

SHRI AJAY MUSHRAN: My point of order is, the Hon. Minister has just given some excerpts from the Commission's Report which has been put on the table of the House. These charges are grave. A prima-facie case exists. I think it should have been in fitness of things that the Minister himself should have offered that there should be a discussion in the House. We have already given notice.

MR. DEPUTY SPEAKER: The Minister cannot say that. Only you have to demand. If you want to demand and take it up for discussion, you give proper notice, it will be taken up.

SHRI AJAY MUSHRAN: We have given notice.

SHRI SHANTARAM NAIK: Earlier in the case of Bofors, time used to be fixed than and there. Why cannot you do it now also? *(Interruptions)*

MR. DEPUTY SPEAKER: Don't you feel that the Constitution Amendments are more important than this? Please take your seat...

(Interruptions)..

MR. DEPUTY SPEAKER: Don't Disturb.

SHRI AJAY MUSHRAN: With your vast experience it does not take much time to decide whether there should be a discussion or not.

MR. DEPUTY SPEAKER: I told you, you give notice.

SHRI AJAY MUSHRAN: You decide it now.

MR. DEPUTY SPEAKER: I cannot do it now.

(Interruptions)

MR. DEPUTY SPEAKER: Shri R.S.

Sparrow to speak on the Constitution Amendment Bills.

(Interruptions)

14.14 hrs.

CONSTITUTION (SIXTYFOURTH
AMENDMENT) BILL
AND
CONSTITUTION (SIXTYFIFTH AMEND-
MENT) BILL—*CONTD*

[English]

MR. DEPUTY SPEAKER: The House shall now take up further discussion on Constitution Amendment Bills.

Shri R.S. Sparrow to speak.

SHRI R.S. SPARROW (Jullundur): Hon. Deputy Speaker Sir, I feel privileged to say a few words on this very line type of two Bills that have been brought in by the hon. Prime Minister and the Government of India.

This is one big point for the people of India to congratulate themselves on this particular issue. I qualify it by saying that this is the realism type of old dream of Mahatma Gandhi that is now after a long time being interpreted in its correct shape and form. There are 7,77,000 villages in India. 80% plus people are living in huts, hamlets, villages, sub-urban group of towns and cities. It affects their province. It affects their uplift. If this is not the right direction, there could not be any other right direction in which India could move. Incidentally, this is something which runs in consonance with our Constitution. The very first page of the Constitution—the Preamble—speaks about democracy, socialism and secularism. This is the real base and this is the real organ, from which these three things will flower into right shape and fragrance, when these two Bills—Acts—are implemented in spirit and goodwill. This is going to come up from the masses. Don't we ever think that those people do not under-

stand what is happening around the world—not from now on, but from very long time back. The village people may not be very much up in wealth that you have. but otherwise, they have bundles of commonsense; activated by that commonsense, they rely upon themselves. You give them the power; you give them the opportunity; that will be the sure way of India having become one of the foremost powers—developed in the world. So, the action taken and the direction being given by our Prime Minister and the House is absolutely top class. We people have been waiting for that. I come from a small village. I know how people can manage their own affairs. I cannot forget that in Nagar Council how they themselves, without having to worry about the authority, used to manage things between them so well. I cannot forget, for instance, Baba Dhunda, a small type of backward class, whose total property in the world was only two donkeys to move the grain from one place to another, getting a little bit of cut out of that. Would you believe? There were so many big type of people living in that village, independent type of people living in that village, but whenever there was any trouble, the little council sat and Baba Dhunda virtually presided over it. He would give out truth and justice, without fear for anybody and his name was working. If he says 'all right, I will listen to everything', it will be done. If he says that such and such person will have to pay Rs. 10/- as fine to the other party, it will be done. Invariably, his decisions were final, and mind you, they were all uneducated and low working type of individuals—financially and otherwise—and there it worked. Village people are not a bad lot. They understand each other. They stand for each other. They can have their family feuds. It is difficult to see anywhere elsewhere you do not have that type of aberration and that type of fissures. They are there. Nevertheless, this is a new light shown for the progress of 800 million people of India. This will spin out what? Power. Living standards are going up. Village is awakened. It wants to have its living standards go up. There has to be a methodology to work out this process and this process have been worked out in paper. I happen to sit on

various workshops concerned with this subject. I congratulate the Speaker of this august House for having conducted a very fine seminar in which many of us had the opportunity of exchanging views. I might point out that whatever the plan that may have been chalked out, whatever the methodology has been worked out—any kind of plan, it may be an army type of plan also—you put into operation, you go into battles. First you work methodically, sector-wise all your exercises and after that you carve out a plan and go to a battle. While implementing some weak spots could be spotted. Nothing is ever perfect but the real checking on that will be when we float the whole thing into working and if you spot anything that needs little bit of an amendment that you can also be done but that does not mean that this particular process should not be started. It is a methodically worked out process and it should be our duty to implement it with full will and vigour. I feel sorry today. My friends may not misunderstand me. This is one occasion when even the Opposition should have been here. This is something which concerns India. It does not concern small little people this way or that way. This does not concern one party alone but it concerns India as a whole. It is the villages and the masses that matter. Through various statistics and figures we know the large percentage of population which lives below the poverty line. We know what are the facts—commendable or mendable—of the system of progress that has to be made by way of upliftment. We also know the standards of living of our people. Some figures even show the living standards of certain sections of our society are going up. So these are the problems which have to be tackled through this method and I congratulate this House for finding out this particular method. Lot of work has been done on this for the last two-three years and now we have reached to certain conclusions. These are not some kind of airy-fairy type of conclusion. They are worked-out type of conclusions and on that we want to base our future. Future is important. As I said earlier if there are any little slips the same would be mended. I am sorry that the Opposition people did not give their hand to

[Sh. R.S. Sparrow]

it. I would like to blame them for that. One should not run away from the battle field. If you want to fight a battle fight it here. If any amendments need to be done that does not mean you should not participate in the debate. This was an opportunity when you could have pointed out the deficiencies in this provision. This is real democracy. This forum is meant for that purpose. So I feel sad about it. Some of them are capable people. I am not trying to cause any affront to them. It is a question which is logical and logically we have to look at everything and not through 'dhakambazi'. We should be aware of our status and elevated type of position being the members of this august House. Our is one of the largest democracy in the world and apropos of that we have to be large hearted and not behave like small minions moving around the place. For this I wish to recommend that whatever has happened has happened but now in spirit and with full mind the Opposition members should on the ground everywhere promote this idea that these two Bills are really worth trying out and implementing. They should help in their implementation. As I said earlier if any slips or holes are spotted while implementing these provisions those could be plugged.

Now, Sir, a word about reservations. I have a little request to make. As regards women-folk it is wonderful. I bow my head to my women folk—my mother, my sister, etc. I bow my head meaningfully. Whenever we have been in difficulty, over the ages our mothers and womenfolk came to our rescue. They even sacrificed themselves looking after our interests. Today, from the point of view of our civilisation and heritage, Indian womanhood is number one in the world. I have tried it time and again. I cannot forget Rani Lakhshmibai of Jhansi. All types of swanky princes had to bow their heads down and run away from the battlefield. It is wonderful. What type of exploration and what type of historical facts are these! So, it may be Rani Lakhshmibai of Jhansi, it may be our other mothers, it may be Mai Bhago, it may

be so many others. They are the ones who bring you up. They are the ones who bring incidentally whatever you have learnt up to the age of 7,11 and so on and so forth. Mother was always on your side to put you in the right direction—don't steal, don't do this, do that. All these better things have been given to us by mothers.

In that context, now I come to my last point for your kind consideration. The Minister may kindly note it. Wherever it be the question of reservation, bring in in some manner or form the exservicemen right from village upwards. You should involve them in this project. A good thing is always welcome. In them, there is a sense of discipline, there is a sense of responsibility, there is a sense of training. All these things are there in them. When I went into the battlefield—you would believe me—Hindus, Sikhs, Christians, Harijans, Bodhis, Muslims, all were there. Not one of them ran away from the battlefield. So, this is a special type of recommendation to you. Don't misunderstand me. The best people today are the exservicemen and the serving personnel of the armed forces. They are at your disposal. They are yours. There is no doubt about it. Exploit them to the full extent. If the ministerial benches and, of course, our hon. Prime Minister and others wish to get the views of some of us, it is most welcome. Try to bring in as many of them as possible. With these words I thank you very much.

[Translation]

*SHRIP. SELVENDRAN (Periyakulam): Hon'ble Deputy Speaker, Sir, I feel overwhelmingly glad to participate in the debate on the Panchayat Raj and Nagarpalika Bills moved by our Hon'ble Prime Minister. These two Constitution amendment Bills are before us in a moment of history. As far as I am concerned, I feel extremely privileged to be a member of this House while these two historic measures are sought to be enacted for the benefit of generations to come. I am equally happy over the unique opportunity of participating in this debate.

*Translation of the Originally delivered in Tamil.

Though this august House has seen a plethora of Constitution amendment Bills since Independence, the present Bills moved by our Hon'ble Prime Minister stand out as a class of their own in as much as these are fundamentally revolutionary.

What is revolution? It is a change in perception, a reformation in contemplation, daring in expression and ever a new in action. These are the clear portents and basic contents of a revolution. That is how I would like to define it. I see all these essential ingredients together in our Hon. Prime Minister, Shri Rajiv Gandhi. It is my bounden duty to assert that by bringing these two Bills, Prime Minister, Rajiv Gandhi has become the embodiment of all these revolutionary virtues.

We are here through the power of the people and by that same power we return that power to the people to whom it should belong through these Bills. Mahatma Gandhi very rightly said that the lift of this nation is in its villages. I, therefore, with profound joy wish to say that here is the Prime Minister, who has given life to the villages to see the nation beaming with life.

The problem is not who are the supporters of these historic measures. The problem is also not which of the parties that oppose these Bills, which recreate history. Today, the members of the opposition who ought to be debating this measure are on the streets heaping abuse on each and every good measure this Government is committed to bring. They have abdicated their duties and responsibilities towards the poor villages on whose votes they were able to get elected to this august House. They have betrayed the trust reposed in them by the poor villagers by resigning their seats and absenting themselves when two important Constitutional measures conferring on the poor villagers the basic democratic rights are being debated. The opposition members have betrayed the poor villager's confidence by not being present here when two measures which seek to shape the poor villagers destiny, which seek to fulfill the aspirations of the

poor villagers and which seek to cater to their longing for democratic nourishment are being debated. The opposition members have, therefore, disappointed their voters. They have abysmally failed from discharging their duties. Let there be any number of opponents. Let there be any number of critiques. Let me very surely tell the Hon. Prime Minister that the 70 crore people of this country are behind him, are behind these measures.

May others ridicule that these are being brought with an eye on elections. They call it an election gimmick. Let me very candidly state a politician thinks of only elections. A national leader thinks of the progress of the future generations. Our Hon. Prime Minister, Shri Rajiv Gandhi has brought these Bills for the sake of future generations, for shaping the destiny of the nation as a leader of the nation. I am profusely thankful to the Hon. Prime Minister on behalf of the AIADMK for bringing these Bills.

When "Puratchi Thalaivar" (Leader Revolutionary) was the Chief Minister of Tamil Nadu, many of the salient features of the Bills were sought to be implemented in the State. He desired to provide for separate reservation for women. He also desired a separate reservation for Harijans. He also desired to provide voting rights to those attained 18 years in the local body elections. Certain Opposition parties in the state, as they register protest again the provisions of the Bills brought by the Prime Minister, registered the same protest when MGR made same proposals. They saw the policy of reservation for women and Harijans and reduction of voting age through political glasses and stayed progressive actions by judicial injections. They stalled MGR from reaching democracy to the doors. Today, MGR is no more with us. When we understand that the dreams of MGR are being realised and that his ideals are being concretised through these two Bills, our party is eloquently in praise of our Hon. Prime Minister. This Government awarded 'Bharat Ratna' on MGR posthumously. Let me state with full sense of satisfaction that the bringing of these two Bills with provisions for reserva-

[Sh. P. Selvendran]

tion for women and Harijans in the local bodies is a single act which simply is more than a match to the awarding of 100 Bharat Ratnas on MGR. I am, therefore, deeply thankful to the Prime Minister.

The Bill provides for reservation of 30% for women. Mother presides over the society. She is the head of family. She is a demi-God. Therefore the only provision that could have world-wide acclaim is this provision for reservation for women. Madam Gandhi, the mother who gave birth on this earth a memorable son, Shri Rajiv Gandhi, was a leading example to the world women community. Hon. Prime Minister, Shri Rajiv Gandhi has paid a benefiting tribute to the memory of his great mother by according 30% reservation for women. He has thus secured Indian women their due honour, pride and prestige among the world women community. When we say women, they are usually looked down upon. As a cricketer toils to run between the batting end to the bowling end to secure runs in the game, in the cricket play of family life, it is the women who run from the kitchen to bedroom and back sacrificing their blood and sweat in the interest of maintaining the honour of the family. Thus, this reservation is a befitting gesture. This reservation takes the women to public life to reach noble heights. I, therefore, welcome this provision. These Bills also provide for reservation of seats for Harijans in proportion to their population. Harijans have all along faced hardships in history. The injuries inflicted by history on the people are still bleeding. They were the victims of oligarchic oppression. They were the victims of feudalism. A Tamil poet has very correctly described their plight in the following words:-

Wife intrudes forests for wood
When cobbler shapers it for boot
Wails the wife with wounds of thorn in feet
Chip! Chap! strikes the cobbler unconcerned to make the ends meet.

When the wife is bleeding in the feet with thorn-injury, the Cobbler is still on his profession unconcerned for his wife for he has to make a boot for the Zamindar. These are the sufferings of the Harijans. It is our Prime Minister who has to his credit the honour of providing due and adequate representation to Harijans in the village and urban local bodies. I whole-heartedly welcome this provision.

The Bill also provides for quinquennial elections to local bodies if they are superseded, elections have to be held within six months. Election Commission will be responsible for the direction, superintendence and conduct of elections to local bodies.

Prior to these Bills, local Governments in the States have an history replete with supersessions, delay in holding elections and other abuses of the rights of poor villagers. The stepping in of the Election Commissions will have a desirable effect of conduct of elections in time. For months and years together elections to local bodies in certain States have not been held. When circumstances are not favourable to the ruling party, it refuses to test its strength at the local body elections. No more the powers are with the State Governments. Election Commission would decide the elections for the local bodies. This amendment, therefore, makes me feel happy.

Many of the accusations of the opposition Governments are that these Bills usurp the powers of the State Governments, that these Bills divest them of their powers and that the centre would directly intervene in the local administration. The DMK, the ruling party in the State of Tamil Nadu has also levelled such accusations. Even those two members belonging to that party have deserted the House derelicting their duties. I would like to point out to the august House that these people who fight for more and more powers for the States and who shout slogans that they are willing to shake hands meanwhile they would raise their voice for their rights are today shy of transferring power to the people. Why should they shun

devolution of powers on the people? Why should they get alarmed at this? Why should they get unnerved by the provisions of the Bills? What is anti-democratic about it? Then what justification they have in asking for more and more powers for the States? It is as strange and funny as the idea of watering the branches instead of the roots. People in the villages, town and districts are the roots. When power is devolved on them, political parties should not object to it.

