

685 Constitution (Seventy-Sec. AGRAHAYANA 30, 1914 (SAKA) Const. (Seventy- 686  
Amendment) Bill (Ins. of New part IX) Third Amnd.) Bill (Ins. of New part IX A)  
As reported by Joint Committee and As reported by Joint Committee  
The motion is negatived.

18.54 hrs.

CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL (INSERTION OF NEW PART IX) (AS REPORTED BY JOINT COMMITTEE,

AND

CONSTITUTION (SEVENTY-THIRD AMENDMENT) BILL (INSERTION OF NEW PART IX A) (AS REPORTED BY JOINT COMMITTEE. *CONTD.*

[English]

MR. SPEAKER: Now, we will take up item No. 17, further consideration of the following motion moved by Shri G. Vankat Swamy on the 1st December, 1992, namely:-

"That the Bill further to amend to constitution of India, as reported by the Joint Committee, be taken into consideration."

I think, we have already discussed it and I will be able to put it to the vote of the House.

Before I put the motion for consideration to the vote of the House, this being a Constitution (Amendment) Bill, Voting has to be by division.

Let the Lobbies be cleared.

Now, the Lobbies have been cleared.

There are one or two announcements. Now we shall have to pass this Bill and the second Bill also is a Bill which seeks to amend the Constitution for which also the special majority is required. We shall have the voting by Division. May I request the hon. Members not to leave the House before these two Bills are passed? That is one announcement.

The second announcement is, I was told that the hon. Minister has not replied to the debate. I think, as every Member is cooperating, the hon. Minister also will

cooperate, just by getting up and saying that he thanks all the members and he requests the House to pass the Bill. That would be treated as his reply.

THE PRIME MINISTER (SHRI P.V. NARASIMHA RAO): In my capacity as the Minister of Rural Development, I thank all the Members for the excellent contributions they made, whenever they made in the debates which have been over a long period. Now there is no need for further debate. Now, I would like the Speaker, to put it to vote.

19.00 hrs.

MR. SPEAKER: It has to be by Division. The Lobbies have already been cleared.

The question is:

"That the Bill further to amend the Constitution of India, as reported by the Joint Committee, be taken into consideration."

The Lok Sabha divided:

19.03 hrs.

Division No. 6

AYES

Abdul Ghaflor, Shri

Acharia, Shri Basudeb  
Adaikalaraj, Shri L.

Agnihotri, Shri Rajendra

Ahamed, Shri E.

Ahirwar, Shri Anand

Ahmed, Shri Kamaluddin

Aiyar, Shri Mani Shankar

Ajit Singh, Shri

Akber Pasha, Shri B.

Anjalose, Shri Thayil John

Bhattacharya, Shrimati Malini

Ansari, Shri Mumtaz

Bhoi, Dr. Krupasindhu

Anthony, Shri Frank

Bhonsle, Shri Prataprao B.

Antulay, Shri A R.

Bhonsle, Shri Tejsingh Rao

Arunachalam, Shri M.

Bhuria, Shri Dileep Singh

Athithan, Shri R. Dhanuskodi

Birbal, Shri

Ayub Khan, Shri

Brar, Shri Jagmeet Singh

Baitha, Shri Mahendra

Buta Singh, Shri

Bala, Dr. Asim

Chacko, Shri P.C.

Balayogi, Shri G.M.C.

Chakraborty, Prof. Susanta

Baliyan Shri N.K.

Chaliha, Shri Kirip

Bandaru, Shri Dattatraya

Chandra Shekhar, Shri

Banerjee, Kumari Mamata

Chandrakar, Shri Chandulal

Bansal, Shri Pawan Kumar

Chandrasekhar, Shrimati Maragatham

Barmari, Shri Palas

Charles, Shri A.

Barman, Shri Uddhab

Chatterjee, Shri Nirmal Kanti

Basu, Shri Anil

Chaudhary, Shri Kamal

Basu, Shri Chitta

Chaudhary, Shri Ram Prakash

Berwa, Shri Ram Narain

Chaudhary, Shri Rudrasen

Bhadana, Shri Avtar Singh

Chaudhri, Shri Narain Singh

Bhagat, Shri Vishweshwar

Chauhan, Shri Chetan P.S.

Bhagey Gobardhan, Shri

Chauhan, Shri Shivraj Singh

Bhakta, Shri Manoranjan

Chaure, Shri Babu Hari

Bhandari, Shrimati Dil Kumari

Chavan, Shri Prithviraj D.

