

further research, specially in America and other places then he would get a first class ticket, courtesy Air India, so that he may feel encouraged.

[English]

MR. SPEAKER : It is very good that this matter was brought to the notice of the House by the Leader of the Opposition and responded in a very appropriate manner by the Civil Aviation Minister joining his word of praise and a very effective way of congratulating it. The entire House is of the view that the doctors have done very well and done pride to the country. We would like to make it a matter of record that we appreciate it very much and congratulate them from the bottom of our hearts and wish them all the best. This will be communicated to the concerned doctors.

[Translation]

SHRIMATI GIRIJA DEVI (Maharaj Ganj) : Mr. Speaker, Sir, one of the donor was a woman.

[English]

MR. SPEAKER : Of course, ladies constitute the better half.

...(Interruptions)...

[Translation]

SHRI ATAL BIHARI VAJPAYEE : Mr. Speaker, Sir, transplanting a woman's heart in a man made no difference...(Interruptions)

[English]

SHRI SOMNATH CHATTERJEE : He will be an ideal person representing the best in both...(Interruptions)

[Translation]

MR. SPEAKER : In my view, it is not the heart transplantation but brain transplantation that makes a difference.

...(Interruptions)...

12.09 hrs.

## RE : DISSOLUTION OF LOCAL BODIES IN ORISSA

[English]

SHRI LOKANATH CHOUDHURY (Jagatsinghpur) : Sir, I want to raise a very important issue. Government of

Orissa, before the expiry of the term, has dissolved the panchayat samitis and panchayats. Sir, you know that before passing of the Constitution Amendment, Orissa was the first State where Panchayat Act was implemented with 30 percent reservation for woman and 30 percent reservation for Scheduled Castes and Scheduled Tribes. This was appreciated at that time and still there are two more years for their term to get completed. But the new Government, which never held panchayat elections during their ten-year tenure, has dissolved it now.

Sir, I would have been happy if there would have been some lacunae and then if the Government had brought forward this Model Bill and passed it in the House. And if it would have dissolved after that, then it would have been a thing to be appreciated. But the approach that has been taken is against the principle of de-centralisation, against the principles which we upheld. The very tendency to rule the country in a particular manner has destroyed the very democratic fabric of the country.

MR. SPEAKER : Please, you have to be very brief.

SHRI LOKANATH CHOUDHURY : Sir, it is a very serious issue. This Government which talks of Panchayati Raj, de-centralisation of administration their party in Orissa is behaving in such a manner which is destroying the very basic fabric of Panchayati democracy. That is what is of serious concern for the whole country. It is because this Parliament had passed the Bill giving the Panchayats the right to rule. Moreover, the huge funds which have been allocated for the rural development of the people, would now be...

MR. SPEAKER : There are many other issues also. We would like to give the chance to others also.

SHRI LOKANATH CHOUDHURY : Sir, this money would be used by the bureaucracy. The Government of India should take note of it. Though it is a State subject, yet, the Congress Party, as a Party, should be ashamed of doing such things.

THE MINISTER OF WATER RESOURCES AND MINISTER OF PARLIAMENTARY AFFAIRS (SHRI VIDYACHARAN SHUKLA) : I would like to have a clarification on this as to whether the Members to the Panchayati Raj institutions were elected before the recent amendment in the Constitution or they were elected after that.

SHRI LOKANATH CHOUDHURY : They were elected before the amendment to the Constitution was brought in. What does it mean?...(Interruptions)...Orissa was the only State which had mostly implemented the recommendations of the constitutional Amendment Bill.

SHRI SRIKANTA JENA (Cuttack) : Sir, the Panchayati Raj Bill was unanimously passed in the Orissa Legislative

Assembly in the year 1992. Accordingly, the elections to these bodies were also held. There was absolutely no complaint about the elections from the then Congress Party, which was in the Opposition then. The elections of 1992 were held smoothly. Of the total 85,000 seats, 40 per cent of the elected representatives to the Gram Panchayats were from the Congress. It is not that only the representatives from the Janta Dal were elected to the different **Gram Panchayats and Panchayat Samities**.

