

17.31 hrs.

RESOLUTION RE: CENTRE-STATE RELATIONSHIP

MR. DEPUTY-SPEAKER: The House will now take up the next item, that is, the Resolution by Shri Sudhir Kumar Giri regarding the Centre-State relationship. On behalf of Shri Sudhir Kumar Giri, Shri Amal Datta will move the resolution.

SHRI AMAL DATTA (Diamond Harbour): On behalf of Shri Sudhir Giri, I beg to move:

"This House is of the opinion that emerging pattern different linguistic and ethnic groups as distinctive political entities in the body politic of our country necessitates the restructuring of financial and other relations between the Centre and the States and, therefore, resolves that the relevant provisions of the Constitution be amended suitably."

MR. DEPUTY-SPEAKER: You can speak now since you have moved it.

SHRI AMAL DATTA: Sir, the position of the Centre-State relationship has been occupying a very prominent place in the political debate in the country, for the last sixteen or seventeen years. It was always in the minds of the people who were acquainted with the system of Government and the Constitution of this country and who had been acquainted with political thinking of the founding fathers of the Constitution, the way the Constitutional and administrative set-up of the country was moving. But as long as there was one political party ruling at the Centre and in all the States, this did not come in the forum of an open conflict or confrontation and this did not become a subject-matter of a political debate, discussion or agitation.

Sir, even at the time when the Constitution was being enacted, there was a dissenting minority who objected to these powers being centralised in the Central Government. It was contended that the Central Government should not be endowed with so much of powers at the cost of

the States. It was contended that the framework of the Constitution, therefore did not make it a federal Constitution. In fact, Sir, there was a lot of debate on the point—whether we should call our country a federal country or we should call it a Union. We ultimately decided to call it a Union. But, Sir, when we studied in our colleges, in Political Science, we were always told that India was one of the countries having a federal Constitution and the teachers as also the books we read, compared India with the other countries having federal Constitution like Canada, United States, Australia, Switzerland and several other countries. In those days, the constitution of socialist countries—even now, it is so—was seldom studied in the universities or colleges. We were told that although there was unitary bias, India was, in fact, a federal State. The political condition had not then come into the open in the fifties or until 1967 but, when there were so many States which came out with non-Congress Governments and when there was one Government at the Centre and the States were ruled by other political parties, these difficulties arising out of the peculiar form of the Constitution had not become clear. When in West Bengal—I drew my experience from West Bengal and I have to—the United Front Government came in 1967, one of the main slogans of that Government was that there should be more devolution of powers from the Centre to the States, that is, more administrative powers, more legislative powers and more financial powers.

That Government openly said that they would not be able to do many things or even the very ordinary things for which they had to depend upon the Central Government. For example, for the financial assistance and for the administrative approval and for everything, they had to run to the Centre. In fact, the political opponents of the Government then did not take it seriously. They said that everything was laid at the doors of the Centre. Many cartoons came caricaturing the Ministers. Even for a miscarriage in a hospital it was sarcastically said, was due to the Central Government.

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But, Sir, today the atmosphere is changed. Today non-Congress governments have come in various States—particularly the three Southern States—and as a sequel to the meeting of the Chief Ministers of these States there has been a consensus which arose out of that meeting that there should be a review of Centre-State relationship. Now, the Central Government complied with that request and possibly also wiser by the experience and the agitation which came from various other States—not only West Bengal but also other States in North East India and Panjab—they have now appointed Sarkaria Commission to go into the matter pertaining to Centre-State relationship. Political tensions have become now compelling and it is good that the Central Government has at last been able to recognise it. I only wish for the good of the nation and for the good of the people they could have recognised it twenty years ago. But, unfortunately, the leaders of the ruling party of India never recognised the necessity of devolution of power of all kind—administrative, legislative, financial, etc. On the other hand they contended that those who are asking for more power from the Centre are anti-national and that there should be more power with the Centre which will do the country good.