Bhardwaj, Shri Paras Ram

Chavda, Shri Harisinh

Bhargava, Shri Girdhari Lal

Chennithala, Shri Ramesh

Chhatwal, Shri Sartaj Singh	Dharmabhiksham, Shri
Chikhliā, Shrimati Bhavna	Dhumal, Prof. Prem
Chinta Mohan, Dr.	Dighe, Shri Sharad
Choudhary, Shri Ram Tahal	Digvijaya Singh, Shri
Choudhury, Shri Lokanath	Dikshit, Shri Shreesh Chandra
Choudhury, Shri Saifuddin	Diwan, Shri Pawan
Chowdary, Dr. K.V.R.	Dome, Dr. Ram Chandra
Chowdhary, Shri Pankaj	Dubey, Shrimati Saroj
Chowdhary, Shrimati Santosh	Dutt, Shri Sunil
Dadahoor, Shri Gurcharan Singh	Faleiro, Shri Eduardo
Dalbir Singh, Shri	Farook, Shri M.O.H.
Damor, Shri Somjibhai	Fatmi, Shri Mohammad Ali Asharaf
Das, Shri Anadi Charan	Fernandes, Shri George
Das, Shri Dwaraka Nath	Fernandes, Shri Oscar
Das, Shri Jitendra Nath	Fundkar, Shri Pandurang Pundlik
Das, Shri Ram Sunder	Gaikwad, Shri Udaysingrao
Datta, Shri Amal	Gajapathi, Shri Gopi Nath
Deka, Shri Probin	Galib, Shri Gurcharan Singh
Delkar, Shri Mohan S.	Gamit, Shri Chhitubhai
Dennis, Shri N.	Gangwar, Dr. P.R.
Deora, Shri Murli	Gangwar, Shri Santosh Kumar
Deshmukh, Shri Anantrao	Gautam, Shrimati Sheela
Deshmukh, Shri Ashok Anandrao	Gavit, Shri Manikrao Hodlya
Deshmukh, Shri Chandubhai	Gehlot, Shri Ashok
Devarajan, Shri B.	Ghatowar, Shri Paban Singh
Devegowda, Shri H.D.	Giri, Shri Sudhir

Giriyappa, Shri C.P. Mudala

Jhikram, Shri Mohanlal

Gogoi, Shri Tarun

Joshi, Shri Anna

Gohil, Dr. Mahavirsinh Harisinhji

Joshi, Shri Dau Dayal

Gomango, Shri Giridhar

Kahandole, Shri Z.M.

Gopalan, Shrimati Suseela

Kairon, Shri Surinder Singh

Gowda, Prof. K. Venkatagiri

Kale, Shri Shankarrao D.

Gudadinni, Shri B.K.

Kaliaperumal, Shri P.P.

Gupta, Shri Indrajit

Kalka Das, Shri

Handique, Shri Bijoy Krishna

Kamal Nath, Shri

Harchand Singh, Shri

Kamt, Shri Gurudas

Hooda, Shri Bhupinder Singh

Kamble, Shri Arvind Tulshiram

Hossain, Shry Syed Masudal

Kamson, Prof. M.

Imchalemba, Shri

Kanaujia, Dr. G.L.

Inder Jit, Shri

Kanithi, Dr. Viswanatham

Islam, Shri Nurul

Kanodia, Shri Mahesh

Jaffer Sharief, Shri C.K.

Kanshi Ram, Shri

Jakhar, Shri Balram

Kapse, Shri Ram

Jangde, Shri Khelan Ram

Karreddula, Shrimati Kamala Kumari

Jaswant Singh, Shri

Kashwan, Shri Ram Singh

Jatav, Shri Barā Lal

Kasu, Shri Venkata Krishna Reddy

Jatiya, Shri Satynarayan

Katheria, Shri Prabhu Dayal

Jawali, Dr. B.G.

Kaul, Shrimati Sheila

Jayamohan, Shri A.

Kewal Singh, Shri

Jeevarathinam, Shri R.

Khan, Shri Aslam Sher

Jena, Shri Srikanta

Khan, Shri Sukhendu

Jeswani, Dr. K D.

