

[Sh. Rajiv Gandhi]

historic moment 47 years ago when Mahatma Gandhi launched the final phase of our struggle for freedom. It is a most appropriate occasion for us to honour our noble Swatantrata Sainanis.

When our freedom fighters launched themselves selflessly into the Independence Movement, they sought nothing for themselves while giving their all for the country. Their struggle was for a principle, not for material gain. Their cause was a great ideology, not a narrow chauvinism. Their goal was the freedom of India, and the freedom of all Indians, not a personal or selfish aim. Their higher objective was the end of Empire everywhere and liberty for all the oppressed peoples of the world.

As the beneficiaries of their sacrifice, the duty falls on our generation to extend to them the assistance they so richly deserve, but do not demand.

As a token of our gratitude, appreciation and regard for the swatantrata Sainanis, I am happy to make the following announcements:

- (i) The pension being paid to freedom fighters under the Swatantrata Sainik Samman Pension Scheme 1980 will be enhanced for the freedom fighters, their widows and dependants with effect from 14-11-1988. The rates of pension will be raised from Rs. 500/- p.m. to Rs. 750/- p.m. for the freedom fighters and their widows. The pension of those freedom fighters, who underwent imprisonment outside India for a minimum period of 5 years, will, however, be raised from Rs. 800/- p.m. to Rs. 1,000/- p.m. The rates of pension for their dependants are also being raised;
- (ii) The scheme for free travel by Rail will be extended beyond 18-11-88 for the life time of the freedom fight-

ers; and

- (iii) For the first time, the facility of free Rail travel will be extended to the widows of the freedom fighters.

Sir, I am sure the entire House will wish to join me in wishing our freedom fighters good health and long life.

Thank you.

PROF. SAIFUDDIN SOZ (Baramulla): Many thanks for this progressive and benevolent measure. But what about ex-MPs?

SHRI RAJIV GANDHI: Sir, I would be looking forward to the hon. Member earning a salary for the next term and not looking forward to a pension!

PROF. N. G. RANGA (Guntur): With your permission, Sir, I would like to thank the Prime Minister and the Government for the concessions and the Samman offers they have made today on this sacred day on behalf of the All India Freedom Fighters Organisation and the lakhs of freedom fighters who are fortunately still alive and their wives and dependants.

CONSTITUTION (SIXTY-FOURTH
AMENDMENT) BILL AND CONSTITU-
TION (SIXTY-FIFTH AMENDMENT) BILL-
CONTD.

17.40 hrs.

[Translation]

SHRI MOHD. AYUBKHAN (Jhunjhunu): Mr. Speaker, Sir, Mahatma Gandhi provided a model of the nation, Pandit Jawaharlal Nehru infused life in it, Shrimati Indira Gandhi nourished it with her blood and Shri Rajiv Gandhi has taken up the responsibility of realising the dreams of these three leaders. It is a fact that sacrifice never goes unrewarded. The sacrifice made by late Shrimati Indira Gandhi for the unity and integrity of the

country is unparalleled. Such an example of a woman making a sacrifice of this magnitude cannot be found anywhere else in the world.

After this great sacrifice the gracious almighty bestowed us with an angel like successor in Shri Rajiv Gandhi. Keeping in view the aspirations of crores of people of the country and taking their needs into consideration he has fulfilled his duty and translated his dream into action.

Shri Rajiv Gandhi not only fulfilled the expectations which people had from him but did even more. He undertook extensive tour of the country and visited every corner of it including the desert areas, the hill areas and the coastal areas and literally went inside the huts of the poor people to get first hand information of their living conditions. On getting first hand account of their miserable lives he felt the need for bringing some bills for their amelioration, such as the Panchayati Raj Bill and the Nagarpalika Bill which have been introduced in the House.

Nowhere in the world shall we come across the kind of provisions that have been included in the bills under consideration. I would request that some sort of memorial should be erected to commemorate these two Bills and the dates on which they were introduced viz., 15th May and 7th August, on the lines of Ashoka Pillar or the Kutub Minar. This memorial should be erected in Delhi so that people from different parts of the country could come and see it and it could become an everlasting memory for the future generations. While writing the history of the country, the historians should write in golden letters about the period when under the Government of Shri Rajiv Gandhi, these two bills were brought for the betterment and welfare of the people.

No amount of praise would suffice for these bills. I would like to make an appeal that the facilities which have been provided for the Scheduled Castes and Scheduled Tribes and women should be extended to the minorities as well. The 15 point pro-

gramme for the minorities should be done away with and facilities provided through this Bill.

My friend, Shri Shahabuddin is not present here, but I want to emphasise that for a true Muslim, his motherland and his integrity are sacred. Shri Rajiv Gandhi has shown that the Shariat will be given due protection in this country. The Muslims should not forget this kindness forever as they would not find this sort of a favour even in Islamic countries. The measures taken by the angel-like Prime Minister Shri Rajiv Gandhi for the betterment and progress of the poor in the form of these Bills are laudable and I support them whole-heartedly. It has received appreciation in every corner of the country and it is being felt that the Hon. Prime Minister has not only fulfilled the aspirations of the people but has done even more than what was expected of him.

In the Panchayati Raj Bill, a provision should be made for the participation of the ex-servicemen as well. This is a large community consisting of pensioners of the Defence Services. Reservation should be made for them as well so that after their retirement they can also join the national mainstream in the development effort and participate in activities mean for the betterment of rural and urban areas.

I would like to give one or two more suggestions. The Chairmen of the Nagarpalikas should be elected directly so that there is no discrimination in the matter of their selection. The same process of election should be adopted for both the Nagarpalikas and the Panchayats so that honest people occupy these seats and the shortcomings in the functioning of Nagarpalikas and the Panchayats could be removed. What I mean is that efforts should be made to ensure that the provisions of the Bill are implemented properly.

The existing Nagarpalikas of Jhunjhunu and Sikar in Rajasthan cover a population of 60 to 70 thousand each. If facilities which are available to the Municipal Councils are ex-

[Sh. Mohd. Ayub Khan]

tended to the Nagarpalikas of these two cities, it will be possible to ensure development of those areas. Rajasthan has a common border with Haryana. Shri Devi Lal has given a slogan that if their party is voted to power, they will write off all loans upto Rs. 10 thousand. This sort of illusion must be removed forthwith. This is a hollow slogan and has been raised with an eye on the elections. They should be stopped from doing so.

The Opposition Members are not occupying their seats any more. The way they all resigned on the pretext of the Bofors deal is ridiculous. When Bills are being brought with the intention of upliftment of the Scheduled Castes and Scheduled Tribes in particular and the common man in general, the opposition benches are empty. To resign on the issue of a gun which is meant for defending the borders seems to be ridiculous. Who would be a bigger ** than them? The people who cannot respect their motherland, can do no good to the nation. They cannot be anyone's well-wisher. They work against the interest of the poor people. They are going to make the Bofors gun as the main issue in the coming elections and you can well imagine the detrimental effects such as an act is going to make. The Government should pay attention in this direction.

I am very grateful to you for giving me an opportunity to speak. I thank you very much.

SHRI DHARAM PAL SINGH MALIK (Sonapat): Mr. Speaker, Sir, I rise to support the Constitution (Sixty-fourth Amendment) Bill and the Constitution (Sixty-fifth Amendment) Bill. I would like to thank the Hon. Prime Minister on behalf of all the citizens of the country. I would like to put forward two or three points in connection with these Bills.

