13/12/91

CONSTITUTIONAL RESTRUCTURING TO PROVIDE FOR A TRUE FEDERAL STRUCTURE

All Assam Students' Union

October 1991

CONSITUTIONAL RESTRUCTURING TO PROVIDE FOR A TRUE FEDERAL STRUCTURE.

It will be a travesty of truth to believe that the erstwhile provinces of British India have attained Independence, in the real sense of the term in 1947. In reality, the Constitution of India is an adoption of the Government of India Act, 1935 and most of the provisions of the Act, formulated by the 'Colonial Masters' to suit their economic exploitations, were incorporated in our present Constitution. In the name of a democratic constitution the pre-Independence economic and political exploitations are perpetuated and continued in different forms and kinds. The promise of a federal polity was distorted by the framers of our Constitution and a unitary monstrosity was created.

India has a continental geographic dimension and it consists of historically developing small nationalities with distinct cultural, linguistic and ethinic identities. These small nationalities were organised into States in the post-Indenpendance period. There exists the necessity for a Centre of power with a federal structure in India, but definitely not at the cost of total subordination of the States to the Centre as it prevails to-day. The experience of last four decades has made it clear that the present structure is inadequate to meet the political, economic and social needs of the diverse sub-nationalitites in India. A radical restructuring of the political system, in general and Centre-State relations, in particular, is considered necessary.

The problem of economic backwardness of the States like Assam cannot be mitigated unless measures are taken to restructure the present system to make the States stronger in respect of utilization of its own resources by their own people rather than by the Centre at Delhi. The States need to be given the opportunity to plan their development by themselves utilizing their own resources.

Achievement of socio-economic development of Assam has not been possible due to certain serious Constitutional hurdles. Assam, in spite of being one of the richest States in natural resources, is one of the most backward areas of the country. Even after completing about 40 years of economic planning the relative position of Assam in socio-economic development is lagging far behind. It may be noted that the per capita income of Assam was higher than the all-India average at the beginning of the 'First Five Year Plan' which is about 25% less than the all-India average by the end of the Seventh Plan. This clearly shows the snail pace of Assam's socio-economic development compared to all-India.

Under the present Constitutional set-up, the fate of Assam's socio-economic development depends on the mercy of the Centre. It is strongly felt that the interest of this State is totally neglected while taking any major policy decision at the Centre.

For example :

1) A refinery was estblished at Baranui for processing crude oil produced in Assam inspite of protest from many quarters and the adverse technical report.

2) For establishing any major industrial venture in the State, based on the natural resources of Assam (say oil and gas), it has to depend always on the Centre's mercy. Another exploitative attitude of the Centre towards Assam is that for the last four decades huge quantities of natural gas are being burnt out in the oil fields of Assam because of the apathy of the Central Government to tap this valuable resource for socio-economic development of Assam,. the State Government is helpless in this regard since it is Constitutionally handicapped to undertake any independent decision to utillise such precious resources through industrialisation.

3) The Legislative Assembly unanimously passed a Bill for imposing a special tax on inter-State movement of tea from Assam.The Bill is, under present Constitutional provisions, still not assented to by the President of India.

4) There is always a pull behind by the Centre in the development of tourism in the States. The State Government used to earn a significant amount of revenue from tourism as the foreign tourists were free to visit Assam. For the last one decade, the Centre has imposed prohibition unilaterally on the movement of foreign tourists to the State resulting in heavy loss of revenue to the State.

5) The regular flood havoc is nothing but resultant of the Centre's reluctance to tackle the flood problem of the State in a serious manner. The Centre is not at all interested in identifying the flood problem of Assam to be a national problem. On the other hand, the Government of Assam is also not Constitutionally authorised to take any decision independently in this regard and for seeking technical and financial assistance from international agencies if and when necessary.

6) Compared to the contribution to the national economy, by the tea industry in Assam, the State is not getting any commensurate return as almost all the Head-Office of the tea companies are located outside the State. For this, the state of Assam is perpetually losing the due revenues as well as the employment of the son of the soil.

It is pity that inspite of plentiful natural resources, the people of Assam have to live in utter backwardness. The reason is primarily due to the faulty political structure that has been imposed on them.

To remedy the present situation, we demand radical modification of the existing Centre-State relations in the Constitution with regard to political, economic, administrative and financial powers as enumerated below. **We firmly believe that a truly federal system as proposed by us is an inevitability in India and a denial of this will invite greater crises and challenges to the country as evidenced.**

The Preamble to the Constitution of India bears the noble assurances to the people of India such as :

JUSTICE — Social, economic and political :

LIBERTY — Of thought, expression, belief, faith and worship :

EQUALITY — Of status and opportunity and the promotion of

FRATERNITY — Assuring the dignity of the individuals and the unity and integrity of the Nation.