While I support the provisions of the Bill, I would like to make a few suggestions in regard to elections. Elections are being held for the three-tier Panchayats. The Bill says, as per the provisions that would be made in the respective State laws, the Panchayat Presidents will be elected. It would be salutatory provision if we make that the Union Chairmen and Chairmen of District Boards will be elected by direct election. Otherwise, while the village Panchayat heads elect in turn the Union Chairman, there would be a lot of scope for malpractices. In order to ensure the support of the Panchayat head in favour of a candidate, all kinds of malpractices would be resorted to. We have many precedents that support this. While these revolutionary measures are being enacted, I am hopeful that Hon. Prime Minister would make necessary amendments in the Bill to the effect that the heads of Panchayats at all levels will be elected by direct election.

For causing this basic social transformation through these Bills, Hon. Prime Minister would be revered in history and those who oppose the measures would become infamous in history.

SHRI NARESH CHANDRA CHATURVEDI (Kanpur): Mr. Deputy-Speaker, Sir, first of all, I congratulate the hon. Prime Minister Shri Rajiv Gandhi for introducing the Constitutional Sixty-fourth and sixty-fifth Amendment Bills. This is realisation of Mahatma Gandhi's dream.

For Mahatma Gandhi, democracy was not a system that consisted of the Lok Sabha

and the State Assemblies only but a system where decision-making power permeated down to the grass-root level. For the first time to step towards achieving this end has been taken by our hon. Prime Minister Shri Rajiv Gandhi through the introduction of these Amendments. The entire nation is indebted to him. As hon. Prof. Ranga said in his speech that for the first time such a step had been taken. And he is the right person to say so because he was a member of the Constituent Assembly. Such a step would have been definitely visualized at that time also. The Constitution came into effect on 26 January, 1950. Forty years have passed since then but due to some reason or the other power has not been able to reach the common man. This is the first time that power is being devolved to the common man of the country.

In fact first time the common man, the farmer, the poor and the down trodden will feel the true meaning of 'Swarajya' in the country for which our Hon. Prime Minister deserves to be congratulated. The most important feature of this Constitutional amendment is that it provides for 30% reservation for women. Such a step is being taken for the first time but it doesn't mean that women were looked down upon in this country in the past. Our 'Rishis' have given a mantra which says—"Yatra naryantu pujiyante, ramante tatra devatah", which means that 'devatas' reside where women are respected. Hon. Shri Rajiv Gandhi has fulfilled this dream. Our women will assume the mantle of leadership when Panchayats are formed in villages. In this way the country is certain to have a bright future before it. Yesterday in his speech, the Hon. Prime Minister had drawn attention towards the various aspects of this matter. He also made a mention of the apprehension often expressed by some hon. Members of the Opposition and some of our so called intellectuals that it is quite possible that some undesirable elements might capture the various posts in the Gram Panchayats, Municipal Corporations and Municipal Committees. Had this measure of taking democracy to the grass root level been

[Sh. Naresh Chandra Chaturvedi]

abandoned due to this fear, it would have been a failure of our leadership. For the leadership to succeed it was essential to place full trust in the masses and this is what hon. Shri Rajiv Gandhi is doing today. I agree that by lowering the voting age to 18 years and delegating greater authority to Gram Panchayats, municipal corporations, municipal committees and local self bodies, democracy in this country is being given a new look. For several years, and more so in the Congress Centenary year, our leader have been asking for the removal of those elements and power brokers from positions of power, who have become exploiters. Action taken against these exploiters will be effective only when the masses of this country are allowed to share the cake of freedom. Therefore, I feel that the amendment related to reservation for women is a very important one.

There is another very good provision. It is believed that economic resources have been misused for many years. I was pained to hear the statement given by hon. Shri Chidambaram about in respect of the report of the Kudal Commission. We fought for nation's independence under Mahatma Gandhi's leadership. Various organisations have been set up in the name of the Father of the Nation. I am ashamed to learn as how some persons connected with these organisations, whose names have been mentioned in the House today, maligned the name of the father of the nation and resorted to dishonest practices and indulged in malpractices in connivance with foreign powers. My head hangs in shame to hear this. Shall we call it a misfortune for the country when we see that the institutions established after the name of that great soul—Mahatma Gandhi—are indulging in such activities? It is only 42 years back that the father of our nation passed away and in the meantime such type of people have emerged. Who will check these things? It is the people of this country who will check these things. This is a country of 82 crores people. If 82 mischief mongers get together, 82 crore people will meet the

challenge thrown by them. A handful of persons cannot face them. While welcoming the amendment, I would like to make yet another submission. The concept of Finance commission envisaged through this amendment will check misappropriation of funds. It is a very important part of this amendment. When the Finance Commission will continue to function, even the elected representatives cannot misappropriate the funds, because the Finance Commission will exercise control over the financial resources. It will also help in checking misappropriation of financial resources of the country. It is a very important feature of this Bill.

The second and the most important feature of this Bill is that elections will be held compulsorily after every five years. Our past experience shows that elections to Municipalities and Zila Parishads were not held for 10 to 15 and even 20 years. Municipalities remained dissolved for years and these were being run by the bureaucrats, and the democracy was not in the hands of the people. This resulted in exploitation of the common man. This also caused hardship to the commonmen. Some people started managing the affairs of these institutions just as they manage the affairs of their Zamindaris. It will also stop misuse of power which had become a part of life with some people. With the passing of this Bill, elections to these bodies will be held after every five years. Henceforth, the Municipalities, Zila Parishads and Gram Panchayats will be governed by elected representatives of the people. I am fully confident that with the passing of this Bill the common man in the country will get more powers and democracy will be further strengthened.

I was stunned to see the stand of the opposition on this issue. I do not know as to who their leader is? Mahatma Gandhi was the leader of all. If these people accept Mahatma Gandhi as their leader, they should have joined this revolutionary campaign. The people of this country and the electorate which they represent had elected them with the hope that after their election to this supreme body, they would contribute their might

in managing the affairs of democracy through democratic means and would help in taking the Ganga of Swaraj to the common man through democracy.

What happened today? Only those congressmen are sitting here who belong to a party which has been fighting for the last 105 years with a view to bringing democracy to the country and providing the power the democracy to its people. Today, the hon. Members belonging to the same institution are passing this Constitutional (amendment) Bill also. How many members of the opposition are sitting here today?

I am taken by surprise when I find them making 'cycle journeys'. How can they reach the common man of this country by undertaking 'cycle yatras'? Will they become leader of the poor like Gandhiji through these means? If somebody ties a handkerchief on his head, will he become a Jai Prakash? If somebody puts on a loin cloth, will he become Mahatma Gandhi? If somebody puts on a turban on his head, will he become Lokmanya Tilak or a Maulana Azad? It is only by one's deeds that one can become great. If you serve the country with full strength and dedication, you can be called a responsible person. By mere show, you cannot find a place. I feel sad that the people who are not present here did not take these point into account. They did not judge as to how the common man of this country was looking at them with tearful eyes. When the power of the nation and the power of the society is reaching the common people, they should have contributed their might in it. But before making any contribution, these people ran away. Anyhow, it is their political thinking and for this they will face the consequences when the elections are held, because instead of representing the people in this revolutionary step, they ran away from here. In future, the people of this country will not give them any such opportunity so that when a time comes for participating in such an important issue, their representatives do not run away from participating in the debate. The people will not allow such a situation to come in future.

I would like to appeal that this constitutional (amendment) Bill should be passed in a befitting manner. Yesterday, Shri Shahabuddin had raised a constitutional issue. If any such thing comes to our notice that any clause or any section of this Constitution will obstruct the process of providing political power to the people of the country, that particular clause or section should be deleted from the constitution through this Constitutional (Amendment) Bill. It should be our resolve to ensure that the power of the nation, the flow of Swaraj and the power of Swaraj reach the common man. All the obstructions coming in its way should be removed forever, so that the dream of 'prosperous village', which leaders like Mahatma Gandhi, Jawaharlal Nehru, Maulana Azad and Subhas Bose once saw, could be realised.

With these words I express my thanks to you.

[English]

SHRI BHOLANATH SEN (Calcutta South): Mr. Deputy-Speaker, Sir, I would like first to speak on a point which was raised by Mr. Shahabuddin yesterday. The Constitution was made by the people of India and I will just read one or two lines of it:

"We, the people of India, having solemnly resolved to constitute India into a Sovereign, Socialist, Secular, Democratic Republic and to secure to all its citizens: Justice, social, economic and political;...."

Now, by this, the people of India created a system and appointed certain managers. That is to say, the Ministers, Prime Minister, Chief Ministers, Judges, all these are managers to manage the their lives and affairs. And that is why under Article 368 it is clearly mentioned that this Constitution can be amended for many and other reasons. And here, even the lists in the Seventh Schedule can also be amended. There are certain procedures. Therefore, the people of India, at that time also those who gave the Consti-

[Sh. Bholanath Sen]

tution, thought that this Constitution is not a static document, society will not remain static and society will need to change the Constitution for running of the affairs.

Now, things have gone for years and years but many of the Directive Principles have not been given effect to and one of them is Article 40. Article 40 is clear and that is also a mandate under the Constitution. It says:

"The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government."

Now, good Government is no substitute for self-government. From the second and the third centuries, people have been thinking the good government is no substitute for self-government. Here, it is specifically stated "self-government".

Mr. Shahabuddin had spoken about the violation of the basic principles. I will read from the majority judgement of the Supreme Court in the *Minerva Mills* case:

"Fundamental rights occupy a unique place in the lives of civilized societies and have been variously described in Judgements of the Supreme Court as "transcendental" "inalienable" and "primordial". For us, they constitute the ark of the Constitution. To destroy the guarantees given by Part III in order,., purportedly, to achieve the goals of Part IV is plainly to subvert the Constitution by destroying its basic structure. The Indian Constitution is founded on the bed-rock of the balance between Parts III and IV. To give absolute primacy to one over the other is to disturb the harmony of the Constitution. This harmony and balance between fundamental rights and directive principles is an essential feature of the basic structure of the Constitution. The goals set

out i part IV, i.e. Directive Principle, have to be achieved without the abrogation of the means provided for by Part III. It is in this sense that Parts III and IV together constitute the core of our Constitution and combine to form its conscience. Anything that destroys the balance between the two parts will ipso facto destroy an essential element of the basic structure of our Constitution."

15.00 hrs.

What has done by these two Bills? Basically these Panchayats or Nagarpalikas have been given recognition in the Constitution in pursuance of Article 40. What is it? They will have the funds, they will have the planning, they will have elections at regular intervals. This is the mandate given in the Constitution or is being given in the Constitution. But when you think of the powers, you will see, as the State Government will devolve. Certain Schedules have been made, i.e. 11th and 12th, which will give powers to these organisations subject to the decision by the State Government. I am sure that this cannot be considered as a violation of any of the norms of the Constitution. This is in consonance of the spirit of the Constitution. There is no question of striking it down by the Supreme Court or any other Court for that matter.

It is a beginning. I will say that this is a beginning of a new journey because funds will have to be provided basically by the State Government. Though there will be a scope of Central Government giving to the statutory body or the Constitutional body some funds, planning will be done all over the State, as the mechanism of the Finance Commission will find. There will be distribution of money between the State and these institutions.

While I was reading the Bills, I remembered one thing. Once there was a question of a bridge being constructed between West Bengal and Orissa. It was done by consent. That is to say, the Chief Minister of Orissa

wrote that they want to construct a bridge and the Chief Minister of West Bengal agreed to it and the money was shared. I do not know how planning will be complete unless the inter State problems are also dealt with. Nevertheless a beginning has been made, that is to say, the country and the town both should come together and plan the society in such a way that there will be economic development as well as social justice, which is the goal of our society.

What is happening in Darjiling? In spite of the fact that West Bengal is a State, Darjiling felt that they were ignored and there was no development. Now Darjiling has got certain powers. Nobody has gone to the Court by challenging it. Jhargram movement is going on. Why? Because they feel that they have been neglected and they are not getting the attention of the States and they are not getting the economic and social justice. We appointed Managers, but the Managers have become the masters. This is where the snag is. These Ministers or Chief Ministers have been chosen or elected. They have a control over the money. That is the most important part. They have a control over the lives of the people. The whole object to oppose these Bills is the fear to lose control over the entire money and the lives of all the people of the State.

15.04 hrs.

[SHRI SOMNATH RATH *in the Chair*]

Raiganj is the Municipality in North Bengal. When show cause notices were given for dismissal the Municipality succeeded. But ultimately it was thrown out without any notice. Berhampur Municipality is another case, where Congress I had 19 Commissioners and CPIM had 11 Commissioners. Without giving any show cause notice, this Municipality was thrown out and an officer was appointed as the administrator. I was really interested to see it. The provisions have been made. Just as in the case of impeachment you have certain restrictions, so you cannot throw out an elected chair-person without the required number of

majority or without the required number of people going against him. Within five years you cannot throw him out otherwise. This is one way of giving them power to decide their own fate. We have another trouble here. We in Parliament represent in our constituencies about 10 to 12 lakh people, meaning thereby we represent about 20 to 25 lakh people's lives. But in England, the country which is called the mother of democracy, MPs represent 50,000 to 60,000 people only. They have larger number of MPs than we have in India. We have 543 MPs and there it is more than 700. So they can give attention to 50,000 to 60,000 people. Mr. Shahabuddin, how many families you can give attention to? You cannot. It is physically impossible. They will weep or they will enjoy or they will laugh or they will suffer, you would not be there. Therefore, it has become necessary that people with power should be near the people at the grassroot so that they can share their fate and improve their conditions. This way, justice is brought to their doorsteps. This is the approach. In the beginning I was only interested to see that the money goes to the people for whom it is spent. But it does not go to them. Out of Rs. 100 sent for a man, Rs. 80/- goes to different places and only Rs. 20, if at all, reaches him. If there is a panchayat and if all these programmes about Jawahar Rozgar Yojana and others are also handed over to them, they will decide their own fate and they cannot do injustice because they live in the same village. I am in Delhi. Whatever happens in Calcutta I would not be able to know. I have seen people in the slums in Calcutta. About 40 per cent of the people live in slums there. Go to Bombay. They will have in the slums sub-human conditions even in the year 1989. Who is the man who has come over here and talked about them and got anything done? Even if you talk here, it will be said that it is a State subject. So nothing can be done here. But if a man is there, if the panchayat is there or Nagar Palika organisation is put on proper footing and it is there, I am sure that the people will have greater attention. What is being done? India is a republic. It is not a kingdom. We have no kings. Our king is the Constitution; our king is our people, our

[Sh. Bholanath Sen]

citizens. Our citizens gave some powers to them whom I call managers in the Constitution. Now they want to take some more powers for themselves, what is wrong in that? There is an indication in the Constitution itself that there should be self-government. They were not fools who made the Constitution. Why in spite of all elaborate things, of elaborate law and the experience of 1935 Act, they said it? Why Mahatmaji said about panchayats in villages and why Karl Marx talked about village organisations? Because we do not travel from one end to the other. And nowadays, it is impossible. The plane fare has become Rs. 1500 from Calcutta to Delhi. The justice has to go to the doorsteps of the citizens. The power has to go in the hands of the people so that they can sort out their own things. I personally feel that lot of problems will be solved in this way. There is unhappiness amongst the Scheduled Castes. Even today if you go to the villages, you will find that in the same village there is a Muslim locality, there is a Scheduled Castes' locality, there is a non-Scheduled Castes' locality. This sort of a funny thing is still going on, even in 1989. Unless you compel them, by making reservation of seats, to meet together, to discuss, how will they forget the past, how will they usher in a new world that India is looking forward to or that we are looking forward to?

