

[Sh. Mohammed Ali Ashraf Fatmi]

Therefore, the Central Government is requested to immediately Decker the Dattbhanga-forebesganj road as a National Highway and allocate the necessary finances.

- (vi) **Need for immediately filling up of vacant posts of SC/ST quote in Central Government**

[Translation]

SHRI TEJ NARAYAN SINGH (Buxar). Mr. Deputy Speaker, Sir, while the Central Government always cries hoarse about recruiting more and more people belonging to the Scheduled Castes and Scheduled Tribes in Central Government jobs, even the reserved vacancies have not been filled up so far. As per official figures available for the period 1985-1990, 15 vacancies of I.P.S. officers, reserved for Scheduled Castes and nearly 9 vacancies of I.P.S. officers, reserved for Scheduled Tribes are there. Therefore, I demand from the Union Government to fill up all vacancies reserved for Scheduled Castes and Scheduled Tribes in Central Government jobs at the earliest.

- (vii) **Need to amount Motor Vehicles Act with the provision of more powers to Regional Transport Authorities**

[English]

SHRI P.C. THOMAS (Muvattupuzha): Sir, Motor Vehicles Act had earlier provided adequate powers to regional transport authorities to keep in view public interest while giving route permits for stage carriers. This enabled R.T.As to provide bus services in rural areas. The amended Motor Vehicles Act of 1988 does not stage carriers. This enabled R.T.As to provide bus services in rural areas. The amended Motor Vehicles Act of 1988 does not provide such power to R.T.As. As a result, they are bound to sanction routes as demanded by bus operators. Due to this, bus services to rural areas have

declined numerically whereas their number has increased in urban areas and particularly on profitable routes. I request the Central Government that the Act should be amended and RTAs should be given more powers to persuade operators to run buses in rural areas in Kerala so that the difficulties faced by people in rural areas are mitigated.

14.56 hrs

CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL

(Insertion of new Part IX) As Report of the Joint Committee and Joint Committee And

CONSTITUTION (SEVENTY-THIRD AMENDMENT) BILL (INSERTION OF NEW PART IXA (AS REPORTED BY JOINT COMMITTEE) CONTD

[English]

MR. DEPUTY-SPEAKER: Now we shall take up Legislative Business. Shri Anil Basu.

SHRI ANIL BASU (Arambagh): Sir, yesterday I tried to impress upon my friends on the Treasury benches the reasons as to why the Panchayat institutions in our country could not grow, could not flourish after independence. If you study the genesis and the evolution of the Panchayat Raj institutions in the country, you will come to a conclusion that it is because of the lack of political will on the part of the ruling Party at the Centre, who are ruling this country since independence, for the last 42 years and that is why the Panchayat institutions could not flourish.

I will quote a glaring example. Shri Mani Shankar Aiyar is here. I will request him to see what situation is prevailing in the Tripura State. When it was ruled by the Left Front Government, successive Panchayat elections were held in Tripura, and an Autonomous District Council for tribal people of Tripura was constituted. Congress Party came to power in Tripura after dislodging the Left Front Government by all unfair means

and from the last Assembly election to the ensuing Assembly election, the whole Panchayat institution which was buileted up in Tripura had been dislodged, had been dismissed by the Congress-I Government in Tripura. Four hundred Village Panchayats had been dislodged in Tripura by the Congress- I Government. Shri Sontoshji is not here. Their are people in the Government who do not believe in decentralisation of power, do not believe in giving power to the people and they believe in muscle power and money power. And such type of people are in your Party and are also in the Cabinet. From the Tripura experience, you will see that I think, those people should repent when this Constitution Amendment Bill is before us for consideration and passing. Those people who believed in money power and muscle power those who dislodged 400 Village Panchayats in Tripura and those who have not conducted any Pancgatat election in Tripura should repent. They should learn from the history and they should learn from the letters written on the wall. If theft fail to learn then the history will teach them in a proper manner.

Sir, when we come to the other side of the coin, the largest Opposition Party in the House, that is, the BJP we see that now-a days there is a lot of talk regarding Ram Seva and the number of pseudo-Ram Sevaks has increased in number.

15.00 hrs.

[SHRI TARA SINGH *in the Chair*]

And instead of *jana seva*, in the name of *Ram seva*, they want to fulfill their own political desire in this country, by pursting a communal line, by dividing the people of this country, by challenging the unity and integrity of this country. (*Interruptions*)

[*Translation*]

PROF RASA SINGH RAWAT: Are you speaking on the Panchayat Bill or on the *Kar Seva* ?

[*English*]

SHRI ANIL BASU: So, I see the other side of the coin, the largest Opposition Party also does not believe in decentralisation of power. They does not believe in giving power to the people. They have failed to understand the preaching of Rama. The most essence of the Rama Rajya was the wishes of the people. Instead of wishes of the people, we see that the wishes of, VHP and Bajrang Dal are prevailing upon them.

Now, when ~~we~~ are talking of decentralisation of power, when we are talking of giving power to the people, we see that more centralisation is talking place both in the administrative sphere and economic sphere of our country. With the new Economic Policy, Industrial Policy and Trade Policy, all sorts of centralisation is going on. The powers of the State are taken away.

Now, we are discussing he 72nd and 73rd Amendment Bills. If we see all the amendments from 1st to 68th , the amendments which we have already made in the Constitution - we will see that more and more power has been taken away from the State Governments and the centralised power system has grown up over the years.

Coming to the Bill, it may be noted that in terms of Entry 5 of List II, State List, of the Constitution, the State Governments are competent to legislate on issues relating to local self-Government. Article 14 of the Constitution also makes it incumbent on the State Governments to take steps to organise panchyats village level and also intermediate and distict level panchayats can be constituted by the respective State Governments and necessary powers can be given to them.

So, instead of a confrontationist outlook, which we saw at the time of introduction of the constitution (Seventy-second Amendment) Bill by the hon. Minister, Shri G. Venkat Swamy, State Governments and State Legislatures should be taken into confidence while enacting the proposed Constitution Amendment.

I am very much surprised and I am very much amused to hear the introductory speeches of the two Ministers of Shri P.V. Narasimha Rao's Government. One of them was Shri G. Venkat Swamy, the Minister of State in the Ministry of Rural Development (Department of Rural Development) and the other was Shrimati Sheila Kaul, the Minister of Urban Development. Both of them took a contradictory position. Shrimati Sheila Kaul has said that the power of the State Governments and the right of the State Legislatures would not be infringed at any cost whereas Shri G. Venkat Swamy wants impose something on the State Legislatures and State Governments in the name of uniformity. So, there is a contradictory stand. One Cabinet Minister while introducing the 73rd Amendment Bill is saying that the powers of the State Governments would not be infringed and the powers of the State Legislatures would not be taken away, while the other Minister, who is a Minister of State of the same Council of Ministers, is saying that something would be imposed on the State Legislature in the name of the uniformity. That is surprising. How then is the consensus to be aired at. According to our view, it should be confined to three distinct outlooks, that is: (1) ensuring regular elections; (2) reservations for Scheduled Castes, Scheduled Tribes and Women and (3) constitutional sanction for devolution of power by way of providing a separate list in that Schedule. Besides this, State Legislatures should be given free hand to prescribe all other details according to the suitability, convenience and regional needs.

Through clause 2431 and 243E of the proposed Amendment Bill, Constitution, duration and elections of panchayats have been ensured and we on behalf of our party, wholeheartedly support these clause, that is, 2438 and 243E.

Reservations for Scheduled Castes, Scheduled Tribes and women, including Scheduled Caste and Scheduled Tribe women, have been ensured through cause

to see that the offices of the Chairpersons in the Panchayats at the village level or any other shall be kept level for Scheduled Caste and Scheduled Tribe population proportionately to the population of Scheduled Castes or Scheduled Tribes in the State. Similarly, not less than one-third of the total number of offices of the Chairpersons in the Panchayats at the village level and at each level shall be kept reserved for women. So, the apprehension the agency expressed by Shri Mohan Singh ji the is not here- and also by Shri Pawan Bansal ji the is also not here-that without direct election to the office of the Chairperson, weaker sections poorer sections would not be able to be elected as Chairpersons at the village level panchayat, is not at all maintainable because sufficient safeguards have been provided in the proposed amendment of the Constitution.

Our party strongly objects to sub-clause(5) of Clause 243C which provides for direct election of the Chairperson at the village level panchayat. We fail to understand what is the rationale behind it while it in the case of panchayats of the intermediate and district level it has been proposed that the Chairperson shall be elected by and from amongst elected members thereof but at the village level panchayat by direct election to the office of the Chairperson. This would unnecessarily create problem. Instead of panch- the five wise persons of the village - instead of collective functioning, instead of collective wisdom, instead of collective decision one person directly elected will govern everything at the grass-root level. The democratic function of the Panchayats at the village level through active participation of the directly elected representatives in the decision making and implementation of the decision again would be weakened. The democracy at the grassroot level-of which you are shouting so much - would not flourish.

The sub-clause 6 is also against the concept of strengthening democracy But we find that by your own Government amendment you want to withdraw it.

657 Constitution (Seventy-⁵⁸ Sec. AGRAHAYANA 11, 1914 (SAKA) Constitution (Seventy-⁵⁸ Amend.) Bill (Ins. of new part IX) Third Amend.) Bill (Ins. of new part IX-A)

There is another problem with regard to sub-clause 5 of Clause 243 (c). It is regarding the problem of directly-elected chairperson. If the directly elected chairperson does not enjoy the majority support of the elected representatives, then a peculiar and contradictory situation would prevail at the village-level Panchayats. The village-level Panchayats would be in a state of continuous confrontation. Instead of flourishing democracy, instead of collective decision and instead of collective wisdom, if we have a situation where the directly-elected Panchayat members flourish who are not supporting the directly-elected Panchayat members - who are not supporting the directly-elected chairperson - are following a different path, then the whole concept of the vibrant democracy would be destroyed. So, in order to strengthen the grassroot level democracy so that the vibrant democracy can flourish, we propose that sub-clause 5 of Clause 243 (c) be amended.

MR. CHAIRMAN: Shri Basu, Please conclude.

SHRI ANIL BASU: Sir, I have now just started.

MR. CHAIRMAN: You spoke for nearly 30 minutes yesterday and of 17 minutes today. Please conclude.

SHRI ANIL BASU: Sir, yesterday I spoke in the extended time. We sat here. Anyway, I am trying to compete.

The above amendment is necessary because instead of directly-elected chairperson, a chairperson of Panchayat at the village level shall be chosen by election in such a manner as the State Legislature of the State may by law, provide. I suggest that for a consensus, instead of your sub-clause 5, you can take up this amendment.

You have deleted sub-clause 6 and we support it. We further propose that in clause 243 M2 (b), that is where the Darjeeling Gorkha Hill Council has been kept, there is some amendment necessary. While we see

that the Panchayats at the village and intermediate level in the hill areas of Darjeeling district are to continue, Sections 31 and 32 of the Darjeeling Gorkha Hill Council Act of 1988 empowered the Darjeeling Gorkha Hill Council to exercise supervision of the municipalities Panchayat samithis which are Panchayats at the intermediate level and Gram Panchayats which are Panchayats at the village level, including inspection of their work. So, this clearly underlines the fact that there is no bar in constituting Panchayats at the village and intermediate level, under the Darjeeling Gorkha Hill Council Act, 1988. So we propose that in clause 243 M.2 (b) the D.G. H. C. should be excluded.

Sir, coming to the constitution of the Finance Commission as proposed in clauses 243-1, we have objection, we are supporting this. But the question now arises is whether the State Governments have the necessary resources to support the activities of the panchayats and Nanger palikas in the county, Sir, the main problem is not the Finance Commission, the main problem is the resource constraint because most of the resources are pooled at the Centre and the State Governments are left with little resource to manage their own affairs. So, what is required is that from the Consolidated Fund of India, the State Consolidated Fund should be augmented so that the State Finance Commission can come to proper conclusion and the resources required for panchayats and municipalities can be arranged. So, Article 280-36 should be amended suitably so that the Central Finance Commission can have a connection with the State Finance Commission and can transfer funds from the Consolidated Fund of India to the State Finance Commission and the State Governments to enable the grass-root level democracy to evolve.

Sir, the main problem of the State is that they cannot borrow from the outside agencies, from the International agencies and remittances from the N.R.Is. are also not available to the State Governments. They cannot print currency notes as you can. So, what can the State Governments do if you do

not provide necessary funds? How will they work? All the State Governments including the Congress(I) ruled State Governments are suffering from resource crunch.

MR. CHAIRMAN: Please conclude.

SHRI ANIL BASU: I am concluding within one minute to your satisfaction.

We also support the addition of the Eleventh Schedule as per Article 243G. It is also welcome, some more functions, some more developmental activities should be incorporated in the Schedule and the Schedule should be made an exhaustive one. We propose to include in the Eleventh Schedule some important aspects regarding schemes for economic development and social justice. In Serial No. 1 where agriculture is provided, we want to add horticulture, floriculture and sericulture. In S No. 2, we want to add land reforms. Sir, what is surprising is that when this Government has preached about so many reforms, they are very shy of land reforms. I do not understand what is the rationale behind it because land reforms is one of the most important productive measures of our country and the two pillars- panchayats and land reforms- are the two strongest pillars for effective functioning of the democracy at the grass-root level. The other day I heard the Prime Minister lamenting that the foodgrains production crop area has been considerably reduced and the farmers are going for production of cash crops. He was lamenting about that. If land reforms are not implemented, that would be the state of affairs. If land reforms are implemented, if the agricultural labourer and the poor peasant could get the land, he can cultivate the land and for his survival at least he would go in for the foodgrains crop. But the other farmers, who are big farmers, do not go in for foodgrains crop. Instead of lamenting, I will tell this Government that land reforms should be implemented and that should be given the topmost priority. Without land reforms, the county cannot progress, the industries

cannot grow, the market cannot be created and the purchasing power cannot be improved. That is why, land reforms should be included in serial number- 2.

Sir, I request that cooperatives should be included and welfare of the destitutes and the aged should also be included in serial number-26. While concluding, I must say that with the genesis and evolution of Panchayati Raj it would certainly flourish with the passing of the 72nd Constitution (Amendment) Bill and in the towns and metropolitan cities, the Nagarpalikas would also flourish after the passing of 73rd Constitution (Amendment) Bill in this House.

Sir, this Parliament of India is the womb democracy and let us hope that after 45 years of independence it will give birth to a healthy baby. We all have to take care of that baby so that the baby can play a part to build up the future of our country. So, I appeal to all sections of the House cutting across the party lines, to support the Bill with the amendments proposed by our Party. So, on behalf of our Party, I support this Bill with the proposed amendments.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Mr. Chairman, Sir, this is a red letter day in the life of our country, a red letter day in the life of our Parliament and a red letter day in my life because from the 10th of December, 1987 which, almost to this day, was five years ago a group of District Magistrates meeting the then Prime Minister stated unambiguously that it was impossible to continue the administration of this country on the basis of the kind of benevolent dictatorship of I.A.S officers that takes place at the grassroots level, I have been personally associated with the evolution of the ideas which now find concrete expression in the 72nd and the 73rd Constitution (Amendment) Bills placed before this House and because I have been associated with this exercise in a variety of persons, as a civil servant, as a Member of Parliament and as Member of the Select Committee, I can only express, on the one hand, my joy at what appears to be the culmination of this present endeavour of five

years, which in itself is the culmination of an endeavour that goes back at least 50 years and at the same time my regret that when we are at the brink of the single most important systemic change in our Constitution and our method of governance, we should have such a thin attendance here in this House and an even thinner attendance in the Press Galleries. If we, as a Parliament and the watchdogs of Parliament were to devote as much attention to constructive endeavours as is devoted to destructive endeavours, perhaps we will sooner be able to realise our goal of a great and prosperous India.

However that might be, Sir, we have arrived at this noble, historic turning point, which even if it will not make headlines in tomorrow's newspapers, is going to constitute a new chapter in the history of constitutional India when that constitutional history comes to be written.

I, as a Member of Parliament and specifically as a Member of the Joint Committee, would like to express my personal gratitude to all my friends from the Opposition Parties, whether of the BJP or of the National Front or of the Left Front or of any of the other parties that were represented in the Joint Committee for the very constructive and cooperative way in which discussions took place which enabled us, in what historians will agree was an exceptionally a short period of time to evolve not merely a consensus within the Committee but a consensus in the nation at large on how to take this small step for Parliament and this giant step for the people of India.

I was, therefore, a bit surprised at the tone adopted by Shri Anil Basu in attempting to deny everything that we have done and attempting to pretend that it is only the West Bengal experience which is relevant to be the evolution of Panchayati Raj in this country.

