

victim of vagaries of weather—worst of all the high tidal waves from the Bay of Bengal eroding the embankments of its rivulets measuring about 3500 Kms. and rendering the land unfit for any worthwhile agricultural cropping. The only solution is to further strengthen the embankments of its rivulets so that these can stand the crushing tidal waves. For this, some Dutch experts are needed from Holland, as that country has got expertise in countering the impact of devastating tidal waves and for that I would appeal to the Central Government to get into touch with the Dutch Government and secure the services of some experts from there to meet this threat to this poor land. It may be stated that the West Bengal Government is itself in the throes of acute financial crunch and are thus unable to spare any money for this enterprise. It is the Government of India, which can really help the poor people of Sunderbans area and save it from further ruination by the tidal waves, which at times claim some precious human lives also; apart from causing large-scale erosion of the soil, which can be very usefully utilised.

(vii) **Need to Provide LPG Connections on Demand to the Consumers of Dakshina Kanada and Kodagu Districts in Karnataka**

SHRI V. DHANANJAYA KUMAR (Mangalore): Dakshina Kannada and Kodagu Districts in Karnataka State stretching north to south in between the Arabian Sea and Western Ghats, has been maintaining perfect ecological balance with its rich green forestry. Due to the recent decision of successive State and Central Governments for granting permission for setting up a number of industries in this area, the people are facing the hazard of environmental pollution. Now it has become incumbent on the people not to cut any more fire wood for the fuel purposes.

The people of this region are becoming more and more dependent on LPG for domestic cooking purposes. But the LPG has become a scarce commodity with limited supply outlets. A large number of consumers are waiting for more than five years to get an LPG connection.

In the interest of maintaining the ecological balance of the region and also to meet the greater demand for LPG connection, I request the Government of India to extend the benefit of granting immediate LPG connections to every consumer on demand, in this region, as has been done in the hilly regions elsewhere in the country.

MR. DEPUTY-SPEAKER: The House stands adjourned for lunch to meet at 2.35 p.m.

13.33 hours

[The Lok Sabha then adjourned for Lunch till Thirty-five Minutes past Fourteen of the Clock.]

14.41 hours

[The Lok Sabha re-assembled after Lunch at Forty-one Minutes past Fourteen of the Clock.]

(MR. DEPUTY-SPEAKER in the Chair)

**REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL**

[English]

MR. DEPUTY-SPEAKER: The House shall now take up further consideration of the Bill moved by Shri Ramakant D. Khalap on the 26th July, 1996. The time allotted for this Bill is one hour. The balance is 30 minutes.

SHRI RAM NAIK (Mumbai North): The discussion has not yet started on this.

MR. DEPUTY-SPEAKER: I think it had commenced. At least five persons have already spoken on this and thirty minutes has already been spent. Shri Bhagwan Shankar Rawat, Shri Satya Pal Jain, Shri Santosh Kumar Gangwar have all spoken.

SHRI SATYA PAL JAIN (Chandigarh): What happened was that when it was taken up for consideration, we spoke on that and then the consideration was deferred. At that time they withdrew from the discussion saying that they would like to bring forward an amended Bill.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP): There was a demand that the Schedule be further amended to include Gram Panchayats in the case of Karnataka. This was the suggestion of certain Members. So we decided to ponder over this issue afresh. Accordingly the debate was adjourned on that issue. We have now come back with an official amendment that Gram Panchayats are also to be included in the Schedule relating to Karnataka. This is in deference to the wishes of the Members from Karnataka.

SHRI RAM NAIK: There may not be many speakers. Each Member will try to complete his speech within five minutes. We would not take much time.

SHRI SATYA PAL JAIN: Last time two points were raised. They have accepted one point. Another point was—he was here on that day—the MPs and MLAs are ex-officio members of Municipal and Cantonment Boards. The point raised was that by virtue of their being

members, whether they will also be entitled to vote or not. That is also one of the points raised.

SHRI RAMAKANT D. KHALAP: Do not go into the vote and all that. We can understand about Gram Panchayats.

SHRI SATYA PAL JAIN: Members of Municipal Corporations, Cantonment Boards, Zilla Parishads will be entitled to vote. Whether MPs and MLAs who are ex-officio members of the Municipal Corporations and Municipal Committees after the 73rd Amendment, will also be entitled to vote or not in the Legislative Council, was also one of the points raised.

SHRI RAMAKANT D. KHALAP: That will depend on what the Panchayati Raj Act contains.

MR. DEPUTY-SPEAKER: You can express these views while discussing the Consideration Motion. Now Shri Dhananjaya Kumar

SHRI V. DHANANJAYA KUMAR (Mangalore): Hon. Deputy Speaker. Sir, the consideration of this Bill has come up again after the lapse of a long time.

At least now, the Government has awakened to the reality. After the amendments to the Constitution, that is the 72nd and the 73rd Amendments, the local bodies such as *gram panchayats*, *taluk panchayats*, *zila parishads*, the municipal corporations, the town municipalities and the city municipalities have been given a constitutional status. It is now mandatory that none of these bodies can remain without an election for more than six months.

We are now dealing with the election of Members to the Legislative Councils, who are to be elected from the electoral college consisting of the elected members of these local bodies. I would like to bring to the notice of the hon. Minister that there are twenty-five seats in the Karnataka Legislative Council to be filled by the elected members of these local bodies. These bodies will have to elect twenty-five members to the Legislative Council. The term of a Member of the Legislative Council is six years. For the last more than seven years the entire twenty-five seats from the local bodies constituency in the Karnataka Legislative Assembly have remained vacant.