For the last five years I have been watching everyday's proceedings. I cannot help but saying that every time I noticed the actions and the speeches of the Prime Minister and I have no hesitation in concluding almost from the beginning, and I have not changed my mind, that here is a man who is in charge of the affairs of India today, who really believes in genuine democracy. At the same time, some of our people, say in West Bengal or in some other Opposition ruled States, say he is a dictator. I do not understand this. This is the gentleman who has tried elections in Punjab knowing fully well that Congress may not come to power, that his government may not be established there, that somebody else may come to power. Yet

people's voice was given the prominence. Now here it is that we have not been able to give prominence to the people's voice in spite of the machinery that we have and that we have been working with. On the contrary, we find amounts galore going in a different way and the money being wasted. I give you one example. Unless and until you belong to the ruling party, your voice will never be heard even for the sake of Panchayat which is there. In West Bengal, if the Panchayat belongs to CPI (M) then they will get all the money, but if the Panchayat does not belong to CPI (M), then they will not get the money. This sort of a thing we will not have now. This is going to be the corner stone now. Call it a revolution or call it anything, it is going to make a big change, a big leap in our progress in future. Thank you, Sir, for giving me an opportunity to speak.

[Translation]

SHRI SHRIPATI MISHRA (Machchlishahr): Mr. Chairman, Sir, today new chapter has been added to the democratic traditions of this country. It is such an important chapter without which our democracy would not have achieved its rightful place. By presenting Sixty Fourth and Sixty Fifth Constitutional (Amendment) Bills in the House, we are going to accomplish a big and significant task of making the grass-root level units of democracy, such as, Panchayats in the rural sector, Municipal Councils, Municipalities and Municipal Corporations in the urban areas. Through they two Bills, we are going to strengthen these units. I was think that the entire House will participate in this discussion, but the hon. Members of the opposition kept themselves away from participating in the discussion. They made it an issue, resigned from the House and did not participate in such an important discussion. But what was the issue; what was the basis on which they resigned? It was an issue which has been raised in the House a number of times over the past two and a half years and the Government on its part has always clarified its stand. Even then the opposition made it an issue and resigned from the House. The members of the oppo-

sition had been repeating the same allegations against the Prime Minister for the last two years. There was no change in their attitude during this period and then they submitted their resignations. What did they gain? Had they continued like that for another two and a half months, the situation would have been different as the election results would have been out by then. But they preferred to resign. Many times, I think 'why did all this happen'. They want to unite somehow. When the Hon. Prime Minister introduced the Bill relating to matters connected with Panchayats, Nagar Palikas and Panchayati Raj in the House which brought the rural areas close to the Centre, the opposition got nervous. They thought that if they oppose it they might create a bad impression in the public mind and if they did not oppose they might find themselves unable to achieve their political ends. No political party is concerned about the national interests. Several regional parties have been formed to protect regional interests—like Telugu Desam is for the Telugus, DMK is for the people of Madras and AGP for Assam. Similarly, in Bombay, there is Shiv Sena. In this way, all these regional parties have been formed to safeguard the regional interests. They feel threatened only by one thing—that in case Panchayats, Nagarpalikas etc. are strengthened and become efficient, it would weaken the organisations which encourage separatism in the name of language and caste etc. Moreover, these political leaders have no political power of their own, if at all they enjoy some power that is because of the regional factors and they want to use that power to achieve their political motives. They have nothing of their own. They have just managed to raise a structure and are now trying to paint it. The colours are varied. Somewhere, it is AGP, somewhere it is DMK or Telugu Desam and somewhere it is Shiv Sena or Akali Dal.

Mr. Chairman, Sir, they were afraid that had they supported the Bills the people would have got the impression that they were in favour of curtailing the powers of the States. In some far as the opposition of these Bills

was concerned they did not have the guts to do so. In this case, also people would not have been happy with them. Under such circumstances, they thought escapism was the best course for them. Sir, these Bills have brought about lot of public awareness. On the one hand, the Hon. Prime Minister introduced these Bills despite criticism and continued to face allegations since he came to power. Whereas on the other hand, the opposition leaders—you would forgive me for saying that many of them were sitting MPs—know what happened during the year 1977, to 80 when they were entrusted with responsibility and after that in 1980.

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER IN THE MINISTRY OF ENERGY (SHRI KALPNATH RAI): Who were they?

SHRI SRIPATI MISHRA: It would be evident within few minutes. Again he was compelled to resign in 1980 due to the 'dacoits issue' and certain other matters. He was the person who issued orders for conducting enquiry and he was the person who issued the report in spite of the fact that the enquiry was not conducted in depth. But the report of the enquiry was released. And again he adopted the escapist attitude.

SHRI KALPNATH RAI: When would he quote the other side?

SHRI SRIPATI MISHRA: Rai Sahib wants to know when he would quote that side, when there is trouble. Even the newspapers will stop supporting them. If something is published against him continuously for 10 days, he would not stay there on the eleventh day. Politics is not a bed of roses, it is a matter of facing hardships. He came from a princely family, luckily joined the Congress Party and immediately came into power. But now when he deserted the Congress party and joined the opposition, he would not be in position to adjust himself at a lower level. As a result of which he would naturally quote the other party and join us again. Moreover, we are so generous that even then we would welcome him.

SHRI KALPNATH RAI: We would oppose it vehemently and would not let him join our party.

SHRI SRIPATI MISHRA: He has no principle of his own and he changes his loyalty quite often. It is only because we welcome his come back that he is encouraged to changed his 'oyalty. Otherwise, he wouldn't have deserted our party. If at all he continues like this we would think that he does not want to be in politics anymore.

Anyway, I was engaged in futile discussion. My submission was that these Bills would restore stability and would give strength. Three things are important, stability of the organisation should be restored, financial situation should be strengthened and opportunities of work should be provided. To give stability to the institutions it has been proposed that regular elections to Panchayats would be held after every five years and same would apply to Nagar Palikas also as in the case of Legislative Assemblies and the Lok Sabha. It would provide stability to these institutions and they would be encouraged to function efficiently and take further initiative. I remember that in the year 1970 when I was in the opposition Congress dissolved the Zila Parishads and with on stroke of penal, though it was in power in 47 out of the total 54 Zila Parishads. Now that the Hon. Prime Minister has brought about a complete change in the entire procedure, I feel that it would check the disintegration of these institutions. Financial aid to Uttar Pradesh has been increased immediately under the Jawahar Rozgar Yojana and that too has been directly provided through these institutions. Rather, they have also been empowered to collect revenue and now they know what is the reality. People in rural areas say that these powers were not given to the Panchayats even during the time of Raja Todarmal. It was Government alone which was empowered to collect. Revenue. It is for the first time that these powers have been devolved to them and all the money has been deposited in their account. This attempt of bringing about a change could be beneficial for all of us. It would keep a check

on the entry of under serving persons in active politics particularly in Delhi, Lucknow, or State capitals. It is not a case of election to Lok Sabha in which the candidate may visit four assembly segments if there is trouble in the fifth segment. The members who will be elected to these Panchayats, or Nagar-palikas etc. Will have to work in their areas all the time. Some bad elements might also win the elections by chance but only those persons would be permanently elected who have keen interest in public service and are committed to serve the people. There is no way to escape for those who might make an attempt to cheat the people, because, such persons would be constantly opposed and condemned. Thus only capable person, who is committed to serve people, would contest. Moreover, elements who try to misguide our leaders by posing as if they are great leaders, would also be eliminated. This change would cleanse the system, strengthen democracy, and also provide an opportunity to the elected people in rural and urban areas to work.

I would like to submit one thing more. Gram Panchayat was first established in 1949 in Uttar Pradesh, Pantji was also in its favour and efforts were made in this direction. Incidentally I was a participant and was elected Gram Pradhan in my village. But at that time the bureaucracy did not favour the proposal of devolving power to the people in rural areas. That is why, they always made a mountain out of a mole hill. I would like to appeal to the officials that the persons to whom these powers are being devolved may commit mistakes, but instead of condemning them, the Government should act as a guardian to improve them. Instead of finding fault with them they should be forgiven and encouraged to improve. The relationship of the Government and the Panchayat should be that of a father and son. We should not try to find fault with them but try and encourage them to improve. It would be a successful experiment. It would not only strengthen the country but also enable it to make progress. Beside only best people will come forward for elections.

[English]

SHRI HUSSAIN DALWAI (Ratnagiri): Mr. Chairman, Sir, today is the day when we are devolving the power to the people. I am reminded of the night, when in the midnight, the first Prime Minister of India Pandit Jawaharlal Nehru said, "Today when the whole world is asleep, we awake to welcome the ushering in of the dawn of her independence." After 42 years of independence, we are fulfilling the pledge given by Mahatma Gandhi and Pandit Jawaharlal Nehru to the people that the freedom which we have won will not be complete unless it is devolved, unless it given to the people of India. I am sorry that today when the people's representatives should be proud, the whole House should be proud to devolve our own power to the people of India, the representatives of the people in the Opposition are away from this House and they are not participating in this debate. Our Prime Minister deserves compliments because he is the person who has taken the initiative to fulfil the pledge which was given by our elders by bringing the two Bills for amending the Constitution, especially one for Panchayati Raj and the other for Nagarpalika. We are strengthening the hands of the local authorities for the development. Earlier, the Maharashtra Government had taken steps to decentralise the power many years ago. But the lacuna was that we could not succeed beyond an extent and this lacuna has now been removed by these two Bills because the people will be given the powers to generate their own finances. They are given the powers to have their own planning and they will be the authorities to implement the same. In these two Bills especially what we see as a welcome feature is that they have asked the Election Commission to supervise the entire machinery of elections. We have decided to appoint a Finance Commission to look after the working of these bodies. Not only that, but regular elections will be taking place and the entire structure of these two Bills will help the country to give power to the people who really are to work for the betterment of this country. I would like to point out that in this country, where we have been working

for the last 42 years for developing backward and rural areas, we have a lot of resources. I am proud to say that if you look at the entire world, India is marching ahead as a biggest nation. A day will come when we occupy first position in the world. We should be united and we should have unity and integrity in the country. I have moved one Private Member Bill where I have suggested that no party which has not faith in secularism and national integration should be allowed to contest elections. Fortunately our Government has come with the amendment and now all Parties have to amend their Constitution to accept the principle that they have faith in secularism and they have to adopt that policy in future.

When we would be implementing these two legislations, there will be some hurdles, as Shri Sripat Misra has correctly said. The role of bureaucracy in helping these institutions to work successfully is necessary. I would request the bureaucracy in general that they should also not look at it as the mere administration work as merely the employees of the Government but they should also remember that they have the duties to help these institutions as citizens of this country. They have also to play their role in such a way as to fulfil the objectives which have been laid down by our elders.

With these words, I thank you very much.

SHRI ABDUL RASHID KABULI (Srinagar): Hon. Chairman, at the outset, I would make a point that article 368 deals with power of Parliament to amend the Constitution and procedure therefor. In this respect, yesterday also, I had raised this point in the House, while the hon. Prime Minister introduced the Constitutional (Sixty-fifth) Amendment Bill. The Constitution, under article 370 guarantees the people of Kashmir a special status and I would like to quote *Basu's Commentary on the Constitution of India*, at page 843 where it has been mentioned:

"Article 368 shall apply only subject to the additional proviso. Provided

[Sh. Abdul Rashid Kabuli]

further that no such amendment shall have effect in relation to the State of Jammu and Kashmir unless applied by the orders of the President under clause (1) of article 370."

This should have been mentioned and incorporated in the Bill when it was introduced in the House.

There is no denying the fact that the people of Jammu and Kashmir have been very sensitive about article 370 because they have lost many important features after 1953, as a result of encroachment upon the agreement between Delhi and Kashmir, which is called Delhi Agreement. This has resulted in the lack of faith in the democratic process and the present-day tensions and the youngmen feeling restive is the result of the development of 1953 and onwards. While the elections are near, organisations like BJP and other communal parties have been harping upon the removal of article 370 from the Constitution. In this respect, even BJP has made this point and made this demand a part of their manifesto that it shall take away article 370 from the Constitution, when it comes to power. Sir, I feel article 370 is a bridge between the State of Jammu and Kashmir and the rest of the country and we should be very cautious in this regard and nothing should be done to harm this relationship. Therefore, I am sure, the hon. Prime Minister while replying to the debate will answer to my point, as in the case of Panchayati Raj Bill when he had assured me on the floor of the House that this Bill is not going to be extended to Jammu & Kashmir State. I am sure that in Nagarpalika Bill also, it shall be mentioned that this is not going to be extended to the J&K State. This is the right of the people of J&K and their elected State Legislature to accept or reject this law of Parliament. Therefore, for the sake of cordial relationship and for the survival of democracy, Article 370 must continue and nothing should be done directly or indirectly, consciously or unconsciously, which weakens it.

In that border sensitive State, people are very sensitive and they by all means want this Article to be restored to its original position as it existed in 1953.

As far as my opinion about this Bill is concerned, there have been some people speaking about this Bill in favour and against. Even Shri Shahabuddin, the hon. Member of this House, has said that this Bill is going to deprive the States of their rights. It is a debatable issue. I am not going to discuss and make my point. But as far as my opinion about the Bill is concerned, I am very clear that we are to take democracy to the grass root level of the people. There should not be any difficulty in giving the people of India a sense of participation in the panchayat and urban areas there are many people who always feel that they cannot participate in the real sense due to some practical difficulties.

For instance, there has been inadequate representation of the weaker sections. I support the Bill in the sense that women and weaker sections of the society should be given a sense of participation and the Bill has engrossed this idea. There are lack of financial resources and there is need to devolution of powers and responsibilities upon the representative bodies of the municipalities as far as the urban areas are concerned. This is my personal feeling that, because of the lack of funds, the municipal committees or the corporations do not show any progress and, therefore, the development is retarded and more and more jhuggi and jhopri and slums are coming up which is creating problems and we see cities developing into slums and it is because of lack of financial support from the centre. This is my personal experience as far as my constituency Srinagar is concerned it is not developing in the right direction and because there are often supersessions. There is no representative character, whenever the Government likes, they can call for elections. Then finally there are supersessions followed by bureaucratic rule and corruption. The people suffer.

I support the Bill. Elections under the Election Commission of India is the need of

the hour in order to allow people to participate directly in the elections. It is a very good idea.