Some people had made efforts to bluff the people by resigning over the issue of Bofors and delude them into thinking that they have made a big sacrifice for the country. But the people have been able to see

through their design. It was a mistake on their part to have thought on these lines. They presumed that as the House would be dissolved within a day or two, they should resign a day or two earlier so that the people are made to think that they have made a great sacrifice and the people would give them accolades for it. But the people were able to see through their designs. The opposition Members feared that once this historic step was taken by Shri Rajiv Gandhi to realise the dream of Mahatma Gandhi and Pandit Jawaharlal Nehru by introducing these two Bills which seek decentralisation of power to the grassroot level, the power will actually be transferred into the hands of the 80 per cent population living in the rural areas. They feel that of these two Bills were passed and the Constitution was amended accordingly, the people of India would be very grateful to Shri Rajiv Gandhi. It goes to his credit that these Bills were introduced paying little heed to the resignations tendered by the opposition Members, because he is committed to work for the welfare of the common man of the country and for which he deserves to be thanked. If we pay attention to the existing system of Panchayats in any part of the country, we shall find that the village panchayats and the Sarpanches do not enjoy and freedom.

17.51 hrs.

[MR. DEPUTY SPEAKER *in the Chair*]

The Sarpanch is elected by the people of the village but he remains under constant pressure from the local MLA or the B.D.O., P.O. etc. because they are empowered to suspend him or even dismiss him. I think that after the passage of the Panchayati Raj Bill, the elected Members of the Gram Panchayats and the Sarpanches will no longer be influenced by local politicians or Government functionaries and will be free in the real sense. So far, they have been at their mercy and it has been the root cause of all the corruption prevailing at the grass root level. A major portion of the funds allocated for implementing different development pro-

grammes was being pocketed by the middlemen and the money was not being utilised properly with the result that needed development did not take place. With the implementation of the provision of this Bill, rapid development will take place because funds will no longer be misutilised.

In the gram panchayat elections held in Haryana in 1987 when the B.J.P. and Lok Dal came to power, Rs. 1-2 lakh were spent on electing the gram pradhan of each village whose total Budget for 5 years was Rs. 20 thousand. Thus the official posted there who was responsible for conducting the elections cornered funds because the system was such that the votes of one ballot box could be transferred to another ballot box. The local officials, who have to work under the pressure of the political leaders, i.e. M.L.As. and Ministers, have been exploiting and extorting money from the villagers who have been considering the panchayati raj as the very basis of their existence. Thus when the Election Commission conducts elections they will get huge benefits. In August, 1987, after the present Government came to power in Haryana, the Nagarpalika elections were conducted in that state. I would like to tell, for example, that there is no such nagarpalika where at least 3-4 members have not been ex-stooges of the Chief Ministers or their sons. In their towns, the officials were told that some particular individuals were to be declared elected at any cost. In Panipat it so happened that a person who contested on the Congress ticket for the Nagarpalika elections, was declared elected by 200 votes. Later on, the Chief Minister's son rang up to say that the Lok Dal candidate was to be declared elected. After that, re-counting of votes was done repeatedly and when it was asked as to how many times re-counting had to be done the returning officer replied that it would continue as long as the Congress candidate was not declared defeated. Thus in the said case, re-counting was done 8 times and ultimately the Lok Dal candidate was declared elected. I hope that such problems will be taken care of in this Bill. But I would like to point out one thing to the hon.

Union Minister Shri Bhajan Lal, who is a very influential and seasoned politician and vast political experience in this field right from the level of Sarpunch to the rank of a Cabinet Minister, that the non-Congress ruled states want to frustrate our efforts and with the help of the Deputy Commissioners they are trying to get such guidelines issued that the very purpose of the scheme is not served and the scheme turns out to be a failure.

With these words I would like to thank you for having granted me time to speak. I support both these Bills.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETROCHEMICALS IN THE MINISTRY OF INDUSTRY (SHRI P. NAMGYAL): I propose that the time of the House be extended by one and a half hours.

SOME HON. MEMBERS: By one hour.

SHRI P. NAMGYAL: There are many more Members who want to speak. Let it be extended by one and a half hours.

MR. DEPUTY SPEAKER: If the House agrees, the time of the House may be extended by one and a half hours.

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY-SPEAKER: The time of the House is extended till 7.30 p.m.

Now, Shri Lal Vijay Pratap Singh.

[Translation]

SHRI LAL VIJAY PRATAP SINGH (Sarguja): Mr. Deputy Speaker, Sir, I heartily support the Constitution (64th and 65th Amendment) Bills presented by the Hon. Prime Minister.

You are aware that numerous revolu-

[Sh. Lal Vijay Pratap Singh]

tionary programmes have been organised under the leadership of the Hon. Prime Minister Shri Rajiv Gandhi. I personally feel that when the Panchayati Raj Bill becomes operative it will materialise the most cherished objective of the Bill brought forward by Shri Gandhi. Keeping this in view I would like to submit a few points. You know that such an important Bill is pending in the Parliament and as soon as our Opposition Members realised that after the Bill was cleared by the House, the entire credit of it would go to the ruling party and thus they might have to face defeat in the coming elections, they felt it the most opportune moment for gaining cheap popularity. Hence they resigned from the House and tried to create such circumstances as not to allow this Bill to be cleared by the House. In order to lodge their active protest against the Bills by which people were going to be benefited i.e. 70 per cent of them by the Panchayati Raj Bill and 30 per cent by the Nagar Palika Bill, they finally boycotted the proceedings of the House and tendered their resignations.

I would like to humbly submit in the House that regarding the Panchayati Raj Bill it is said that it was introduced in great haste and the members of the opposition took the step of tendering their resignations only because they did not get enough time to study it seriously. This is my humble submission that Panchayati Raj system is not a new thing for this country. It finds a mention even in our Upanishadas, and other religious scripture like Mahabharat and Ramayana and *Panchs* have been termed as *Parmeshwar* (God) in these books. This can be clearly understood that we have been the upholders of Panchayati Raj since ancient times.

18.00 hrs.

Our Constitution framers had made a very good arrangement for giving it a new form. This finds a mention even in Article 40. Mahatma Gandhi had also made a lot of efforts for ushering in the Panchayati Raj system in this country. Unfortunately there is

no other provision except Article 40 in our Constitution to support the cause of Panchayati Raj system to get it uniformly implemented in each state. Probably it is due to these factors that there has been no uniform pattern of Panchayati Raj in our country.

Sir, keeping these things in view, our present leaders made several efforts and appointed a number of commissions in this regard. In this very context the Balwant Rai Mehta Committee was also constituted and in accordance with its recommendations a number of states adopted the Panchayati Raj system of their choice to suit their requirements.

Sir, apart from this, a number of other commissions viz. Ashok Mehta Commission, G.V.K. Rao Commissions and L.M. Singhvi Commission were also appointed. Besides, the Sarkaria Commission has also made a mention of it. Thungan committee, which was a sub-committee of the Consultative Committee also studied it in dept. The Hon. Prime Minister also dwelt on it in detail and depth on various occasions and in a number of conferences such as Chief Ministers' Conference, Chief Secretaries' Conference and the Collectors' Conference. He also discussed it in his meetings with all such people who were directly concerned with it. On the basis of the conclusions of all these people, the Hon. Prime Minister has tried to bring about such a system in this country which may be a source of relief for all the people in our country. Only thereafter the Constitutional 64th and the 65th (Amendment) Bills have been introduced in the House.

Sir, even after such an indepth analysis, the Opposition Members say that there are still several drawbacks in it. In this regard I would like to make a point. Recently a seminar was held under the aegis of the Indian Parliamentary Group. Dr. Bal Ram Jakhar and Dr. Kashyap had invited the speakers of all the State Legislative Assemblies besides the various experts on Panchayati Raj. Even in this seminar this subject was discussed in depth.

All these things are worth consideration. Even after all this, I do not think it is right to say that someone was not consulted. It is not possible that even after all these consultations, some lacunae have been left in it. We should contest such a misleading view, no matter what cost we have to pay for it.

The activities of the Opposition to gain cheap popularity are very disgraceful. We should face it boldly. I wanted to make a number of points. Since we are short of time, I would like to conclude with my support to the Panchayati Raj and the Nagarpalika Bills which have been presented here in the House.

