

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for taking into consideration and passing of the Constitution (Sixty-fifth Amendment) Bill, 1989 in as much as it is dependent upon the Constitution (Sixty-fourth Amendment) Bill, 1989."

*The Motion was adopted*

12.29 hrs.

CONSTITUTION (SIXTY-FIFTH AMENDMENT) BILL

[English]

THE PRIME MINISTER (SHRI RAJIV GANDHI): I beg to move\*:

"That the Bill further to amend the Constitution of India be taken into consideration"

MR. SPEAKER: The House will take up items 11 and 13 together.

CONSTITUTION (SIXTY-FOURTH AMENDMENT) BILL AND CONSTITUTION (SIXTY-FIFTH AMENDMENT) BILL

MR. SPEAKER: Motion moved:

"That the Bill further to amend the Constitution of India be taken into consideration."

"That the Bill further to amend the Constitution of India be taken into consideration."

PROF. N.G. RANGA (Guntur): I wish to congratulate the Lok Sabha as well as the other Sabha for getting a unique opportunity of considering these two amendment Bill introduced by the Prime Minister. So many

Bills have been introduced—some of them are discussed also—in order to amend the Constitution. They were given notice of mostly by private Members during the time reserved for private Members. Very few of them have come to be considered and accepted but no Bill during the last 41 years has come to be moved by the Government with such high ideals behind it, with such great importance attached to it as these two Bills. Therefore, I am extremely happy to have this opportunity, having been a Member of the Constituent Assembly, to move today to recommend to the House that they should pass these Bills and hail them, as our Prime Minister has rightly termed it, as revolutionary approach and revolutionary achievements. I wish also to express my satisfaction with the Parliamentary Group which has taken the initiative in organising the Seminar and, Sir, you also share the congratulations from me for having given an opportunity to a number of important people from different States, in addition to the Planning Commission, to gather in the Main Committee Hall in the Parliament House Annexe under your Chairmanship and give their detailed considerations to these Bills. That is how our Lok Sabha and our Lok Sabha leaders also should function. I am extremely sorry that most of the Opposition Members are absent today. I condole with them and, I am sure, the people would not be able to appreciate their behaviour. As the Prime Minister has already made his criticism, I agree with him that they have run away from their sworn duty that they had sworn here in this House, and the sworn purpose for which the people had sent them here. For forty years, our villages have been kept outside the purview of our Constitution in a fundamental manner. In an apologetic fashion, an amendment was moved in the Constituent Assembly and passed, charging the State Governments to pass necessary legislation in order to provide our villages with Panchayats and Panchayat administration. Several of us in those days and at that time expressed our dissatisfaction with the failure of the leaders of our Constituent Assembly, the legal luminaries of the Constituent Assembly, to give more effective

\*Moved with the recommendation of the President.

power to our village Panchayats and to our municipalities. But they were so much taken up with their conception of what should there be in our country as a constitution at the Centre and the States, that they did not devote sufficient time for it. I for one raised my voice at that time and then Mahatma Gandhi pleaded over a period of thirty years, previous to 1947-48, for decentralisation. He said, and I quote:

"It is not necessary that we should make it perfectly clear in one of these Directives that it is the duty of the State to establish village Panchayats in every village or for every group of villages, in order to help our villagers to gain training in self-government and also to attain village autonomy in social, economic and political matters so that they will become the foundation step for the top structure of our Constitution?"

Unfortunately, Sir, for the last 40 years or so, we have to carry on our own regime here in our country, democratic regime without that foundation. Fortunately for us, we have had this young Prime Minister coming with a fresh mind, without any prejudices and predilections, going round the country over more than two years from village to village, from slum to slum, from 'mohalla' to 'mohallah' learning how we go on living in our country, how we go on governing our country. Another leaders of our discovered India. Our Prime Minister has discovered our villages and mohallahs being governed and he has found that we have failed in our duty to develop this foundation for democracy. For 40 years, we have maintained our democracy in our country and the rest of the world is congratulation us for having stood so loyally by democracy and democratic ideals. Our friends here claim to be more democratic than the Congress itself. Some of them have become enthusiasts of democracy only recently because for a long time they have had their guides and theoreticians and masters, I suppose, in various parts of the world, especially in the Eurasian land mass of the world. But those countries and those people are moving towards democracy