Earlier, we had the system of *mandal panchayats* and *zila parishads*. Of course, there were the municipalities, the municipal corporations and the cantonment boards also. After the amendment to the Constitution, the various local bodies have been redefined: the *gram panchayats* have now taken the place of the *mandal panchayats*; the intermediary *panchayats* called the *taluk panchayats* have been constituted; the *zila*

*parishads* at the district level have been constituted and the structures of the town areas have also been redefined, or, rather reclassified into town municipalities, city municipalities and municipal corporations. The cantonment boards have been constituted and we have a new category called town *panchayats*. With this new Bill, the Government would like to include all these local bodies and bring them into the electoral college of the elected bodies. So, all these local bodies will constitute the electoral college.

My main objection is this. Even today, some of the local bodies are still under the administration of the Administrators. The elections for these bodies are long due. In my constituency in Dakshina Kannada district, none of the local bodies have elected representatives. They do not have elected bodies at all. The elections were last held more than a year ago. Even after the amendment to the Constitution, even after it has become obligatory on the part of the State to hold elections to these local bodies, the elections have not been held. The elections were declared twice, the process of filing nominations was gone through and at the eleventh hour, after the finalisation of the nominations, for one reason or the other, the elections were cancelled. We do not know when the elections would be held. From Dakshina Kannada district two members from the local bodies constituency will have to be elected to the Karnataka Legislative Council. The said two seats will have to remain vacant. We could not elect two members from the local bodies constituency of Dakshina Kannada. Similar is the case with the Bangalore urban district. The Bangalore urban district consists of only the Bangalore Municipal Corporation.

The election to the Bangalore Municipal Corporation is not held. So, now we are in a dilemma as to when we are going to fill up these vacancies in the Legislative Council. Then, yet another dispute may arise. Once the electoral college is duly constituted and the elections are held, as we know the term of an elected member of the Legislative Council would be for six years and one-third of the members would retire every two years by rotation. Now, the dispute is, which are the members among these 25 members elected from the local bodies constituency who would retire at the end of the first two years, which are those members who would be retiring after four years and which are those members who would complete their full term. Probably, a provision has to be made, otherwise there would be great confusion.

I do not know whether the Government would resort to the method of lottery. Normally, in such cases, they always resort to the method of lottery. Whoever is lucky, would get a chance to complete the full term. Rest of the members would retire either at the end of two years

or at the end of four years. Why I am bringing this to the notice of the Government is, due to the lapse and lethargy on the part of the Government, the electoral college could not be properly constituted. And, what was needed was an amendment to the Representation of the People Act, under the changed circumstances, enabling the members of the local bodies to vote in the election of a member to the Legislative Council.

Sir, I, with some reservations, thank the Minister for having agreed to the amendment proposed by some of the hon. Members, especially Shri Anantha Kumar who would dwell on it at length when his turn comes. I do not know for what reasons the Government had committed to include in the original Bill a class of voters, the largest number who are the members of the Gram Panchayats.

In fact, Sir, as we know the life of the local bodies lies in the Gram Panchayats which is the lowest representative body of the voters. The member of the Gram Panchayat would be in a position to take better care of every voter and every citizen in that area. If such a member is kept out of the electoral college and is denied of his right to select a representative to the Legislative Council, then probably the very purpose of electing the representatives from the local bodies constituency to the Legislative Council would have been defeated. Now, rightly the Government has agreed and the Minister himself has proposed an amendment, including the members of the Gram Panchayats also in the electoral college. The purpose for which the representatives are elected from these local bodies constituency to the Legislative Council is very specific.

These local bodies are very often left at the mercy of the State Governments. Though the local bodies are given a constitutional status by making a mandatory provision that they cannot remain under the administration of the administrators for more than six months' period and that elections will have to be held at regular intervals, still there is no provision made for augmentation of the resources. As you know, these local bodies are entrusted with the responsibility of providing basic facilities to the citizens such as drinking water, sanitation, lighting, etc. But many a time, we find that none of these local bodies are in a position to perform their duties. They are not in a position to augment their resources because of lack of funds also. The powers of the authority vested in these local bodies to collect taxes are also taken away one after the other by the State Governments like the entertainment tax, motor vehicles tax and even the professional tax. Now, the State Governments are collecting these taxes; and they, in turn, give a portion of that to these local bodies.

So, to fight for the rights of these local bodies, a due representation in the Legislative Council is very much necessary. There is nobody to speak for these local

bodies, to put up their case and to make a proper representation. I will not be wrong in saying that only such representatives in the Legislative Councils would be in a position to fight for the rights of these local bodies. So, it is a great injustice on the part of the Government to keep these seats vacant for a long period of time which is more than a complete term of an elected representative in the Legislative Council. I wish that at least now, after this Bill is made an Act, the Government should request the Karnataka Government to immediately hold the elections to all these local bodies wherever elections were not held in time, complete the constitution of the electoral college and then take necessary steps to elect the representatives to the Legislative Council.

So far as the other part of the Bill pertaining to the State of Uttar Pradesh is concerned, my leader, Shri Ram Naik would make the submissions. In fact, there are some lapses there also. I do not know why the Government has not come up with a similar amendment, including the members of the gram panchayat. They have omitted the members of the gram panchayat from the electoral college, so far as the State of Uttar Pradesh is concerned. I do not know whether anybody in his Ministry has given some thinking to this or not. But they have blindly drafted it ... (Interruptions)

MR. DEPUTY-SPEAKER: May be, because of elections in UP.

... (Interruptions)

SHRI V. DHANANJAYA KUMAR: *Kshetriya* panchayats are there, but gram panchayat, which is the root of democratic institution is omitted in the case of Uttar Pradesh.

So, I would again request the Government to take immediate steps to give the fruits of this Bill. That is, once this Bill becomes an Act, immediate steps may be taken to fill up all the vacancies in the local bodies; so also, in the Legislative Council so that proper representations could be made and the citizens residing in these areas may get the benefits from the State Governments. Thank you very much.

15.00 hrs.

