Concurrent List or, I think, more than that. For health, it has gone up. But, what is your ranking in the human resources index? It is very poor. So, finances have not helped you. Let me assure Mr. Jairam, these finances have not helped. It is the leadership there. It is the vision there. It is the local milieu and the responsibility, that is going to help in changing the situation. Sir, as you are saying that my time is over, I would not take much time. But, I would like to say that it is the conception. The entire discussion has not been which particular clause or which Article has gone wrong or amended, it is the conception in the sense

that when our Constitution was made, if you see the Shiva Rao's took, you would find Shri N.G. Ranga saying that sending to Central List means sending it to Central Secretariat. It is like Ambedkar saying there is nothing like the States and the Centre; both are equal and they make a nation. So, if you have a respect for the States at that level, then, I think, the things will do good.

THE VICE-CHAIRMAN (DR. SATYANARAYAN JATIYA): Now, Shri T.K. Rangarajan, you have three minutes.

SHRI T.K. RANGARAJAN (Tamil Nadu): Mr. Vice-Chairman, Sir, our senior colleague, Shri Vaiko, has brought a very important Resolution in time. One may agree fully or one may disagree, or, one may agree 50:50 like Shri Jairam Ramesh, but this subject has to be discussed now and some result should come. If it comes in the form of an official Resolution from the Government, that will be very good for the country.

Here, it is very clear in this Resolution that India is a pluralistic society. So, if it is a pluralistic society, pluralistic requirements are there. India is a society consisting of several cultures and several languages. So, even education, behaviour and everything is different. A religion cannot bring unity in the country. If religion could unite the country, then all the Christian nations must have been one nation, all the Muslim nations must have been one nation. We are one nation because, probably, what Shri Jairam Ramesh said, not only our forefathers are the freedom fighters, even before that, though the country was divided, people used to move from this side to that side. From Himachal to Kanyakumari, people were moving. My point is: the States want more power. That is the main point. The States want more power, and I refer to 42nd Amendment. My friend, Shri Jairam Ramesh, argues that because subjects like forests, protection of wild animals and birds, education, weight and measures have been taken from the States, you get more power. What is this? Weight and measures should be changed automatically. For this, machines are there, and they sell it. Why do you want the Central power? Are you running the machines? That is the job of private companies. Then, regarding forests, are we not interested in forests? After all, an IAS officer in Chennai transferred to Delhi, controls forests in Tamil Nadu and other States. See, it is not required to be in your Central List. It can go to the State List.

[Shri T.K. Rangarajan]

Then, I would like to talk about education. I want to teach my children in Tamil culture. For example, Kerala people wanted to tell their children about Onam. I wanted to tell my children about Pongal. Andhra people wanted to tell their children about Sankranti. You give syllabus on science and mathematics. They will decide. Why do you keep that subject with you? This is what I want to ask. Education is the most important issue, which is creating a lot of problems. Some people sitting in the NITI Aayog, or some experts like Shri Jairam, propose something, which I am not able to swallow. See, your level is different. I am an ordinary foot walker. You always fly, but I don't fly. So, we want you to give power to the States on all these things.

Sir, the Parliament has an exclusive power to make any law with respect to any matter not contained in the Concurrent List or State List, including the power of making any law to impose tax not mentioned in either of those Lists. This binds the States to be able to legislate only on the subject contained in the State List and the Concurrent List. On the other hand, the Parliament can legislate on any issue except those mentioned in the State List. As far as financial power is concerned, I would like to draw the attention of the House to the enforcement of the Goods and Services Tax. We all supported it. You said that the trade would increase, capital would come and new industries would come. What has come? Only unemployment has come. The public sector has been sold. The GST did not produce any good results. I think, when Mr. Modi was the Chief Minister of Gujarat, he opposed it. I think, he correctly opposed it. Madam Jayalalitha opposed it and she had rightly opposed it. What happened? Today, the States are starving; the Centre is also starving. We are not able to get enough money. Yesterday, some four to five States said that they want money, the Centre is not transferring money. I think, the State of Odisha also did not get money ...(*Time-bell rings*)... because the GST did not provide immediate results.

Sir, I have got respect for the Constitution and the Finance Commission also, but, the Report of the 14th Finance Commission has recommended changes to increase fiscal autonomy to States, to increase devolution of Central Tax revenue, as a percentage of total fund transfer to States, from 32 per cent to 42 per cent. That is very good. It will allow greater flexibility to States, spending the funds as per the regional needs, as people want to use the funds. But what happened? However, in the years following that, there was a decline in the share of grant and increase in

the State's contribution towards the expenditure on Centrally-sponsored schemes. Jairam ji, you are listening? I am going back to 32 per cent. You gave 42 per cent; you gave it for Centrally-sponsored schemes, imposed on the States, to spend it on them. Further, Government's reliance on cesses and surcharges considerably increased, adding a non-divisible pool of taxes revenue. So, Sir, every State is suffering. In fact, the transfer to the State as a percentage of gross central tax revenue has actually declined as compared to the 13th Finance Commission. ...(*Time-bell rings*)...

THE VICE CHAIRMAN (DR. SATYANARAYAN JATIYA): Please conclude.

SHRI T.K. RANGARAJAN: Now, we are waiting for the 15th Finance Commission. I do not know what it is going to do. Sir, my request to you is, please consider that the States must have more powers. You must respect that this country is multi-linguistic, multi-religious and multi-cultural. Please respect that. Unity is more important. We are for united India; we are for a strong State, a strong municipality, a strong corporation and a strong panchayat. There is no difference of opinion on that. With these words, I conclude.

THE VICE CHAIRMAN (DR. SATYANARAYAN JATIYA): The next speaker is Prof. Manoj Kumar Jha.

SHRI T.K. RANGARAJAN: Sir, I just want to add one more point. When Shri E.M.S. Namboodiripad was the Chief Minister of Kerala, he produced an alternative document to the Planning Commission. Please refer to it. When there was Left Front Government in West Bengal under Shri Jyoti Basu, as rightly mentioned by Shri Vaiko, he gathered States for more power. Don't think that they don't want unity for India. Jyoti Basu wanted unity for India. E.M.S. Namboodiripad wanted more powers for States. So, we are prepared to give you an alternative programme. The Left is also very sincere and honest in wanting unity for India; Shri Jairam Ramesh alone is not for the unity of India.

