

15.36 hrs.

**RESOLUTION RE : CENTRE-STATE  
RELATIONS—(Contd.)**

[English]

MR. DEPUTY SPEAKER : Now the House will take up further discussion on the following Resolution moved by Shri H.M. Patel on the 18th March, 1988 :—

“This House expresses its deep concern over the present Centre-State relations and demands their early restructuring so that federalism underlying our Constitution is made more meaningful.”

Now, Kumari Mamata Banerjee.

[Translation]

KUMARI MAMATA BANERJEE (Jadavpur) : I do not support the resolution moved by Shri Patel, and I would like to participate in the discussion on this Resolution. It is a very important resolution. India has got the federal democratic system of Government. Wherein the Central and the State Governments are elected by the people and after getting elected, both of them work for the welfare of the entire country in their respective jurisdictions. A strong Centre is as necessary as a strong State Government. We are to see as to how we can control this regionalism and parochialism. This should be given due importance. The saying “Sara Jhan se Achaha Hindustan Hamara (India is above all the nations of this world)” should be a reality. In this country, all the people, be they Hindus, Sikh, Muslims or Christians live and will continue to live in harmony. So, a strong Central Government is needed to have a better control over the affairs of the nation. Some State Governments have a feeling that the Central Government is meeting out step-motherly-treatment to them. At times the opposition parties also try to create such an atmosphere as to make them feel that the Central Government is behaving in a step motherly fashion and exploiting the States and depriving them of their dues. But I want to say that it is not so. The Centre tries its level best for the economic development of the States, because the country can prosper only with the development

of the States. But, the economic development should not be viewed from a political angle. It is the bounden duty, of the Central Government to help the State Governments in the development of their States. There is G.N.L.F. agitation in my State. I would like to congratulate the Centre and the State Government for their joint efforts to find out a solution of this problem. I would urge upon the hon. Minister of Home Affairs to solve this problem at the earliest otherwise this problem may assume serious dimensions. As regards the plan allocations the Centre allocates funds according to the plan submitted by the State Government. At the stage of the drafting of plan by the Planning Commission, the Central Government should keep in view the various important programmes and projects of the State Governments, otherwise sometimes it may become a burning issue. So the Central Government should concentrate on the plans of the State Governments. In case of natural calamities also the Central Government is bound to render assistance to the States. In the event of floods or drought or some storm in the States, the Centre provides monetary assistance to them. As there is drought. . . but this time, our Government has extended the maximum help to face the present crisis created by the drought. It has fulfilled its promise that it won't allow any person to die due to starvation or drought. Our State Government and the Central Government should be congratulated for their excellent performance during this drought.

Mr, Deputy Speaker, Sir, now I would like draw your attention to the law and order situation though it is absolutely State subject and the Central Government cannot do anything in this regard. When the State Government requires the assistance of B.S.F., C.R.P.F. or any other force, then it asks the Centre to help and only on that basis, the Central Government provides help of the State Government. Otherwise, this subject is totally a concern of the State and the Central Government has nothing to do in this regard. But some opposition parties have been propagating the idea that the State Governments should have more powers

and the Central Government should not concentrate powers with them and the Centre should also think to give more powers to the State Governments instead of assuming more and more powers for themselves. In such a situation, the State Government should due importance to the Centre and also not do anything against the Central Government. On the 15th of March, our opposition leaders organised a Bharat Bandh to oust Shri Rajiv Gandhi and thus save India. But this bandh did not make significant impact in the country and particularly in the States, its effect was not visible. This is indicative of the destructive attitude of the State Governments and the opposition. This does not tell of their constructive attitude. These people give a call for Bharat Bandh and to oust Shri Rajiv Gandhi. But you know that like all of us, Shri Rajiv Gandhi also has been duly elected by the people and voted to power with the mandate of the people. You ask for the mid-term polls and want Shri Rajiv Gandhi to quit. All the time you have no work except Bofors. In everything, you see Bofors. I don't like the attitude of the opposition. If a developmental work is undertaken by the Government the opposition should not criticise the Government on that point. There should be no criticism for criticism sake but for a genuine cause. At least in the matters of development, the opposition should not have a different opinion. But you have only one slogan of ousting Shri Rajiv Gandhi and saving the country thereby. You want the removal of the Central Government to save the country. If the Central Government also starts harping on the same tune and insisting upon the removal of the State Government, then how will you face it? If this infighting between the State Governments and the Central Government goes on, who will be the ultimate sufferer. Only the country will suffer.

Mr. Deputy Speaker, Sir, one day there was a small news item in some paper that an astrologer has told Shri Jyoti Basu that one day he would be the Prime Minister be it for one minute only. So he is in the line and waiting to become the Prime Minister. In a State, a Minister for Home Affairs had to quit his post, because

he was found involved in a murder case. I don't want to name him here. In this country, there are such Ministers at the Centre and in the States. One such Minister who was incharge of public security and the country's defence was also found involved in a murder case. I would like to congratulate Prof. Madhu Dandavate because that Minister of Home Affairs has now resigned. A Chief Minister of a State, whose name I don't want to mention here, one day says that he will resign but the very next day, he says that he won't quit. I don't know what he meant thereby, but he says that an astrologer has told him that he would be a Prime Minister for a period of two days. Before Jyoti Basu, I am in the queue, so how he is going to become the Prime Minister? On the other side, Shri Rama Rao is also saying that God has blessed him in the dream that one day he will be the Prime Minister. So he is also in the line of the Prime Minister. It appears that there is not a single unanimous leader in the opposition. Every one of them wants to become nothing less than a Prime Minister. So these people talk of such things all the time. Alright, you may throw Shri Gandhi out of power, but before that, elect an unanimous leader from amongst yourselves. Who can hold the reigns of the country. You must know that like all of us here, Shri Rajiv Gandhi also has been elected by the people. He has the mandate of the public.

A few days before her death, Shrimati Indira Gandhi had said that she had a threat to her life from the terrorists and they might make an attempt on her life, but then the opposition parties had said that it was nothing but merely an election stunt. They said these words to make her unpopular. But after her death, these opposition parties said that she was the towering personality of our nation. Before her death, they always made such statements against her. Once Shrimati Indira Gandhi asked to eradicate poverty, but these people misinterpreted her by saying that she had asked to eradicate the poor. They mislead the people of this country in the past and are doing the same thing at present. Even now, they are conspiring on the same lines, but we don't bother

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about it. We do as we say, but the opposition talks much works less.

The opposition asks for the abolition of the post of Governor. So, today you abolish this post, tomorrow you may do away with the post of the Prime Minister, then, it will be a turn of the President and M.Ps. also. Thus there will be no political man in the picture. When there will be no M.P. in the politics, then there will be no Prime Minister also. When the Governor reads a Budget speech prepared by the Government of the opposition ruled State and criticises the Central Government, the Governor becomes good. He has to read out all those things which the Central Government have never said. But when he speaks against the opposition, he becomes bad. These are your double standards. In fact, the Governor is a coordinator between the Central Government and the State Government and also between the administration and the legislature. The Governor also coordinates the judiciary. Our country should have a regard for the institution of the President and that of the Governor.

The report of the Sarkaria Commission has been received, but the report of the State Government has not yet come. After the report is received, there should be discussion on the same in the House. I would also like to stress that all those important points of the Sarkaria Commission report which are in the interest of our country, should be discussed.

The tax being collected in our country is not being distributed among the States equitably. Why is it so? There are many small states in our eastern region viz. Bihar, Orissa, Nagaland, West Bengal and Tripura. It causes a lot of difficulty in setting up of industries and starting a business there since the equalisation policy is not uniform in all the States. There is discrimination in it and it should not have been so. The States in the eastern region cannot develop for want of a fair equalisation policy. It is also the policy of our country to pay attention towards the neglected states. Tripura,

Mizoram, Nagaland, Arunachal Pradesh are such States which get more Central allocations whereas they do not contribute a big amount to Central revenue. They cannot do without the Central assistance. There are a number of States where the tax collection is much more. Such States do get more Central allocation. But the small States cannot do without central assistance. Everyone should have a feeling that the Central Government is like a mother and the State Governments are like children. It is the duty of the mother to look after every child. But she should pay more attention to the physically handicapped states, i.e. the opposition ruled states. As has been said, they need more attention. The Central Government should give funds to the States for their work but it should also ensure that the monitoring policy is working properly. The States are allocated funds for executing 20 point programme and to meet the expenditure from their development funds. Does the Central Government has any monitoring agency to see that the funds given to the States have been properly utilised. The States which have done commendable work in regard to the implementation of the 20-point programme and for the amelioration of the poor should be properly rewarded. At the same time, further grant of assistance should be stopped to those States which have failed in this regard. The Central Government should hold an enquiry and find out the reasons as to why they cannot furnish the account of the central assistance given to them. Shri Morarji Desai during his tenure as Prime Minister allocated huge sums of money to the Government of West Bengal to meet the challenges of floods. Later he stopped allocating further funds as the State Government did not give any account of the same. Why did he do so? He said that he had an ideology that only those States which furnish the account of their expenditure, would be given further assistance. He warned them that they would be given no further payment if they did not furnish the accounts. Same is the policy of the Central Government. It is not the question of the Central Government or any State Government, but it is country's money which nobody should be allowed to waste. We shall look into

these aspects with a view to save the country, develop the country. Agriculture, Forestry, Education, Water Resources, Irrigation which come under the State list, should be brought over to the concurrent list. The Central Government has formulated the New Education Policy. Does the Government have any idea as to which States are following this policy. As regards my own State, it is not following the new education policy. The Government envisaged a scheme to open model schools in the country, but not a single model school has been opened in West Bengal. Why does not the Government direct the State Government to do the needful? The Government should look to it that nobody is deprived of such opportunities. It is not a political business. There are several State Governments which claim that they do more work. If it is so, I would like to know as to why the border dispute between Maharashtra and Andhra Pradesh is not finding a solution? Why does such a dispute continue between Tamilnadu and Kerala? If the State Governments cannot solve the issue by themselves, it is the duty of the Central Government to see that the things are co-ordinated and how a solution can be found. I therefore, urge upon the Central Government to discuss the matter with the State Governments and create an understanding to the effect that neither the Centre nor the state becomes weak. It is not a good thing for the country as a whole if the Central Government wants that the State Government should go weak and the State Governments also want the Centre to go weak. Therefore, the Centre as well as the States need to be strong. Since Centre is the mother, it needs to be more strong. I urge upon the Government that it should not create such feelings among the States which may pose a threat for the country. For example, a few days back Shri Devi Lal, the Chief Minister of Haryana had gone to Uttar Pradesh for holding a meeting. There he brought with him some police force from Haryana. He did not take the permission of the U.P. Government for this. Why does this thing happen? For this reason, the Central Government should specify the duties and responsibilities of the

States. There are Chief Ministers who do not have any idea as to what are their duties, limitations and obligations.