(SHRIMATI GEETA MUKHERJEE *in the Chair*)

[Translation]

PROF. I.G. SANADI (Dharwad-South): I am grateful to hon. Shri Ramakant D. Khalap. There was utter confusion in Karnataka. Neither the Assembly nor the council were functioning. An agitated atmosphere was prevalent in the whole State. The Government has cleared this atmosphere with a very cool-minded approach and Gram Panchayats which had been left out have now been included to be represented. This is a great obligation done to us. I recollect what Gandhiji had said:

[English]

"Democracy cannot function with a few men sitting in Delhi. It has to be operated from below by the people of every village. This is possible only through Panchayat Raj. A village Panchayat is a basic unit of self-government."

[Translation]

This amendment will ensure that 80,000 to 86,000 elected members of the Village Panchayats will get a right to elect their representatives who could echo the problems of the villages in the legislature to have them solved. This far-sighted step has been enthusiastically received by the elected members of the Gram Panchayats. I conclude by thanking you personally and on behalf of Karnataka.

[English]

SHRI ANANTH KUMAR (Bangalore South): Madam, at the outset, I want to thank the Government for moving this official amendment which also includes the Gram Panchayat Members of Karnataka. But I want to point out at this juncture that only after a protracted battle both in the Karnataka Legislative Assembly and the Legislative Council—it was also fought in both the Houses of Parliament—the Government awoke to this decision. Our Government got enlightened to amend its own steps. I remember a saying that everything is fair in love and war. It can be continued as: 'Everything is fair in love and war and parliamentary practice'. I feel our hon. Minister, Shri Khalap, adopted this dictum and protracted the whole thing to such an extent.

I want to bring one or two things to your kind notice. Twenty-five seats are vacant in the Legislative Council of Karnataka since June, 1994. The Fourth Schedule to the Representation of the People Act, 1950 clearly specifies that the local bodies should also have representation in the Legislative Council. In 1992, the Seventy-third Amendment and the Seventy-fourth Amendment to the Constitution were brought forward for the purpose of giving constitutional rights to the local bodies.

When these constitutional amendments were brought, it was very clear that the local bodies, according to the Fourth Schedule of the RP Act of 1950, comprise city municipal corporations, city municipal councils, town municipal councils, town panchayats, zila panchayats, taluk panchayats, cantonment boards including gram panchayats. I just do not understand as to why the whole thing was delayed so much. There has been a case of flip-flop-flip. Bill No. 13 of 1995 was brought on 20th March, 1995 by the previous Government and in that amendment—the same amendment—gram panchayats were included. But suddenly, when Bill No. 20 of 1996

was presented in this House on 11th July, 1996, the clause relating to gram panchayats was omitted and again today, the 10th September, this has been included as official amendment.

Everytime, the spokespersons and leaders of the Government say, both in the House and outside, that they represent the sons of the soil, the farmers, the landless labourers, the weavers, the fishermen and such downtrodden classes. But by excluding gram panchayat members, they had almost taken away the right, the voice and representation of these grassroot people who would have got their representation otherwise in the Legislative Council.

I am really suprised to see that in both the Houses of the Karnataka Legislature as well as in Parliament, we have to wage a battle to enlighten the Government and to bring to their kind notice that they are saying one thing in their election manifesto and Common Minimum Programme and behaving otherwise while governing the country and giving representation to the downtrodden people, farmers, landless labourers, weavers and fishermen. At last, because of the concerted fight by Opposition benches—I should mention the BJP—and even the Congress members in Karnataka State Legislature and Members of Parliament like hon. Shri Kondaiiah, Prof. I.G. Sanadi, a colleague of mine in BJP, Shri Satpal Jain and Shri Dhananjaya Kumar and others raised this issue in this august forum to give voice to those persons who would have otherwise lost their representation of selecting their representatives to the Legislative Council.

Before concluding, I would just like to bring to your notice that there would have been a dimension of damage. There are 5640 gram panchayats in Karnataka which have 80,627 gram panchayat members. If this official amendment which has been the product of the concerted effort of the Opposition Members had not seen the light of the day, then only 8000 members of municipal corporations, city municipal councils, zila parishads and taluk panchayats would have voted. Whereas more than 80,000 representatives of the farmers would have lost this opportunity.

Therefore, this was the gravity of the situation. At last, the concerted fight of the Opposition Parties has been able to enlighten the Government that according to the 73rd and 74th Amendment of the Constitution, decentralisation means that power, both representative as well as executive, should devolve to the village level, the grassroot level. I think, that has come to stay. I would once again, if I am permitted to say, like to thank the recently enlightened hon. Minister of Law because at last the Government has brought this amendment.

Sir, before concluding I would like to point out that in the State of Karnataka, elections to the two city corporations—Bangalore City Corporation and the

Mangalore City Corporation—have not been conducted. Election to some other local bodies are also due. The elections to these two city corporations are being stalled for the last one and a half year. There are more than 56 lakh people in Bangalore city. It is the heart of the entire State of Karnataka. The Bangalore City Corporation is without any popular mandate and without people's representatives. It is being run by an Administrator. Therefore, I would like to urge upon the hon. Law Minister to persuade the Government to hold elections there. The Party in power at the Centre is also ruling in Karnataka and has their own Government there. Let the elections to these bodies be held immediately; let them seek the mandate of the people; let there not be any scare; let there not be any apprehension about the outcome of the results. The people would give their mandate and the people's voice should ultimately be regarded. I feel that this would be a fitting example of the triumph of the voice of the people.

[Translation]

SHRI RAMASHRAYA PRASAD SINGH (Jahanabad): Madam Chairperson, I welcome the Bill further to amend the Representation of the Peoples Act, 1950. Panchayats are the base and the backbone of administration in our country and it is through the Panchayat that the development of the people of that area can take place. People will be benefited more if the representatives of Panchayat members come in the legislature because they can present the local problems better before the legislature and effectively seek their solutions. It is a very useful Bill, particularly because it will give an opportunity to the Village Pradhans or Mukhiyas to present their point of view at the State level.