Khandelwal, Shri Tara Chand

<p>693 <i>Constitution (Seventy-Sec. AGRAHAYANA 30, 1914 (SAKA) . Const. (Seventy- Amendment) Bill (Ins. of New part IX) As reported by Joint Committee and Khanduri, Maj. Gen. (Retd.)</i>          Bhuvan Chandra</p> <p>Khanna, Shri Rajesh</p> <p>Khanoria, Major D.D.</p> <p>Khurana, Shri Madan Lal</p> <p>Khursheed, Shri Salman</p> <p>Konathala, Shri Rama Krishna</p> <p>Kori, Shri Gaya Prasad</p> <p>Krishan Kumar, Shri S.</p> <p>Krishnendra Kaur (Deepa), Shrimati</p> <p>*Kshirsagar, Shrimati Kesharbai Sonaji</p> <p>Kudumula, Kumari Padamasree</p> <p>Kumar, Shri Nitish</p> <p>Kumar, Shri V. Dhananjaya</p> <p>Kumaramangalam, Shri Rangarajan</p> <p>Kunjee Lal, Shri</p> <p>Kuppuswamy, Shri C.K.</p> <p>Kurien, Prof. P.J.</p> <p>Lakshmanan, Prof. Savithri</p> <p>Laljan Basha, Shri S.M.</p> <p>Lodha, Shri Guman Mal</p> <p>Made Gowda, Shri G.</p> <p>Mahajan, Shrimati Sumitra</p> <p>Mahato, Shri Bir Singh</p> <p>Mahendra Kumari, Shrimati</p> <p>Mahto, Shri Shailendra</p>	<p><i>Third Amd.) Bill (Ins. of New part IX A) As reported by Joint Committee</i>          Malik, Shri Dharampal Singh</p> <p>Malik, Shri Purna Chandra</p> <p>Mallikarjun, Shri S.</p> <p>Mallu, Dr. R.</p> <p>Mandal, Shri Sanat Kumar</p> <p>Mane, Shri Rajaram Shankarrao</p> <p>Manjay Lal, Shri</p> <p>Manphool Singh, Shri</p> <p>Marbaniang, Shri Peter G.</p> <p>Masood, Shri Rasheed</p> <p>Mathew, Shri Pala K.M.</p> <p>Mathur, Shri Shiv Charan</p> <p>Maurya, Shri Anand Ratna</p> <p>Meena, Shri Bheru Lal</p> <p>Meghe, Shri Datta</p> <p>Mehta, Shri Bhubaneshwar prasad</p> <p>Mirdha, Shri Nathu Ram</p> <p>Mirdha, Shri Ram Niwas</p> <p>Mishra, Shri Ram Nagina</p> <p>Misra, Shri Janardan</p> <p>Misra, Shri Satyagopal</p> <p>Misra, Shri Shyam Bihari</p> <p>Mohan Singh, Shri (Ferozepur)</p> <p>Mollah, Shri Hannan</p> <p>Mukherjee, Shrimati Geeta</p>
--	---

---

\*Pressed AYES Button but due to the technical fault of the AVR machine, he was shown as 'PRESENT' in the photograph subsequently the confirmed through correction ship that their vote be counted for AYES.

Mukhopadhyay, Shri Ajoy

Panja, Shri Ajit

Munda, Shri Kariya

Panwar, Shri Harpal

Muniyappa, Shri K.H.

Passi, Shri Balraj

Muralee Dharan, Shri K

Paswan, Shri Chhedhi

Murmu, Shri Rup Chand

Paswan, Shri Ram Vilas

Murthy, Shri M.V Chandrashekara

Paswan, Shri Sukdeo

Murthy, Shri M.V.V.S.

Patel, Dr. Amrit Lal Kalidas

Muttemwar, Shri Vilas

Patel, Shri Chandresh

Naik, Shri A Venkatesh

Patel, Shri Harilal Nanji

Naik, Shri Ram

Patel, Shri Praful

Naikar, Shri D.K.

Patel, Shri Ram Pujan

Nandi, Shri Yellaiah

Patel, Shri Shravan Kumar

Nawale, Shri Vidura Vithoba

Patel, Shri Somabhai

Nayak, Shri Mrutyunjaya

Patel, Shri Uttambhai Harjibhai

Nayak, Shri Subash Chandra

Pathak, Shri Harin

Netam, Shri Arvind

Pathak, Shri Surendra Pal

Nikam, Shri Govindrao

Patidar, Shri Rameshwar

Nyamagouda, Shri S.B.