But the question is, suddenly the Congress Legislature Party decided and demanded that the **Gram Panchayats, Panchayat Samities and Municipalities** should be abolished. It was abolished by a Resolution because they had a majority in the Assembly. The term of the Office of the **Gram Panchayats, Panchayat Samities** and the Municipalities was upto 1997. How has it happened if there was absolutely no lacunae in the Model Bill which was passed in Parliament? The elections to these bodies were conducted on exactly the same lines as proposed in the Model Bill and the Karnataka Bill.

MR. SPEAKER : You have raised this issue and there are many other points also.

SHRI SRIKANTA JENA : Sir, the point is, with fanfare we brought in this constitution Amendment Bill. The intention of the Parliament was that no bureaucrat should hold office either in a **Gram Panchayat, or Panchayat Samiti, or Municipality**. Now, after the dissolution of these bodies, there is absolutely no proposal by the Orissa Government to hold elections to the **Gram Panchayats, Panchayat Samities** and the Municipalities. Therefore, for another one or two years, these bodies would be chaired by the bureaucrats instead of the elected representatives. 85,000 institutions were dissolved.

SHRI VIDYACHARAN SHUKLA : Sir, the hon. Member should know...*(Interruptions)*

SHRI SRIKANTA JENA : Sir, this is politically motivated.

SHRI VIDYACHARAN SHUKLA : Sir, according to the Constitution, no **Gram Panchayat, no Zila Parishad, or any local Government body** can remain unelected for more than So, the fear of the hon. Member that such bodies would remain unelected for more than one year or two years is not correct.

SHRI SRIKANTA JENA : The point is, if there was any lacuna in the original Orissa Panchayat Samiti Act or Orissa Municipality Act, then the model Bill could have come in the Assembly. After passing the Bill the dates for the elections could have been fixed and after elections this body could have been dissolved. Without going through that procedure, the Assembly has taken that decision. We condemn this. This Act was passed

unanimously and there was absolutely no complaint for any quarter. Only because of the political reasons, J.B. Patnaik Government has dissolved all these elected bodies.

*[Translation]*

SHRI LAL K. ADVANI (Gandhi Nagar) : Mr. Speaker, Sir, the constitution Amendment Bill regarding Local Bodies was passed by the Parliament. Its aim was to strengthen democracy at the grassroot level. In several states, local bodies elections were not held. Panchayats were not used to be constituted. Municipalities remained dissolved and the bureaucrats used to rule the roost. As a remedial step, this constitution Amendment was effected. But it was surprising to know that the state, which passed a similar Bill in 1992-modelled on the Bill passed by the parliament held elections on the basis of this bill and the Panchayats were working satisfactorily there when recently another party came to power in the Vidhan Sabha elections and that party dissolved the panchayats. Fresh elections have also not been held. In my view, it is totally wrong and this, in a way, is a blow to democracy. To dissolve these Local Bodies is utterly improper. I fully share the feelings expressed by the honourable members.

SHRI SHARAD YADAV (Madhepura) : Mr. Speaker, Sir, I only want to state that the dissolution of the Panchayats in Orissa is a very serious matter. After years of labour we paved the way for the establishment of a four tier system in the country. There was no complaint in the Panchayat elections held there. The legislation which was passed unanimously by that State's Vidhan Sabha was totally ignored by them.

Mr. Speaker, Sir, I want to add one more thing. That although Panchayats and Zila Parishads have been formed yet they have not been given any powers. Through you, I would like to state that if we wish to decentralise power, the Parliament should give full power to the elected local Bodies. It was totally wrong to dissolve the Panchayats in this way. The Government should find a way out to this problem and should decide that this action was not proper.

SHRI NITISH KUMAR (Barh) : Mr. Speaker, Sir, question has been raised regarding the dissolution of the Panchayati Raj Institutions in Orissa. A clarification had been sought by the Parliamentary Affairs Minister, as to whether these elections were held before the Constitution Amendment or after. It was stated that the elections were held prior to the Constitution Amendment. The hon. Minister thought that whatever happened was right. I would like to remind you that I was also one of the members of the Parliamentary Committee, constituted to deliberate on the Constitution Amendment. In that (Amendment) a provision was made that the existing Panchayati Raj institutions would not be dissolved before the expiry of their term and this was discussed in the Parliament.

