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VIEWS ON RAJAMANNAR COMMITTEE REPORT
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GENERAL

In the present context, as Pujya Rajaji has rightly observed in his "Dear Reader" feature in the issue of Svarajya dated July 10, 1971, "The Rajamanner Report and other documents, which were drafted for a totally different state of our affairs, have no relevancy to the present situation". But, while endorsing this view, we must guard ourselves against the Prime Minister exploiting this to succeed in her attempt to increase the power of Parliament and thereby that of her Cabinet at the Centre.

The Rajamanner Committee has not suggested the transfer of any of the 60 items in the State List in the Seventh Schedule of our Constitution. Even the minor amendments in respect of some items follow its recommendations relating to items in the Union (97 items) and the Concurrent Lists. Out of the 97 items in the Union list, changes have been suggested in respect of 87 items including Defence, Foreign affairs, Railways, Shipping, Ports, Posts and Telegraphs, Company Law, banking, insurance, Currency and all the Central heads of taxation.

Of the remaining 10 items, item 7 of List I seeks to restrict the Parliament's right to declare any industry (which may include even food and clothing) as necessary for the purpose of defence or for the prosecution of War" by limiting it to armaments industries only.

Another important recommendation concerns item 32 from which the Rajamanner Committee wants deletion of words empowering Parliament to interfere with legislation by the State as regards property situated in the State and subject to legislation by the State Legislature. While Mr. Santhanam sees no harm in this, there is a section that fears that, without this safeguard, some State Governments might abuse the power against their political opponents.

There can be no objection to State Governments wanting power to legislate on Lotteries organised by them by amending item 40 in this List. For Parliament has not cared to use powers under this item, with the result that there has been no Central legislation on this subject.

Item 48 deals with futures market and the Rajamanner Committee recommendation is that futures markets must be removed from this List. Here the affected interests are mainly the business community. Trade and Commerce is not an essentially State issue as Mr. Santhanam has opined. In our opinion, it is best administered, if done effectively, by the Centre..

Item 52 concerns "industries the control of which by the Union is declared by Parliament by law to be expedient in public interest". Since practically all important industries have been so dealt with by the Centre, the States seem to have a grievance here. The Rajamanner Committee recommendation that this should be restricted only to industries of national importance of an All-India character or to industries with a capital of over Rs.100 crores is, therefore, understandable. But as Mr. Santhanam has opined the State would do well to claim exclusive rights only to Licence and organise industries with a capital of under Rs.10 crores so that they may take care of small and medium scale industries.

In view of what has been stated above, the Rajamanner Committee Recommendation relating to items 53, 54 and 55, which deal with the regulation and development of oilfields, mines and minerals, regulation of labour and safety in mines and oilfields is ruled out. Moreover, States have neither the organisation nor the resources to undertake this vast responsibility. However, the suggestion of Mr. Santhanam that labour and safety in mines and oil fields could be transferred to the Concurrent list is acceptable.

The Rajamanner Committee has recommended the largest number of changes in the Concurrent list - in 22 out of 47 items, to be precise. There is a growing opinion that the Concurrent List is an anomaly and should therefore, go. Prior to this, there appears to be no harm in accepting the Rajamanner Committee Recommendation that "It is desirable to constitute a highpower commission consisting of eminent lawyers and jurists and elderly Statesmen with administrative experience to examine lists one and three of the Seventh Schedule of the Constitution and suggest redistribution of entries".

As regards Article 31(2) requiring reservation for Presidential assent, of a State law for compulsory acquisition or requisitioning of private property, we should oppose the Rajamanner Committee recommendation seeking to amend it. The Article is intended to ensure uniformity of practice in all States and must not be amended, a stand that we have consistently adopted all along.

That apart of the Rajamanner Committee recommendation which aim at raising the status of the State Governments in relation to the Centre is perhaps the most important part. Of the many recommendations made here, we may accept straightaway that demanding the immediate constitution by the President of an Inter-State Council as provided for in Article 263 of the Constitution. This has been delayed too long in all conscience. However, as to the composition of the Council, the Rajamanner Committee recommendations deserve to be closely examined, if the State Chief Ministers are not to conspire together and browbeat the Prime Minister unassisted as she or he would be in the set up proposed by the Rajamanner Committee. At the same time, care should be taken not ~~not~~ to allow the Inter-State Council to deteriorate into a mere mouth-piece of the Prime Minister as it happened in the case of the National Development Council during the Jawaharlal Nehru's regime.

The recommendation of the Rajamanner Committee in regard to the National Planning Commission is also sensible. As at present constituted, the Planning Commission neither satisfies item No.20 in the Concurrent list, nor is it a statutory body as the Administrative Reforms Commission wanted. We may, therefore approve of the following recommendation of the Rajamanner Committee.

"A law may be made by Parliament providing for the establishment of a Planning Commission. It should consist only of experts in economic, scientific, technical and agricultural matters and categories of national activity. No member of the Government of India should be in it."

The Rajamanner Committee's recommendations in respect of operation of Articles 356, 357 and 360 in the Chapter dealing with emergency also deserve to be supported, although not its proposal completely to repeal the first two articles.

In short, in so far as the Rajamanner Committee recommendations favouring an Inter-State Council, a Statutory Planning Commission and constructive guidelines to Governments by a high-power committee are concerned, we should take the same stand as Mr. Santhanam - that these are really measures intended "to rectify the distortion and reset the Constitution on its true basis."