[English]

SHRI K.C. KONDAIAH (Bellary): Respected Madam I stand here to support the Bill further to amend the Representation of the Peoples Act, 1950. The Karnataka Government has proposed a Bill that excludes the *Gram Panchayats* from the list of voters for the Legislative Council. The amendment to the Representation of the People Act has been proposed because it appeared that more than 5,600 *Gram Panchayats* are excluded from exercising their right to elect their representatives to the State Legislative councils. In effect, it means that about 80,000 Members of *Gram Panchayats* who have directly been elected by the rural population of India are being deprived of their right to vote for the State Legislative Councils.

These 80,000 members represent the basic grass-root democracy of India.

Representing the common rural masses of India, the Gram Panchayats are involved in day-to-day life of the

common man of rural India, from the landless labourers, village artisans to the farmers at a small scale and to the downtrodden women's community.

This Government has, time and again, claimed that their major plank is poverty alleviation. The highest of poverty is admittedly prevailing in poor rural areas. Depriving the Gram Panchayats from the right to vote is to deprive the poor man to have his representative in the Council. All poverty alleviation programmes have to be implemented at the Gram Panchayat level, whether it is the Awas Yojna or the Vikas Yojana or the Rojgar Yojana. Most of the 20-Point Programme have to be implemented at the Gram Panchayat level for the Gram Panchayat area and by the Gram Panchayats.

It is at the Gram Panchayat level that we are implementing 30 per cent reservation for the women apart from the reservation for the Scheduled Castes, Scheduled Tribes and OBCs. If we do not give the right to the Gram Panchayats to vote for the Council membership, we are depriving women, Scheduled Castes and Scheduled Tribes and the backward classes from having their representatives in the Council.

It is strange to see that only the Gram Panchayats have been excluded from the right to vote when all other local bodies have this right. The Municipal Corporation can vote. The Town Municipal Councilors can vote. The Zilla Parishad members can vote. The Taluk Panchayat members can vote. It is only the Gram Panchayats that cannot vote. The Gram Panchayat is the cutting edge of the Indian democracy. They alone are being excluded.

It is heartening to note that the State of UP has included the Gram Panchayat as voters. Why is Karnataka refusing to honour the Gram Panchayats? Are they afraid of democracy at the grass-root level?

Anyhow, now the Government has come up with an amendment to give gram Panchayats the right to vote to the Legislative Council. I congratulate the Government for at least having agreed to include the Gram Panchayats in it and hence I support this amendment.

SHRI C. NARAYANA SWAMY (Bangalore North): Madam Chairperson, the amending Bill to provide for representation of the Panchayati Raj Institutions at different levels in Karnataka—Gram Panchayats, Taluk Panchayats and District Zila Panchayats—is a welcome one.

There have been provisions for representation of various sections like the teachers and the graduates in the Legislative Council and hence it is very apt that we have brought forward this Bill. In this context, I would like to bring to the knowledge of this august House, through you, that very often elections to the Legislative

council, from local body constituencies, are not held for long periods of time even after the term of the previously elected member is over. We should set a time limit for holding the elections or for filling the vacancy caused due to the expiry of the term of the Member.

In this context I would like to say that we have the 73rd Amendment of the Constitution which has given a statutory basis to the local bodies, both urban and rural, in the country. After the coming into force of this Constitution Amendment, all the States in the country are now bound to have the elected Panchayats. Unfortunately, even though the Eleventh Schedule, as brought in through the Constitution (Seventy-third) Amendment, mentions various programmes and schemes to be implemented by the Panchayats at different levels in the country, in various states though the State Legislatures make a mention of the item relating to the programmes, the Panchayats that are established are not given the freedom to implement or to plan these programmes.

While giving most of the programmes to the Panchayats for implementation or those programmes which are centrally sponsored or which are Central sector programmes where some are from the state sector, guidelines were framed by the Centre and the State. Sometimes uniform guidelines are framed for implementation throughout the country. But with varying degree of local conditions, it is necessary for the Union Government to give freedom to the implementing agencies at the grassroot level to vary the guidelines to suit the local requirements. This is one of the important factors that would enable the local bodies to implement the programmes.

Another important thing is that there is a provision in the Constitution Amendment for compulsory establishment of District Planning Committee at the District level. This District Planning Committee in each District would include members of the Gram Panchayat Raj institutions and Urban Local Bodies like the municipalities and the Corporations. Unfortunately, in many States including Karnataka I should say here that the District Planning Committees have not been formed in the way they should have been formed according to the provisions of the Constitution. There is the mandate under the Constitution Amendment to give powers to the Panchayati Raj institution. The Constitution lays down that it is not just sufficient to establish Panchayats but in order that they function as self-governing institutions, sufficient powers and authority should be given to them. In many States where we have the Panchayati Raj institutions functioning, I am sorry to find that the mandate of the Constitution is not found in the spirit of implementing the provisions of the Constitution because these Panchayati Raj institutions are not given sufficient administrative powers to implement the programmes. They are not given the administrative control over the officials working with the Panchayats. It is a negation of the principle of self-government that is sought to be given to the local bodies.

Though it is a State subject under the Constitution, I would call upon the Union Government, through you, to issue or frame model guidelines so that the States are able to follow them and implement these guidelines by bringing in amendments in their respective State Legislatures. This new measure especially enabling the Panchayat Raj institutions to have their own representatives in the Legislative Council of Karnataka is, as I already said, a welcome measure. Earlier we had Zilla Parishads and Mandal Panchayats between 1987 and 1992. Then in the earlier Local Bodies constituencies the Members of the Zilla Parishad and Mandal Panchayats were given the right to vote in those constituencies.

Now, in view of the Constitution Amendment we have a three-tier set up in Karnataka. As I already said, the Karnataka State has a population exceeding 20 lakhs which necessitates a three-tier Panchayat Raj set up for the State. So, in view of the measures now being taken up, all the representatives of the three-tier are going to be represented in the Legislative Council. I congratulate the Government, both State and the Centre, for having come forward with this measure to enable election of Members of the Legislative Council from the Local Bodies constituencies.

