

the democrats. There is no control of the bureaucrats over the democrats. To this date, there have been two classes—democrats and bureaucrats—in the Indian history. Now, real democracy has been introduced by these Bills. Our Prime Minister has given power to the rural masses under the three-tier system, that is, district level, State level and the Central level. India lives in lakhs of villages and thousands of cities. So, our country will definitely be grateful to him. In congratulate Shri Rajiv Gandhi for having given true democracy. I can say that he is the real and true architect of Indian democracy.

16.33 hrs.

STATEMENT REGARDING BODO  
AGITATION

[English]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI SANTOSH MOHAN DEV): Chief Minister, Assam met Home Minister today in his office. They discussed the issues pertaining to the current agitation started by the All Bodo Students Union and others in some parts of Assam. For the purpose of starting joint talks by the Assam Govt. with All Bodo Students Union, the leaders of the agitation and the Govt. of India in Delhi, the Chief Minister, Assam will send a communication to Home Minister. There was agreement between the Chief Minister and Home Minister on the question of making efforts to find a solution within the framework of the Constitution of India. They also appealed to the Leaders of the agitation to stop violence and withdraw all agitations including call for thousand hours' Bandh, in order to facilitate a negotiated solution.

CONSTITUTION (SIXTY-FOURTH  
AMENDMENT) BILL  
AND

CONSTITUTION (SIXTY-FIFTH AMEND-  
MENT) BILL—*CONTD*

[Translation]

DR. G.S. RAJHANS (Jhanjharpur): All those points that I wanted to make here have already been made leaving nothing for me to

speak. However, I would still like to submit two or three points. In addition to many other things done by him, Shri Rajiv Gandhi will always be remembered in the history for introducing these two important amending Bills. Only persons who went from village after village, can say as to how much people are enthusiastic in the country-side about the changes to be affected in the Panchayati Raj in the country and democracy reaching the grass root level. During the last winter, village Sarpanches and Gram Pradhans assembled in Delhi at the instance of the hon. Prime Minister and Shri Bhajan Lal. They returned from here fully satisfied. They were so much impressed with our hon. Prime Minister that they told the villagers in their respective villages that it was only Rajivji who was their true benefactor and no one else. At that time they expressed the apprehension that the opposition would definitely put one obstacle or the other in this work and their doubt has been found to be correct. I undertook tours of rural areas during the last summer and I found that there was lot of enthusiasm among the villagers about Jawahar Rozgar Yojana. Wherever I went, people requested me that copies of the speech delivered by the hon. Prime Minister in the Lok Sabha on 15-5-1989 at the time of introducing the Panchayati Raj Bill be circulated to all the Gram Pradhans and Sarpanches. The hon. Minister must be having a list of Sarpanches and Gram Pradhans with him. I would request the hon. Minister that he should arrange to despatch copies of hon. Prime Minister's speech to these people because newspapers do not reach the villages. Even if newspapers reach, all the matters are not covered in them. When the whole text will reach them through letters, they will remember the points for all times to come and circulate the same to others. I would, therefore, like to urge upon you to despatch the copies of hon. Prime Minister's speech to all Sarpanches and Gram Pradhans.

I shall conclude after making one or two more points. Nobody can deny the fact that a number of criminals have found place in the Assemblies of the States falling in the

[Dr. G.S. Rajhans]

Hindi heart land. During my visit to the villages, a number of people requested me to make provisions so that criminals are not able to capture the Panchayats at any cost. People's fear is not unfounded. A very small number of people participate in the Panchayat elections and elect the Sarpanches and the Gram Pradhans. Even if two or four anti-social elements are elected with the help of the panchayats, bodies illegal arms, ammunition and country made bombs, they will vitiate the Panchayat environment and our very purpose of ensuring development will be defeated. Every body knows that capturing booths during Gram Panchayat elections is much easier than capturing booths during Assembly and Parliamentary elections. As such I would like to apprise you of the sentiments of the people expressed to me. People apprehend that criminal elements may emerge in the Panchayat elections.