[English]

MR. SPEAKER : Is it a part of the law?

SHRI NITISH KUMAR : It is a part of the discussion.

[Translation]

There was unanimity on this and it was repeatedly stated by the Minister that elections to all the Local Bodies would be held within six months. In Bihar and several other states, Panchayat elections have not been held for the last 16-18 years. Elections have not been held even two years after the passing of the Constitution Amendment Bill.

Elected bodies are being dissolved. The Central Government is a mute spectator to that. In such a situation, Mr. Speaker, Sir, since the Panchayati Raj institutions have been accorded Constitutional status, and that the Constitution Amendment Bill was passed unanimously by the Parliament, we would urge you to put a stop to such incidents and the Panchayati Raj institutions be restored in Orissa and elections be held immediately in states where no such elections have been held for the past 16-18 years. Action should be taken against such states which fail to hold elections in time.

[English]

SHRI SIVAJI PATNAIK (Bhubaneswar) : The Congress Government in Orissa has abolished the Panchayat system practically because they are accustomed to running the State administration without any local body or Panchayats. Earlier also, the J.B. Patnaik Government ran the administration without having any Panchayat elections. From the day of his election as the Chief Minister in the by-election, a row was created. A row was created that the Panchayat bodies should be abolished and now they have been abolished. As it has been already said, as per the law they are bound to have elections within six months. But that is not the question here because the Panchayat bodies were duly elected. They were duly elected and they have a period of two years more to complete their tenure. So, in such a situation, the way they have done about the local bodies should be condemned, and either the bodies should be restored or a direction should be given to have the elections for Panchayat bodies immediately.

[Translation]

MR. SPEAKER : I will allow you to speak. There is no need to rise again and again. I have said that I would call the Members turn by turn.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh) : I am sorry, Sir, for the ignorance of some of the hon. Members who

have raised this issue...(Interruptions)... I have heard all those things. Please let me speak...(Interruptions)...

SHRI LOKANATH CHOUDHURY : This is not ignorance. Sir, he should not refer to it in this way.

SHRI SRIBALLAV PANIGRAHI : Please listen to me. Sir, I am sorry for the ignorance of some of the hon. Members who raised this issue. By virtue of a Resolution passed in the Assembly, Panchayat and Municipal bodies have been dissolved; it is true. This was an election issue. Orissa recently went to polls...(Interruptions)... Orissa went to polls only in the month of March last. It was very much an issue before the people at the time of election. Because of large scale bungling by the people running the Panchayats in implementing different schemes of the Government of India like Jawahar Rozgar Yojana etc., because of large scale bungling and misappropriation...(Interruptions)...

SHRI SRIKANTA JENA : What are you talking?

[Translation]

SHRI SRIBALLAV PANIGRAHI : Please listen...(Interruptions)

[English]

SHRI SRIKANTA JENA : What are you talking about?...(Interruptions)...

[Translation]

What are you talking?

[English]

SHRI SRIBALLAV PANIGRAHI : I have a right to complete...(Interruptions)...

MR. SPEAKER : Please take your seats. I think if you can criticise, you shall have to hear criticism also. You cannot stop the Member from talking if he is criticising you.

SHRI SIVAJI PATNAIK : No Party can make an election issue against the provisions of the law.

SHRI SRIBALLAV PANIGRAHI : Sir, people have voted the Congress Party to power with the authority to dissolve the Panchayat and Urban bodies. Secondly...

MR. SPEAKER : Why is it necessary to make a second point? You have made your point. Please sit down.

SHRI SRIBALLAV PANIGRAHI : Let me speak, Sir.

Nothing can be far from truth than saying that the Congress Party is not interested in holding elections.

To Say that J.B. Patnaik Government did not conduct

any Panchayat elections during the last ten years viz., from 1980 to 1990 is an insult to the truth. I am prepared to quit this House if it is found true. Let Mr. Choudhury and others come forward and prove this. The Panchayat elections were held between 1980 and 1990.

SHRI SRIKANTA JENA : Why did you not conduct Panchayat elections from 1984 and 1989?...*(Interruptions)*

MR. SPEAKER : You have made very good points. Now, you please sit down. You allow others also to speak.