PROF. MANOJ KUMAR JHA (Bihar): Mr. Vice Chairman, Sir, before, I speak about my position and my party's position, on the Resolution proposed by Shri Vaiko, I would rather ask the House, some of the Members from the Treasury Benches as well as from here. They have spoken a language which itself is against the federal idea. *Humne diya*, we gave, this is not the language of cooperative federalism. It is not a relationship of charity. You are not giving anything to the State as if you are



[Prof. Manoj Kumar Jha]

the big brother and the States are the younger one seeking help and blessings from you. I think, we should work on our language that will change a lot many things. Secondly, Sir, Mr. Vaiko proposed this Resolution. Many of my colleagues from here as well as from there have spoken. You should look at the spirit of the Resolution. It is not Centre *v.* States. You say, India is a Union of States. Now, if you take aside 'States', what is there? India is a Union of what? It is Union of States and when it is Union of States: वाइको जी, आपके लिए हिन्दुस्तानी में:

"गैरों से कहा तुमने, गैरों से सुना हमने,  
कुछ हमसे कहा होता, कुछ हमसे सुना होता।"

Having said that, Sir, I would like to take this House to the Objective Resolution proposed by Pandit Jawaharlal Nehru in 1946. Sir, the very idea of cooperative federalism underwent a change. You know why? Partition took place. You see the Objective Resolution and then the subsequent deliberation after 14th August, 1947, there is a sea-change. It is time for us to re-visit that. Why I say so, Sir? Let me take the House 72 years back. It was 21st of August and it was a Thursday, and, today, it is Friday. Mr. Sheriff said, "It has to be a happy compromise, equitable compromise in the distribution of power". It is not there now. Then, joining in the same discussion, Ramaswamy Mudaliar from Mysore said, "Let me first say that it is not a tug of war. Centre and States have to work together where Centre should be prepared to give more concessions and to allow more space to the States". Sir, 72 years later, it is for this House to re-visit those ideas.

Sir, there was a famous work by Arrend Lijphart, 'Patterns of Democracy', in which he mentions federalism as one of the principal component of consensual model of Government rather than a majoritarian model of Government. A true federalism is a guard against a majoritarian idea of governance.

Sir, in this House, I have said it 'n' number of times that a majority in Parliament should not mean a majoritarian Parliament. Majoritarian Parliament bulldozes diversity, and, that is why, I say that we should understand the spirit in which the Resolution is proposed. Sir, federalism, a true federalism, a cooperative federalism, not in rhetoric but in reality, is the greatest check and safeguard available whereby you do not allow a highly centralizing tendency which we have seen in recent time, and which we also

saw forty years ago. सर, हमने चालीस बरस पहले भी देखा और चालीस बरस बाद भी देख रहे हैं। You dismembered the State without taking into confidence the views of the State. अभी सुना है कि आप दमन-दीव का मर्जर वाला काम कर रहे हैं। 1966-67 में एक referendum हुआ था, जिसमें लोगों ने मना कर दिया था। Merger करने की और centralize करने की आपकी जो क्षमता है, वह इतनी अद्भुत है कि अभी सुना जा रहा है कि आप राज्य सभा, लोक सभा टेलीविज़न चैनल्स का भी merger करने जा रहे हैं। सर, कुछ समझ में नहीं आ रहा है।

Sir, the Review Committee itself says that there is no dichotomy between a strong Centre and strong States. Our entire language is so much pro-centralization, unitary and for a very strong union that in the process we do not realize and kill the aspirations of the regions, we kill the very autonomy, independence and जिसको हम हिंदी में कहते हैं राज्यों की इयत्ता ...(Time-bell rings)... सर, बस एक मिनट दीजिए, मैं उससे ज्यादा नहीं लूंगा। You have been very generous so far. आपको वहाँ देखकर खुशी भी होती है।

Sir, Alfred Stepan ने एक अध्ययन किया था, उनका अध्ययन था, 'Federalism and Democracy beyond the US model'. Sir, he emphasized very much, and, subsequently, he wrote about democracy, federalism and nationalism. ...(Time-bell rings)... मैं यह आखिरी टिप्पणी कर रहा हूँ।

He differentiated between American Federalism which is 'coming together' and Indian Federalism as 'holding together'. We are united because we hold each other. But if a regime has a feeling that only you have the wisdom.. मैं देखता हूँ कि इन मुद्दों पर हमारे इधर के साथी और उधर के साथी अक्सर एक जैसा सोचते हैं। आप जानते हैं क्यों? इन्हें लगता है कि कैरमबोर्ड में जो क्वीन होती है, या तो उनके पास रहेगी या इनके पास रहेगी। सर, कभी-कभी क्वीन बीच वाले भी ले जाते हैं, Federal Front वाले लोग। That's all.

Finally, a comment by hon. Bhim Rao Ambedkar Saheb who said, "I cannot deny the possibility that Articles which are in favour of a federal principle could be abused later."

Sir, last but not least, allow me to quote my own Chairperson from this House who said this the other day. On 26th November, he said, "Our Constitution is not a static sculpture cast in stone, but a living document." I hundred per cent agree

[Prof. Manoj Kumar Jha]

with hon. Chairperson, and that is why I stand in favour of this Resolution. It is time for the House to revisit those ideas. I agree with the fact that if different parts of the body are not well — Bihar is a textbook example — the entire body will fall ill with further ailments. Thank you so much, Sir. Jai Hind.

**श्री राकेश सिन्हा** (नाम निर्देशित): उपसभाध्यक्ष महोदय, मैं वाइको साहब का भाषण सुन रहा था। सुनते समय मुझे ऐसा लगा कि उनके विद्वतापूर्ण भाषण में एक ऐसी आत्मा का प्रवेश हो गया, जिसको भारत ने 1947 में ही खारिज कर दिया था। जब इस हिन्दुस्तान की आजादी के दौरान और उसके बाद संविधान सभा का गठन हो रहा था, तो हिन्दुस्तान की कम्युनिस्ट पार्टियों ने माँग की, उस समय मूलतः एक ही कम्युनिस्ट पार्टी थी - भारतीय कम्युनिस्ट पार्टी थी, कि एक नहीं सत्तरह संविधान सभाओं का गठन हो। इसके पीछे उनका तर्क था कि भारत एक राष्ट्र नहीं है, बल्कि अनेक राष्ट्रों का एक संघ है। वे मलयाली राष्ट्र, आन्ध्र राष्ट्र, हिन्दी राष्ट्र की बात कर रहे थे। उस वक्त कम्युनिस्ट पार्टी की इस माँग को पूरे हिन्दुस्तान ने खारिज कर दिया। कम्युनिस्ट पार्टी लेनिन के 'राष्ट्र' की परिभाषा में भारत को देखने की कोशिश कर रही थी। मुझे दुख है कि वाइको साहब के विद्वतापूर्ण भाषण में इस बात को जोड़ा गया कि 'India is a multi-national State'. मैं उनको बता देना चाहता हूँ कि तिरुवल्लुवर जी के समय में राष्ट्र का concept था या नहीं था, लेकिन उन्होंने कहा था कि राजा की जो morality होती है, राजा की जो नैतिकता होती है और राजा की जो ताकत होती है, वह जनता की ताकत होती है। तिरुवल्लुवर जी के सिद्धांत में; शंकरदेव, जो असम के हैं, उनके सिद्धांत में और समर्थ रामदास, जो महाराष्ट्र के हैं, उनके सिद्धांत में कोई बुनियादी अन्तर नहीं है। इसी बुनियादी अन्तर नहीं होने को श्री राधा कुमुद मुखर्जी जी ने एक छोटी सी पुस्तिका में बताया। उन्होंने 1914 में एक किताब लिखी थी - 'The Fundamental Unity of India'. हमारी एकता के लिए, भारत के संविधान के लिए, आजादी के आन्दोलन के लिए किसी राजा या राजपरिवार का होना आवश्यक नहीं है। हमारी एकता सांस्कृतिक एकता है, जो कश्मीर से कन्याकुमारी तक एक ही ध्वनि देती है। उस ध्वनि में अनेक ध्वनियों का समागम है और उसी ध्वनि को कहते हैं - Voice of India. ...(Interruptions)...