But the Constitution itself places many barriers on the way of translating such ideals into the reality. It is interesting to note that Part IV of the Constitution which provides for dispensing such justice is kept non-justiciable. The State machinery composing of the peoples representives is not at all answerable for non implementation of the socio-economic justice scheme contained in Part IV in this welfare setup.

The word 'Federal' may be inserted in the Preamble to the Constitution as below :

WE, THE PEOPLE OF INDIA, having solemnly resolved to constitute India into a SOVEREIGN SOCIALIST SECULAR FEDERAL DEMOCRATIC REPUBLIC and to secure to all its citizens.

Then coming down to the other major areas of the constitution, we see a number of barriers placed by the provisions of the Constitution on the socio-economic and political growth and development of the composing units of the Indian federation.

Bindingness of the views of the State Legislature in reorganisation of the State boundaries:

ARTICLE 3 — **Provisio to this Article provides for referring the Bill by the President to the legislature of the affecting State for expressing its views thereon within a stipulated time limit, pertaining to the formation of a State, boundary, naming etc. The**

President should be made legally bound to act according to the views of the State Legislature. Mere reference should not satisfy the provisio:

Concurrence of State Legislature in any matter relating to Citizenship:

ARTICLE 11 — Fully authorises the Parliament to make any provision with respect to the acquistion and termination of citizenship and all other matters relating to citizenship. This spirit is against the safegurding of interests of the States. The problem of influx and regularisation of foreign nationals is a glaring example. So there requires some sort of change in the provision keeping in view the interest of the States with the concurrence of the State Legislature. It is felt that a total modification of the Article dealing with citizenship is urgently necessary to accommodate dual citizenship in the Constitution in accordance with federal principles.

Translation of the Concept of Equality in to reality:

Article 14 — Provides that State shall not deny to any person equality before law and equal protection of the laws within the territory of India. But in case of Assam, there is a discriminatory treatment and the principles of equality before law and equal protection of the laws are not extended to the people of Assam. This has a reference to the problem of influx of Bangladeshis in Assam. Article 11 empowers the Parliament to regularise them by making and changing relevant law relating to citizenship.

Article 4(1), Article 80(2), Article 82 and Article 170(2) &(3)-----

In context to the above, we may mention about Article 4(1) and Articles 80(2) with reference to the 4th Schedule to the Constitution of India pertaining to the laws made under Articles 2 and 3 to provide for the amendment of the First and the Fourth Schedules and supplemental, incidental and consequential matters. The present position should be updated and the allocation of seats in the Council of

States should be made on the basis of equal representation from every state.

Further the last proviso to Article 82 should be repealed in the light of Mischief Rule of interpretation for being contradictory to the mandatary objective of Article 82 which provides that upon the completion of each census the allocation of seats in the House of the People to the States and the divison of each state into territorial constituencies shall be readjusted by such authority and in such manner as Parliament may by law determine. Likewise, the proviso to Article 170(2) and last proviso to Article 170(3) should also be repealed. Because these provisons are providing that the readjustment should be made only on getting the report of the first census after 2000 A.D. which is very much detrimental to the interest of the small States.

Protection of Cultural rights of genuine minorities:

Articles 29 and 30 — The protection under Article 29 and Article 30, specially with reference to the state of Assam, should be extended only to the genuine citizens of India residing in Assam. But it should not be made available to those persons who are -

1. Regularised by the Assam Accord;
2. Foreigners who acquired Indian citizenship and have settled in Assam.

Recommendation of State Legislature on Official language in a State:

Article 347 — Considering the greater interest of the indigenous people of Assam, the power of the President under Article 347 in relation to the Official language should be made subject to the recomendation of the State legislature.

Equality of representation in the Parliament's 2/3rd majority:

Articles 107 and Articles 368 — As regards passing of a bill in both the Houses of Parliament, the 2/3rd majority members present and voting with reference to Article 107, Article 368 etc. should be made to consist of equal representatives from the constituent states. And where in the interest of a particular state is involved, the presence of the representatives of that state in the 2/3rd members should be made mandatory.

Judicial nexus between the Union and the States:

Articles 224 and 224 (A) — Considering the outstanding arrears of pending cases, the President should be made bound by the advice and recommendations of State Legislature under these Articles, in filling up vacancies of the Judges in the High Courts.

Legislative Relations between the Union and the States :

In the area of legislative relations between the Union and the States, in most of the cases Union domination with the centralising tendency is encouraged by the constitution itself eg.

Article 248 — It entrusts the residuary powers of legislation exclusively to the Union Parliament. Parliament can make even legislation imposing taxes not provided in the State and Concurrent lists. This is very detrimental to the economic and social developments of the States. Modifications should be made in the Constitution to vest the residuary powers in the States.

Right to land, water, Forest, mine, oil and other things.
All residuary powers to be given to the State list.