Sir, what good this more power has done to the country and its people during the last thirty-five years of our Independence? We have had a growth rate of per capita income of 1 per cent during the last thirty-five years which is one of the lowest in the world. We have just enough food per head as we had at the time of Independence. We have less of pulses and oilseeds. We have not been able to develop our irrigation potential at all. If we had exploited our irrigation potential there would be 150 million hectares under irrigation today whereas we have only 25 million hectares which is just a quarter of the potential. Our power supply is in a very bad position. In every possible way Indian development has cut a very sorry picture in the perspective of the development in the world during the last thirty-five years. This is what the people of India have got because of having a

strong Centre during the last thirty-five years.

Sir, the votaries of a strong Centre should appreciate that this strong Centre was not as strong as it is today when the Constitution came into existence. Although our Constitution followed certain peculiar features of the British Government of India Act, 1935 and thereby gave lot more power to the Central Government than is given in any federal Constitution, yet the rulers at the Centre were not satisfied with that power. They gradually went on increasing their power. They had the administrative power the power of giving administrative direction to the States, to say that they should or should not carry on its activities in a certain way so that Central legislation is not impeded. The Centre had the power to legislate even under those heads of legislation which are given exclusively to the State. Even that can be taken up by the Centre according to the Constitution as originally enacted, but even so, the ruling party, because they had compliant people, their own party people ruling in all the States, got their acquiescence and got the Constitution amended whenever they wanted to arrogate to themselves more and more powers. They got more administrative power; they got more executive power. They have got so much power that they can sack any elected Government. Originally the Constitution gave that power because that was a provision there in the Government of India Act of 1935 that the President—which word was substituted in place of Governor General and nothing else—will be able to dissolve the Legislative Assembly of any State or sack the duly elected Government of any State and impose on it his own rule. That will be rule by the Parliament and Parliament can also under the Constitution give the President the entire power. So, that kind of a situation was there and that is one of the basic causes that drew the attention of the people to the peculiar features and weaknesses of the Indian Constitution where a democratically-elected Government can be thrown out by the fiat of certain persons who have nothing to do with the Constitution of the Assembly of any particular

State. So, over the heads of the electors Government after Government have been sacked by resorting to this extraordinary power of our constitution. I am sure when the Founders copied it out from the Government of India Act of 1935, they would never have thought that this would be used for such purposes. But now that the power has been subjected to so much abuse, it has become necessary to delete such provisions of the Constitution. And, in this instance, I am referring to Articles 356 and 357 of the Constitution which, according to this Resolution, must be deleted. That is the basic thing but that is not all. There are so many other sections of the offending Articles of the Constitution which make the State a mere begger to the Central Government. For every major measure that the State wants to implement it has to come to the Central Government for its approval. And then it has again to come to the Central Government for finance. So, again and again, with a begging bowl, with a hat in hand, the duly elected Government of a State has to come to the Centre. They want to satisfy the genuine needs of their people. They want to do certain things. But they cannot do it. They pass a legislation in the Assembly. That legislation is more often than not, whenever it impinges on an important aspect, has to be assented to by the President. It has to be reserved for the assent of the President. The Governor of a State cannot do it and then sometimes there are delays and delays have been known to occur. I don't know for what period the delays may go on. Delays have been there for one year, two years, three years, etc. And now, a Bill passed in 1969 by the West Bengal Assembly is still pending for the assent of the President. It has gone on for 14 years. This is a very basic Bill, a Bill which the State wants to enact to bring about certain fundamental changes in the land tenure system. It is necessary not only to bring about social justice but it is necessary to bring about increase in agricultural production and implement modern methods of agriculture.

It is necessary to have the ownership of land in those who till the land. And that we have not been able to ensure only because of this provision in the constitu-