I would like to request the Government to pay attention towards it. The Government of West Bengal has requested the Central Government of provide the second T.V. Channel for their State. If their demand is fulfilled, they will telecast the achievements of their own Government on that Channel. But you may please ask the members of the CP(M) here, I do not want to name them, what did they do on the Bandh day i.e. on 14th March. These people caused heavy damage to the T.V. centres at Calcutta and Trivandrum. How does the Central Government come in the picture? They did it in a well planned manner. They caused heavy damage to the Coal India Limited also. That is the care they have taken of the Central property in their States. They have a tendency to exploit the Central property to their advantage. Shri Saifuddin, I would like to make it clear that we also belong to a State. We will not allow anybody, whether he is Jyoti Basu or the Prime Minister, to assert their monopoly over the State. It is the country which is supreme which will be allowed to work. I, therefore, request all and sundry not to indulge in mere politics and strengthen the Centre in the interest of the country. Let the country be strong and let the States to be strong.

[English]

**SHRI SURESH KURUP (Kottayam) :** Mr. Deputy Speaker, Sir, it is good that a veteran Member of this House Shri H.M. Patel has brought this Private Members Resolution. You know the content of this Resolution is the subject matter of discussion, by people belonging to various walks of life and also among the national political parties. The timing of this discussion is all the more important because the Sarkaria Commission which went into the details of the Centre-State relations has just submitted its Report to the Government. It is under the consideration of the Government. We have not got time to have a detailed discussion on that Report. I hope, at least during the

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next Session that Report will be discussed in detail in this House.

Ours is a Federal country. Our country consists of a very large number of people who talk different languages, belonging to different religions and all that. So, it is very important that the constituting States in this Federal polity should have greater powers than at present. If you go into the details of the Constitution and also the actual functioning of Centre-State relations you can see that it is based on the 1935 Act which was imposed on our country by the imperial rulers. At that time itself, the Indian National Congress and its Leaders vehemently opposed the various provisions of the Act. It had actually rejected the part containing the Federal set up and the Provincial set up. When the Congress won the elections, it participated in the activities of various States only after getting specific assurance from the imperial rulers that the special powers included in the Act will not be used against the Congress Ministries.

Then after independence, when we framed our Constitution, it is a sad thing that we actually based the Centre-State relations on the 1935 Act. You can see that this imperial legacy is being followed all through these forty years.

My point is that, if you want to preserve the unity and integrity of this country, you should give more and more autonomy to the States. Unfortunately, the ruling party at the Centre and the Leaders of the ruling party are of the opinion that the Union Government should concentrate more and more powers into its hands. That is what we see over the years. Immediately after independence when the ruling party at the Centre and the ruling parties in the States were the same, there were practically no tensions regarding the Centre-State relations. Taking advantage of this and using the authority of the Central leadership, the Central Government concentrated more and more powers in its hands. Now the situation has changed.

16.00 hrs.

Many States are being ruled by the Opposition parties—some by regional parties, and some by national Opposition parties; and the demands have come from all the quarters. If you look through the questionnaires submitted by various State Governments including Congress Governments in the States to the Sarkaria Commission, and also to the various Finance Commissions by the State Governments, you will see that demands have come from all the State Governments and all political parties that more powers should be given to the State Governments.

When we come to legislative relations, the whole thing is divided into the Union List, State List and the Concurrent List. In respect of matters included in the Concurrent List, the Union Government can make legislation at any time, and that legislation will prevail. This Parliament and the Central Government can legislate even on those matters which are included in the State List.

Now the picture is very clear. The influence of the Central Government in matters of legislation is all-pervading. They can legislate on anything and everything. Using the Governor, the Central Government can withhold those legislations which are passed by the Assemblies in States. There are ever so many instances all over the country. (*Interruptions*) More than 60 Bills, from all over India, are pending with the Central Government. This practice started in 1959 itself. In 1959 the then Communist Government in Kerala had passed very important progressive legislation on Education and Land Reforms, but sanction to them was withheld by the Central Government;—and actually, the Bill was approved after taking away its important clauses.

Regarding Education, it was actually envisaged at the time of framing the Constitution, and even before, that Education should be completely given over to the State sector. But it was included in the Concurrent List. What is happening now? Because our country consists of various nationalities speaking different languages, people having different cultural heritages—

taking all these things into consideration, Education was practically given to the State Governments, and this was included in the Concurrent List. Now the Government has come forward with a New Education Policy. Various State Governments have given their opinion against this New Education Policy, and the thrust of this Policy.

Regarding Higher Education, there is a body called the University Grants Commission. And the actual responsibility of the University Grants Commission is to give the grants, allotted to various universities and colleges, to give away grants which are given to them from the Central Government. Now, using this UGC, the Union Government is trying to control the whole sphere of higher education in our country. The UGC is now imposing conditions that the University should not have elected bodies, elected Syndicates and elected Senates. No representatives of the political parties should be in the Senate or in the Syndicate. If they are there, it says it will not give the grants.

Elections should not be there. Even if it is a nominated body, no representative of a political party should be there. That is what they say. The State from which I am coming that is Kerala has a long democratic tradition in the sphere of higher education. In almost all the universities in Kerala, we have an elected Senate and elected Syndicate. Representatives of the students are there; representatives of the teachers are there. So, people from all walks of life are represented in the body of the university. When a new university was created, when Gandhiji University was formed, the UGC refused to give recognition to it just because in the new Act it was envisaged that this University will have elected Syndicate and Senate. At last, Kerala Government was forced to amend the Act to nominate Syndicate and Senate. This is what is happening in Kerala. The Union Government is effectively controlling the higher education sector in our country. This is what you are doing with the Concurrent List. Above all, now the Union Government can legislate in a matter which is coming in the State List. Take, for instance, the Industrial Develop-

ment and Regulation Act. So many industries, so many items are included in this Act in which the Central Government can only act, issue licences, anything and everything. The State Government has to wait for the clearance of the Centre. Practically, the State Government cannot do anything regarding the industrial development of a State. So many proposals from so many non-Congress I government are pending with the Union Government. In our State Kerala, for establishing a special refractory at Quilon, land was allotted and budget provisions were made. When the Soviet Union actually offered collaboration, at that time the Central Government intervened and they are not giving sanction to this particular industry; and when the machinery from the Soviet Union was about to be imported, the licence given for importing this machinery was cancelled. Same is the case with Bengal also. Many other non-Congress I Governments have the same position.

SHRI BIPIN PAL DAS (Tezpur): Why do you make a distinction?

SHRI SURESH KURUP: Even after the infrastructural facilities for a particular industry have been arranged in a State, the government is going back from its commitment; they are withholding the import licence given earlier. What does this mean? So, this situation has to be changed.

Then the Central Government can send its para military forces and its own forces at any time to any State; it can declare any State as a disturbed area without the consent of the concerned State Government or without consulting the concerned State Government. This is what is happening in Tripura. Just on the eve of elections, the whole Tripura was being declared as a disturbed area.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI): The CPI has no politburo.

SHRI SURESH KURUP: The military was sent there and the military is; still stationed there. A few years back when

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an election was fought in Assam, the Union Government never thought it necessary to declare not even a village in Assam as a disturbed area. They never thought of sending military to Assam.

**SHRI SAIFUDDIN CHOWDHARY** (Katwa) : That is why they lost the election.

**SHRI SURESH KURUP** : The earlier election, not this one. It was the Saikia Ministry which was sworn in.

Then, in Punjab when the elections were conducted, they never thought of declaring Punjab as a disturbed area. They never sent the military to that State. But when it came to Tripura, the stakes were high and suddenly on the eve of the election military was sent and the whole area was declared as a disturbed area, without the consent of the State Government. (*Interruptions*)

Then comes the provision regarding the Governors. During the British regime the Governors were appointed by the imperial rulers to various provinces of this country, and they were responsible to the Governor General and through the Governor-General to the Queen or the King of England. The very same provisions, exactly, were retained in the Constitution adopted by our country after independence. Actually, when the Constitution was framed, the Governors were considered as, what you say, friend, guide, philosopher to a State Government. Immediately after that, after the general elections of 1957, when the first non-Congress Government came into power in Kerala, then the Governor's position was used to malign the Government and at last to dismiss the Government.

I mentioned earlier regarding what the Governor did when some of the important legislations were passed by the Government. And from 1959 to 1988 in every State you can see ever so many instances in which this power of the Government was blatantly misused. Recently in Kerala, you know, that a

non-Congress Government is ruling in Kerala, a Governor who was till recently a Union Minister here was suddenly appointed as Governor of Kerala, without even consulting the State Chief Minister. After that, Mr. E.M.S. Namboodiripad who was the Chief Minister in Kerala twice, came out with a statement that in 1967 when he was the Chief Minister of Kerala, at the time of appointing a Governor, Shrimati Indira Gandhi consulted him and asked about his opinion. Then he said, "You can appoint anybody; but it would be better if you do not appoint any political person." A retired ICS officer, Mr. V. Viswanathan was appointed as a Governor at that time.

In 1988 our new Prime Minister, Shri Rajiv Gandhi does not find it necessary even to make a telephone call to the concerned Chief Minister and consult him regarding the new Governor.