At this juncture, it would not be out of place for me to suggest the general tendency among the legislators, even unfortunately the tendency among some of my own parliamentary colleagues is that everything that the Panchayat is expected to do, we want to interfere and want to do it ourselves.

The Eleventh Schedule of the Constitution, as I said, contains a list of items to be given to the Panchayats. That should be the endeavour of the Panchayats themselves to plan for social welfare schemes and also plan and implement rural development programmes.

So, it should be the endeavour of all of us to support the Panchayati Raj institutions, to cooperate with the Panchayati Raj institutions, and also allow them to function in an independent manner as units of self-Government.

With these few words, I thank the hon. Minister for conceding to bring in an official amendment to enable the Members of the Gram Panchayats in Karnataka also to participate in the election of representatives to local bodies in the State.

[Translation]

SHRI RAM NAIK (Mumbai-North): Madam Chairperson, like the speakers preceding me, I also welcome the Bill and thank the hon Minister for bringing it before the House. However, the Bill has been presented belatedly because the 73rd and 74th Constitution Amendments after being signed by the President came into force on 20th

April, 1993. This means that the Karnataka Legislative Assembly remained deprived of one-third Members due to the inefficiency and incompetence of the Congress Party. It is a serious matter in a democracy not to elect 25 out of 75 members. So, while congratulating the hon. Minister, I also ask the Congress to think of their lapses. It is indeed something very serious that one-third seats of the Assembly remained vacant. However, since it is better late than never, I welcome the Bill.

Representation of the Gram Panchayats in the legislature has been recognised and this Bill has been brought forward with a view to implement that. Even though the Government was late to recognise this obligation, it deserves thanks for correcting the mistake through this official amendment. However, I feel that the Government is discriminating between states in this matter. If you want to give that right to the Gram Panchayats of Karnataka then why not give it to the Gram Panchayats of Uttar Pradesh also, where there are elected Gram Panchayats? Is it because the Prime Minister comes from Karnataka and has nothing to do with Uttar Pradesh? It smacks of discrimination and, therefore, the House must be told why this Amendment has not been applied to Uttar Pradesh and why this discrimination has been done.

When we consider that the vacancies that were existing in Karnataka Legislative Council for 2 or 3 years will now be filled, opening the way for making arrangements for elections, it also comes to the mind that elections in other places will also become due in the days to come. In view of this, I specifically draw your attention to Maharashtra. The difficulties that I am going to mention about Maharashtra may also hold good in respect of several other States after the 73rd and 74th Amendments. Since I know more about Maharashtra, I will place before you the problem of that State and would like you to answer to the point during your reply to the debate. The 73rd and 74th Amendments to the Constitution envisaging Panchayati Raj were heartily welcomed by all sides. Not only there was no opposition to that proposition in Lok Sabha and Rajya Sabha, but all the States also welcomed it enthusiastically. But certain points were forgotten in that enthusiasm. For instance, the present amendment would not have been necessary if provision for representation to District Councils, District Panchayats, Gram Panchayats and Taluka Panchayats was made at that time. However, it does happen that certain things are skipped in our enthusiasm. As example, I want to put the case of Maharashtra only.

Our Minister comes from Goa. Karnataka is situated on its right and Maharashtra on its left. He has attachment to Maharashtra also because of language and visits ...*(Interruptions)* His party is known as Maharashtrawadi Gomantak Party. He is close to Mumbai city. So, he

knows Maharashtra well. The Zila Parishad Act in Maharashtra is in force since 1962. In other words, what we wanted to achieve through the 73rd and 74th Constitutional Amendments for the whole country was already prevalent in Maharashtra since 1962. But a sudden hurdle is to appear soon. In the 73rd Amendment, we have provided in section 343 M-1 that elections to Panchayats in the Scheduled Areas will not be held until notified. In Maharashtra, the term of Taluka Panchayats, Gram Panchayats and District Panchayats is coming to an end in February, 1997. In my constituency of Mumbai-North, there are 4 Assembly seats and the area of Thane, which is a rural area, has 2 Assembly seats. The whole Thane district is an Adivasi area. In this district, there are 6 Panchayat areas that are entirely Adivasi. Besides, 4 Taluka Panchayat areas are half Adivasi and half general. Under the 73rd Amendment, elections in the Adivasi areas will not be held for District Councils. That means that elections for District Councils, Taluka Panchayats and Gram Panchayats cannot take place there. An amendment to the Fifth schedule should therefore, be made, laying down when these elections will take place. If that is not done, a sizeable area will be deprived of elections. Without such an amendment, 11 District Panchayats, 20 Taluka Panchayats which are wholly Adivasi and 27 Taluka Panchayats which are half Adivasi and half general, and 2236 Gram Panchayats will be deprived of election in the State. After February, 1997, a situation will emerge when there will not be any representative of the people in such a big chunk. When election are not held in 11 out of 13 Taluka Panchayats, it means that the entire District Council would be constituted from representatives of 2 Taluka Panchayats only. That would be gross injustice. Therefore, it is my earnest request to you to give a serious thought to this issue. If elections are to take place there in February, 1997, then you will have to bring a constitutional Amendment Bill. Karnataka remained without these elections for nearly 3 years. This should not be repeated in Maharashtra.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP): Mr. Naik, the question you have raised—is it about the Sixth Schedule?

*[English]*

Is it applicable only to Scheduled Areas?  
...*(interruptions)*

SHRI RAM NAIK: Yes. In those Scheduled Areas, there are 11 Zilla Parishads, 20 fully affected Taluka Panchayats, 27 partially affected Taluka Panchayats and 2236 villages.