Patil, Shri Anwari Basavaraaj

Odeyar, Shri Channaiah

Patil, Shri Prakash V.

Oraon, Shri Lalit

Patil, Shrimati Pratibha Devisingh

Padma, Dr. (Shrimati)

Patil, Shrimati Surya Kanta

Pal, Dr. Debi Prosad

Patil, Shri Uttamrao Deorao

Pal, Shri Rupchand

Patil, Shri Vijay Naval

Palacholla, Shri V.R. Naidu

Patil, Shri Yashwantrao

Pandeya, Dr. Laxminarayan

Patnaik, Shri Sivaji

Pandian, Shri D.

Patra, Dr. Kartikeswar

Pawar, Shri Sharad	Ramaiah, Shri Bolla Bulli
Pawar, Dr. Vasant Niwrutti	Ramamurthy, Shri K.
Peruman, Dr. P. Vallal	Ramchandran, Shri Mullappally
Pilot, Shri Rajesh	Ramdew Ram, Shri
Poosapati, Shri Anandgajapati Raju	Ramsagar, Shri
Potdukhe, Shri Shantaram	Rana, Shri Kashiram
Prabhu, Shri R.	Rao, Shri J. Chokka
Prabhu Zantye, Shri Harish Narayan	Rao, Shri P.V. Narasimha
Pradhani, Shri K.	Rao, Ram Singh, Col.
Prakash, Shri Ehashi	Rao, Shri V. Krishna
Pramanik, Shri Radhika Ranjan	Rath, Shri Rama Chandra
Prasad, Shri Hari Kewal	Rathva, Shri N.J.
Prasad, Shri V. Sreenivasa	Rawal, Dr. Lal Bahadur
Prem, Shri B.L. Sharma	Rawat, Shri Bhagwan Shankar
Rahi, Shri Ram Lal	Rawat, Shri Prabhu Lal
Rail, Shri Kalp Nath	Rawat, Prof. Rasa Singh
Rai, Shri Lall Babu	Ray, Dr. Sudhir
Rai, Shri M. Ramma	Raychaudhuri, Shri Sudarsan
Rai, Shri Nawal Kishore	Reddaiah Yadav, Shri K.P.
Rai, Shri Ram Lihor	Reddy, Shri A. Indrakaran
Raje, Shrimati Vasundhara	Reddy, Shri A. Venkata
Rajeshwaran, Dr. V.	Reddy, Shri B.N.
Raju, Shri Bh. Vijayakumar	Reddy, Shri G. Ganga
Ram, Shri Preml Chand	Reddy, Shri M. Baga
Ram Babu, Shri A.G.S.	Reddy, Shri M.G.
Ram Badan, Shri	Reddy, Shri Magunta Subbarama

Sharma, Shri V.N.

Roshan Lal, Shri

Shastri, Shri Rajnath Sonkar

Roy, Shri Haradhan

Shastri, Shri Vishwanath

Sadul, Shri Dharmanna Mondayya

Shingda, Shri D.B.

Sahi, Shrimati Krishna

Shivappa, Shri K.G.

Sai, Shri A. Prathap

Shukla, Shri Astbhuja Prasad

Sait, Shri Ebrahim Sulaiman

Shukla, Shri Vidyacharan

Sajjan Kumar, Shri

Sidnal, Shri S.B.

Saleem, Shri Mohammand Yunus

Silvera, Dr. C.

Sanghani, Shri Dileep Bhai

Singh, Shri Abhay Pratap

Sangma, Shri Purno A.

Singh, Shri Arjun

Sanipalli, Shri Gangadhara

Singh, Shri Brijbhushan Sharan

Saraswati, Shri Yoganand

Singh, Dr. Chattrapal

Sarode, Dr. Gunvant Rambhau

Singh, Shri Devi Bux

Satrucharla, Shri Vijayarama Raju

Singh, Shri Hari Kishore

Sawant, Shri Sudhir

Singh, Shri Khelsai

Scindia, Shri Mahavrao

Singh, Shri Mohan (Deoria)

Scindia, Shrimati Vijayaraje

Singh, Shri Motilal

Selja, Kumari

Singh, Shri Pratap

Sethi, Shri Arjun Charan

Singh, Kumari Pushpa Devi

Shakya, Dr. Mahadeepak Singh

Singh, Shri Rajveer

Shankaranand, Shri B.