Article 249 — It further adds fuel to the fire empowering Parliment to legislate with respect to any matter in the State List in the national interest, even in a non-emergent situation. This provision should be omitted.

Article 251 — It goes one step further declaring laws passed by the State lagislature inoperative when Parliament has passed law on the same subject under Article 249 and Article 250 of the Constitution. This power of the Parliament needs to be restricted in conformity with the federal principle proposed.

Article 254 — It provides, in relation to the Concurrent List, that the Union law shall prevail over the State law, to the extent of repugnancy, except under Article 200 which provides that if the President assents to a State law which has been reserved for his consideration, it will prevail not withstanding its repugnency to an earlier law of the Union. But here again the President is bound by the advice tendered by the Council of Ministers under Article 74(1). So, it is a mere expectancy. Hence it should be deleted.

Administrative relations between the Union and the States:

Article 256 — The executive power of the Union for giving of directions to the States in connection with the exercise of the power of every State should be in consultation with the State concerned.

Article 257 — The control of the Union over the States under this Article, in relation to the executive power in certain cases should be made qualified in the intetrest of state economy.

Article 312 — Administrative Autonomy of the State requires discontinuation of the ALL INDIA SERVICES. The Article should be amended to provide for complete restriction with regard to entry of All India Service Personnels into State Administration.

Article 258 (A) — In the interest of the social and economic growth of the State like Assam the power of the Governor of a state to entrust functions to the Union should be discouraged.

Article 244 A with para 21 of Sixth Schedule — The power of Parliament should be subject to the concurrence of the state legislative, while any change is attempted without going through the process under Article 368 and more so when formation of an autonomous state comprising of certain tribal area in Assam and creation of local legislature or Council of Ministers or both therefore is proposed.

State Government

Articles 153 and 155 — There should be introduced the system of election to the office of the Governor of a State and not appointed as per the existing provision of Article 155.

Articles 168 and 169

— The second chamber i.e., Legislative council in Assam should immediately be created wherein arrangements should be made for the representation of the ethnic groups with a view to ensuring their participation in the State Government.

Fiscal relationship between Union and the States

— In the interest of improving economic conditions, if the state wants to impose tax, especially on inter-state movements of goods like tea, the Constitutional barrier such as Article 304 (b), providing for the prior approval etc. of the President, should be reasonably restricted to safeguard the interest of the state.

Articles 273 and 275 — The Grant in Aid should be considerably increased in case of Assam.

Articles 293 — The scope of this article be widened to empower the State Governments to borrow from international agencies and foreign countries as well as to obtain foreign technical assistance for socio - economic development of the state. Each State should have control over its natural resources for their exploration and utilisation. These should also be processed within the State concerned.

Emergency Provisions

Articles 352 — It should be restricted to war and external aggression only.

Articles 355 — It should be restricted to external aggression only.

Articles 356 — The power of dismissal should be repealed. Further, the source of information should only be the Governor who is to be advised by the Council of Ministers under Article 163 (1).

Article 163(2) — The areas where in the Governor can exercise his discretion should be properly, demarcated and defined. The existing provision is vague.

THE CONSTITUTION OF INDIA

SEVENTH SCHEDULE

[Article 246]

List I — Union List

1. Defence of India and every part thereof including preparation for defence and all such acts as may be conducive in times of war to its prosecution and after its termination to effective demobilisation.

2. Naval, Military and air forces; any other armed forces of the Union.

2-A. Deployment of any armed forces of the Union or land other force subject to the control of the Union or any contingent or unit thereof in any State in aid of the civil power, powers, jurisdiction, privileges and liabilities and liabilities of the members of such forces while on such deployment.

3. Delimitation of cantonment areas, Local self-Government in such areas, the constitution and powers within such areas of cantonment authorities and the regulation of house accommodation (including the control of rents) in such areas.

4. Naval, military and air force works.

5. Arms, firearms, ammunition and explosives.

6. Atomic energy and mineral resources necessary for its production.

7. Industries declared by Parliament by law to be necessary for the purpose of defence or for the prosecution of war.

8. Central Bureau of Intelligence and Investigation.

9. Preventive detention for reasons connected with Defence, Foreign Affairs, or the security of India; persons subjected to such detention.

10. Foreign affairs; all matters which bring the Union into relation with any foreign country.

11. Diplomatic, consular and trade representation.

12. United Nations Organisation.

13. Participation in international conferences, associations and other bodies and implementing of decisions made thereat.

14. Entering into treaties and agreements with foreign countries and implementing of treaties, agreements and conventions with foreign countries.

15. War and peace.

16. Foreign jurisdiction.

17. Citizenship, naturalisation and aliens.

18. Extradition.

19. Admission into, and emigration and expulsion from, India; passports and visas.

20. Pilgrimages to place outside India.

21. Piracies and crimes committed on the high seas or in the air; offences against the law of nations committed on land or the high sear or in the air.