SHRI VAIKO: \*

**उपसभाध्यक्ष (डा. सत्यनारायण जटिया)**: वाइको जी, आप बैठिए। Nothing will go on record. Please sit down.

**श्री राकेश सिन्हा**: उपसभाध्यक्ष महोदय, राधा कुमुद मुखर्जी जी ने अपनी उस पुस्तिका

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\*Not recorded.

में वेदों से ऐसे श्लोकों को उद्धृत किया है, जिनमें बताया गया है कि मातृभूमि का क्या स्थान होता है। उसी को भारत का संविधान प्रतिबिम्बित करता है। भारत के संविधान में जब आर्टिकल-1 और India is a Union of States की बात कही गयी थी, उस पर संविधान सभा में एक बहस हुई। उस बहस में एक नहीं, दर्जनों लोगों ने हिस्सा लिया। उस बहस की कुछ बातों को मैं आपके सामने रखना चाहता हूँ। कितनी छोटी-छोटी बातों पर बहस हुई! श्री महावीर त्यागी संविधान सभा के एक सदस्य थे। महावीर त्यागी जी ने एक संशोधन दिया कि 'Republican State' कहा जाए। के.टी. शाह जी ने एक संशोधन दिया कि 'Federal Union' कहा जाए। तो कहीं Republican State और कहीं Federal Union की बात कही गयी। इन सभी बातों पर संविधान सभा ने गौर से बात की। मैं पंडित जवाहरलाल नेहरू को उद्धृत करता हूँ। जब Aims and Objects of the Constitution की बात हुई, तब 3 दिसम्बर, 1946 को उनका भाषण था। तब जवाहरलाल नेहरू ने कहा कि भारत को एक सम्मानित स्थान मिल रहा है। यह 5,000 साल की संस्कृति और सभ्यता का दौर है, जो संस्कृति और सभ्यता आज अपने मूर्त रूप में एक सम्मानित राष्ट्र के रूप में है। तो आज हमें समझना पड़ेगा कि union और federation का अन्तर क्या है। Union का मतलब unitary State नहीं है और federation का मतलब federal State नहीं है। हमारे मित्र मनोज झा जी Alfred Stepan की बात कर रहे थे, आज हमारी सबसे बड़ी कठिनाई यह है कि हम अपने आइने में भारत को देखने की कोशिश ही नहीं कर रहे हैं। यदि हम भारत की तुलना कभी संयुक्त राष्ट्र के संघवाद से और कभी कनाडा के संघवाद से करेंगे,

[श्री उपसभापति पीठासीन हुए]

तो हम हिन्दुस्तान का decolonization नहीं कर पायेंगे। मैं उसका एक उदाहरण दूँगा कि हम आज किस स्थिति में हिन्दुस्तान को रखे हुए हैं।

आप हिन्दुस्तान के किसी जूते की दुकान पर ब्रांडेड जूता खरीदने के लिए चले जाइए, तो वह आपसे पूछेगा कि आपका साइज़ क्या है? वह कहेगा- 'UK-9', 'UK-10'। मैंने पूछा कि यह 'UK-9' क्या है? मुझे लगा कि जूते के साइज़ में UK की कोई नयी variety आयी होगी। वह बोला, United Kingdom के साइज़ से भारत के जूते का नाप दिया जाता है। पैर हमारा है, लेकिन पैर का साइज़ United Kingdom का है। आज़ादी के इतने वर्षों के बाद आप कनॉट प्लेस की किसी शॉप में जाइए और पूछिए कि जूते का साइज़ क्या है, तो उसका वास्तव में नाम है- 'UK-7', 'UK-8', 'UK-9', 'UK-10'। जिस decolonization के फेज़ से हमें गुजरना चाहिए था, उसमें से social science नहीं गुजर पाया है। यही कारण है कि जब हम 'federalism' की बात करते हैं, तो हम संयुक्त राष्ट्र के आइने में अपने federalism को कहते हैं। वहाँ 13 उपनिवेश एक साथ आये थे। उनकी समसामयिक बाध्यता थी और भविष्य के लिए उनका एक aspiration था। लेकिन भारत में जब हम 'union' और 'federation' का अन्तर करते हैं, तो उस अन्तर को मैं रेखांकित करना चाहता हूँ।

[श्री राकेश सिन्हा]

हम 'union' इसलिए हैं कि जैसा बाबासाहेब अम्बेडकर ने संविधान सभा में उसको वर्णित किया था। हम 'union' इसलिए हैं कि हम सभी लोगों को बराबर मानते हैं, लेकिन वे भारत से अलग नहीं हो सकते। भारत के संघ को तोड़ा नहीं जा सकता है, भारत के राज्यों की पुनर्स्थापना की जा सकती है। तो आप कहते हैं कि federation और मजबूत होना चाहिए।

उपसभापति महोदय, मैं तीन प्रश्नों को उठाना चाहता हूँ। पहली बात मैं कुमारस्वामी के उस उद्धरण से क्वोट करना चाहता हूँ, जो उन्होंने 1943 में कहा था। "Perpetuation of civilization is not based on multiplying the quantity of desire, but multiplying the quality of desire." आज केन्द्र और राज्य के सम्बन्धों की जो बात कर रहे हैं, वह multiplying the quantity of desire है, multiplying the quality of desire नहीं है। तीन सूचियाँ दी गयी हैं। एक Union List है, जिसमें 97 सबजेक्ट्स हैं और राज्यों को 66 सबजेक्ट्स दिये गये। अब मुझे एक चीज़ बता दीजिए कि 42वें संविधान संशोधन को छोड़ कर, जब इस देश में कांग्रेस की सरकार थी और इंदिरा जी प्रधान मंत्री थीं, पहली बार Concurrent List को केन्द्र के हवाले कर दिया गया। उसके पहले और उसके बाद में कभी भी समवर्ती सूची को केन्द्र सरकार ने छेड़ने का काम नहीं किया और सामंजस्य के साथ समवर्ती सूची पर केन्द्र और राज्य काम करते रहे हैं। चाहे वह डीएमके की सरकार हो, चाहे एआईएडीएमके की सरकार हो, राष्ट्रीय जनता दल की सरकार हो या तृणमूल कांग्रेस की सरकार हो, टकराव राजनीतिक होता है, केन्द्र और राज्य का टकराव नहीं होता है। राजनीतिक टकराव को केन्द्र और राज्य के टकराव की संज्ञा देना वैसा ही है, जैसे कि हम भारत के संघवाद को चुनौती दे रहे हैं।

