

Shri K. Santhanam: Mr. President, I do not want to go into any details of the distribution of powers as presented to us by the Union Powers Committee. I will have my own say on each item when it comes up for discussion, but there are certain general considerations which we have to keep in mind when we come to the discussions of these items. It is a great pity that our politics have been subject to violent oscillations during the last six months with the result that the minds of our own leaders also have had to go from one extreme to the other. In the Cabinet Mission Plan the idea was that the Units should be absolutely autonomous and even sovereign, and that they should surrender a small modicum of power to the Centre. Of course, there was the complication of the Group Constitution, and the whole thing was left vague but so far as the Central Government was concerned it was to have very limited powers. And some of our leaders were put on a Committee to define those powers and they tried their best to stretch these powers to their maximum. I doubt, if the Cabinet Mission's Scheme had come into operation, whether that stretching would have stood any real scrutiny. But the position was suddenly altered by the June 3rd plan and the resulting Independence Act. Now the position is we have got almost a unitary Centre which is trying to hand over certain powers to the Provinces and the whole plan of the Union Powers Committee is based on that procedure. They have tried to take the Government of India Act as their basis and considered what items can be transferred from the Provincial List to the concurrent list and Provincial list to the Federal list. I am afraid they have made a wrong approach to this problem. I too am anxious to have a strong Government for this country but my conception of strength of Centre is rather different from that embodied in the Union Powers Committee Report. I do not want that the Central Government should be made responsible for everything. The initial responsibility for the well-being of the people of the provinces should rest with the Provincial Governments. It is only in strictly all-India matters that the Central Government should have responsibility and should come into play. Therefore, the strength of a Centre consists not only in adequate powers in all-India subjects but freedom from responsibility for those subjects which are not germane to all-India but which really should be in the Provincial field. It is in this positive as well as negative delimitation of powers that a real federal system rests and I think the federal powers as defined by the Committee report err on the wrong side. It tries to burden the Centre with all kinds of powers which it ought not to have. Take for instance, vagrancy. I cannot understand why 'vagrancy' has been taken away from the Provincial list and put in the concurrent list. Do you want all India to be bothered about, vagrants? There is almost an obsession that by adding all kinds of powers, to the Centre, we can make it strong. There is another subject. Sir, called "economic planning" which is put in the concurrent list. Now, I know that planning is the most important pre-occupation of the Central and Provincial Governments and that we must make some attempt to co-ordinate Central and Provincial policy, but is this the proper way to make it concurrent, so that the Centre can assume any power and can prevent any unit from planning in its own way even in the field of provincial subjects, even in agriculture? Even the matter of dairies, the Centre can pass bill and take powers to itself in its own discretion. I say this should have been dealt with as a separate part of the Union Constitution, as to what powers of planning the Provincial Government should have and how these powers should be coordinated by consultation and consent, and not by simply saying that we have this all important Planning as one of the items in the concurrent list.

Then, take the financial distribution. They have put all taxation except land revenue and one or two other diminishing items, like excise on intoxicating liquors, in

the federal list. The report says that some provision for assignment should be made. But unless together with the items, method of allocating the shares of the proceeds is given, the provinces will be beggars at the door of the Centre. I do not want any constitution in which the Unit has to the Centre and say "I cannot educate my people; I cannot give sanitation; give me a dole for the improvement of roads, for industries, for primary education". Let us rather wipe out the federal system and let us have Unitary system. Today our financial position is that, even if you give all the powers to taxation to the Centre, the Centre will not have enough money. Even if you give all power of taxation to the provinces, the provinces will not have enough funds. Because even the single item of primary education requires, according to the Sargent Committee Report all the finances of the Centre and the Provinces put together. Similarly, if you take Public Health, according to the Bhoré Committee Report, it requires 300 crores which is the total of the provincial and central taxation. If you take Defence, how much money can we not spend on a single item as Navy or Air Force or the Army? Today, we have not got enough money for any one of these items. We must therefore make an equitable distribution, by statute and not be left to an evasive machinery to be determined in the future. Let us start with an equitable of the existing finances as they are, and then try develop the resources. If this distribution of powers is adopted without further scrutiny, without further careful adjustment, in three years time, all the provinces will revolt against the Centre and the Central Ministry will be in a most unenviable position. We must frame a constitution in which the Centre can say, "This is not my business, you have an elected Governor on the adult franchise, you have your ministers, go to them. We have given them elastic sources of revenue". What is happening in the United States? Both the Centre and the States can levy all kinds of tax. They can levy Income Tax. There is nothing to prevent them except the popular will. There, the Ministers or the Governor can go to the people and say "we have got powers of taxation; pay the taxes and we will give you entertainments, circuses, and whatever you want". Instead of that, here, they will have to say "we shall give you entertainment; let the Centre give us money". That will be an unenviable position; that will be a weak position for the Centre. I should like to warn the leaders who are piloting this report to be careful and not to add all kinds of subjects to the Centre.

Take the case of industries. Now, Defence Industries is one central item. Another item is, any industries which the Federal Legislature may declare to be a federal industry. In the provincial list, is included any other industry which the federal legislature has not taken unto itself, either under this item or under the defence item, or under the preparation of defence. What will the provinces do? They will say, that it comes under preparation for defence, or defence industries or any other industry which has been declared by the federal law to be federal industries, and that they have no responsibility to develop industries. They will say, "go to the Centre". Is this the way that we want to do things? No, Sir. If you want say coal, steel and such industries will be allotted to the Centre and the other industries like cottage industries, medium industries and food industries, will be allotted to the provinces, that will be acceptable.

Always comes the argument, "after all, who are in the Centre? They are your representatives. Why do you expect them to do anything which you do not like". I think this is often a mistake. As a member of the Central Legislature, I have always wanted more money for the Centre. If you put me in the provincial legislature, I would want more money for the provinces. the spirit of the corporation is something irresistible. It overpowers us and overcomes us. Therefore, we should see that the Centre is not allowed to infringe upon the power of the Centre. It is only by making

things precise and clear, by making things determinable by courts of law that you can preserve the federal system intact. All progress will be blocked by putting all kinds of industries in the hands of the Centre, defence industries, and industries which may be declared federal by federal law.

At the time of passing the Government of India Act of 1935 and in the 1921 Act, the Parliament always said "we have given special powers and powers of discretion, but we do not think they will ever be called into operation". But have we known any single power which was not exercised to the utmost extent? Section 93 was considered to be an extreme section. Nobody will suspend the constitution, it was said in the Parliament. But on the very first day, on a mere technical ground, the Governor simply signed an order, and took the Government into his own hands.

Mr. N. Gopalaswami Ayyangar: May I ask the honourable member whether any large industries have been taken over by the Centre in the last few years?

Shri K. Santhanam : In the last few years, the Central Government has been in a state of paralysis. The Policy Committee Reports recommended the taking over of all and sundry industries into Central Control. Legislation could not be introduced. This state of paralysis was responsible for any industries not being taken over by the Centre. I say, unless some such paralysis comes over the New Government. I shall be surprised if it does not take over many industries. One may say textiles of Bombay may be taken over and it will be taken over. Another will say, milk is adulterated and let us take the dairies. There is no limit to the power. Even in the United States, the Federal Government is going on taking more and more power.

Therefore, I may, Sir, let us be careful; let us not give all the power to the Centre. Let the Units also have some work, some responsibilities and some resources. Unless we do this, our constitution will not be on sure foundations. The whole thing will break down. This is the warning which I wish to utter here.