

MR. CHAIRMAN: The question is:

(DEPARTMENT OF RURAL DEVELOPMENT) (SHRI G. VENKAT SWAMY): Sir, I beg to move: "

"That the Bill further to amend the Passports Act, 1967, be taken into consideration"

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

*The motion was adopted*

MR. CHAIRMAN: The House will now take up Clause-by-Clause consideration of the Bill.

Clause 2, there is an amendment of Shri Rambadan.

I think he is not present. So, I put Clauses 2 to 10 to the vote of the House.

The question is:

"That clauses 2 to 10 stand part of the Bill."

I would like, at the outset, to refer to the Directive Principles laid down in Article 40 of the Constitution. This casts a duty on the Centre as well as the States to establish and nourish the village panchayats so as to make them effective, self-governing institutions. However, even after 42 years, we have not been able to fulfill this expectation of the founding-fathers of the Constitution; it is for this reason that the Government, under the leadership of our beloved Prime Minister Shri P.V. Narasimha Rao, have introduced a Constitution (Seventy-second Amendment) Bill 1991. In effect, we are fulfilling - Gandhiji's dreams.

*The motion was adopted*

*Clauses 2 to 10 were added to the Bill*

MR. CHAIRMAN: The question is:

"That Clause 1, the Enacting formula and the Long Title stand part of the Bill"

The Gandhian concept of Gram Swaraj has been the guiding principle of our political struggle even before Independence. Attempts have been made to give effect to this idea ever since 1947. Panditji established institutions of Panchayati Raj as the primary instrument for bringing development to rural India. Shrimati Indira Gandhi stressed the need for people's participation in the process of economic and social transformation and Shri Rajiv Gandhi emphasised the need to revitalise and strength Panhayati Raj institutions in order to sustain democracy in the country. In spite of these efforts, it cannot be denied that in many parts of the country the full potential of the institutions of Panchayati Raj has not been realised.

*The motion was adopted*

SHRI R.L. BHATIA: Sir, I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed.

*The motion was adopted*

16.42 hrs.

CONSTITUTION (SEVENTY-SECOND AMENDMENT) BILL  
(INSERTION OF NEW PART IX)

As reported by Joint Committee

[English]

THE MINISTER OF STATE IN THE  
MINISTRY OF RURAL DEVELOPMENT

This is not to deny that some efforts were made from time to time. In fact, in certain States, such as Maharashtra, Gujarat, Panchayati Raj structure was strengthened following the recommendations of the Balwant Rai Mahta Committee in 1957. More recently, States like West Bengal, Andhra Pradesh and Karnataka have provided wide-ranging delegation and powers of authority down to the district and intermediate level.

However, barring these exceptions, in most other States, the record as far as Panchayati Raj institutions is concerned, has not been very good.

However, barring these exceptions, in most other States, the record as far as Panchayati Raj institutions is concerned, has not been very good. On the other hand, attempts have been made in many of the States to weaken the existing Panchayati Raj structure by imposing other nominated bodies at the same level. Elections have been irregular and many times unnecessarily delayed or postponed. Elected bodies have been superseded or suspended without adequate justification at the whims and fancies of the Government and Governmental authorities. Even where these institutions function, they came to be dominated by economically and socially privileged sections of the rural societies and were utilised to serve the class and sectoral interests of the entrenched vested interests.

It has, therefore, been felt that a Constitutional sanction is as indispensable to democracy at the grass-root level as it is to democracy at the State level or national level. Thus we intend to inscribe in the Constitution certain core elements of grass-root democracy to take them beyond the pale of changing political expediency.

I must say that we have confined the provisions in the Bill to a very limited set of issues. We are also aware that different States have different models of Panchayat Raj institutions. We do not intend to bypass the States in any manner and do not want to intrude into the area constitutionally assigned to them. In order to elicit wider public opinion and also consult the States on the various provisions, as all of you are aware, the Bill was referred to the Joint Committee of the two Houses in December, 1991. The Joint Committee had presented its report in the previous session. We have examined the recommendations and modifications made by the Joint Committee and also held consultations with the representatives of various national parties in the Parliament. In the light of the views expressed in these

meetings, we have now proposed a few official amendments and I am sure that the House will extend its full support to these. We strongly feel that genuine democracy can grow only when the States and the Centre work together.