I hope you will forgive me if through you, I draw the attention of my friends of the Left Front to a confession and an expression of gratitude to which Shri Rajiv Gandhi gave voice in this House when he was presenting

the earlier version of the Seventy-Second and the Seventy-third Amendment Bills. I will quote from his speech here, which of course, at that time, the members of the Opposition were unable to listen to since they had decided to strengthen our democracy by abdicating their democratic responsibilities and walking out of this House totally.

SHRI SYED SHBUDDIN (Krishnanganj)
I was here.

SHRI MANI SHANKAR AIYAR: Yes, indeed He was the noblest Roman of them all.

Shri Rajiv Gandhi said: "In preparing these Bills, we have drawn upon the experience of all- of Congress States as much as of non-Congress States." He said, "We have freely and repeatedly acknowledged our debt to Opposition Governments like those in West Bengal and Andhra Pradesh and the earlier Janata Government in Karnataka who have made innovative contributions to the improvement of Panchayati Raj in our country". After paying this handsome compliment to our friends of the Left Front for having made extremely innovative contributions to Panchayati Raj in their State, Shri Rajiv Gandhi went on to say: "There is no partisan politics in this. Our only interest is the national interest, the interest of development, the interest of the poor, the interest of the weak."

Sir, in praising the role played by men like Shri N.T. Rama Rao, Shri Ramakrishna Hegde and Shri Jyoti Basu I should also add Shri Karpoori Thakur to the evolution of the thinking of this country to the point where it has crystallised in the Seventy-second Amendment Bill and the Seventy-third Amendment Bill,

Shri Rajiv Gandhi was the first to acknowledge it exactly in the same speech. "There are also negative lessons to be learnt from the experience of Congress Governments," the Congress Prime Minister of India said on the floor of the House, when all we had by way of the Opposition was Shri

[Sh. Mani Shankar Aiyar]

Syed Shahabuddin, that the Congress itself has made many mistakes in respect of Panchayati Raj while bringing forward the earlier Bill. I do not think we need any lesson in history from Shri Anil Basu although perhaps Shri Anil Basu needs to learn some lesson in gratitude from the Congress. Graciousness is not always the quality which is associated with the Left Front but intelligence is. I think, their experience something which we can draw upon. I will take the barbs that were aimed at us by Shri Anil Basu and his colleagues as merely paper darts which have glanced off our breasts and pay much more attention to the real and dynamic contribution which the Communist Party of India (Marxist) and the Communist Parties of India with all the letters from 'A' to 'Z', all their little factions and groupuscules have made in India towards compensating the madnesses and murders that have been associated with communism in most other parts of this world.

I would also wish to stress that unlike Shri Anil Basu, I believe that the contribution made to this debate by Shri Mohan Singh is something that should perhaps be written up in letters of gold in the work that is still to be undertaken. I think Shri Mohan Singh was completely right in pointing to the hyperbole that is involved in pretending that by two Constitution Amendment Bills we have succeeded in releasing the dream of Mahatma Gandhi. Not at all. I think Shri Mohan Singh is completely right that all we have done is to open the way towards the realisation of that dream in order to realise that dream, it is not Shri G. Venkat Swamy or any member of the Central Government who is going to be able to succeed in attaining that dream of Ram Rajya through Panchyati Raj which Mahatma Gandhi had in mind. That is going to be a long endeavour and that is an endeavour that is going to succeed only if State Governments and State Legislatures Act in perfect concordance with the letter and the spirit of the amendment Bills, that are now being moved in this House. I have full

faith that the West Bengal Government will have no difficulty whatsoever in making the few minor amendments in its State law which will be required to bring their law in accordance with the new Constitution. I also have no doubt that there are several Congress Governments such as those in Maharashtra and Karnataka, Andhra Pradesh and Gujarat which too would have no difficulty in acknowledging the debt that they owe to non-congress predecessors and consolidating the future by bringing their legislation in line with what we will have just now and I think there is a special responsibility that devolves upon the BJP because the BJP and its earlier incarnation, its earlier avatar, the Bharatiya Jan Sangh, have perhaps been the most consistent of all political parties in Indian in asking for Panchayati Raj. I take my hat off or my saffron turban off to them for having consistently stood for Panchayati Raj. But it is very easy to stand for Panchayati Raj when you are not in government. I am sure the BJP was as surprised, if not as shocked, as the rest of us were when suddenly they found themselves catapulted into the seats of power in no less than four capitals of this country. In the next few years, we are going to have to see whether the Bharatiya Janata Party Governments of Uttar Pradesh and Madhya Pradesh Rajasthan and Himachal Pradesh.

[Translation]

PROF. RASA SINGH RAWAT (AJMER): Sir, this Bill is applicable to all the States, not just to the B.J.P. ruled States.

SHRI MANI SHANKAR AIYAR: I said at the very outset and I am fully confident that..

PROF. RASA SINGH RAWAT: Why are you anxious?

SHRI MANI SHANKAR AIYAR: I am not expressing any anxiety. I am praising you. I want to say..

SHRI KALKA DAS (Karol bagh): We can very well understand your praise.

SHRI MANI SHANKAR AIYAR: Thank you. I would like to make a clarification to a party colleague of yours, who did not seem to understand that I was praising the Bharatiya Janata Party and the Bharatiya Jan Sangh for supporting the twin concepts of decentralisation and Panchayati Raj, in principle, right from 1951 to 1992. Your party is also in power in several States, and as Shri Mohan Singh correctly put it, this Legislation won't serve any purpose, unless and until the State Governments sincerely implement the new constitutional provisions. I would like to make a similar appeal to the B.J.P. ruled State Governments that now that the time has come for the implementation of the Constitutional provisions, they should give concrete shape to the concept of Panchayat Raj, which they have supported, in principle, all along. Along with this, I would also like to say that the experience of the Congress ruled States have been both good and bad. I would like to invoke the name of the late Rajiv Gandhi for the benefit of my party colleagues here and the B.J.P. It was the dream of late Shri Rajiv Gandhi to give a practical shape to the concept of Panchayati Raj. The Congress Chief Ministers should also implement the new provisions with the same enthusiasm, with which we have struggled in the last five years to achieve it.

[English]

But, Sir, in saying this, I want to draw the specific attention of Shri Venkat Swamy who I deeply regret to say does not appear to be here - to the official amendments proposed by our Government. Sir, we have before us the list.

MR. CHAIRMAN: Please wind up.

SHRI MANI SHANKAR AIYAR: I have been dealing with this issue for years. I will be grateful if you please give me the opportunity to speak.

MR. CHAIRMAN: Please take five minutes more.

(Interruptions)

SHRI MANI SHANKAR AIYAR: All right.

While pleading with you to listen to my arguments to see whether there is any need to give me a few more minutes, let me just continue. We have presented before us a set of 15 amendments, official amendments of the Government. I want to draw the attention to the amendments proposed from serial number 6 to 12, that is, seven of the 15 amendments, officially proposed by us. All these seven amendments have only one purpose. That purpose is that? whereas the Bill proposes that members of the Panchayat at the village level be directly elected and members of the panchayat at the intermediate level be directly elected for some reasons that I am unable to fathom, an option created as to whether members of the Panchayat at the zilla level, at the district level will be directly elected by the people or indirectly elected somewhere along the way. I am unable to understand why we are diluting democracy at the grass-roots by opening a possibility of indirect election of members I am not talking of the Chairperson by the indirect election of members who to the Panchayat at the district level.

Sir, I would like to draw the attention of the Government in this connection - because, after it is the Government that was formed on the basis of the manifesto written by Shri Rajiv Gandhi to what Shri Rajiv Gandhi himself had to say in regard to the direct election of members to all the three tiers of Panchayat Raj when he was speaking here in this House. He drew attention to "the vast chasm that separates the general body of the electorate from small number of its elected representatives." He said that this gap has been occupied by the power brokers the. Thence went on to say that "to end any role for power brokers in the system, the Bill provides for the direct election of members to Panchayats at all levels. Every voter will have his own representative in the Gram Panchayat, the middle level Panchayat and the Zilla Panchayat. When it's our established policy for the last five years to have the direct election of members to the village, intermediate and district-level Panchayats,

when this view has been endorsed by consensus in the Select Committee, when Shri Anil Basu, speaking on behalf of the Communist Party of India (Marxist) has expressed their undiluted support to this concept of each level of the Panchayati System having directly elected members and when no representative of any other party has expressed any difficulty in this regard, I am just unable to understand where is the purpose of the amendments from serial numbers 6 to 12 that have been incorporated in our official amendments. I would plead on bended knees with the Government to kindly not flout the will of the Select Committee, the will of the Communist Party of India (Marxist), the will of the Bharatiya Janata Party, the will of the Congress Party and the should of Shri Rajiv Gandhi by instituting on the amendments that have been listed at serial numbers 6 to 12.

I was going to object to the amendment that has been moved at serial number 13. But as I find that Shri Anil Basu supports the deletion of lines 18- 44 at page 3, since he wishes it and since I think it is more important to get a two-thirds majority for our Bills than to win this amendment with half the House, I am ready not because I am convinced and I am sure my friend Shri Nitish Kumar will not be convinced either of omitting the right to recall which for the first time is going to come into our Constitution. But in the tactical interest of securing Left Front support I am willing to go along with my Government with regard to the amendment at Serial Number 13.

I have comments about the others amendments too but I am not going to make them. You have already indicated to me that I have exhausted my time I wish to make my penultimate statement again by pleading with Shri Venkat Swamy and the other Members of the Council of Ministers of kindly agree to withdrawing the amendments proposed by the from serial numbers six to twelve, all of which are connected with the single objective of not having a constitutional provision on the direct election of members to the Zilla Parishads.

Having said that and having run out of time, all that I wish to say in conclusion is to remind this House of the very last words that Rajiv Gandhi ever uttered in Parliament as the Prime Minister of India rather than find my own words to explain the importance of the Bills which are before us. On the 13th of October, 1989, Shri Rajiv Gandhi uttered in Parliament as the Prime Minister of India these last in words which pertain to this Bill:

"We are now on the threshold of the most significant systemic change to take place since the adoption of the Constitution forty years ago. With these two Bills we redeem our pledge to our people, power to the people. The people are with us."

MR. CHAIRMAN: Since a special request has been made by Shri Nitish Kumar, I am allowing him to speak now.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Chairman, Sir, like Shri Mani Shanker Aiyar, I was also a Member of the Joint Select Committee and the Government as well as other hon. Members should have been told that we had put in a lot of efforts to submit the report in time. It is our misfortune that we are ourselves patting our back, for the same. I would like to draw the attention of the Government to certain matters. I can understand the difficulties faced by Shri Mani Shanker Aiyar and he is honest in some respects. He admitted that his attention was drawn to this issue, only from 1987. He read a lot and hears about it from people thereafter. However, what is most unfortunate is the fact that he has had to omit the name of Mahatma Gandhi and invoke Rajiv Gandhi's name to convince his friends and party colleagues on certain points and to draw their applause. The debate on decentralisation traces its origin to the freedom movement. The hon. Ministers should have given an oral statement yesterday, instead of the written statement. This is neither the United Kingdom, nor the U.S.A. and written statements are not mandatory. Rather, people pay more attention to verbal

statements (Interruptions) I was addressing the hon. Minister. I regret that you are not giving me a patient hearing. But, Government should not try to take full credit for this. He made a reference to the time of Rajiv Gandhi, when a futile attempt was made to get the Bill passed by the Lok Sabha. The Congress party is solely responsible for that fiasco. Today there is, however, a consensus on it. The Joint Select Committee has submitted its report, after putting in much effort. The hon. Minister himself has presented himself before the committee, with his valued opinion. His component officials used to be present in strength during the proceedings of the committee, so were hon. Members from all political parties. Each and every point was thoroughly discussed and only thereafter did we prepare the report. But, my complaint is that, despite all this, the Government deemed it appropriate to bring forward such amendments, which are bound to weaken the very spirit of the Bill. I would like to oppose this move because the Government did not put forward these amendments for discussion, even during the all-party meeting, convened to discuss the Bill. The only note of dissent, was raised by a C.P.I (M) Member, on a particular point. (The 'note of dissent' raised by the C.P.L. was in a totally different issue of 'Nyay Panchayat'). The C.P.I (M) Members had objected to the direct election of the Chairperson of the Gram Panchayat, as envisaged by the report. They wanted the issue to be left to the State Legislatures to decide. It was there note of dissent. There were other related issues. We did something revolutionary by reducing the age-limit for election to the post of Panchayat Chairperson, from the existing 25 to 21. After a comprehensive debate, we drove home the point that 21 year-old youngsters can do a lot for the country and that there is no reason to believe that he or she is incompetent or unfit to occupy the Chairpersonship of village Panchayats. Further we also said that gradually the age-limit for the country's Prime Minister, we also said that gradually the age-limit for the country's Prime Ministership should also be reduced to twenty one. Today girls and boys

of young age in the world have a lot of knowledge, which could not be there earlier without proper communication. Time is changing, so we have reduced the age-limit. The Government wanted to bring an amendment to the effect that the age limit may remain 25 years. The Government accepted it when we disagreed.

Shri Mani Shankar Aiyar has raised another points.

THE MINISTER IN STATE OF THE MINISTRY OF RURAL DEVELOPMENT (DEPARTMENT OF RURAL DEVELOPMENT) (SHRI G. VENKAT SWAMY): It has been accepted.

SHRI NITISH KUMAR: Direct elections should also be held at Zila Panchayat level. The Government may withdraw it. I know there is no consensus on this issue. Members should also be elected direct at district level. Only then there will be people's representation in true sense.

The second point is about the right to recall. It is stated in this report that if any member commits mistake, he cannot be recalled. I don't think that this should be deleted. These all are revolutionary suggestions and will give a new direction to the politics of this country in near future. Therefore the Government should withdraw its amendment. Discussion was not held on it. Discussion should be held on two fora. It was not discussed in the Joint Select Committee nor in the meeting of the leaders of political parties. The Government may withdraw this amendment. I think it is not proper. What has emerged out of consensus should not be spoiled. There is difference of opinion on only one point and that is whether the Chairperson should be elected at Gram Panchayat level directly or it should be left on the State Government. The Member of C.P.I(M) had dissented on this point. We are their colleagues we as well as they have started the discussion. They have also some association with Government. The Government also agreed on this point that in case they agreed, the Government will also

[Sh. Nitish Kumar]

accept it. It would like to tell them that there should be direct election for chairperson at Panchayat level. Such election is held among 10-12 thousand people. If the Government will not do so, there will be no decentralisation. I think they are thinking from their own point of view. They have their own compulsions. They want to maintain the pattern of West Bengal.

Mr. Chairman, Sir, I like to say that when there is direct election at Gram Panchayat level, then the feeling of leadership certainly develops among the weaker sections of society. It should be analysed. I have been given some more time on my special request. So, I would not like to go into detail but if it is got analysed from any sociologist, it will be known that when there is direct election, the weaker sections of society get poor. If Member of Parliament is also elected indirectly persons like me cannot be elected an M.P. I know when direct elections are held, the capability of leadership reaches the grassroots level. Therefore, if Gram Pradhan or Pradhan or Chairperson is elected directly, he will also be elected from lower strata of society. When indirect elections are held, the party manipulates to ensure that only the person belonging to the party is elected as Chairperson. Whichever party other representatives or ward members may belong to and whatever may be their social status but when party will issue directives they will elect Pradhan in accordance with such directive. Therefore, people cannot get power in true sense but they are adamant on their point. West Bengal has its own pattern. We have to say nothing on this point. The Government wants to have a broad consensus on this issue and wants to leave it on the State Legislature. We don't want to remain adamant. I am saying so to know as to what was the intention to press us on this point? Whatever discussion took place in the Select Committee, we tried to evolve consensus but only on this point the note of dissent came because ours was a strong argument in support of this point. Again I would like to submit as also I think that the

Government might have held discussion with the members of all the parties on other amendments. Therefore, I would like to request that we must fulfill the frame of four-tier administrative set up dreamt-by Mahatma Gandhi, Loknayak Jayaprakash Narayan and Dr. Lohia. Even if you want to fulfill the dream of Late Rajiv Gandhi and if all people want to achieve the target of decentralisation, then there should be decentralisation of power in true sense. And for that a Member of our party has rightly said that we have given an amendment to the Bill but the four-tier administrative set-up will be established only when the Government gives power to people. I would also like to reply to the false notion of decentralisation. Decentralisation does not mean giving powers to the state capitals. It means power percolates down from state capitals to districts and then to Gram Panchayats. This alone means a four-tier administrative set-up. It does not mean that Delhi has given powers to Patna or Lucknow and they will decide whether they should give power to the district or not and whether they should give power to Gram Panchayat or not.