[Translation]

This, therefore, requires a serious consideration and, for this, you will have to bring a Constitutional Amendment Bill. Only 2 or 3 days are now left when this session will be over, so, it would not be possible to bring it now. But you should come forward with the necessary amendment during the session beginning in December. If you want to do it before that, it can be done through an Ordinance. It is another thing whether an ordinance can be issued or not for amending the Constitution—that you have to see.

SHRI P.R. DASMUNSI (Howrah): Today Lodhaji is not present here at the moment. He has objection on ordinance. If the ordinance is to be issued, it can be done only after getting his permission.

SHRI RAMAKANT D. KHALAP: We will have to obtain necessary advice for this.

SHRI RAM NAIK: If the people get their franchise through the Ordinance, it is worth it. However, it is to be considered whether an Ordinance can be issued to amend the Constitution. In any case, you will have to bring this Bill in the Winter session. The Scheduled Tribe people of Maharashtra must not be deprived of their right to vote. Like Maharashtra, there might be some other States also affected by the same malaise. It would, therefore, be better to take an integrated view and then bring a Bill. With these words I conclude and thank you.

[English]

MR. CHAIRMAN: Now, the hon. Minister will reply.

SHRI SATYA PAL JAIN: Madam, two amendments were proposed by me. If you permit, I will take one or two minutes to clarify my amendments. ... (Interruptions)

MR. CHAIRMAN: Let the hon. Minister reply now. When we take up the amendments, at that time I will allow you.

Since you have already participated in the discussion, your amendments can be moved as such.

SHRI SATYA PAL JAIN: Madam, when I was speaking last time, the hon. Minister withdrew the Bill and said that he would bring an amended Bill next time. Therefore, it was adjourned. I will not take more than two minutes. If you permit me to speak now, then there will be no need for me to speak on my amendments. One of them has been accepted and the other has not been accepted. With a view to save time, if the hon. Minister permits, Madam, you can allow me to speak for two minutes. I will not speak for more than two minutes.

MR. CHAIRMAN: All right.

SHRI SATYA PAL JAIN: Madam, I have moved two amendments. One was about the introduction of this clause in both Uttar Pradesh and Karnataka. I am very thankful to the hon. Minister because he has accepted one. In Karnataka, they have now introduced an amendment in the Act that the members of the Gram Panchayats and Sarpanchs would be entitled for voting and for electing representatives to the Legislative Council. I am very happy about it.

The second one was about Uttar Pradesh. Now, as Shri Ram Naik has pointed out, it is a very strange thing. By the same Act, in Karnataka, the members of the Gram Panchayats and Sarpanchs will be entitled to cast their votes for electing representatives to the Legislative Council but they will be deprived of the same right in Uttar Pradesh. There is no justification for that. I would like to seek a clarification and also an assurance from the hon. Minister. In spite of the fact that there are Municipal Committees, Corporations, Gram Panchayats and all that, the elections are not held for a very long time.

For example, I come from the Union Territory of Chandigarh. In my constituency, the Municipal Corporation was created three years back. Parliament provided that by an Act. But no elections have been held so far. No elections have been held to the Zilla Parishad. No elections have been held to Panchayat Samiti. I want only one thing. Let the Minister kindly assure that wherever these institutions are there—may be in Uttar Pradesh, Karnataka, anywhere Gram Panchayat, Panchayat Samiti, Zilla Parishad, Municipal Corporation, Municipal Cantonment Board, whatever it is, the Government should ensure the elections within a reasonable time. This is the only thing that I want from him. Thank you very much for giving me the time.

MR. CHAIRMAN: I allowed him because he specially requested. Since he has already participated in the discussion, at the time of moving the amendment, he will not speak on that.

THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS, LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP): Madam Chairperson, I am grateful to all the hon. Members who were kind enough to congratulate me for agreeing to amend this Schedule to the Representation of People Act in regard to inclusion of Gram Panchayats in Karnataka. I accept these congratulations with all humility.

However, I also wish to make a point that we have to look at this in the context of the existence of Legislative Councils in different States of our country. As far as may knowledge goes, in just about four States we have the



Legislative Councils. So the question that we are not permitting gram panchayats to have representation in the Council does not appear to be a point which can be universally applied.

Madam Chairperson, in the Fourth Schedule to this Representation of People Act, we have Bihar, Madhya Pradesh, Maharashtra and Karnataka. And in this Schedule as it existed or as it exists till now, we find that in none of these four States, Gram Panchayats have been included in the electoral colleges. In this Amendment now we are considering only two States. We are considering Karnataka and Uttar Pradesh.

I have a letter here which we received from the Government of Uttar Pradesh. It very clearly states that the new nomenclature of local bodies specified under Schedule is being mentioned. The important portion is here. Pradhans of Gram Panchayats are ex-officio Members of the concerned Kshettra Panchayats which are included in the Fourth Schedule. There are about 58,000 Gram Panchayats in the State. If these Panchayats are included in the Fourth Schedule and their members totalling about six lakhs will have to be registered in the electoral roll of the concerned constituencies. Since the Gram Panchayats get the representation through their Pradhans, the State Government is of the view that it is not necessary to include Gram Panchayats in the Fourth Schedule.

In fact, this argument which is put forward by Uttar Pradesh is also applicable to Karnataka because in Karnataka also, the Taluk Panchayats give representation to the Gram Panchayats and one-fifth of the Adhyakshas get a representation in the Taluk Panchayats for a period of one year and this changes by rotation. Now the very concept of local council is this that it is not election by adult Panchayats and representation is given in an indirect manner.

If you also go through these provisions as laid down in the Constitution, Article 243 (c), sub Article 3, it says as under.

"The Legislature of a State may by law provide for the representation (a) of the Chairpersons of the Panchayats at the village level—in the Panchayat, it is at the intermediate level—or in the case of a State not having Panchayats at the intermediate level, the Panchayat at the district level; (b) of the Chairpersons of the Panchayats at the intermediate level in the Panchayats of the district level."