At a broad level, we are seeking to provide a constitutional guarantee to certain basic and essential features including regular elections to Panchayati Raj institutions, representations in these bodies for Scheduled Caste, Scheduled Tribes and women and devolution of financial and administrative powers with the cooperation of the States. I would now like to dwell briefly on some of the basic features of the Constitution Amendment Bill as reported by the Joint Committee and the rationale behind them.

The Gram Sabha, which is the foundation of our panchayati raj system, has been envisaged to discharge wider duties. It shall perform such functions and exercise such powers as may be entrusted to it by the State legislatures. There should be participatory decision making and the structure at the village level should be the image of participatory democracy. It is in this light that we have given a central place to the Gram Sabha. It has been our endeavour that uniformity and rigidity is not imposed on the States. Therefore, whereas the Bill envisages a three tier system of Panchayat Raj at the village, intermediate and district level, small States having a population not exceeding twenty lakhs have been given the option not to constitute the panchayat at the intermediate level. While we have agreed with the three tier structure recommended by the Joint Committee, we have provided an option for smaller States, on the same lines as in the very first Constitution Amendment Bill of 1989 on this subject. I hope the House will agree with our views.

As I mentioned earlier, one of the major reasons which has stood in the way of the Panchayati Raj institutions acquiring adequate strength is the absence of regular and periodic elections within a time frame. On the other hand, they have been rendered

[Sh. G. Venkat Swamy]

dormant for long periods of time without adequate and justifiable reasons. If these bodies are to be effective, alive and vibrant the conduct of free and fair elections at regular intervals has to be ensured. It is for this purpose that we have proposed that all Panchayat bodies will have an assured duration of five years and elections will be mandatory after every five years. The elected institutions will thus have a five year term, and on the completion of the period of five years, fresh bodies will be constituted after holding the elections. The period of five years will be a reasonable term and will enable these bodies to carry out the mandate of the people effectively.

The Panchayat Raj institutions have faced serious threats from outside. The threat of suppression has always been hanging above their heads. There are a number of instances where the bodies have been superseded and no elections held thereafter for years together. The Panchayat Raj institutions have to be properly insulated and immunised from on slaughts from outside. We, therefore, propose to put an end to this practice by stipulating compulsory elections within six months of the suppression of the Panchayat bodies. This will take away unrestrained and wide powers available at present to the executive and to the political parties to keep the Panchayat bodies in a state of suspense at their will and pleasure. This will help in imparting strength to these bodies and enhance their image and effectiveness.

The Joint Committee has prescribed direct election for the members in a Panchayat at all the three levels i.e. village, intermediate and district levels. We are aware of the existing diversities in this regard in the Panchayati Raj Acts of the States, regarding the election of members in the Panchayats at the district levels. In view of this, the mode of election for members at the district levels has been left to the discretion of the State legislature. Since the directly elected members can function more freely and independently as they derive strength directly

from the electorate, we have agreed the direct elections of members at the village and intermediate level.

Although in the Bill as we introduced in 1991, the voting rights were provided to only chairpersons and directly elected members, we have agreed with the recommendations made by the Joint Committee on the representation of MPs of both Lok Sabha and Rajya Sabha, MLAs and MLCs at intermediate and district level and all the other ex-officio members of the Panchayat at these levels with full voting rights. I hope the House would welcome this provision.

The direct election of the chairperson of a Panchayat at the village level has been envisaged by the Joint Committee. We have agreed with this recommendation of the Joint Committee. We have agreed with this recommendation of the Joint Committee, although certain Members have expressed reservations on this issue. In fact, the chairperson of a village panchayat represents a very small electorate and it is possible for him to have direct contacts with the individual voters. Therefore, a directly elected village panchayat chairman will have lesser dependence on the support of the other elected members and can discharge his duties more freely and fairly. I hope the House will welcome this provision.