whereas these friends are running away from democracy. What is it that they are going to tell our people tomorrow and day-after. They do not want our villages to have their own Panchayats with effective powers, political, social and economic and so on. Are they going to assure them that our cities and our villages are going to be better off with the kind of negation of democracy which we have had during all these 40 years? My hon. friend the Prime Minister has told us already in how many cities there had been no elections at all, for the City Corporation and Municipal Councils and so on; for the last 15 or 16 years and in how many States, in our own Congress Government States also, they have been no elections for more than a decade and therefore you want to give them an opportunity and they don't want to meet that offer. Suppose, our villages are to go on without any elections. What they wish to gain from that kind of situation I do not know at all. Yes, if your villagers are not used to their own civic functions, civic elections, then it would be easier to gain their votes by false premises, by unreal criticism. But that is no democracy. Here through these Bills, we not only are going to make it possible for our masses as a whole in the towns and in the villages to have their periodic elections, but also we wish to assure them that the State Governments would not be given the opportunity as they have had till now of denying that right to elect their own local leaders, their own local Panchayats and municipal councillors at stated periods and we also give them an opportunity to run their own administration. We should also assure our masses that it by any chance in some special circumstances their Councils have to be superseded, on their elections have to be postponed, it can only be for a maximum period of six months and not more.

Now, this assurance is a very important thing. We have had also for this Parliament, only twice we can deny, and that too for 12 months only. Thereafter, the Government has got to hold elections so far as the Parliament and State Legislatures are concerned; Now, for the villages and their Panchayats, for the municipalities and the town people

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only once they can be extended, only once they can be superseded. Thereafter, there must be elections and this is the assurance we are now giving to our people, crores of them, in lakhs of our villages. And my hon. friends when they go to the people, is it that they would like to oppose that assurance? They would like to tell those people that they are the kisans and mazdoors and the Scheduled Castes and Scheduled Tribes and the under-privileged people, enjoying their votes, that they could be prevented from exercising their votes against and again and over years and years by the State Governments. Is that the message that they want to take to the people? They are welcome to do so. They said, 'It is an election gimmick'. Yes, it is a referendum, we are going to the people now straightaway and I am not sorry at all that we have delayed it. My hon. friend has not purposefully delayed the introduction of these Bills, in this Parliament. For the last three years he has been hard at it holding discussion, debates and then seminars in every part of India with every group of people who are willing to be civic-minded, democratic-minded and he has come back here with these Bills. After all, these efforts that he had made not by himself alone, but with the cooperation of the Congress Party and with the cooperation of the parties in the Opposition also, as he has told us only yesterday or day before, even their own Municipal Corporation Mayors, Municipal Councillors, Executive Officers and some of their own Ministers joined hands with the Prime Minister. They put their heads together with the Prime Minister in many of these confabulations that he had held all over India in wishing success for such a Bill, in asking for such a Bill and in pleading for such a Bill. Yet, they have taken this decision to keep away from the House most extraordinary decision. Why, Sir? At the bidding of a gentleman who never had before had any experience at all of parliamentarianism before he was pitchforked to Chief Ministership. That is how they have done. Is this the way that political parties are to behave in such an irresponsible manner, undemocratic manner? Welcome they are to

this behaviour of theirs. But I know the people are going to teach them a lesson, I know the people are going to give a resounding assent to these two Bills and this Party which is responsible for it and they are going to hail the leadership of our Prime Minister who is responsible for this thing.

Then, Sir, what is the position of our villages? In our earlier times we had panchayats, but then they were confined to upper castes; the backward classes did not have much of a place in it and the Harijans and the tribal people never had any place at all. Now, we are going to provide representation for them. Not only that four our women also, our mothers, our sisters and our daughters. Did we give them a opportunity? It is not a fact that we considered it as a matter of respectability that our women should remain there in the harem and behind the door just in a whispering fashion, never to come into the fore and added their voices of assent or dissent? While these wise men go on confabulating and consulting among themselves. Now, we want to break away all these shackles and liberate our women. Yes, we will, we have given them votes. Sir, even then it was not enough. They should be brought into the fore under the banyan tree in an important manner into our villages, into our panchayats and councils and enthrone them wherever it is possible. True, we have raised Indiraji to the highest position in our democracy. What was more, it was more by what should I say as an apology? We did not liberate our women. We are going to liberate our women today. Earlier also we have done it by preventing them from committing suicide and sati. But this is a much more positive thing. We want them to live in an honourable manner, play an honourable and distinguished role in our democracy, by becoming chairman, by becoming panchayat heads and by playing a role as elected members. This is a very great social revolution that we are inaugurating in our country. In congratulate the Prime Minister for fulfilling the wishes of Raja Ram Mohan Roy, Ishwar Chandra Pandit Vidya Sagar, Veerasalingam, Karve, Phule, Mahatma Gandhi and Mrs. Naidu, a former Congress President, by taking spe-

cial steps to see that our women would be assured of at least 30 per cent of the seats in our Municipal Councils and in our Panchayats. True, he is not the first one. In Andhra, we have done enough in this and other directions also. But then the present leaders of Andhra, some how or other, instead of congratulating our Prime Minister, simply marched out of this House. They are denying their own tradition.

