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Title : Resolution regarding steps for balanced and equitable development of all parts of the country (under consideration).

MR. CHAIRMAN : Now, we will take up Item No.19. Shri Sarbananda Sonowal.

SHRI SARBANANDA SONOWAL (DIBRUGARH): Sir, with your kind permission, I beg to move:

"This House expresses its concern over the regional imbalances created by the lack of development of different parts of the country and urges upon the Government to take urgent steps for the balanced and equitable growth of different parts of the country, particularly the remote areas, in order to strengthen the federal structure of the country."

Respected Mr. Chairman, Sir, today, I would like to draw the attention of this House to a matter which is very much important for our country. Particularly, as we all understand that we are one of the largest democracies in the world having more than one billion population. We have already celebrated 58 years of Independence. In the last, almost, six decades, we have seen how this country has grown up amidst different challenges, national and international challenges. But now it is a fact that though we have a Constitution, we have a system, yet the people of this country, particularly the different nationalities, have been expressing their grievances. They have always been talking very frankly that they are not secure politically, culturally, socially and economically. Their hopes and aspirations have never been accommodated in the system itself. Their dreams have never been fulfilled through a programme which is relevant to their demands.

Now, the country is going through a very difficult time. Today also, we have witnessed the critical situation which the country is facing, particularly the security of our integrity and sovereignty^[R33]. We have been receiving a lot of threat across the border. So, it is the need of the hour that India must stand up as a strong nation in the global perspective. It is possible only through the method which will inspire the people of India, particularly, in the matter of developing trust and confidence through action. Sir, today I want to propose to deliver a subject that has been debated in our country quite often. I believe that the subject will become a matter of intense debate in the coming years. This has been debated in the last so many decades. Let me go into the core of the subject without much introduction.

The Constitution of our country should be restructured on a truly federal basis to accommodate and fulfil the hopes and aspirations of the people of the country. Article 1(1) of our Constitution states that 'India, that is Bharat, shall be a Union of States.' Dr. Ambedkar, the Chairman of the Drafting Committee, while submitting the draft Constitution stated that although the Constitution may be federal in structure but the Committee had used the term 'Union.' Though the Constituent Assembly initially debated about a federal structure, finally the word 'Federal' was substituted by the word 'Union'. The present structure ensures a very strong Centre. Power has been distributed between the Union and the States in such a way that the former enjoys excessive control over the States. Our present Constitution possesses unitary bias making the Centre excessively strong. But in the federal system, it is a consensus of opinion, that it involves the essential features like dual Government. In a federal State there are two Governments – the national or federal Government and the Government of each component States. The component States are not mere delegates or agents of the federal Government and both the federal and the State Governments draw their authority from the same source, that is, the Constitution of the land. Besides, a component State has no right to secede from the federation at its will. On this count, a federation is distinct from a confederation.

Sir, we all know that the present Constitution has failed to ensure equal development of every part of the country. It is ill-logical. If you assess on the basis of logic then you will find so many instances in the different fields of activities whether it is in the field of communication or other aspects. But, it is a harsh reality of happenings in the country that a sense of deprivation, a sense of alienation is growing up in the minds of the people of the country. The failure of the system has even given scope to foreign powers to encourage separatism. If we are receiving the provocation across the borders it is because our system has not been successful in growing the trust and confidence of the people of the country by delivering goods to them, by giving justice to them.^[a34] It ^[r35]is particularly in the matter of upliftment of their standard of living and to earn their livelihood with dignity, pride and prestige.

Our constituent States are not treated as equal partners in building a developed India because State has always been deprived of taking a major decision. It is the Union of India that unilaterally takes the decision, without having any consultation with the respective

States. The growing sense of neglect and the insecurity in different parts of the country have developed unhelpful political aspirations.

It is, perhaps, time for us to respond to the right of the State for self-governance on a federal spirit. The States should be allowed to have their self-governance. They should be allowed to grow up at their own resources, strength and ability. But this has never been permitted to do so.

It is not difficult to diagnose the over centralisation of power at the Centre. It is responsible for many ills afflicting the country. Because of the Centre's wrong decisions, neglectful and discriminatory attitude, there are a lot of grievances coming up, a lot of resentment coming up from different parts of the country. To be more specific, in other federal structures, there are only two lists. One containing the subject over which legislation is to be made by the Federal Government and the other list contains the subject over which component States Legislatures are authorised to make laws.

But there is a peculiarity in the Indian Constitution, which provides three lists, under article 246, Seventh Schedule. The Union List containing 97 items over which the Parliament of India is authorised to make laws; State List containing 66 items over which the respective component State units are authorised to make laws; and the Concurrent List containing 47 items over which both the Parliament and the State Legislatures have concurrent legislative powers.

As is mentioned, a Federal State derives its existence from the Constitution and every power, whether it is Executive, Legislative or Judicial, whether it belongs to Federal or to the component State, is subordinate to and controlled by the Constitution. The legal supremacy of the Constitution is essential to the existence of the Federal System. There is a requirement of maintaining division of power not only between the coordinate branches of the Government, but also between the Federal Government and the component States, which is not happening in the country. It can be secured by vesting the final power of interpretation of the Constitution in the court.