Mr. Chairman, Sir, the representatives of all the States are sitting here in the Parliament. Today we are going to amend the Constitution of India and we will decide as to what will be the set-up in the country. Will there be decentralisation only when every thing will be left on the State Legislatures? We are not in favour of reducing the powers of States. We are in favour of giving more powers to the states but at the same time we are in favour of giving more powers to Zila Panchayat and Gram Panchayats also. Therefore, I would like to submit that today an amendment has been brought on the basis of consensus. I think it is a great thing. At least the elections will be held after every five years. In my state Bihar elections were held in 1969 when non-congress Governments came to power and after that in 1978 when Late Shri Karpooori Thakur came to power but during the last 15 years elections were not held there. Now election will held after five years. It is a beginning and not an end. And I am satisfied with it that it is not an insignificant thing.

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Mr. Chairman, Sir, I have contested as many as four elections and found that the Pradhan is the same and the Gram Panchayat is also the same. This should not be the situation. With this amendment the achievement is that the Panchayats have got constitutional status and other thing is that regular elections will be held for these bodies but we have to go beyond this and these bodies should be given more powers. Besides financial powers administrative powers should also be given to them. The Government should proceed in this direction and we will fully support it in this matter. In the end, I would also like to say again that we have been in favour of the provision of "right to recall", made in it. Shri Jayaprakash Narayan had led the movement of 1974 on the basis of right to recall. Therefore I am requesting you that I am not raising a discussion on it because I have been a fighter in that movement but I am saying so because there was a broad consensus on this point and there was no difference of opinion as well. So, you should not try to raise any new points. And at least the report of the select committee may be accepted as it is because the report of the Joint Parliamentary Committee constituted by the Government should be accepted. And if the Government wants to leave the issue of electing the Chairperson of Gram Panchayat on the State Legislatures keeping in view the dissent note, then it may at least do that but the report of Select Committee is good. We hope this 72nd and 73rd Constitution Amendment will be written in red letters in the history of our Constitutional Government. Its credit does not go to the Government alone but its credit goes to the whole Parliament, to all the political parties of the country and not only to the political parties alone but also to all social organisations other than political parties which have supported it widely. Ultimately its credit goes to the people of India to the public opinion as also to the will and determination of the people. With these words I request the Government to withdraw its amendment and I conclude. Mr. Chairman, Sir, I would like to thank you for giving me time to speak.

MR. CHAIRMAN: Shri K.M. Madhukar.

SHRI KALKA DAS (Karolbagh): Mr. Chairman, Sir, the hon. Members of the Communist Party have already spoken. Now it should be our turn.

MR. CHAIRMAN: He had a request. So I had given him a chance.

SHRI KALKA DAS: But no one spoke from our side. So, now it is our turn.

MR. CHAIRMAN: Now the hon. Members of C.P.I will speak. You will be called afterwards.

SHRI KALKA DAS: The B.J.P. has its own strength and number in the House, on the basis of which the name are called, just now an hon. Member of the Community Party spoke. The hon. Members of the Congress party also spoke and those of the Janata Dal have just taken their seats after speaking. As such B.J.P.'s turn should come now.

MR. CHAIRMAN: Your turn will come after the C.P.I. Till then you may please take your seats.

SHRI VISHWANATH SHASTRI (Gazipur): Mr. Chairman, Sir, I am thankful to you of giving me an opportunity to speak on the Constitutional Amendment Bills. Supporting both these Bills, I would like to say that it was very necessary to have a provision for the election of the Panchayats and their heads after every 5 years., it takes 10-15 year for holding selections to these bodies. I know the position in regard to Uttar Pradesh. The *Gram Pradhan* is elected directly by the people in our State. I support the present proposal that has been brought forward in the Constitutional Amendment Bill.

Secondly, I appreciate the views of my hon. friend, Shri Nitish Kumar. There is a need to enhance the financial powers of these institutions. Today our *Gram Sabhas* and other bodies are not financially stable to undertake any public interest work. They have no funds. Their financial condition is not

that sound as it ought to be. The State Governments run these institutions in their own way and due to it people's participation in them is very negligible. Therefore, the *Panchayats* should be given more financial powers for their smooth functioning. With these words I support this Bill.

SHRI KALKA DAS: (Karoibagh): Mr. Chairman, Sir, today we are discussing the 72nd and 73rd Constitutional Amendment Bills, which are based on the report of the Joint Parliamentary Committee. *Panchayats* and Municipalities are the lowest rings in a democracy and the plight of both these institutions is the worst in the country.

On the one hand we treat the *Panchayats* and the Municipalities as the lowest rung of democracy but on the other hand they always experience financial hardship. They have no definite tenure. If dissolved, they remain in this state for as many as 15 years. If in existence, they continue to function for longer durations even after completion of their tenure. They have not been given any statutory status. Keeping all this in view the hon. Minister, Smt. Sheila Kaul re-introduced this Constitutional Amendment Bill in the Lok Sabha on the September, 1991. On 20th September, 1991 hon. Smt. Sheila Kaul requested the House to discuss this Bill in a Joint Parliamentary Committee.

Mr. Chairman, Sir, keeping the above suggestion in view a Joint Parliamentary Committee was set up and it held 34 meetings. All serious and important points were discussed in them. Though I am not a member of this Joint Parliamentary Committee, yet after going through the report of the Committee, I am very much convinced that it has made very good suggestion by putting hard labour. Among the main issues dealt with by the committee, it suggests measures how to constitute the *Panchayats* and Municipalities. It recommends that largely populated major cities should have separate Boards and as many representatives as would enable them establish contact with people easily.

Mr. Chairman Sir, it has also been considered that reservation of seats should be made for SCs, STs Backward Classes and Women in *Panchayats* and Municipalities. It has been discussed at length and I would like to express my thanks to the Joint Parliamentary Committee for making such basic and essential suggestions to make reservation of seats for Scheduled Castes, Scheduled Tribes, Backward Classes and women who consist of nearly half of the total population of the country.

Sir, the other important issue that has been discussed in it in details and a solution that has been found out is that the Municipalities and the *Panchayats* become handicapped when they do not have sufficient financial resources. Therefore, the Joint Parliamentary Committee has made a suggestion that in order to mobilise resources for these bodies they should be allowed to raise municipal tax, toll tax and other taxes and some funds should also be allocated to them from the State Budget. If they are not provided funds and if their financial strength is reduced then the important works which they are supposed to do, cannot be done. Therefore, stress has been laid on arrangement of funds for them. It was also considered to prepare its economic schemes. Development of cities and villages have also been suggested in it on the basis of their basic fabric and strength. Suggestions have also been made for increasing their financial strength.

The suggestion for imposing taxes on Municipalities by the State Legislatures is also very good. The exercise done on a very important thing is to fix a time limit for it, As it has been stated just now that a Pradhan holds office for as many as 15 years. Where elections to *Panchayats* and Municipalities were not conducted, there they remain dissolved for 10 long years. The tenure fixed for *Panchayats* in Delhi is three years and for the Municipal Corporation it is four years. Elections were held here in 1983. Since then the *Panchayats* and Municipal Corporation lie dissolved till date. Neither the *Panchayats* nor the Municipal Corporation is working here due to which neither the schemes for

677 Constitution (Seventy-^{Sec. AC}RAHA 'AND' 11, 1914 (SAKA) Constitution (Seventy-⁶⁷⁸ Amend.) Bill (Ins. of new part IX) Third Amend.) Bill (Ins. of new part IX-A) due to paucity of funds the local bodies are into able to discharge their duties. The Joint Committee has, therefore, suggested to provide financial powers to these bodies. I support this suggestion. It has also suggested mobilisation of resources through octroi and other taxes. This is essential. If these bodies are not financially strong, we cannot expect them to implement all the proposals and schemes. They have to do many important things. They have to provide electricity, roads in cities, work for the development of Panchayats and open hospitals in village. This is of a prime importance. The Committee has particularly asked the State Finance Commission to take necessary steps to improve the financial position of Municipal Committees.

As I have stated that, after going through it, I have come to know that it held 13 meetings and constituted three sub-committees. They visited different States of the country and called for their suggestions. In Delhi also called for their suggestions from various organisations and experts. Their suggestions came. They were interviewed. They drew a democratic conclusion out of them and prepared the same so as to strengthen these initial steps of democracy.

The decision to put a ban on the rotation of reserved seats is very good. The Committee has rightly decided that the State Legislature Assemblies should take a decision in this regard. If a Member come to know that next time he would not be allowed to contest from a particular reserved constituency he would take little interest in the affairs of the Constituency. The new leadership would not develop. The Committee has understood the seriousness of the situation and has put a ban on rotation of reserved constituencies.

The recommendation of the Committee that the age of contestant should be at least 21 years is a welcome step. This is essential keeping in view the fast changing scenerio. I support this suggestion.

The Municipal Committee is responsible for providing healthy environment by proper and planned development of slums and providing civic amenities everywhere. But

due to paucity of funds the local bodies are into able to discharge their duties. The Joint Committee has, therefore, suggested to provide financial powers to these bodies. I support this suggestion. It has also suggested mobilisation of resources through octroi and other taxes. This is essential. If these bodies are not financially strong, we cannot expect them to implement all the proposals and schemes. They have to do many important things. They have to provide electricity, roads in cities, work for the development of Panchayats and open hospitals in village. This is of a prime importance. The Committee has particularly asked the State Finance Commission to take necessary steps to improve the financial position of Municipal Committees.

My friend Shri Aiyar was speaking just now. I want to thank him for presenting the view point of Bharatiya Janata Party in this regard. The Bharatiya Janata Party has always been in favour of decentralisation and providing more powers to the panchayats and Municipal Committees. In BJP ruled states steps are being taken to amend the rules and provide more powers to these institutions. This is the first step of democracy. I am sure that those who are in favour of providing more powers to the Panchayats would certainly fulfill their promise and discharge their duty. As there are many good things in this, I rise above party considerations and fully support the recommendations of the Committee. I would like to add here that some experts in different fields should also be made Aldermen in Panchayats and Municipal Committee.

I thank you for giving me an opportunity to speak,

SHRI RAM NIHORE RAI (Robertsganj):
Mr. Chairman, Sir, I thank you for giving me an opportunity to speak.

India is a country of villages and 85 per cent of the people live in the villages. There have been no elections to the Panchayats for the last 20 years irrespective of the Party which was in power be it Congress, the Janata Dal or any other party. As a result

[Sh. Ram Nihore Rai]

there are numerous cases pending in the courts throughout the country. The dream which Mahatma Gandhi, Chaudhary Charan Singh and Lohia Cherished was of ' Ram Rajya ' but it was not fulfilled. Elections to the Lok Sabha and state legislative are held after every five years but elections to Panchayats are not held. These elections are not held because of vested interests which are everywhere whether this party is in per or that party is in power. If a seat in Lok Sabha or State Legislative falls vacant, election to it is held within six months but elections are not held if the post of Mukhiya falls vacant.

Therefore, I welcome this revolutionary Bill. After the village Panchayat next in the ladder is Development Block. Elections for Block ' Pramukh ' are held but I would suggest that people should elect them. Similarly, the people should elect members and the President of District Council. This would provide more power to the poor, and scheduled castes and scheduled tribes. Shri Nitish Kumar has rightly said that it is because of elections that we have been elected to the Lok Sabha and State Legislatures today,. Had there been no elections people like us would never have been elected to this House.

I would like to submit that as there is reservation of seats in the Municipal Corporation, Development Councils, State Legislative and Lok Sabha, similarly, there should be reservation of seats for the scheduled castes and backward communities in the Development Blocks. There is a provision to this effect and that is why I welcome it. I congratulate the hon. Minister and the ruling party for taking this revolutionary step.

I want that the Panchayats and Gram Sabhas should be empowered to resolve farmers problems and provide them all possible facilities. The farmers are generally looted in the market. I want that the panchayats should construct the Godowns themselves so that the poor farmers could create a abufferstock and have more bargaining power. They should get more

price for their crops so that they are benefited.

The provision of recalling the representatives is totally wrong. The influential people would try their level best and conspire to recall the representatives of scheduled castes and scheduled tribes. I, say that this provision is totally wrong and should be withdrawn.

While concluding thank you for giving me an opportunity to speak on the Panchayat Raj.

SHRI K.V. THANGKABALU (Dharmapuri): Mr. Chairman today is a historic day in the annals of Indian Independence because the House is going to pass the historic Panchayat Raj Bill. Today, after four decades of independence under the illustrious Prime Ministership of Shri Narasimha Rao we brought this Bill and that too with a consensus.

Sir, our late lamented Prime Minister Shri Rajiv Gandhi was the author of this Panchayat Raj Bill; though we are passing it today the whole credit should go to the leader Shri Rajive Gandhi because the dream of our great leader Mahatma Gandhi was taken up by another Gandhi, that is, Shri Rajiv Gandhi, who realised the importance of the villages, of the poor and the lowest ebb of the society people who are living in the villages. Their interests were taken into consideration while trying to bring in the Panchayat Raj system.

Though this Bill could not be passed when Shri Rajiv Gandhi was in power, we are happy as Congressmen that it is being passed now. In the Congress Party's manifesto itself we have told the people of India that it is our prime concern that the Panchayat Raj system should be inducted, by passing this Bill, for the sake of Indian public.

Today, through these Construction (Seventy-second) and (Seventy-third) Amendment Bills we are giving power to the people who are living in the villages. Some political parties in this land are demanding autonomy to the States whereas the Congress Party wants to give autonomy to

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 Amend.) Bill (Ins. of new part IX) Third Amend.) Bill (Ins. of new part IX-A)
 villages and village administration. This is the achievement and the concern of the Congress Party for the poor and down-trodden of this great nation.

Sir, even today certain parties are trying to politicise some issues through Ram. We are not against Ram, we are not against any temple construction. Real *Ram Rajya* can come only when the people are given powers. The Congress Party is conscious of this fact that the Panchayat Raj system would be an effective instrument to develop the people of the villages. This system is going to help the majority section of the society.

One great Tamil had said that the construction of thousands of hundred of choultries, and the contraction of tens of thousands of temples and so on will not help the poor man in this country. But the construction of one school will help and render justice to the common man.

In Tamil, they said:

" ANNACHATHIRAM AAYIRAM
 VAITHTHAL

AALAYAM PATHINAYIRAM NATTAL

PINNAYAVINUM PUNNIYAM KODI

AANGOR EZHAIKKU
 EZHUTHARIVITHTHAL "

Through the first two stanza, that the real Ram Raj will come only when we build an effective society, when we build an instrument for the weaker and the power sections of the society through Panchayat Raj. That Panchayat Raj system can eliminate the real problem of this great nation.

• In this Bill, we have given a very important assignment, that is, reservation for women. Their population in this country are more than men and it is 51 per cent. We must still confess that this is men's world. We have to salute and honour the womenfolk of our great motherland, India. Through this Bill, women will get a statue and a guarantee that

they are going to be a part of the administration. Then, reservation to the Scheduled Castes and the Scheduled Tribes is another landmark. We have given reservation in the Legislatures, in the Parliament and proportionate to that level in the villages also, they are going to get reservation through this Bill, and that too by rotation. Now we have problems in the Legislature, even in the Parliament. Continuously for 15 or 25 years,, one particular community or one particular person is representing one area. And by this legislation, we are removing the stigma of allowing one person or one particular community to represent one particular area. And through reservation by rotation, all the communities and persons belonging to the Scheduled Castes and Scheduled tribes can also participate in other area than the one particular area.

Sir, Clause 243 (d) Sub-section (6) says:

" Nothing in this Bill shall prevent the Legislature of a State from making any provision for reservation of seats in any Panchayat or Office of Chairman, Chairpersons in the Panchayat at any level in favour of backward classes of citizens."

In this regard, let me state that the backward classes constitute 60% of the total population. If there is a clear statutory provision for compulsory reservation to the backward classes, then that would have been salutary. To vest in the State legislatures the enabling and optional powers to provide for such reservation may a lead in some State legislatures providing for the reservation and some not providing for the same. Therefore, the reservation for backward classes in Panchayat institutions must be enshrined in the Bill and thereby in the Constitution.

We are concerned about the backward class communities and the majority section should be protected. And if this backward class community is also given a constitution right to be a part of this legislation, then it

16.29 hrs

[SHRI. PETER G. MARBANIANG- *in the Chair*].

Sir, I do not want to deal with much of these issues.