SHRI K.D. SULTANPURI (Simla): Mr. Deputy-Speaker, Sir, much has been said about these Amending Bills, I would also like to say a few things on this subject. I support the 64th Amendment Bill on Panchayati Raj and the 65th Amendment Bill relating to Nagar Palikas presented by the Prime Minister on 15.8.89 and 7.8.89, respectively.

As far as Panchayati Raj is concerned, the real democracy may be found in Gram Panchayats. The Hon. Prime Minister is to be congratulated for granting authority to Panchayats on the pattern of the authority enjoyed by the Parliament, State Assemblies and Zila Parishads. I have had the experience of being Chairman and Member of the Panchayat Samiti and Chairman of the Zila Parishad. Pandit Jawaharlal Nehru had first called us in Chandigarh and said that there may be possibilities of mistakes in Panchayati Raj but roots of democracy lie in Gram Panchayats. We have to strengthen this system. It is our misfortune that bureaucrats, who did not favour the Panchayati Raj System, created impediments in its implementation thus frustrate the dream of Mahatma Gandhi and Pandit Jawaharlal Nehru.

The idea of Panchayati Raj has been widely discussed in the country before this issue reached the Parliament. People in the country have understood that power is being transferred to the people living in villages and towns. Some State Governments have

said that their authority is being eroded and their rights are being curtailed by the Central Government. But the letter is only trying to transfer this authority to the villages. Today, the Opposition says that this is not a proper step. The Opposition has always protested against all progressive measures that have been introduced in this House, be it regarding abolition of privy purses, land ceiling or lowering of the voting age to 18 years. In the same way, the present bills on Panchayati Raj and Nagar Palikas have been countered by the opposition. They have opposed virtually all the revolutionary steps taken by the Government. But, the public is quite alert regarding their designs. As the Hon. Prime Minister has struggled for the cause of the Non-aligned nations, he has taken steps to grant power to backward classes and women who had hitherto been an exploited lot. I expect to hear protests from some State Assemblies also. In fact, they want Door-darshan to stop showing Hon. Rajiv Gandhi on T.V. and start showing those who are virtually critics our rural folk.

I would like to inform you that the Chief Minister of Haryana brought certain anti-social elements to Himachal Pradesh a few months back. Their sole objective was to create disorder. On the day their rally was to be held there was continuous rainfall which thwarted their attempts. When the Himachal Pradesh police stopped them on the border it was found that all of them were drunk. This incident sparked off a controversy in the country and the Congress Government was branded as undemocratic, which was not. The people of Himachal Pradesh did not join their rally. They say that they want to get the loans of Himachal farmers upto Rs. 10,000 waived. I want the Central Government to keep an eye on such Chief Ministers who talk of waiving the loans of farmers of other states while they do not waive a single penny of farmers in their own States. People who are indulging in such talks do not have the nation's interest in mind. Strict action should be taken against them. The Panchayati Raj Bill provides for a very sound system of releasing funds. The Finance Commission will make such arrangements in the States.

[Sh. K.D. Sultanpuri]

In my States, we have a Cantonment Board which has elected members. But they have to function under bureaucrats. Civil population is also there in the cantonments. The Hon. Prime Minister should see that on the pattern of the rights given under Constitution (65th Amendment) Bill, Cantonment Boards are also given full right. This will enable the effective implementation of the Panchayati Raj system in the entire country. Every strata of society has been taken into the range of Panchayati Raj System to facilitate its operation in the entire country. The Hon. Prime Minister has said that this Bill has been brought to fulfill the dream of Mahatma Gandhi. We are giving respect due to those who have elected us. The British had set up the Municipal Committee and Town Committees where no Indian could get elected. This Bill has been brought to erase that black mark which British had put on our masses. This is a most welcome step. The Opposition has always been against Mahatma Gandhi, Jawaharlal Nehru and Indira Gandhi, because they do not believe in democracy. There are 12 members in the C.P.I. (M) Politburo of which 10 are 74 years of age and the remaining two Nambudiripad and Shri Jyoti Basu are 80 years of age. Similarly Janata Dal is composed of people who resigned from the Congress (I). They have not done anything for the country. They have no right to talk like this. The public is fully aware that they are exploiters. This is the reason that there is in-fighting in their party. They do not support Panchayati Raj or any other progressive law for that matter. They only want to form a joint front with Devi Lal, V.P. Singh, N.T. Ramarao and the D.M.K. They do not have any programme of action. They cannot preserve the unity and integrity of the country. They cannot decide on a person to lead them. They are interested in power for themselves. They are mistaken if they think that their act of resignation from Parliament has done any good to the nation. The C.A.G. Report has nothing to say about the Prime Minister, instead it has indicated the Opposition. They want to play down whatever the

Congress (I) has done for the welfare of the masses. Their policy is to obstruct national progress. I support the Bills and congratulate the hon. Prime Minister for introducing these Bills.

*SHRI L. BALARAMAN (Vandavasi): Hon. Deputy-Speaker, I have great pleasure in supporting the Constitution Sixty-fourth and Sixty-fifth amendment Bills.

These Bills have been brought with the avowed objective of strengthening the local administration, the village and town panchayats and to provide for maximum democracy at the grassroot levels.

Through these two Bills, Hon. Prime Minister Shri Rajiv Gandhi has initiated a great revolutionary process of devolving democracy on the villages. Every Indian is full of pride today on account of this step towards social transformation.

But the opposition parties are against these measures. They are today mindlessly attacking the provisions of the Bill. They fail to realise that these two Bills seek to fulfill the dreams of the Father of our Nation, Mahatma Gandhi. These Bills have, therefore, been brought to strengthen Panchayati Raj.

Ancient Literature and legends speak of the existence of rudimentary village bodies for local administration since a very long time in this sub-continent, in this great nation of ours. As times passed by, particularly during the British Raj, the bodies started decaying. Today, the village administration in different States is in different forms. These two Bills attempt to streamline, rationalise the panchayat administration structure with a view to bringing them on an uniform pattern. The Bills propose to confer upon the Panchayats the miniature status of the Parliament. A link between Panchayats and Parliament is sought to be established. These Bills have to be welcomed. The legislations will boost rural development and will turn the villages as guardians of democracy at the grassroot

level. I hail the provision for reservation of seats for women in the Panchayats at 30% of the total seats. I also hail the provision for reservation of seats for scheduled castes and tribes.

The noteworthy provision is the appointment of Finance Commissions in the States for apportioning revenues between the States and the Panchayats.

The elections to Panchayats in the States are in shambles. As far as Tamil Nadu is concerned, for the past 15 years elections to Madras Corporation has not been held. For more than 10 years, elections to Panchayats were not held. This Bill provides that it would be mandatory to hold elections to Panchayats periodically for every 5 years. The Bill also provides that the elections to the Panchayats will be held by the Election Commission which is a salutary provision and which should be hailed by all. That would ensure free and fair poll.

The salient features of the Bills are being opposed by the ruling party in Tamil Nadu. The DMK leader, Mr. Karunanidhi has expressed unwarranted fears about the Bills. He fears that the Bills usurp the rights of the States and divest the States of their powers. When Jawaharlal Nehru was the Prime Minister, Respected leader Kamraj was the Chief Minister of Tamil Nadu. He brought a Panchayat Act in 1958 and held elections to the Panchayats and Panchayat Union in 1961. He gave vast powers to the local bodies. Agriculture, education, cooperative, health and several other important subjects were under the Panchayat Unions. But the party which succeeded him divested the Panchayat Unions of their powers and thus mutilated the healthy and cohesive functioning of the Panchayats. Today, they are again in rule, but they are opposing the Bills which seek to confer basic democratic rights on the people. The Bills specify that the Panchayats will have powers over some 29 subject matters.

Hon. Members who just spoke before

me also made a demand for strengthening Nyaya Panchayats. I endorse their views.

Hon. Prime Minister Shri Rajiv Gandhi has by reorganising Panchayats, introduced Rama Rajya in the villages. By this new Panchayat Raj, there will be Rama Rajya in the villages. Hon. Prime Minister has fulfilled the dreams of Mahatmaji and Jawaharlal Nehru.