Our experience is that people in various parts of the cities live in gutters and slums and there are unwanted anti-social elements and violence is coming up. Therefore, Government has come up with the Bills as they really want to correct these aberrations in our society. It should not be only on the paper. The Government of India should take practical steps because in the past we have had bitter experience on this score. We are passing the Bills in this august House but they suffer because of lack of implementation. Therefore, this should not be simply an election gimmick. If the Government are honest to this cause, then as soon as these Bills are passed, they should implement the provisions of these Bills and they should prove their honesty.

Finally, I would like to make only one point. As far as elections to the Panchayats, Nagar Palikas and the Ward Committees are concerned, I would suggest that elections should not be held on party basis. I emphasise that elections should not be held on party basis because it is a way of corrupting the people and that is going to create many problems. Therefore, for Panchayats, Nagarpalikas and Ward Committees elections should be based on non-party basis so that honest, dedicated people could come forward to participate in the election process. Only with the support of the parties, elections are rigged. That has created problems in the past. This is the right suggestion and I am sure the Government is going to

Gandhi to Shri Rajiv Gandhi will stand testimony to the fact that the dream of Mahatma Gandhi has been fulfilled by Shri Rajiv Gandhi. Shri Rajiv Gandhi is the man who took this decision not out of his own sweet will but after having toured the villages and towns where he recognised the needs of the people and that to whom the devolution of power should be made. Shri Rajiv Gandhi, holding the highest office in government differed from those who believe in centralisation of power and decided that the power should be devolved to the real masters, that is, the masses of our country and through this House, I would like to congratulate the hon. Prime Minister for this step. I think studies have also been conducted prior to the studies undertaken during the last 4 or 4 and a half years. For example, the Balwant Rai Mehta Committee report states:

[English]

"The government should divest itself completely of certain duties and responsibilities and devolve them to a body which will have the entire charge of all development work within its jurisdiction, reserving to itself only the functions of guidance, supervision and higher planning..."

[Translation]

Shri Balwant Rai Mehta did not prepare this report in the capacity of a Member of the Congress Party or an M.P. He made his observations on the basis of his unbiased study as a political leader. After him, this responsibility was taken over by the socialist Movement leader, Shri Ashok Mehta. He did not join the Congress Party. However, he is known as a reputed socialist leader and an eminent economist. He has stated:

[English]

"Panchayati Raj bodies should normally not be superseded but if supersession becomes necessary, election should be held within six months..."

SHRI D.P. YADAV (Munger): Mr. Chairman, Sir, today we are discussing the 64th and the 65th Constitutional amendment Bills. These historic Bills have been introduced by Shri Rajiv Gandhi himself. The history of India from the time of Mahatma

[Sh. D.P. Yadav]

[Translation]

He has made various recommendations and you will find that all those recommendations have been reflected in the Constitution (64th and 65th) Amendment Bills. Shri G.V.K.R.V. Rao, an administrator and engineer has also served as a Member of Planning Commission and secretary in the Ministry. After his study, he stated that steps should be taken to enable the villagers to take initiative themselves. Jurist Shri L.M. Singhvi also does not belong to the Congress Party. He too recommended decentralisation and devolution of power to the masses. Thereafter Shri Sarkaria also, who was a judge and not a member of congress Party, said the same thing. Panchayati Raj and the Nagar Palika Bill introduced by Shri Rajiv Gandhi in this House is just a culmination of all those recommendations. Neither I am a research scholar from Cambridge of Havward University, nor I have obtained a Ph.D. degree from there. I am simply talking about the villagers. I had prepared a study report in 1986 after collecting the views from the replies received from the residents of 1100 villages in my constituency to a questionnaire consisting of 23 points. The same is being studied in your Ministry. On June 12th, 1989 heads of 2400 villages had assembled in district Monghyr. I asked them about their five needs in order of priority. First of all they wanted the village to be linked by a road. Secondly they wanted small dams and tubewells for irrigation and thirdly they wanted hand pumps to be installed in the wells. Thus it appears that their needs are limited. The basic necessities of the 70 crore people in the villages and 10 crore in the towns can met with simple effort. Our bureaucratic set up has been so complex that we could not devolve the power even after 40-42 years of independence. I have stated that there are 150 villages in a single block. I had asked a question about the provision of drinking water facilities there. I would like to give it to you. If you look into it, you will find that they want rigs, boring of wells and hand pumps installed in wells etc.

The demands of the villagers are quite limited. There is a petty demand of drinking water but nothing has been done to meet this demand. Institute of Employed Manpower Research, Delhi, which is under the Planning Commission, was directed by the hon. Prime Minister Shri Rajiv Gandhi to conduct a survey of 2-3 districts in order to find out the impact of the technical and administrative manpower on development. I have got its report according to which in district Monghyr, which has 20 blocks and you will be surprised to know that there are 11-12 administrative departments only for agriculture, animal husbandry, health, education, industries, rural development, social welfare, revenue, normal administration etc. There are 90 Class I officer, 903 class II officers, 7178 class III and 7932 class IV, in all there are about 16232 employees in these 11-12 administrative departments. The Government is spending more than Rs. 33-34 crore on them. Even after 40 years of independence, officers earning such high salaries, have not been able to provide drinking water and roads in the villages. In such a situation when the bureaucratic machinery and the technical set up are failing, the strengthening of democratic institutions becomes our basic duty. We therefore, welcome both the Bills presented in the House. If a well has to be dug in a village, the file for its technical sanction will first be sent to the Engineer-in-Chief and then to the Commissioner for its administrative approval. Those people, who take 40 percent of the funds bribe, talk of reforming the society. They cannot do so. Therefore, I would like to congratulate Shri Bhajan Lal that, through this Bill, he has taken a historic decision of allocating funds directly to the villagers. The Government is spending so much of funds on the bureaucrats but what is its result? I do not say that all the bureaucrats are dishonest. I have got a letter from an honest bureaucrat which I would like to read out to you. This is a letter from the Chief Secretary of Gujarat who has served in the I.A.S. cadre for 35 years. I had sent this report to all the Chief Ministers. The reply of the Chief Secretary, Gujarat on this subject is worth nothing. ... (*Interruptions*).... Shri Ranvir Singh wants to know if this is in

my own handwriting. The Chief Secretary, Shri H.R. Patankar writes:

[English]

"Dear Shri Yadav,

Thank you for your note and the interesting statistics about different Departments spending Rs. 28.80 crores per year on salaries in Monghyr District. I think, one of the greatest problems facing the country today is that of proliferation of district administration and unless drastic steps are taken now, we will have an over-expanding bureaucracy, which will devour all the resources of the country and leave nothing for the poor people or for development of projects..."

[Translation]

The reaction the Chief Secretary of Gujarat is worth nothing on the basis of his experience of 35 years he is of the opinion that this should be stopped and all these powers should be devolved to the villages and towns. Now what are these powers which may contribute to the development of the villages. Today some people are propagating that if the Panchayati Raj Bill is passed the powers of the State Government will be curtailed. Perhaps those people are more worried about the powers and not about providing drinking water to the People. If the matter of providing drinking water and of curtailing the powers of the State Governments is compared, definitely everyone will give more importance to the provision of drinking water. There are 29 items in the Panchayati Raj Bill which will be added in the XI Schedule. All these items are such which can be executed by an overseer and a mason of a village. Now we need not consult the chief engineer and Engineer-in-Chief or other big technocrats. Similarly the Government has kept 37 items in the Nagar Palika Bill for which he should be congratulated. Matters ranging from public health to pilgrimage are all important in themselves.

[English]

Self-dependence and self-confidence by the

masses, for the masses, of the masses.

[Translation]

I feel that this is the most historic draft till date for which I would like to congratulate him. With the combined efforts of Shri Bhajan Lal and Shrimati Mohsina Kidwai a new area will start in India in which India would march towards progress. Now something about devolution of power. I am of the view that the number of bureaucratic should not be increased any more. There are 16 thousand Government employees in Monghyr district, out of which 10 thousand are meant solely for the district headquarters and block headquarters. The rest of the 6 thousand should be transferred under the *mukhiya, sarpanch and gram pradhans*. This is sufficient arrangement for all the work. There is no need to make any new recruitment.

There are some specific points towards which I would like to draw your attention. Because there are some notorious elements who will not refrain from thwarting the implementation of this Bill. They have got their own vested interests. Initially, our fight will be against the technical personnel and those who accord the administrative approval. But ultimately truth will emerge victorious and untruth will be vanquished. That will be the victory of those who want to work. It will result in the development of villages and towns. That is the essence of these Bills. I Contratulate the hon. Prime Minister for these Bills and support them.

SHRI RAM PYARE PANIKA (Robertsganj): Mr. Chairman, Sir, just now and earlier to that, Shri Ranga and two or three of our hon. Friends expressed their views on these Bills. While sharing their view I would like to congratulate the hon. Prime Minister and 4 of his cabinet colleagues i.e. Shri Bhajan Lal, Smt. Mohsina Kidwai, Shri Dalbir Singh, Shri Shastri, two of whom are sitting in the front row and two in the back row, for introducing these two amending Bills.

Sir, there is no doubt about the fact that both the Bills are revolutionary and historic.

[Sh. Ram Pyare Panika]

Dreams of our revered leader Mahatma Gandhi will also be realised through these Bills. I vividly remember that when these Bills were presented in the House, one of the so called leaders of the opposition first welcomed it before the press correspondents and as soon as he realised that he being a leader of opposition should not have welcomed the Bills, he immediately constituted a draft committee. I feel sad to note that it has become a practice with the opposition that whenever a motion is brought forward in the House, the opposition in pursuance of their tradition and escapist attitude, runs away. Not only that when they made a demand to hold a discussion on the C.A.G. Report, and the hon. Prime Minister also agreed to that—though it was not in accordance with the rules—the hon. Speaker was kind enough to allow a discussion in the House on the matter. But the opposition resigned and ran away. It has always become a habit with the opposition that whenever a discussion is held on a matter, they run away from here.

Sir, on this occasion I would like to say that the opposition should have participated in the programme which is going to realise the dreams of Mahatma Gandhi ensuring the devolution of power with the objective of taking power to the poorest of the poor in the villages. But it is distressing that they did not get the opportunity to present the draft Bill. This is the sad state of affairs.

Sir, the hon. Members of the House who have since left, do not at all want that the roots of democracy should go deep and down to the base. They do not want it to reach the grass root level. It was necessary that they should have supported it, but on the contrary they are spreading rumours about it. It is not the case of divesting the States of their powers. I fail to understand whether they have ever gone through the Constitution. We have not at all touched the Fifth Schedule of the Constitution which deals with the State subjects. It is absolutely a new amendment that we are going to have in the constitution according to which we aim at

devolving power to the grass root level in the villages. In this connection I would like to tell you that this is not the battle of the day. Some people say that it is only an election stunt. But Sir, as a General Secretary of the Congress Parliamentary Party I take this opportunity to inform you that it is the Congress Parliamentary Party which had taken the initiative to organise a seminar on this subject and Shri Yadav was its convener. I would like to congratulate Shri Yadav who studied this subject deeply. A time was there when Shri Ashok Mehta and other people conducted a research on Panchayati Raj and submitted their report. Shri Yadav studied their report also. Several other eminent persons viz. Shri Rao, Shri Singhvi also made an indepth study of this subject. Shri Yadav has also incorporated their findings in his report. He has said that the research was conducted not for the reason that the Government did not take any initiative in this regard. It is certain that the Government has also conducted deep study of these reports. But the study presented by Shri Yadav calls for a fresh look at the entire subject. He has pointed out in his study as to how the bureaucrats have been misappropriating the funds in the absence of devolution of power. While moving his Resolution in regard to devolution of power he has cited a very startling instance of Monghyr district. Now we have to think about the country on that basis. It is due to this only that our hon. Prime Minister, Shri Rajiv Gandhi openly admitted the shortcomings of his Government. He said that out of every hundred rupee released from the centre, Rs. 85 are swindled away and the remaining about of Rs. 15 is squandered away as miscellaneous expenses. Then what is left for the people? Today, we are glad to see that the Jawahar Rozgar Yojana introduced through Panchayat Raj is reaching every village. Only one thing was said inside as well as outside the Parliament that balanced development is a must for national unity. We were planning for balanced development. When we went to the villages, people complained that even after 40 years of independence, nothing had been done for them. But now the situation has changed. Its credit goes to our hon. Prime Minister at whose

initiative, development has taken place even in remote areas. Now no person living in far flung areas and remote localities can say that no assistance has reached his locality. In a democracy, development should take place in accordance with the hopes and aspirations of the people and programmes should be chalked out accordingly. Our views should also be tailored to their requirements. It is a matter of pleasure that out of these two amending Bills, the first Bill i.e. the Constitution (Sixty Fourth Amendment) Bill, 1989 known as the Panchayati Raj Bill form the Eleventh Schedule containing 29 subjects in it and the second Bill i.e. the Constitution (Sixty Fifth Amendment) Bill, 1989, popularly known as Municipality Bill will form the Twelfth Schedule of the Constitution which will contain 37 subjects in it. These subjects are very important ones which have been agitating the minds of the people. As regards these subjects Shri Yadav said that for the works under these subjects the people will henceforth have not to go far and approach the D.M. and the Government.

While moving this Bill the hon. Prime Minister had said that he was receiving complaints regarding the petty things like drains. What an irony it is that under democratic set up we have not been able to devolve power to the grass root level. Today history is being rewritten. During the last 41 to 42 years it is for the first time that our young Prime Minister got the studies conducted about the performance and achievements of the Government during last 4 1/2 years right from village level up to the centre and arranged debates at the non-official level. He had consultations with the administrators holding sensitive positions in the Government in this regard and arrived at a unanimous decision. When the opposition says that it is only an election stunt, there is no truth in it. It is totally baseless. It is, therefore, necessary that we should pass that Bill unanimously. However, if it is an election stunt we, as Shri Ranga said, want to go to the people on that basis. Why not hold the elections on that very basis? Ultimately, in a democracy the people exercise their franchise after forming an opinion about

the policies and programmes of the Government and the programme to be undertaken in future. Today the only difference between the ruling party and the opposition is that is that while the former wants to devolve power to the grass root level, the latter wants to grab people's power into its own hands and chalking out their programmes accordingly. This is the fundamental difference between the two. As I said this step in regard to Panchayati Raj is a historic step. Dream of crores of villagers are definitely going to be realised through these programmes. It will strengthen the powers of the villages which is a must in a democracy. Shri Ranga was telling in the morning that training in democracy was necessary in the beginning. Today the very idea of "democracy for the people, of the people and by the people" will be seen at the grass root level under this Panchayati Raj system. The people in the villages will feel themselves glorified that power is theirs, Government is theirs and they can build the country and ensure welfare of their villages according to their own wishes.