Sir, the Scheduled Castes, the Scheduled Tribes and the backward class, the socially oppressed people, cannot face today's elections because without money without financial soundness it is impossible to contest against the landlords, against the big money power people. At this juncture. I would urge upon the Government and also all other political parties and friends one thing. I submit that we should bring a legislation for providing funds for the elections by the control State Governments. This may be brought, if not in this Session, at least in the next Session. It will avoid corruption and so many other things. Today, as you know, in the elections, we have to spend more money. According to the rules, Members of either State Legislatures or Parliament have to give a false certificate. But, it is true that if the State is funding for the elections, irrespective of the political parties, irrespective of the candidates, it will be good for the nation and also the money power cannot come in the way of electing a right people, whichever party he or she may belong.

Today, though this Bill, when we give power to the villagers, the villagers by their elected representatives can decide the priorities in the villages that are needed for the immediate benefit of the village like health, agriculture etc. The present position is going to be changed through this Bill and the real Ram Rajya will come, the real Gandhian dream will be translated into act by making this great endeavour.

The Congress Party is always with the poor people of this great land. Our great leader late Shri Gandhi's vision of implementing Mahatma Gandhi's dream into action is coming into reality by this august Bill.

With these words, I request all the political parties and Members to support this Bill unanimously.

SHRI P.G. NARAYANAN (Gobichettipalayam): Sir, while we welcome any attempts at decentralisation of powers and strengthening of the Panchayati Raj institutions, we oppose certain provisions of the Seventy-second Constitution Amendment Bill because we firmly believe that these are encroachments upon the powers of the State and not strengthening of the Panchayati Raj Institutions.

Among the constitutional grounds on which I object to this Bill are, apart from the encroachment upon the powers of the State, this will go against the spirit of the federalism itself and against the division of powers between the Centre and the State. Let me make it clear that we welcome any genuine move to decentralise the administration, strengthen the Panchayati Raj and give more power to the people, but the present Constitutional amendment is not the correct way of going about it. We are also committed to holding elections within the Panchayati Raj institutions regularly.

The 64th and 72nd amendments draw their sanction from the Directive principles of State Policy (Article 40) which enjoins upon the State to establish Panchayats as 'units of self-government. By itself, the 72nd Amendment is primarily as enabling enactment for the establishment of Panchayats. It has little to offer to the panchayats by way of functions, powers and resources to shape them as 'units of self-government' This task is left to each State legislature to determine. On the enabling plane, the amendment requires the State to:

- (1) establish at the very base a Gram Sabha comprising all eligible voters in the village, to which the Panchayat will be accountable. The 64th amendment had no such provision;
- (2) mandatory periodic elections every five years and where superseded

in mid-term, a mid-term election within six months; and

- (3) reservation to ensure representation of women in panchayats and representation of Scheduled Castes and Scheduled Tribes in proportion of their local population.

No I would like to briefly recapitulate the few points which form the basis of my objection to this Constitution Amendment Bill.

Administration of Panchayati Raj bodies is totally within the powers of the State Legislature as it falls within the scope of Entry 5 of the State List. Any attempt to provide for Constitutional provision in the Panchayati Raj bodies will be an indirect intrusion into the powers of the State legislature. It was also suggested by the Government of Tamil Nadu that the Centre may have some guidelines evolved and communicate the same to the States for being followed with such modifications as are suited to the respective States.

Firstly, as far as *Gram Sabhas* are concerned, it is proposed to be created below the level of the existing Panchayats. These *Sabhas* comprise of all voters of the villages and they have to perform the functions and duties that are entrusted to them. As such, *Gram Sabha* will comprise of all voters, they will be very unwidely in size, and transaction of business and the process of reaching decision would be very difficult. Sensitive issues like removal of Chairperson of Panchayats could even create law and order problems. In my State, Tamil Nadu with a population of 500 and above. There will, thereof, be no need to have such a massive size body, more or less at the same level once again.

Secondly, as regards the Constitution of Panchayats at village, intermediate and district levels, at present we have practically two-tier system, in Tamil Nadu, that is, Panchayats and Panchayats Unions. But the Bill seeks to have a three-tier system,

with full-fledged local self-government also at the District level, administered by elected members and Chairpersons. As far as our State, Tamil Nadu, is concerned, they are not in favour of forming such elected local bodies at District level. In Tamil Nadu, the District Development Councils are in existence elected M.Ps. MLAs, Panchayat Union Chairman and District level officials as Members under the Chairmanship of Collector, serving the purpose well.

Next I come to the composition of Panchayats. Under the provisions of the Bill, the composition of Panchayats would warrant holding of elections to the officers of the Members of Panchayat Union Councils and Members of the District level Panchayats. In my State, Tamil Nadu, the elected Presidents of village Panchayats are Members of Panchayat Union Councils. At District level, all the Members of District Development Councils are nominated and not elected directly.

As regards elections to constitute Panchayats, the Bill provides that at all levels elections have to be completed before the expiry of the term. But, at the same time, the State Legislatures have not been vested with any power to extend the terms of panchayats to cope up with any extraordinary circumstances under which the State Government is unable to conduct elections. This is an important thing which should be incorporated in the Bill.

As regards powers and functions of the Panchayats, in my State, Tamil Nadu, areas like agriculture, elementary education, public health etc. which were originally entrusted to the Panchayats had to be withdrawn for various practical reasons. These items find place in the Eleventh Schedule. Transfer of such powers and functions in these spheres would adversely affect the smooth functioning under the various departments of the Government.

Sir, the present amendment Bill retains the provision for the establishment of a statutory State Finance Commission whose

scope is to be determined by the State Legislature.

Wisely, the present amendment Bill takes the sting out of the 64 the amendment by leaving supervision of Panchayat elections and accounts to be provided for by the State Legislatures. This, as may be recalled, had sown the seeds of suspicion that the centre is attempting to subvert the constitutional personality and authority of the States.

While it is sensible for the Centre not to legislate on the functions of the Panchayats to lend them substance as units of self-government, it is reasonable to presume that such administrative and financial powers as lie with the Centre will be so exercised hereafter also the enable the States to vest autonomy and resources to the new-born Panchayats. But the very first step of the centre does not inspire such confidence. The recent retrograde decision of the Planning Commission is to withhold the transfer of the major centrally-sponsored schemes to the States which are particularly apt for the Panchayats.

The hon. Prime Minister, as Chairman of the Planning commission, has wittingly or unwittingly become party to stabbing the Panchayats in the back by denying them the core and bulk of the resources, the latter must have been to plan local development unfettered by the Centre.

Finally, another questionable action of the Centre is the provision in the proposed amendment relating to the time limit. The 64th Amendment had allowed a maximum period of one year, but the present Amendment is so worded as to allow as much as five years for the writ of the amendment to become fully operative.

I would, therefore, say that some provisions in the present Bill will definitely deprive the States making Panchayati Raj and Municipal Raj unworkable and inefficient with a huge Central bureaucracy. This Bill

has been brought to subvert the fundamental, basic and federal character of the Constitution by converting it into a unitary one. This is dangerous to the unity and integrity of our country. We cannot be a party to the destruction of the basic structure of the Constitution.

So, my demand to the Government is that my amendments may be allowed in order to strengthen the Panchayati Raj institutions.

[Translation]

SHRI RAJESH KUMAR (Gaya): Mr. Chairman, Sir, I support and welcome the Bill which has been introduced here because it is the first step in realising the dream of Mahatma Gandhi who said that "village should be ruled by the village itself".

I thank the hon. Members who were associated with the Select Committee which finalised the amendments after lot of deliberations. They all deserve congratulations.

I would like to give a few suggestions I welcome the provision of reservation in the Panchayati Raj Bill. Reservation has been made on the basis of number. In this regard my submission is that in 1987 when Shri Bindeshwari Dubey was the Chief Minister of Bihar he had made the provision of reservation in Panchayati election. The reservation was done at the district level and it was decided that district would be a unit. But while implementing it there was some hurdle and what happened was that in some blocks where there were 20 Panchayats, most of the Panchayats were reserved whereas in some blocks there was not even a single Panchayat which was reserved. Therefore, my suggestion is that instead of district, block should be considered as a unit so that the scheduled castes and scheduled tribe people get proper representation at block level.

Besides, there is provision for direct elections to the Panchayats in this Bill. I fully

support it. I would like to make a small correction to what Shri Nitish Kumar has said while develling upon certain issues in regard to direct election provision in this Bill. He supported the provision of right to recall but I am against the right to recall which is in the Bill. I would like to cite an example here. I won the election from my constituency with about 4 lakh votes. There are about ten lakh voters in the constituency, of whom eight lakhs are against me. As long as the rural populace, the poor, the Harijans, the Adivasis and the backward classes lack self-confidence, self-respect, courage and education, I will continue to oppose this concept of 'Right to recall'. This concept of 'Right to recall' is nothing, but Humbuggery and deceit. It is a very convenient ways to deprive the Membership of poor people with a rural background like me, who somehow get elected to the Lok Sabha. Therefore I vehemently oppose this suggestion.

As of now, the 'Mukhiyas' and Surpanches' are directly elected to the Panchayats. This Bill has bestowed powers on the 'Nyay Panchayats' also. It is my suggestion that Panchayats and Nyay Panchayat should be given more powers, as the existing powers are too inadequate. Not only the Panchayats, but all the elected bodies including corporations, Municipalities etc., should be conferred with more powers, so that they can do something concrete for the welfare of the masses.

Now, I will conclude after making a couple of suggestions. So far as the development of Panchayats is concerned, we are thinking of developing the villages and decentralisation of power through these Bills. When decentralisation is the issue, there should not be any compromise with the powers and rights of the State Governments. The States should have all their due powers and I support it whole-heartedly.

While we would like the local bodies like Gram Panchayats, Corporations and Municipalities to get more powers, Gram Swaraj has been our dream for long. Mahatma Gandhi was an ardent supporter

of this concept and he wanted the panchayats to play a major role in our political system and wanted them to be the very foundations of our democratic structure. Difference of opinion within the villages should be sorted out by the village folk themselves. Water and electricity should be adequately available in the villages and the villagers should be provided with a means of livelihood within the village itself. Now, I would like to place before you some suggestions with regard to the objectives to be achieved through the Panchayats and the Panchayati Raj. By Panchayati Raj, we mean the actual development of villages. The disputes and conflicts in the villages should be sorted out, within the villages itself. Therefore, I feel that it is necessary for the Panchayats to have more financial powers and more funds at their disposal so that the development work in the villages can be accelerated.

Mr. Chairman, Sir, lastly with regard to the Panchayati Raj system, envisaged in the Bill, I would like to say that as long as adequate funds are not made available, the idea of decentralisation of power holds no meaning.

Mr. Chairman, Sir, Panchayat election are not held, sometimes, even upto 15 years at a stretch and at many places, the same Mukhiyas is occupying the Chair for 15-16 years and misusing his position. This should not happen. Similarly, a Mukhiya should not be allowed to decide all alone about the funds allocated for the Jawahar Rozgar Yojana (JRY) and other programmes. Such drawbacks and lacunae can be checked, if elections are held regularly and in time.

Mr. Chairman, Sir, I would also like to suggest here that elected bodies like Nagarpalikas, Corporations, Municipalities and Panchayats should not be dissolved at random. As of now, they are dissolved without of any rhyme or reason. Therefore it is my suggestion that unless and until the involvement of elected Representative of Corporations, Nagarpalikas or Panchayats in anti-national activities, corruption and bunglings are proved, these local bodies

should not be dissolved. It is very much necessary to check the misuse of the provision to dissolve elected bodies.

Mr. Chairman, Sir, with these words, I whole heartedly welcome and support this Bill, because I sincerely hope that this Bill would herald the advent of Gramswaraj, and provision of potable water and electricity in the rural areas. I am grateful to you for providing me an opportunity to speak.

[English]

DR. DEBI PROSAD PAL (Calcutta North West): Mr. Chairman, Sir, I rise to support the 72nd and the 73rd Constitution (Amendment) Bills which mark a milestone in the development of democracy in this country. Since the very inception of our Constitution and even earlier our national leaders and the father of the Nation Mahatma Gandhi had always advocated that if democracy is to be firmly established in this country, it has to reach the grassroots of the people. Article 40 of the Constitution has given a mandate to the States and to the Central Government also to establish the Panchayati Raj so that these institutions can function with efficiency and effectiveness. There had been various Committees which had been appointed for the institution of these self-governing, village institutions. It was, late Shri Rajiv Gandhi introduced the Panchayati Raj Bill in this House, because of certain Opposition tactics that Bill could not be passed. It has been the primary concern of our Prime Minister that the pledge which the Congress Party had given in its Election manifesto, has to be redeemed at the earliest opportunity and that his Bill has been sent to the Joint Parliamentary Committee. Although I was a Member of that Committee, not because I was a Member of that Committee, but otherwise also, the contribution which the Joint Committee had made and the recommendation which had been given there are of great importance I am not, at the present moment, examining all the different aspects of the two Bills.

Broadly speaking, the major changes which are sought to be introduced are: There shall be direct elections to self-governing institution like the Panchayats and also the Municipalities, municipal corporations. Now I find that one of the amendments which has been introduced is that election to the Zilla Parishad or district councils may not be direct election. Although the recommendation of the Joint Committee was that at all stages, there will be direct elections, I do not know why there has been a departure from the recommendation at the stage of Zilla Parishad. It has always been our constitutional goal, namely that at all these level of the self-governing institution, the elections should be direct so that people's participation, peoples involvement in the self-governing institutions can be direct and they can have a dynamic and creative role to play in the development of these institutions. I should have thought that the same principle on which direct elections have been advocated should have been also at the district level.

The other thing is, these institutions are very often superseded at some stage or other by the State Governments and therefore, many of these institutions like Panchayats, municipal corporation are not functioning democratically for many years. In order to remove that type of deficiency in the administration of self-governing institutions, the Bill seeks to ensure that the tenure of the institution will be fixed for five years but if there is any suppression at an earlier stage a time limit has been fixed for six months within which there shall be a free election to the self-governing bodies. That is a welcome feature and I think, there is almost a consensus on this point by the different political parties.

If these institutions are to function effectively and efficiently, two important things are to be considered. One is, they should be vested with powers so that they can play certain creative and constructive role in the implementation of the different economic programmes concerning village Panchayat, concerning municipality or municipal corporation. These powers have been given

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under the Bill which is a welcome feature. But at the same time, one has to consider the financial powers with which these bodies should be vested with. Otherwise they cannot function effectively. If they are to depend upon the grants which are to be given at the State level or by the State Government and they have no independent source of raising the revenues on their own, the result will be, even if they have to function, they have ultimately to depend upon the State Government.

Now it is true that the Central Government does not propose to interfere with the functioning of the State Government *vis a vis* the functioning of the self-governing institutions. But at the same time, the Bill provides that in certain cases, they will be given the powers of raising the revenues in matters of different tolls, duties, and taxes. There, they will have independent power of raising the sources of revenue.

17.00 hrs.

In certain other spheres, they will have to share the revenues which will be levied and collected by the State Government.

Lastly, they will have to depend upon the grants-in-aid which the State Government might give for the functioning of these self-governing institutions. The establishment of a State Finance Commission has been provided for.

MR. CHAIRMAN: Please conclude.

DR. DEBI PROSAD PAL: I am trying to minimise and shorten my time.

MR. CHAIRMAN: Seventeen members are to speak.

DR. DEBI PROSAD PAL: I shall be very brief. The commission should be given the power to determine the distribution of taxes, doles and duties., One thing I want to point out before this House is that the Central Government also has to give certain amount of grants-in-aid to the State Governments

and out of these, the State Gqverment has to give the finance to the self-governing bodies by way of financial assistance. In such cases, the recommendation of the Joint Committee was that the Central Finance Commission should have the power to give recommendations on the basis of the States ' scheme for giving grants-in-aid. According to my opinion, the Central Finance Commission should have been given the power as recommended by the Joint Committee because ultimately the grant-in-aid which is to be given by the State Government to the village municipalities and village self-governing institutions, will depend upon what is the total quantum of the grants-in-aid which the Finance Commission may recommend for the different States. In such a cause, if the State Government will depend upon the finances which the Finance Commission has to allocate, it is but reasonable that Central Finance Commission also should have been given the power to make recommendations on the basis of the schemes which the State Government might be making.

I request the Government to consider whether the recommendations of the Joint Committee should not have been implemented in this Bill. In the Bill, undoubtedly many major features are there. Because of the shortage of time, I do not like to development them. But it is significant that both 72 and 73 Amendment Bills will introduce a vital and basic change regarding decentralisation of democratic institutions in our country., It is for this reason that I would recommend, the two Bills, should be approved by all the Members of the House.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): Mr. Chairman., Sir I support the 72nd and 73rd Constitution Amendment Bills. My friends from the Congress Party were repeatedly invoking the name of the late Rajiv Gandhi, in their speeches. I would like to remind them here that while Rajiv Gandhi wanted to introduce this Bill, he was particular about one point, which he made clear at the

Panchayati Raj Sammelan, held on January, 27, 1989. He said that "The Paper tigers sitting in the capital are the least concerned about the common man. It is essential to eliminate power brokers from the system. The Eighth plan will be drawn at the district level".