75% of India comprises of villages. These Bills build a bridge between the villages and the urban areas and thus making the villages and the urban local bodies function as self-sufficient units. The Bills should, therefore, be welcomed. Those who oppose the Bills will have to be exposed.

Sir, primary education was once with the Panchayat unions. There was a time when standards of primary education were very high and Panchayat unions used to take care of school buildings and the children. Today the primary schools are in shambles. The Government servants entrusted with the job of providing primary education in the panchayats do all other jobs except the job for which they are paid. Take for instance, the agricultural operations in a panchayat. Village bodies are no more in a position to boost agricultural production. Now these Bills will naturally lead to a more cohesive and coordinated functioning of the panchayats. Hon. Prime Minister while introducing the measure rightly remarked that even for providing street lighting or changing an electric bulb, people approach MPs and Prime Minister even. This condition is sought to be changed. A self-reliant self-ruling panchayat administration is sought to be established.

The Central employment scheme, the Jawahar Rozgar Yojana is being implemented with a view to providing employment to rural masses. But the money does not reach the Panchayat unions. Even sometimes the money is diverted for other purposes. Some allocation is made for road construction. Take the case of my district, roads are constructed in only one particular part of my district, neglecting other areas.

[Sh. L. Balaraman]

This is the condition of Panchayat administration.

The present Bills seek to strengthen panchayat institutions. They seek to provide a cohesive and coordination administrative system at the village level and above. They make the village, district and as the State as a whole function in a concerted manner toward overall development of the nation. I once again wholeheartedly support both the Bills. I congratulate the Hon. Prime Minister for being in this social revolution.

SHRIMATI USHA RANI TOMAR (Ali-garh): Hon. Mr. Deputy-Speaker, I support the 64th and 65th Amendment Bills introduced in this House by the hon. Prime Minister Shri Rajiv Gandhi. Through this Bill hon. Shri Rajiv Gandhi has fulfilled the dream of Mahatma Gandhi and Indira Gandhi.

Sir, this is a revolutionary Bill. Hon. Shri Rajiv Gandhi went around the rural areas and saw the plight of farmers and labourers. He found that Governmental assistance was not reaching them. This is the purpose for which the hon. Prime Minister has introduced the Panchayati Raj and Nagar Palika Bills. For this I thank him and wholeheartedly support both the Bills.

Mr. Deputy-Speaker Sir, after 40 years it is only now that people in rural areas have got independence in the real sense. Previously elections to Panchayats and Municipal Bodies were not held regularly. Now a provision has been made to hold elections after every five years. Besides, they have also been given power to develop their Gram Sabhas and towns. The farmers and labourers will be indebted to our hon. Prime Minister. People in rural areas now feel that they have been accorded the honour and respect due to them. Earlier, the Gram Pradhans were neither given that much of respect nor they were consulted by any of the officers in the matter of development. Now the development of village and Gram Sabha will be done by the Gram Pradhan of the village

concerned according to his own schemes. It is a great honour that has been showered on the Gram Pradhans for which they are very much thankful to the Prime Minister.

Mr. Deputy Speaker, Sir, our Prime Minister has taken a step which has not been hitherto taken by any other leader of this country. Till today women used to think that they were meant only for attending the household work and to bring up children. So far, they have not been given their due regard. But today our Prime Minister Shri Rajiv Gandhi has proved it by making the provision of reservation of 30 per cent seats for women that women are in no way inferior to men. On behalf of all the women of this country, I myself congratulate, from the core of my heart, our leader Shri Rajiv Gandhi and extend my wholehearted support to him for this work. He has made the women of this country to live and lead their lives with a sense of self respect. It is a great thing the Prime Minister has done for the women.

Mr. Deputy Speaker, Sir, any amount of appreciation of the Prime Minister for this Bill will be too little. With these words, I again support both these Bills and resume my seat with the words of congratulations for the Prime Minister.

[English]

SHRI ATISH CHANDRA SINHA (Bengaluru): I rise to wholeheartedly support the Constitution Amendment Bills—64th and 65th amendments. It was our pledge to the people to give them more powers, to fulfil their dreams, their wants and to enable them to get rid of their poverty; and through these two Bills we are just going to fulfil those pledges.

It was the call of Garibi Hatao of our late Prime Minister Indira Gandhi which endeared her to the people of India; and she was given the unstinted support by the people of India because of the different enactments, different programmes that she undertook under this Garibi Hatao scheme. After her sad assassination, people wanted that pledge to

be continued, and we are all glad to see that the present Government, in the last 4 1/2 years under the able guidance of our young Prime Minister Shri Rajiv Gandhi is fulfilling and continuing that programme of Garibi Hatao by increasing the allocation for the poverty-alleviation programmes manifold, by different Technology Missions and by various other schemes and by various enactments and by the two amendments to the Constitution. So, the same programme is being continued.

It is very strange that some people of the Opposition who have unfortunately resigned from Lok Sabha are campaigning outside. A false campaign is being made outside this House that these two Bills will change the basic structure of the Constitution. Many of the previous speakers have clearly pointed out that what is being achieved through these two Amendment Bills is not altering the basic structure of the Constitution at all. Many speakers have pointed out that in Part IV 'Directive Principles of State Policy' under Article 40 it is clearly stated—I quote:

"The State shall take steps to organise village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-Government."

This is what exactly we are going to do here. We are giving more powers to the people at the grassroots level, so that their poverty, their wants can be alleviated. If the various programmes like Jawahar Rozgar Yojana can be properly implemented at the village level, I am sure they will bring a silent revolution in our country. There is no doubt about it.

When we are trying to take democratic rights to the grassroots level, to the people who live in rural areas, who live in municipal areas, I am very pained to point out that in West Bengal what is taking place is completely undemocratic. In the constituency that I come from, namely, Berhampore in Murshidabad district, there was an elected municipality belonging to the Congress; and

that municipality was doing wonderful work, fulfilling the dreams and aspirations of the people. Just because it was gaining popularity—and that constituency belongs to Congress (I) and the municipality is controlled by Congress (I) people, their chairman belongs to Congress (I)—this municipality was most undemocratically superseded a few days back, on some false allegations. We had raised a hue and cry and other day during the Zero Hour in Parliament; and the Prime Minister also in his speech has indirectly mentioned that such supersessions are taking place in West Bengal. This is completely a political decision on the part of the Left Front Government; and I condemn it wholeheartedly, and I am sure all the Members of the House will condemn such actions on the part of the Left Front Government in West Bengal, which is running the whole administration, the whole panchayats, the whole municipal bodies which are now functioning in West Bengal, in a completely partisan way. In a Gram Panchayat which is controlled by the Left Front people, for example, there are elected representatives of Congress (I). Those elected members in the gram panchayat are not being allowed to work. I have brought this to the notice of the Ministry of Agriculture here.

Shri Poojary is here. I would like to mention this problem again to him that the solution of rural Bengal or rural India will not be solved until and unless we make them function in a proper way, without political affinity. If we look into the political affinity and then go into the rural areas, then many people will not get the benefits of the JRY or similar other programmes that we are trying to take to the rural population. For example, JRY is based on the population. Money is allocated according to the number of people in a particular Gram Panchayat. Supposing a Gram Panchayat has elected 15 members. Out of those 15 members, eight belong to the Left Front and Seven to the Congress I. That means more or less 48 per cent or 49 per cent of the total Gram Panchayat has supported Congress I. But what is happening in West Bengal is that the money under any programme that is going to the Gram

[Sh. Atish Chandra Sinha]

Panchayat is only being distributed among those eight people who are their supporters as a result of which 49 per cent of the population, who have supported Congress, they are not getting any support or any benefit of these central programme that are being instituted from here; and that is a big lacuna that is taking place in West Bengal. Similar things are happening in the Municipalities. Congress-dominated Municipalities are being superseded without any reason. Those Municipalities which are controlled by the Left Front, there the Congress Commissioners are not being allowed to work. So, there must be some provision by which this can be checked. I know that this provision cannot be probably incorporated in this Constitution (Amendment) Bill. But, at the same time, I request the Ministry incharge of the Urban Development to look into this problem. When are are trying to take democracy to the grass-root level, we have to see that 49 per cent of the people, who have not voted for that particular Government, which is in power in a particular State, they do not suffer. Some means will have to be found out by which the rights of those people are not taken away from them.

