

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

[Shrimati Sheila Kaul]

democracy at the grassroot level, had introduced two Constitution Amendment Bills for according constitutional status to the Panchayats and Nagarpalikas. Unfortunately, at that time, the Bills could not be carried through in the Rajya Sabha. When we sought the mandate of the people in 1991, we had committed that we would re-introduce these Bills within the first hundred days of our Government. We fulfilled that commitment to the people and the Constitution (73rd Amendment) Bill 1991 pertaining to Nagarpalikas was introduced in this House on the 16th September 1991.

I am happy Sir that the House had resolved to refer this Bill to a Joint Parliamentary Committee consisting of representatives from both the House. I am indeed grateful to the Members of the Joint Parliamentary Committee and in particular to its Chairman, Shri Singh Deo, for the efforts they have taken in going through the various provisions of the Bill in detail and to make their recommendations. The Committee has given its recommendations after hearing the views of the various experts. The committee also had the opportunity of visiting various Municipalities and having detailed discussions with elected representatives and officials of municipal governments as well as State Governments. Hence, the Bill as reported by the Joint Committee incorporates the learned experience of people who have been closely connected with municipal government.

Certain apprehensions have been expressed from time to time that this Bill would encroach upon the States' rights. Let me assure you Sir, that we have displayed the utmost sensitivity to the basic framework of the Constitution and the Centre-State relationship enshrined in the Constitution. Entry 5 of the State List remains untouched. The authority of State Legislatures is, in no way, sought to be diminished. We are only amending the Constitution and we are not interfering, in any way, with the States in regard to drafting of municipal laws. As would be clear from reading of the Bill, we

have left important matters to be decided by the State Legislatures or the State Governments. All we seek to do through this Constitution Amendment Bill is to lay down a basic framework which will ensure that the urban local bodies are in a position to function effectively as democratic units of self-government.

Having regard to the present inadequacies and with a view to restore the rightful place in political governance for urban local bodies, it is considered necessary that they should be provided a Constitutional status and necessary provisions made to: (a) ensure regular and fair conduct of elections; (b) ensure term of five years for elected urban local bodies and election within six months, in cases of supercession; (c) provide for specific representation for women and the Scheduled Castes and Tribes; (d) provide for devolution of functions and powers to municipalities; and (e) provide for constitution of a State Finance Commission every five years to ensure regular devolution of resources to local bodies.

The Constitution Amendment Bill which is before you for your consideration constitutes but the first stage of a process. On these Bills are enacted, we must carry this process forward by ensuring appropriate amendments to State legislations and thereafter ensuring effective executive implementation.

MR. DEPUTY SPEAKER: Motion moved:

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

Shri Kashiram Rana

SHRI ANIL BASU (Arambagh): What about the amendments? There are Government amendments which are yet to be circulated.

SHRI SHARAD DIGHE (Bombay North Central): This motion is for consideration.

MR. DEPUTY SPEAKER: The amendments are circulated.

[Translation]

SHRI DEVENDRA PRASAD YADAV: So far, these are not available at the counter, nor have these been circulated. Right now, I had raised a Point of Order on the grounds that the Bill has not been circulated so far.

MR. DEPUTY SPEAKER: Shri Kashiram Rana. (Interruptions)

SHRI DEVENDRA PRASAD YADAV: Under Section 33 of the Official Languages Act, 1963, it is mandatory to publicise/circulate the Bills introduced in the Parliament in two languages. But it has not been circulated so far, and upon my enquiry, I found that it is not available at the Publication Counter as well.

MR. DEPUTY SPEAKER: The copies in Hindi which you wish to have are available at the counter.

SHRI DEVENDRA PRASAD YADAV: It is not available till now, at the Publication Counter. You can find out for yourself. The copies that we have received is that of the 1991 Bill, but the copies of the latest Bill is not available even at the Publication Counter. When the copies have not been made available to the hon'ble Members, it would be unconstitutional to take up the Bill for discussion. It has been clearly stated in the Rules. You may refer to section 33 of the Official Languages Act, 1963. Unless and until you circulate the Bill in both the languages and bring the contents to the knowledge of the hon. Members, how can you pass the Bill or take up the matter for Discussion? It is mandatory to bring the Bill to the knowledge of the hon. M.Ps. It is a must on the part of the Government to circulate copies of the Bill in both the languages.

[English]

SHRI MANI SHANKAR AIYAR (Mayiladuturai): There is a fundamental

misunderstanding on the part of the hon. Member. This Bill may continue to have the date of 1991 even after it has been reported by the Joint Parliamentary Committee, because it was first presented in 1991. The date of 1991 will continue until such time as it passes into a law. Please see what he has received. What he has got in Hindi is the 1991 Bill as reported by the Joint Parliamentary Committee. The point that he is making is based, as usual, on the lack of knowledge which the Janata Dal generally display in this House.