Everything will become clear if we pay our attention to these two-three points raised by him. The treatment meted out to the local Governments, since independence proves that whenever power passed into the hands of authoritarian Congress regimes, they have constantly endeavoured to downgrade the importance and prestige of local elected bodies like Gram Panchayats, Municipalities, Corporation etc., which constitute the very foundations of our democratic structure and there should not be hesitation in accepting this fact.

Mr. Chairman, Sir, through you, I would like to draw your attention towards and observation made by Gandhiji. It is indeed welcome that all political parties welcome these two Constitutional Amendments and lavish praises have been showered on them. I also appreciate and welcome the Amendments, but mere rhetories or hopes that they will herald the strengthening of the village economy or provide social justice to the rural folk or make the villagers feel that it is their Government and that they are contributing their mite towards the development of the villages etc. and the feeling that we want to inculcate in the villagers about self-reliance and self-determination, in the name of democratic decentralisation, should be viewed in the context of Gandhiji's observation in the 'Hind swaraj' in 1908 that 'the adoption of a western styled centralised administrative set up and industrial policy would spell disaster for this country'.

Even after, 45 years of independence we find that the tendency towards centralisation is on the rise, Delhi has concentrated all temporal powers in its hands.

The States are not being given their due autonomy and even their limited autonomy is being interfered into. Exhibiting its arbitrariness the Central Government is despatching many companies of Para Military forces to the large and thickly populated State of Uttar Pradesh, without the prior permission of and without any request from the opposition B.J.P. ruled State Government and thus aggravating tension in Ayodhya. When the Central Government, concentrating and centralising all powers, arbitrarily, imposes its decision on the States and threatens to misuse Article 356, then where does the poor Municipal Corporation, Metropolitan councils and Gram Panchayats stand? So, I vehemently oppose the Union Government's growing tendency towards centralisation.

Today, one has to run from pillar to post at District headquarters, State capitals and the national capital, to get a thing done. The poor village Sarpanches, along with their men are forced to make the rounds of these power centres and the Ministers not want to decrease their powers, centres and the Ministers not want to decrease their powers, even by an iota, so is the case with I.A.S. officers. Under the circumstances, we will have to change our approach and outlook towards the panchayats and the responsibility to fulfill our dreams of making the Panchayats self-reliant, providing them with autonomy and financial resources, upgrading their fiscal powers, deliberating their duties and responsibilities, providing them with Constitutional Status, etc., rests on our shoulders.

17.07 hrs

[MR. DEPUTY SPEAKER *in the Chair*]

My friends in the Congress Party should not take it otherwise but it is also a fact that while they invoke the name of the late Rajiv Gandhi, they tend to forget that he never bothered to introduce these Bills, during his five year tenure as Prime Minister. When the 1989 elections were on the horizon, he felt that to strengthen the rural vote bank, there

69th Constitution (Seventy-^{69th} Sec. AGRAHAYANA 11, 1914 (SAKA) Constitution (Seventy-^{69th} Amend.) Bill (Ins. of new part IX) that if villages are ruined, the entire country would be ruined. Therefore, it is very essential to make villages self-reliant and to implement Panchayati Raj for their all round development in the real sense. Now, the present 72nd Amendment Bill is in consonance with the basic spirit of the Panchayati Raj. Pandit Jawaharlal Nehru had pointed out that freedom should start from the lower level. Real democracy or Panchayati Raj would exist in villages only if they have complete power, and attain self-reliance. He also suggested that the Sarpanch of every village should be the Prime Minister of the area. However, no efforts were made thereafter to honour his sentiments.

The Panchayat system in our country is very old and the concept of 'Panch Parameshwar' has been in vogue, for ages. I can quote a number of instances of several States where the ruling Congress party did not hold Panchayat elections for 20 to 25 years. It was only in 1977 when the Janata Party Government with the alliance of the then Jana Sangh came to power, elections were held in several states. Today, these people are shedding tears and giving impressive speeches to welcome it. I would submit to them that they should do introspection and try to remove difference in their profession and practice. Indeed in democratic set up, the local self Government means the administration by the elected body whether it is in a village, town or city and whether it is a village Panchayat, Municipal committee or District Board. It is not at all proper to dissolve these bodies with the change of the Governments into the State as the tendency is going on at present. Now I think that the constitutional status is being given to them and I am glad that their term will be of five years.

Mr. Deputy Speaker, Sir, the bell being rung is not only an indication of the time limit but it also cautions the Members sitting in the House 72nd 73rd Constitution Amendment Bills are being passed virtually to implement Panchayati Raj and to realise the dream of Gandhiji who propagated human values, and had laid emphasis on the development of rural areas as well as urban areas. On Dec. 6, 1944, Gandhiji had said that there is a vast difference between the culture of rural areas and the culture of urban areas. I am a villager and belong to a farmer's family. I know the problem faced Panchayats, I know how Panchayats are exploited. Politicians make misuse of Panchayats to fulfill their political motives, Gandhiji had also warned

Sir, I will conclude in two minutes. In 1957, Balwant Rai Mehta Committee recommended three tier Panchayats Gram Panchayat at village level, Panchayat committee at block level and thereafter Zilla Parishad. The Committee had also made a number of suggestions in this respect. Later on, Ashok Mehta Committee was constituted in 1977 and it also gave some suggestions with regard to three tier Panchayat system. Then GKV Rao and Singhvi Committee were formed and they also gave certain recommendations. Now, 72nd and 73rd Amendment Bills are before the House. All these factors prove that the efforts made with regard to the implementation of panchayati Raj or Self-rule have been very slow and how much conscious we are towards the rural system. It can be easily judged from the above factors that our consciousness was nothing more an outward than show.

The total number of MLAs and MPs in the States is about 6000, and the number of Panchayats for six lakh villages is only two lakh and twenty thousand and the number of blocks is only five thousand. If elections are held regularly in those areas too, it would enable the elected representatives to be more and more efficient towards their duties and responsibilities.

In the end, I would like to give you a few suggestions. There is a wide-spread

[Prof. Rasa Singh Rawat]

corruption at Panchayat level. The sarpanchs of villages being illiterate get the whole work done through the Gram Sewaks who work as the secretary of sarpanchs and get things of their own choice done by the sarpanchs. So, the Gram Panchayats should be made obligatory for the Gram Panchayats to provide detailed information to the villages about their earnings as well as the grants received from the Government and the details of the items on which the expenditure has been incurred during the last six months. A system should also be evolved to have a check on all these things and to maintain a proper account in this regard, is that the villagers may be able to know as to how much amount was spent on their development.

Through you, I would like to submit to the Central Government that the Government of Rajasthan has done a very good work by formulating a scheme 'Apna gaon apna kam'. When a person does his own work, he tries to do as much as possible with the least expenditure and remains completely vigilant. But when he is employed in a Government job, he is least bothered about the work because the investment is made by the Government. Under the above mentioned scheme 70 percent of the investment is made by the Government and 30 percent by the villagers. In this way the villagers develop a feeling of interest in the development works. Thus, they have a sense of faith that their village is developing; electrification is being done in their villages; roads are being constructed and other facilities like education, water etc. are being provided there.

Every precaution should be taken while setting up the judicial system in the villages. For instance if a Panchayat area is formed and a political party deliberately merges it with some other areas, which is quite distant, the Panchayat should have a right to go to court for seeking justice.

Sir, there should be no interference in the autonomy of States through this Bill. The Central Government is framing a model.

There are five main characteristics of this Bill. These characteristics are that these panchayats should be given a constitutional status; they should have financial powers; elections should be held after every five years. But it should be the right of the states as to how the reservations would be made to which Sarpanch the reservation would be provided, in which condition it would be provided and which area is to be reserved.

With these words I conclude and I am grateful to you for the opportunity you have given to me to speak.

[English]

17.17 hrs

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Deputy Speaker, Sir, the Bill before us is indeed a historic Bill, but it is not the last word on the subject nor is it a perfect or an ideal Bill. It takes us a step forward towards the structural reorganisation of our polity in line with our nationally accepted concept of decentralisation of administrative power. It may also be said that it constitutes a step forward towards the realisation of *Gram Raj* which was Gandhiji's dream; and towards the implementation of the spirit of Article 40 of the Constitution.

I would like to place before you a very apt quotation from Mahatma Gandhi:

"India lives in our villages, not in our cities. When I succeed in ridding the villages of their poverty, I have won *Swaraj*".

Gandhi equated *Swaraj* with the freedom and power to be vested in the people of the village.

Mr. Deputy Speaker, Sir, I generally support the Bill, with all the lacunae and all the faults and all the omissions that I find therein. But, I would like to place a few points before you. When we speak of the Gram Sabha in Article 243 A, our experience in the implementation of the J.R.Y. programme

has been rather unfortunate. There are still powers who can manipulate the Gram Sabha because of the lack of consciousness and the result is that the vested interests grab all the money that is meant for the villages. I think, the State legislations that we are going to have must take into account that the Gram Sabha must be protected and immunised against such usurpation of authority by the vested interests.

In the proposed Article 243 (c), the Bill lays down different proportion for the rate of representation of the people in the Panchayats. I would have felt that the Bill should have laid down a uniform pattern of representation of the people in the Gram Panchayats say one representative for every 500 people or one representative for every thousand people, so that the disparity that we see today into the representation of our people in the Lok Sabha and in the Assemblies will not arise. These are all single member constituencies and the bill envisages a direct election. I would have thought that was time that we start experimenting with the idea of proportional representation at least at this base level, and perhaps, if not that, at least with the system of a run-off election so that the person who is chosen by this electorate at least enjoys the confidence of a majority of the people of that constituency.

The membership of the chairperson in the next higher echelon of the system is not guaranteed. Again it was been left to the mercies of the State Legislature. I think, the Bill should have laid down a uniform pattern that all chairpersons shall be ex-officio members of the Panchayat at the next higher level.

There is also a distinction in this very article in part 7 where I say that the chairperson of a Panchayat at the village level or at the intermediate level shall be chosen by direct election while that at the district level again is left to the legislature. I do not see any rational for this. I believe that all chairpersons at all the three level should be chosen by direct election.

When we come to clause relating to reservation, I must express my regret that minorities have been left out of the scheme of reservation and also the other backward classes, although there is a consolation clause put in at the end of that section I think, there should be a very clear element of reservation in favour of both the minorities and other backward classes.

With due respect to the hon. Minister, I made this point last time also when I had spoken in this debate. I do not regard the women either as a separate community or as a class or as a caste or even as a social group. In fact, our historical experience is that reservation for women has been used by the vested interests in order to augment their power within the elected bodies because of the disparity in the level of education and consciousness among women belonging to different strata of society. Therefore, in principle, when all the general seats - two-third of the seats - are left aside, there is a possibility that the very elements who are today dominating the village life shall find their way back riding on the strength of the women members who will be elected largely from their group.

243A lays down the duration of the Panchayat. I feel that five years is too long a period. I think, at the Panchayat level, we should have introduced a three-year period as exists in some States.

243A lays down a very peculiar clause for disqualification. It is absolutely correct to say that a person is disqualified from being a member of the Panchayat if he is citizen of India or voluntarily acquires the citizenship of a foreign State. But this phrase under any acknowledgment of allegiance or adherence to a foreign State is rather vague and unnecessary. Who is going to determine who is loyal to was an agent of foreign State?

Therefore, this gives a loophole for the authorities to disqualify people on a political basis. I think, this was totally unnecessary and should be withdrawn.

243A lays down that the power, authority and responsibility of the Panchayat. If you read part (ii), it says with respect to the implementation of schemes for economic development and social justice 'Good as far as it goes. Then, it qualifies by saying, ' as may be entrusted to them, including those in relation to matters listed in the Eleventh Schedule '. I think, Eleventh Schedule is already there. Who will entrust what to them? Do we accept any other authority which will take away from the Eleventh Schedule. Why limit; why qualify? The villages should be totally autonomous in preparing their plans for economic development and social justice and authorised in implementing their schemes for economic development and social justice within the confines of Schedule 11. There should be no other external authority to put a limit on the exercise of this basic power that we are vesting in the panchayats.

Under 243-I, there is no mention about the distribution of central allocation. Every State today receives a substantial allocation from the Centre. How is the State going to divide that? What part of that or what percentage of that is going to go down to the villages? This is the real question. We are not talking merely of the taxes levied by the State. We should also mention that any central allocation should be subject to this division between the State and the Panchayat this is not clearly laid down.

I come to the Eleventh Schedule. I find two very serious omissions., One relates to the cooperatives. I imagine that the Panchayat itself should act as a cooperative and should breed lots of primary cooperatives in various fields of activity. Sir, the second element which is left out is the marketing when the price is high and then finance back the profit to the grower. That should be one of the functions of the Panchayat. Marketing of agricultural products is totally left out.

I find that the panchayats have been given some financial resources some administrative authority and also some authority to choose what they want to do for

the development of the villages but no a word appears about their control on the personnel which would be employed by the panchayats to implement those schemes. Panchayats are going to be cheated of all authority and all the power that we are vesting in them under this Bill, if they have no control or power to discipline, to appoint, to hire and fire the personnel that they require for implementing their schemes at their level. We know the States are very reluctant to part with the real substance of power. I think that should have been brought into this Bill.

There is another omission. The relationship between the gram Panchayat, intermediate Panchayat and Zilla Panchayat is not defined. In what way the power on the subjects included in the Eleventh Schedule shall be divided among these three levels is not laid down anywhere in this Bill.

Finally, I make one very humble point. I have seen the list of Government amendments. With all this lacunae that I spoke about, I still support this Bill because this Bill represents the national consensus. This Bill has come out of the Select Committee. I may have differences or my personnel opinion about it. But I support the Bill. But I certainly cannot bring myself to support the Government amendments which are unilateral and which have been brought on the floor of the House without due consultation with other parties. These II is a dilution of the Bill and therefore, Sir, many of us will be very much disinclined to support the Government amendments. I do hope that the Government will find its way to withdraw those amendments as they go a long way to dilute the impact of the Bill and which have been objected to by very senior colleagues from the treasury benches themselves. With these words, I generally support the Bill but I request the hon. Minister to consider some of the suggestions that I have made.

SHRI D.K. NAIKAR (Dharwad North):
Sir, I thank, you for giving me an opportunity to speak on this Bill. I fully support this Bill. But I make some suggestions in relation to reservation of seats. In Clause 243B,

reservation is made in respect of SCs, STs and women. Sub-clauses 1.2.3 and 4 of the clause is in respect of SCs, STs and women. These are the specific directions given in the Bill itself. Under-sub-clause 6 of the same clause, reservation is provided in relation to backward classes. It is very vague and not specific. I do not know what prevented the Government is not spelling out the same provision of what has been done in relation to SCs, STs and women to backward classes also. I expected that at least after the decision of the Supreme Court on Mandal Commission, Government would think twice and bring certain amendments as official amendments to the same provision also. Even now, though not late, I request the hon. Minister that with his official amendments, this should also be brought as official amendment so as to do justice in relation to the backward classes.

Another suggestion is regarding Clause 343 B and C where provision is provided in respect of composition of the panchayats.

I may tell our experience in Karnataka. During the time of Janata Government, the Zilla Parishads Bill was passed in which a single-member constituency was provided. At the time of delimitation, the density of the population of one particular community was very thick. This provision of one-member constituency was encouraging the election of members belonging to a particular community alone. There is no justice for backward and weaker sections and they do not have any opportunity to come up in any of the village or cities. Therefore, if a provision for multi-membership is given here in this Bill as a directive, then the States will follow it and even the backward and minority community people or weaker sections will get a chance for representation along with the other caste people. There will be an opportunity for them to get elected along with the other caste people. Therefore I suggest that the hon. Minister may think again on this aspect and bring forward an amendment to provide a direction at the Central level itself not leaving the entire matter to the sweet will of the State Government, as far as this provision for multi-member constituency is

concerned. Thank you.

SHRI S.B. SIDNAL (Belgaum): Thank you very much for giving me an opportunity to speak. I rise to support this Bill. This is one of the historical Bills and it will bring social change in this country. I congratulate the Government and the Prime Minister for bringing this Bill. Today is really a day of celebration in the history of Parliament I say this because democracy should be the replica of society and today in this Bill we find the culmination of democracy. With the implementation of the provisions contained in this Bill, the village units will become self-reliant and they will be able to organise their own economy. All these days, villages have been treated in a different way. They have to go and beg the State Legislatures and the Parliament to bestow some worth to them. Today, with this Bill, they can have their plans and their own economic achievements. It was not there all these days.