A very good provision has been made in the 64th (Amendment) Bill that the CAG will look into the audit of the different Gram Panchayats. I would like to mention that there are about 3,500 Gram Panchayats in West Bengal. There are 2,61,051 Gram Panchayats in the whole of India. I do not know how the CAG will audit such a huge number of Gram Panchayats. It is physically not possible because that amount of people are not working under CAG. Therefore, I would like to know from the Minister, when he replies, as to how he proposes to have an audit of the Gram Panchayat bodies, which is very necessary. As you know, the money that they would get would be Rs. 4 lakhs or Rs. 5 lakhs. It is not a small sum of money. If this money is being misused, is being utilised for partisan work, then the people living in the rural areas will not get any benefits. Therefore, it is very important that

the audit is done very strictly. Unfortunately, the audit that is being done in West Bengal or in any other State, is very weak. As you know, the audit work is done even by bribing. Although there is a lacuna in the working of a Gram Panchayat or a Municipality, if you bribe the auditor or if you just manage to show that an auditor has come and has given a very good report, that will do. But, unfortunately, that is not exactly what is happening in the grass-root level. Therefore, this is a very important provision that has been incorporated in the 64th (Amendment) Bill. I would request the hon. Minister to see that it is carried out in practice. I do not know how it will be carried out because the problem is very very large indeed. It may be that like an income tax return, as you know, 5 per cent is selected at random. The returns are scrutinised very thoroughly. I would request the Minister to consider if similar system can be introduced in this audit of the Gram Panchayat Bodies also.

With these words, I wholeheartedly support these two Amendments. I am sure, this Bill will bring in a silent revolution in the rural areas as well as in the Municipalities.

[Translation]

PROF. NARAIN CHAND PARASHAR (Hamirpur): Mr. Deputy Speaker, Sir, (Constitution 64th and 65th Amendment) Bills have brought in a new light of freedom and the powers which were hitherto vested in the Central and State Governments, are now, for the first time, going to be devolved to the village level. Thus the vision of Gram Swaraj of Mahatma Gandhi is going to be realised. Those, who have gone through the proceedings of the Constituent Assembly, must be aware that some of the framers of our constitution could not comprehend as to what was meant by the word 'Panchayat'. Shri K. Santhanam who was the member of our Constituent Assembly brought it to the notice of Mahatma Gandhi that Panchayat system was kept out of the constitution. Then Mahatma Gandhi said that he would have to do something to get it incorporated in the constitution. It was only there after that it

found a mention in article 40 of the constitution. Gram Swaraj or Panchayati Raj system is one of the gifts Mahatma Gandhi has given to this country, the other one being the path of non-violence, and Satyagraha. Thousands of years ago Mahatma Buddha had uttered these words, "Bahujan Hitaya, Bahujan Sukhay" i.e. good of the majority welfare of the majority. It was a significant step towards the Panchayat system. Vaishali was the very first republic of our country. That republican spirit pervaded each and every village. And now Shri Rajiv Gandhi has taken the opportunity to realise the dreams of Mahatma Gandhi and today on the 9th of August, we have been fortunate enough to have an opportunity to express our views on it. The success of Panchayati Raj will be depend on our own cooperation and the devotion and active participation of the members of Panchayats.

Today, in some of our States we have the bi-camera legislature. In these States the members of the Panchayat Samitis and Zila Parishads have the right to elect their representatives to the Legislative Council. It means that there are certain States in our country, where the Panchayati Raj Institutions can send their representatives to the Legislative Councils but in many other States, Panchayati Raj Institutions do not have this right. In my view, this disparity should be removed and in respect of States, where such councils do not exist, they should have the right to send one or two of their members to the Legislative council so that the members of the Panchayat may realise it that they are in the political mainstream of their country. The President has the power to nominate 12 such persons as the members to the Rajya Sabha, who have special knowledge or practical experience in respect Science, Art and Literature. Even the State Assemblies have power to send their elected representatives. At this time when we are going to devolve this constitutional power to the lowest level, will it not be appropriate that it is discussed in the Parliament that at least one member of every Panchayati Raj Institution should be sent as their elected representative to Rajya Sabha. Is the role of Pan-

chayats less significant than that of the Legislative Assembly of a state. How is it that the members of the Legislative Assembly may be elected to the Rajya Sabha but Panchayati Raj Institutions cannot have their elected representatives in the Rajya Sabha. I would like to say that Panchayati Raj Institutions should be linked with the political mainstream of the country. It will strengthen the Panchayati Raj Institutions and people will feel that they have their say and their elected representatives in the Parliament and Legislative Assemblies. It is a commendable step. On the other hand there are some people who vehemently argue that the powers of the State Government have been eroded by this Bill. But it is an argument advanced by those people who are not in favour of devolution of power to anyone. Some of the State Governments though come out to counter the Central Government to assert their rights but when it comes to the devolution of power to the Panchayats, these Governments stand for the concentration of powers in themselves. Therefore, when we have decided for the decentralisation of power it should be done at five levels—i.e. the village panchayati level, panchayat samiti level, zila parishad level, state legislature level and the parliament level. Only then this thing will be finally accomplished. Secondly, the Central Government has given considerable freedom to the State Governments and Legislative Assemblies but it has not been decided as yet that election for the Gram Pradhan will be the direct or the indirect. In some states, there is direct election for Gram Pradhan whereas in some others, it is indirect. But for the proper implementation of the democratic system there should be indirect election for Gram Pradhan. Because the people would be able to elect their Gram Pradhans only when the democracy is successful at the ward level in their own village. If we make the direct appointment of the Gram Pradhan he will not have to seek the cooperation and support of other members of the panchayat and as result he will become a mini dictator. Hence such a procedure should be adopted that he is not easily removed from his office but to remove him from his office, vote of 2/3 majority should be compulsory. He should

[Prof. Narain Chand Parashar]

be elected by the members, as is the practice in some of the states even today. The Central Government has left it to the discretion of State Governments. Appointment of Finance Commission has also been left to the discretion of the State Governments as they propose to strengthen the panchayati raj system. Similar proposal has also been made for the cities or the small towns. Nagar-palika bill, which is in foot the Constitution (65th Amendment) Bill is a right step in this direction. Nowadays the number of small towns is increasing, several new towns have come up. In certain cases, Block Headquarters are functioning in the Municipal cities and therefore, these have also been included in it. It will give some relief to the people living in such towns and democracy will be strengthened there. It is a very good thing. In this way, the base of our democracy would be widened so as to reach each and every village and small cities. It will provide an opportunity to the weaker sections, backward classes and the women to raise their voice. There was a time when their voice was suppressed but now the power is being given to the people by the Government to raise their voice under the Constitution. What can be done if some people have been saying it that there are a number of lacunae in this Bill and this Bill has been brought at the time of elections hence they boycott this Bill. But they should tell whether they have boycotted the budget presented during the election year or they dismiss all the other Government laws or they do not even accept the process of law as such. By creating one or the other new troubles, they are deviating from the main issue. Actually with the introduction of these two Bills Shri Rajiv Gandhi had tried to devolve power of the constitution right from the Centre to the village and village ward. It is diametrically opposite to the Mao theory of China which lays stress on the following principle:—

[English]

Power comes out of the barrel of a gun.