Singh, Shri Ram Prasad

Sharma, Shri Chiranji Lal

Singh, Shri Ramashray Prasad

Sharma, Shri Rajendra Kumar

Singh, Shri Rampal

Sharma, Capt. Satish Kumar

\*Singh, Shri S.B.

Pressed AYES Button but due to the technical fault of the AVR machine, he was shown as 'PRESENT' in the photograph subsequently the confirmed through correction ship that their vote be counted for AYES.



Singh, Shri Satya Deo	Thorat, Shri Sandipan Bhagwan
Singh, Shri Surya Narayan	Thungon, Shri P.K.
Singh, Shri Uday Pratap	Tindivanam, Shri K. Ramamurthee
Singh, Shri Vishwanath Pratap	Tirkey, Shri Pius
Singh Deo, Shri K.P.	Tomar, Dr. Ramesh Chand
Singla, Shri Sant Ram	Topdar, Shri Tarit Baran
Sinha, Shri Shiva Sharan	Tope, Shri Ankushrao Roasaheb
Sodi, Shri Manku Ram	Topiwala, Shrimati Dipika H.
Solanki, Shri Surajbhanu	*Topno, Kumari Frida
*Subba, Shri Thota	Tripathy, Shri Braja, Kishore
Sukh Ram, Shri	Trivedi, Shri Arvind
Sukhbuns Kaur, Shrimati	Tytler, Shri Jagdish
Sultanpuri, Shri Krishan Dutt	Umbrey, Shri Lacta
Sundararaj, Shri N.	Ummareddy Venkateswarlu, Prof.
Sur, Shri Monoranjan	Unnikrishnan, Shri K.P.
Suresh, Shri Kodikkunil	Upadhyay, Shri Swarup
Swamy, Shri G. Venkat	Urs, Shrimati Chandra Prabha
Syed Shahabuddin, Shri	Vadde, Shri Sobhanadreeswara Rao
Tandel, Shri D.J.	Vaghela, Shri Shankersinh
Tara Singh, Shri	Vajpayee, Shri Atal Bihari
Tej Narayan Singh, Shri	Vandayar, Shri K. Thulasiah
Takore, Shri Gabhaji Mangaji	Varma, Shri Ratilal
Thakur, Shri Mahendra Kumar Singh	Vekaria, Shri Shivilal Nagjibhai
Thangkabalu, Shri K.V.	Verma, Shri Bhawani Lal
Thomas, Prof. K.V.	Verma, Shri Phool chand

Pressed AYES Button but due to the technical fault of the AVR machine, he was shown as 'PRESENT' in the photograph subsequently the confirmed through correction ship that their vote be counted for AYES.

Verma, Shri Shiv Sharan

Noes : 001

Verma, Shri Sushil Chandra

The motion is carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

Verma, Shri Upendra Nath

Verma, Kumari Vimla

*The motion was adopted.*

Vijayaraghavan, Shri V.S.

Virendra Singh, Shri

MR. SPEAKER: Now we take up Clause by Clause consideration of to Bill. To Clause 2, some amendments are suggested. I hope the Members do not want to move my amendments.

Vyas, Dr. Girija

Wasnik, Shri Mukul Balkrishna

SHRI SOMNATH CHATTERJEE (Bolpur): Sir, I would like to move my amendment.

Williams, Maj. Gen. (Retd.)

Yadav, Shri Chandra Jeet

MR. SPEAKER: Okay.

Yadav, Shri Chun Chun Prasad

Clause 2 - Intention of new part IX

Yadav, Shri Devendra Prasad

SHRI SOMNATH CHATTERJEE (Bolpur): I beg to move:

Yadav, Shri Ram Lakhan Singh

Page 7, lines 23 to 25,—

Yadav, Shri Ram Saran

Yadav, Dr. S.P.

*omit* "and the Hill Areas of the District of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists." (2)

Yadav, Shri Sharad

Yadav, Shri Surya Narayan

Yamnam, Shri Yaima Singh

Zainal. Abedin, Shri (Jangipur)

Sir, This Constitution Amendment seeks to exclude the Hill areas of the District of Darjeeling in the State of West Bengal for which the Darjeeling Gorkha Hill Council exists. This is the one which says there is no reason why Panchayats are existing there. The Gorkha Hill Council has got a power over them. There is no reason to exclude them. Why should these people be deprived of

## NOES

Chavda, Shri Iswarbhai Khodabhai

MR. SPEAKER: Subject to correction, the result of the division is :

Wrongly voted for 'NOES'.