22. Railways.

23. Highways declared by or under law made by Parliament to be national highways.

24. Shipping and navigation on inland waterways, declared by Parliament by law to be national waterways, as regard mechanically propelled vessels; the rule of the road on such waterways.

25. Martime shipping and navigation, including shipping and navigation on tidal waters; provision of education and training for mercantile marine and regulation of such education and training provided by States and other agencies.

26. Light houses, including lightships, beacons and other provision for the safety of shipping and aircraft.

27. Ports declared by or under law made by Parliament or existing law to be major ports, including their delimitation, and the constitution and powers of port authorities therein.

28. Port quarantine, including hospitals connected therewith; seamen's and marine hospitals.

29. Airways; aircraft and air navigation; provision of aerodromes; regulation and organisation of air traffic and of aerodromes; provision for aeronautical education and training and regulation of such education and training provided by States and other agencies.

30. Carriage of passengers and goods by railway, sea or air, or by national waterways in mechanically propelled vessels.

31. Posts and telegraphs; telephones, wireless, broadcasting and other like forms of communication.

32. Property of the Union and the revenue therefrom, but as regards property situated in a State subject to legislation by the State, save in so far as Parliament by law otherwise provides.

34. Courts of Wards for the estates of Rulers of Indian States.

35. Public debt of the Union.

36. Currency, coinage and legal tender; foreign exchange.

37. Foreign loans.

38. Reserve Bank of India.

39. Post Office Savings Bank.

40. Lotteries organised by the Government of India or the Government of a State.

41. Trade and commerce with foreign countries; import and export across frontiers; definition of customs frontiers.

42. Inter-State trade and commerce.

43. Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies.

44. Incorporation, regulation and winding up of corporations, whether trading or not, with objects not confined to one State, but not including universities.

45. Banking

46. Bills of exchange, cheques, promisory notes and other like instruments.

47. Insurance.

48. Stock exchanges and futures markets.

49. Patents, inventions and designs, copyright; trade-marks and merchandise marks.

50. Establishment of standards of weight and measure.

51. Establishment of standards of quality for goods to be exported out of India or transported from one State to another.

52. Industries, the control of which by the Union is declared by Parliament by law to be expedient in the public interest.

53. Regulation and development of oil fields and mineral oil resources; petroleum and petroleum product; other liquids and substances declared by Parliament by law

to be dangerously inflammable.

54. Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

55. Regulation of labour and safety in mines and oil fields.

56. Regulation and development of inter-State rivers and river valleys to the extent to which sch regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.

57. Fishing and fisheries beyond territorial waters.

58. Manufacture, supply and distribution of salt by Union agencies; regulation and control of manufacture, supply and distribution of salt by other agencies.

59. Cultivation, manufacture, and sale of export, of opium.

60. Sanctioning of cinematograph films for exhibition.

61. Industrial disputes concerning Union employees.

62. The institutions known at the commencement of this Constitution as the National Library, the Indian Museum, the Imperial War Museum, the Victoria Memorial and the Indian War Memorial, and other like institution financed by the Government of India wholly or in part and declared by Parliament by law to be an institution of national importance.

63. The institutions known at the commencement of this Constitution as the Benares Hindu Univesity, the Aligarh Muslim Univesity and the 1[Delhi University; the University established in pursuance of Art. 371-E;] any other institution declared by Parliament by law to be an institution of national importance.

64. Institutions for scientific or technical education financed by the Government of India wholly or in part and declared by Parliament by law to be institutions of national importance.

65. Union agencies and institutions for —

(a) Professional, vocational or technical training, including the training of police officers, or

(b) the promotion of special studies or research; or

(c) scientific or technical assistance in the investigation or detection of crime.

66. Co-ordination and determination of standards in institutions for higher education or research and scientific and technical institutions.

67. Ancient and historical monuments and records, and archaeological sites and remains, 1[declared by or under law made by Parliament] to be of national importance.

68. The Survey of India, the Geological, Botanical, Zoological and Anthropological Surveys of India; Meterological organisations.

69. Census.

70. Union Public Services; all-India Services; Union Public Service Commission.

71. Union pensions, that is to say, pensions payable by the Government of India or out of the Consolidated Fund of India.

72. Elections to Parliament, to the Legislatures or States and to the offices of President and Vice-President; the Election Commission.

73. Salaries and allowances of members of Parliament, the Chairman and Deputy Chairman of the Council of States and the Speaker of and Deputy Speaker of the House of the People.

74. Powers, privileges, and immunities of each House of Parliament and of the members and the Committees of each House; enforcement of attendance of persons for giving evidence or producing documents before committees of Parliament or commissions appointed by Parliament.

75. Emoluments, allowances, privileges, and rights in respect of leave of absence, of the President and Governors; salaries and allowances of the ministers for the Union; the salaries, allowances, and rights in respect of leave of absence and other conditions of service of the Comptroller and Auditor General.