उपसभापति महोदय, दूसरा प्रश्न उठता है कि फाइनेंस कमीशन ने राज्यों के शेयर को 32 परसेंट शेयर को 42 परसेंट कर दिया। मुझे अभी सुनने को मिला कि strong municipality, strong State, strong Centre. तो 73वाँ-74वाँ संशोधन किसके लिए लाया गया था? To empower the people. प्रश्न राज्य को मजबूत करना, केन्द्र को मजबूत करना नहीं है, प्रश्न है कि लोगों को मजबूत करना है, empowering the people, लेकिन आप चाहते हैं empowering the regional party. यहाँ regional या national party का टकराव नहीं होना चाहिए।

उपसभापति महोदय, तीसरा सवाल उठता है कि एक मजबूत केन्द्र की कल्पना क्यों होती है? Gupta dynasty के पतन के बाद भारत का बिखराव हुआ और आक्रमणकारियों का लगातार सिलसिला चला। जब-जब केन्द्र की सरकार को कमजोर करने की कोशिश हुई है, तब एक छोटी East India Company भी भारत को अपने वश में लेने की कोशिश करती रही है। 1905 में बंगाल का विभाजन करके भारत को तोड़ने की कोशिश की गई, जिसमें ब्रिटिश सफल हुए। इसलिए ऐसी कोई माँग नहीं करनी चाहिए, ऐसा कोई प्रश्न नहीं उठाना

चाहिए, जिसमें कमजोर केन्द्र और मजबूत राज्य या कमजोर राज्य और मजबूत केन्द्र की बात हो।

स्वतंत्र भारत में कई आयोग बनाए गए। जब सरकारिया कमीशन बना था, उसका एक बहुत बड़ा कारण था। इस देश में Congress system चल रहा था। प्रो. रजनी कोठारी ने Congress System इसलिए कहा था, क्योंकि केन्द्र और राज्य में एक ही पार्टी की सरकार चलती थी। इसलिए political system को उन्होंने Congress system कहा। एक प्रकार की सरकार चलती रही, केन्द्र शासन करता रहा, दलीय व्यवस्था और राज्य व्यवस्था एक जैसी बनी रही। जब एकदलीय व्यवस्था को चुनौती मिली और multi-party system अपने मूर्त रूप में आने लगा, 1967 के बाद से जो लगातार परिवर्तन हुआ, उस परिवर्तन के बाद केन्द्र और राज्य का टकराव हुआ। उस टकराव का कारण राजनीतिक था, संविधान नहीं था। इसी कारण से सरकारिया कमीशन का गठन किया गया था। बाद में पुंछी आयोग का गठन हुआ। आप दोनों आयोगों की रिपोर्ट को पढ़ लीजिए, भारत के संविधान के जो मूल तत्व और ताकत हैं, उन दोनों का तर्कपूर्ण समर्थन दोनों ही आयोग करते हैं। इसलिए मैं मानता हूँ कि भारत के संविधान के द्वारा जो provision किया गया, उसमें अम्बेडकर जी ने एक बहुत महत्वपूर्ण बात कही थी - "Constitution is a mechanism." वह mechanism किस बात का है? वह mechanism है हमारे काम करने का। Constitution is not a mechanism to settle some units. यदि हम सभी बातों का निर्धारण आज ही कर लेंगे, तो it would be like destroying democracy. आने वाली पीढ़ी अपने अनुसार constitutional arrangement को define करती है और उस दायरे में define करती है कि भारत एक राष्ट्र है। यदि भारत एक राष्ट्र नहीं होता, तो जिसे जवाहरलाल नेहरू पाँच हजार साल की संस्कृति कहते हैं, जिसे मैं मानता हूँ कि यह दस हजार साल की संस्कृति है, जो सभ्यताई यात्रा है, उस सभ्यताई यात्रा में प्राचीन भारत से लेकर आधुनिक भारत तक की यात्रा में आपने तीन पड़ाव देखे हैं। उसी तीन पड़ाव को देखते हुए बाबासाहेब अम्बेडकर ने संविधान सभा के अपने अन्तिम भाषण में यह बात कही थी, जिसे भारत के प्रधान मंत्री, नरेन्द्र मोदी जी ने संविधान दिवस के दिन उद्धृत किया था। ऐसा नहीं है कि भारत पहले स्वतंत्र नहीं था। बाबासाहेब अम्बेडकर ने कहा कि भारत पहले भी स्वतंत्र था और आज भी स्वतंत्र हुआ है। उस परतंत्रता का कारण क्या है? उस परतंत्रता का कारण hole in the bucket है। ऐसे जयचंद और मीर जाफर आते रहे हैं, जो भारत की एकता और अखंडता को अपने स्वार्थ के लिए चुनौती देते रहे हैं और विभाजनकारी, डिवाइडिंग पॉलिटिक्स करते रहे हैं। जो भारत के लोग विभाजित होते रहे हैं - लोग विभाजित नहीं थे, लोगों को विभाजित किया गया, इसीलिए उन्होंने कहा कि हमें मीर जाफर और जयचंद से बचना है। इस देश की एकता और अखंडता को बनाए रखना है, जिसके लिए political और social democracy दोनों चाहिए। हम बाकी मामलों में डिबेट कर सकते हैं कि पंचायतों को क्या अधिकार हों, राज्यों की फाइनेंशियल पावर क्या हों? ...**(व्यवधान)**...

SHRI VAIKO: At Mir Jafar's time, there was no India at all.

MR. DEPUTY CHAIRMAN: Please Vaikoji, let him sepak. ...*(Interruptions)*... You will get time. ...*(Interruptions)*...