There is one more thing that I would like to submit. Through these Bills you are going to put the Directive Principles of State Policy into practice. At the same time I would like to request you to ensure that the sentiments behind the Directive Principles of State policy are fully honoured and these Directive are fully implemented. The Bill also provides that every state will set up its own Finance Commission so that resources could be mustered properly. In this connection I would like to make a request to you that the State Finance Commission must have a people's representative as its member. He may be M.P. or an M.L.A because only a people's representative can understand the public sentiments well. They know better as to how resources could be mobilised. Finally I would like to say that the Nagarpalika Bill is as much good and effective as the Panchayati Raj Bill. But it should be ensured that Notified Area Committees are set up at the minimum number of places. It is all right that this can be done by the State Governments. There should be maximum number of Municipalities to be constituted with the elected representatives. We are taking democracy to the

grass root level and it is adding a new chapter in the history of the country. The country will always remember Shri Rajiv Gandhi for this.

[English]

SHRI SHARAD DIGHE (Bombay North Central): Mr. Chairman Sir, we have been discussing both these Constitution Amendment Bills together. The first Bill refers only to the Panchayati Raj and the rural areas. The second Bill refers to the Nagar Palikas and also some of the transitional areas which are newly contemplated under this Bill.

As far as Panchayat Raj Bill is concerned, there had been discussions for a long time because that was introduced in this House a long time ago. The legislative competence of this House was also challenged when the opposition parties were present at the time of introduction of the first Constitution Amendment Bill regarding Panchayati Raj. The same points were also raised by the hon. Member Shri Syed Shahabuddin at the time of introduction of the Constitution (Sixty-fifth) Amendment Bill. The legislative competence of this House was maintained at that time by the hon. Minister Shri Shiv Shanker and on this occasion by the Law Minister, Shri Shankaranand on the ground that the legislative competence of this House exists in view of Article 368 of the Constitution. Article 368 of the Constitution enables this House to make the amendment to the Constitution, and as has been pointed out by several other hon. Members, as long as we do not change the basic structure of the Constitution, there is legislative competence of this House.

I will go a step further and say that the Directive Principles which are incorporated in this Constitution, and particularly, Article 40, which directs the States in this way, states:

"That 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."

It has also been pointed out that State would include not only the Parliament but the State legislatures also. If for the last forty years, the State legislatures have not implemented correctly the Directive Principle under Article 40, then it is the duty of this House to put some proper structure for the purpose of endorsing that Directive Principle. Though these Directive Principles are not enforceable by any court, the principles therein laid down the nevertheless fundamental in the governance of this country. The constitutional expert, Shri Seervai has said that it was 'hoped that those failing to implement the Directive Principles might receive a rude awakening at the polls'. If you do not implement the Directive Principles, you would receive the rule awakening at the polls. That is the sanction for this constitutional amendment which are making, namely, we are directing the States to pass laws incorporating this particular principle in their laws.

A question is asked outside as also was asked in this House when the opposition were present, what will happen if they did not do. Apart from the Directive Principles, we are further directing them to follow those Directive Principles and pass laws on this basis, incorporating these principles which we are laying down in the Constitution. Two consequences will follow if they do not do it. First is the rude shock that they would receive at the polls. If the political parties who come to power in the States, if at all the opposition parties come to power, do not follow this, do not implement this, then they will have to face the electorates in future and they may receive rude shock from the electorate themselves.

Then, a doubtful proposition has been put before this House that supposing they do not do it, then perhaps the Centre would be able to dismiss that Government. Then we can say that the Government in that State was not being run according to the Constitution. The Constitution has laid down that there should be a Panchayati Raj; there

should be a Nagar Palika and there should be a law framed by them. If they do not do it, then they will be violating the Constitution and it may be possible for the Centre even to dismiss them. They will have to face the electorate and the Union Government, namely, the Cabinet at the Centre can take steps against them. These are the main things which everybody will have to keep in mind.

Now, I come to the salient features which are there in the Constitution with regard to both the Nagar Palika and the Panchayati Raj firstly there should be proper reservations. Reservations are done in a very particular manner. Perhaps sufficient notice has not been taken as far as those reservations are concerned. There is not only reservation of Scheduled Castes and Scheduled Tribes according to their population but further on reservations are there for 30 per cent of their women. As far as Article 243C is concerned, we may see that further reservations are also given to the women in the SC/ST category. It is stated that:

"Nothing in this part shall prevent the legislatures of a State from providing for the reservation of the office of Chair persons in the Panchayats for the SC/ST and women."

So, this is the further reservation. The reservation of the Scheduled Caste women, which I was taking about, is in Clause 2 of Article 243C "As nearly as may be, 30 per cent of the total number of seats are especially reserved for women belonging to Scheduled Castes or Scheduled Tribes. So, this is a very important provision which has never been thought of in all these 40 years and that must be welcomed.