tion that a Bill which pertains to land reform has to be reserved for the assent of the President. The 1969 Bill is still awaiting the assent of the President in 1983. So, this is the legislative power. First of all, let us know what has been the structure of the legislative powers. I am referring to Schedule 7 of the Constitution. Under List-I of the main heads of items, the power to enact those legislations has been kept exclusively for the Parliament, for the Central Government, the ruling party at the Centre. They are to decide what should be done in those major fields of activities and whether legislation should be brought forward and passed by the Legislature or not, and whether it is to be given effect to or not will only be determined by the Central Government and the States have no say in this. I think that there are 47 item in the Concurrent List and in regard to the items in the Concurrent List, even a legislation passed at the State Legislature has to get the assent of the President. So, only in a small field the power to legislate has been given to the State and there again the Central Government can step in and say that such and such legislation is not in the national interest and therefore we will not allow it to be passed. Therefore, there is the necessity now to redraw the whole picture of this division of legislative powers. The legislative competence of the Parliament given at the expense of the State Governments has to be curtailed. It is necessary to change the Constitution in order to see that the people determine their own destinies. They do not have to come to Delhi and depend on the coteries at the Centre to decide on the happenings in places 2000 kilometres away from Delhi. Even a small irrigation scheme cannot be taken up without the approval of the Planning Commission. This is the situation which cannot be conceived of by any other country and I have given you the figures as to what has been the result of the centralisation of bureaucratic power and administration and legislative power vested in the Central Government which reigns and rules over so many crores of people. Now, practically we have reached the mark of 70 crores of people. So, we must see the things in their proper perspective as to what the Government is for. The original

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conception of the Government was that the Government will maintain law and order and the people will do all other things. But that conception of the Government is no longer there in India. In no country in the world does such a notion prevail any more. The Government will have to see to the welfare of the people. I am ashamed to point out that this House has just now defeated a Private Member's Resolution which sought to give everybody the right to work, which sought to make right to work a fundamental right. This is the attitude of the ruling party here. But that is not the attitude of other parties which are ruling some States.

MR. DEPUTY-SPEAKER: You could have organised your strength and defeated the Government.

SHRI SUNIL MAITRA (Calcutta North-East): You can rest assure that in two years they will go.

SHRI AMAL DATTA: Sir, we never thought that necessary for some reason or other Members on that side also spoke in favour of that Resolution and a Member on that side was the mover of that Resolution and they have defeated their own Resolution. This is exactly what the ruling party is doing. They say one thing and do just the opposite. This is exactly what this party has been doing for the last 30 years or so to hoodwink the people. I am sure that some of them would say that they had spoken in favour of this Resolution but, at the same time, they would not say that they had also voted against it. *(Interruption)* I have already spoken of the miserable achievement of our Government at the Centre. I was not required to say much about the miserable achievement of the strong Centre, but I am compelled to do so because the question about the Centre-State relations has been posed in a wrong fashion. A solution to this problem depends not so much on who applies his mind to solve the problem, or what methods are applied, but it depends more how the problem has been posed. The problem has now been posed that those who want strong States want a weak Centre. It is not that; a strong Centre needs strong States also. If the States are not strong, a strong Centre would be of no use. A few days

ago, our ex-President, Shri Sanjeeva Reddy spoke.....

MR. DEPUTY-SPEAKER: Limbs must be strong, only then the body will be stronger. I think the Home Minister also agrees with it.

SHRI AMAL DATTA: Otherwise, the head will not be strong.

SHRI SUNIL MAITRA: Rabindranath Tagore said: if all the blood from your body gushes into your head, it is not the sign of good health. With all the blood gushing in your head your face may look very glossy, but it does not necessarily reflect your health. It may reflect a very serious disease.

SHRI AMAL DATTA: And he may die of cerebral haemorrhage!

(Interruptions)

MR. DEPUTY-SPEAKER: We do not want that this should happen either to the Centre or to the States. States and the Centre must be strong....

SHRI KRISHAN CHANDRA HALDER (Durgapur): That is our point. We want to highlight that point.

MR. DEPUTY-SPEAKER: The Government also agrees to that.... *(Interruptions)*. They want the Centre and the States to be strong *(Interruptions)*.

SHRI AMAL DATTA: Sir, I was talking about the miserable performance of the Centre in gross terms. But it has been seen in terms of increasing disparity of income in the society. It has increased so such an extent that today more than 40 per cent of our people not only live below the poverty line, they are also suffering from persistent hunger and mal-nutrition. I do not know whether the Minister sitting here has read the lecture which has been delivered by a very eminent economist in Delhi in January and which has generated a lot of controversy among the economists because of certain sentences incorporated therein, but nobody challenges what has been stated in that debate that 40 per cent of the Indian population is suffering from persistent hunger and mal-nutrition and its results. He has compared the Indian conditions with those of China and Sri Lanka. In India after 35 years of independence, the longevity expected at birth is 52 years; in China it is 65 years and in Sri Lanka it is 69 years. It is

because food is available in those countries and nobody suffers from malnutrition. I am sure, these countries also cannot afford to have those facilities which are available to the developed countries of the West, but the sure reason of this increased longevity is the lack of hunger and malnutrition in those countries. It has been statistically proved; there is nothing doubtful and ambiguous about it.