I think the Union Government should go through the recommendations given by the Sarkaria Commission, that a person who was till recently in politics, should not be appointed as a Governor. So many important recommendations were given by the Sarkaria Commission. At least you should accept that. So many instances are there in Kerala also. Last time in 1980 when the Left Front was ruling in Kerala, the Governor appointed a person as Vice-Chancellor from the panel given by the Senate, of her own choice. She never thought of appointing the person recommended by the Government. The Governor's position as Chancellor of the University is according to the Statute passed by the concerned Legislature. As such, the Governor has no power to act as Chancellor of the University in a State. The State Government and the State Legislature has to decide. Even then, the Governor appointed the person of her own choice at that time in 1980. In West Bengal also, when the issue of appointment of Vice Chancellor came up last time, the Governor appointed of his own choice. The Governor is intervening with the political processes in the State. So many instances are there. In Andhra Pradesh, in 1984, a democratically elected Chief Minister was ousted and another

person was enthroned in that place. In Jammu and Kashmir also, you did the same, you had to eat all these things and you are forced to make alliance with Farooq Abdullah—all these things were done using the Governor. Sir, in Kerala, the Governor of Kerala had the temerity to issue a press statement on the 'Bharat Bandh day' that she had given proper instructions to the Chief Minister that the law and order situation should be taken care of. (*Interruptions*)

SHRI V. S. VIJAYARAGHAVAN (Palghat) : Sir, the human lives have no value in Kerala... (*Interruptions*)

SHRI SURESH KURUP : This was one of the most unprecedented incidents in this country. (*Interruptions*)

The Governor has every right to consult the Chief Minister and ask about the law and order situation in the State, and if she wants, she can advise the Chief Minister. But, what prompted her to give a press statement, an open statement, that 'I have given instruction'. Who is she to instruct the Chief Minister? She is not expected to do this. (*Interruptions*)

SHRI SAIFUDDIN CHOWDHARY (Katwa) : Who instructed her? (*Interruptions*)

SHRI SURESH KURUP : She acted as an agent of the Centre. (*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur) : She acted as the President of Bihar Congress. (*Interruptions*)

SHRI SURESH KURUP : She acted as the President of Bihar Congress and an agent of the President of the Indian National Congress... (*Interruptions*)

My point is that the post of the Governor should be abolished. I know you are not going to abolish the post of Governor, and you are not going to elect the Governor also. But, you should at least implement the recommendations of the Sarkaria Commission. (*Interruptions*)

MR. DEPUTY SPEAKER : Wind up.

SHRI SURESH KURUP : Please give me some more time.

MR. DEPUTY SPEAKER : There are many speakers. Every one wants to speak. So, wind up. You have taken more time. (*Interruptions*)

SHRI SURESH KURUP : The Sarkaria Commission report was not discussed in this House. So, this has to be discussed in detail. (*Interruptions*)

Regarding the financial relations, in the Constitution—I am not thorough with the Articles of the Constitution... (*Interruptions*)

PROF. MADHU DANDAVATE (Rajapur) : I will take care of it.

SHRI SURESH KURUP : Prof. Dandavate will take care of it.

MR. DEPUTY SPEAKER : Wind up.

SHRI SURESH KURUP : I will conclude it.

Regarding the financial relations, the Finance Commission is supposed to go into the financial relations between the Centre and the States and the budgetary transfers from the Centre to the States. It has become a practice to ignore the Finance Commission in the transfer of the funds of the Centre through Planning Commission and also through discretionary grants and loans. Today morning only, Prof. Dandavate has raised an important question regarding a new provision which robs the States of their legitimate funds. More and more financial transactions take place outside the ambit of the Finance Commission. The States should get their legitimate share from the receipts of the income-tax. Now the Centre has found out a new way. It is putting surcharge on income tax so that share need not be given to the States. There are so many other things which the Union Government is doing regarding transfer of finances and it is robbing the States of their legitimate share. All these things should be taken into consideration in the matter of Centre-State relations,

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I hope, the Central Government will at least implement the modest recommendations of the Sarkaria Commission and give more powers and autonomy to the States.

**SHRI SOMNATH RATH (Aska) :** In our country exists Centre and States, two tier Government system. It is meant to ensure the unity and integrity of the country which is paramount. It is also meant to promote the welfare of the people. The Centre-State relationship should be on the basis of understanding, certainly not by confrontation, to find solutions to various problems. In the functional aspect of the Union-State arrangements, the mode of discussion and the solution to be arrived at, is paramount.

The Sarkaria Commission on Centre-State relations which was set up in June 1983, is an apparent indication of tremendous foresight and pragmatism of our beloved late Prime Minister, Shrimati Indira Gandhi. The present Prime Minister, Shri Rajiv Gandhi, is no less keen on the issue of Centre-State relations. He deserves acclamation of the entire nation on his insistence on Centre-State cordiality.

The Commission should be congratulated for making some significant recommendations and for submitting a voluminous report containing 4900 pages. The report has asserted for a strong Centre which is imperative for preserving the unity and integrity of the country. In fact, it is the intention of the framers of the Constitution to provide a strong Centre for our country.

The report does not favour major modifications in the basic scheme of the Constitution. The Commission has made out a strong case for *inter-State* councils which are to be used for the purposes mentioned in article 263. This is commendable.

The Centre-State relationship is now intertwined with political issue. Our friends from the Opposition have stated that the present Central Government is not treating the States well. They have

even cited some examples of President's rule, Governors' appointments, etc. But I want to bring to their notice all that happened in 1977. Many states then, which had hardly remained in power for half the term for which they were to rule, had been dissolved by the then Central Government, that is, the Janata Government. They should have learnt a lesson from that. There was no protest for it. And those parties, which had done this in 1977, are now, on the top of their voice, criticising the present Government.

**PROF. MADHU DANDAVATE :** From our experience.

**SHRI SOMNATH RATH :** May be from their experience. Thanks to Professor Dandavate.

Now, Sir, they have also talked about the overdraft. These overdrafts by many State Governments give rise to inflation and also lead to many complications. So, there must be some monitoring agency, some supervising agency to see that the States never misutilise the funds or divert the funds otherwise. Take, for example, the funds given to different States by the Centre for poverty eradication schemes. Huge amount is given at the time of natural calamities. But instances are not rare when, by some States, the funds are misutilised or misdirected for some populist schemes. If the Centre raises any objection, it is stated that the Centre is not treating the States well.

The Prime Minister has called a meeting of all the Chief Ministers and it is practically decided that we should achieve our goal of 75 million tonnes of food production by the end of the Seventh Plan. To do this, it is essential that the States raise their funds, their resources. If the States do not cooperate, if they do not raise their resources, then how to achieve this national goal ?

Some Members from the other side have talked about the education policy. The education policy is now a National Education Policy and it has been debated in this House. The National Education Policy is to be implemented in the country on partnership basis, by the States and the

Centre, not by way of confrontation. Unless there is cooperation between the States and the Centre, if we smell a rat in every scheme and criticise only for the sake of criticism or with political motivation, the growth of the nation will be hampered.

The Prime Minister has called a meeting of the District Collectors in different States. I do not know why there should be any objection to it because now it is at the district level that the planning will start, not at the Central level. The Centre is not to dictate or to plan for the States or for the districts because the infrastructure, the circumstances vary from district to district. When the Prime Minister has asked the District Collectors, in the meeting, to review how best the poverty eradication schemes and other Central schemes are being implemented, and how we should work we should be responsible and also how the district planning should be formulated at that level. There is no reason why they should raise it. So, in our country, what is needed for national growth must be thought out. You can criticise if there is any defect in the scheme or programme and the criticism should be to attain the target, to attain the goal, but leaving everything what the schemes and programmes have been doing for the benefit of the people, for the growth of the nation, without giving any valid suggestions to plug the loopholes, there is no point in making criticism only. Then, in that case, the present discussion on Centre-State relationship will be of no use. So, Sir, what I would like to say is that there should be cooperation as far as the Centre-State relationship is concerned the ultimate aim being national growth. There are regional imbalances. There are States with huge infrastructure.

MR. DEPUTY SPEAKER : Already the time allocated for this Resolution is over I want to know the sense of the House whether we can extend the time for this Resolution.

SOME HON. MEMBERS : Yes, Sir. We can extend the time by two hours

MR. DEPUTY SPEAKER : All right. Mr. Somnath Rath, you may continue.

SHRI SOMNATH RATH : Sir, there is poverty in the midst of plenty. Just like in Orissa, for various schemes, the State has to provide a matching grant from about 25% to 50%. The affluent States can afford to give this matching grant for those programmes and schemes which can be implemented by contributing matching grant to be given by the State. Then the result is imbalances which instead narrowing down, are widening. The affluent States can afford the matching grant but the backward States cannot contribute the matching grant. So, the Planning Commission as well as the Centre should review the position of those States who are backward and they should be given sufficient assistance. There should not be a practice that one programme or one scheme should prevail all over the country, without taking into account the financial position of each State. These are the aspects on which we can discuss, but not all the programmes and schemes the political basis. So, Sir, I want to submit that the recommendation of the Commission should be thoroughly debated and such recommendations which foster unity and integrity of the nation should be accepted by all of us.

PROF. MADHU DANDAVATE (Rajapur) : Mr. Deputy-Speaker, Sir, the House should be thankful to the hon. Member, Shri H.M. Patel for having placed for the consideration of the House a very important Resolution that seeks to discuss the Centre-State relation. Sir, the founding fathers of our Constitution, one of them is present here, with due consideration to all aspects of India's unity, opted out for a federal pattern of Constitution because they realised that India's unity was unity in diversity.

Sir, historically the days in which the Constitution was framed were the days ravaged... (Interruptions). I am coming to that just now. Wait for one sentence only I am coming to that.

Sir, he anticicated my sentence. I will complete it now.

[Prof. Madhu Dandavate]

Due to historical circumstances ravaged by Partition and instability that was created in the wake of Partition, certain unitary features of the Constitution were inducted into the Constitution and therefore, really speaking, our Constitution is a blend of federal as well as unitary aspects.

SHRI BIPIN PAL DAS : That is right.

PROF. MADHU DANDAVATE :  
You agree with me.