The second aspect is that elections will be held every five year. These elections come under the Election Commission.

Thirdly, Sir, the appointment of a State Finance Commission is a new thing that we have got. We have a Central Finance Commission but now in States there will be a

[Sh. Sharad Dighe]

State Finance Commission and they will be allocating funds. In certain States where there is complaint, about the imbalance of spending of funds for a particular region and not spending for a particular region, because of the appointment of the State Finance Commissions which will look after the distribution of funds of different local bodies namely, the panchayats and the Nagar Palika, all these complaints will go. So, this is a very important feature.

Thirdly, the accounts will be seen by the Comptroller and Auditor General, as far as these Panchayats, Municipalities and Corporations are concerned.

These are four important things which we are providing. They are very much useful.

Now, Sir, as I come from the Bombay city, I would like to make certain special comments as far as Constitution (Sixty-fifth amendment) Bill is concerned, which refers to the Nagar Palikas, namely the Municipal Councils and Municipal Corporations. A Municipal Council is provided for a population up to 3 lakh and thereafter the Municipal Corporations are there. A very new feature is provided in the Bill. Because in our country, very fast urbanisation is going on. Thirty four per cent people are staying in urban cities and slowly urbanisation is growing. Therefore, it is a new feature here. In 243N, it is provided that "there shall be constituted in every State a Nagar Panchayat for a transitional area, that is to say, an area in transition from a rural area to an urban area." So, there is an inter-connection between urban areas and rural areas not only from this point of view but there are also the Development Boards which also connect the rural areas and the urban areas. Therefore, the important feature is that, in this Bill, we are also joining the aspirations of rural areas and the urban areas so that the gap between the rural areas and the urban areas, which is also growing, can also be cemented through this machinery.

As I am thinking loudly, I would also like to point out that certain provisions may create confusion and they will have to be looked into very carefully. For example, we have created Ward Committees. In Municipal Corporation areas, for example, we have got three tier systems. We shall have Municipal Corporation, we shall have zonal Councils and we shall have Ward Committees also. Now, from that point of view, I am afraid that we shall have to think carefully because we are creating so many Centres of power. The Municipal Councillor will be elected from a Ward. Then there will be Ward Committees. What is the relationship between the Ward Committees and the Municipal Councillor? It is not clear in this. Not only that. But the Ward Committees will elect their Chairmen again. So, the Chairmen of the Ward Committees as also a Municipal Councillor will be elected from that Ward. These are two different Centres of power that we are creating simultaneously for the same Ward Committee. I am afraid, it will give rise to certain conflicts. Not only that. But again we have got the third Centre of power, namely, the Zonal Committees' Chairmen. Zonal Committees are there. The Zonal Committees' Chairmen also will have the same powers. What will be their inter-relationship? Who will be superior? How will they function? How will the Ward Committees function without Councillor being Ward Committees' Chairmen? This is one of the doubt which is there in my mind. I would urge upon the Minister to throw some light as far as this is concerned.

Then, we have got Comptroller and Auditor General. Here the provisions regarding accounts to be audited, etc. are provided. Those accounts referred not only to the Municipal Councils and Corporations but also the accounts of the Ward Committees and the Zonal Committees. Therefore, I would like to know—apart from the present bodies—whether there will be different accounts of the Ward Committees, whether there will be different accounts for the Zonal Committees so that the Comptroller and Auditor General can also go through all those accounts. I want to know whether the State Finance Commissions which we are creat-

ing will also allocate funds, not only to Municipal Corporations and Councils but also to the Ward Committees and the Zonal Committees. Will you earmark funds for the Ward Committees and also the Zonal Committees? If that is not so—because it is not provided in the provision; the State Finance Commission is clearly given powers to give funds or make recommendations regarding allocation of funds to the municipalities only.