Sir, in Andhra we have got Panchayat system. The late Mr. Anjaiah held the elections and spared about six months of his precious time while he was the Chief Minister for only two and a half years, in order to see that in all our villages and towns elections were held. Certain towns were reserved for the Harijans and Harijans have become chairmen and panchayat heads. All these were achieved by Mr. Anjaiah, the labour leader, a former Congress Chief Minister and the present Ministry has followed suit and continued that tradition. This is only a further development over that achievement of our and instead of supporting and congratulating the Prime Minister, they insult as by their absence. They insult the voters by their absence. The insult democracy by this misbehaviour of theirs.

Sir, our village panchayats could not succeed in the past. But we have had village panchayats and panchayats. I myself was responsible for organising more than 700 panchayats in the 960 villages that we have had in my district of Guntur. That was a long time ago, 45 or 50 years ago. At that time, we did not have adult suffrage. We did not have the democratic facade. Now, we are having all that. At that time we did not have the funds. Nevertheless, we were able, under the inspiration of Mahatma Gandhi and the support of hundreds of Gandhians, especially Swamy Sita Ram, the great patriot, to make the people contribute by money and also in terms of labour to the development of social ethics and panchayats ethics in our villages. We repaired tanks and wells and we built bunds. We built school buildings, library buildings and we made roads. All that was done in those days when there were no

funds. Now, what is it we cannot do with the kind of funds that are being placed under the disposal of our rural development and rural area services? Thanks to the marvellous programme placed before the country by Indiraji under the 'Garibi Hatao' challenge, all this money is coming in now. But unfortunately there are so many loopholes. Money is going to waste in the wrong direction. Wrong people have been swallowing it through those middlemen, agents. In order to prevent that kind of wastage, the hon. Prime Minister has come forward to rejuvenate our villages and to see to it that every village will have an elected Panchayat, the Panchayats would have sufficient powers and that Panchayats would prevent these mischief that has been going on during all these 15 to 20 years.

Then, Sir, money is needed. Wherefrom is it to come? Are the Panchayats to tax themselves? What about the State Governments? Yesterday, we discussed the Karnataka Budget. They were in bankruptcy. How can we expect anything from them. Why were they bankrupt? It was because of corruption. Why was there so much of corruption? It has because of weak democracy. If there is village democracy from the grass-roots, there would be enough of people, enlightened people, educated people, democratically minded and trained people who would be able to take these Governors whether they are on the side of the Congress or on the side of the Opposition Parties to task, whenever they misbehave, whenever they make mischief with public funds.

Then, we want development in our villages. Mahatma Gandhi wanted it. The late Mr. Prakasam of Gram Swaraj Movement wanted it. Later on, Jayaprakash Narayan Lohia also wanted it. We all wanted it. They must have sufficient funds—wherefrom? That is why, the hon. Prime Minister suggested that there should be a Finance Commission. Let it decide how much of the tax resources that are being raised at the Centre, at the State and at the district level should go to the villages. Let them enlighten us. If the present tax machinery is not broad enough, let them

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suggest various ways by which we can raise more funds.

There was a time, when Pandit Jawaharlal Nehru, Shri Gulzarilal Nanda, myself and several others thought of persuading our people to contribute up to 50% to the resources that were needed for social reconstruction, road reconstruction, and then economic reconstruction. We did succeed somewhat. Now my hon. friend is here—Sardar Dhillon. He also cooperated with us. We carried out a large number of developmental activities all over India, as I said under the leadership of that Bharat Sevak Samaj. But unfortunately it did not succeed for want of support from the State Governments. These Scouts are also doing some good work; NSS are also doing some good work, but not enough support has been given to them. A new phase has taken over us. We are no longer simplicity minded in Gandhian fashion. We want all kinds of comforts for our own workers and their families before we expect them to do social work and that is the reasons why we could not succeed in that direction. We would be able to succeed in this way and other ways also, provided we develop, we nourish, we encourage this type of democracy in our country.