SHRI BIPIN PAL DAS : I say,  
quite right.

PROF. MADHU DANDAVATE :  
That is right, Thank you.

Sir, I find that because of certain historical situations it was a blend of federal as well as unitary constitution, but as Dr. Ambedkar made it very clear and others also made it clear, the essence of a democratic life is the acceptance of federalism in polity, in economy and also in the field of Constitution. I feel that if the federal core of the Constitution is to be properly preserved, and more than federalism if the approach of economic and political affairs is to be preserved, it may become necessary that some of the articles of the Constitution will have to be amended. There is nothing sacrosanct about the Articles of the Constitution. In fact, we have the 59th Constitution Amendment. So, fifty-nine times we actually amended the Constitution. Therefore, if the socio-economic conditions demand, certain Articles will have to be amended. And, Sir, you may recall that according to the original terms of reference for the Sarkaria Commission there were no terms of reference that prescribe the Constitutional amendments. But later on the terms of reference were modified and the Sarkaria Commission was told that 'you can also examine whether certain Articles of the Constitution need to be amended and therefore, I feel that if at all devolution of power and decentralisation of economy

and the resources demand certain modifications of the Constitution, we should hesitate to amend those portions of the Constitution. Take, for instance, the encroachment by the Executive as the Centre on the State powers. If I have just to illustrate, Articles 31A, 31C and 304(b) will have to be reconsidered, if necessary, to see that there is no intervention by the Central Executive on the legislative powers of the State. I don't make a firm assertion that these amendments are a 'must', but if it is necessary, they have to be gone into.

The next aspect is the assent to the Bills. Sir, the Legislative powers of the States are a very significant sector of our political life and of our legal life. Assent to the Bills is very vital. If you go through the proceedings of a number of States, sometimes regarding land they are scheduled to be revised, regarding the language so many Bills are passed by the States. They are in the form of certain reforms, certain sociological transformations or reforms or you find that sometimes they are found to be more radical than that is necessary by the Centre, sometimes they do not agree with the ethos of the Central Government and as a result of that, the two obstacles in the path are the Governor and the President. If you look at the present provisions of the Constitution, once the Bill is already sent for the assent, there is no definite period that is prescribed that within a certain short limitation the President must give assent to the Bill. Therefore, these aspects have to be gone through.

Then we come to the role of the Governors. The Sarkaria Commission has applied its mind to the problems of appointment of the Governors and their functions. They have not taken the extreme attitude that the Governor's post must be abolished. Nor have they taken the attitude that the Governor must be elected. But they have carefully gone through various memoranda that were sent to the Sarkaria Commission and they have realised that Governor is a very important link between the Centre and the State. For instance, when President's rule gets promulgated in a particular

State, if the Governor reports, to the Centre that the Constitutional machinery in a particular State has failed, in that case, the President promulgates, of course, on the recommendations of the Central Cabinet. And, therefore, the Governor's reports are very important. Of course, in some of the States, it has happened. In Madhya Pradesh on the occasion, the Governor has publicly said, there is no collapse of the law and order machinery, there is no Constitutional crisis in the State. But later on we found that the Centre had intervened and actually the President's rule was promulgated. Therefore, this happens in some cases, because of the misuse of powers by the Governor. Unfortunately, if you look at the manner in which the Governors are appointed, it is not an accident of history that generally the defeated members of the ruling Party get appointed as the Governors. It becomes a political patronage. Governor's post has unfortunately become political rehabilitation, compensation. Such Governors who come into being as political rehabilitation, compensation are not likely to act in an objective manner, nor worrying that exactly the ruling Party at the Centre is considering, though they should have an objective criteria system. Therefore, the Sarkaria Commission has very categorically said this. They have not said that those who have some political thinking approach or perception should be eliminated. I do not think in a democracy, even an independent person will be free from any political perception or ethos. But they have said, those who are actively involved in partisan politics should be kept away from the Governor's post.

There is one more aspect. I do not want to deal much on that. But there is one particular aspect of the Governor which is very significant from the point of federal polity and Centre-State relations. I do not want to indicate any specific instances. In this very House, if you remember, at the time of Andhra crisis, I had brought a substantive motion against the Governor and demanded his dismissal. I knew that my resolution was going to be defeated by brute majority. But I said,

on the occasion, you may throw away my substantive motion against the Governor of Andhra Pradesh, but I assure you hon. Members that even after the defeat of my resolution, the situation will so conspire and the people will assert in such a manner that you might prevent the Governor being thrown away on the basis of my substantive motion, but within 10-15 days, you will find that the Governor is out but within 8 days, he was out. I was not an astrologer. But I understood what is the pulse of the people there; what is the strength of the ruling Party in the legislature what exactly the feeling among the people and on the basis of the even the Centre had to revise its attitude and ultimately the Governor decision had to be reversed and the Governor also had to be sent out. This happens because in certain matters, Governors are given enormously much powers. This is the sphere and area where in the interest of harmonious relation between the Centre and the State, Governor's powers should be curtailed, i.e. in the field of testing the majority of the ruling Party on the floor of the House. I am firmly of the opinion and in our memoranda to the Sarkaria Commission, we have stated very clearly both at the Centre and the States—in fact, I introduced a Private Member's Bill that whenever there is doubt whether those who are ruling a particular State, command a majority or not, the legislative majority should not be tested in the cosy chamber of the Governor but must be tested on the floor of the House. Even at the Centre, it is not the Rashtrapati or the President. It should not be left to his discretion to test whether there is majority or not, parading the people, trying to get their signatures. More than that, the surest and the safest and the most democratic method is to test the majority of the ruling Party on the floor of Parliament or on the floor of State Assembly. If that is done, more cordial and harmonious relation between the Centre and the State will evolve and no legislative party will feel that with the whip of the Centre they are likely to be destroyed or that is likely to happen. Therefore, that aspect has to be considered.

[Prof. Madhu Dandavate]

As regards the encroachment by the Central bodies, we have in our country a number of Central bodies. At present, a number of Central agencies such as the Agricultural Prices Commission, Central Water Commission, Central Electricity Authority, Director-General of Technical Development, Monopolies and Restrictive Trade Practices Commission, Employees State Insurance Corporation, National Savings Organisation, Employees Provident Fund Organisation, Bureau of Industrial Costs and Prices and Food Corporation of India etc. handle activities relating to subjects in the State and Concurrent List of the Seventh Schedule of the Constitution. So, it is very necessary that some of the Central organisations, because they are making inroads into the State autonomy, this encroachment has to be effectively prevented by statutory provisions. Unless this is done, these organisations and institutions are likely to be utilised to erode the autonomy of the State and their autonomous functioning and that also has to be safeguarded.

I come to the deployment of the para-military forces in various States. This House may recall that when the Garhwal election was to take place, a controversy took place between the Election Commission and the Home Ministry in our country. I raised a discussion in this House and I had correspondence with the Election Commission. They tried to misinterpret the provisions of the Constitution. For instance, Election Commission consistently held the view that since the State Government has to conduct the elections, they have to provide the machinery and, at the same time, Election Commission fixes up the schedule and they are in over-all charge of the elections as a whole. A number of elections are taking place in various States. They must be previously consulted of how much machinery of various States is available, how much deployment by the Centre has to be there, and consultation is there. In fact, concurrence is better. I insist that in the interest of better Centre-State relationship, there should not be suo motu deployment, either of army or of para-military forces in

any particular State. I will give the illustration of Garhwal. When the Garhwal by-election was taking place, without the consent of the Election Commission and without contacting the parties concerned, large para-military force from surrounding States was inducted into Garhwal and when the candidate lodged a complaint to the Election Commission, the Chief Election Commissioner sent an observer to Garhwal Constituency. I congratulated the Election Commission then. When, on a wireless message they communicated that a large number of para-military forces from the adjoining States have been inducted and they can over-awe the voters and, therefore, a climate of free and fair elections will not exist, the Chief Election Commissioner in the midst of the election announced that "I am postponing the election." Elections were postponed to a further date. All the contesting candidates were contacted. Suitable date was fixed up at a later stage and in a better atmosphere which was not over-awed by the excessive para-military forces inducted into that Constituency, fair and free elections were held. That is the way things are to be conducted. In order to give a statutory basis for that, I am one of those who feel that suo motu deployment by Centre of para-military forces in various States should not be permitted. There must be concurrence of the States concerned. Then only the deployment should be there. ✓

PROF. N. G. RANGA (Guntur) :  
States are not interested in concurring.

PROF. MADHU DANDAVATE : You have to deliver the goods only through them and I wish to quote a Member of the Constituent Assembly. When there were certain provisions that were likely to be misused, Dr. Ambedkar, in so many words—Dr. H. V. Kamath raised these questions in the Constituent Assembly, the question of emergency, the question of deployment—said that certain provisions of emergency and others were very rigid. You know what Dr. Ambedkar said :

"One is not very happy to have these provisions, even of emergency in such a rude way"

But he said that :

"Take for granted that those who will be ruling the country will be of a democratic temper".

But he said that :

"There are rulers who do not accept democratic outlook and attitude and, in that case, these provisions can be misused."

But, let us hope that some of the provisions will remain. Dr. Ambedkar used the words "Will remain a dead letter". But dead letter sometimes becomes a live letter in our country. Therefore, some statutory provisions must be made. It doesn't matter which party is in power. For instance, I am plainly saying one thing. I fully agree with my friend who said that even when the Janata Party was in power, in some of the States, where the Lok Sabha poll was heavily in favour of Janata Party, the Chief Ministers were told : "You should dissolve your Assemblies and face elections". Today, I accept that was a wrong step. No doubt, the elections took place and we came in those States with overwhelming majority. But it is a fact that that created a precedent. Even one who belonged to the Cabinet of the Janata Government, I do see in retrospect that the step that we have taken there, though apparently it appeared that it was of a temporary game but it was a wrong step that my Government took in those days and set a very wrong precedent. Even though my Government had done, I would not justify it. Therefore, we must have certain statutory provisions and also conventions by which such things could be avoided so that harmonious relationship between the Centre and the States will be there.