If that is so, then why are providing for the Comptroller and Auditor General for going through the accounts of the Ward Committees and the Zonal Committees? Will they have different accounts and different funds, apart from their parent bodies? That also be made clear. Now about the development committees which you are constituting. We are now making a drastic change as far as the functioning of municipalities are concerned. Uptill now, the function of municipalities was to look after the civic administration of the city. They used to look after sanitation, water and markets—all these amenities and civic administration. We are now giving them further powers, viz. the economic development of that region, and social justice. These two additional items are mentioned, as far as their functions are concerned. So, we are now enlarging the functions of these municipalities; we are enlarging the functions of the local bodies. Uptill now, they were dealing only with civic problems of that city. Now they will be dealing with the economic and social problems also, viz. social justice in the city. From this point of view also, we are no doubt taking very progressive steps; but we must realize that we are giving more powers to these local bodies, and from that point of view, further funds will have to be provided. Of course, the provisions has been made by way of creating Finance Commissions which, I hope, will look after this aspect of the matter and provide sufficient funds for these municipal corporations.

Then, development planning and all these activities are left to these bodies. District Planning Committees are now there. I do not know whether they will also do eco-

nomie planning; and if this economic planning is also to be done, then the District Planning Committees will replace our present District Planning Boards which are everywhere established; and I feel that this clarification also will have to be given.

Before speaking about metropolitan planning, I would also like to have clarifications from the hon. Minister regarding these planning committees. For example, in Maharashtra there are Regional Development Boards also. We have got a special Act which deals, in details, with the regional planning of different municipal areas and municipal corporation areas. They deal with the development plans of these areas. Will they now be scrapped; will all those Acts have no relevance and we shall have only District Planning Committees which we are creating under the present Constitutional amendments? Or, are these different District Planning Committees there only to cover the development plans—in the sense that we are having the Planning Commission, and then the Planning Commission plans for the whole country; and we have got different planning bodies for the States. Are these District Planning Committees similar to the planning body that we have; or will they be planning development for cities? If planning the cities is contemplated, then for that purpose, detailed Acts are there—at least in Maharashtra there is a detailed Regional Planning Act. Will that conflict with these planning committees—I would also like to know this.

Similarly, metropolitan planning is also there. We have, in Maharashtra particularly in Bombay city, the Bombay Metropolitan Regional Development Authority—BMRDA Act. A special Act is there, which deals not only with Bombay city, but the surrounding agglomeration of rural areas. They are also included in that metropolitan city; the whole Act deals with the development of that metropolitan area. Will all those Acts have no relevance hereafter when we create this metropolitan plan bodies under Article 243Z of this Constitution amendment? That will also have to be seen.

[Sh. Sharade Dighe]

17.00 hrs.

Lastly, I would like to say that this TWELFTH Schedule which we have provided, does not contain all the subjects; as far as subjects are concerned, they are also not exhaustive. For example, I do not see anywhere the subject of market, slaughter houses etc. As far as Civic Bodies are concerned, this is one of the subjects. In fact, there are different Special Committees in Bombay in our Municipal Corporation. As far as this Market Committee is concerned, they deal with the market of the whole city and so on. That subject, I do not find here and I don't think any other hon. Member has pointed out about it. Therefore, this TWELFTH Schedule also will have to be seen carefully. If any subjects are missing, then those subjects will have to be provided. Some residuary powers will have to be provided by which all the Civic subjects will be covered under that Schedule also.

With these observations, I whole-heartedly support this and welcome both these Acts. I just now made some loud thinking about some of these provisions of the Act. As far as the main principle and the whole structure is concerned, I whole-heartedly support it. I congratulate the hon. Prime Minister for having taken this bold step in putting forward the Panchayati Raj idea and the Directive Principles of Article 40 of the Constitution and also giving more ideas and more strength to the Nagar Palikas which are there in the urban cities.

**SHRI TOMBİ SINGH (Inner Manipur):** These two pieces of legislation will stand out as pieces of legislation in the most glorious of making history of free India. While supporting and welcoming them, I would like to say that the Prime Minister, Shri Rajiv Gandhi, has emerged as an epoch making and trend setter. The infrastructure was provided by Shrimati Indira Gandhi in India by nationalising banks and abolition of Privy Purses. Today, as we are discussing this Panchayati Raj and Nagar Palikas Bill by way of amend-

ing the Constitution through 64th and 65th Amendments, we like to say that we are giving finishing touches to a move which has been long under way from the struggle for freedom from Gandhiji days followed by Panditji, Indiraji; and now under the leadership of the present Prime Minister, the matter is being sustained and gathering great momentum.