I am happy to note that women have been given their rightful place in this Bill. The Government has taken a historic step for the Harijans and Adivasis by providing them a right place. In a number of States there is provision of reservations for members. While going through the Bill I have come to know that this question has been left to the discretion of the States. I would like to say that directions in this respect should go from the centre. In certain States where the Congress Party is in power, e.g. Madhya Pradesh, reservation has been provided for the offices of Sarpanches, Gram Pradhans and Chairmen. This practice is also followed in Andhra Pradesh. I want that this should be the position in other in other States also. I would like to tell you about the practice being followed in this regard in my own State, Uttar Pradesh, where Harijans and Adivasis constitute 22.5 percent of the population but not a single person belong to these communities is a Gram Pradhan. As there is no reservation for the office of Gram Pradhan, no one belonging to these communities can become a Gram Pradhan. In reality, people who are

[Sh. Ram Pyare Panika]

rich and influential grab these offices. Recently, elections to Zila Parishads were held in my State. Hon. Minister, Shrimati Mohsina Kidwai knows how money played a vital role in these elections. It is, therefore, necessary today that all the sections of the society should be given their due representation. There should be some provision of reservation for Harijans and Adivasis for the office of Chairman according to their percentage in the population as has been done in respect of the Assemblies and Parliament. This provision is already there in some States and there must be an express provision in this regard in this Bill also.

Today, elections to Panchayats and Municipalities are not held in this country. The office bearers do not discharge their duties. Why it is so? Because there are provision of Pass, T.A. and D.A. for the M.L.As., M.Ps and Members, office bearers and the officers of other bodies. When this work is being entrusted fully to the people at the grass root level, the Sarpanches and the members of the Panchayati Raj institutions should be given some remuneration so that they could discharge their duties smoothly. For this purpose, there should be suitable provisions in these Bills and the State Governments should also be asked to enact laws in this regard. Otherwise there is every likelihood of misappropriation of funds being released from the centre. This is my radial suggestion.

With these words I heartily support this Bill and strongly condemn the charges of the opposition that it is only an election stunt. I also criticise their escapist attitude. Whenever there was an opportunity to participate in a serious discussion concerning issues of national importance, they never participated in it and ran away from the House.

[English]

SHRI BRAJAMOHAN MOHANTY (Puri): Mr. Chairman, Sir, so far as this Bill is concerned, I don't find anything which af-

fects the basic structure of the Indian Constitution. Shri Syed Shahabuddin had raised this issue yesterday. When the 64th Amendment Bill was placed before the House, they had raised the same thing that it would alter the basic features of the Constitution, it will not stand the scrutiny of the court and, as such, it should not be pursued. My submission is that the Opposition should make up its mind at this stage whether they have to oppose it or support it. They demanded a division. When division was done, they asked why the Speaker had called for a division. Now they have not made up their mind. May I ask which provision of the Bill would affect the basis structure of the Constitution?

16.11 hrs.

[SHRI SHARAD DIGHE *in the Chair*]

So far as the proposed Article 243A is concerned, it would be mandatory to have a three-tier system all over the country. This would ensure uniformity throughout. Then, the proposed Article 243(C) relates to reservation of seats. This has also been made obligatory for the States for the sake of uniformity. In no case, the Supreme Court has said that reservation is *ultra virus* the Constitution. The proposed Article 243(D) talks of duration of Panchayats etc. It says that the life of every Panchayat shall be five years after its election. What is unconstitutional about it? The proposed Article 243H is about the maintenance and audit of accounts of Panchayats. There is no question of objecting to such a provision.

Article 40 of the Constitution pertaining to Directive Principles of State Policy states that the State shall take steps to organize village Panchayats and endow them with powers as may be necessary to enable them to function as units of self-government. They require some power as also some funds. That is why, a provision is sought to be made for the appointment to Finance Commission to review financial position of the Panchayats. As there are provisions for appointment of Finance Commission for distribution of funds between the States and the Centre, similar

provisions have been incorporated for appointment of Finance Commission for devolution of funds between the State and the Panchayats. This has been made mandatory.

Then, the Election Commission will conduct the elections to the Panchayats in order to ensure that the elections are not tampered with.

All these provisions are obligatory to ensure uniformity all over the country.

The basis thing is that they would be left to the mercy of the States, of course, subject to the provisions of the Constitution, regarding powers, authority and responsibility of Panchayats. The State Legislature will also made provisions in respect of matters relating to elections to the Panchayats, of course, as I said, subject to the provisions of the Constitution.

All this will not affect Article 246 of the Constitution, of which Shri Shahabuddin was apprehensive. This is only an enabling provision. The State Legislatures will decide about the provisions with respect to the powers etc. of the Panchayats. It is their discretion. The proposed Article 243J regarding elections to Panchayat gives discretion to the State Legislature. All this has been left to them.

Now, I come to another thing. When the Constitution was framed, at that time certain members had reservations. Gandhiji had reservations, Shri Jayaprakash Narayan had reservations. There was some discussions also and some members of the drafting Committee had resigned. Therefore, the full drafting Committee was not there at that time. That was the reasons, why these things were not taken care of.

We are going to implement Article 40 of the Constitution which relates to Directive Principles. It does not violate the Fundamental Rights provided for in Chapter 3 of the Constitution. It is not violating the basic structure of the constitution. So far as the basic

features are concerned, that is also a nebulous formulation. While one set of people make a statement that such and such are the basic features, the views of the other set of people are different. The position is, therefore, still uncertain. Now, judicial review has been brought within the purview of the basis features. Now, the time has come when the Parliament should know what are its powers. The Executive should know what are its powers. As in Keshavanand Bharti's case, they say that these are the basic features. So, that must be codified and it must be ascertained that these are the basic features of the Constitution which should not be crossed by the Parliament. But so far this has not been done. So, a climate of uncertainty is prevailing. It is very difficult for the Executive and also for the Parliament to function. Either the Parliament or the Executive does not know where it stands. I had earlier also placed before this House that the time has come when we have to take steps for review and reconsideration of Keshavanand Bharati's case. I am told that steps have been taken in this direction and it is under review. The Law Minister will clarify this point, and we hope that this will be reviewed.

Another thing is that in the name of the basic features, the social change and the social progress is obstructed. The popular saying with regard to the House of Commons is that the House of Commons can do everything except changing a man into a woman and a woman into a man. Now, they have conceded that they will abide by the decisions or the laws passed by the European Council. They have accepted this by a referendum. There was a lot of controversy over it. And so far as West German Constitution is concerned, there the basic law is not subjected to any judicial scrutiny. My submission is that the nation has to think whether this uncertainty will prevail or we will have to take some positive and concrete steps so that the supremacy of Parliament is restored. For 17 years after the Constitution was framed, the Parliament was supreme. All the laws were passed by it and there was no interference by the judiciary. Shahabuddinji

[Sh. Brajamohan Mohanty]

knows that when the banks were nationalised the courts restricted the rights of the Parliament and of the Executive. As long as the property was not touched, everything was all right. Some judges in the Supreme Court had some vested interest and they subscribed to the right to property. The right to property was the fundamental right and during the Janata Government it was eliminated. It has not been challenged so far in the Supreme Court. However, the time has come when we have to restore the supremacy of the Parliament either by reconsideration or by referendum. The nation has to think about it. I don't say that it should be the programme of my party or a particular party. Rather it should be a national programme.

Now, I come to the other aspect of the Bill. The point is who are objecting our giving powers to the Panchayats or the Urban municipalities? The objections come from the MLAs. I myself have attended about 14 Gram Sabhas. Before I went there, everybody advised me that I should not go there or if I go there I should be a bit careful because the villagers will never agree, they will quarrel and break their heads. I said, let me go there and let me see. I had gone there and attended the function. I saw that all the decisions were taken unanimously. So, I don't think that the unity or the response of the masses is very poor in India. When the earlier Panchayat Bill was introduced by Shri Jawaharlal Nehru, a number of leaders opposed it saying that the power should not be given to the common people who are illiterate and they will decide the destiny of this country. But Panditji said that through experience they will learn everything. So, I would say that this is a very radical measure that we are going to take. By experience, the people will learn and they will make it a success. If the people of this great country could make the democratic experiment a success, why will we not expect them to make the Panchayat experiment a success?

I must congratulate the hon. Prime Minister who has introduced these Constitu-

tion Amendment Bill. This is a radical and revolutionary step. So, all of us must support them.

With these words, I thank you very much.

[Translation]

SHRI KALI PRASAD PANDEY (Gopalganj): Mr. Chairman, Sir, once there was a time when man's activities were confined to the forests, rivers, seas and caves in the mountains only but with the passage of time man's activities increased and he trode on the path of progress. India also moved forward on the path of progress day by day. Gandhiji envisaged that the country would make progress only when development of villages took place. This was the dream of Gandhiji and the second Gandhi i.e. Shri Rajiv Gandhi realised this dream by bringing this amending Bill. I, therefore, express my gratitude to Shri Rajivji. He assessed the situation in villages. We have seen that during the last four years, Prime Minister made extensive tours of the rural areas to gauge the situation in villages and after assessing the situation in villages, he announced Jawahar Rozgar Yojana for the development of the panchayats. The day, on which the Prime Minister took this historic decision, will be remembered as the most important day in the history of the country. We have never thought that power will ever be devolved to the people and power brokers will be eliminated. But now this dream is going to be realised. If any one dared to devolve powers to panchayat, it is only the Prime Minister Shri Rajiv Gandhi. Similarly credit for reducing the voting age to 18 years also goes to him. Thus he had tried to solve the basic problems facing the country. But I do not see any justification for resignations tendered by the opposition on a very trivial issue. Bofors issue was first raised three years ago and since then it has been in the news. So this step could have been taken by them at that time also. But they thought that since elections were drawing nearer, it was better to enact a drama of resignation. But this announcement made by Shri Rajivji has proved that we are born for the welfare of the

country and will die for the welfare of the country and we will bring name and fame for the country in the world. Opposition has no guts to give a fight to us and they will meet their doom under the weight of their own wrong doings. I mean to say that problems of the public will be solved through this Constitution Amendment Bill. Our popular leader Shrimati Indira Gandhi who adorned the highest seat of power in the country proved that women were not inferior to men in governing the country. It is a praise-worthy step that we have provided 30 per cent reservation for women under this Bill. Similarly, we have also made reservation for Scheduled Castes and Scheduled Tribes. Elections for municipal corporations and other local bodies are not held for 10-12 years in Bihar. People were deprived of their fundamental right to remove their elected representatives of whom they wanted to get rid of, but this Constitutional Amendment Bill provides for regular and timely elections of panchayats and other local bodies such as Town Area Committees and District Boards. This is the most important feature of this Bill. This provision will keep each and every people representative alive to his duties and responsibilities and motivate him to remain on the right track. Shri D.P. Yadav has rightly said that previously not more than 5 to 10% of the funds released to states from Centre for panchayats were actually spent on the development work as 25 per cent of the funds was cornered by the officials at state headquarters level and more than 50 per cent of it was pocketed by officials at district headquarters level. Earlier procedure for accomplishment of work was so complicated that almost a year was wasted in fulfilling legal formalities. First technical section or Junior Engineer used to prepare the estimate and then it was submitted to the Chief Engineer through the Collector and in this process a lot of time during which the work is to be completed was wasted in fulfilling legal formalities and only a part of the work was completed within the stipulated time, which resulted in cost escalation. Earlier wells were the source of drinking water in the villages. With the introduction of hand pumps, wells dug in the villages become obsolete. Now

with the launching of Jawahar Rozgar Yojana, people are happy that attention will be paid to maintenance of hitherto neglected wells which are more useful for the rural people, especially when there were incidents of fire in the villages, hand pumps were not so useful as compared to wells in extinguishing the fire. Now wells will be renovated under the scheme. This will bring a radical change in villages. It is an effective step. Today I am feeling proud in saying this in the House that what Shri Rajiv Gandhi has done was beyond my imagination. When voting age was reduced to 18 years, the opposition claimed that it was their long standing demand. Now whatever the Government announces, it is claimed that these were their outstanding demands. Shrimati Indira Gandhi nationalised banks for development of villages and poverty alleviation through setting up rural banks, similarly Shri Rajiv Gandhi has taken this effective step to devolve powers to the panchayats so to raise their standard and eliminate power brokers. So its opposition by a handful of people hardly matters. The step taken by Shri Rajiv Gandhi to devolve powers to panchayats to improve the condition of the people and to eliminate middlemen, should have been appreciated. In my view, opposition by few people is of no significance. Jawahar Rozgar Yojana and introduction of Panchayati Raj Bill are two such steps which have been widely acclaimed by one and all in the country. Villagers hardly thought of a scheme to be formulated by the Government which would give them access to power. With the realisation of this dream through this Constitutional Amendment Bill, people of India are very thankful to Shri Rajivji. With these words, I thank you for giving me time to speak on this Bill.

[English]

SHRI P.A. ANTONY (Trichur): At midnight on the 14th August, 1947, Pandit Jawaharlal Nehru, while addressing the nation, spoke about India's tryst with its destiny. After 42 years of freedom, we are making another tryst with its destiny. A momentous and epoch-making event is taking place here which is going to revolu-

[Sh. P.A. Antony]

tionize the democratic polity in this country. After Lord Ripon's Revolution on local-self-government in 1882, which is regarded as a great land-mark in the history of local governments in this country, this legislation is the most important step in bringing about democratic decentralisation. All the credit for this measure goes to the Prime Minister, Shri Rajiv Gandhi and the Indian National Congress (I) Party because but for his deep commitment to the cause of taking the power to the people and this missionary zeal, such a measure would not have become a reality. Every one knows that this Bill has been framed after prolonged consultations and discussions and debates with people at large. A large number of conferences and meetings with the elected representatives of the people at the Panchayat level were held in different parts of the country in order to know their views about the draft proposals. I must say that the proposals contained in the present Bill are based on the consensus arrived at these various conferences. This means the whole country has supported these proposals. On this occasion, when I took at the Opposition Benches, I rather feel very sad. In a democratic society the Opposition has an important responsibility to discharge, namely, to express their view points freely and frankly before the people. This can be done only by participating in discussions and debates and not by running away from here. They are a duty to tell the people what their views are about this measure. By resigning their seats in the House and staying away from the discussions, they are violating their sacred duty. What exactly is the Opposition supposed to do? Is it opposed to the strengthening of democracy at the grassroots by giving a little more powers to the people? Is it opposed to the greater possibility of development of our villages through an integrated approach under the Panchayati Raj system? Is it opposed to a little more money being put in the hands of our impoverished Panchayats? Which principle of this Bill are they opposed to? It is very interesting to note that the Opposition Leaders and the Chief Ministers who are opposing the Bill today had

supported its proposals at every stage of its consideration. Moreover the Opposition Leaders who see in this Bill an attempt to curtail the powers of the States had supported the Governors' powers to dismiss the elected Panchayats in 1978 when the Janata Government brought forth such a proposal. It is clear that the Opposition's reaction to this Bills is a reflection of their deep-seated fear that democratic decentralisation and other progressive and revolutionary measures taken by Rajiv Gandhi would reduce them to ciphers in the Indian politics. As the Prime Minister has said, there is no confrontation between the Centre and the States on this issue. The confrontation is only between the people and the power brokers. If the Opposition has chosen to put itself in the role of the latter, what can we do?

India has a fairly long history of local self-governments. References of the village level organisations are found in the *Rigveda*. Kautilya's *Artha Sastra* contains elaborate details about local self-governments. It was Mahatma Gandhi's dream to re-build India into self-governing village republics. It was Gandhiji's concept of Village Panchayat which found expression in the Panchayat Raj system which came into existence in the early 'fifties under a constitutional principle of directive Principles of State Policy.