SHRI SRIBALLAV PANIGRAHI : The present Chief Minister was also the Chief Minister during that decade viz., 1980 to 1990 when elections were held.

SHRI SRIKANTA JENA : At that time, you gave a statement condemning Shri J.B. Patnaik. ...*(Interruptions)*

SHRI SRIBALLAV PANIGRAHI : Elections were held in 1992 viz., prior to the amendment of Constitution here. There is a lot of variance in the Orissa Act and the amended Central Act with regard to reservation and so on. So, this step was necessary to dissolve the Panchayats there. They were thoroughly corrupt. I am sure, now, hon. Shri Advani will change his opinion, if he consults the people there...*(Interruptions)*

MR. SPEAKER : This is not a full-fledged debate.

...*(Interruptions)*...

SHRI SRIBALLAV PANIGRAHI : As you now, within six months of the dissolution, the elections will have to be conducted. The Orissa Government are committed to it. They are taking steps to hold the elections well in time. That is why by showing respect to the people's verdict and people's opinion, they have been dissolved. What has been alleged here is only politically motivated. The people, by and large, are happy with this action of the Orissa Government.

SHRI SOMNATH CHATTERJEE (Bolpur) : Sir, a principled issue has been raised here. We do not know whether it was in their Election Manifesto to dissolve all the Panchayats in the State or not. If that is the principle of Constitutional behaviour, then, Sir, I would like to say that when the Congress Party promised to provide one crore jobs every year and would also reduce the increase in price level to the 1990 price level, on that basis only the people have voted them to power. The Finance Minister of India came here and said that the Election Manifesto is not to be observed because it was said only during the elections. So, what is their attitude? It is being propounded on the floor of Parliament of India that if somebody raises an election issue, then all Constitution behaviour has to be ignored. The Constitution has warranted that there have to be Panchayats; there has to be decentralised administration. Now, he suddenly says from the Congress Party that they can ignore everything, They can ignore

Constitution because of alleged corruption.

And secondly, they are justifying the total dissolution of all Panchayats whether on the basis of bungling or misappropriation or corruption. Sir, is this the method of doing it? How many Congress Panchayats are there which you have admitted to be guilty of misappropriation; bungling and corruption also? Are these things said on the floor of Parliament and then get away from them? Therefore, this Party has no right to remain there. They should go immediately.

SHRI SRIBALLAV PANIGRAHI : Violence was resorted to. Many people lost their lives.

MR. SPEAKER : Now, only Shrimati Geeta Mukherjee's statement will go on record and nobody else's.

SHRIMATI GEETA MUKHERJEE (Panskura) : Sir, I thank you for allowing me to raise this issue. Last year due to the death of shrimp siblings in sea and in inland culture centres in West Bengal and Orissa, several crores of rupees were lost by the growers, investors and the exporters and our country suffered a loss of several million dollars in foreign exchange earnings. But the Indian Institute of Marine Research located in Cochin did very little to suggest the remedies. This year also the same thing may happen as because till today nothing has been suggested by the Institute. Something must be done very urgently. Moreover, now-a-days as marine products are far exceeding in West Bengal and Orissa than those of Kerala, the producers and exporters in these States find it quite difficult to reach Cochin in case of emergencies. Therefore the Central Headquarters of the Institute...

MR. SPEAKER : Madam, you do not shift the Ocean Research Institute from the coastline to Delhi.

SHRIMATI GEETA MUKHERJEE : Sir, my suggestion is to shift the headquarters and have field work offices in Kerala and West Bengal so that coordination can be there...*(Interruptions)* Otherwise, it is becoming very very difficult. Jakhar Ji is here. He can give the directions...*(Interruptions)*

MR. SPEAKER : It is not necessary for you to defend this.

SHRIMATI GEETA MUKHERJEE : That is why I request Jakhar Ji to do something about this.