I belong to an area where this Bill will be partially applied, where both amendments will be applied partially. For instance, in Mizoram, Nagaland and Meghalaya, the Panchayati Raj system will not be applied. But in my State of Manipur only a small portion is applicable. The rest of the hilly area where Scheduled Tribes live, will not be getting the benefit of this Panchayati Raj, because already there are provisions of Autonomous Hill District Councils. So, on the basis of this legislation, some controversy is heating up. This is something which should get the attention of the Prime Minister and the relevant Ministry. A correct decision has to be taken. The hill people, the Scheduled Tribes, who are getting benefit of the District Council will be outside the preview of this Bill. They rightly say that the Panchayats in the valley will be getting protection of the Constitution. The hilly area, the Hill District will not get any constitutional protection. To this end, a demand has been made that the XI Schedule should be applied to the hilly areas in Manipur.

In this connection, I would like to provide the historical background why the Sixth Schedule was not applied to the Manipur Hilly areas at the time the Manipur State was granted full statehood in 1972 by a piece of legislation after amending the Constitution in 1971. In Manipur, in the hills as well as in the Valley, the population belongs to the same ethnic group and there is a difference seen between Tripura and Manipur and the other hilly areas of Assam in this regard. Because, in Manipur where the people of the Valley or the hill areas, Scheduled Tribe or non-Scheduled Tribe, they belong to the same ethnic groups. Somehow, according to some historical and social conditions,—I do not say

accidental—and events the Valley people speaking Manipur considered themselves caste Hindus or of the same standard and they did not apply for inclusion of their Community in the list of the Scheduled Tribes. That way some kind of a division was made. Now, it is already 40 years since the functioning of the Constitution. It is too late for a revision of the Constitution to make the valley people Scheduled Tribes; but this has to be looked into when we think of applying the Sixth Schedule to the hilly areas of Manipur. At the time of Shrimati Indira Gandhi this question came up whether the protection of the hill areas should be provided under the Sixth Schedule. It was considered and decided that the Sixth Scheduled could not be applied to Manipur because the people are of the same ethnic group and the Sixth Schedule has always a divisive tendency.

In this background, the Government of India may think of giving some measures of protection to the hill areas under some Act. Manipur cannot afford a division.

Then, coming to the Nagar Palika Bill, in my State it is very difficult to draw a line between the urban areas and the rural areas. Even in the Capital city of Imphal City, which is considered the only city in the Manipur State, there also excepting a small portion of the *bazaar* and the officers colony known as Babupara and certain other colonies—which is a new structures—there is practically no urban area in the true sense of the word. But, for some convenience, municipality areas have been marked out and there are as many as eight Assembly constituencies in this municipality. But this municipality absolutely has no funds, no power and it is at the mercy of the State Government. From time to time some small works like maintenance of the small portions of the roads in that area are taken directly by the PWD and the Government has been hesitant to give funds for road maintenance and road construction to this municipality.

So, this has been the state of affairs. Similar was the condition with the municipalities outside. There are as many as five or

six municipalities—only in name—and there are many other small town committees and notified areas in the whole State comprising the three district capitals in the Valley as well as in the hill areas.

So, in this area, when these two Bills will be applied, the people will rejoice; they will be blessed by a new life and the only caution that we have to take is that those in power should change in their attitude. Because, when a person sits as an MLA he thinks one way and the same persons when he sits in the Panchayat or Nagar Palika or in some other municipality or a small town committee, in some other position, the same person thinks in some other way. So now by providing a constitutional protection to the administration, to the development and planning and also the normal administrative side of the Panchayat and Nagar Palikas, I think that the rule of the whim of the Minister or the whim of an MLA just to keep some power, some funds and some facilities within his own grip, will go.

So, these two Bills are really Bills which will be giving new life to the rural people of the country.

[*Translation*]

SHRIRAMSINGH YADAV (Alwar): Mr. Chairman, Sir, I support the Constitution 64th and 65th (Amendment) Bills. A number of progressive Bills were introduced and a good number of laws enacted during the last five year regime of Shri Rajiv Gandhi. These measures will go a long way in making our country a welfare State. Various commendable steps taken by him are beneficial to the people of the whole country. I feel that both these Bills will help integrated and balanced economic and social development of the entire urban population and 60 crore people living in the villages. It is a progressive and bold step.