The following Members also provided their votes for 'AYES' Shrimati D.K. Tharadevi Siddhantha, Shri Iswarbhai Khodabhai Chavda, Shri Balin Kuli, Shri Chhotey Singh Yadav, Shri Jagat Vir Singh Drons, Shri Rajesh Kumar, Shri Mohan Rawale, Dr. Faiyazal Azam, Shri Ramchandra Veerappa, Shri Mangalram Premi and Shri Ramkishna Kusmaria.

their right of local self Government? This is the one, which we cannot accept.

MR. SPEAKER: Which amendment?

SHRI SOMNATH CHATTERJEE: List 1 item no. 2 page 2.

I am requesting the Prime Minister in this regard. There is no reason for excluding the Darjeeling Hill District areas. Why should the Darjeeling District be excluded from this? We cannot see any reason in this. No justification is given either in the report of the Select Committee or anywhere else. One can understand why the States of Nagaland, Meghalaya, Mizoram or Manipur are being excluded. But, so far as Darjeeling is concerned, all along it had panchayats - panchayats are functioning there - why should they be excluded, why should the people of Darjeeling not have the benefit of panchayats? There has to be some rationale.

I can understand the exclusion of the North Eastern States altogether. But, why is only one district of West Bengal excluded? (Interruptions).

As the Constitution (Amendment) Bill is framed, if it is passed without my amendment, Darjeeling will have no panchayats at all. How can we pass it? This is the position. It says, nothing in this part shall apply to the hill areas on the district of Darjeeling in the State of West Bengal for which Darjeeling Gorkha Hill Council exists. That has nothing to do with the panchayats. Their powers are entirely different. That is an autonomous district council. But, why grass-root village level panchayat should not be there? Up-till now it has been there.

There must be some reason; because of one individual member it cannot happen. We do not know what discussion was there in the Congress Party. I would like to know from my friends; from West Bengal also, those who are there in the Congress, what the reason is. Tell us some reason. Why do you exclude them? We know how it has come about. But, we cannot accept it.

I am requesting the hon. Prime Minister, please do not make the distinction here. Kindly see the Bill again. I can understand the situation of Nagaland, Meghalaya, Mizoram or hill areas of Manipur, which is entirely different. There are six scheduled States. (Interruptions).

How has it come about? (Interruptions). I am appealing to the Prime Minister. (Interruptions). This will mean that the law as which will be applicable all over India will have no application to Darjeeling areas. Why? There may be elections; there may not be elections. The Government perhaps wants to control Darjeeling Hill District Council. Therefore, I am requesting the Prime Minister to kindly accept this. (Interruptions). Why is it being excluded?

[Translation]

SHRI NATHU RAM MIRDHA (Nagaur): Mr. Speaker, Sir, I was Chairman of the Joint Committee. A number of healthy discussions were held therein. (Interruptions)

SHRI ATAL BIHARI VAJPAYEE (Lucknow): Mr. Speaker, Sir, Mr. Chatterjee has raised an important issue. I want that the House should be fully informed about that. It is very difficult for us to decide, why a particular issue is being left. (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE: Sir, we cannot understand this.

MR. SPEAKER: I will allow you again.

[Translation]

SHRI NATHU RAM MIRDHA: It was thoroughly discussed in the committee as to whether Darjeeling should be excluded or not. Panchayats still exist there. We have not debarred the Panchayats. (Interruptions)

MR. SPEAKER: He is answering the question raised by Shri Vajpayee.

SHRI NATHU RAM MIRDHA: In to they

[Sh. Nathu Ram Mirdha]

had an understanding between themselves, which is still in force. We have not shared it with others so that it does not get disturbed. This was the view of all the officials of the Home Ministry. Had we linked it with the new pattern then there would have been a possibility of the agreement being disturbed. West Bengal is maintaining it presently which can be continued in the future also. There is no provision in this Bill regarding banning some panchayats. Had we made provision in the constitution that the status of Darjeeling would be maintained and it would not be changed, elections would be held there, panchayat system would also remain there... (Interruptions) and there are lot of other points. There is a possibility of its being disturbed. (Interruptions) We have done it after a proper discussion.

[English]

SHRI SOMNATH CHATTERJEE: Will there be a different law for Darjeeling?