**श्री राकेश सिन्हा:** वाइको साहब, मैं अंत में एक बात कहकर अपनी बात समाप्त करना चाहता हूँ। भारत एक राष्ट्र और सभ्यता रहा है, भारत एक राष्ट्र और सभ्यता है, भारत एक राष्ट्र और सभ्यता रहेगा। कुछ डिसेंटर्स इस देश में, इस सभ्यता में हमेशा रहे हैं। यह देश सभी प्रकार के डिसेंटर्स को अपने अंदर समाहित करने की क्षमता रखता है। इसी क्षमता को यह संसद दिखाता है, इसी क्षमता को यह सभ्यता दिखाती है, इसी क्षमता को यह राष्ट्र दिखाता है। मैं आपसे इतना ही अनुरोध करूंगा कि कम्युनिस्ट पार्टी की उस बची-खुची चीज़ को अपने मस्तिष्क से निकालकर बाहर फेंक दीजिए, जिसने भारत में अनेक संविधान सभाओं की बात कही थी। भारत एक संविधान के द्वारा है। अंतिम बात, मैं यह कहना चाहता हूँ कि भारत में लोगों के द्वारा ताकत ली जाती है। यदि "Of the people, by the people, for the people" का कोई सही रूप है, तो हमारा संविधान है। मैं आपकी बात से घोर आपत्ति व्यक्त करता हूँ कि संविधान सभा लोगों का प्रतिनिधित्व नहीं करती थी। भारत की संविधान सभा हिन्दुस्तान के तमाम नागरिकों का प्रतिनिधित्व करती थी। तमाम प्रकार की विचारधाराएं, तमाम प्रकार के विमर्श संविधान सभा में हुए और उन्हीं विमर्शों के आधार पर हमारा यह सुंदर संविधान निकला, जो भविष्य की पीढ़ी को एक नया रास्ता दिखाता है। ...*(व्यवधान)*...

MR. DEPUTY CHAIRMAN: Rakesh Sinhaaji, please.

**श्री राकेश सिन्हा:** आपकी विभाजनकारी कुनीति को भारत स्वीकार करने के लिए तैयार नहीं है। भारत का संविधान unity, integrity में विश्वास करता है। उसी unity, integrity के साथ 133 करोड़ जनता चलेगी। ...*(समय की घंटी)*... उपसभापति महोदय, हमारे पास 121 भाषाएं हैं, 24 करोड़ पॉपुलेशन है, हमारे पास 1,950 dialects और बोलियां हैं, हमारे पास 645 ट्राइब्स हैं।

MR. DEPUTY CHAIRMAN: Rakeshji, address to the Chair. ...*(Time Bell rings)*...

**श्री राकेश सिन्हा:** आप इस देश की unity, integrity को कमजोर मत कीजिए।

PROF. MANOJ KUMAR JHA: Sir, I have a point of order.

**श्री उपसभापति:** मैं अभी एक मिनट में देता हूँ। माननीय सदस्यगण, मेरा आपसे अनुरोध होगा कि आप जब भी बोलें, तो चेयर की तरफ देखकर बोलें। आपस में चर्चा न करें।

PROF. MANOJ KUMAR JHA: Sir, I have a point of order.

MR. DEPUTY CHAIRMAN: Under which Rule?

PROF. MANOJ KUMAR JHA: Sir, it is under Rules 110 and 240 together. They should be read together. That is a request to all my colleagues here. Rule 240 very clearly states, "The Chairman, after having called the attention of the Council to the conduct of a member who persists in irrelevance or in tedious repetition either of his own arguments or of the arguments used by other Members in debate, may direct him to discontinue his speech." I did not intervene in between. Then, Sir, Rule 110 says that the discussion should be around the purpose. I would rather urge that the debate, the issue of the Resolution is very serious. It is not about settling the score. We did not do that. We were speaking about the core ideas of Centre-State relationship and what has to be done. If it has to be a political battle, then, we are not bad at it. That is all, Sir. Thank you.

**श्री उपसभापति:** प्रो. मनोज कुमार झा जी, आपने जो दोनों क्लॉजेज़ के तहत प्वाइंट ऑफ ऑर्डर उठाया, मुझे उम्मीद है कि माननीय सदस्य इसका अच्छी तरह अपनी बातचीत में ध्यान रखेंगे।

**प्रो. मनोज कुमार झा:** सर, मैं सब के लिए कह रहा हूँ।

**श्री संजय सिंह** (राष्ट्रीय राजधानी क्षेत्र, दिल्ली): उपसभापति महोदय, आपने इस महत्वपूर्ण प्रस्ताव पर, जो वाइको जी द्वारा लाया गया है, मुझे बोलने का अवसर दिया, इसके लिए मैं आपको धन्यवाद करता हूँ। मैं समझता हूँ कि आज की तारीख में हिन्दुस्तान में अगर कोई सरकार केन्द्र और राज्य की व्यवस्था में पारदर्शिता न होने के कारण सबसे ज्यादा पीड़ित है, तो वह दिल्ली की सरकार है। मैं इस बात को इसलिए कह रहा हूँ, क्योंकि 2015 में दिल्ली के अंदर चुनाव हुआ और हिन्दुस्तान की आजादी के बाद सबसे बड़े बहुमत से एक सरकार चुनकर आई, 67 सीटें लेकर फरवरी 2015 में अरविंद केजरीवाल जी मुख्य मंत्री बनते हैं। एक दूसरी पार्टी, जिसे उस चुनाव में मात्र तीन सीटें मिली, भारतीय जनता पार्टी, उसकी केन्द्र में एनडीए की सरकार है और मान्यवर, उस सरकार ने मई 2015 में एक आदेश जारी किया और उसमें कहा कि ट्रांसफर और पोस्टिंग का सारा अधिकार होम मिनिस्ट्री के पास होगा, यानी केन्द्र सरकार के पास होगा। यह इस देश के कौन-से संघीय ढांचे को मजबूत करेगा, यह मैं आपके माध्यम से सरकार से पूछना चाहता हूँ। मान्यवर, इतना ही नहीं, यही पर बात नहीं रुकती। उसके दो महीने के बाद, ACB, जो भ्रष्टाचार के मामलों में कार्रवाई करने की संस्था दिल्ली सरकार के पास थी, वह उससे छीन ली गई। कॉमनवेल्थ गेम्स घोटाले में हमने 16 मामले दर्ज किए थे, लेकिन दो महीने बाद वह ACB भी केन्द्र सरकार के पास ले ली गई। हमसे पूछा जाता है कि कॉमनवेल्थ गेम्स



[श्री संजय सिंह]

घोटाले में क्या किया? आज मैं आपके माध्यम से सरकार से यह पूछना चाहता हूँ कि एक राज्य सरकार से आपने ACB छीन ली, भ्रष्टाचार के मामलों में कार्रवाई करने वाली वह एजेंसी तो आज आपके पास है, साढ़े चार साल में आपने कॉमनवेल्थ गेम्स घोटाले में क्या किया, इसका विनम्रतापूर्वक उत्तर दे दीजिए।