Now, I would like to come briefly to the Centre-State financial relations. To my mind, this is one of the most important aspects. States suffer from inadequate financial resources as well as inadequate financial powers. I am one among those who feel that there must be happy balance between the Centre and the States. No State should be allowed to use as a

spring-board for creating a spirit of secession and disintegration. At the same time, the Centre must not treat the States as their bonded-labours. The autonomous concept should not be stretched to such an extent that the spirit of disintegration and secession from the Indian Union will be created.

SHRI RAM PYARE PANIKA (Robertsganj) : Prof. Dandavate should tell us where the Central Government has committed such a thing. It is no use saying like this. He must give specific examples. It is a very serious thing.

PROF. MADHU DANDAVATE : I am putting forth the strong expressions of the States. I am saying that nothing should be done by the States by which the States can be utilised as springboards. (Interruptions) Has it not happened ? What are you saying ? Do you want any instance ? I will tell you. There was a time when in Tamilnadu when Annadurai was leading the DMK Party, there was a time when in the Constitution of the Party, they had declared : "We would like to create a State, not within the Indian Union but it should secede from the Indian Union." But I pay tributes to the leadership of our country, irrespective of the party, they did not take an isolationist attitude. They felt that he and his State is going in a wrong direction. The Parties in the mainstream kept contact with those organisations; convinced them that there would be a happy relationship between the Centre and the States; they need not take such an alarmist view and talk in terms of secessions from the Indian Union. After that, the same Annadurai who at one stage in the Constitution of his Party talked about secession from the Indian Union, gave up that slogan and they became an integral part of the political atmosphere in the country. I think it is a tribute to the national leadership in the country that they did not drive away them to the wall. On the contrary, by keeping a dialogue with them, keeping them in the mainstream they persuaded them to give up. Neither the AIADMK nor the DMK nor any wing of the DMK now talks in terms of secession at all,

[Prof. Madhu Dandavate]

In the case of Punjab also, that is a warning. Anything can be considered in Punjab but not a separate demand of Khalistan. But if the separate demand of Khalistan is to be fought, in that case, all possible persuasive methods should be undertaken to explain to them that any dangerous slogan of secession from the Indian Union is going to be harmful to the country and harmful to the State concerned. Fortunately, the national leadership in the country was able to convince the people of Tamilnadu. The same type of approach will have to be adopted and throughout the country. We will have to prevent secessionist ideology.

Sir, regionalism grows. Regional parties have emerged. But here, I am of the opinion that why regional parties emerged. Why strains in our national unity sometimes are created? It is because the legitimate aspirations of various States are not taken up by the national parties in the mainstream. Wherever the national parties in the mainstream are able to take up the legitimate regional aspirations of the people, remain with them in their trials and struggles, in that case no regional party will emerge.

I will give two simple illustrations. In Assam there was a fight against the question of foreign nationals. It was a slogan, a national slogan not relating to the problem of Assam. But as far as the region of Assam is concerned, it was very much there. The region of Assam was disturbed by that particular problem. If the national parties had taken up that issue and fought for that, no regional groups would have come up there. A small group of students and youth had to fight alone. They fought the elections, they formed the regional party and as a result of that, a regional party came up.

On the contrary, Prof. Ranga will bear me out, when there was struggle for linguistic agitation of States to which Mahatma Gandhi was committed, in my State of Maharashtra there was an agitation for the creation of a separate

Samyukta Maharashtra. But no regional party was formed to fight that; all the national parties, the Left Parties, Parties like the Socialist Party, Communist Party and others fought the battle, all-India parties participated in that and therefore there was no scope for any regional party to come up in Maharashtra on the basis of linguistic agitation for Samyukta Maharashtra. Therefore, no regional party grew up there.

There is one more aspect. The legitimate regional aspirations of every State must be reconciled with the national aspirations and it is the all-India parties that have to take up this task—no matter whether it is the Congress or Janata or any other Party. If the all-India national parties in the mainstream cater to the legitimate regional aspirations of the people in various States, then the regional parties will not grow and they will not frighten us. This constructive approach has to be taken.

I will conclude touching only one aspect, about the financial relations. If States suffer from inadequacy of resources and financial powers, then the States are likely to suffer and the tension between the Centre and the States would grow. Therefore, I suggest briefly the following few points.

1. Income-tax including tax on companies should be shared by the Centre and the States.
2. The Surcharge levied for general revenue purposes on duties and taxes, including income-tax, should be treated as a part of the divisible pool.
3. Auxiliary and special duties should be merged with the basic excise duty, and at least 60 per cent of the net proceeds should be made available for the divisible pool.
4. The grants to the States under Article 275 of the Constitution should not be drawn from the States' share of the divisible pool, otherwise that is destroyed.

5. To deal with the acute problems of institutional finance, a National Credit Council consisting of representatives of Central and State Governments at ministerial level, the Governor of Reserve Bank of India, the Chairman of NABARD, IDBI, Export Import Bank and LIC should be established under the aegis of the National Development Council.

If these reforms are brought out, even in the financial field no State will feel bad. This is the point that cuts across whether they are Congress States or non-Congress States. For instance Orissa is a State run by the Congress Party. Bihar is another State run by the Congress Party. There are some States run by the non-Congress parties. Forget for a moment whether it is non-Congress or pro-Congress, as far as financial arrangements are concerned, if they are made in an equitable manner so that the pool of resources can be divided in a just and equitable manner and no State gets an idea that it is totally rejected; in that case it would be possible for us to see that we will be able to get sufficient strength for our States.

6. When the Centre resorts to the revision of administered prices, except when such revision is intended to meet the losses, the additional income that accrues, the increase in the administered prices, should be included in the divisible pool.

7. The Centre must not monopolise market borrowing but the same facility should be available to the States for certain projects, certain railway lines, etc. If the State says that it is prepared to resort to public borrowing, that should be allowed.

8. The main reason for the overdrafts is the lack of balance between their developmental responsibilities and the financial resources at their disposal. Steps should therefore be taken to correct this imbalance so that there may be no scope for discrimination between one State and another on political grounds in permitting overdrafts.

17.00 hrs.

I am sure that if these aspects are properly attended to in the field of financial

resources as well as financial powers some sort of a tension that exists between States and States and States and Centre that will disappear. The founding fathers of our Constitution wanted harmonious relationship between Centre and State and if you ask me a question : Do you want a strong Centre or a strong State ? My reply will be that I want a strong State and a strong Centre because strength of the State lends strength to the Centre and strength of the Centre lends strength to the State and, therefore, harmonious relation between the Centre and the State alone will be able to defend the federal polity in the country, federal Constitution of the country and federal economy of the country and only if we are able to do that then only we have a moral right to talk in terms of Gandhiji's idea of decentralisation and devolution of power.

I hope and trust by a common dialogue and consultation, we will be able to evolve a common pattern of that dream so that India's federal polity and federal Constitution becomes a reality.

[Translation]

SHRI RAM PYARE PANIKA (Robertsganj) : Mr. Deputy Speaker, Sir, I, alongwith the entire House, will remain grateful to Shri Patel who raised a very important point here and expressed his views keeping himself above politics. But it pains me very much when I see that our colleagues in the opposition say one thing when they are in the opposition and altogether a different thing when they are in power. The Janata Party came to power in 1977....(Interruptions).

PROF. MADHU DANAVATE : It has gone since long. Why do you talk about it ?

SHRI RAM PYARE PANIKA : The Janata Party dismissed 9 State Governments in a single day and imposed President's rules in those States. If they want to establish the democratic values, why do they adopt double standards. They want to have such Governments in the States which will be given protection only by the Centre and not by the State themselves. I would like to put two or three basic

[Shri Ram Pyare Panikā]

questions in this regard. The Constitution is very clear about the system of administration in the States. We have the state list and the concurrent list. We should honour the system as envisaged in the Constitution. It is a matter of great pleasure that the Sarkaria Commission in their report submitted to the Government has followed the fundamentals of the Constitution and it has said that there is no need to change the fundamental principles of the Constitution. The provisions of our Constitution are right in their place. Conclaves were held in Hyderabad, Calcutta and Jammu and Kashmir during the last few days. Our Prime Minister said a very good thing in this regard. He said that it is all right if any Government works in the democratic way but if any of its actions poses a threat to the unity and integrity of the country, it will be dismissed. The non-Congress Governments made a lot of hue and cry over it with the remark that the Prime Minister is not in favour of the non-Congress Governments. On the other hand, the Prime Minister does not want to make any discrimination against any State. Just now we were talking about Andhra Pradesh. The Central Government took timely action as a result of which the country achieved a good position. Your action in that State is unpardonable. All of us should make a resolve and honour it. So far as the question of financing is concerned, the Central Government does not make any discrimination anywhere. Had Shri Dandavate been here I would have asked him as to whether the Central Government enjoys any right to call for the accounts of the money, it allocated to the States for various purpose, no matter if it relates to an overdraft for West Bengal. Some State Governments are levelling charges against the Central Government for political reasons. For example, now a days we are implementing a New Education Policy. All the State Governments have drawn the amounts from the allocations made to them but the State Government of West Bengal has not drawn its share of allocations of Rs. 200 crores, on this head. Their only pretext is that once they draw the money, they shall have to implement the education

policy of the centre. Funds were allocated to all the States under the operation black board, but the Government of West Bengal did not take this money. But it is not known as to how the Government of Kerala turned clever and took this money. The whole country should have such an education policy which may strengthen the country. But to-day, a uniform education policy is not being followed in the country. (*Interruptions*).

[English]

They have not taken the money which was sanctioned by the Central Government in the field of education. This is the difficulty in this country.

[Translation]

What sort of Centre-State relations do these States want? When the question of drawing funds from the Centre arises, they allege that the Central Government does not want to give the funds and when the Central Government gives the funds and calls for the accounts, they do not appreciate it. You will be surprised to know that some State Governments have diverted the funds allocated to them under developmental programmes like NREP, RLEGP and other drought relief works, and have utilised the same to project their own image.