MR. SPEAKER: Somnath ji, I will allow you again to speak if it is necessary because this happens to be a very important matter and we should be very clear on that point. You know they arrangement which is there is Darjeeling and what we are trying to do here. These are the two things which we are considering. This is a very important matter and as Vajpayeeji also has said, Let us discuss it if it is necessary.

SHRI SOMNATH CHATTERJEE: Let us discuss it.

MR. SPEAKER: Let us discuss a little bit and you can explain it also.

(Interruptions)

MR. SPEAKER: We could like the Government also to say whether it can be done today or whether it can be done tomorrow. Yes, Somnathji.

(Interruptions)

MR. SPEAKER: I have called Shri Somnath Ji now.

SHRI INDER JIT (Darjeeling): I should also get a chance, Sir.

MR. SPEAKER: I will give you a chance...

(Interruptions)

DR. KARTIKESWAR PATRA (Balasore): I am on a point of order, Sir.

MR. SPEAKER: You please sit down now. I am sick of you. All the time you are standing up like that....

(Interruptions)

MR. SPEAKER: You please sit down now....

(Interruptions)

MR. SPEAKER: Please sit down. This is not good.

(Interruptions)

MR. SPEAKER: Without rhyme or reason you are getting up...

(Interruptions)

MR. SPEAKER: I am not going to allow you. It does not concern you....

(Interruptions)

MR. SPEAKER: Let the Members be allowed to go out if they want. Yes, Somnath Ji.

SHRI SOMNATH CHATTERJEE: Mr. Speaker, Sir, the legislative competence to enact a legislation regarding Panchayats is only with the State Governments in these two matters. But in view of the fact that different States have different laws, in many States elections are not being properly held, proper representation of women, Scheduled Castes and Scheduled Tribes is not there, therefore, the Constitution is being amended so that the same law may apply all over the country and nobody can try to get out of the

requirement of holding elections for Panchayats, etc. We have a very effective Panchayat system. We are also agreeable to this Constitution Amendment because we want that similar law should apply all over the country and no part of the country should be an exception so far as the application of this law is concerned. The effect is, today there is Panchayat under the Gorkha Hill Council Act. Hon. Prime Minister will kindly listen. Under the present Gorkha Hill Council Act, the power of supervision over the three-tier Panchayat is given to the Hill Council. Shri Subhash Gheising has already got that power. The effect of this will be that the old law, a different law will apply only to Darjeeling hill areas. So far as the rest of West Bengal is concerned, there will be one law and another law has to be enacted for the purpose of Darjeeling hill areas only because the new Constitution amendment will not apply to them. You are specifically providing that there may not be representation to women; you are providing there may not be representation of Scheduled Castes and Scheduled Tribes which have been provided by this law.

This Constitution amendment law will have no effect on Darjeeling hill areas. Therefore, there has to be a different law altogether. How can it be so? We, therefore, say that this is not a question where we are trying - by this amendment - to curtail the powers of the Hill Council. I can understand you may have some apprehensions that by this whether we are taking away or curtailing the powers of the Hill Council. We are not doing so. The Hill Council will continue to have the full powers of central authority over the Panchayats which will be there in these districts. But we are unable to understand why you are excluding this.

Why should all the Salutory provisions - namely the regular election, representation of women, representation of Scheduled Castes and Scheduled Tribes, the provision that there has to be an election within six months or one year if there is a dissolution or suspension, which are all very salutory principles - need not apply so far as the

Darjeeling area is concerned? Will the State Government have to make another law for Darjeeling because the present Act will come to an end? How can it be?

Therefore, we want to know what is the rationale behind this. As regards the Select Committee, they referred to some understanding. Understanding between whom? How was it arrived at? Was there any understanding that the law of the Panchayats in this country will never be changed? Was there any understanding with regard to Darjeeling hill areas that the Constitution amendment will not apply to that area? Was there any such understanding? or could any such understanding be there? Is this Parliament preempted for enacting a Constitution amendment which will apply to the rest of the country?

We know the special position of the States which have been excluded, like Mizoram, Nagaland or Arunachal Pradesh. We know the position. Therefore, we are not making any grievance on this. They are the Sixth Schedule States and the Sixth Schedule will apply there. But Darjeeling is not a Sixth Schedule State. The Darjeeling Hill District Council is given for certain definite purposes and its power is not going to be taken away. It was also mentioned in our minute of dissent that we see no reason for this. Therefore, I am sorry that I have to press this amendment.