Sir, how are the elections to be held? Some of our friends spoke and submitted papers in the Seminar. These papers are more enlightening papers which your Parliamentary Group has circulated. They are very very useful books. They want direct democracy. If we have direct democracy, not indirect democracy, by electing the Panchayats, then it would be just as bad as the kind of Zero Hour the Parliament has here in this House as well as in the other House. One Member is speaking but he does not know what his friend is speaking. Others will go on speaking. The press people do not know what they are all saying. You yourself are completely helpless. I am wondering whether I am in Parliament or in a kind of a bazar. This is how it has come to be. Educated people,

highly trained people, come to Parliament, and provide this kind of ethics. Just imagine what would be the position in a village if there were two direct democracies. Would the Harijans be able to express their views? Would women be allowed to say anything at all? Would not any young boy be emboldened to go on shouting against his own mother "You keep quiet"? Therefore, direct democracy is not the right thing. Election is the only one remedy. But even in the elections also, in the presence of all these upper-caste people, rich people, employers and others, on whose mercy the ordinary kisans, ordinary khet mazdoors and Harijans have to live in the villages, would it be possible for them? Therefore, there must be elections conducted by the Election Commission in an impartial manner. Even then there is trouble. You have had that experience at the zero hour. In Haryana, only the other day, they were being rigged and they were being beaten up. Even now we are running that kind of a risk. But, in spite of that risk, we have got to go through elections and it is for this Government as well as the State Governments to see that security forces and their Police people would help Election Commission and ensure proper elections. We have gone through all those terrible troubles. Today elections are much better than they were 10 or 20 years ago. Therefore, there must be Election Commission and its supervision. Election Commission does not mean from Delhi then at the State level they would have to appoint people to supervise the elections. So, I am glad he has made provision for them, Election Commission as well as Finance Commission. These two are the two great weapons, which would ensure some kind of a strength and protection for our village panchayat and also in our towns. Having done that, where is the money to come from? That is where, at one time, I had to say that Rs. one crores set apart by Lord Linlithgow for reconstruction was not enough. It was only Rs. one crore. It was something like a sop to please Mahatma Gandhi because he was insistent upon village reconstruction and so on. Now we have got more than Rs. 1000 crores and he is prepared to place even thousands of crores of rupees

through this Rozgar and Garibi Hatao plans.

SOME HON. MEMBERS: Rs. 2,500 crores.

PROF. N. G. RANGA: All this money is coming but it is not enough. We need several time more money. That money has got to be raised. That will be raised once the panchayats come into existence. Right now because peasants have been voiceless, the mazdoors have been disabled from using their votes, in an effective manner, we have been able to get away with it and this Finance Minister goes to sleep so far as the villagers are concerned. Here after it would not be possible. The Central Government has to work on its toes. The State Governments have got to be on their good behaviour. Otherwise when the next elections comes they will be thrown out and, that is why, I welcome these Bills. That is why, I congratulate the Prime Minister. That is why, I congratulate my fellow Members here. That is why. I congratulate the people.

I am extremely sorry for the opposition.

MR. SPEAKER: Let us have lunch now and come refreshed at 2 O' Clock.

12.59 hrs.

*The Lok Sabha then adjourned for Lunch till Fourteen of the Clock.*

14.03 hrs.

*The Lok Sabha re-assembled after Lunch at three minutes past Fourteen of the Clock*

[MR. DEPUTY-SPEAKER *in the Chair*]

MR. DEPUTY-SPEAKER: Shri P. Chidambaram to make a statement.

STATEMENT RE: FOURTH, FIFTH, SIXTH, INTERIM REPORTS AND FINAL REPORT OF KUDAL COMMISSION OF INQUIRY SET UP TO INQUIRE INTO THE AFFAIRS OF GANDHI PEACE FOUNDATION AND CONNECTED ORGANISATIONS

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, The Lok Sabha passed a Resolution on 28th August, 1981, recommending that any action to tarnish the name of Mahatma Gandhi be taken serious note of and that the acts and activities including publications, sources and mis-use of funds of the Gandhi Peace Foundation, Gandhi Smarak Nidhi and All India Sarva Seva Sangh be inquired into by a Commission on inquiry. A Commission headed by Mr. Justice P.D. Kudal was accordingly set up on 17th February, 1982 under the Commission of Inquiry Act, 1952.

2. The Commission was required to complete its inquiries and report to the Central Government within a period of six months. The work however took much longer than anticipated and the life of the Commission was extended from time to time till 31st January, 1987 when its task were completed.

3. The Commission submitted Six Interim Reports and a Final Report. The 1st, 2nd and 3rd Interim Reports of the Commission, alongwith a Memorandum of Action Taken on each report have already been placed on the Table of the Lok Sabha on 4th December, 1985 and 7th May, 1986 respectively. The 4th, 5th, 6th Interim Reports and Final Report of the Commission alongwith Memorandum of Action Taken are now placed on the Table of the House.

*4th Interim Report*

The 4th Interim Report of the Kudal