Their partymen engage their own persons for such programmes. Even then, they say that the Centre is not treating well the States. We are one Nation and want to strengthen it. There are some State Governments which talk not only of Bundhs in spite of the satisfactory law and order position in the State but also actively participate in them. You will be surprised to know that in Kerala, the Government itself assaulted the people. History will never forgive them for their atrocities. Today we have to think deeply and seriously as to how the basic structure of our Constitution can be protected. The Sarkaria Commission has also expressed their concern in this regard and stressed that the basic structure of the Constitution cannot be changed. We have a National Development Council comprising the Chief Ministers of all the States. In its

meetings all the decisions, not only on the developmental policies but on the entire development as such are taken unanimously but after such decisions, these Chief Ministers invite the press separately to point out the faults of the Central Government. All this is on record. Just now, Shri Dandavateji was referring to the distribution of financial resources. On this point, I would like to make it clear that we have got lists for it. Our National Development Council and Finance Commission take a decision in this regard keeping all the aspects in their view. Today what we need is the decentralization of power for which our Government is making efforts in line with the Gandhian ideology. But some State Governments are obstructing it. Who is responsible for the recent emergence of the regional parties. History would never forgive a top leader of opposition for his frequent floor crossing. For maintaining his existence in this House and in the Upper House he has created several parties such as Lok Dal 'A', Lok Dal 'B', Janata Party and Bharatiya Janata Party. It shows that opposition leaders have got no dedication for their ideological principles. Even Shri Atal Bihari Bajpai and Subramaniam Swami who have been the members of this House, have changed many parties within the period of 3-4 years. Mr. Chandrashekhar is the leader of the party to which Shri Madhu Dandavateji belongs. At a time Chandra Shekharji had a faith in those national values like secularism and socialism which would strengthen the country but today the position is different. Just because of the majority of yadavas in his constituency of Ballia, he has started talking of joining an unholy alliance. Therefore, sir, they have no permanent principles of their own. That is why dissensions have developed in his Party. The opposition parties have made an unholy alliance in the name of casteism or regionalism.

Sir, at present, Telgu Desham and some other regional parties of South India have meaninglessly come closer. Since long they have been thinking to unite and to have one leader but have failed and are still a failure. Today they are talking of the cordial relations between the Centre and the States. These leaders negotiate

against their values just to capture power. In fact, they will never come in power. I am sorry to say that these leaders of the opposition would be totally swept out in the next 'general elections' which are to be held in 1989 or 90. If you look at their performance from 1977 to 1980, you would realise the gravity of their utterances on values. During their regime, they distorted the planning process with the adoption of the Rolling Plan which has rather weakened the Centre-State relations instead of strengthening them. Sir, during their rule, the agricultural production declined to 17.4 per cent and the industrial production to 1.4 per cent. Not only this but nobody knows to whom they have sold out the entire reserved gold of the country. Even then, they claim that they want to strengthen the country.

Sir, this year the severest drought of the country has affected a large area of 350 meteorological zones but due to our strenuous efforts, the rate of industrial production did not come down, instead it has increased to 11-18 per cent and now we want to increase it further by 8.9 per cent. We are producing 7-10 lakh m. tonnes of foodgrains. All this has been possible because of the efforts of the Central Government which has always worked with the cooperation of entire country. In face of the adverse effect of drought on agriculture, our Prime Minister came forward with a new action plan for economic and agricultural production which was formulated with the active participation of all the Chief Ministers irrespective of their political affiliations. But I am sorry to say that all the Chief Ministers when they go to their States, claim themselves the credit of the plan. It is in fact, the height of degradation that some State Governments do not feel obliged to the Central Government for the assistance given to them by the Centre, instead they claim that whatever good is being done in the State is due to their efforts. They say that it is they who are opening the fair price shops. Only they are supplying the commodities to the people of their State. They are not being given anything by the Central Government but merely the 14 point guidelines to be observed by the State and accordingly,

[Shri Ram Pyare Panika]

they have distributed the amount of assistance among the public. But you will be surprised to note that many of the States, majority of them ruled by the opposition and only a few of them ruled by the Congress, did not take and distribute among the public the supplies of wheat, flour or palm oil meant for them. Actually they were politically motivated in it and did not want the people to know that the palm oil was being supplied by the Central Government. Even if these State Governments lifted some of their share of assistance, they did not distribute it among the public but sold it away in the market. In such circumstances the Central Government has to face a serious problem for the uncooperative attitude of the State Governments in regard to the implementation of the economic programmes and the availability of the consumer goods to the public. There are several projects like the irrigation project of Tungabhadra or the Cauvery water dispute in respect of which the Central Government has nothing to do because this is the State Subject and the Central Government feels that the disputes between the States should be resolved by the concerned States themselves. If the States fail to resolve their disputes, they again blame the Centre for their failure and allege that the Centre does not take interest in their affairs to rescue them out of their difficulties. We want to know as to why the Maharashtra and the Karnataka State Governments cannot sit together, and find a solution to their disputes ?

Will the hon. Members of the Janta Party, the Forward Bloc and the C.P.I. (M) sitting here tell me the number of programmes meant to benefit the masses falling under their jurisdiction which are now lying in cold storage. What we require most today is that the State Governments should settle their disputes among themselves and realise their duties. Otherwise they have no right to level allegations against the Central Government.

As regards the administration, here many a Central organisation, like the

Central Electricity Authority, have been mentioned. But you cannot quote a single instance where the Central Electricity Authority did not extend its help to any State that asked for it ? I am sorry to say that once the Central Electricity Board had asked the Central Electricity Authority to help the Government of West Bengal because the installed power generation capacity of the State was falling short of their requirement but the State Government did not co-operate with them because they were apprehensive that if they allow the Central Electricity Authority to function in their State, the reasons responsible for the low power generation in that State will be made known to all and they will be exposed. West Bengal is the only State in the country where power generation is as low as 30%.

I am proud of the Government functioning under the leadership of Shri Rajiv Gandhi under which the power generation in the country today stands at the level of 60%. If we take only West Bengal and parts of Bihar and Assam, their total power generation comes to 55%. But West Bengal alone generates only 30%.  
(Interruptions)

[English]

SHRI AMAR ROYPRADHAN : I may tell the hon. Members that the power position in Bihar and UP is far far worse than that in West Bengal.

SHRI RAM PYARE PANIKA : I am talking on the basis of record, not in air...  
(Interruptions)

[Translation]

The Unions of the jute-mills in West Bengal are not recognised by some industries. What kind of State Government is it that declares these mills sick and does not provide them power, police protection and other essential facilities just because of this reason ? What does the State Government want ? If it demands that elections be held, I voice the same demand even more strongly. Let the Chief Ministers of West Bengal, Andhra Pradesh and Karnataka resign immediately and

seek the fresh mandate from the people. Myself, my hon. colleagues and my other leaders are prepared to contest. Why should the Central Government resign? Haven't we scored over the Opposition in Tripura and Meghalaya? Yet the Opposition asks the Central Government to step down. It is very unreasonable.

The Opposition has no principles. It is neither leftist nor rightist. If the Opposition wants to co-exist peacefully in the country, it should learn to have a regard for Dr. Ambedkar and other great persons who gave us constitution, made sacrifices and laid down their lives for the country. People who burn the Constitution should keep in mind that the public will never forgive them. I hear that Shri George Fernandes is going to burn a copy of the Constitution. But he should know that if he is bent upon burning the Constitution to mark his disrespect for the same, he should not hope to have cordial relations with the Government.

I am very grateful to have had the opportunity to speak. I had a lot more to say but this attendance has dampened my enthusiasm. Thanking you.

[English]

SHRI ABDUL RASHID KABULI (Srinagar): Sir, India is a vast country made of different States and regions. They all have their rich cultural heritage yet all these characteristics mingle together to join the mainstream that is called India. Sir, the founding fathers of the Constitution envisaged powerful Centre but at the same time they had shown faith in federalism also. Unfortunately, presently we do not like this word. We are sometimes provoked by this federalism concept. Sir, even the leaders and the builder of modern India, Shri Jawaharlal Nehru admitted that in India we find unity in diversity. Sir, after independence this reality of federalism was recognised. It was during Jawaharlal Nehru's tenure as Prime Minister that the States were reorganised on linguistic basis. As a result of this, Sir, we found the emergence of Punjab, similarly Haryana, Maharashtra and this process continues.

Sir, the basic concept was to create the linguistic states but the language was not the only criteria, it involved many other important factors like the distinct features of cultural heritage of different States. Sir, we cannot reverse this process. We have to go ahead with it. We have to accept this fact that this is not going to divide India.

This is our experience with Pakistan. They wanted to have a unitary system in Pakistan. They wanted to subjugate and rather suppress and undermine the cultural ethos of Bengalees. They did not like their individual character. What happened in the end? Pakistan finally lost Bengal, now Bangladesh.

Even the countries like the USA and USSR have recognised autonomous character of their individual states. The United States despite these is proud of its nationalism and so is the USSR, though language or the culture have been fully recognised by our Constitution, they have been given full appreciation. In this connection, I would like to say that the Sarkaria Commission is an achievement. I think we must appreciate the gesture of late Smt. Indira Gandhi who recognised the present day reality of India and the precious aspirations of the people of different States.

Therefore, this Sarkaria Commission was set up. Though it has given a sort of confused appreciation of the facts, still I feel that its findings are a landmark in the Indian constitutional history. We are marching ahead in the right direction. We might have committed many blunders in the past. For instance in the Punjab, option was given to the people of that State to choose either Punjabi or Hindi. Unfortunately some vested interests in that State incited innocent people to opt for Hindi as their mothertongue. What happened then? Tensions grew and finally the present day blood bath which is being witnessed there is the consequence of that basic blunder when Hindus and Sikhs were divided by some criminal forces on the issue of language.