76. Audit of the accounts of the Union and of the States.

77. Constitution, organisation, jurisdiction and powers of the Supreme Court (including contempt of such Court), and the fees taken therein; persons entitled to practise before the Supreme Court.

78. Constitution and organisation 2[including vacations] of the High Courts except provisions as to officers and servants of High Courts; persons entitled to practise before the High Courts.

3[79 Extension of the jurisdiction of a High Court to, and exclusion of the jurisdiction of a High Court from, any Union territory.]

80. Extension of the powers and jurisdiction of members of a police force belonging to any State to land area outisde that State, but not so as to enable the police of one State to exercise powers and jurisdiction in any area outside that State

without the consent of the Government of the State in which such area is situated; extension of the powers and jurisdiction of members of a police force belonging to any State to railway areas outside that State.

81. Inter-State migration; inter-State quarantine.

82. Taxes on income other than agricultural income.

83. Duties of custom including export duties.

84. Duties of excise on tabacco and other goods manufactured or produced in India except —

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics, but including medicinal and toilet preparations containing alcohol or any substances included in sub-paragraph (b) of this entry.

85. Corporation tax.

86. Taxes on the capital value of the assets, exclusive of agricultural land, of individuals and companies, taxes on the capital of companies.

87. Estate duty in respect of property other than agricultural land.

88. Duties in respect of succession to property other than agricultural land.

89. Terminal taxes on goods or passengers, carried by railway, sea or air; taxes on railway fares and freights.

90. Taxes other than stamp duties on transactions in stock exchanges and futures markets.

91. Rates of stamp duty in respect of bills of exchange, cheques, promissory notes, bills of lading, letters of credit, policies of insurance, transfer of shares, debentures, proxies and receipts.

92. Taxes on the sale or purchase of newspapers and on advertisements published therein.

1[92-A. Taxes on the sale or purchase of goods other than newspapers, where such sale or purchase takes place in the course of inter-State trade or commerce.]

2[92-B. Taxes on the consignment of goods (whether the consignment making it or to any other person), where such consignment takes place in the course of inter-State trade or commerce.]

93. Offences against laws with respect to any of the matters in this List.

94. Inquiries, surveys and statistics for the purpose of any of the matters in this List.

95. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List; admiralty jurisdiction.

96. Fees in respect of any of the matters in this List, but not including fees taken in ay court.

97. Any other matter not enumerated in List II or List III including any tax not mentioned in either of those Lists.

List II — State List

1. Public order (but not including 3[the use of any naval, military or air force or any other armed force of the Union or of any other force subject to the control of the Union or of any contingent or unit thereof] in aid of the civil power.

1[2. Police (including railways and village police) subject to the provisions of entry 2-A of List I.]

3. 2[***] Officers and servants of the High Court; procedure in rent and revenue courts; fees taken in all courts except the Supreme Court.

4. Prisons, reformatories, Borstal institutions and other institutions of a like nature, and persons detained therein; arrangements with other States for the use of prisons and other institutions.

5. Local Government, that is to say, the constitution and powers of municipal corporations, improvement trust, district boards, mining settlement authorities and other local authorities for the purpose of local self-Government or village administration.

6. Public health and sanitation; hospitals and dispensaries.

7. Pilgrimages, other than pilgrimages to places outside India.

8. Intoxicating liquors, that is to say, the production, manufacture, possession, transport, purchase and sale of intoxicating liquors.

9. Relief of the disabled and unemployable.

10. Burials and burial grounds; cremation and cremation grounds.

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12. Libraries, museums and other similar institutions controlled or financed by the State, ancient and historical monuments and recrods other than those 4[declared by or under law made by Parliament] to be of national importance.

13. Communications, that is to say, roads, bridges, ferries, and other means of communication not specified in List 1; municipal tramways;ropeways;inland waterways and traffic thereon subject to the provisions of List I and List III with regard to such waterways; vehicles other than mechanically propelled vehicles.

14. Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.

15. Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.

16. Pounds and the prevention of cattle trespass.

17. Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.

18. Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agriclutural land; land improvement and agricultural loans; colonization.21. Fisheries.

22. Courts of Wards subject to the provisions of entry 34 of List I encumbered land attached estates.

23. Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.

24. Industries subject to the provisions of 2[entries 7 and 52] of List I.

25. Gas and gas works.

26. Trade and commerce within the State subject to the provisions of entry 33 of List III.

27. Production, supply and distribution of goods subject to the provisions of entry 33 of List III.

28. Market and fairs.

30. Money-lending and money-lenders, relief of agricultural indebtedness.

31. Inns and inn-keepers.

32. Incorporation, regulation and winding up of corporations, other than those specified in List I, and universities; unincorporated trading, literary, scientific, religious land other societies and associations; co-operative societies.