Sir, in this country, the effect of urbanisation are very bad. Urbanisation has been creating so many problems and there is a wide gap between urban and rural India. Actually there are two countries within one, viz. India and Bharat. In Bharat 80 per cent of the total population lives and they are backward. In any opinion, it is not only those who are identified by the Mandal Commission are backward, but the whole rural population are backward. According to the whole of rural society is backward. This Bill is the dream of late Shri Rajiv Gandhi and it was his idea to take India to the 21st Century. As conceived by him, this Bill is the real stepping stone for the all round progress of this country.

Secondly, the term of the local bodies is prescribed as five years. This is good. Shri Syed Shahabuddin has said that it should be three years. I do not agree with the hon. Member and I do not appreciate his point. Holding elections every now and then will be very expensive. We have to see this aspect from that point of view also. Moreover, people should have time to implement plans and programme as devised by them. Therefore the time-frame of five years is completely justified.

[Sh. S.B. Sidnal]

As far as developmental aspects are concerned, I feel one or two points have been left out. One of them is the cooperatives. Cooperatives are now in a very poor condition and the public sector is not reaching out to villages. It has been the experience of Maharashtra that if there is a cooperative institutions, we could generate rural economy. In addition to that, if we have cooperative institutions like the sugar factory or spinning mills, it will generate employment for the rural poor. This is an important aspect. I would request the hon. Minister to include this cooperative sector in the 11th Schedule of the Bill.

Another thing which is missing in the Bill is the Horticulture. It is more important today when the Government and the whole world is thinking of deriving the environmental benefits. I request the hon. Minister to include horticulture as one of its programmes for economic development. In rural areas, activities like the fishery, forestry and so on can generate a good amount of rural economy.

I will now talk about the three-tiers system. I have some doubts about the intermediate institution at the Taluka level. I do not know how the State Government will create this institution. I do not know what exactly is the thinking of the Government in bringing this point in the Bill. I am not clear about the perception of the Bill, as to what it means by second intermediate provision. When the State Government gives certain powers, with regard to tax collection or administration, it may not become only a political institution. The three tiers should be distributed in such a way that is even distribution of rights and duties which are suitable to the local conditions and resources. If some indifference is shown while distributing the powers to the local units, it will totally hamper all the developmental activities. There is no clear direction with regard to this.

The Government has proposed an amendment that at the district level indirect

election should be there. I do not agree with it because indirect elections can easily be managed and manipulated by powerful people who have vested interest in the rural areas. I think there should be no harm in going for the direct election. It has been done in Karnataka also. Independent elections for all the Chairpersons should be held as it was conceived earlier and the Government amendment need not be taken up.

I support both these Bills as they propose to bring back a healthy rural economy, as conceived by Mahatma Gandhi.

[Translation]

SHRI RAMASHRAY PRASAD SINGH (Jahanabad): Mr. Deputy Speaker, Sir, I am grateful to you that you gave me an opportunity to speak. First of all the proposed 72nd and 73rd Amendment in the constitution is a historic step. The reason being that Mahatma Gandhi expressed his desire for setting up of 'Ram-Rajya'. Moreover, when I was no more a Member of this House since I resigned on July 27 the then Prime Minister late Shri Rajiv Gandhi had expressed his views in the month of October and I quote that only 15 per cent of the total funds sanctioned under the Jawahar Rozgar Yojana and mean for gram Panchayats reaches rural areas and the remaining 85 percent is eaten up by middlemen. Since then it has been a part of our thinking and in view of all these things the Constitution Amendment Bill has been brought.

Mr. Deputy Speaker, Sir, secondly, Panchayat system had become just a mockery in several states if not in all the states in the country. Though we get information through newspapers that regular Panchayat elections are held in some states like West Bengal, Maharashtra and Gujarat etc., but most of the states treat Panchayats as their legacy and have given the complete charge in the hands of a single person. That is why no reformation could take place in rural areas so far. Everybody is aware of this situation and keeping in view these circumstances, we have raised the voice of

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a common man here. I would like to submit that the Government deserves to be appreciated that the term of Panchayats has been restricted. Though, there is nothing new in it. When our country was under subjugation, the people of this country fought against the Britishers and succeeded in achieving a few things- they succeeded in getting a limited power, under which we set up Zila Parishads, local Boards and Union Boards., Since then , direct elections to these bodies were held and they were the medium through which work in the fields of education and health was accomplished. But there was deterioration as soon as we attained independence and got power in our own hands and a single party formed the Government. That single party Government ruled for a long time. When it become weak,, the elections to district boards and local bodies were as stopped and these bodies were placed in charge of officers.

Mr. Deputy Speaker, Sir, it is a matter of concern that we struggled for long to attain these things and the Congress set all these thing at naught. Rather this Government did not bother to protect these systems. Now Panchayati Raj has been implemented in states under Article 40 of the Constitution, as a result of which State Governments constituted Panchayats. Today amendment has been brought to restrict its term. It makes it evident that the amendment is appreciating. However, there are certain factors- for instance states have been given the right to constitute Panchayats under Article 40 and an amendment has been brought to protect that right. But the Government has ignored Article 243 under which Legislative council shall make provision by law. This Article has been ignored because the right of the state Government over Panchayat may continue.

Another point raised by the hon. Members of the House is that the Pradhan should be elected directly. I support this view. The Chief Minister from Legislative Assembly is not elected directly nor the Prime Minister from Lok Sabha is elected directly. But the Pradhan should be elected directly because Panchayat is a very small

unit representing 5 to 10 thousand people and it is the backbone of democracy. The Pradhan may not break.

I have been reiterating in this House if there is no reservation in Panchayat, candidates from Scheduled Castes and Scheduled Tribes would never get opportunity to rise. It is good that women have been given representation.

There are some shortcomings in it which should be removed I support the proposal of recall. It is a very essential to strengthen democracy. We may have to go if we do not perform well and on the other hand, if we perform well, our opponents will be defeated. It is a long process., It will become more effective if it is implemented in a lawful manner.

Since time is short, I conclude.

SHRI PIYUSH TIRKEY (Alipurduars): Mr. Deputy Speaker, Sir, I support this Bill as a whole but I would like to raise some very important points which none of the Members has raised. The tribals have their own system in tribal areas and it has been existing for a long time. Panchayat system is disturbing that system, particularly Mankimunda system. Mankimunda has got the complete authority to decide, all the land disputes. They possess even police powers from the days of British regime. Police officers cannot file a false case without taking the consent of Mankimunda. They possess administrative as well as police powers. They do not have powers only in murder cases. Police is free to interfere in such cases. But they have complete authority to decide matters in all other respects including all types of disputes. In the prevailing circumstances it is difficult to get justice, poor people and tribals are being deprived of their rights, they are being displaced, there is none to hear them. They had right to catch fish in rivers etc. and Panchayat is disturbing them even in this field. They may enjoy these rights at least in their own state such as Nagaland.

Tribals are being distributed in some

[Sh. Piyus Tirkey]

states, particularly in Andhra Pradesh, Madhya Pradesh, Bihar, Orissa etc. where they are in large number. Without giving any prior information to them they are displaced and industries are set up at those places. They have no right to raise their voice. Thousands of acres of land has been snatched from the tribals in Rourkela, Bokaro and Ranchi. This has been the cause of wide spread resentment among the tribals. No proposals are taken up for their upliftment even in our Parliament. They are being harassed from all sides. Reservation will have to be provided to them at places where they are in majority. Tribals, who never begged, are forced to do so. The Government will have to improve their economic condition.

Only those candidates are elected in Panchayats who dance to the tune of influential people. Mankimunda system should be restored in tribal areas, only then Panchayati Raj would function smoothly otherwise it will be an utter failure. Today, Adivasis are being deprived of their rights and being displaced from their native places. All of you are already aware that Shri Sharma was paraded naked in the entire market in Madhya Pradesh. The situation has deteriorated to this extent.

It is my submission to the Government that Mankimunda system should be restored in all those areas where the tribals are in majority This is my only submission.

SHRI BHUPINDER SINGH HOODA (Rohtak): Mr. Deputy Speaker, Sir, I rise to support this Bill. This Bill should have been brought 45 years ago, but now it is going to realise the dream of Gandhiji. I don't think that the form in which this Bill has been presented, would be effective to implement Panchayati Raj or Gram Swarajya completely. However, it is a first step towards that direction.

It was after the period of 40 years that Shri Rajiv Gandhi thought of bringing about Gram Swarajya ' and to realise the dream

of Mahatma Gandhi and now it is being realised. How to form Panchayats and what should be its term have been included in this Bill.

When the Constituent Assembly was considering the Draft Constitution, it did not even make a reference to it. When I read the proceedings of Drafting Committee, I found that only a single Member Shri Munshi who had got the opportunity to live in rural areas, was there in the Constituent Assembly. When the Draft Constitution was introduced in the Constituent Assembly, a number of senior hon. Member were there in the Constituent Assembly, a number of senior hon. Members were there in the Constituent Assembly including Shri H.V. Kamath, Rangaji, Shibban Lal Saxena and my father Ch. Ranbir Singh. All of them including hon. Narayan Singh and Ranbir Singh expressed their reactions to it. And only after that, it was included in the Directive Principles. I have been the Chairman of Panchayat samiti in Rohtak. As per my experience as such, I may say that it was the only system existed at intermediate level in Haryana though the Bill is being presented today. The Chairman has no supervisory powers. So, merely having an institution is of no meaning unless the work accomplished there is supervised by Chairman. As Shri Mani Shankar Aiyar has already pointed out that of all levels direct election is a must whether it is Panchayat Samiti. Panchayat or Zila Parishad. Good polices have been formulated in our country and the contribution of Shri Rajiv Gandhi too has been considered in this respect. But he also admitted that only 15 percent of the total funds reaches the rural areas. What is the reason? Complete hold of bureaucracy in these matters is the reasons. The situation cannot be changed unless the interference of buroacracy in the development works at village level is removed. An IAS officer is not the only person to be considered as bureaucrat, rather the functionary like Gram Sewak or secretary, who looks after the entire work of Panchayat is also bureaucrat. The Pradhan of Gram Sabha or the gram Panchayat has got no control over them. He does not put up any appraisal throughout the year nor any elected

person is the reviewing authority of such appraisals. The Chairman of the Panchayat Samiti, which is called as intermediate level, has got no power as he does not write his report nor BDO has any reviewing authority in Zila Parishad. I narrate, an incidence from my own experience. First day, when I went to join the meeting of Panchayat Samiti, I was well in time and he office time was from 9.00 a.m. There were Some employees including accountants etc. who were also supposed to be represent there in time. But I found 5-6 employees absent. When I marked them absent, the BDO objected to it. I told him that since I was supervisor, I could do it, he said that I had no authority to do that. How is it possible to get work done by the employees if the supervisor has no authority to check them? How will it be possible to utilize funds for development works allocated by the Government for the purpose.

[Translation]

The second amendment brought about the financial power is that the Panchayat Samiti will pass the resolution regarding financial power and it is to be entrusted one person, that is the B.D.O.. It should not be like that and the financial power rest with the financial Committee whether it is at the block committee level or at the level of District Council.

We have to ponder as to what other things besides panchayats are necessary for villages. Co-operative Society is one such thing; after the nationalisation of the Co-operative Societies, what is required is that the elections should be made mandatory. Secondly, waterways and several other things have been included in the 11th Scheduled. Waterways department deals with the affairs of canals. Waterways department deals with the affairs of canals. Patwari is not responsible to the Sarpunch of a Gram Panchayat. A Patwari deals with revenue matters. The Sarpunch of the gram Panchayat cannot interfere in his work. This is not a supervisory function. Things in villages will not improve unless the Gram Panchayat is given the supervisory function and these

are Co-operative revenue, irrigation, education etc. Now, there has been nationalisation of education. When the S.S. Board selects as teacher and appoints him in a village, the Panchayat Samiti or any person of that village has got absolutely no control on the teacher even when the teacher neglects his duty by not teaching the students. During the British period all such powers were with the district council. As a matter of fact, the Sarpunch of a village and the Panchayat should be vested with the responsibility to watch as to which teacher is teaching the students and which one is not doing so. And their remarks should have significance and weightage even if the matter concerns financial power.

Gram Panchayat has no check even over the police. Following any incident, the police goes to the village and arrests 20 persons in any arbitrary manner without any consultation with the Panchayat of the village. The dream of Gram Swaraj may be made possible in the real sense only when the villages are made integrated units giving all such powers to gram Panchayat.

There was also a discussion regarding district planning committees. The district planning committees should come under the District Council. If the District Planning Committee has an independent existence, then there will hardly be any co-ordination between the Planning and implementation and this will ultimately result into non-competition of the scheme. The power of

18.00 hrs

appraisal being enjoyed by the B.D.Os at present should be terms ferred to the chairman of the Panchayat Samiti and similarly the reviewing power should be transferred to the Chairman of the District Council. Mr. Nitish Kumar had, a little while ago, pleaded for a direct election but out colleagues belonging to the Communist party objected to this proposal and therefore this proposal was put to an end. Well, the same issue was raised in the Constituent Assembly 45 years back. The question was -

[Sh. Bhupinder Singh Hooda]

[English]

Whether the individual is for the State or the State if for the individual.

[Translation]

As a result Mahatma Gandhi introduced Panchayati Raj

[English]

Panchayat is the balancing institution of this which makes the State exist for individual rather than the individual for the State.

[Translation]

The confrontation that -

[English]

State itself has no power. It is for the people.

[Translation]

Probably, the Government claims to have attained that State and it is afraid lest there be some disturbances and perhaps that is why it did not prefer the provision of a direct election. But it is a fact that corruption has now polluted the Indian politics. Suppose, twenty members are elected through indirect election, then in that case they may be purchased by the big guns. No defection bill is applicable there and elections may not necessarily be fought on party symbols.

AN. HONOURABLE MEMBER: This may be in this state.

SHRI BHUPINDER SINGH HOODA: I am talking of the whole of India, I am not talking of any particular state. Direct election is the only solution to contain corruption. Otherwise, corruption will spread to lower levels to on the extent imagination. Then the Government may again think after two, three, four or ten years to introduce something like this to face the situation. Now is the time to

do something and I welcome it. I welcome the Bill with the core of my heart for the hon. Prime Minister Shri Narasimha Rao has brought forward this Bill to realise the dream of Mahatma Gandhi and Rajiv Gandhi. Now is the time to give a patient thought to all these points because this is not the question of India alone rather the communities of the world that desire peace and prosperity will have or really:

[English]

' Village republic is the only answer for that!

[Translation]

Unless there is Gram Swaraj throughout the world, peace and progress cannot prevail.

With these words I thank you for providing me an opportunity to speak. I had many more things to say but as the time is limited, I conclude.

SHRI RAMESHWAR PATIDAR (Khargona): Mr. Deputy Speaker, Sir, I rise to support the 72nd Constitutional Amendment. Our colleague Shri Nitish Kumar, who was also a member of the Select Committee, was telling during his speech that there should be a direct election to a Panchayats. As his Communist colleagues have suggestion not to hold a direct election at a Panchayat level, so again a suggestion came that it should be left to the states to decide. Mr. Deputy Speaker, Sir, I oppose this view too. It is an open secret and it has also been the experience of the forty years of democracy as how money and muscle power are used in the lower level elections. Election is influenced by money and muscle power. Lesser the number of members, easier it is to influence them. Therefore, the candidate for Sarpanch is influenced and at times even abducted and terrorised and that way the election is won. The right method is that there should be a direct election. I therefore, also oppose the idea that this issue should be left to the States. This decision cannot be left to the State Governments because today we are

going to amend the Constitution which is in itself an important thing and this issue should be included in this Bill.