Sir, on 2nd October 1959, Pandit Jawaharlal Nehru had, write inaugurating Panchayati Raj in Nagore town in Rajasthan, said that these new institutions would

[Sh. Ram Singh Yadav]

contribute significantly to rural development. At the same time he envisaged that the Gram Panchayats would contribute significantly in ensuring social equality and removing economic disparities at the village level. It was also hoped that the Gram Panchayats would play a significant role in development of rural areas. But history is witness to the fact that no elections could be held for 12 long years to all these Panchayati Raj institutions which were inaugurated 30 years ago in 1959 by Pandit Jawaharlal Nehru. The hopes and aspirations with which these initiations were set up were not fulfilled. In a number of States elections to Panchayats were not held. In a number of places elections were not at all held even once after these institutions were set up. The Hon. Prime Minister Shri Rajiv Gandhi took care of all these disparities. Not only metropolitan in cities such as Delhi and other big cities and state capitals, but even remote localities in Barmer, Jaisalmer, hill areas, small villages and hamlets were visited by him to assess the situation and see the condition of the rural folk. Only then he realised that it was utmost necessity to ensure economic and social development of the village life in the real sense to devolve power to the grass root level. I take this opportunity to quote in brief the words of the Hon. Prime Minister that he spoke in the House about the aims and objectives of these 64th and 65th and amendment Bills. I quote:

[English]

"The wide-ranging process of consultations reached its consummation at the Conference of the Chief Ministers on Panchayati Raj at New Delhi on 5th May, 1989, Prime Minister Rajiv Gandhi emphasised that the revitalisation of Panchayati Raj institutions would usher in a revolution:

"It is a Revolution based on Maximum Democracy and Maximum Devolution. It is a Revolution put power in the hands of the people."

[Translation]

In fact it reveals the point as to how much our Hon. Prime Minister is committed to his resolve of devolution of power to common man so that he could realise that he is equal partner in democracy and he has to play an active role in fulfilling the objectives of setting up of a welfare state.

Mr. Chairman, Sir, as many as 2,17,300 Gram Panchayats, 5426 Panchayat Samitis and 349 Zila Parishads are there in the country but these institutions have been rendered ineffective and powerless. When these institutions exist only in name, how can we expect that these will contribute to strengthening of the State and the democracy. These are very important institutions and it was expected that these institutions would play a major role in nation-building and took care of providing various amenities to 60 crore people living in the villages.

[MR. DEPUTY SPEAKER *in the Chair*]

17.15 hrs.

It was visualised that panchayats would be able to provide drinking water, means of livelihood and housing facilities and through it an atmosphere of brotherhood would be created but these panchayats were rendered so ineffective that the very purpose of setting up these institutions was defeated. This is why our hon. Prime Minister has taken this important step for the progress of the nation. Similarly, Zila Parishad is also an important institution. I would like to cite the example of Rajasthan where Zila Parishads are so starved of funds that they are not in a position to meet the expenditure for managing their office. They are not provided any financial assistance. You can well imagine how far such crippled and ineffective organisation can be helpful in development of the country. The hon. Prime Minister has tried to mend this state of affairs by providing for a Finance Commission at the State level for panchayats under this amending Bill. It is a commendable step which is meant for strengthening and revitalising these institu-



tions. The preamble to our constitution provides for social, economic and political justice. An hon. Member from Bihar has just expressed his apprehension that anti-social elements may enter into it with the help of money and muscle powers. It is quite possible that such forces after having been voted to power may vitiate the social fabric. But it has been ensured in the Bill that such elements are not allowed to be elected to the panchayat bodies. In order to eliminate such elements, the Bill provides for 30 per cent representation to the people belonging to SC/ST as also to women who are also considered to be weaker section of the society. So apprehension expressed about the anti-social elements have been cleared. In so far as development of rural and urban areas is concerned, a balance is required to be maintained. There should be co-ordination between the development agencies of rural and urban areas. In order to achieve the goal, Joint Development Committee is to be set up at the district level. This committee will consist of elected representatives of Zila Parishad and Nagarpalikas as its members. The representation of Zila Parishad and Nagarpalika in this committee will be given on the basis of their population. Matters concerning development of the whole district will be discussed there. I think that it will be an effective machinery to remove all the bottlenecks in our development. I am thankful to hon. Prime Minister for taking this step which will ensure balanced development of urban and rural areas. There are 3301 urban settlements in India and this includes 3,000 Notified Area Committees, Municipal Councils or Municipal Boards. In Alwar town, elections to the Municipality have not been held for the last 12 years. In several towns in Rajasthan elections to Municipalities have not been held for the last 10 to 15 years. Our Prime Minister has brought this Constitution 65th (Amendment) Bill with a view to removing the present state of affairs. In view of the fact that elections of these bodies will be held after ever five year and their accounts would be audited at a regular interval of five years, I thought that our opposition would also lend their support to this measure. In the end, I would like to say that attitude of our opposi-