[Translation]

SHRI NITISH KUMAR (Barh): With reference to what Shri Mani Shankar Aiyar has said, I would like to tell him that the copies, which has been circulated, are that of the 1991 Bill. This is not the one drafted, after the presentation of the Report by the Joint Select Committee. We would like to tell him that he has very spontaneously cast the aspersion of 'Lack of knowledge' on the Janata Dal Members and we are forced to give clarifications. We were the ones to invite your attention to the Rules and yet allegations are being levelled against us. I would like you to at least go through it. We have seen the copy of the 1991 Bill also. I would like to repeat that the copies that have been circulated, are not of the Bill, which has been drafted on the basis of the Joint Select Committee Report. This is obvious from the fact that the provision for direct elections at the village, village Panchayat and Intermediate levels was part of the 1991 Bill, but in the draft prepared, after the presentation of Report by the Joint Select Committee, this provision of direct elections, was made applicable for the Primary/Gram Panchayat level and the elections to the Intermediate/District level was left for State Legislatures to decide. We were also thinking like you and I too got confused in the process, but what is regrettable is that we have been accused of 'Lack of knowledge despite or understanding of the matter. You can see for yourself. It is a clear mistake on your part. Even now, copies of the latest Bill have not been made available to us. (Interruptions)

SHRI DEVENDRA PRASAD YADAV: Mr. Deputy Speaker, Sir, it would be wrong to take up the Bill for discussion, when the copies of the same have not been made available to the hon. M.Ps. We are not aware of what we are going to discuss here and how we intend to go about it.

SHRI SYED MASUDAL HASSAIN (Murshidabad): Section 33 of the Official Languages Act, 1963 is mandatory. The copies of the Bill will have to be circulated. (Interruptions)

[English]

SHRI SRIKANTA JENA (Cuttack): I will not respond to Shri Mani Shankar Aiyar because he has already responded that this is due to lack of knowledge on the subject.

But it is a question of legality under the rule, whether an amended Bill has to be circulated. It has not been circulated and it is the responsibility of the Minister of Parliamentary Affairs. Since, it has not been circulated, it cannot be under consideration. So you may adjourn the House and tomorrow we can take it up. There is no option now.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Deputy Speaker, Sir, it would be better if they accept this fault and apologise. This shows their weakness and we have exposed them and therefore, this should not happen. It could be that they have deliberately committed a technical and legal mistake, so that it is not taken up for discussion and is not passed. As this has not been done in a democratic manner, the speech delivered by the hon. Minister becomes irrelevant. Shri Ghulam Nabi Azad is a very senior and intelligent Minister and that he could make any such mistake is unpalatable to me. Mr. Deputy Speaker, Sir, it could be that it has been deliberately done. (Interruptions)

SHRI MOHAN SINGH (Deoria): Mr. Deputy Speaker, Sir, it also the responsibility of your secretariat. Copies of all the Bills are usually circulated by your secretariat, three

days prior to their introduction. If Hindi copies of the Bill have not been made available to your secretariat, three days earlier and only English copies have been made available, then we are on a Point of Order and if the Original draft of the Bill, in Hindi and English, has not been submitted to your Secretariat, three days prior to its introduction in the House and if the copies have not been duly circulated, then on your part, you should restrain the hon. Minister from introducing the Bill in the House. My friend has raised a correct objection in regard to violation of rule. I deliberately avoided to raise it. But an individual has questioned the wisdom of our party as a whole. Therefore this flaw should be removed. In views of these factors I support this objection. It should not be presented unless it is brought under the Rule. Discussion should not be allowed over it. Sir, if you allow discussion on it then I will be compelled to say that you are the custodian of the rules and regulations and if rules are violated in your presence then our faith will be shattered and whom we will trust? It is your responsibility to see that rules and regulations are followed. My submission is that some other Bill should be introduced. (Interruptions)

SHRI DEVENDRA PRASAD YADAV: Mr. Deputy Speaker, Sir, wrong conventions should not be set up. This House is supreme. It would not be good if wrong conventions are set up. Mr. Deputy Speaker, Sir, I tried again just now, but I got only one copy and that too the English Version only and not the Hindi version. (Interruptions)

[English]

SHRI SRIKANATA JENA: Since there is no other business, if you want to continue till six O'clock, then Zero Hour can go.

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRIGHULAM NABIAZAD): My friends, I request that this is a very very important Bill which we have all agreed upon and this has also gone through the Joint Select Committee. We had a meeting among ourselves and with the leaders of political parties in this regard. This has happened for

the first time that all the sections of the House are of the same opinion. So, we have started on a very good note that my friends have mentioned here. I think, my friend on this side did not want to cast any aspersion on that part of the party. It was just in a lighter mood. As we had a very light Zero Hour toady morning so you want to make it a little heavier. I, therefore, request that we take up this matter.