33. Theatres and dramatic performances; cinemas subject to the provisions of entry 60 of List I; sports, entertainments and amusements.

34. Betting and gambling.

35. works, lands and buildings vested in or in the possession of the State.

37. Elections to the Legislature of the State subject to the provisions of any law made by Parliament.

38. Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of he Legislative Assembly and, if there is a Legislative council, of the Chairman and Deputy Chairman thereof.

39. Powers, privileges and immunities of the Legislative Assembly and of the members and the committees thereof, and, if there is a Legislative council, of that Council and of the members and the committees thereof; enforcement of attendance of persons for giving evidence or producing documents before committees of the Legislature of the State.

40. Salaries and allowances of Ministers for the State.

41. State public services; State Public Service Commission.

42. State pensions, that is to say, pensions payable by the State or out of the Consolidated Fund of the State.

43. Public debt of the State.

44. Treasure trove.

45. Land revenue, including the assesment and collection of revenue, the maintenance of land records, survey for revenue purpose and records of rights, and alienation of revenues.

46. Taxes on agricultural income.

47. Duties in respect of succession to agricultural land.

48. Estate duty in respect of agricultural land.

49. Taxes on lands and buildings.

50. Taxes on mineral rights subject to any limitations imposed by Parliament by law relating to mineral development.

51. Duties of excise on the following goods manufactured or produced in the State and countervailing duties at the same or lower rates on similar goods manufactured or produced elsewhere in India:

(a) alcoholic liquors for human consumption;

(b) opium, Indian hemp and other narcotic drugs and narcotics, but not including medicinal and toilet preparations containing alcohol or any substances included in sub-paragraph (b) of this entry.

52. Taxes on the entry of goods into a local area for consumption, use or sale therein.

53. Taxes on the consumption or sale of electricity.

1[54. Taxes on the sale or purchase of goods other than newspapers, subject to the provision of entry92-A of List I].

55. Taxes on advertisements other than advertisements published in the newspapers 2[and advertisements broadcast by radio or television.]

56. Taxes on goods and passengers carried by road or inland waterways.

57. Taxes on vehicles, whether mechanically propelled or not, suitable for use on roads, including tramcars subject to the provisions of entry 35 of List III.

58. Taxes on animals and boats.

59. Tolls.

60. Taxes on professions, trades, callings and employments.

61. Capitation taxes.

62. Taxes on luxuries, including taxes on entertainments, amusements, betting and gambling.

63. Rates of stamps duty in respect of documents other than those specified in the provisions of List I with regard to rates of stamp duty.

64. Offences against laws with respect to any of the matters in this List.

65. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this Act.

66. Fees in respect of any of the matters in this List, but not including fees taken in any court.

List III — Concurrent List

1. Criminal law, including all matters included in the Indian Penal Code at the commencement of this Constitution but excluding offences against laws with respect of any of the matters specified in List I or List II and excluding the use of naval, military or air forces or any other armed forces of the Union in aid of the civil power.

2. Criminal procedure, including all matters included in the Code of Criminal

Procedure at the commencement of this Constitution.

3. Preventive detenrion for reasons connected with the security of a State, the maintencance of public order, or the maintenance of supplies and services essential to the community; persons subjected to such detention.

4. Removal from one State to another State of prisoners, accused persons and persons subjected to preventive detention for reasons specified in entry 3 of this List.

5. Marriage and divorce; infants and minors; adoption; wills, intestacy, and succession; joint family and partition; all matters in respect of which parties in judicial proceedings were immediately before the commencement of this Constitution subject to their personal law.

6. Transfer of property other than agricultural land; registration of deeds and documents.

7. Contracts, including partnership, agency, contracts of carriage, and other special forms of contracts, but not including contracts relating to agricultural land.

8. Actionable wrongs.

9. Bankruptcy and insolvency.

10. Trust and Trustees.

11. Administrator-General and official trustees.

1[11-A. Administration of justice; constitution and organisation of all courts, except the Supreme Court and the High Courts.]

12. Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings.

13. Civil procedure, including all matters included in the Code of Civil Procedure at the commencement of this Constitution, limitation and arbitration.

14. Contempt of court, but not including contempt of the Supreme Court.

15. Vagrancy; nomadic and migratory tribes.

16. Lunacy and mental deficiency, including places for reception or treatment of lunatics and mental deficients.

17. Prevention of cruelty to animals.

1[17-A Forests.

17-B Protection of wild animals and birds.

18. Adultration of foodstuffs and other goods.

19. Drugs and poisons, subject to the provisions of entry 59 of List I with respect to opium.

20. Economic and social planning.

2[20-A, Population control and family planning.]

21. Commercial and industrial monopolies, combines and trusts.

22. Trade unions; industrial and labour disputes.

23. Social security and social insurnace; employment and unemployment.

24. Welfare of lavour including conditions of work, provident funds, employers' liability, workmen's compensation, invalidity and old age pensions and maternity benefits.