I had asked this question in the Consultative Committee of the Planning Commission, where the Deputy-Chairman, Planning Commission, and Members of the Planning Commission were present. I had given them the same statistics which I have indicated just now. I asked them if they meant to do anything to redress the situation of disparity from which flows malnutrition and hunger in India? Do you have any intention of doing anything in this connection so that the longevity of the Indians at least comes up to the Chinese level? They said they have no such plans. They cannot think of it, since our food production is so low. Today during this drought year our food production might have gone down by four to five to six million tonnes. I don't know what are the estimates at present, but one or two months ago it came in the papers that it had reached a record level of 132 million tonnes.

Sir, this 132 million tonnes of food-grains is 40 million tonnes less than what we require. If you go on the basis of average *per capita* requirement of 2,600 calories which does not take into account the more calorie requirement for the manual workers and which is far less than what the people are getting in developed countries. The people in developed countries are getting more than 3,000 calories *per capita* per day whereas on the basis of 2,600 calories *per capita* per day we are having our food production 40 million tonnes short. And then we take the credit to ourselves for having a record foodgrains production of 132 million tonnes. They should be ashamed of it. The Planners do not even know what is our requirement. I can tell you that this is the result of your strong Centre and your strong Planning Commission, which prepares a document having no basis at all. They have not calculated what the people

require. They have calculated how much fertilisers they can produce and sell; how much collaboration can be entered into for producing more fertilisers. That is the basis of your calculations. You talk about self-reliance, you talk about self-reliance in defence, you talk about self-reliance in industry, but for everything you have to go to foreign countries and get these from them on collaboration, may be on turn-key basis or whatever it is.

So, this has been the achievement of our strong Centre. This being the achievement it is time for the Government to start thinking because of the debacle they have suffered in the Southern States. I am sure, the right-minded and thinking people in the ruling party will not suffer from euphoria because of this victory in the Delhi elections, Metropolitan Council and the Delhi Municipal Corporation.

SHRI SATYASADHAN CHAKRABORTY (Calcutta South): And this is at a cost of Rs. 1500 crores of ASIAD they have staged.

SHRI AMAL DATTA: I think they should now start thinking about the reason for this. The reason for this is that the people's aspirations have not been fulfilled. That is the reason. And you will never be able to fulfil their aspirations because you will never be able to take up adequately the great challenge of bringing prosperity to this vast mass of people and to this vast territory, until the relationship between the Centre and its various parts is put on a suitable footing. So, you have to think a fresh.

Don't think that Constitution is sacrosanct. I am sure you don't think so because you have changed the Constitution 48 times. Having changed it forty-eight times, another about a dozen of offending Articles which deal with the legislative powers of the Centre and the States, which deal with the power of the President to dissolve the Government and Assembly of a State or those articles which deal with the financial powers of the Centre and the States, can be changed also. They can be changed by one Amendment to the Constitution. And on it you can reach a national consensus. You should reach a national consensus for your

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own survival. I do not know whether even so you will be able to survive. I do not guarantee that. But any mature politician will now sit back and start thinking what has gone wrong.

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The Congress Party had always thought the South to be its bastion; and that has now gone. In the next elections, what will happen to the northern States? It is time that you started rejecting, abjuring your high-and-mighty attitude. It is time you started taking the States into confidence. It is time you started thinking how you can do good to the people, and start taking small, tentative footsteps towards the well-being of the people at

large, and not towards helping a small coterie of people to make money, and amass fortunes. So, there is need for amendment of certain provisions in the Constitution.

MR. DEPUTY-SPEAKER: Mr. Datta, I think you are not going to conclude now.

SHRI AMAL DATTA: No.

MR. DEPUTY-SPEAKER: Then you can continue your speech next time.

The House now stands adjourned to meet at 11 a.m. on Monday, the 4th April, 1983.

18.02 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Monday, April 4, 1983

Chaitra 14, 1905 (Saka)