*[Translation]*

SHRI SULTAN SALAHUDDIN OWAIISI (Hyderabad) : Mr. Speaker, Sir, I would like to draw the attention of the house towards the happening in Bosnia on which all the nations of the world have expressed their concern. But, with great regret one has to say that the nation which is the leader of

the non-aligned movement, which propounded the principles of Panchsheel and which made a mark in Bandung Conference has not expressed its view on this matter. Today United Nations has failed. More than two lakh people have been expelled from there, after the deployment of the armed forces. But India is a mute spectator. I do not know as to what is the foreign policy of the Government and what is its attitude towards this. I want the House to pass a resolution reminding the United Nations that it has become ineffective. The Nations of the world are themselves saying that United Nations has become an ineffective and redundant organisation. I would like our Foreign Minister to make a statement on this issue regarding our Government's policy in this regard.

12.34 hrs.

RE : ENRON POWER PROJECT IN  
MAHARASHTRA

[Translation]

SHRI ASHOK ANANDRAO DESHMUKH (Parbhani) : Sir, I would like to draw your attention to an important issue. Yesterday the Maharashtra State Legislative Council took a decision on the Power project with capacity of generating 2015 megawatt and it would have started generation of 695 megawatt power by 1997 with which we expected to meet the shortage of electricity in Maharashtra. In 1993-94, there was a 1381 megawatt power deficit in Maharashtra and the energy requirement of Maharashtra by 2000 A.D. is 71 billion kilowatt. This power project was scrapped in a deliberately and in sentimental way. I appeal to you to appoint a fresh Committee on it and consider none the consequential setback and effect on foreign investors who are planning to set up projects here. They will refrain from investing money here and it will be a loss to Maharashtra and the country. They advance a plea that it will affect the marine life. The sea water is different from the water of a well. The reason given is that it is hot and the river fish die in it. The other reason given is that of its effect on environment. I would like to ask as to why do not they formulate another environmental scheme? In the absence of power, the farmers' pumps are not functioning. Electricity is not available in the rural areas for consecutive 3-4 days. The bread earning of a farmer depends mainly on water and electricity. Therefore, I request you to take up the matter afresh and set things right by constituting a Committee.

SHRI RAM KAPSE (Thane) : Mr. Minister, why don't you speak on it? You should say something on this issue.

[English]

MR. SPEAKER : I would bring to your notice that he

has given me a notice saying that he wants to make a statement. I am allowing the Members to speak and then he will reply or he will make the statement.

[Translation]

SHRI RABI RAY (Kendrapada) : Mr. Speaker, Sir, it is a matter of pleasure for the House and the country that the Government of Maharashtra has scrapped the agreement reached between the Enron company and the Maharashtra State Electricity Board after all round deliberations. The Chief Minister of Maharashtra has given three main reasons for this decision which were not mentioned by the earlier speaker. According to Joshi ji, it was against the interests of Maharashtra. against the environmental aspects and thirdly, there was much of cost padding.

I would like to apprise the House of another important reason. Like Enron, another foreign company came to Orissa and entered into an agreement with the then government. Today, it is the Congress Government there in the state. I would like to bring it to the notice of the hon. Minister of Power that the Chief Minister of Orissa has gone on record saying that a padding of Rs. 250 crore was involved in it. That was the AE company of America. It had refused to abide by that contract. I would like to know what is this happening here? This House cannot be a mute spectator and tolerate all this.

Enron is a multinational company. They claim and the print-media has also reported that they have doled out Rs. 60 crore to educate the Indians. Through you, I would like to ask the Government as to exactly under what head was Rs. 60 crore spent by Enron before entering into the contract? Who were the beneficiaries? Many multinational companies will come to invest in India and will channelise the outflow of our money into their respective countries and will also corrupt the Indian intelligentsia and the public. Shall we remain a mute spectator to all this? Therefore, I would urge upon the Government of Maharashtra to remain steadfast on its stand and on the reasons advanced by it that led to scrapping of this project. That is in the interest of the country, Maharashtra and the people.

[English]

SHRIMATI MALINI BHATTACHARYA (Jadavpur) : I have also given a notice on the same subject. We are very happy that the Enron project has finally been scrapped. We think that before the elections in Maharashtra. There was a people's movement against this project there, and this people's movement during the elections took such a form that the Government that was newly elected in Maharashtra had to take a note of that people's movement. They have taken note of it and, therefore, we are very happy. We would also like to know two things. Firstly, two questions arise out of this.