The three lists contained in the Seventh Schedule of our Constitution prominently display how unlimited powers have been rested with the Union Government to encroach upon the legislative powers of the State. This is some kind of a dictatorial and tyrannical attitude, which is to be removed in the interest of the country. There are so many occasions when many State Governments and many more commissions have recommended in favour of the Federal structure of the country^[r36]. I want to cite some of them. In India, the tendency of over-Centralization of power at the Centre and distortion of original principles of Indian Federalism results in the emasculation of the powers of the State, which must now be revised. Restructuring the Centre-State relations with greater devolution of powers to the States must, therefore, be urgently addressed to strengthen the basis of the country's unity and territorial integrity. Various suggestions were put forward to refashion the system so as to eliminate the scope of frequent conflicts between the States and the Union. These suggestions have come from:

1. Rajamannar Committee appointed by the DMK Government in Tamil Nadu (1971);
2. CPM Government in Kerala;
3. Akali Dal through Anandpur Sahib Resolution (1973);
4. CPM Government in West Bengal (1977);
5. Janata Party Government in Karnataka (1983);
6. Opposition Parties Conclave which met in Srinagar (1983);
7. Administrative Reforms Commission;
8. Sarkaria Commission (1988); and
9. Thaneshwar Boro Commission constituted by Assam Assembly (2000).

So, there are so many instances. Everyone at different periods of time, from sensible sections of the society considering the people's growing grievances and resentments throughout the country, has understood that the Constitution, this system has to be reviewed and restructured. Without restructuring and developing a new system, the country cannot be kept together. India is a united nation. It has to be of different outlook, a modern political outlook through which this country can be strengthened and kept united for all times to come.

The great leader from Assam, late Shri Gopinath Bordoloi also agreed for 'Federal' basis before the Cabinet Mission in April, 1946. Veteran politician, late Shri Biju Patnaik also advocated for 'Federalism'. There are so many instances. For this particular issue, the hon. Members of Parliament from both Houses should put their best possible wisdom to fulfil the hopes and aspirations of the people of this country; from Kanyakumari to Kashmir and from Arunachal Pradesh to Gujarat. If we are to stay together and if we are to combat internationally growing tensions and situations then, definitely, Indian Constitution needs to be restructured, particularly the

Constitution needs to be restructured on a true 'Federal' basis.

Sir, the present structure, as you know, forces the States to beg for funds to manage their affairs and implement their schemes. The State Governments and their Council of Ministers understand as to how the people are suffering in their own States and as to what are their desires and demands. The States should be allowed to meet their demands with proper plans and programmes. But they have never been allowed to do so. The present structure of the Planning Commission does not fulfil the hopes and aspirations of small nationalities living in areas which have remained backward since our National Flag was hoisted on the day of 15th August, 1947. Like that, there are so many small nationalities who are not in large numbers or volumes to represent their ideas before the Assemblies and the Houses of Parliament. But their grievances have never been taken into consideration seriously. Even the Planning Commission has failed to meet their demands in the last 58 years of our Independence. It is ridiculous that the Planning Commission fixes as to which projects are to be implemented in which States. It is not on the desires of the State Governments. But it is the Planning Commission that decides as to what project has to be implemented in which State without considering the topographic location and relevance of that particular State's situation[137].

Even [138]in the Sarkaria Commission, this has been thoroughly discussed. On the fiscal front, in regard to financial autonomy of the States, the Sarkaria Commission had recommended in 1988 for removal of fiscal and financial imbalances between the States. So, in the interests of the mantra of unity and integrity enshrined in the Preamble to our Constitution, there is an urgent need to decentralize modalities of levying taxes and collection of receipts, undertaking tax reforms, to take care of State finances, to ensure flow of funds to backward regions, and to have revenue transferred to less developed States.

There is a need to restructure the Finance Commission which has been constituted under Article 280, the non-constitutional Planning Commission, and other related machinery. The entire set of Articles 264 to 294 of the Constitution calls for restructuring in order to widen the States' revenue and resource base and limiting the Union just to maintaining the minimal requirements of the Union. This has been the suggestion of those famous Commissions.

MR. CHAIRMAN : Let other hon. Members also contribute to your Resolution. Let them be given sufficient time.

SHRI SARBANANDA SONOWAL : This is a subject which has to be thoroughly discussed. There would be many more hon. Members who would also like to participate in this debate.

To pave the path for equal development, the States must have the right to decide their own areas of concern on the priority. The States should be allowed to do that. It is possible for restructuring the provisions of the Constitution. So, I think, the time has come to introduce Constitutional provisions for substantial decentralization of financial powers from the Centre to the States also. The States must have the right over the natural resources the States possess. Plenty of natural resources are there in different parts of the country but the States are not allowed the right over those in their possession. ...(*Interruptions*)

MR. CHAIRMAN: If you are concluding your speech, you can do it. Otherwise, we would have to take up the next item. If you are prepared to conclude, you can conclude your speech now. Or, you can continue another day.

SHRI SARBANANDA SONOWAL : I think, I will have to continue in the next Session. I think, it would have to be continued.

MR. CHAIRMAN: All right you can continue later.