1[25. Education, indluding technical education, medical education and universities, subject to the provisions of entries of 63,64,65 and 66 of List I; vocational and technical training of labour.]

26. Legal, medical and other professions.

27. Relief and rehabilitation of persons displaced from their original place of residence by reason of the setting up of the dominious of India and Pakistan.

28. Charities and charitable institutions, charitable and religious endowments and religious institutions.

29. Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.

30. Vital statisticss including registration of births and deaths.

31. Ports other than those declared by or under law made by Parliament or existing law to be major ports.

32. Shipping an navigation on inland waterways as regards mechanically propelled vessels, and the rule of the road on such waterways, and the carriage of passengers and goods on inland waterways subject to the provisions of List I with respect to national waterways.

1[33. Trade and commerce in, and the production, supply and distribution of, —

(a) the products of any industry where the control of such industry by the Union is declared by Parliament by law to be expedient in the public interest, and imported goods of the same kind as such products;

(b) foodstuffs, including edible oilseeds and oils;

(c) cattle fodder, including oilcake and other concentrates;

(d) raw cotton, whether ginned or unginned, and cotton seed; and

(e) raw jute.]

2[33-A. Weights and measures except establishment of standards.]

34. Price control

35. Mechanically propelled vehicles including the principles on which taxes on such vehicles are to be levied.

36. Factories.

37. Boilers.

38. Electricity.

39. Newspapers, books and printing presses.

40. Archaeological sites and remains other than those 3[declared by or under law made by Parliament] to be of national importance.

41. Custody, management and disposal of property (including agricultural land) declared by law to be evacuee property.

4[42. Acquisition and requisitioning of property.]

43. Recovery in a State of claims in respect of taxes and other public demands including arrears of land-revenue and sums recoverable as much arrears, arising outside that State.

44. Stamp duties other than duties or fees collected by means of judicial stamps, but not including rates of stamp duty.

45. Inquiries and statistics for the purposes of any of the matters specified in List II or List III.

46. Jurisdiction and powers of all courts, except the Supreme Court, with respect to any of the matters in this List.

47. Fees in respect of any of the matters in this List, but not including fees taken in any Court.

To provide for a federal structure a total revision of the VIIth Schedule is necessary. A tentative amendment to the schedule is suggested below. The concurrent list of the Schedule VII is removed andthe subjects included therein are incorporated in the Federal List and the State List appropriately.

FEDERAL LIST

Item No.	
1 to 5	No change
6	Production of Atomic energy only
7 to 16	No change
17	(It needs modification in conformity with the proposed provision of dual citizenship)
18	No change
19	(It needsmodifications in conformity with the proposedprovision for dual citizenship)
20 to 36	No change
37	Foreign loans subject to the independent power of the State governments of obtaining foreign loans vide item No. of State list
38 to 39	No change
40	Lotories organised by the Government of India
41 to 42	No change
43	Incorporation, regulation and winding up of trading corporations, including banking, insurance and financial corporations but not including co-operative societies andthe scheduled and co-operative banks operating in the States.
44	No change
45	Banking except the scheduled and co-operative banks operating in the State
46 to 51	No change
52 to 55	Delete
56	Regulation and development of inter-state rivers and rivervalleys in concurrance with the State Governments concerned to the extent to which such regulation and development under the control of the Union is declared by parliament by law to the expedient in the public interest.
57 to 65	No change
66	Co-ordination and determination of standards in Institutions for higher education for research and scientific and technical institutions without detriment of the interesst of the States in this regard.
67 to 74	No change
75	Emoluments, allowances, priviledges andrights in respect of leave or absence of thePresident; salaries and allowances of the Ministers for theUnion; the Salaries, allowances and rights in respect of leave of absence

and other conditions of service of the Comptroller and Auditor General.

76 to 80	No change
81	Delete
82 to 84	No change
85	Delete
86	No change
87 to 88	Delete
89 to 91	No change
92	Delete
93 to 96	No change
97	Delete
98	Item 1 of CL (Concurrent list)
99	Item 2 of CL
100	Bankruptsy and insolvency of national level
101	Trusts and trustees of national level
102	Administrators general and official trustees of national level
103	Administration of justice; constitution of thesupreme court
104	Evidence and oaths,recognition of laws, public acts and records and judicial proceedins of national nature.
105	Civil procedure, including all matters included in the code of civil procedure at the commencement of this Constitution, limitation and arbitration of national nature.
106	Drugs and poisons subject to the provisions of entry 59 of Union list with respect to opium.
107	Central Economic and Social Planning.
108	Family Planning andfamily welfare.
109	Social Security and social insurance; employment of federal government employees and unemployment.
110	Prevention of the extension from one State to another of infectious or contagious diseases
111	Item 33 of CL
112	Item 33A of CL
113	Price control over the commodities included in item No. 111 above.
114	Inter-state generation and distribution of electricity.
115	Inquiries and statistics for the purpose of any of the matters specified in this list.