The main thrust of the Panchayati Raj system is towards democracy at the grass-roots and development. This is the scheme of this Bill. It is a self-evident truth that India can progress only when the village make progress. Pandit Jawaharlal Nehru once said,

"That progress of our country is bound up with the progress in our villages. If our villages make progress, India will become a strong national and nobody will be able to stop its onward march."

We have had a large number of Committees which studied the problems of the Panchayati Raj system. Beginning from the Balwant Rai Mehta Committee in 1957, Ashok Mehta Committee in 1978, the G.V.K. Rao Committee in 1985 and even the Sarkaria

Commission, all have dealt with the question of strengthening the Panchayati Raj institutions in the country. The most important conclusions of all these committees and commissions are, that the democratic structure in villages are very feeble and the resource base is very weak. It is these two basic conclusions which, I think, prompted the Prime Minister to concentrate on these two aspects in the present Bill. When we talk of democracy in a basic sense, we mean election of the representatives of the people. But the picture which our Panchayats present in this regard is very disappointing. Of the 32 States and Union territories where legislation for setting up Panchayats has been adopted, no election has taken place in a large majority of them. In some States, elections have never been held after the Panchayats came into being. This Bill contains provisions to effectively deal with the situation.

The tenure of five years and mandatory provision to hold elections after every five years are the very important features of the Bill. This provision will bring in uniformity in the democratic structure at various levels as well as end the discretion of the States with regard to election. This is very important because, as the G.V.K. Rao Committee pointed out, the decline in the status and authority in the Panchayati Raj institutions can be attributed to the reluctance of the political leadership at the State level to share the power with the District leadership.

It is a strange irony that the Opposition ruled States have always demanded more powers for them they have never liked to share them with the local bodies. The superintendence of the election by the Election Commission will certainly enhance the status of Panchayat elections.

Power to the people does not mean much if they do not enjoy financial powers. According to study the total tax revenue realised by the Panchayati Raj institutions constituted only less than one per cent of all the State tax revenue.

This Bill enables the state to make laws to provide for adequate financial resources. Then the provision to set up a State Finance Commission is an important one inasmuch as this body will go into the financial position of Panchayats and make recommendations with regard to the grants-in aid, etc. the scheme, adequate amounts will come into the hands of Panchayats to enable time to discharge their functions.

In fact, the Ashok Mehta Committee had suggested that a Panchayati Raj corporation should be established in every State to provide loans to Panchayats and to enable them to take up different types of remunerative enterprises and creation of profitable assets. Sir, in Kerala, there are Urban Development Corporations and Rural Development Boards which finance the Municipalities and the Panchayats even twenty years before. Even though the financing by Urban Development Corporation and Rural Development Board is inadequate, their help improved the projects of remunerative work of the Municipalities and the Panchayats. There are so many other local bodies in Kerala which are running profitably because of this financing. I am very happy to support the Bills.

Sir, before I came here, I was an MLA and before that, I was a Municipal Councillor in Trichur Municipality, where literacy is the highest in India according to 1981 Census. The Municipal Councillor can pass many good things and ask the Commissioner to execute them, but the power is with the Commissioner to execute the projects. And if the Commissioner has not implemented the proposals, then the power of the Municipal Councillor or the Panchayat Member is to resign from the Council.

Sir, after forty two years of our freedom, finally the power to decide what to do in their local bodies has come to the people. I personally congratulate the Prime Minister for this. And I am one of the happiest persons in the country over the transformation of power to the people directly. For that I congratulate sincerely our Prime Minister and the Congress Party.

SHRI HAROOBHAI MEHTA (Ahmedabad): Sir, I rise to welcome the two epoch-making Constitutional Amendment Bills in as much as they confer constitutional status to the local self government right from the village level, the grass-roots level, to the metropolises.

Several objections were raised at the time of introduction on the plea that they go to violate or disturb the basic structure of the Constitution. I fully agree with my learned friend Shri Mohanty who said that Parliament represents the sovereign will of the people and the power to amend the Constitution conferred by the Constitution on the Parliament under Article 368 is not and cannot be questioned in Courts. By a sheer historical mistake, the Supreme Court, in Golaknath case, had held that no law can be passed by the Parliament which would violate Fundamental Rights. Luckily that mistake was corrected. But another grave mistake was committed by the Supreme Court in Keshavananda Bharati case, where the Supreme Court examined the amendment in its content and held that Parliament has no power to amend the Constitution in such a manner as would disturb the basic structure of the Constitution. Our country is perhaps the only democratic country in the world where the contents of the Amendment passed by the Constituent bodies like Parliament are examined or scrutinised by the Courts. Thereafter, of course, by 42nd Amendment, our Parliament made it clear that Parliament has got full powers to amend the Constitution. With that, Keshavananda Bharati case is really no more a good law. And I think it is time for us to assert that Parliament is not answerable to any external authority so far as the amending power i.e. Article 368, is concerned. Therefore, all objections raised on the ground of violation of the basic structure are not relevant. In any case, even on the conservative view taking Kesavananda Bharati as the governing law, I would submit that there is nothing in the Bill which would, in any manner, derogate from the basic structure of the Constitution. The Prime Minister, Rajiv Gandhi, deserves to be congratulated because one after another he has

captured the minds of the people by piloting several important measures starting with Anti-Defection Bill and when we are almost on the last session of this Parliament, with these local self-government Bills, i.e. 64th and 65th Amendment Bills.

Some people wanted to say that powers of the State are being trampled upon by the Centre by this Bill. It is not so. States' powers remains as they are. Centre's powers remain as they are. There is no power of the State which is being transferred to the Centre by any of these Bills. The only thing is that a sort of uniformity insofar as it pertains to certain basic principles of local self government that tantamounts enunciation of the national policy, is now being enunciated by Parliament through these two Bills. There is nothing derogatory to the State power, nothing destructive of the federal character of our Constitution through these two Bills.

Many things have been said about panchayats and municipalities. I only add that it gives constitutional status to the local self government and certain basic requirements of what a local self government should be in a developing country like ours, have been enunciated. The provisions so far as reservations are concerned are very welcome. Article 243 (c) which is sought to be introduced in the Constitution, perhaps, provides reservation of seats for SC&STs. By and large, many States have these reservation provisions. But sometimes, these reservation provisions are not quite adequate keeping in view the ratio of population to the general population. So it merely provides that it should be commensurate with the ratio of population of the backward classes to the total population. I would have been happier if there would have been a provision to provide for reservation for socially and educationally and other backward classes also which have not been taken care of by other Bills. In this connection, Mandal Commission of course, suggests reservation in services etc. It is a very good report. I think, it is high time that Government may kindly apply its mind to the question of acceptance of Mandal Commission report and its vigor-

ous implementation throughout India. In any case that principle should also be extended to reservations in local self government bodies like panchayats and municipal corporations.

So far as the reservation for women is concerned, it is a very nice thing. In a male dominated and feudal society—feudal not exactly in the economic sense but at least in the cultural sense—women would not get the place which they deserve and are entitled to. Therefore, these reservation provisions are required. I am sure, not only women of this country but also right thinking people all around, will appreciate this step.

So far as corporations are concerned, several good things have been done viz. States have been specially authorised to transfer powers to the corporations and other municipal self governing bodies. This urban housing is a very important item—Item No. 27—in that regard. Slum improvement is sometimes considered the duty of the corporation. But so far as urban housing is concerned, many corporations have no powers. In my State, Gujarat, municipal corporations do not have powers so far as urban housing is concerned. Now with this amendment the corporations and municipalities will get powers to construct houses for weaker sections and encourage housing activities. By encouraging housing activity I do not mean that we should encourage private house building activity. The private builders have usurped lot of public land in order to fill up their own coffers at the cost of housing for the weaker sections. We hope that local self government in an urban areas will undertake urban housing and with the financial provision, they will also get necessary finance. Unfortunately, we learn that under the Urban Land Ceiling Act, several State Governments have levishly granted exemptions in favour of vested interests. Gujarat tops the list in this regard. Lot of urban land, which ought to have been declared surplus and should have been utilised for constructing houses for weaker section, has been cornered by vested interests, purchasing sometimes exemptions from the State Government. This should be

stopped. The Central Government should secure from the Parliament powers to monitor fully the exemptions granted under section 20, 21 or 22 of the Urban Land Ceiling Act. Today the Central Government has no power to give directions to the State Governments that a particular exemption should be given or not. Some policy guidelines are given but the Central Government does not exactly have any power on the State Government. I wish the Central Government may come forward with a proposal to this House for securing power to give directions and to monitor and control the powers of exemption, so irresistibly sometimes exercised by the State Governments at the cost of the real object and purpose for which the Urban Land Ceiling law was enacted. Urban Land ceiling is not actually the matter of discussion today but what I wanted to convey is that unless the urban land ceiling law is properly implemented, Corporations and Municipal bodies will not be able to properly exercise the functions under item 27, that is, Urban Housing. Therefore, as a connected issue, Government may kindly look into this.

Some improvement is rightly conferred by item No. 30. I have suggested that item 31, that is Urban Forestry, may be expanded to also include environment therein.

There is one more important power that the Municipal bodies should be given, and that is the management of natural calamities, including relief and rehabilitation. Municipal bodies can be very well useful in this regard. Today, the State Governments have to carry out these functions. Why should we not harness the energy, the talent and the resources of the Municipal bodies also? They can be useful more than any other voluntary agencies which have sometimes doubtful connections with foreign agencies, as has been recently revealed. Therefore, the local self-government bodies, like Municipalities and Panchayats, should be conferred power to work in the matter of management of natural calamities like floods, famine fire and many other types of natural calamities. Specific power should be given to them.

[Sh. Harooobhai Mehta]

One more thing which I want the Government to apply its mind sincerely to is the composition of the Municipal bodies. At the moment, so far as the Municipal Corporations are concerned, the hon. Chairperson is aware about the position in Maharashtra, as also in Gujarat. The elective wing of the Municipal Corporations do not possess executive power. The executive power is vested in the administrative wing. The Municipal Commissioner, aided and assisted by the subordinate staff, wields the executive power. The elective wing only passes resolutions. The entire execution and implementation is left to the Municipal Commissioner. Municipal Commissioner is subordinate to the Government, with the result that the elective wing people elect Corporators and Mayors with a view to entrust them the executive power. But, in fact, according to the law, they do not have any executive power. The result is that the power given by the people to the elected Corporations for the purpose of local-self-government is really exercised by the administrative wing, which is subject to State Government's directions only. Therefore, I propose that the Government may kindly look into this that there should be a Mayor-in-Council in every Municipal Corporation. The executive power of the Corporation should be vested in the Mayor-in-Council and the Mayor should be advised and assisted by the members of the Council appointed by him. This will so provide that the elective wing of the Corporations will have the real executive authority, otherwise the responsible element in the Municipal Corporation is really lost in the tangles of Municipal law. Really speaking, they are made futile, they are made powerless. All the States may not be inclined to quite agree with the Mayor-in-Council's proposal because they think that Municipal Commissioner being directly answerable to them, it is better to exercise powers of the Commissioner and the elective wing is left in the lurch. So, a National Policy may kindly be enunciated through the proposed amendment to this Bill, this is, that the Executive

Power of the Municipal Corporation shall be vested in Mayor-in-Council. There is a demand in the Mayors Council also. Let this be considered by the Government.

Sir, there is another aspect. After all the Local-Self Government is a cradle of parliamentary democracy. The elected Corporators and the Panchayat Members take their early training of the parliamentary democracy there. Therefore, let us start and see that the Municipal Corporations function on the basis of parliamentary democracy. So, Sir, the Mayors-in-Council can reflect the functioning of that and they can work like a Cabinet at that level, like a mini-Cabinet, a Council of Ministers responsible to the Corporators. These are the points which the Government may kindly consider in order to make this Bill very effective and more responsible. Once again, I congratulate the Prime Minister for doing a major service to the nation by strengthening the Local-Self Government. I am only sorry that many Members on the other side have parted their way. I thought that they would not like to abdicate the duties assigned to them by the electorate, by forgetting their obligations to the people. They have left us. I hope that at least they would realise and wiser counsel will prevail. For the prestige sake, they may not be able to withdraw from the steps they have already taken. But they must realise that by quitting this House they have only refused to discharge their duties cast on them by the electorate. With these submissions, Sir, I welcome and support these Bills.

[Translation]

*SHRI K. KUNJAMBU (Adoor): Mr. Chairman, I wholeheartedly support these bills. This is an important occasion in the history of our country. On this occasion, the dream of the Father of the nation is being fulfilled. Gandhiji believed that India lives in its villages and that the national will progress only when the villages become self-reliant. That was the basis of his concept of Gram Swaraj. If the villages are to become self-reliant, they should get opportunities for

*Translation of the speech originally delivered in Malayalam.

development—political and economic opportunities. These Bills seek to take such measures. I take this opportunity to heartily congratulate the Prime Minister for taking this historic step.

The History of Panchayats in our country has been a chequered one. The fact is that the Panchayats could not function effectively because of the indifference shown by the States. Most of the Panchayats are such where elections have not taken place for 15 to 20 years. Similarly the State Governments never gave enough powers to these Panchayats. Due to these reasons the Panchayats could not contribute much to rural development. Many Committees and Commissions have been appointed to study this problem. The present Bills have been formulated on the basis of the conclusions reached by those Commissions and Committees.

The most important feature of these Bills is that the Panchayats have been given political as well as financial powers, and thus their importance has been raised. To conduct elections after every 5 years and that too under the supervision of the Election Commission and reservations for women and Scheduled Castes and Scheduled Tribes are provisions which are meant to reorganise our Panchayats on the pattern of Parliament and State Assemblies. The provision for conducting elections in time and to fix the tenure of 5 years are very very important. These provisions will provide stability to the Panchayats and also help in putting an end to the arbitrariness of the State Government.

So far as the Panchayats are concerned the most important thing is that they must have financial powers. When the provisions of these Bills are implemented the Panchayats will get enough sources of income. The most basic requirement is that Panchayats should be strengthened so that they could take up developmental work of each locality. Looking at the Bill from this angle I feel that the provisions in this Bill in this regard are quite welcome. It is equally important to see that the money that comes into

the hands of the Panchayats is used properly. The provision for scrutinizing the accounts by C&AG acquires great importance in this context. This provision makes sure that money will be spent on the basis of well defined criteria. I also welcome the provision to appoint a Finance Commission once in 5 years. This Commission like the Central Finance Commission will study the sources of income to the Panchayats and make suitable recommendations. Thus these Bills contain provisions for providing economic stability in the Panchayats. When these measures are implemented I am sure the very complexion of rural India will change.

17.00 hrs.

Now when such revolutionary changes are sought to be brought about through these Bills where is the opposition? Their resignations show that they have no interest in strengthening Panchayats. It also shows that they are opposed to powers being given to the Panchayats. I am sure that the people of India will reject them for adopting this negative attitude. The people of India are solidly behind Shri Rajiv Gandhi because they know very well that it is only Shri Rajiv Gandhi who can solve the unemployment problem and various other burning problems of the country.