Hon. Member Shri Mani Shankar Aiyar has praised everything that this Bill continue I say, there is a difference between what is said and what is done in the Congress Government. There was a Janata Party Government in Madhya Pradesh in 1977 of which the Bhartiya Janata party was a constituent and during that time the provision was made to hold a direct election to panchayats, Districts councils, Chairman of District councils Sarpanch of panchayats, etc. This was same as has been laid down in the present Bill. But as soon as the Congress Government came to power in Madhya Pradesh in 1980, it change those provisions and conducted the election for Sarpanch through indirect method by making a new law. So long the Congress Government remained in power it kept conducting the election through indirect process and kept getting its own candidates elected. The Congress Party played the policy of winning election for assemblies with the help of Sarpanchs and with the help Members of Legislative Assemblies the election of Sarpanchs. In this way such a circle was made by the Congress Party that it has been maintaining a grip at village-level. I welcome the present Bill for the simple fact that it has the provision for direct election and it is also a very healthy thing for a democracy. I would like to say that when we conclude that the pressure may be mounted on Panch with the aid of money and muscle power, is it then not possible to influence the representatives of district and intermediate levels in the same manner. The present Bill provides four indirect election at district and intermediate level. Mr. Deputy Speaker, Sir, I would like to suggest that there should be a direct election at intermediate level which is otherwise also called block level and at district level. Shri Mani Shankar Aiyar was stating a little while ago that ever since the time of Jan Sangh, the Bhartiya Janata Party has been advocating strengthening of the Panchayat system and democratic system; why then these provisions have not been introduced in

the four states ruled by the Bhartiya Janata party. In this context, I would like to tell our colleague Mr. Aiyar that the Bharatiya Janata party came to power in Madhya Pradesh in April 1990 and within the short period of three months that is in July 1990 it introduced a new Panchayat rule and implemented it. All the provisions proposal now are already there in practice in the Panchayat rule of Madhya Pradesh. Moreover, our party has gone to the extent of making provision of direct election at district level which otherwise also known as block level or intermediate level. Besides, I would also like to pose a question as to why election for four different bodies is not possible at one and the same time. I propose that casting vote for the election of Panchayat, Sarpanch, Janpad chairman and district Chairman should be at one and the same time. For this purpose the voters may be provided a ballot-papers and in this way all the elections in a district may be over in a single stretch., The Government can do this experiment and that will be a very nice thing for a democracy. I would therefore like, to suggest that elections on every level should be on direct election basis and that all the elections should be conducted on the same and single day (*Interruptions*)

Sir, there is one more point which I would like to suggest. It is common knowledge that whenever a particular political party comes to power it tampers with the equations of all the Panchayats to suit its own interest Even the boundaries of Panchayats are changed. At times, a village is annexed to a different Panchayat and there by the village is easily brought under the hold of a particular political party. There should therefore be a definite defined line of demacration.

AN. HONOURABLE MEMBER: This is what is done by the Bhartiya Janata Party.

SHRI RAMESHWAR PATIDAR: The hon. Member has perhaps forgotten that it is the Congress Government that has been doing it for the first 40 years. History bears testimony that the equation of Panchayats has been tempered and boundaries of Panchayat have been changed whenever

[Sh. Rameshwar Patidar]

the Congress Party has formed a Government. This fact cannot be belied by the misrepresentation by a handful of persons. I would therefore, like to suggest that the boundaries of Panchayats should be demarcated on permanent basis. A patwari is a man of the revenue department working at the grassroots level and it is through him the people deposit many taxes. The problem of demarcating the area of a Panchayat may be solved by restricting it to the area of jurisdiction of a Patwari. In this way changes of political motives and leveling allegations may also be stopped. I would, therefore, repeat that this suggestion should be accepted so that frequent changes being brought about in the boundaries of Panchayats are avoided..

Sir, the word ' Pradeshi ' in Hindi. has been used in this Bill, " Panchayat Kshetra men Panchayat ca pradeshik kshetra abhipret hai". the English word used for this word is ' territorial '. Therefore, the use of the word " Pradeshi " is not proper here. " Panchayat ka sammilit kshetra " should be used for it.

Similarly the word ' striyon ' is used for women in section 243 (d) of this Bill which relates to reservation for women. Since the word ' striyon ' does not appeal to the sense of hearing, the word ' Mahila ' should be used for it.

I would like to give one more suggestion. We talk of unity and integrity of the country and for the sake of it we are incorporating this provision in the Constitution today. So, I would like to suggest that the Chairperson of the Panchayat who is known by the name of Sarpanch should be known by this name throughout the country. It is essential for unity and emotional integrity of the country that the Pradhan of remote villages should be addressed by this name.'

SHRI MANI SHANKAR AIYAR: Then you should use Tamil word for it because Hindi word cannot be used in my state.

SHRI RAMESHWAR PATIDAR. Any

word can be used. If you talk of democracy, then word of the language spoken by majority of people should be used. This suggestion should be accepted for the sake of emotional integrity of the country. The word Panchayat should be used for village Panchayat and ' Janpad ' for district. Similarly it would be better if the Block Development Committee is called by a single name.

All the elections for municipal committees are contested on party lines. Similarly, why should not the elections be held at Panchayat level and district level on party lines. Charges of corruptions are levelled against the Sarpanch at several places. The Sarpanch is not at all separate from any party. No matter whether elections are contested without parties but they are contested on party lines. Therefore, why should not the elections be held for these bodies on party lines. Elections should be held on party lines from Panchayat level to district level so that political parties are directly responsible for them. Today the party cannot be held responsible whereas charges and counter charges are levelled against the particular person who contests the election. The political party and its members should be held responsible for it. It will prove more useful if responsibilities are fixed at village level.

Mr. Deputy Speaker, Sir, as reservation has been made for the people belonging to Scheduled Castes and Scheduled tribes, reservation should also be made for backward classes at village level because we find that affluent people easily win Panchayat elections in democracy with money power and build up muscle power with money power. Thus, they win elections and people belonging to backward classes cannot win elections. Therefore as there is reservation for SCs, STs and women, a provision of reservation for backward classes should also be made.

Provision of appointing a financial commission has been made in Madhya Pradesh. As I have said that a provision has been made for a state financial commission right from 1990, such state financial commission will help remove financial

difficulties being faced by Panchayats. I shall go beyond this and say that a certain amount of fund should be given to the panchayats on the basis of population. Then, the ruling party will not succeed in exercising partially at a place where opposition party is having its Panchayat. I would like to give one more suggestion with regard to the 73rd Constitution Amendment Bill that the anti-defection law should also be applied to the Municipal committees. All the political parties feel that some undisciplined councilors or councilors of other ideology win elections. With the support of any political party and after that they create difficulties. Therefore anti-defection law should be applied to the municipal committees as well.

Mr. Deputy Speaker, Sir, a list has been submitted with regard to tasks entrusted to Panchayat. It is a long list. One more thing may be included in it that the new industry to be set up should be set up in rural areas. Industrial estates should be developed in villages. This suggestion should be accepted in view of the increasing pollution, population and deteriorating situation of law and order in urban areas. The development of rural areas will not take place unless the Government does not make provision for setting up of industrial units in rural areas. There is a shortcoming in this Bill that there is no provision of conciliation courts in it. Madhya Pradesh has enacted its Panchayat Act and provision of Conciliation Board is also there. Minor disputes of villagers can be settled mutually. You may term it 'nyay Panchayat' or conciliation court but this provision should also be made in the Bill. In such court Panch (arbitrator) can be nominated with the consent of the parties and Sarpanch can be its Deputy-Chairman or the Chairman. In this way the disputes of villages can be settled in the village itself. Therefore, this provision should also be made. No provision of audit of the accounts should be fixed directly on the district magistrates or the district collectors.

• If a particular party is in power in a particular state and if the Sarpanchas of the particular party, are there then no action will be taken against the Sarpanchas in case the

audit report goes against them and they will continue to remain in offices for five years. The responsibility of taking such action against them should be given to the district collector and district magistrate. Lastly, the people of the ruling party do not take action so long as they care in power. I wish a lotus may blossom in the reservoir of democracy in which filth has accumulated over the past forty years since independence so that each and every village may prosper.

[English]

MR. DEPUTY SPEAKER: Now, Mr. Suryanarayan Yadav. Mr. Mumtaz Ansari also has to go somewhere. There should be some understanding between you. Mr. Suryanarayan Yadav's serial number comes now and Mr. Ansari's Serial number is 22. If both of you were to adjust, we have no objection.

SHRI MUMTAZ ANSARI (Kodarma): Yes, I have already adjusted.

SHRI V. DHANANJAYA KUMAR (Mangalore): The Janata Dal has got only 30 Members and four of them have already spoken today. The B.J.P. which was got 120 Members here, you are not giving the opportunity to them. There should be some procedure. (Interruptions)

We are also in a hurry today. Why not give us the opportunity? . (Interruptions)

MR. DEPUTY SPEAKER: It is a matter of accommodation.

(Interruptions)

MR. DEPUTY SPEAKER: We can send Mr. Dhananjaya Kumar also much earlier. Is it Okay?

(Interruptions)

MR. DEPUTY SPEAKER: It is a matter of accommodation among our own colleagues in the House.

(Interruptions)

18.17 hrs

SHRI MUMTAZ ANSARI (Kodarma): Mr. Deputy Speaker, Sir, I am very much thankful that you, for you have allotted the time to me.

I rise to support this Bill because the Seventy-third Amendment Bill is a historic Bill which put forward various provisions in the Panchayati Raj system and this Panchayati Raj System is a long cherished desire of the founding fathers of our Constitution and now this Bill is going to fulfill the dreams and desires of the founding fathers of the Constitution.

At the same time I would like to say that for the last many years this Panchayati Raj system was in existence for a long time, but this could not acquire the status, dignity, viability and stability due to various reasons because in many of the States elections were not held, in many of the States Zila Parishads, Panchayats and all these corporations are dissolved at the whims of the State Governments. So, there are certain obstacles which will be removed by this Panchayati Raj Bill and I hope that whatever provisions have been made in the Seventy-third Amendment Bill will be implemented with sincerity and honesty.

Sir, much has been spoken on this historic Bill, nothing has been left, but I would like to render some sort of valuable suggestions because on flimsy grounds these Panchayati Raj institutions have been dissolved by certain State Governments. For example, in Karnataka all zila Parishads were dissolved by the State Government on flimsy grounds and when this case was brought to the notice of the High Court, the High Court delivered a historic judgment and directed the State Government to hold election by December, 31, 1992, and the State Government just on one pretext or the other went in appeal to the Supreme Court in order to delay the process of election. So, such type of flimsy grounds should not be there.

SHRI OSCAR FERNANDES (Udupi): If

the Member can kindly yield, I would say that the terms of the panchayats and zila parishads are over. Secondly, we were to pass the Bill and since we were to pass the Bill in Parliament, we thought we can accept what the Parliament has adopted. It is only for this reason that we had to do this.

SHRI MUMTAZ ANSARI: Sir, I citing just an example that in Karnataka on flimsy grounds, all these elections were not held.

So, I am citing this only as an example.

MR. DEPUTY SPEAKER: It is not a allegation; it is only an example.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): There is another example of the BJP Government in Madhya Pradesh that they have been dealing with the Panchayati Raj in such a way that the High Court said " stop it

SHRI MUMTAZ ANSARI: I was citing this example of how the State Governments are dissolving the Panchayati Raj institutions on flimsy grounds. So, this power should not go to the State Governments for the dissolution of the Panchayati Raj institutions. Rather, this power must be vested in the hands of the Panchayati Raj institutions themselves, because all these institutions are destroyed of flimsy grounds by the State Governments and this power should be snatched from the State Governments.

Sir, I would like to render some valuable suggestions. Now, there is some sort of reservation facilities which has been extended to the Scheduled Castes, the Scheduled Tribes and women folk. This is a historic provision in this Bill. I welcome the reservation policy, but at the same time, I would like to render a suggestion that there must be a provision for the reservation of minorities and backward classes also. Only a few days ago, a historical Judgment has been delivered by the Supreme Court of our country and so, there must be some sort of reservation for the Backward Classes and Mandalities. So, I would like to suggest that this sort of reservation policy be included in

725 Constitution (Seventy-Sec. AGRAHAYANA 11, 1914 (SAKA) Constitution (Seventy-726
Amend.) Bill (Ins. of new part IX) Third Amend.) Bill (Ins. of new part IX-A)
the provisions of the 73rd Constitution (Amendment) Bill.

With all these humble suggestions, I conclude my speech.

Similarly, the age must be reduced from 25 years to 21 years, because unless it is reduced young and energetic persons cannot be included in the election process for Panchayati Raj institutions. Then, some of my friends have suggested that there must be a right to recall the elected persons. I vehemently oppose this provision, because the feudal elements in the villages in the villages who are very strong will misuse this provision and recall the elected persons on flimsy grounds. So, this right to recall should not be incorporated in the Panchayat Raj Bill. Then, uptill now, only the baliable sections have been given to the Panchayati Raj institutions. I would like to suggest that the judicial powers of Panchayati Raj institutions must be widened. Then, there must be a system of direct elections and we should not think of an indirect elections system. The direct election system will strengthen the roots of democracy and that is why, there must be only a direct election system.

Then, for the personnel who are appointed in the Panchayati Raj institutions they must be appointed by all these institutions themselves because if they are not appointed by the Panchayati Raj institutions, then they will not be under the control and supervision of these Panchayati Raj institutions. So, they must have the power to hire and fire. Then, there must be a clear-cut division of resources between the State Governments, the Central Government and the Panchayati Raj institutions so that there will be coordination and there will be an enhancement of the resources and revenue of all Panchayati Raj institutions.

My next suggestion is that some sort of emolument or salaries and allowances like those payable to the Members of parliament and the Members of the Legislative Assemblies, must be provided to all the heads and chiefs of these Panchayati Raj institutions so that they can work with sincerity, honesty and integrity in call these Panchayati Raj institutions.

SHRI SHARAD DIGHE (Bombay North Central): Mr. Deputy Speaker, Sir, I rise to support the Constitution (Seventy-second Amendment) Bill and the Constitution (Seventy-third Amendment) Bill as they have emerged from the Joint Committees.

Of Course, being a Member from Bombay, I would confine myself only to the Constitution (Seventy-third Amendment) Bill which deals with the urban cities. We are discussing practically both these Bills for the second time. During the days of late Shri Rajiv Gandhi, both these Bills more or less on the same lines were discussed by this House but could not be passed because the requisite two-thirds majority were not there in the Rajya Sabha. At that time also we had welcomed these Bills firstly and mainly because they refer to the devolution of power to the people and the democracy is taken to the grassroots level as far as the people are concerned. From these main principles, there is nobody now to oppose these Bills.

There may be some differences as far as the details are concerned. But as I have seen, all the political parties who are represented in this House have been wholeheartedly supporting the Bill and at the same time, some suggestions have been made.

As far as the first point is concerned, this Bill mainly establishes Nagar Panchayat in a transitional area, Municipal Council for smaller urban areas and Municipal Corporation for larger urban areas. Which are the "transitional areas" "smaller urban areas" and "larger urban areas" are to be decided by the State Government. The guidelines have also been given in article 243 (q).

As far as these Municipalities are concerned, for the first time in the civic bodies, MPs from both the Houses of Parliament, MLAs and MLCs are involved and they are supposed to participate as far as municipalities are concerned. It is in a way

[Sh. Sharad Dighe]

a welcome proposition. But it may also create problems as far as big cities are concerned because the persons who represent people in Parliament and State legislatures have different functions to do whereas the civic bodies have got also a different role to play. Any-way, it is a good experiment to be done so that all the elected representatives are involved and are connected with the grassroots bodies which are being formed under this Bill.

It is not only these three bodies to be established namely Nagar Panchayat, Municipal Council and Municipal Corporations but the democracy is taken further to the last man of this country through the forum of Ward Committee. These Ward Committees will be either two or more than two. That is to be left also to the State Governments. Of course, this Ward Committee will be formed only in the Municipality having population of three lakhs or more. As I see here, the composition, the territorial areas of ward committee and the manner in which seats in ward Committee shall be filled are to be decided by the State Government. It is not made compulsory that these bodies will be know also elected bodies. I do not what view the State Governments will take in different States and it may be that these Ward Committee may be ultimately decided as not-elected bodies. But they will be nominated Bodies. For these ward Committee, if they are to be not elected by the people, then from that point of view and, to that extent democratic principles are eroded. In the Municipalities, of course, all Members are to be elected. As far as they are concerned, the Wards are to be formed and the guidelines are to be given by the State Governments.

I would have liked if some guidelines are given in this Bill also as far as as the population is concerned. If there is, say, a population of 50,000 or 35,000, there should be one Ward. If some such provision had been made in this Bill, that would have been useful.

I do not agree with the suggestion of Shri

Syed Shahabuddin that instead of simple election, there should be proportional representation. In this country, it is not possible to accept the principle of proportional representation and not at all in these Municipalities which are going to be formed.

As far as the reservation are concerned, very good provisions have been made. According to the population, reservation is given to SC & ST and from them, one-third reservation is given to women. From the general Members also, one-third membership is reserved for women, including the reservation for SCST.

As far as the Bombay Municipal Corporation is concerned, we have already introduced this principle. Already there are Wards reserved for ladies, for SCST and that principle has already been accepted as far as Bombay is concerned.