Similarly, it says that the Members of the House of the people and the Members of the Legislative Assembly of the State representing constituencies which comprise wholly or partly a Panchayat area at a level other than the village level in such Panchayats.

SHRI V. DHANANJAYA KUMAR: That is so far as the panchayat is concerned.

SHRI RAMAKANT D. KHALAP: Yes. Here, what has happened is that the lowest rung of our panchayati raj, is given a representation at the intermediate level and the members of the intermediate level get a representation at the district level. So, this has been the ladder of representation so far as the panchayati raj is concerned, as laid down in Article 243(c).

Since it was the desire of Members from Karnataka from different political parties which are represented in this House and also the wish of the Karnataka Government and, of course—the credit also goes to the hon. Prime Minister, who responds to the wishes of the Members of this House—we decided to accede to this request and bring about this amendment.

Now, some more questions have also been raised. One of the question, particularly raised by Shri Dhananjaya Kumar is whether M.Ps who are members of local authorities, will be entitled to vote or not.

Therefore, I will request the hon. Member to read with me Section 27 sub-section (2) of the Representation of the People Act, 1950. It says and I quote:

"For the purpose of elections to the Legislative Council of a State in any local authorities' constituency—

- (a) the electorate shall consist of members of such local authorities exercising jurisdiction in any place or area within the limits of that constituency as are specified in relation to that State in the Fourth Schedule;
- (b) every member of each such local authority within a local authorities constituency shall be entitled to be registered in the electoral roll for that constituency."

Now, Members of Parliament, as per Article 243(c), sub-article 3(c), again Legislature of a State may by law provide for the representation of the Members of the House of the People and the Members to the Legislative Assembly of the State representing constituencies which comprise wholly or partly a panchayat area at a level other than the village level in such panchayats.

Therefore, if a Member of Parliament becomes a member of the local panchayat, automatically he gets a right to vote. So, your right to vote even at that stage has not been taken away.

The second question he asked was why was it that the village panchayats were excluded from electoral college in the first instance. I have given this answer in my opening remarks itself that initially the gram panchayats were not included. Now, the demand has come.

SHRI ANANTH KUMAR: Earlier, it is very clearly said that in Karnataka Municipalities and Mandal Panchayats were there. What are Mandal Panchayats? Mandal Panchayats are group of villages and even Gram Panchayats are group of villages. There is only change in the nomenclature.

SHRI RAMAKANT D. KHALAP: You mean to say Mandal Panchayats and Group Panchayats are the same.

SHRI ANANTH KUMAR: It is almost the same, except for the population.

SHRI C. NARAYANA SWAMY: Earlier, mandal panchayats in Karnataka were set up for a population of 10,000 each. The present Gram panchayat represents a population of 3,000 to 5,000 each.

SHRI ANANTH KUMAR: Gram panchayat does not mean a panchayat for one single village. Gram panchayat is for two or three villages. Mandal panchayat is for three or four villages of 10,000 people. There is only a small variation of the nomenclature.

SHRI RAMAKANT D. KHALAP: I thank you for this information. There has been basically a difference between a village panchayat and a mandal panchayat, either it may be in terms of the population or in terms of the number of villages which form the group. Probably, we can compare this with the *chitra* panchayats of Uttar Pradesh.

The hon. Member has also raised the issue of augmentation of resources of village panchayats, etc. I think that issue does not really pertain to the discussion that we have in this House.

I now come to hon. Shri Ram Naik and, first of all, thank him for raising a very important issue.

In connection with elections to the Scheduled Areas, there is also a provision in Sub-Article 4(b) of Article 243M which says:

"Parliament may, by law, extend the provisions of this Part to the Scheduled Areas and the tribal areas referred to in clause (1) subject to such exceptions and modifications as may be specified in such law, and no such law shall be deemed to be an amendment of this Constitution for the purposes of article 368."

I do not know whether I can make use of this particular provision. But I will assure the hon. Member that first of all I accept the proposal that the Panchayati Raj System should be universally made applicable to all the areas, whether they are Scheduled Areas or non-Scheduled Areas. If the Scheduled Areas are deprived of this particular provision, some steps have to be taken to see that they also get the benefits of Panchayati Raj

System. Therefore I will examine this issue in greater detail and if at all a law has to be made under these provisions of the Constitution, we will take steps to bring that law. Now, we have intervening period between this Session and the Winter Session. During that period, we will study this and hopefully, before the date for elections in Maharashtra which is declared as 2nd February, we may be in a position to enact a law and thereby provide Panchayati Raj System in Scheduled areas of not only Maharashtra but also other States, if it is required in such States. I hope that this assurance will satisfy the hon. Member.

SHRI V. DHANANJAYA KUMAR: What about taking steps to hold immediate elections to the local bodies for which elections have not been held for a long time? The electoral college will not be complete unless elections to these bodies are held. The very purpose of the Bill will be defeated.

SHRI RAMAKANT D. KHALAP: Let me tell you that these elections to the local panchayats have to be held by the concerned States. How can I direct them?

SHRI V. DHANANJAYA KUMAR: You will have to impress upon them. Otherwise, the very purpose of this Bill will be defeated ...*(Interruptions)*

*[Translation]*

VAIDYA DAU DAYAL JOSHI (Kota): Have the elections completed in your own state of Bihar first ...*(Interruptions)*

PROF. RASA SINGH RAWAT (Ajmer): The Central Government had decided that ...*(Interruptions)* the elections to Panchayats and Councils in all the States should be held before ...*(Interruptions)*

*[English]*

MR. CHAIRMAN: All of you are speaking. Let Shri Naik speak.

SHRI RAM NAIK: You may not direct the State Election Commission, but you can just bring to their notice the feelings of the House.

SHRI RAMAKANT D. KHALAP: We will advise them to abide by the provisions of the Constitution.