I will conclude my speech with one more point. It is a fact that in the rural India the feudal forces are deeply entrenched. It is a quite natural that these forces will try to establish their hold when Panchayats get more economic and political powers. If this happens then we will not be able to achieve our goal. If the benefits of Jawahar Rojgar Yojana and many other developmental programmes is to reach the people who are living below poverty line, we will have to control these feudal forces. When we are bringing about a revolution to the rural India we have to keep these forces under control. I take this opportunity to request the Government to take all effective steps to curb the feudal forces in the rural areas. I once again support these Bills. Thank you.

SHRI KAMLA PRASAD SINGH (Jaunpur): Mr. Chairman, Sir, I heartily support the 64th and the 65th Constitution (Amendment) Bills brought forward by our hon. Prime Minister. I would also like to say something about the benefits which are likely to accrue to the people from Panchayati Raj and Nagarpalika Bills, following in the footsteps of my other colleagues who spoke on the Bills. Panchayati Raj Bill has instilled confidence in the minds of the people that it will benefit them in future. Indifference to the wishes of the people, our hon. Prime Minister has brought forward this Bill. This bill fulfills not only the wishes of the people but it realises the dreams of Mahatma Gandhi also. Through Panchayati Raj, people will be able to accomplish all their development work such as construction of roads, provision of drinking water and health facilities and setting up of small scale industries. Our colleagues from Uttar Pradesh have just returned from the tours of several villages and towns in their respective constituencies in Uttar Pradesh where they held public meetings in this connection. I would like to tell that the Panchayati Raj Bill and the Nagarpalika Bill which have been brought forward in the House are being appreciated everywhere, but it is regretted to say that opposition members resigned their seats in the House when such important Bills to fulfil the expectations of the people are being considered in these House. There are two types of action. One leads to development, whereas other to destruction. Action of our Prime Minister is leading to development, whereas our opposition is bent upon destruction and is trying to mislead the people. The people are not paying any heed to them. They are being rejected by the people. Lowering of voting age to 18 has been appreciated everywhere. Minister for Urban Development is sitting here. She said the other day that the employees of Municipal and other local bodies were not paid their salaries in time and the condition of roads was very bad due to critical financial condition as a result of which people have to face difficulties. But the Bills under consideration have been brought forward with a view to removing these difficulties, and problems of

drinking water, health, drainage and light will be solved. Several such departments which are at present under the administrative control of the Government, will be taken care of by the Panchayats under the Panchayati Raj system, which will certainly bring an improvement in their functioning. Till now, the engineers and the contractors etc. used to pocket a major portion of the funds meant for construction of roads. But hereafter, link roads between one village and the other would be extended to new Panchayats and thereafter these roads would be connected to the main roads. This would ensure spending of allotted funds on the specific work. The small scale industries proposed to be set up under the scheme will generate employment for the unemployed youth. Gram Pradhans are trying to take adequate steps to formulate suitable schemes to utilize the funds allocated under the Jawahar Rozgar Yojana. The employed people are getting jobs and even the depressed classes and the poor are getting financial benefits. I do not know why the Opposition is against such a good step which is proposed to be taken through the 64th and 65th Constitutional (Amendment) bills. Today the masses of our country are welcoming these Bills and are waiting for its implementation after it is passed by the House, so that the people are benefited to the maximum extent. Why do the Opposition Members hesitate to participate in this pious work and why have they tendered resignations? Do they only specialise in the art of indulging in character assassination and thereby misleading the people? I can say for certain that wherever you see 4-5 or 10 people sitting together, whether in the functions, in the streets, buses or trains, the only topic they talk of is that the course adopted by the Opposition is not in our country's interest. The Opposition wants to destabilise the country and disintegrate it, whereas our Hon. Prime Minister wants to maintain the unity and integrity of the country by taking the people of all communities, religions and castes together on march towards progress. The masses are aware of this. I am sure that the people will not support the Opposition in the forthcoming elections. The Opposition Members are still in wait of grabbing power

by any means by fomenting caste religion or languages issues. I can say with challenge that the people will no more be misled by their gimmicks in future. The way they talk of establishing hegemony of the States and the way they are going ahead with their policies, their activities deserve to be condemned. Perhaps they have resigned from the House with the aim to indulge in acts like character assassination. The issue on which they resigned is nothing now. It has been discussed in this House a number of times, and every time the situation was made clear by the Government. The subject has been raised in the House for many years and we have even taken it to the public. Now the people have understood that the Opposition is simply indulging in making false propaganda. The people have disapproved of their acts. The people understand that they do not have any programme. That is why nobody is prepared to listen to them. I would like to submit that on the 6th of this month, I had organised an urban as well as a rural rally in my constituency, Jaunpur, in which lakhs of people participated. Our hon. Chief Minister also participated in it. In these rallies people expressed full faith in the Hon. Prime Minister and disapproved the opposition's acts. Therefore, I would like to congratulate the Hon. Prime Minister, the Minister of Urban Development and other Ministers for having introduced the Bill for strengthening Panchayati Raj and Urban Bodies in the interest of the country. This step deserves to be welcomed and I heartily support it. I thank you for giving me time to speak.

SHRI SULTAN SALAHUDDIN OWAISI (Hyderabad): Mr. Chairman, Sir, there are two views about the Constitution (Amendment) Bill presented in the House. The first view is that it is an attempt to interfere in the affairs of the States. The second view is that the country will be benefited through it. Without drawing myself in this controversy, I would simply like to submit that if we consider bitter realities of the last 40 years, we have no other alternative but to support this Bill. The example of Municipal Corporation of Hyderabad is before us, the election to which were held after a lapse of 22 years.

Just imagine, if the elections to my Municipal Corporation take place after 22 years, should I do not support this Bill? I am making this submission by rising above the political affiliations and by taking the realities into consideration. I would like to submit again that if you intend to do something, you should bring forward a comprehensive Bill. It should be ensured that elections are conducted under the provisions of People's Representation Act, in the same way as the elections to Assemblies and Parliament are held. The work relating to delimitation should be undertaken by the Election Commission, because what I am saying is based on experience. I would like to cite the example of Municipal Corporation of Hyderabad. I do not want to name any party since it is not proper to criticise anyone who is not present here. But I cannot help naming them. The Telugu Desam carved a constituency in their stronghold with only 5-7 thousand votes whereas in the case of our constituency, the number of votes has been fixed at over 35 to 37 thousand. Is this just? When I demand that delimitation should be done through the Election Commission, it is upto you to decide whether my demand is genuine or not. Besides, I would like to submit that when the Centre is contributing funds, the State Governments too should be asked to contribute their share of funds. The question that arises here is that when Rs. 1200 crore are being collected from the city of Hyderabad, how much funds are being allocated to the Municipal Corporation of that city? The Centre does not want to allocate funds to the corporation. Therefore, my submission is that the Municipal Corporation should have a share in the collections of income tax, excise duty and sales tax as well. You are aware that due to the wrong policies of the Government, there has been an increase in the urban population. But now when the Government is taking steps for the development of villages, the urban areas too will get some relief. The Government should pay attention in this direction also and allocate funds to the Municipal Corporations as well.

Mr. Chairman, Sir, there are different Acts governing the Municipal corporations in

[Sh. Sultan Salahuddin Owaisi]

different States. Therefore, the Government should formulate a uniform law for the entire country in order to stop injustice that is being perpetrated on us. Take for instance the scavengers. Some of them have died and some have been given pension. The number of such vacancies has risen to more than 1200. But now....*.... has ordered that new appointments should not be made against these 1200 vacancies even though there is an urgent need to do so. Is this not unjust? If they believe in democracy, why should they punish the people? They want to punish us for voting for a party other than the ruling party. So you can well imagine as to why we want that full powers should be given to the Municipal Corporation. Just see how their rights have been Snatched away. The subject, such as drainage has been taken away from the Municipal Corporation, Hyderabad and the tax as well as the Library cess which we used to get has been taken away. We are left with no money even to purchase the brooms or to pay the wastes. Under these circumstances, would it be just on my part if I do not support this Bill. I definitely, support this Bill and there are reasons for doing so. Just imagine that the O.D.A. funds are received from the British Government, but.....*..... an important Chief Minister wants to take away even that. These revenues were also taken away from us. I had to file a writ in the High Court against the decision and the High Court observed that they did not have any power to do so and following this verdict these funds were restored to us

17.20 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

If there is a single law, the people will have some relief. If powers are again given to them, you please tell us who will get the benefit of it. I would, therefore, like to say that there should be a uniform law for the corporations in the entire country. If the rural population does not get the benefit of de-

mocracy, it will be of no use to us. It is our responsibility that we support this law. Those who are opposing this law, should think over it quite seriously that they have been elected by the people living in cities, but this sort of ambiguous policy will be of no use to them. Hence the Government should have a clear cut policy in this regard. I have brought forth all these points before you and I would like the Government to consider this thing also that powers should be given to the corporations. Earlier, the Commissioner used to have the authority of sanctioning the expenditure up to Rs. ten thousand but after a defeat in the elections.....*..... got a law enacted by the Assembly to authorise the Commissioner to sanction the amount of expenditure up to Rs. 2 lakh without the prior approval of the Corporation. Suppose a road is to be constructed with an estimated cost of Rs. 20 lakh. In such cases what they do is that they prepare several bills for Rs. 2 lakh each and thus get the entire budget allocations of the corporation consumed. As such the Commissioner has been given absolute powers and now he represents the Government. In such a situation how all these things will be done and now when the Mayor is from a particular party...*..... created a strange history in the world. The population of Hyderabad is 30 lakh and there will be direct elections. One representative would be elected by every thirty lakh voters. Now, you can easily imagine as to how foolish it was but earlier when I used this word, the members had laughed at it. Now please let me know what I am speaking at the moment is correct or not. It is what I have been stressing that all these should be provided in a package. Now I would like to express my gratitude to you for giving me an opportunity to speak.

[English]

MR. DEPUTY-SPEAKER: Don't mention the name of the Chief Minister. No allegation will go on record. You can mention as 'a Chief Minister'.

(Interruptions)

[Translation]

SHRISULTAN SALAHUDDIN OWAISI: Sir, It is the judgement of the High Court. I have said here only what the High Court has stated. I have not added a word for the Chief Minister on my own. If it is not the judgement of the High Court then it is a very difficult situation.

[English]

MR. DEPUTY-SPEAKER: I will go through the records. No allegation will go on record.

(Interruptions)

SHRI K.S. RAO (Machilipatnam): Mr. Deputy-Speaker, Sir, the very talk of the introduction of the Bills in Parliament, creating panic in the minds of the Opposition Members clearly indicates the strength of these Bills. For people who are staying outside Andhra Pradesh, it is not known, but for people who are residing in Andhra Pradesh, it is known to them as to what the local Governments think and what they speak. I have gone through the Bills Clause-by-Clause. I have also gone through the objects of the Bills. Even before the introduction of these Bills, I have already explained about them in various public meetings in Andhra Pradesh. I could not find any reason for the fears of the Opposition and their going round the people and their drum-beatings. I will tell some of our experiences, as my colleagues have already expressed in regard to this. Sir, some people are claiming that they are doing very well in their own States and they are Claiming that they want to take power to the huts, to the villages and to the door-steps of the people. They are making wonderful speeches in a very dramatic way, trying to impress the people more than anybody-else could do it. But I will explain step-by-step as to what they are doing, in reality. The moment the TDP Government came to power in Andhra Pradesh, having gained the power in the State and not in the Zila Parishads, Panchayats, Mandals or Blocks, if they were really interests in keeping this Panchayat

system more useful and to the expectations of the people as is desired in the Panchayati Raj System, they would not have disturbed it. The first thing they thought of was how to disturb the system. When out of 22 districts which are in the hands of congress (I) and having found that no Zila Parishad Chairman can be thrown out by his mechanisations, he brought an order in the Assembly changing the conditions for expressing no confidence against the Zila Parishad Chairman by two-third majority to a simple majority, by using his all resources, money, pressure, Government machinery and all these things. The first district that he has changed is his own district and which happens to be my own district, that is, the Krishna District on by one vote thereby disturbing the set up for which Krishna District was very popular in regard to administration of Panchayati Raj. After six months, he found that this simple majority was making him lose his man once again who was brought by his machinations, he changed the set up once again by a direct elections to the Zila Parishad. All right. If the intentions of the State Government were to be good, then the Panchayat System would have worked well. But he did not allow any Zila Parishad Chairman—whether he belonged to Congress Party or to his own party—who is elected directly by no less than 16 to 17 lakh voters in district. He brought another thing, this is the District Development Board above the Zila Parishad Chairman taking away the entire powers of the Zila Parishad Chairman. This Board is constituted and chaired by a Minister who invariably happens to be his slave and through this slave he wants to rule his district as he desires. Even then he is not satisfied. When there are directly elected Mandal Praja Parishad Presidents and Panchayat Presidents who have got more direct contact with the needs of the poor people and the people belonging to the weaker sections in that area and who can decide about the more deserving persons who can get these facilities under the 20 Point Programme including housing to which you are giving hundred crores of rupees to the weaker sections, these are being allotted not as per your directions or the directions of the Government of India. It is not the Pan-

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chayat President who decides about the right person to get permanent house under this scheme and also not the Mandal Praja Parishad President but the MLA who decides it as per the directions of the State Government. It is very pathetic. His greed for power has gone to the extent of disturbing the entire Panchayati Raj system. He has gone to the extent of choosing the people who have to run the Boards. Earlier it was the Revenue Divisional Officer who used to decide about the right and competent man who has to run the fair price shops particularly from the weaker section and invariably from Harijan or Scheduled Caste or other communities. At that time, the deciding authority was the RDO and the appellate authority was the collector. But you know, what is the change made now? It is the Minister who is made increased of Development Board and he allots the fair price shops to the individuals. But who is the appellate authority? It is the Chief Minister of Andhra Pradesh. It is quite unfortunate that if a fair price shop dealer in a village is to make an appeal that some injustice has been done, the appealing authority is the Chief Minister. This clearly indicates who is interested in bringing the power to the people and who is not interested. This also clearly indicates the gap between his action, his mind and his talk.

The same is the with Members of Parliament who have resigned. If they are really interested in making any amendments to this Bill which has been introduced, they could have been here and made some suggestions. They know pretty well that by opposing this Bill in Parliament, as he suggested or as has been spoken by the leaders elsewhere in public and in Press, they will lose their image with the people, they will lose the support of the people and they will lose the elections. This is one major reason for their resignations and not the reason which they are mentioning every time—some allegations. They are all concocted on which they wanted to live on.

Four years of experience has clearly

indicated that none of these opposition members who spoke so much outside are interested in the welfare of the common man. They have never made any concrete suggestions. Any programme or policy that is to be adopted, is only done by the Government in the interest of the common public. Most of the time they have wasted. Not only theirs, but also that of the ruling party members, that of the country and its people in making some fictitious or imaginative allegations. It is quite unfortunate that even we have sacrificed for those opposition members who have wasted our valuable time.