STATE LIST

Item No.	
1 to 12	No change
13	Communications,that is to saay, roads, bridges, ferries and other means of communication not specified in Federal list; municipal tramways; rope ways; inland wateways and traffic thereon subject to provisions of Federal list.
14 to 22	No change
23	Regulation of mines and mineral development.
24	Industries excluding iem 7 of the Federal list\
25	No change
26	Trade and commerce within the State.
27	Production, supply and distribution of goodssubject to entries 111 to 113 of the Federal list.
28 to 31	No change
32	Incorporation, regulation and winding up of corporations other than those specified in 43 of Federal list, universities and unincorporated trading, literary, scientific, regligious and other societies and associations; co-operative societies and scheduled banks.
33 to 37	No change
38	Salaries and allowances of the Governor and the members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and the Chairman and Deputy Chairman of the Legislative Council.
39 to 53	No change.
54	Taxes on the sale or purchase of goods other than newspapers.
55 to 56	No change
57	Taxes on vehicles whether mechanically propelled or not, suitable for use on roads, including tramcars.
58 to62	No change
63	Rates of stamp duty.
64 to 66	No change.
67	Regulation and development of mineral resources for production of atomic energy.
68	Entering into treaties and agreements with foreign countries and implementing of such treaties, agreements and conventions with foreign countries relating to the matters of economic development of the State concerned.
69	State citizenship.
70	Admission into and expulsion from the State.
71	Foreign loans for economic development of the State.

72	Lotteries organized by the Government of the State.
73	Regulation and development of oil fields and mineral oil resources; petroleum and petroleum products; other liquids andsubstances.
75	Regulation of labour and safety in mines and oilfields.
76	Co-ordinationand determination of standards in institutions for higher ducationor research and scienific and technical institutions of the State.
77	State level Survey, and Geological, Botanical, Zoological and Anthropological surveys of the state.
78	Corporation tax.
79	Estate duty in respect of property other than agricultural land.
80	Duties in respect of property other than agricultural land.
81	Taxes on the sale or purchase of newspapers and on advertisements published therein.
82	Item 3 of CL (Concurrent List).
83	Item 5 of CL
84	Item 6 of CL.
85	Item 7 of CL
86	Actionable wrongs.
87	Bankruptcy and insolvency of state level.
88	Trust and Trustees of state level.
89	Administrators general and official trusteees of state level
91	Administration of justice; constitution and organization of all courts except the Supreme court.
92	Evidence and oaths; recognition of laws, public acts and records, and judicial proceedings of state level.
93	Civil procedure except over whichthe Federal Government has jurisdiction.
94	Comtempt of court, except contempt of the Supreme Court
95	Item 15 of CL.
96	Item 16 of CL.
97	Item 17 of CL.
98	Item 17A of CL.
99	Item 17B of CL
100	Item 18 of CL.
101	State Economic and Social Planing.
102	Population control.
103	Commercial and industrial monopolies, combines and trusts of state level.
104	rade unions; industrial and labour disputes.
105	Social security and social insurance; employment and unemployment at state level.
106	Item 24 of Cl.

107	Education, including technical education, medical education and universities and vocational and technical training of labour.
108	Item 6 of CL.
109	Item 28 of CL.
110	Item 30 of CL.
111	Ports other than those declared by the Federal Government to be major ports.
112	Price control over the commodities excluding the items included in item No. 111 of the Federal List.
113	Item 35 of CL.
114	Item 36 of CL.
115	Item 37 of CL.
116	State generation and distribution of electricity.
117	Item 39 of CL.
118	Archaeological sites and remains other than those of national importance.
119	Item 41 of CL
120	Item 42 of CL.
121	Item 44 of CL.
122	Item 44 of CL.
123	Inquiries and statistics of all matters except those included in 115 of the Federal list.
124	Any other matter not enumerated in the Federal list or this list including any tax not mentioned in either of these lists.

Request for Suggestions

Name :

Designation :

Address :

1. Do you suggest omission of any Item/Items from the proposed Scheme ?
   (a) Indicate the Item/Items
   (b) State the reason for Omission

2. Do you suggest addition of any new Item/Items to the Proposed Scheme ?
   (a) Mention the Item/Items
   (b) State the cause for it

3. What modification do you suggest in the proposed scheme ?
   (a) Mention the Item/Items
   (b) State the modified Item/Items

4. What kind of hindrances do you predict in the acceptability of the proposed Scheme ?
   (a) Nature of Hindrance
   (b) Sources of Hindrances
   (c) Remedial Measures

5. Will the proposed Scheme be effective in making true Federal Structure ?

6. Give a general remark on the proposed Scheme.