tion is undemocratic and irresponsible. After formation of national front by them, their first step was to oppose these Bills through which power is being devolved to Gram Panchayats and Nagarpalikas. The Constitution 64th (Amendment) Bills was introduced in the House on 15th May, 1989 and it was taken up for consideration in the 14th session of this Lok Sabha. Well before the commencement of the session, Hon. Prime Minister declared in his public meetings that a Bills to strengthen Nagarpalikas would be introduced in the next session. In view of all these things, the opposition took a decision not to extend cooperation to him. They are running away from their responsibilities. They have betrayed the confidence reposed in them by the electorate as is evident from the step taken by them. They are playing a very irresponsible role. I would like to ask them whether democracy would be strengthened with the step taken by them. Are they not conspiring to destroy the country? In my view, their action deserves all condemnation. Shri Rajiv Gandhi has shown his will power. Once Mahatma Gandhi had said that men could be physically eliminated but no their will-power. Prime Minister Shri Rajiv Gandhi has requisite political will power in him and opposition cannot destroy it with its non-cooperative attitude. Ultimately he will emerge victorious as he is doing work for the welfare of the people. With these words, I conclude.

**SHRI YOGESHWAR PRASAD YOGESH (Chatra):** Mr. Deputy Speaker, Sir, I think you for giving me permission to speak on this important subject. Today two Bills, i.e. Panchayati Raj Bill and the Nagarpalika Bill are being discussed together. It is an issue which has been agitating the minds of the people throughout the country. People all over the country are very curious about it and they are happy also. For the first time, people all over the country have begun to think that they have a role to play in the development of the country and an atmosphere of social involvement has been created. Our Prime Minister Shri Rajiv Gandhi is trying to make realise the dream cherished during the days of struggle for freedom and

[Sh. Yogeshwar Prasad Yogesh]

for which steps were taken after independence by the Government on the call given by the All India Congress Committee because all round development of the country could be ensured through Panchayati Raj only. This is no other way to eradicate poverty from the country. This can be accomplished through Panchayati Raj only.

17.25 hrs.

[MR. SPEAKER *in the Chair*]

When much awaited Bill was introduced in the House after a series of exercise done by hon. Prime Minister over the Bill, our opposition brethren watched the situation very cautiously. They opposed the Panchayati Raj Bill on the ground that it was an intervention in the State's affairs. They were afraid of the Bill. That is why they criticised the Prime Minister as they felt that roots of the democracy would be strengthened in this country with the Panchayati Raj Bill and it will prove to be an effective instrument for the development of the country. They were so afraid of the Bill, so they concocted stories against the Prime Minister and tried to drag his name in one controversy or the other. It indicates that opposition is not only against the implementation of Panchayati Raj Bill but they are opposed to the devolution of power to the people, the objective which is being sought to be achieved through this Bill. Perhaps they feel that the passage of the Bill will be harm their position. They do not want power to be devolved to the people. That is why they ran away from this House. I would like to say that the historical step taken by the Prime Minister through this Bill will usher in a silent revolution in the country. Through these Bills, on the one hand efforts have been made to strengthen the Panchayats, and provisions have been made to solve the problems of the people at their door-steps, on the other, the Bill concerning Nagarpalikas is none the less important because role of Nagarpalikas in our daily life is also equally important. The Nagarpalikas play an important role in our daily since birth to our

last journey. But our opposition does not want Nagarpalikas become economically strong with the powers proposed to be given to them under the Bill. They are very much perturbed over it. They do not want that the Nagarpalikas should be given such powers which may make them strong. They are opposed to the prosperity of urban people. They are against the very idea of people becoming their own future maker. The most important provision in this Bill is that elections will be held after every five years and if any panchayat is dissolved elections are required to be held within six months. This provision will strengthen panchayats greatly and it will safeguard democracy. This will clear the way for development of the country and the structure of panchayats will be drastically changed and their power to take collective decision will be considerably increased. I want to make 2 or 3 points more about the Nagarpalika Bill. The financial condition of the Nagarpalikas is very weak at present as their sources of income are very limited. They earn a very scanty amount by way of taxes on trivial items. I want that adequate funds should be made available to them so that they can meet the expenditure incurred by them and could become self-reliant. There is need to give special attention towards improving the financial position of the Nagarpalikas. I want that the State Governments should take steps to make them financially strong. With these words, I conclude and I thank you for providing me time to speak.