[Translation]

Whereas Shri Rajiv Gandhi is trying to prove that

[English]

As in the thinking of Mahatma Gandhi and other institutions of India

[Translation]

power emanates from wisdom and will-power of the people and it is the main feature of these two Bills that, for the first time, they will find place in the Constitution and also in the heart of the people. Consequent upon the enactment of these Bills, some new schedules would be added to the Constitution.

With these words, I support these two Bills and I would also like to congratulate the Ministry and the concerned Ministers as they get the credit for ushering in a golden era in this country under the leadership of the Prime Minister.

*SHRI V. KRISHNA RAO (Chikkabalapura): Mr. Deputy Speaker, Sir, I wholeheartedly welcome the Constitution 64th and 65th Amendment Bills. I fully support the Bills and express my views about them. First of all I heartily congratulate our honourable Prime Minister for bringing such historical and revolutionary Bills in this august House.

The sacrifice of our great freedom fighters liberated the country from the clutches of Britishers. Those great leaders gave us the freedom and wanted to transfer "Grama Rajya into Rama Rajya". Our present Prime Minister is going ahead with this transformation work. The dream of the Father of the nation is becoming reality under the leadership of Shri Rajiv Gandhi. The main objective of these Bills is to bring the down trodden people above the poverty line. Hence they are very good Bills and their objectives are laudable.

Even after 42 years of Independence of

*Translation of the speech delivered in Kannada

substantial number of people in the country are below the poverty line. This was mainly due to the gap that existed between the Centre and the remote villages. The money that was given by the Centre was not all reaching the destiny. The money provided by the Centre did not reach the villages through the States according to our expectations. Therefore our Prime Minister toured the whole country. He visited the villages, tribal areas and other remote place. He talked with the poor people directly. After discussing with these poor masses he realised that there is no way except amending the Constitution to help them. By doing so the centre wanted to handover the financial assistance directly to village Panchayats. Middlemen and other agents are completely avoided. Mahatma Gandhi's dream was Rama Rajya and Indiraji gave us the slogan of 'Garibi Hatao'. These are being achieved by our Prime Minister.

Earlier, there were Panchayats in the country. Unfortunately, these Panchayats could not do much for the upliftment of the poor. Only for the sake of accounts there were Panchayats and they did not help the poor people. The money sanctioned by the Centre for NREP, RLEGP and other programmes was not utilised for the purpose for which it was meant. Village Panchayats were there but they did nothing to help the people. The people living below the poverty line is 37% even after 42 years of independence. Our progress, when compared to foreign nations is not at all satisfactory. Money offered by the Centre was not reaching the destiny directly and hence these historical and revolutionary amendment Bills. Late Shri Jawahar Lal Nehru the architect of modern India rendered yeoman service to root out poverty from the country. Our late lamented leader Indiraji gave us the slogan 'Garibi Hatao' and she dedicated her entire life for the service of the down trodden people. Taking inspiration from Pandit Nehru and Indiraji our Prime Minister has come forward with these Bills to bring the poor people above the poverty line.

In the panchayat Bill the States have

been given the option to nominate the Chairman or it may ask the members of the Panchayat to elect the Chairman. I suggest that the Chairman should be elected directly by the members of the Panchayat. I want to suggest that to remove the Chairman it may not be necessary to have 2/3 majority. 2/3 majority is needed for the removal of Chief Minister and hence the same majority need not be there for the removal of the Chairman or to move no confidence motion against him. Simple majority should be sufficient to move no confidence motion against the Chairman or to remove him. In Karnataka nominations were made in each mandal Panchayat. They had their people nominated and there were quarrels in every village. This stem should be abolished and the Chairman should be elected by the members of the Panchayat directly.

In these Bills 30% of the seats are reserved for women. I welcome this step. Women were neglected by many in this country for decades. We should encourage women to come forward. They should be given equal rights.

Financial Committee would be set up to look into the audit work and therefore there is no chance of any misappropriation of funds.

These are very good Bills with laudable objective. They are historical and revolutionary. I trust that these Bills would help the people of this country to usher into a new era of progress and prosperity and with these words I conclude. I thank you Sir, for giving me opportunity to speak and conclude my speech.

[English]

SHRI S.B. SIDNAL (Belgaum): Sir, I rise to support this revolutionary Bill on this historical day. Our country is democratic and we have practised it all these forty years. This is one of the instruments through which we have improved so much all these years. But we were not fully democratic because rights were given and they were not enjoy-

[Sh. S.B. Sidnal]

able. Rights should always be enjoyable and their fruits should be enjoyable. It was not at all there. People were only rural and urban. There were two divisions. The urban were benefited and the rural were not benefited. There was lot of ignorance and illiteracy, there were diseases, there was deficit of many nutritious foods, and so many other things were there. But the urban growth was out of proportion in all respects.

19.00 hrs.

So, Sir, this was the dream of our Mahatma Gandhi, Nehruji, Indiraji and now Shri Rajiv Gandhi, which is being practised. Sir, to have a just society. This is one of the best Bills. All these days, we had Panchayats, but they were not practically institutionalised. They were only just for institutions sake and they never created any impact in the villages because powers were not given and equally funding was not there. Now, this Bill has brought a concept of all round development of the country. Therefore, in democratic institutions, the down-below people were totally unattended to and all the programmes were chalked out in the air-conditioned rooms; they never reached the people and except participating in voting, nothing was done and there was no functionary of the democratic institutions. Now, Shri Rajiv Gandhi has made them to be the partners in the progress and they can enjoy all the fruits of the democracy.

Sir, in this Bill, specially in Nagarpalika Bill, there is a little confusion about these Wards and constituencies and the Chair-persons. The distribution of powers has to be clearly laid down and relation between them has to be carefully spelt out by the hon. Minister. I would like this to be enlightened by the hon. Minister.

Sir, the women and the poor people, that too SC and ST had never had any chance to represent. They were totally deprived of the opportunity of representing their community and telling the authority what they want. Democracy should be the

replica of the society. Each and every section should be reflected in Parliament, Assemblies as well as also in these bodies. That is the most important thing which has been totally missing.

Sir, the Bill has highlighted the development in the rural areas but because of funding and powers, this will break down the bureaucratic approach and also have a native plan and native demands could be made by them. Secondly, this will also reduce corruption to a great extent. In democracy we always suffer from two things, one is favouritism and the other is corruption. And here there is no scope left for corruption. The simple reason is that the village is a small unit and people know each other and nobody can cheat anybody. There will be condemnation if a person has a doubtful character. Condemnation is more powerful than the legal punishment and now they cannot do anything to the elected Member. There are critics who will say that absolute power means absolute corruption. It is not so. Because when the area is small, the man is known to them and, when the man is known to them, if his assets are increased to more than his own sources, definitely people will condemn him and will not get him elected. So, in this way also there will not be any corruption. There is another danger of feudal elements coming into power or corrupt elements getting into these bodies. Our beloved Prime Minister has promised that we will plug the loopholes.

Sir, when we go into the texture of the Panchayats, we find that the corrupt elements will rule and the feudal lords will have upper hands because of money power and caste power. So, to do away with this, we have to make the people belonging to Scheduled Castes and Scheduled Tribe more protective. That is to be taken care of by the State Governments by properly extending protection to them.

Sir, the reservation for women is quite welcome because they were also not represented. The feelings of women were not translated into action or any attempts were

made by the legislation. We used only to imagine their demands and do very little for them. There is liberty, as it is. Such equal status is always to be there and we have given them sentimentally but we have never the status practically. There is a statement made by somebody. "Women is not born from the head of a man to sit on his head, not from his foot to be stamped by him, but from his side to be equal to him and below his arms to be protected by him." This is the status described by poets as to how women should be treated. She is equal in status and so far we have never treated them as equal. The society was not that much advanced. We were more conservative and almost hypocritic. We used to tell something. But we have never done that. So, developing womanhood is very important. If one girl is educated, the whole family is educated and if one man is educated, he alone is educated. Therefore, the involvement of women by reservation would definitely take our country in a great way and on a better footing because, when women actually participate in political institutions like this, they would know their aspirations and the crimes would be reduced in future. There will not be any burning; there will not be any suicide. Conservation always brings out sentiments. Sentiments are begotten from emotions and emotions are always out of ignorance. So, this will do away with those things. When they come out and actually participate in the democratic institutions, they will definitely have a better exposure to the world and progress is definite.