We have provided for reservation for Scheduled Castes, Scheduled Tribes and women. Whereas the reservation for Scheduled Castes and Scheduled Tribes follow the uniform basis of their proportion in the population, in respect of women we have provided for at least one-third of the total seats at every level. Considering the fact that women constitute nearly half the population, even this reservation can be considered inadequate; but the hon. Members will agree that it is significantly more than what has been attempted so far in most of the States. Although the Joint Committee supported our earlier provisions about allotment of reserved seats to different constituencies on compulsory rotation basis, to achieve greater uniformity among the panchayati raj and municipal bodies, we have proposed to leave

the actual mechanism of rotation to be decided by the States themselves. I hope the House will support this.

Hon. Members may reserve that the Bill also provides for reservations for the post of chairpersons for Scheduled Castes, Scheduled Tribes and women. This is a significant innovation. It is our view that this alone will make reservations more meaningful and bring the members of these committees, who have suffered from economic and social oppression for a long period of history, to a position in which they would be able to participate effectively in the functioning of these bodies. I am confident that the hon. Members will appreciate the significance of the provisions made for these reservations in the socio-economic and historical perspective and will whole-heartedly welcome

We have also agreed with the recommendations of the Joint Committee in regard to the lowering of age for membership to 21 years as many State Panchayat Raj Acts provide for it even now. We have also supported the Joint Committee's modification in regard to the authority for resolving the disputes relating to disqualification. Now the States will have to set up such an authority. I hope the House will agree with this also.

One of the weaknesses of the existing Panchayati Raj Institutions is that they are starved of funds. They have very little resources of their own and they usually depend on the State Governments for their funds. The financial grants are given at the will and pleasure of political executive on an *ad hoc* basis. We feel that unless the Panchayats are provided with adequate financial strength, it will be impossible for them to grow in stature. We have, therefore, proposed in the Bill a system of financial transfers to the Panchayati Raj bodies on a mandatory basis. For this purpose, we have provided for a Finance Commission to be set up every five years in order to evolve suitable criteria and make appropriate recommendations to strengthen the financial base of Panchayati Raj bodies. This is a vital aspect of the Constitutional Amendment Bill.

it is our hope that this will ensure to the Panchayati Raj bodies a measure of financial strength which would enhance their autonomy and authority.

In the matter of elections to the panchayats, the Bill as introduced had provided for the Chief Electoral Officer of the State to supervise and conduct the elections to panchayats. The Joint Committee recommended that the State legislature may provide for a separate authority for this purpose. To make this recommendation more specific, we have now suggested that the superintendent, direction and control of elections to panchayats shall be vested in a State election Commissioner. It will be an independent Commission and will be responsible for the conduct of the elections to local bodies freely and fairly. I hope the house will welcome this provision.

We have provided for the application of this Constitution Amendment Bill to the Union Territories also. However, taking note of the fact that many of the Union Territories may have varying local situations, provisions for exceptions and modifications have also been made. We have specifically exempted Scheduled Areas and the tribal areas under Article 244, the North Eastern States of Nagaland, Meghalaya and Mizoram and certain hill areas. I hope that the House will support these provisions.

We are aware that it may take some time for the State enactments to be brought in line with the provisions of this Bill. While, by and large, most of these provisions do find place in one form or another in many State enactments, there will be need for some modifications. We have therefore laid down in the Bill that the existing provisions will continue to be in force for a period of year from the commencement of the Constitution Amendment Act or until amended or repealed by competent legislature or other competent authority whichever is earlier.

We have also provided that the Panchayat Raj bodies, existing immediately before the commencement of Constitution Amendment Bill, shall continue till the

[Sh. G. Venkat Swamy]

[Translation]

expiration of their duration unless dissolved by a resolution passed by the Legislative Assembly of that State or in the case of a State having a Legislative Council by each house of the Legislature of that State.

Keeping the spirit of this amendment and retaining the core items contained in it, the State Governments are at liberty to enact their own laws to provide for a strong Panchayati Raj set-up within their States. We will also evolve suitable guidelines in this regard to assist the State Governments in undertaking comprehensive legislation in this regard, if they so desire. We reiterate our commitment to genuine democratic decentralisation. We reaffirm our commitment to the emergence of democratic bodies at the grassroots level elected on the basis of equality and justice, truly representative of people and genuinely concerned with their development.