As my colleague said, I don't need to explain the financial resources. Right from the morning 3 O' clock upto 8 O' clock by which time he goes to bed, the slogan of the Chief Minister is only how the Government is not giving enough finances to the State, how the Government of India has not approved a project, how the Prime Minister has not approved a project or not accepted the Finance Commission's Report or something of that sort. All right, I would appreciate the slogan of the Chief Minister if he were to be honest in his thinking and claim for the State more resources. Agreed. If the Chief Minister felt that he could claim more resources from the Government of India, should he not think in terms of giving adequate resources to the Zilla Parishad, Mandal and Panchayat? On the contrary can he think in terms of taking away the resources already existing in village Panchayats and Mandals?

The pathetic situation in certain villages is the withdrawal of cheques to the Panchayat presidents. There are certain village in my own constituency where, when the pump motors did network for pumping the drinking water in a village, the Panchayat President did not have means to issue cheque and get that repaired. By this the entire villagers could not get drinking water for days together. Are these the people interested in taking power to the people? Are the the leaders who are honest in their speeches? People are aware of this.

In this Bill, by any stretch of imagination

let any critic come forward and say that this is the mistake, this is the power that is being taken away by the State, by the Zilla Parishads or by the Mandals. There is nothing.

On the contrary, having found this Panchayati Raj system is weakened by the whims and fancies of several State leaders or local forces or local rich people or the people who are in power for centuries, to save that system from the hands of those elements, when the Government of India thought in terms of putting it on paper or bringing an amendment to take the power to the people, everybody should have felt happy and supported it outright. On the contrary, someone wants to find out something or the other and make a criticism. But they cannot stand before the people.

Sir, I support this Bill wholeheartedly, particularly because of its giving powers to the villagers to make their own planning. The Prime Minister or Shri Bhajan Lalji cannot plan without knowing the minute details of what is required in a village. It is the villagers who know how to increase their resources; in what manner can taxes be levied; in what manner their resources can be increased; and for what purpose they are to be utilised. This cannot be the same for every village or for every mandal or for every District or for every State. Every village or every district or every region has got its own specialities and needs. Giving powers to the villagers to plan for themselves, to plan for their own needs, to plan for their own resources, giving authority and power to them and also making them accountable is the one which is the need of the day. If this is done by the Prime Minister, he is to be admired and not be criticised. Unfortunately, the Opposition went on making criticisms—not constructive but destructive, not fair but motivated. This cannot be in the interest of the people or the nation. Similarly, we know pretty well that in several parts of the country, elections are not being held regularly. Insistence on every State, on every district to hold elections regularly, every year—no matter, whatever it is congress Government or non-Congress Government—is not a wrong one. It is in the interest

of everyone. It is not a partial decision. Similarly people might have doubts whether this authority given to a Panchayat President will be utilised properly or not and whether this will disturb or increase the corruption at the village level. Now, one thing I can say about this. If a Panchayat President were to be corrupt, if the Panchayat President were to misuse this power and does not prove to be accountable to the villagers, then, he cannot face his own villagers. Everybody will hate him. Everybody will abuse him on his face itself. He will be insulted in the public. At least, because of the fear that it will be known to people directly, at least because of the fear that he will be insulted in the society and he might be boycotted, the next day, he will discharge his responsibility to the people. I have the definite opinion that this will work better than giving powers to a stranger who does not have any affiliation or any bond to the people, living in the villages. Even considering this, giving the authority to the village panchayats, to the villages mandals directly is much better than giving the power to person who does not have any bond or connection, who is not responsible or accountable who will not feel shy of being insulted in the eyes of the people.

Similarly, the introduction of powers to the Auditor General to check the accounts certainly creates a fear among the people, not to misuse their powers.

I have only one suggestion to make. While I appreciate the Government in making reservations for the weaker sections particularly the Scheduled Castes, the Scheduled Tribes and women in particular, I feel the Government should have made some provisions in making reservations for backward classes and minorities also. I do not say that so much of percentage should be given to them; but as is considered for the Scheduled Castes, the Scheduled Tribes and women who are neglected for generations, to a certain degree, even the minorities and the backward classes should have been considered. I wish the hon. Prime Minister and Shri Bhajan Lalji and other Ministers should take up some initiative and bring an

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amendment, before it is passed in this House, to the effect that certain reservations for backward classes and minorities are made. Thank you very much, Sir.

[Translation]

SHRI BAPULAL MALVIYA (Shajapur): Mr. Deputy Speaker, Sir, I rise to support from the core of my heart the Constitution (Amendment) Bills introduced today by our Prime Minister Shri Rajiv Gandhi in the House.

Mr. Deputy Speaker, Sir, although, earlier there were Panchayats in every state but their structure lacked uniformity. Today our Prime Minister has taken a big step with the introduction of these two Constitution (Amendment) Bills, popularly known as the Nagarpalika Bill and the Panchayati Raj Bill. Hitherto the Gram Panchayats and Nagar Palikas were not given their due powers but now this bill seeks to give these institutions the constitutional authority. Undoubtedly it is power and money which make a project operative. If Gram Panchayats and municipalities are given constitutional powers, it will certainly boost up their morale to go ahead with their development projects in their cities and villages. Our Prime Minister has stated that the Government will work to strengthen the condition of Gram Panchayats and with that improvement our villages will certainly see the light of all round development and progress.

So far as I understand it, bureaucrats were the biggest hurdle in the functioning of Panchayats. However, there is a big reason behind this. I know this because my second son is Sarpanch of a Gram Panchayat. He had to obtain technical sanction for the construction of a school building which was not being given by the Engineer of R.E.S. and Rs. 500 were demanded from him for the technical sanction. These people did not know that he was the son of a member of Parliament. My son remained worried for many days and ultimately he told me of his

difficulty. Then I went there and asked them to give the receipt for Rs. 500 so that he could show it in the accounts of the Panchayat but they refused to give such a receipt. As such, these officers take a fixed amount of commission for every work and thus harass the people to obstruct the work of Panchayats. Keeping in view all these things, the Prime Minister has taken a very good step and has solved all these problems by giving powers to the Panchayats. The Prime Minister has personally visited all these areas to be seized of the problems of adivasis and poor people. Keeping all these problems in view the Panchayati Raj Bill and municipalities Bill have been brought here in the House. Today, you see the working of Engineers in the cities. They do not construct the road which needs to be constructed and a road which requires no repairs is being constructed again and again because they get the amount of the commission for the construction of that road. The actual works required to be done in the cities, are never done. Today, the financial condition of Urban Nagarpalikas and Municipal Corporations is such that they do not have funds to pay their electricity bills to the Department of Electricity. But now it is certain that the financial condition of the Municipal Bodies and Panchayats will improve with this Panchayati Raj Bill which has been introduced here by our Prime Minister. It is very good that an amount of Rs. one lakh and 50 thousand or eighty thousand has been given to the Panchayats for strengthening them. We feel that it will give relief to the neglected sections of the society such as the Harijans, Adivasis and the women. Tulsidas has said in one of his verses

"Dhol, Ganvar, Shudra, Pashu, Nari,

Yeh Sab Tadan Ke Adhikari",

it is not correct and I am not happy with this expression. Today our Prime Minister has brought them out of the above category. It is very good that 30 per cent reservation has been provided for women. It is certain that women are doing much better work than men. I have seen this. When a lady officer is

posted, she does her work very honestly because no agent is allowed by them in their work. But when a male officer is posted, then a group of agents accompanies him to get certain illegal things done through these agents. As compared to men, women work with more dedication and devotion. We believe that men are not as honest as the women. Harijans and Adivasis do not enjoy the right of equality. In case these people are elected sarpanch or ward members then they will definitely enjoy equal rights. Successful implementation of this Bill will definitely result in the development of villages and cities of our country. It is very sad that the members of the opposition have resigned from the House. It is wrong on their part as they have fled from the battle of wits. There are the days of Intellectual warfare whereas they used to fight the lathis and swords in the olden days.

Modern warfare has to do more with minds than the swords. Hence in the present situation I would like to suggest that it would be more appropriate to give the opposition the title of 'Ranchhor'. It is indicative of their weak position. They might have thought that if they were present in the House it would have been very difficult for them to support the Bill. Therefore, they have already resigned. Panchayati Raj Bill has infused a lot of enthusiasm among the rural masses. I am very much thankful to the Prime Minister for the introduction of this Panchayati Raj Bill. It is a historic step. For this achievement, his name will be remembered in the world through the ages to come.

With these words, I conclude.

SHRI GIRDHARILAL VYAS (Bhilwara): Mr. Deputy-Speaker, Sir, I support both the Constitution (Amendment) Bills brought forward by the Hon. Prime Minister from the core of my heart. I would like to submit that I had practical experience of working in panchayati raj institutions. In 1948, I was Sarpanch of my village. At that time, a Sarpanch was elected by raising hands. Today Shri Rajivji has brought such a great change in the system which has been hardly wit-

nessed anywhere else in the world. Constitutional powers are being provided such a great change in the system which has been hardly witnessed anywhere else in the world. constitutional powers are being provided to Panchayats. Elections of panches and sarpanches will be held after every five years. A lot of powers have been given to Panchayat under it. Rajasthan adopted intermediate level of the system which is known as Panchayat Samiti. The Panchayat Raj system was introduced in Rajasthan in the year 1959 by Pt. Jawaharlal Nehru. The third tier of the system is known as Zila Parishad, which is formed at district level. These three tiers are the three linking units of Panchayati Raj System and provisions made in this Bill are based on the three tier principle. I was the Chairman of the Commission set up on Panchayati Raj in Rajasthan. I was stated in the Report submitted by the Commission that the funds provided to the various departments of the State Governments for panchayats were further re-allocated to the districts and the officer of the State Governments spent the amount in an arbitrary manner. So all the funds should be provided directly to the districts whether these funds are meant for various departments and various works such as roads, irrigation, drinking water or agriculture Proposes. This procedure will certainly ensure sound development of the district. Hon. Shri Rajiv Gandhi is also of the same view and he appreciates our difficulties. The people have to move from pillar to post for funds, but they are not provided funds as a result of which development works at the district and panchayat levels are not completed and they always look to the State Government for funds, while the State Government depends on the Government of India for providing funds to districts and Panchayats. As regards decentralization of power, there cannot be more decentralization of power than this as the Bill contains separate provisions for Panchayats and district levels on the pattern of separate provisions made in the constitution for the Government of India and the State Governments, so that justice could be provided to the village people and the proposed provisions could be effectively implemented there.

[Sh. Girdharilal Vyas]

That is why these provisions are being given legal sanction through the amendments in the Constitution. I would like to submit some points regarding the proposed Finance Commission in the Bill. The Finance Commission set up by the Government of India visits different States to ascertain their financial needs. The proposed Finance Commission to be set up at district level will make an estimate of the expenditure to be incurred on the various schemes in the Panchayats and it will make their recommendations on which share in taxes and in the Consolidated Funds of India will be given to them. This will ensure large scale development of villages. After enactment of this law, there will be no scarcity of funds in the Panchayats and speedy development of the poor and the have nots, who are hitherto deprived of it, could be ensured. Their necessities can be fulfilled by providing more and more funds at the Panchayat level. Housing is the biggest problem that both rural and urban people are facing today. Most of the rural people are so poor that as many as twenty persons live in a single room. They are not in a position to construct new houses for them. An arrangement is there to construct houses for the poor under the Indira Awas Yojana. But only a small part of the requirements has been fulfilled through it. Not more than 10 to 15 houses have been constructed in one panchayat under this scheme and housing facilities for all the people are yet to be provided. With the availability of more funds, we will be able to fulfil the housing requirements of more and more people and scheme for construction of houses for the people belonging to Scheduled Castes, Scheduled Tribes, minorities and backward classes will be formulated as per their needs. We will have a clear cut idea with regard to requirement of land for the people belonging to higher income group and middle income group. We will be able to provide land to them accordingly and the whole system will run smoothly. With all these provisions, it is but natural that development of Panchayats, Zila Parishads and Panchayat Samitis will take place. This is a commendable step.

Reservation for certain categories has been provided in this Bill. No word of praise can suffice for this step. Till now, no reservation was given to women in panchayats. Earlier women were hardly elected as officer-bearers in panchayats, panchayat samitis or Zila parishads. Now, 30 percent seats have been reserved for women and they will be elected in every panchayat, panchayat samitis and zila parishad. I would like to suggest to the hon. Minister that the same percentage of reservation should be given to women as chair-persons, pradhans of panchayat samitis and zila pramukhas. Our systems will run smoothly if women are provided higher positions. Just now, Shri Malviyaji was praising women for working more efficiently than men. In view of this also, women should be given higher posts, so that the country could develop and they could make their contribution in the development. Our object behind bringing this Bill is to strengthen the local self governments in villages and towns. So it is imperative to give necessary protection to women. Mr. Deputy Speaker, Sir, I would also like to submit that the people belonging to Scheduled Castes and Scheduled Tribes should also be given reservation. Although provision has been made to give reservation to them on the basis of their population, but nothing beyond this has been mentioned in the Bill. There should be reservation for the scheduled castes and scheduled tribes for the posts of sarpanches, gram pradhans or Zila Pramukhs. There is lot of resentment among the people belonging to scheduled castes and schedule tribes due to inadequate reservation. It will bring considerable relief to them if reservations are made for them for the posts of Sarpanch, Zila Pramukh etc. It is very much needed, as this will help us in running the system smoothly. people will be really benefited from transferring 29 subjects referred to in article 243 E of 11th schedule of the Bill to panchayats. Rajasthan is facing acute drinking water problem. Out of a total of 35 thousand villages in Rajasthan, Government have provided drinking water in 30 thousand villages. Even then there is no significant improvement in the condition because level of underground water has gone down due to drought.

consecutively for the last 4-5 years in Rajasthan. Although drinking water has been provided in 30 thousand villages, but 10 to 15 thousand villages out of them reverted to their original position. I hope that the villagers will now have no problem in getting drinking water as panchayats have been entrusted responsibility for providing drinking water. Shri Virdhi Chander Jainji is present here. He knows how the people have to walk for 3 to 4 kilometres to bring water in Barmer, Jaisalmer and churu districts of Rajasthan. There are many such desert districts where people have to face the problem of drinking water throughout the year. With this devolution of power to Panchayats, the farmers and the poor will be benefited and a lot of arrangements will be made for drinking water.

18.00 hrs.

Sir, now I come to employment aspect. The villagers will be benefited to a great extent with the inclusion of khadi and village industries and other industries in the Schedule and the provisions will be implemented

properly. Mr. Deputy-Speaker, Sir, I support this Bill.

18.01/2 hrs.

RESIGNATION BY MEMBER

[English]

MR. DEPUTY SPEAKER: I have to inform the House that the Speaker has received today a letter dated 23rd July, 1989, from Shri Balwant Singh Ramoowalia, resigning his seat in Lok Sabha.

The Speaker has accepted his resignation w.e.f. today, 8th August, 1989.

The House stands adjourned to re-assemble at 11.00 A.M., tomorrow.

18.01 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Wednesday, August 9, 1989/Sravana 18, 1911 (Saka)