मान्यवर, मैं आपके माध्यम से इस सरकार से पूछना चाहता हूँ कि आप दिल्ली सरकार से किस बात की दुश्मनी निभा रहे हैं? आपको केजरीवाल जी के हर काम में अड़चन डालनी है, केजरीवाल जी के हर काम का विरोध करना है। मान्यवर, हमने 14-14 बिल्स पास करके इनके पास भेजे, जिनमें जनलोकपाल का भी बिल है, जिनमें जनता के तमाम हितों से जुड़े हुए बिल्स हैं, लेकिन वे 14 के 14 बिल्स आज तक रोके गए, उनको पास नहीं करने दिया गया। हमसे कहा जाता है, स्वास्थ्य की व्यवस्था ठीक करो। हम ठीक करने के लिए जुटते हैं, लेकिन फिर कहा जाता है कि हाँ, किसी अधिकारी पर आप कार्रवाई नहीं कर सकते, सारी परफॉर्मेंस आपको देनी है। हमसे कहा जाता है, ट्रैफिक ठीक करो। हम कहते हैं, हम काम करना चाहते हैं। ये कहते हैं- हाँ, लेकिन किसी अधिकारी पर आप कार्रवाई नहीं कर सकते। हमसे कहा जाता है, पानी की व्यवस्था ठीक करो। हम वह कर रहे हैं, लेकिन हम अधिकारी पर कार्रवाई नहीं कर सकते। हमसे कहा जाता है, स्वास्थ्य पर काम करो, शिक्षा पर काम करो, पानी पर काम करो, बिजली पर काम करो, ट्रैफिक पर काम करो, लेकिन आप किसी पर कार्रवाई नहीं कर सकते। आप दिल्ली के अंदर यह कौन-सी सरकार चलवा रहे हैं? क्यों? हमें किस बात का दंड दिया जा रहा है? इसलिए कि हमारी 67 सीटें आ गई? इसलिए कि हमें दिल्ली में इतना बड़ा बहुमत मिल गया? क्या हमें इस बात की सज़ा दी जा रही है? आप इतने पर ही नहीं रुके, आपने क्या किया? आपने 25-25 विधायकों पर फर्जी मुकदमे लगाकर उनको जेल में डाल दिया, जिनको बाद में कोर्ट ने बरी कर दिया। केजरीवाल सरकार से जुड़ी हुई 400 फाइलों की जाँच कराई गई, लेकिन उन 400 फाइलों में कोई भ्रष्टाचार नहीं निकला। मुख्यमंत्री के दफ्तर पर सीबीआई का छापा। शिक्षा मंत्री के घर पर सीबीआई का छापा। स्वास्थ्य मंत्री के घर पर सीबीआई का छापा! हमारे ट्रांसपोर्ट मिनिस्टर के घर पर ED का छापा! यह सरकार चला रहे हैं? एक सरकार के खिलाफ आप इतनी दुर्भावना से काम कर रहे हैं? एक चुने हुए मुख्यमंत्री को अपने ही राज्य में मेट्रो के उद्घाटन में नहीं बुलाया जाता। मान्यवर, यह है राज्य सरकार के प्रति सौतेला व्यवहार। इस देश के अंदर यह हो रहा है। कैसे *federal structure* मजबूत होगा? हमारी वह संस्कृति, जिसकी हम चर्चा करते हैं, "विविधता में एकता, भारत की विशेषता," उसमें विशेषता कहाँ से आएगी?

मान्यवर, मैं आपके माध्यम से सरकार से बहुत पीड़ा के साथ पूछना चाहता हूँ कि क्या अपराध है हमारा, क्या दोष है हमारा, क्यों हमको आप काम नहीं करने दे रहे हैं? आप सारे राज्यों के अधिकार अपने पास रखना चाहते हैं। मान्यवर, टैक्स के मामले में दिल्ली

का contribution यह है कि दिल्ली राज्य केन्द्र सरकार को डेढ़ लाख करोड़ रुपये tax देता है और बदले में मात्र 325 करोड़ रुपये हमको वापस मिलते हैं। एक साल से नहीं, बल्कि 20 साल से हमें सिर्फ 325 करोड़ रुपये ही मिल रहे हैं। दिल्ली के अंदर हमारी एक सरकार चल रही है, जिसने education में अनुकरणीय काम किया। उसने बच्चों की पढ़ाई के लिए स्कूलों में air conditioned कमरे बनवाए। हम teachers को विदेशों में training के लिए भेजते हैं। आज दिल्ली के सरकारी स्कूलों का result प्राइवेट स्कूलों से 12 परसेंट बेहतर आया है। कभी-कभी आपके लोग भी प्रशंसा करते हैं। माननीय सभापति जी जब देश के मंत्री थे, तब उन्होंने प्रशंसा की थी कि कैसी है यह केजरीवाल की सरकार, जो flyover के निर्माण में estimated cost से 43 करोड़ कम में पुल बना देती है? मान्यवर, उन्होंने तारीफ की थी, लेकिन फिर भी उससे कुछ नहीं हुआ। हमारे education system की चर्चा पूरी दुनिया में हो रही है, हमारे "मोहल्ला क्लिनिक" की चर्चा अमेरिका में हो रही है। पहले लोग कहते थे कि अमेरिका से सीखो। आज अमेरिका वाला कह रहा है कि केजरीवाल के मॉडल से सीखो। देश की सरकार कैसे चलनी चाहिए, यह दिल्ली की सरकार से सीखो। हमें इसी का ख्रामियाज़ा भुगतना पड़ता है! हमारे सारे अधिकार हमसे छीने जाते हैं। आप जीएसटी का कानून लेकर आए, राज्यों का टैक्स आप लेंगे, उसके बाद कटोरा लेकर राज्य इंतज़ार करेंगे कि आप कब देंगे। दो-दो महीने राज्यों को जीएसटी में टैक्स का शेयर नहीं मिलता। आप मोटर व्हीकल ऐक्ट लेकर आए। आप मोटर व्हीकल ऐक्ट में राज्यों के अधिकार अपने पास रखेंगे, हम उसमें कोई कार्रवाई नहीं कर सकते! आप यूएपीए का कानून लेकर आए। लॉ एण्ड ऑर्डर के मामले में यूएपीए कानून बनाकर आप राज्यों का अधिकार अपने पास रखेंगे। अब आप डैम सेफ्टी बिल लेकर आ रहे हैं, अब राज्यों के नदियों से संबंधित अधिकार पूरी तरह से आप अपने पास रखेंगे। आप यह कौन सी सरकार चलाना चाहते हैं? राज्यपाल, उपराज्यपाल के ज़रिए राज्यों की सरकार चलाना चाहते हैं। मान्यवर, मैं बड़ी विनम्रतापूर्वक पूछना चाहता हूँ, आप मुझे बताइए कि आज संजय सिंह आम आदमी पार्टी से जुड़े हुए हैं, और कल को मान लीजिए केंद्र में आम आदमी पार्टी की सरकार बन जाए और राजनीति के किसी पद से मैं आज इस्तीफ़ा दूँ, कल मैं राज्यपाल हो जाता हूँ, मैं निष्पक्ष हो गया! एक व्यक्ति एक पार्टी से तीन बार मुख्यमंत्री रह चुका है ...(समय की घंटी)... उसको आपने राज्यपाल बना दिया, वह निष्पक्ष है! एक व्यक्ति विधानसभा में एक पार्टी का स्पीकर रह चुका है या दूसरे पदों पर मंत्री रह चुका है, वह राजनीति से रिटायर हुआ, आपने तुरंत उसको राज्यपाल बना दिया, वह निष्पक्ष है! एक मंत्री केंद्र सरकार में मंत्री रह चुके हैं, वे राजनीति छोड़ते हैं, आपने तुरंत उनको किसी राज्य का राज्यपाल बना दिया, वह निष्पक्ष है। आप राज्यपाल और उपराज्यपाल के पदों के ज़रिए राज्य सरकारों के अधिकारों का गला घोटने का काम कर रहे हैं। ये पद भी मेरे हिसाब से समाप्त होने चाहिए। राज भवन और उपराज्यपाल के भवनों के नाम पर जनता का पैसा बरबाद किया जा रहा है ...(समय की घंटी)... मान्यवर, आपने मुझे अपनी बात कहने का मौका दिया, धन्यवाद।