SHRI SRIKANTA JENA: It is not the question that we are accepting this position or not. Since, it has been raised, it is a question of your decision. It will be a bad precedence. This is the question of the property of the House. (Interruptions)

(Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV: Mr. Deputy Speaker, Sir, we want your ruling....(Interruptions)

[English]

SHRISRIKANATAJENA: In the proviso under the rules you cannot proceed, You just cannot proceed. That is the point. Not that we are very keen to proceed on this subject. If you just throw the rule book, then we can proceed. That is the only issue. Since it has been raised, there is no other way left. (Interruptions)

MR. DEPUTY SPEAKER: I would like to know whether the Hindi version is available in the counter.

[Translation]

SHRI DEVENDRA PRASAD YADAV: As per rule it should be available three days before but it is not available (Interruptions)

[English]

SHRI BASUDEB ACHARIA (Bankura): There are precedents on this. The English version and the Hindi version should also be circulated. (Interruptions)

AN. HON. MEMBER: You can take the sense of the House under Rule 333.

SHRI BASUDEB ACHARIA: You give your ruling. If the Hindi version has not been circulated, you can give your ruling. (Interruptions)

[Translation]

SHRI NITISH KUMAR: You may please find out some via-media. (Interruptions)

[English]

SHRI BASUDEB ACHARIA: Allow us to raise other issues. You allow us to raise our issues. We were not allowed to raise our issues in the Zero Hour. You take up this tomorrow. You may give give your ruling.

MR. DEPUTY SPEAKER: The Bill has been already circulated in the month of August itself to all the Members. There was a Joint Select Committee report and now the English version and the Hindi version both are available. If there is any lacuna that can be plugged. If there are any shortcomings they can be plugged. They will be taken care of. I will request Shri Rana to start the discussion.

[Translation]

SHRI DEVENDRA PRASAD YADAV: I am on a point of information. The information was given in July and it is not about August. It is in English and not in Hindi.

[English]

MR. DEPUTY SPEAKER: My information is that both the English and the Hindi version have been circulated to all the Members. That is the information I have received. Therefore, I have given my ruling.

SHRI BASUDEB ACHARIA: When was the Hindi version of the Bill circulated?

SHRI SYED MASUDAL HASSAIN (Murshidabad): This is a violation of the Official Language Act. (Interruptions)

SHRI GHULAM NABI AZAD: They have already got it. If you want it to be served in your seat, I am sorry, I cannot help to it. You may go outside and seek it.

[English]

MR. DEPUTY SPEAKER: The same issue has been raised and I have already given my ruling. I have already given a ruling about it.

[Translation]

PROF. RASA SINGH RAWAT (Ajmer): It is certainly a technical question because Hindi version of the Report of the Joint Committee has not received

THE MINISTER OF PARLIAMENTARY AFFAIRS (SHRI GHULAM NABI AZAD): If you see it carefully you will find the Hindi version also.

SHRI ANIL BASU: It is in the fitness of the things that it should be ascertained from the Lok Sabha Secretariat whether the Hindi version has been circulated or not.

MR. DEPUTY SPEAKER: The Hindi version has already been circulated.

(Interruptions)

PROF. RASA SINGH RAWAT: It has not been circulated.

MR. DEPUTY SPEAKER: We shall check it up. We shall proceed now in accordance with the rule. Shri Rana.

SHRI BASUDEB ACHARIA: Sir, you have not given your ruling. (Interruptions)

[Translation]

SHRI DEVENDRA PRASAD YADAV: Mr. Deputy Speaker, Sir, wrong precedents should not be set up in the House. You may please give your ruling on the objection I have raised.

[English]

MR. DEPUTY SPEAKER: I have already given a ruling on this.

[Translation]

SHRI SYED MASUDAL HASSAIN: Mr. Deputy Speaker, Sir, in regard to the Official Language Act, the President has directed. (Interruptions)

[English]

MR. DEPUTY SPEAKER: The same point of order was raised by Shri Devendra Prasad Yadav, Nitishji and Shri Jena. I have already given a ruling on this.

The total time allotted for this item is 4 hours: Congress 1 hour 44 minutes; BJP 49 minutes; Janata Dal 24 minutes; CPIM 14 minutes; CPI 6 minutes; AIADMK 5 minutes; Telugu Desam 3 minutes; JMM 2 minute; Janata Dal 2 minutes and like that.

Now Shri Rana. (Interruptions) The House will take both the constitution (seventy second amendment) and (seventy third Amendment) Bills together for consideration.

[Translation]

PROF. RASA SINGH RAWAT: Mr. Deputy Speaker, Sir, it is a Constitution Amendment Bill. Therefore the time for discussion on it should be extended.

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

AND

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

SHRI KASHIRAM RANA (Surat): Mr. Deputy Speaker, Sir, I consider the 72 and 73 Constitution Amendment Bill introduced by the hon. Minister as essential. These