As far as the duration is concerned, it lays down five years duration. It is a very welcome provision because, as many hon. Members have said, there are cases where elections are not held for years together and then the ruling party, whoever it might be, decide the elections whenever it is suitable to that party. This provision will give proper democratic content as far as these local Bodies are concerned. If they are dissolved earlier, then the elections will be held within six months or, at the most, within one year.

But nothing is mentioned as to under ~~what~~ circumstances these Bodies will be suspended or dissolved. I would have liked if these provisions are also made and some guidelines were given, as far as the suspension ~~or~~ dissolution is concerned.

It is also provided here that:

" Reasonable opportunity will be given to the Municipalities at the time of suspension or dissolution "

I do not understand how it will practicable to give opportunity to a collective Body. It is not an individual. How will you give a hearing

Constitution (Seventy-
729 Amend.) Bill (Ins. of new part IX)

to the Municipalities? Who will be heard as far as suspension and dissolution part is concerned? Therefore, some more guidelines will have to be given hereafter.

As far as disqualification is concerned, it is provided that if the member is disqualified for the purpose of election to the legislature of the State, then he will be also disqualified for this purpose. I do not know whether it will also attract the Anti-defection law. As far as Anti-defection law is concerned, a member is also disqualified to become a member of the State legislature and also Parliament. If this is attracted, then there will be different problems as far as these local Bodies are concerned. Of course, in Maharashtra, the Anti-defection law has been introduced in the local bodies also. But I do not know whether that is the intention of the farmers of this Bill. Moreover, it has been provided further that if there is any dispute as far as the disqualification is concerned; then the authority is to be appointed by law to decide those disputes. I do not know what kind of disputes can be referred to this authority. If a Member is disqualified for being elected as a Member, then at the stage of the filling of the nomination itself that will have to be decided and it is decided by the returning Officer. Afterwards, if anybody disputes after the election saying that a particular Member was not qualified to be a Member under a particular provision, then generally there are election petitions and some court is to hear those election petitions. So, I think, this provision is redundant. What authority has to be established for what purpose? If at the time of nomination it is to be decided, it will be decided by the Returning Officer. If afterwards it is to be decided, it will naturally be decided by the judicial authority which will hear the election petition because it can be decided only by way of an election petition. So, second thought may be given as far as this provision is concerned.

Now, powers and authority are mentioned under Article 243 W. It is a new thing that the plan for economic development of that area has been left to these municipalities. It is a very new provision, it is

Constitution (Seventy-
Third Amend.) Bill (Ins. of new part IX-A) 730

a new angle, it is a new aspect and some new power is given to the civic bodies. The civic bodies are generally concerned with the civic development of that city. But here we are giving powers as far as the economic development plans are concerned and schemes which may be entrusted to them. Now, if that is to be looked after, then, I think, funds will have to be provided not merely by the State but even the Centre also will have to provide these funds. Particularly, if there are schemes of the Central Government which are entrusted to these municipalities, then, the funds for these schemes should go from the centre also.

As far as the powers impose taxes etc. are concerned, I would suggest that there should be some provision whereby even the Central Government can also contribute to the funds of these municipalities.

As far as the Bombay Municipal Corporation is concerned or the Bombay city is concerned, I must mention here that at the time of late Shri Rajiv Gandhi, Rs. 100 crores were given to Bombay. Some Member made an allegation that announcements are made and monies are not given. That is not true. As far as Bombay is concerned, announcement was made saying that Rs. 100 crores for the city for Bombay would be given Rs. 100 crores were actually given. Out of that, Rs. 37 crores were spent in my constituency for the improvement of the slums of Dharavi. The whole amount has been given. The substance is saying that mere announcements are made and moneys are not given. But even then, there is a case.

SHRI DATTATRAYA BANDARU
(Secunderabad): Sir I am on a point of order.

SHRI SHARAD DIGHE: I am not yielding.

MRR. DEPUTY SPEAKER: What is your point of order.

SHRI DATTATRAYA BANDARU: On the occasion of the Platinum Jubilee Celebration of the Bombay Municipal

[Sh. Dattatraya Bandaru]

Corporation, Shri Rajiv Gandhi had given this allocation as a part of a gift and like that. There is no provision for that.. (Interruptions)

SHRI SHARAD DIGHE: The point is that somebody said that announcements are made but actually funds are not given; announcements are merely made. But that is not correct. He mentioned about the announcement made at Bombay that the late Shri Rajiv Gandhi had announced at the time of the AICC. Session to give Rs. 100 crores to Bombay and nothing was given. That is not correct. To make the record straight, I would like to submit that Rs. 100 crores were given and Rs. 37 crores out of that were spent for the Dharavi slums in my constituency. But I can further say that as far as Bombay is concerned, again and again, provision of funds will have to be made. It is such a big city of having nearly one crore population. There is so much of pressure of population as far as the city is concerned, for people from, all over the country come for employment there. Then there is pressure of all the civic problems of this city. Now the Finance Commission suggested only Rs. 50 crore as far as Bombay is concerned. But as I see, for Delhi, Rs. 1,075 crore were given. When compared to this, Bombay city does not get anything, even though it contributes the highest to the income of this country, by way of sales-tax, income-tax and all these things. Bombay city deserves to get more funds as far as these are concerned.

Therefore, my suggestion is that there should be a provision. The State Finance Commission will only recommend as far as the State is concerned. But some provision will have to be made for the central assistance, at least to the cities where there are corporations. That also may have to be considered.

I am glad that State Finance Commissions will be established under this Bill. It will make recommendations to the State Governments for the sharing of the funds from the Consolidated Funds also., It

will not only be a very good proposition but it will solve many problems of imbalances in every State.

As far as Maharashtra is concerned, our Vidarbha region always complain about the imbalances and they say that they are neglected. But if this State Finance Commission comes, then I think their demand for the Board also will go away. That will satisfy and solve those problems also. So, the imbalance within the State will be solved by appointing the State Finance Commissions., I welcome this very much as far as this Bill is concerned.

With these words, I whole-heartedly support these Bills and welcome them.

SHRI V. DHANANJAYA KUMAR (Mangalore): Mr. Deputy Speaker, Sir, I am happy that at least after 45 years of independence, good senses have prevailed over the law-makers to give constitutional status to the local self-governments like the panchayats, municipalities and municipal corporations.

Many of the friends from the treasury benches including my esteemed friend, Shri Mani Shankar Aiyar have been taking credit, glorifying Shri Rajiv Gandhi. I would like to remind those people about the fate of the then Janata and the new Janata Dal Government in Karnataka. They took the credit for implementing such a law in Karnataka., No sooner people of the State rejected that party. Please do not try to take too much credit. Otherwise, if you also want to go the same way, I have no objection.

Sir, much is talked about the decentralisation of democratic power. In fact what is required is decentralisation of the administration. It is not enough if we just vest the power in the hands of the people. They must be allowed to exercise that power. They must be allowed to have self-rule., They also be made self-sufficient. They must be made self-reliant also. For the overall development, we must have integral humanism approach. Pandit Deen Dayal

733 Constitution (Seventy- Sec. AGRAHAYANA 11, 1914 (SAKA) Constitution (Seventy-734
Amend.) Bill (Ins. of new part IX) Third Amend.) Bill (Ins. of new part IX-A)

Upadhyaya had been propagating this integral humanism approach to each individual soul, to try to develop each individual. That is why we are welcoming this Bill. Our fond hope is that by having *Gram Raj*, we will have *Ram Raj*. Much is talked about the constitution of the Panchayats, the Municipalities and the Municipal Corporations; and also about the manner in which the Members and the Chairperson should be elected. I would not like to add much to that. My main stress is with regard to making provision for finances. For providing finances, the Bill says that the Governors should constitute State Finance Commissions and the State Finance Commissions will decide as to how much taxes will be levied, how much duties will be levied, how much money will be shared with the States' Consolidated Fund and also how much will be taken from the consolidated Fund of India, if any money is available.

Senior Member Shri Sharad Dighe was also trying to take credit on behalf of Shri Rajiv Gandhi, for having given Rs. 100 crores to the Bombay Municipality. We know that the Congress people will never look upon the small people; they will never look at the small villages; they will only look above and look upon cities like Bombay.

SHRI A. CHARLES (Trivandrum): How many lakhs of rupees are given under JRY? Is it not to the credit of Shri Rajiv Gandhi? This is very unfortunate. At least now, you should recognise.. (Interruptions)

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Sir, I have no objection in his blind love of Deen Dayal Upadhyay. But I want him to reduce the blind hatred of Rajiv Gandhi. What he is saying is just not obtained. We have had the highest expenditure on anti-poverty programmes under Rajivji; we have had the JRY under Rajivji; and the genesis of this Bill also lies with Rajivji. So, why do you not get away from the Deen Dayal Upadhyaya-Rajiv Gandhi syndrome and get down to discussing the Bill that is before us?. (Interruptions)

SHRI V DHANANJAYA KUMAR: I would

agree if Shri Mani Shankar Aiyar himself takes the credit. Why do you try to take indirect credit? You try to take direct credit.. (Interruptions)

SHRI A. CHARLES: There is something wrong somewhere. (Interruptions)

SHRI V. DHANANJAYA KUMAR: That is apparent. You can look around and see. . (Interruptions) I am making suggestions; it is upto you to accept it.. (Interruptions)

SHRI A. CHARLES: We will reject it.. (Interruptions)

SHRI V. DHANANJAYA KUMAR: Sir, I was talking about the State Finance Commissions, My submission is that by giving such powers to the individual States concerned to constitute Finance Commissions at the State level, we will be losing uniformity because some State Finance Commission may make some other suggestion. When we are thinking of distributing the funds from the Consolidated Fund of India, we should have a common Finance Commission, as we have a Finance Commission at the Government of India level. So, why not the Finance Commission at the Central level be entrusted with this responsibility of deciding it once and for all?

They have also said that every five years, they can appoint a new Finance Commission. Here, what may happen is this. Before you implement the suggestion made by the earlier Finance Commission, you will be appointing a new Finance commission and they may come up with new suggestions.. Every time, where does the money come from? Ultimately the burden will be thrown on the individual citizens of this country. How much can we squeeze him? So, a fresh thinking will have to be made on this. A uniform financial direction should be given so that the gram panchayats and the municipalities are assured of certain finances, even though you implement programmes like JRY, etc., etc.

About the powers that would be conferred

[Sh. V. Dhananjaya Kumar]

and the responsibilities that are to be discharged by the panchayats and the municipalities along list is given. The provision of the Bill says: the State Governments may pass enactments to confer these powers and fix up the responsibility on the panchayats and the municipalities and municipal corporations. I would submit that it should be made mandatory. If you put ' may ', there is every likelihood of the State Governments trying to take back the powers. It has happened in Karnataka. We have got a very bad experience. The present Chief Minister, who was the then Education Minister, made an announcement of opening many educational institutions - many primary and higher secondary schools under the provisions of the existing Zila Parishads Act. But the then Chief Minister said: "No, no; the Zila Parishads have no such powers. We are taking back those powers".

There is a situation in Karnataka where a number of schools were opened by the Zila Parishads. Even teachers were appointed. For the last two years; those schools are functioning. The students are studying. Every year, a special permission is granted to them for appearing in the examinations. But no pay is given to the teachers. No suitable building is made available. No furniture items are provided. There is such a peculiar situation.

After vesting certain powers with the Zila Parishads and Mandal Panchayats, the Government wanted, in the middle to take away certain powers and keep it for themselves. So, I would submit that it should be made a mandatory provision wherein once and for all the position should be settled. What right and authority is vested with the panchayats and what are the other rights which should vest at the State Government level?

Regarding the municipal areas,, it is said that the right of planning the right of issuing licences for building construction, the right of laying roads, sanitation, etc., are to

be vested with the municipalities and municipal corporations. But as of now, we find in many of the municipalities, we have got two or three departments which are dwelling upon the same subject. There is no coordination between these departments. We have got separate planning authorities. We have got separate development authorities. We have got separate water supply and sewerage boards. Delhi is also having the same experience. In many places in Karnataka also, we have got the same problem.

For a commencement certificate, you have to approach the development authority. Then for licence to construct a building, you will have to go to the corporation and to get the electricity connection, you have to go before the electricity authority. For water and sewerage, you will have to go somewhere else. So, there should be a coordination among all these agencies., All these powers should be vested in one authority.

Again, a caution will have to be taken that there should be uniform development all along at least within one State. You cannot give the powers to each individual municipality and municipal corporation to issue building licence as well as to lay roads and have other developmental programmes to their individual liking. Instead of that, you must have one agency. At least in this regard, you must have a centralised authority which would keep in a view the uniform development of the entire State.

I would not like to take much time of the House. The other measures, as proposed, are welcome, So much of deliberation has been by the Joint Select Committees. Separate Joint Select committees have gone deep into the matter. Let us leave it to the consensus of the State administration to implement these provisions so that after experience, we can come back and think of making further amendments properly. I support the provisions made in these Bills with the fond hope that these will be implemented as early as possible.

Somebody from the treasury benches was making a mention and again do not try to blame me for that. Late Shri Rajiv Gandhi was dreaming of the 21st century. But we would like to get the provisions implemented in the 20th century itself so that it will become true at the earliest time.

SHRI SOBHANADREESWARA RAO VADDE (Vijayawada): Sir, I rise to support the Constitution (Seventy-second) and (Seventy-third Amendment) Bills. I would like to make some suggestions. I agree with the proposal of five year terms of the local self-Government bodies like the panchayats and municipalities. This is very essential. The main reason for the ineffective functioning of the panchayats which was initiated earlier as far back as in 1959 was that in many cases, they were superseded and elections were not held in some States even for decades, as Mr. Sharad Dighe was telling. So, this continued and definite time frame of five years is essential and it is a welcome measure. But my suggestion is, if for any reason elections cannot be held before the expiry of five years or if elections are to be held within six months from the last date for some reasons, then let the elected bodies which were there for the five years period who came into office with the support of the people continue for the six month period instead of the officials who are appointed by the Government to discharge the duties of those local bodies.

I also agree broadly with the suggestion of a three-tier set-up. This set-up is there in several States. In some States, all the three levels are effective whereas in some States, the main facilities and Zila Parishad whereas taluka Panchayat Samiti is almost a supervisory organisation and a coordinating organisation where the MLA is the Chairman of the samiti. We agree broadly with this three-tier set-up.

Regarding elections to the bodies, I do not understand why there is some contradictory statement both in the Bill that has been placed here and in the Select committee report. At one place, they say:

" All the seats in the panchayats at the village level and intermediate level, if any, shall be filled by persons chosen by direct elections".

19.00 hrs

In another place on page 3, it was stated:

" The Chairperson of a Panchayat at the district level, if any shall be chosen by election in such manner as the Legislature of the State may, by law, provide."

and

" a Panchayat at the village level or intermediate level, if any, shall be chosen by direct election".

Somehow, I feel there is some rethinking on this. Our experience is that direct elections are desirable. We have direct elections in Andhra Pradesh for Gram Panchayat wards, sarpanches of the village, Chairman of the Mandal Praja Parishad, Chairman of the Zila Praja Parishads and so on. Of course, the Sarpaches of the Village Panchayats are members of the Mandal Praja Parishads.

AN. HON. MEMBERS: Is the Chairman of Zila Parishad also elected directly?

SHRI SOBHANADREESWARA RAO VADDE: Nearly seven lakh people have voted to elect the Zila Praja Parishad's Chairman. Similarly, in the municipalities, municipal chairman and the councillors are elected directly by the people.

AN. HON. MEMBER: It is two minutes past seven o'clock Sir. Are we extending the time of the House?

MR. DEPUTY SPEAKER: Should we sit for another 20 or 30 minutes so that some of the hon Members can express their views? Otherwise, tomorrow, there will not be much time and it is not fair to expect that a Member should express all his views and suggestions

739 Constitution (Seventy- Sec. Amend.) Bill (Ins. of new part IX) in just two or three minutes. At least 10 minutes are required to put forth the views.

DECEMBER 2, 1992 Constitution (Seventy- Third 740 Amend.) Bill (Ins. of new part IX-A (Katwa): We want to hear him tomorrow also.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRIGHULAM NABIAZAD): Let the Member continue and finish his speech. We have no objection.

SHRI SOBHANADREESWARA RAO VADDE: We have to speak on both the Bills and I have to make many points. I will continue tomorrow. I am the only Member from my party to speak on these Bills.

SHRI SAIFUDDIN CHOUDHURY

SHRI SRIKANTA JENA (Cuttack): Let him be the night-watchman.

MR. DEPUTY SPEAKER: So, the Members are not in a mood to sit any longer. The House stands adjourned to reassemble tomorrow at 11 o'clock.

19.04 hrs

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, December 3, 1992/Agrahayana 12, 1914 (Saka)