SHRI V. VIJAYASAI REDDY (Andhra Pradesh): Mr. Deputy Chairman, Sir, I thank you for giving me an opportunity to speak on this Resolution. Sir, I am in agreement with my colleague, Shri Jairam Rameshji and the Resolution which has been introduced by Shri Vaikoji to the extent of 50 per cent, as it is a 50: 50 per cent, as stated by Shri Jairam Rameshji. I am in agreement with that. Sir, there is a misconception that the regional parties are narrow minded, and they don't have the national approach. It is a misconception and misnomer. Sir, regional parties of all the States want only absolute financial power, economic power. Insofar as other powers are concerned, be it internal security or defence or external affairs or other matters, the States are not interested in grabbing the powers from the Centre. It is the strong Centre which is required insofar as those areas are concerned. Therefore, as of today, so far as financial powers are concerned, the Centre has got more powers, and it is only the States which are asking for more powers insofar as financial matters are concerned. Sir, as has been rightly pointed out, the devolution of funds has been increased from 32 per cent to 42 per cent, but, at the cost of the Centrally-sponsored schemes. So, that is not what the States want. In fact, States want more autonomy, more freedom, as has been rightly said, insofar as financial powers are concerned. Sir, we, in fact, require a strong Centre. We are all aware that there was a law and order problem in Punjab, and law and order problem in Kashmir, and had the Centre not been strong, probably, Punjab would not have been a part of India, or, Kashmir would not have been a part of India. Therefore, it is very much essential for us to have a strong Centre insofar as those areas are concerned. Sir, to cite an example, in so far as education is concerned, what is wrong in it? What is wrong in the Centre establishing educational institutions in the States? In fact, Jairam Rameshji claimed that he is the author of the Andhra Pradesh Reorganisation Act. The Act says that so many educational institutions have to be established in Andhra Pradesh. Some of them have been established. The All India Institute of Medical Sciences is also being established there. Therefore, when some States have made an enactment allowing even private universities to be set up in respective States, what is wrong in the Central Government having a say in the educational institutions in the States when private universities are allowed? This is our point.

I would like to make one submission to the hon. Law Minister who is sitting here. After all, what States want is, like there is clarity on separation of powers among Judiciary, Executive and Legislature, why don't you come out with guidelines of the

Legislature to define the powers of the State and powers of the Centre? This is the suggestion we make in this regard. In fact, why do States require more financial powers, if not unfettered freedom, some significantly large freedom in so far as financial matters are concerned? The reason is that the States have to take care of the social security of various sections of the society, of its population. It is the States which have got the direct contact with the people, be it farmers or taxi drivers or fishermen. Everyone in the State approaches only the State Government for their demands. Therefore, the States need to have the capacity to fulfill the needs and ambitions of the people. Therefore, the States are much more accessible to the people than the Centre. That is why, the States should have more financial powers.

The data, even from the Department of Statistics and Programme Implementation, show that the States have made good use of financial resources. It is not that the Centre has got more financial discipline and the States lack it. The States too have got the financial discipline. Further, the data shows that the poorer States have led to a surge in the social sector spending and not the Central Government. Most of the facilities which the people use in their daily life, be it roads, electricity, water, education, health, etc., fall squarely under the State List. The methods of raising the funds are very limited to the States, leading to big asymmetry between the powers and the finances.

Lastly, Sir, India is a developing economy. India is a pluralistic society. I do agree with you. India is multi-ethnic, multi-cultural country. The resources, however, are scarce. The responsibility on the States is disproportionately higher when compared with the Centre. So, States demand more financial autonomy to pay due attention to their backward regions. Therefore, I request hon. Law Minister to come out with guidelines vesting more powers in the States, in so far as finances are concerned. Thank you very much, Sir.

DR. SUDHANSHU TRIVEDI (Uttar Pradesh): Mr. Deputy Chairman, Sir, thank you for allowing me to speak. The entire issue of the authority of the States, in my opinion, is having three dimensions. One is the aspect of the financial and developmental aspect in which the States should be having a proper authority. Another is the constitutional and political authority. The other is the cultural and regional identity. I just want to say that as far as the financial autonomy is concerned, as my previous speaker, Shiv Pratap Shuklaji, has already mentioned the share of the States has been increased

[Dr. Sudhanshu Trivedi]

by ten per cent in the Finance Commission. I would just like to mention the names of two States which were never part of NDA — the second State was part of NDA during our rule in the last few months. Sir, Kerala got, under the Thirteenth Finance Commission, ₹ 33,368 crores and in the Fourteenth Finance Commission got ₹ 97,344 crores. And, Karnataka was given ₹ 61,691 crores under the Thirteenth Finance Commission and now the Fourteenth Finance Commission allocated ₹ 1,83,566 crores. So, what I wanted to say is this. The autonomy — financial and developmental — of States should be duly respected and the Government has tried its best to provide them the resources so that they can have their own development.

Sir, NITI Aayog has already been discussed. But, I would like to add one thing. We respect the regional sentiments and regional aspirations for development. It is our Government which thought about regional aspects, developmental aspects and aspiration of Ladakh. Even if you look at the previous BJP Government, be it Uttarakhand or Jharkhand or Chhattisgarh, it is the Vajpayee Government which had created these States. This shows our commitment towards the development and regional aspects of various States and the parts of their States. But, at the same time, I would like to put-forth one more point, आज के जमाने में हम globalisation के टाइम में आ गए हैं। Now, there are 'certain subjects' which the hon. Members will be thinking that they should not be in the Concurrent List. Sir, we are saying that some of 'their subjects' are coming in the global concurrent list, like petroleum prices! Neither the State Government can control nor can the Government of India. It is totally controlled by the market forces. You take example of Delhi. Our respected hon. Member was saying that this is giving this much amount of revenue and getting that much amount of revenue. Sir, Delhi is the Capital of India. So, resources also belong to the Government of India, so is the case with Mumbai. It is the financial Capital of India. And, same is the case with Bengaluru which is considered as the intellectual Capital of India. If Microsoft, the biggest software company of the world, opens its first offshore office in Bengaluru, it is not just because of Karnataka, it is because of India; rather, it is because of entire South-Eastern region. Very soon, Amazon is going to open its office in Hyderabad. So, it is not going to be just for the regional aspect, it is for the entire national aspect. तो हमें यह समझने की आवश्यकता है कि अब पिछले 30-40 सालों से हम एक नए दौर में आ गए हैं — on the economic and developmental aspect. Another aspect is terrorism which has emerged in the last 25-30 years.