SHRI INDER JIT: Sir, all the issues mentioned by Shri Somnath Chatterjee just now were pressed before the Select Committee which went into the whole matter.

SHRI SOMNATH CHATTERJEE: The note of dissent was given.

SHRI INDER JIT: The basic approach was that the accord which has been reached between the Centre, State Government and the Gorkha National Liberation Front should not be disturbed. All the points that he said today were placed before the Committee. The Committee did not accept them. Therefore, all the points were well taken care of.

[Sh. Inderjit]

In fact, Sir, it is not fair that you should have taken a discussion on this particular matter at this late hour. I had my papers and I could have read out the whole thing. The position is that whatever is done here, there is nothing which presents the West Bengal State Assembly from coming forward with another legislation which would then apply to the West Bengal area.

But Please, the very delicate understanding which was reached should not be disturbed. I think this would be a great calamity because the people of Darjeeling hill areas are totally opposed to the inclusion of this. (Interruptions)

SHRI BASUDEB ACHARIA (Bankura): The Panchayats are already there. (Interruptions)

SHRI INDERJIT: The understanding was included in the legislation which was adopted by the West Bengal Assembly for the establishment of the Darjeeling Hill Council. It is very much there.

I am sorry, Sir, that I was not prepared for this discussion; I do not have the papers.

MR. SPEAKER: Why should you not be, because this was on the agenda?

SHRI INDERJIT: One did not think that one would sit beyond Seven O' clock.

MR. SPEAKER: Don't try to shift the responsibility to others.

SHRI INDRAJIT GUPTA: We want to know Government's intention in this matter. (Interruptions)

[Translation]

THE MINISTER OF STATE IN THE MINISTRY OF RURAL DEVELOPMENT (SHRIG. VENKAT SWAMY): We have heard the views of Shri Chatterjee. Mr. Speaker, Sir, we have accepted all his amendments.

In the last he took up the issue of Gorkha hills and a hill council already exists in Gorkha hills. Therefore, Mr. Speaker, Sir, so long Panchayat and Hill council is there, it means jila parishad. What powers does it have? The agreement of your hill council stands null and void.....(Interruptions)

MR. SPEAKER: You may sit down. He is already speaking and you are interrupting him. You please sit down. (Interruptions)

SHRI G. VENKAT SWAMY: Mr. Speaker, Sir, as Shri Nathuram Mirdha has said that many members of the JPC have made their efforts to solve this issue. But the members of C.P.M. protested in and today also they are making their protest. I would like to ask them if we include it and it gets the powers of the Jila Parishad then kindly tell us what is the use of having Hill Council. (Interruptions)

[English]

SHRI SOMNATH CHATTERJEE: Shall we do it here? (Interruptions)

[Translation]

SHRI G. VENKAT SWAMY: Whatever are their amendments, we do not have any objection in accepting those. An agreement was reached between Central Government, West Bengal and our people. Hills, you kindly explain the position of the Hill Council (Interruptions)

MR. SPEAKER: Whatever you have said, I have listened it attentively and we all know that how intricate this matter is and only I am responsible for asking you to pass this at the last moment. I feel that Shri Indrajeet was saying that he was not ready and even party has not made up its mind in this regard and that it needed a discussion. I would request the hon. Minister to call all those tonight who are against it and have a word with them. If you permit me I am not taking it up today as this is an intricate and sensitive matter of constitutional amendment, it cannot be taken up in such a hurry. (Interruptions)

713 Constitution (Seventy-Sec. AGRAHAYANA 30, 1914 (SAKA) Const. (Seventy- 714  
Amendment) Bill (Ins. of New part IX) Third Amd.) Bill (Ins. of New part IX A)  
As reported by Joint Committee and As reported by Joint Committee  
[English]

SHRI SOMNATH CHATTERJEE: Sir, this is constitution (Amendment). Once it is made it can not be altered. (Interruptions)

[Translation]

MR. SPEAKER: You should once again sit together in which the Minister, the Chairman, the Members of the Committee would participate and also call the persons who have given this amendment motion but not today, only tomorrow. Today I am neither

allowing you nor them. Today, I am announcing the adjournment of the House after giving thanks to you all for giving you cooperation in peacefully conducting the business of the House. Tomorrow by 10.0' Clock we would be here.

[English]

19.23 hrs.

*The Lok Sabha then adjourned till Eleven of the Clock on Tuesday, December, 22, 1992/ Pausa 1, 1914 (Saka)*