Thirdly, this will help the farmer in a greater way. But it should never be called a farmers' Bill because the farmer is in the village and he is very much deprived of so many things. He was never able to make both ends meet because of the droughts and floods. Everyday, he used to run to the city to purchase all his needs or to sell his goods. He was cheated by middlemen and brokers. Now, he can create his own kingdom by creating veterinary hospitals, hospitals for himself, educational institutions, tanks and all other programmes of conservation and afforestation can be envisaged by himself

because he is a participant in the actual progress of his village. So, all this will be brought by this institution to the village whereby he would save a lot of time and all technical applications will also be channelised through a farmer for his all round development. Otherwise, it would have been very difficult for him even to approach anybody. In the villages, still a peon can dictate a big landlord because he is less exposed and he does not know anything. But, in this institution he becomes a practical participant in the proceedings and he would know what amount he has been given by the Centre and how much has to be sent for the programmes on priority basis. Otherwise, all these days, some engineer used to plan, somebody used to come at the fag end of March and spend something. When a road was there, some mud was thrown. Again, the road was repaired. After that, the record was that heavy rain came and flooded everything. This was the development during all these days. Now, no such thing will happen. So, this would be definitely helping the farmer of this country in a greater way because he is in a majority in the village.

Political institutions are always helping social justice and social justice will be made by these institutions because there is a compulsory reservation for the Scheduled Castes and the Scheduled Tribes. All these days, even when they were at the outskirts of the villages, they were begging for some mercy with the officials or with the elected representatives. Now, he can actually participate in these institutions and tell that this is our share and it should be given. Therefore, this is a historical Bill and there may be some lacunae. But they can be amended and they are not so important. The concept is very good and it is revolutionary. Hence, I support the Bill.

[Translations]

SHRI RAM SHRESTA KHIRHAR (Sitamarhi): Mr. Deputy Speaker, Sir, I wholeheartedly welcome and support the Constitution (64th and 65th Amendment) Bills being discussed in the House now. Through these

[Sh. Ram Shresta Khirhar]

Bills, our Hon. Prime Minister, Shri Rajiv Gandhi has done his best to revitalise Nagar-palikas and Panchayati Raj institutions so as to strengthen the roots of socialism in the country. If we go through the past history of the Congress Party and for that matter the Government of the Congress Party, we will find that a number of effective measures have been taken by the Government. Zamindari abolition, abolition of privy purses and bonded labour system are some of the concrete steps taken by this Government. These steps are indicative of the fact that our party and the Government are heading towards socialism. But through these Bills efforts have been made to bring something new. It is true that the Gram Panchayats were already there and they were working in the villages in several states including my own State, Bihar. But in our State, it was almost a dead institution. They have no funds, no development project to execute and even their tenure was not fixed. Elections were not held on regular intervals. It purely depends on the State Governments to conduct the elections or not. Through this amending Bill, efforts have been made to rejuvenate the institution of Panchayati Raj. Some new points have been mentioned in it. The Bill provides for fixed tenure for the institution of Panchayats and the Election Commission has been empowered to hold elections of Panchayats on the line of elections to Lok Sabha and the State Assemblies. Another new feature of the Bill is the reservation provided for women, Scheduled Castes and Scheduled Tribes at the village level. This is a very commendable step. It is being welcomed everywhere. Another thing that I would like to submit is this that the Opposition has tried to gain cheap popularity by raising a particular issue. I belong to a rural area. I undertook tour of my constituency where I saw that the steps taken by us with regard to the Gram Panchayats and Nagar Palikas were being praised by the masses everywhere. A new ray of hope has been aroused among the masses who now consider that the Gram Panchayats will no longer be an institution for name sake only. They will have

their own funds and the plan for development of the village will be made with the consent of this Gram Sabha. This historic Bill is the greatest achievement of the present day. With the powers given to the people hitherto having no participation in the development process of the country, whose villages are totally neglected, it is a new ray of hope for them. It is yet another giant step taken by the Hon. Prime Minister in strengthening the root of socialism in the country. In order to rejuvenate the Panchayats and the Nagarpalikas, the people and the political parties, irrespective of their ideologies, should lend a helping hand in this important work. Seeing the attitude of the opposition to wards these Bills, it is apprehended that our opposition brethren will try to create impediments in the implementation of these measures. In order to avoid this situation, it is essential to make the people aware of the facts through mass-media. We should also place the facts before the public so that stand taken by the opposition in the Lok Sabha could be exposed before the people. Provisions made in the Nagarpalika and Gram Panchayats Bills will not only ensure development of rural and urban areas but a co-ordination committee will be set up for maintaining co-ordination between both the units, though they will function separately. This committee will facilitate free flow of information with regard to development taking place in urban and rural areas. This system is supplementary to each other. It will expedite the progress of rural well as urban areas and the country will develop with full pace.

With these words, I heartily welcome and support both the Bills moved by the Hon. Prime Minister.

BHARAT SINGH (Outer Delhi): Mr. Deputy Speaker, Sir, discussion is being held in the House on the Constitution (64th and 65th Amendment) Bills. The Panchayats have already been in existence in our country but they have no powers. Panchayati Raj Bill and Nagarpalika Bill have evoked widespread public sympathy throughout the country and the people are highly thankful to Shri Rajiv Gandhi for paying attention to-

wards the development of villages. Earlier the Panchayats were totally powerless, no one in the Government paid heed to their complaints. Even land belonging to the Gram Sabha was forcibly occupied by some people and if the matter was reported to the police by the gram panchayats, they did not take any action on it, rather complainants were taken to task by the police. That is why the incidents of illegal occupation of land belonging to the Gram Sabhas were on the rise. Through these Constitution Amendment Bills, we are going to provide lot of powers to the Gram Panchayats. They will get police protection when demanded in matter of vacation of unauthorised occupation of land belonging to Gram Sabha. Now development works such as construction of roads, providing of sewerage facilities and drinking water for the villages will be done by the Gram Panchayats themselves. Besides, the Panchayats will get many other facilities. Now the elected representatives of Gram Sabha will prepare the estimates for different projects themselves and the Government officials will have to go to them. Earlier, estimates were sent to the officers sitting in the cities for their approval. But now the situation has changed. The work, which used to be completed in 6 months, will now take not more 6 to 12 days. As a result thereof, people will feel lot of relief. At the initiative of our Hon. Prime Minister, 30 per cent seats have been reserved for women in the Panchayati Rajs institutions. Similarly, some percentage of seats have been reserved for the Scheduled Castes and the Scheduled Tribes. Now the grievances of those poor people will also be looked into as they have their representatives in the Gram Panchayats as Panches and thus they will be able to protect themselves. This will help in speedy development of the villages. The greatest benefit to accrue from these Bills will be that now only standard material will be used in construction work in the villages by the Pradhan of the Gram Panchayat and the members of the Gram Sabha. Earlier sub-standard material was used by the municipalities and other departments. Now entire funds released by the Government will be

utilised in the villages as there will be no middlemen who used to swindle the amount earlier.

Mr. Deputy-Speaker, Sir, I would like to make yet another point. In Nagarpalika areas also, people belonging to weaker sections live in Jhuggi-Jhonpari dusters as well as in the regularised colonies. They should also have the right to elect their panches, so that they can make arrangements for drinking water, electricity and 'Baratghar' for themselves and can avail of these facilities. Today they know that the Government is paying attention to them and they will make much progress.