Sir, I would like to draw your attention to our hon. Member, Shri Vaiko. At the time of LTTE terrorism, there was a time when the then Chief Minister...

SHRI VAIKO: They are not terrorists; they are freedom fighters. They are not terrorists. Don't say that they are terrorists.

MR. DEPUTY CHAIRMAN: Please, Vaikoji. Please, take your seat.

DR. SUDHANSHU TRIVEDI: Sir, as per the Government of India and the Government of Sri Lanka, I just wanted to mention one thing. Sir, there was a time when the then Chief Minister...

SHRI VAIKO: \*

MR. DEPUTY CHAIRMAN: Mr. Vaiko, let him speak. Vaikoji, please, let him speak.

DR. SUDHANSHU TRIVEDI: No. Sir, I patiently listened to everything. I just wanted to quote one thing that, at one point of time, the then Chief Minister of Tamil Nadu, Dr. J. Jayalalitha, had asked for air cover.

SHRI RAVI SHANKAR PRASAD: Mr. Vaiko, you are a very senior leader. We all respect you. \*

SHRI VAIKO: If you call Prabhakaran a terrorist, \*

SHRI RAVI SHANKAR PRASAD: Even that analogy is not fair, please.

SHRI VAIKO: I stand here to say that. ...*(Interruptions)*...

SHRI RAKESH SINHA: Sir, this should be expunged.

MR. DEPUTY CHAIRMAN: It will be examined.

SHRI RAKESH SINHA: No comparison between the two. ...*(Interruptions)*.. Don't insult Bhagat Singh. Don't insult Bhagat Singhji. He was a patriot. ...*(Interruptions)*...

MR. DEPUTY CHAIRMAN: Hon. Members, it will be examined. ...*(Interruptions)*...

SHRI RAKESH SINHA: He was a freedom fighter. Don't insult Bhagat Singhji. ...*(Interruptions)*...

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\*Expunged as ordered by the Chair.

**5.00 P.M.**

DR. K. KESHA RAO: Then, don't insult Prabhakaran also. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please take your seats. ...(*Interruptions*)... कृपया आपस में बातचीत न करें। ...(*व्यवधान*)... It will be examined. ...(*Interruptions*)...

SHRI RAVI SHANKAR PRASAD: Sir, I will again request you that any reference to Bhagat Singhji must be expunged.

MR. DEPUTY CHAIRMAN: It will be examined.

SHRI VAIKO: Sir, reference to LITE should also be expunged. What is the need for referring to LTTE here?

DR. SUDHANSHU TRIVEDI: Sir, I am explaining the need here.

SHRI VAIKO: \*

MR. DEPUTY CHAIRMAN: I have not permitted you. ...(*Interruptions*)...

I have not permitted you to speak Vaikoji ...(*Interruptions*)... I have not permitted you. ...(*Interruptions*)... Please take your seat.

DR. SUDHANSHU TRIVEDI: There was a time when the Tamil Nadu Chief Minister, Ms. Jayalalitha had asked for air cover. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: Please take your seat. ...(*Interruptions*)...

SHRI VAIKO: \*\*

DR. SUDHANSHU TRIVEDI: Ms. Jayalalitha had asked for air cover for her defence because she was having an apprehension about an air attack from LTTE. ...(*Interruptions*)...

श्री उपसभापति: सिर्फ आपकी बात रिकॉर्ड पर जाएगी। आप बोलिए। ...(*व्यवधान*)...

SHRI VAIKO: \*\*

MR. DEPUTY CHAIRMAN: I have not permitted you to speak. Please take your seat, Vaikoji. Please take your seat. ...(*Interruptions*)...

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\*Expunged as ordered by the Chair.

\*\*Not recorded.

SHRI RAVI SHANKAR PRASAD: Surely, Mr. Vaiko has got the right to speak. It is a matter of Foreign Policy. We have to maintain some dignity and decorum. A duly elected leader of Sri Lanka is on an official visit to India. And to call him these names is not fair. ...(*Interruptions*)...

MR. DEPUTY CHAIRMAN: It is not going on record.

SHRI RAVI SHANKAR PRASAD: It should not go on record.

SHRI VAIKO: \*

MR. DEPUTY CHAIRMAN: Yes. ...(*Interruptions*)... Mr. Vaiko, I have not allowed you. Nothing is going on record. Dr. Trivedi, please continue.

DR. SUDHANSHU TRIVEDI: Sir, my point was, if any Chief Minister asks for air cover, then, it cannot be possible through the resources of a State. So, what I want to say is that when this problem has become a national problem, there are certain things coming to be between the State and the Centre, then only proper security can be established.

Now, I come to my third point, that is, the cultural and the regional identity of the States. Our respected Members from Tamil Nadu were talking about the Tamil pride. Yes, of course, there is a huge aspect of Tamil pride, but it starts from where, I would like to remind. When Mr. Xi Jinping came to India, he visited Mahabalipuram. Mahabalipuram is having which type of cultural connect? Sir, there was a Pallava king who has become a Buddhist monk and his name has become Bodhidharma.

Then, he went to China and he became the patriarch of Jain Buddhism. जैन, बुद्धिज्म के वह सबसे बड़े पितामह बने, and this is the point for which a famous Chinese thinker Hu Shih has said, "India has culturally dominated and controlled China for more than 2,000 years without sending a single soldier across the border." So, that started from Mahabalipuram and that is the Tamil pride we should accept. सर, मैं यह भी कहना चाहूंगा कि जो लोग कहते हैं कि मल्टीनेशनल है। साहब, यह मल्टीनेशनल देश नहीं है। धम्मचक्र परिवर्तन सारनाथ से होता है और चीन पर उसका प्रभाव महाबलीपुरम से शुरू होता है।

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\*Not recorded.



श्री उपसभापति: डा. सुधांशु जी, आपको अपना भाषण रोकना होगा। ...**(व्यवधान)**... प्लीज़। आपकी बात आगे continue रहेगी। हाउस 2.32 बजे बैठा था और 5.02 बजे तक हम अपना Private Members' Resolution बिज़नेस खत्म करेंगे। Hon. Members, discussion on the Private Members' Resolution No.(1) of Shri Vaiko will continue further on 13.12.2019. इस Private Members's Resolution पर 13.12.2019 को बहस आगे जारी रहेगी।

Now, Special Mentions. Prof. M. V. Rajeev Gowda; absent.

The House stands adjourned till 1100 hrs on Monday, the 2 December, 2019.

*The House then adjourned at two minutes past five of the  
clock till eleven of the clock on Monday,  
the 2nd December, 2019.*