I feel in the present day India there are certain spheres which are very impor-

[Shri Abdul Rashid Kabuli]

tant for the unity of India. We cannot ignore telecommunications, defence forces, posts and telgraphs, Central Water Commission and some such departments which are very vital for India's unity. Telecommunications and defence forces especially give due protection to India and sustain the unity of India. But we do feel that certain departments like the CRPF, etc. sometime create some problems. For instance in Tripura and also in some other States such as Punjab we have seen the local police fighting against the CRPF, and the Central police fighting against the regional police. This sort of a thing is not going to help India. We have to find some way out some process is to be started and something is to be done so that this sort of a thing is not encouraged. In this connection, I may submit what has happened in my own State, Kashmir. In Kashmir when there was some trouble, the CRPF were asked to act. Unfortunately, the Kashmir police and the CRPF being suspicious clashed and there was confusion and chaos. This gave rise to a bitterness which is detrimental to the interests of India. Therefore, these forces must be evamped and there must be some solution so that these things do not hinder the integration the oneness of India.

In this connection, I also want to raise the issue of role of Governor. The institution of Governor has become a puzzle. After all in every State, there are elections and people elect their representatives. The Chief Minister alone must be recognised as the people's representative. Unfortunately sometimes it so happens that the Governor uses powers which are against the spirit of our Constitution and this does not help the integration. Sometimes he is considered to be superior to the Chief Minister, and more powerful than the Chief Minister. This is not correct we have to resolve this issue. We cannot make two persons equally important or one person who is not having any sort of representative character more important than the Chief Minister.

Here I may cite the example of my own State. In 1966 our Legislature was in suspended animation. At that time the Government wanted to get a Bill passed. That was regarding the border regions. It was called the security belt Bill at that time. Because the Legislature was in suspended animation, the Governor on his own without consulting the legislature and the people of our State went forward and sent a representation to the Government of India wherein he gave his consent. He allowed the Government of India to pass such a legislation on behalf of Kashmir.

The Article 370 under which the State is ruled governed did not allow this measure. Only the State Legislature was powerful enough. Only they had right to decide about this important piece of legislation. Governor did not ask the advice of the State Legislature. This sort of thing should not be repeated. This is going to create chaos and confusion. This is going to help unleash those forces which are going to disintegrate the country. Therefore, I warn that we must define the powers of the Governor and the Chief Minister. Only the Chief Minister is the supreme political head of the State because he is having the representative character; because he has been voted to power and he is the real voice of the people.

Therefore, somebody whether a representative of or the President of India should not be an overload overlapping or should not be forcing the Chief Minister and dictating terms to him. Therefore, this is to be corrected.

In this connection, I want to appraise the Government of India that Jammu and Kashmir had accession with India in 1947. There was a Delhi Agreement and under the provisions of Article 370, Jammu and Kashmir became part of India. Article 370 was sacrosanct. It was part of the Indian Constitution. It allowed the people of the State to have their own Constitution also. There were some historical facts. Some people, today in anger oppose Article 370. They think that this is detrimental to the State's

accession with India. They are wrong. They do not know history. They do not know the background. They should be reminded of the fact that in 1947, from all the three sides of Kashmir, Pakistan was hovering itself on the State. They were trying to capture Kashmir. They thought that Muslims were predominant in Jammu and Kashmir. Therefore, Kashmir should become part of Pakistan. But under the dynamic leadership of Sheikh Mohammad Abdullah and the National Conference stalwarts, they fought against the raiders. They did not allow Kashmir in the name of two-nation theory to become part of Pakistan. Therefore, in those circumstances, one should imagine how the freedom fighters and the people of Kashmir, especially the majority community of Kashmir, did not allow Pakistan to sway them in the name of religion. They did not allow them to capture Kashmir. They fought back. There were many stalwarts. One was Sherwani. Who remembers him today? Who knows him? He was hanged at Baramulla by raiders. What about Master Abdul Aziz and many others? The Hindus and Muslims, who fought valiantly under the leadership of National Conference got themselves eliminated. They were killed. They were massacred. But they did not allow them to rule or to come to Pakistan. Therefore, the people who do not know anything about accession their voices are being heard in this august House also. They say, why Jammu and Kashmir is given Article 370? Why were they given special status. Why was this not abrogated completely? That is why I say, there have been political, historical and geographical backgrounds which guaranteed this Article. Historical processes in India have helped the people to form this sort of relationship. Unfortunately after 1953—after Sheikh Abdullah was exiled—a process started in Kashmir. More powers were taken away from the people of Kashmir. The Indian Constitution gave some powers to the people of the State under Article 370. Some very vital things were done. But unfortunately, the successive Governments which did not have representative character have encroached upon Article 370. It had made it very weak and a helpless situation was created,

Sir, in this connection, I would like to say that we should be very careful. The Indian Constitution has Article 370. It is very important. It is a bridge between the whole of the country and Kashmir. You should not do anything to weaken it or to create more difficulties because it will give rise to some psychological feelings and some unfortunate things in Kashmir. There are people, there are elements, who want to exploit the situation against the integration of the country.

Therefore, we should be very careful; and I think everybody—the Congress and the National Conference—are committed to retain Article 370; and wherever there has been any injustice caused to this Article, Government of India should review it, and you should find out if there are some important features which it has lost—I mean Article 370 of Indian Constitution—and if so, they should be given back to the people of Kashmir, so that the relationship is strengthened, and nothing is done against this very important aspect, which has itself become a history, and which makes the India-Kashmir relationship very strong.

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Deputy Speaker, Sir. This is a very important subject. The Centre-State relations which are, as is evident, deteriorating over the years, have got to be handled very carefully.

Obviously, there are two tiers of Government, as envisaged in the Constitution. One is at the level of the Union, and the other at the level of the States. Considering the size, population, as also geographical, linguistic, religious, racial and other diversities which give India the character of a sub-continent, and considering the need for strengthening the unity and integrity of the country and to promote the welfare of the people, the framers of our Constitution came to the conclusion that we should have a Union, with a strong Centre. The Constituent Assembly addressed itself to the immense and complex task of deriving a Union with a strong Centre.

17.37 hrs.

[MR. SPEAKER *in the Chair*]

The Constitution, as it emerged from the Constituent Assembly in 1949, has important federal features; but it cannot be called federal in the classical sense. It cannot be called unitary either. It envisaged a diversified political system of a special type. According to Dr. Ambedkar, Chairman of the Drafting Committee of the Constituent Assembly: "It is unitary in extraordinary situations such as war or emergency, and federal in normal times." Dr. Ambedkar, while introducing the Draft Constitution, further said: "The Federation is a Union because it is indestructible. Though the country and the people may be divided into different States for convenience of administration, the country is one integral whole, its people a single people living under a single imperium, derived from a single source."

This is the importance of the constitutional system of our country. Again, some authorities have classified it as a quasi-federal Constitution. However, these levels hardly matter, as both the levels of Government viz. at the Union level and at the State level, derive their respective powers from a written Constitution which is supreme.

There is a Supreme Court also to interpret the Constitution. In this background, when this Constitution has been in operation over the years, that is for 37 years, then some disputes have arisen with regard to the relationship between Centre and States and the administrative aspects have been reviewed during 1966 to 1977 by the Administrative Reforms Commission.

Our country, which is a Union of States, the very first part, Art. 1 of the Constitution describes India as a Union of States. It is like a garland with all flowers and all the flowers are beautiful. They have a fragrance also. But when they are tied with a rope, they make a garland, and it further beautifies; and like that, it is a garland. I find, it is like a solar system. A strong Centre is like a sun in the solar

system with planets and the States can be described as planets in the solar system in this system. So, we cannot think of the Government of India without States. But there are certain irritants which have been referred to at length by the previous speakers about financial powers, administrative powers, political powers and also including that of the rule of the Governors, procedure of appointment of the Governors, etc. That is why also the late Prime Minister, Shrimati Indira Gandhi, at the appropriate time, appointed a Sarkaria Commission, which had gone into details all these aspects and submitted a voluminous report, which is now under circulation. It has been circulated to all the States and their opinions have been sought. Naturally, an appropriate decision will be taken thereon shortly.

I was listening to the mover of the Resolution Shri Patel and also Prof. Dandavate very carefully. While listening to them, I was reminded of a story of the cow boy. He went to graze cattle. While the cattle was grazing, he was sitting on a particular place; when he was sitting on a particular place, wisdom came to him. He started preaching sermons and talking like a very sane person, a wise man. But after descending from that particular place, he started behaving differently. So, I would say that the Centre-State relationship is very sensitive, is very important, but they started deteriorating in 1977 when Janata Government came to power. At one stroke, the then Home Minister, Shri Charan Singhji insisted, decided that on the basis of opinions, on the basis of elections of the Lok Sabha, all the States must go at one stroke of time. There were very senior Ministers, capable Ministers—Finance Minister, Railway Minister and senior leaders. Of course, today, I must congratulate Prof. Dandavate, who confesses that it was a mistake. We have to admit of a system that at any point of time or all point of time, it is not only one political party which would come to power both at the Centre and in all the States. The reality we have to realise; and naturally that calls for peaceful co-existence; that calls for a very happy cordial relationship between different political parties. Of course, in politics diffe-

rences will be there; there will be a competition for capturing power but that competition has got to be a healthy one in the overall functioning of the democracy of the country. In the electioneering, let us have a controversy, but during the rest of the period, we should try to evolve some formula for the successful functioning of the different governments run by different political parties.

I would now come to the present situation, how Centre-State relationship can be improved. In one State, the much laudable scheme which is referred to in the National Educational Policy, about setting up of Navodaya schools, has not been implemented. The State Government refused to implement this. They do not cooperate with the Government of India in establishing this new type of schools, which is welcomed in all quarters.

Again, how the Centre-State relationship be improved, when some Chief Ministers hold a conclave, they go from place to place and they conspire against the central leadership? How can it be improved? We have to give a serious thinking to this aspect. How the Centre-State relationship can be improved when some political parties who are also at the helm of affairs in some States, go on repeating "Rajiv Hatao", or go on launching a movement for the removal of the Prime Minister going out of the way, though he has got the mandate. When Shri Rajiv Gandhi has got a mandate to run the country for five years to come, who are they to raise their fingers, or to raise slogans like that? They should not forget that, while remaining inside glass houses they should not throw stones at others. Naturally, they have to remember that.