[*English*]

SHRI SHANTARAM NAIK (Panaji): Sir, the oldest name of our Gram Panchayat was "Janapatha" as was then called in Vedic years. The 'Vedas' said 'Vasudeva Kutumbhakam'. Our traditions of village Panchayat date centuries back. The used to have Panchayat under certain trees where interest of villagers used to be solved. People used to meet and social problems and other problems were used to be solved. Today I would say that the Bill has not come all of a sudden from skies. As has been said earlier, our Prime Minister has started this process

two years back. He met Collectors, Chief Secretaries, Panchas and Sarpanchas. But what was the stand and attitude of the Opposition Chief Ministers? They said; "what right the Prime Minister of the country has got to go to Panchs or Sarpanchas and talk to them? What right the Prime Minister of the country has got to talk to a Collector, Lambardar or Tahsildar?" This was the stand taken by the Opposition leaders when the Prime Minister called his conference. This was the conception of our federal structure that these people were holding. This was the challenge for the last two years. But, despite the fact that the Prime Minister had a dialogue right from Chief Secretaries to Panch and this is the product that we have got, certain Chief Ministers of some Opposition ruled States have challenged these aspects. We may recollect that one of the Chief Ministers has said that in our federal structure, the Centre does not exist and the Centre is a myth. This was the stand taken by certain Chief Ministers. In every way, they tried to stall the Panchayat Bill. I would say in all humility that Mahatma Gandhi's dreams are being realised by our Prime Minister. I have no hesitation to say in plain and simple words that in the matter of Panchayat Bill, an attack on Rajiv Gandhi is an attack on Mahatma Gandhi. I would say this in very clear terms. If our Prime Minister has tried to achieve the goals and dreams of Mahatma Gandhi, then an attack on Panchayat Bill is an attack on Mahatma Gandhi.

Sir, there was a time when Ambedkarji had some reservation about whether we should have panchayats at the local level or not. At one time, he thought that upper caste people in the villages may dominate panchayats and therefore we should not fortify panchayats. Perhaps it was true many years back. Today, at this stage, village people are awakened and they like to have democratic rights. In the 40 years of Congress rule in this country, every citizen, every peasant, has become conscious and therefore in the units of panchayats no upper caste man can dominate the lower caste man or a farmer. This apprehension does not hold good. Therefore, we have to fortify our panchayats.

Sir, it has been stated that this Bill attacks the basic structure of the Constitution. I had never been able to understand this. Even when the Supreme Court decided in the Keshvanand Bharati case, there was total confusion among the judges as to what the basic structure of the Constitution means. There exists no basic structure as much. If at all there exists a basic structure of the Constitution, certainly panchayat is the lowest ladder of democracy and must form the basic structure of the Constitution. We are strengthening the basic structure of the Constitution by these Bills, if at all there is any basic structure. These are the high arguments of legal luminaries. If they say that we are changing the basic structure of the Constitution, then this is no argument at all.

Lastly, I would like to make only one submission by way of suggestion. Since major part of the legislation will be enacted by the State Government, I would humbly request the Government of India to include a chapter on Nyaya Panchayats. If the chapter on Nyaya Panchayats is included, then certain petty offences in the villages like small assaults can be stopped by recovering Rs. 500 or Rs. 1000. It can be done at the village level itself by Gram Panchayats so that people may not have to go to Courts of Law. If the Nyaya Panchayat system is incorporated in the village panchayat laws now, they will be enacted by the State Government.

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STATEMENT REGARDING ENHANCEMENT OF PENSION AND PROVISION OF ADDITIONAL FACILITIES TO FREEDOM FIGHTERS

[English]

THE PRIME MINISTER (SHRI RAJIV GANDHI): Mr. Speaker, Sir, the 9th of August, 1989 is the anniversary of Quit India Day in the year of the birth centenary of that great freedom fighter and national builder, Pandit Jawaharlal Nehru. We remember today that