SHRI RAM NAIK: Yes, Please also advise them to hold the elections early. That is the sense of the House. It should be communicated.

SHRI V. DHANANJAYA KUMAR: We are not asking for any mercy. It is a constitutional right after the Seventy Third and Seventy Fourth Amendments to the Constitution.

MR. CHAIRMAN: He has not said that you are asking for any mercy or not. All that he has said is that it is the duty of the State. Naturally all of you are there also.

SHRI B.L. SHANKAR (Chikamagalur): Madam Chairperson it is not correct that elections are not held in Karnataka, 99 per cent of the elections have been completed for all the local bodies except one district where Shri Dhananjaya Kumar belongs to. Shri Anant Kumar, only two districts—Bangalore City and South Canara—have been left.

SHRI ANANTH KUMAR: It is the State Capital which has been left. Without conducting these elections, the representation of local bodies become unfulfilled to that extent. You conduct a time-bound election. ...*(Interruptions)*

SHRI B.L. SHANKAR: It is we who conducted elections to Zila Panchayat, Taluk Panchayat and municipalities. It is not correct ...*(Interruptions)*

MR. CHAIRMAN: All of you have spoken peacefully. You have made a point. Now, when you go back to Karnataka, I am sure you can settle it there.

...*(Interruptions)*

MR. CHAIRMAN: There are many other things also.  
*(Translation)*

VAIDYA DAU DAYAL JOSHI: Will the hon. Minister hold elections in Bihar?

*[English]*

MR. CHAIRMAN: This cannot go on. I have given an opportunity to everyone. Now, the Minister has to conclude.

SHRI SURESH PRABHU (Rajapur): May I ask a question to the hon. Minister?

SHRI RAMAKANT D. KHALAP: Madam I am prepared to answer if you give the permission.

SHRI SURESH PRABHU: Madam I would like to know from the hon. Minister that whether up to the Seventy Third and Seventy Fourth Amendment of the Constitution, in whichever State it is, if the elections are not held, what are the penal provisions possible for a citizen to invoke?

What type of remedial measure the Central Government is contemplating; or is there any provision in the 73rd and 74th Constitutional Amendments itself to make sure that those amendments are put into being in all the States?

SHRI RAMAKANT D. KHALAP: Madam, there are constitutional provisions which have to be abided by all the States and all the citizens. They are binding on us. If any State does not go along as per the provisions of the Constitution, there are courts. You can approach the courts and ask for implementation of those provisions...*(Interruptions)*

MR. CHAIRMAN: Now, I will put the motion for consideration.

SHRI RAM NAIK: Madam, is the reply of the Minister over?

SHRI RAMAKANT D. KHALAP: My statement is over. I have given you the assurance about the schedule areas, proper steps will be taken very soon. Secondly, where the elections are not held, we will call upon the concerned State Governments to see that the elections are held at all levels right from villages to the Zilla Parishad and also municipality levels.

*[Translation]*

PROF RASA SINGH RAWAT (Ajmer): When the 73rd and 74th Amendments to the Constitution were passed the then Government had declared that the funds allocated for rural development will not be released to the States which do not hold the elections within the prescribed time-limit. I want to know whether any warning has been issued to the States that have not so far held elections to the Panchayats or other autonomous bodies.

MR. CHAIRMAN: How can he answer that?

*[English]*

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Representation of the People Act, 1950 be taken into consideration."

*The motion was adopted.*

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration of the Bill. Shri K.C. Kondaiiah, are you moving your amendment to clause 2?

SHRI K.C. KONDAIAH: I am not moving.

## Clause 2

*Amendment made:*

Page 2,—

for line 10, substitute—

"7. Grama Panchayats,

8. Cantonment Boards." (6)

(Shri Ramakant D. Khalap)

MR. CHAIRMAN: Shri Satya Pal Jain, are you moving your amendment?

SHRI SATYA PAL JAIN: Madam, as my amendment has already been accepted by the Government, I am not moving it.

MR. CHAIRMAN: The question is:

"That clause 2, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

**Clause 1**

*Amendment made:*

Page 1, line 3,—  
for "(Amendment)"  
substitute "(Second Amendment)" (5)

(Shri Ramakant D. Khalap)

16.00 hrs.

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause 1, as amended, was added to the Bill.*

MR. CHAIRMAN : The question is :

"That the Enacting Formula and the long Title stand part of the Bill."

*The motion was adopted.*

*The Enacting Formula and the Title were added to the Bill.*

SHRI RAMAKANT D. KHALAP: I beg to move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

16.01 hrs.

**JAMMU AND KASHMIR BUDGET, 1996  
AND  
DEMANDS FOR GRANTS—JAMMU AND KASHMIR**

[English]

MR. CHAIRMAN: Now, we shall take up item Nos. 3 and 10 together.

Motion moved:

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the Fourth column of the Order Paper, be granted to the President out of the Consolidated Fund of the State of Jammu and Kashmir to *complete* the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1997, in respect of the heads of Demands entered in the second column thereof against Demand Nos. 1 to 27."

**Demands for Grants—Budget (JAMMU AND KASHMIR) for 1996-97 submitted to the Vote of Lok Sabha**

No. and Name of Demand		Amount of Demands for Grants on Account voted by the House on 12.3.96		Amount of Demands for Grants submitted to the vote of the House	
		Revenue Rs.	Capital Rs.	Revenue Rs.	Capital Rs.
1	2	3		4	
1.	General Administration Department	14,13,17,000	1,35,30,000	14,13,18,000	1,35,30,000
2.	Home Department	149,76,47,000	3,59,45,000	209,76,46,000	3,59,45,000
3.	Planning and Development Department	2,80,66,000	2,95,85,000	2,80,66,000	2,95,86,000
4.	Information Department	2,68,27,000	32,18,000	2,68,27,000	32,17,000
5.	Ladakh Affairs Department	63,09,62,000	32,89,12,000	...	...