Recently, with an all India Bandh call was given by some political parties who are in charge of some administration of some States, they were deeply involved in paralysing the working of the Central sector undertakings. They did not give even police assistance to those who wanted to work. Naturally, there has to be some self-introspection. This is a very sensitive matter. This requires to be examined, because we have to think of it because

peaceful co-existence between the Centre and the States is every important.

Now, about the financial powers. Naturally, a point has been made, and it has been dealt with in detail by the Sarkaria Commission. I am not commenting on it since that will come before the House for discussion. Again, I would say, are there not serious allegations mentioned on the floor of this very House political parties and members, regardless of their party affiliations both on this side and on that side, that there is lot of wasteful expending in the States? There is a flow of funds from the Centre to the States on particular heads, for these anti-poverty programmes but the money is being misused, and they are not used for the purpose for which they are given. They are not being properly utilised. Naturally, therefore, this has to be looked into and again there are three things, financial aspect, administrative aspect, and economic aspect. Naturally, I would not like to go into the details.

One thing, I would like to say regarding the Emergency provisions also. They are there in article 352, 356 and 360 of the Constitution, and about the role of the Governors. I wonder, how there is an opinion, expressed by some Chief Ministers also, that there is no necessity for the office of Governor to exist! Now, some senior leaders have mentioned that there should be some modalities prescribed for the appointment of Governors and about the application of their powers. Naturally, they have to work with objectivity. Several times the role of the Governor of Andhra Pradesh has been mentioned here.

In this connection, I would like to draw the attention of this august House to one matter. In Assam we have a Government run by Asom Gana Parishad, an opposition party, for Congress. But we have a Governor, who has built up excellent relationship there. He is attending even the marriage processions. He is maintaining such relations with the leaders. He has helped in the signing of the Accord also. If somewhere, in some State, a Governor does something contrary

[Shri Sriballav Panigrahi]

versial, taking advantage of that, the entire system should not be attacked. It is a well built system. The Governor has a role to play politically. I would like to remind the hon. Members that regardless of parties, political people—MLAs, MPs, etc. walk into Raj Bhavans and exchange with the Governor. He is the Chancellor of the University in some States. He is the head of the State. He has a role—an eminent role—to play in the field of Education in that way. The Governor is the Head of the Red Cross Organisation and so many other organisations. So, there is no question of doing away with this useful post of Governor.

Sir, again on the financial side, I would like to suggest that the States should be given more autonomy with regard to raising of resources and in the process of devolution of financial powers. While speaking on this, I would like to say that the States which are run by the political parties opposed to Congress, are not thinking of India as a whole. So many poor States, which are small, weak and backward, are there and special care has to be given to them. In Eastern India, there is Assam together with seven sisters. There is Kashmir on the north. How sensitive Kashmir is? The entire expenditure has to be met by the Centre. All these things naturally have to be looked into. At the same time regional imbalance is growing and on the increase; and sometimes threatening our national integrity. The States which are quite top in the list of low per capita income, like Bihar and Orissa, will have to be given special treatment. I am not going into it as to how it could be done for want of time. Those states should be treated as special States and should be given more reliefs and grants than in the form of advance, etc.

There has to be tolerance in our system in a country of this magnitude. We have opted for democracy, where the peoples opinion is of paramount importance. Naturally there has got to be tolerance and also peaceful co-existence, and politics of confrontation will not help

us. Always there should be attempts to have national consensus on vital aspects and important matters. Pre-requisite to smooth functioning of Union State relations is now threatened by politics of confrontation. There are various forms like National Development Council, National Integration Council, Inter-State Council—formation of which has been suggested by the Sarkaria Commission, and other new forums, where the Centre and States can sit together and thrash out their problems, and they can strengthen the national integrity and solidarity. In this process, we can work and much ahead along the path of progress and prosperity, strengthening our unity and solidarity and at the time bringing in prosperity for the country.

**SHRI AMAR ROYPRADHAN**  
(Cooch Behar): Mr. Speaker Sir, at the outset, I would like to thank Shri Patel for moving this resolution on Centre State Relations.

Sir, the Sarkaria Commission's report is with us. The Government's recommendations on it are still awaited. At this time there is a cry outside—somebody saying that there should be a strong Centre, somebody saying that there should be a strong State, somebody saying that there should be a strong Centre but at the same time there should be more powers to the States—definitely this debate is not only an interesting one but an important one for our country. When there is so much cry and so much voice raised about the strong centre and strong States, I would like to go back to the history. The Congress is in power. What was their view before independence and immediately after that also? In brief I would like to say that I have gone through the 1942 Quit India resolution of the Congress. There it is said :

“The Constitution according to the Congress views shall be a federal one with largest measure of, autonomy for its federal units and with residuary powers vesting with the State units.”

Again, if we go through the 1946 Election Manifesto of the Congress, there it is clearly stated :

"A free democratic State ;  
a federal one with an autonomy for its constituent units ;  
maximum freedom to the constituent units..."

Even if we go through the debate of the Constituent Assembly, the Constitution maker, Dr. B. R. Ambedkar, had clearly stated and that is mentioned in the report of Shri B. N. Rao : "a union of States". What was the view of Sardar Patel at that time : "Real union of the Indian people is based on the basic concept of the sovereignty of the people."

Why has this attitude changed suddenly ? Prof. Dandavate has made a mention of it just now. Because of partition of India and influx of refugees, the Congress people who were sitting in the Constituent Assembly, thought that there might be growth of fissiparous tendencies in the entire country and that is why, they thought that there should be a strong centre. Not only that, the attack on Kashmir also made them think on those lines. Besides that, there was the influence of rich people like Tata and Birla. They did not want to move their industries from one place to another. They thought that if things were there at one central place, it would be easy for them to get things done. Because of all these reasons, you have accepted this state of conditions and ultimately accepted a strong centre.

It would have been gone on easily. But the problems started. The main problem is article 356. Since 1950 you have used this article 56 times in different States. That means, you make the existence of elected State Governments meaningless. Another reason is deployment of armed forces in States as you have done on 1st July, 1980 in Srinagar and very recently on 29th January, 1988 in Tripura. Another reason is transfer of High Court judges.

18.00 hrs.

MR. SPEAKER : Don't worry. Amar Roy Ji, four minutes more. Carry on.

SHRI AMAR ROYPRADHAN  
Thank you, Sir.

Enquiries were directed from the Centre in the case of Pratap Singh Kairon, in 1963, in the case of Devaraj Urs in 1977, and in the case of Karunanidhi in 1976. With all these, they have created so many problems and the relations between the Centre and the States have become more difficult...*(Interruptions)*. Is he in favour of a strong Centre or a strong State, let him say. In this situation, my concrete suggestion is that the people of the country are not for the Constitution, the Constitution is for the people of the country. So, my first suggestion is that article 356 should be deleted from the Constitution, just to stop the misuse of this article because they have used this article fifty-six times for so many reasons, flimsy reasons.

Secondly, the Governor should be a non-political and a non-controversial person. In the Sarkaria Commission's recommendations also it is there that a non-political person should be a Governor, particularly in the States where non-Congress governments are there...*(Interruptions)*. One thing must be categorically mentioned that once appointed a Governor, he cannot join any party. Take the case of Mr. Sharma. He was the Governor of West Bengal but later on he became their party member and became a nominated Rajya Sabha Member from Bihar. Such persons should not be there because the political persons will definitely try to....*(Interruptions)* I do not like to say that. You know better what was the role of Mr. Sharma in West Bengal...*(Interruptions)*.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : Are you satisfied with the Governor now ?

SHRI AMAR ROYPRADHAN : I do not like to comment on it. My other concrete suggestions are :

- (1) The State Chief Minister must be consulted before the appointment of the Governor. It is there in the Sarkaria Commission's Report also.

[Shri Amar Roypradhan]

(2) Regarding financial matters—

(a) States should be consulted before the terms of reference are formulated by the Finance Commission.

(b) States should get a larger share in Corporate and

(c) Printing of notes and minting of coins to meet deficit budget of the Centre should be stopped immediately....(Interruptions).

(3) Fifty-ninth Amendment of the Constitution should be withdrawn.

(4) The President's rule should not continue for more than six months anywhere.... (Interruptions).

SHRI SAIFUDDIN CHOWDHARY :  
In Delhi or where ?

SHRI AMAR ROYPRADHAN : Any where.

(5) Education must be brought back to the State List. One of the Members from the other side made some allegation against the West Bengal Government. May I, through you, one question from them that why 'Education' has been taken from the State List to the Concurrent List ? It is because of the fact that the three-language formula may be implemented properly. The three language formula has not been implemented properly and that is why the Southern States are taking some other action .... (Interruptions).

MR. SPEAKER : Amar Roy Ji, now next time.

SHRI AMAR ROYPRADHAN : All right, Sir.

PROF. MADHU DANDAVATE : He will have to stand up to July, Sir.. . (Interruptions).

MR. SPEAKER : Now, the Prime Minister.

18.05 hrs.

STATEMENT RE : EXTENSION OF  
THE FACILITY OF RAILWAY PASSES  
TO FREEDOM FIGHTERS

[English]

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Mr. Speaker, Sir, we are celebrating the 40th Anniversary of our Independence. Our thoughts go to those valiant fighters for freedom who were ready to sacrifice their all so that their country might be free. Happily some of them are still with us. It is appropriate that on this auspicious anniversary the nation should extend to them its special recognition.

Accordingly, Government have decided to extend by one more year, on existing terms and conditions, the facility of Complimentary Railway Passes to all Freedom Fighters who are in receipt of Central Pensions. The Ministry of Railways have issued the required instructions to give effect to this decision.

Thank you.

18.06 hrs.

STATEMENT RE : CONSTITUTION OF  
A COMMITTEE TO REVIEW THE  
PROGRESS OF THE IMPLEMENTA-  
TION OF THE TEXTILE POLICY, 1985

[English]

THE MINISTER OF TEXTILES (SHRI RAM NIWAS MIRDHA) : While replying to the debate on the Demands for Grants for my Ministry in this august House on 5th April, 1988, I had stated that we had decided to appoint a Committee, consisting of representatives from all interested sectors, to sit down and review how the textile policy has worked