Before concluding, I wish to emphasise that this Constitution Amendment Bill is only the beginning and represents our earnestness in this endeavour. Gandhiji had said:

"Independence must begin at the bottom. Thus every village will be a Republic or Panchayat having full powers".

This must be our goal and I seek the cooperation of all sections of the House in achieving it.

MR. CHAIRMAN: Motion moved:

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

(Interruptions)

SHRI ANIL BASU (Arambagh): Sir, besides Government amendments, there are other amendments by Members which are yet to be circulated. (Interruptions)

SHRI DEVENDRA PRASAD YADAV (Jhanjharpur): Mr. Chairman, Sir, I am on a Point of Order. The Bill introduced by the hon. Minister is unconstitutional and the method adopted to introduce it is also improper. As per the provisions contained in section 33 of the Official Languages Act, 1963, the Bill should have been introduced in both the languages but the hon. Minister has introduced it only in one language. Therefore, it is illegal and due cognizance should be taken of it. I have raised a Point of Order, according to the Rules only. The hon. Minister should have made available the copies of the Bill in Hindi also. I have my reservations.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): It is available in Hindi. You may take it from the Publication Counter.

SHRI DEVENDRA PRASAD YADAV: We didn't get it. If it is not made available in Hindi, how can we take part in the discussions? got independence. Had we paid attention to these aspects earlier we would have been at the top in regard to the agricultural production because maximum agriculture is done in our country. Hence all these shortcomings which come in the way of agricultural development should be removed and more and more agricultural scientists should be prepared. Agriculture college or university should be opened in all the States — whether big or small - where experts in this field are there. This will encourage them to work in this field and provide more and more co-operation.

SHRI RAJNATH SONKAR SHASTRI (Saidpur): Mr. Chairman, Sir, I am grateful to you for giving me an opportunity to speak. Central Agriculture University Bill 1992 has been introduced in the house, we welcome it. I am glad that this Bill has been presented by a person who is basically a farmer, and thus he has a considerable knowledge about the condition of the farmers and the prevailing situation in agriculture. It would have been better if he himself had prepared the prospectus of the proposed Agriculture University.

16.00 hrs.

Mr. Chairman, Sir, there is no doubt that ours is an agricultural country and about 3 out of 4 persons depend on agriculture. Agriculture universities are already there in most of the states of the country but it is a matter of regret that no Agriculture University is there in the eastern border regions. Keeping in view the climate.

[English]

MR. CHAIRMAN: I am informed that copies in Hindi are also available at the counter. You can collect them from the counter.

Now, in the Business Advisory Committee, I was told that this Bill and the Bill shown at Item No. 17 are to be taken together for discussion. If that is to be done, then Rule 66 will have to be suspended because Rule 66 says:

"A Bill, which is dependent wholly or partly upon another Bill pending before the House, may be introduced in the House in anticipation of the passing of the Bill on which it is dependent."

Provide that the Second Bill shall be taken up for considerations and passing in the House only after the first Bill has been passed by the Houses and assented to by the President."

Therefore, unless we suspend this Rule, we cannot take both the Bills together for discussion. So, I call upon Smt. Sheila Kaul to move her motion to suspend Rule 66.

17.09 hrs.

MOTION RE. SUSPENSION OF  
PROVISION TO RULE 66

[English]

THE MINISTER OF URBAN  
DEVELOPMENT (SHRIMATI SHEILA

KAUL): I beg to move:

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for taking into consideration and passing of the Constitution (Seventy-third Amendment) Bill, 1991, as reported by the Joint Committee in as much as it is dependent upon the Constitution (Seventy-second Amendment) Bill, 1991, as reported by the Joint Committee."

MR. CHAIRMAN: The question is:

"That this House do suspend the proviso to Rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motion for taking into consideration and passing of the Constitution (Seventy-third Amendment) Bill, 1991, as reported by the Joint Committee in as much as it is dependent upon the Constitution (Seventy-second Amendment) Bill, 1991, as reported by the Joint Committee."

*The motion was adopted.*

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

[English]

THE MINISTER OF URBAN  
DEVELOPMENT (SHRIMATI SHEILA  
KAUL): I beg to move:

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

This House is fully aware that as early as 1989, the then Prime Minister Shri Rajiv Gandhi, committed as he was to strengthen