Mr. Deputy-Speaker, Sir, Panches are elected by the Gram Sabha and Panches of Gram Sabha elect one sarpanch from among themselves. Problem concerning the village are discussed by them in the meetings and they arrive at good decisions. Our Hon. Prime Minister is going to fulfil the dreams of Mahatma Gandhi and Pt. Jawaharlal Nehru. When the House is engaged on such an important discussion, entire opposition chose to resign from the House. They resigned their seats because they did not want the public to be benefited from the measures to be taken by the Government. But these Bills are in the interest of the poor, the common man and the people living in Jhuggi-Jhonparies and unauthorised colonies. More the population of the villages, more will be the allocation of funds. Recently, I visited my constituency and found that the Pradhans of the Panchayats have been given amounts ranging from Rs. 60 thousand to Rs. 80 thousand as first instalment. Out of a total number of 1600 Panchayats in Delhi, 25 Panchayats have not been provided funds. They should also be provided funds so that they can work efficiently for their villages and the villagers may get the facilities. The Pradhan will make all the efforts for the development of his village, for primary school, for cleanliness and everything. In this way the villagers will get lot of facilities.

[English]

PROF. MEIJNLUNG KAMSON (Outer Manipur): Mr. Deputy Speaker, Sir, I wholeheartedly welcome these two Bills—the 64th and 65th Constitution (Amendment) Bills which are generally referred to as the Panchayati Raj Bill and the Nagarpalika Bill. The Bills have all the provisions like reservation for Scheduled Castes and Scheduled Tribes, reservation of 30 per cent for women and special provision for democratic decentralisation which means power to the people and special financial power with power to levy taxes on the principle of local taxation for local affairs and most of all the constitutional safeguard. With all these measures, I think, the Bills are the best possible that we can imagine in a democratic society.

Since Rajivji has become again the Prime Minister after the election of 1984, he introduced the first historic Bill called Anti-Defection Bill which has made a very important landmark the constitutional history of India, that means, it has guided the political behaviour of the elected representatives. That was in the beginning of this Eighth Lok Sabha. Now at the closing session of this Lok Sabha we have another Bill which is really a very important landmark in the democratic history of India.

It has given power to the people as many Members have already said. Really it is the materialisation of Mahatma Gandhi's ideal of Ram Rajya through Gram Swaraj. If there is anybody who is responsible for materialisation of this ideal, I think it is Rajivji. We are really thankful to him and we congratulate him. At the same time the Ministry concerned which brought forth these Bills also deserve our congratulations.

In spite of these beautiful things, the running away of Opposition Members is really very regretful, to say that least. The Opposition Members had no other alternative except running away because if they faced these Bills in this very House, definitely they would have been in a very awkward position in the eyes of the public. Therefore they had

to run away from these Bills. Even if the Bills are not accepted in this House or in the Rajya Sabha still people will be defeating those who opposed these Bills. So, just to save their faces they had to resign. Outside this House also they cannot oppose these Bills. If they oppose, the people will give them a good lesson in the next elections. Definitely these Bills are killing the Opposition this time. They cannot escape. Therefore I would like to thank these Bills as the Opposition-killing Bills. If only they support the ruling party on this issue, somehow they can have a small number of seats in the next Lok Sabha. But if they oppose, as they are doing today, definitely they are going to be defeated in the next elections. However, we are sorry to say that, in spite of their sad plight, we cannot help them because being an elected representative no one is supposed to run away like this. It is something an insult to the electorate who elected them. Also it is a manner of irresponsibility on the part of those elected members.

In spite of many beautiful things in these Bills, I want to point out through you, Sir, and remind the Home Ministry some points though they are a little diversion from the Bills; yet are very much connected to them. Because of the non-extension of the Sixth Schedule to the hill districts of Manipur which is the counterpart of Panchayats in the hill areas of the North East, I feel it is an incomplete Bill. I am not opposing the Bill as such; but indirectly I want to express that, in Manipur where there are District Councils, there is no Panchayat, nor Municipality. Under the Sixth Schedule of the Constitution, these hill District Councils should function as this Bill is now proposing for all the Panchayats. As soon as these Bills are passed, the entire country will be covered either by rural bodies which are called Panchayats or the urban bodies which are called Municipalities or Metropolitan Councils or Small Town Committees. The entire country will be covered by this. Only the Six Hill District of Manipur will be left out. It is neither covered by the Panchayats, nor covered by urban bodies, nor by the Sixth Schedule. It will be left out without any power to the local bodies, with-

out any power of democracy which is the best thing that can be aspired in the democratic history of India.

I am very sorry to tell you that I being the representative of the Hill District of Manipur where neither you will have Panchayats, nor the urban body nor the Sixth Schedule, the people will be left out, they will have no participation in the democratic process of the country. I have already requested the Home Ministry and also the Prime Minister. I once again request that another Bill be introduced in this Session itself to the effect that the Sixth Schedule of the Indian Constitution be introduced to the six hill districts of Manipur. Then only, I think, the concept of democratic decentralisation is complete. This is my request. You kindly remind the Home Ministry as well as the Prime Minister, in this regard.

Many Members including Shri Janardhana Poojary have mentioned about the basic structure of the Constitution. Of course, I do not like to go into these things, because it is too conceptual and not very much concerned with this Bill. But, one of the Members from Opposition—to mention the name, Shri Shahabuddin—was saying that this Bill will affect the basic structure of the Constitution. Now, my point is this. There are two aspects in my view. One is, whether this will really affect the basic structure and the other is, whether there is really a basic structure or not. This is the important point to which I would like to draw the attention of the Ministry, through you, Sir, because this is the conceptual doctrine of Supreme Court, which I do not like to accept as a Member of this august House.

As far as this Bill is concerned, I think, it does not affect the basic structure because this Bill, as it is mentioned in the Objects and Reasons, is an extension of Article 40 under the Directive Principles of the Indian Constitution. If you accept the Directive Principles of Indian Constitution as a basic structure, as a basic feature, then, definitely, this Bill is a part of that structure. This Bill is not going away from it. It is just an extension, elabora-

tion and giving more effect to the Directive Principles. So, there is no question of this Bill, affecting the basic structure.

The second aspect which I would like to make is this. The Sixth Schedule of the Indian Constitution was framed by the Fathers of the Constitution themselves. It is exactly what the present Bill propose to do, that is, to give more powers to the local bodies. District Council in hilly areas is nothing but a counter part of Panchayat in the valley areas. There is a difference in name only. At the time of framing the Constitution, the Fathers of the Constitution had discussed elaborately, taking so many hours and so many days, and have come to the conclusion that powers should be given to the people. So, they have included in the Sixth Schedule. By the present Bill, we are adding the Eleventh and the Twelfth Schedules. So, the nature of this Bill is exactly the same as the Sixth Schedule. If the Sixth Schedule is not against the basic structure, then, how can this Bill be against the basic structure? So there is a contradiction. That is not acceptable.

The last point to which I would like to draw the attention of the Ministry is this. This debate should be taken as a good occasion to discuss the basic structure theory of the Supreme Court. I do not like it. It is my opinion. The supreme Court of India is bringing out some conceptual doctrine which is not consistent with our Constitution. They are adopting the U.S. Supreme Court style. Of course, the Fathers of the Constitution had earlier discussed whether we should give Supreme Court of India, the power of the American Supreme Court. The phrase 'due to process of law' was proposed for incorporation but rejected. They discussed in detail and ultimately the Fathers of our Constitution came to the conclusion that Indian Supreme Court should work according to the "procedure established by law." So, they are limited by certain law. But our Supreme Court is always putting obstructions to the power of the Parliament. Parliament itself is Supreme in India. If Parliament decides something, the Supreme Court

[Prof. Meijintlung Kamson]

should not be an obstruction. The Supreme Court comes as an obstruction, as a hindrance, as a hurdle in every social legislation in India. For example, it obstructed in the Nationalisation of Banks. In the Golaknath case also they decided that the fundamental rights should not be amended. But, somehow, we have changed this by the 24th and 25th Amendments. In the Kesavanand Bharati case, again they said that there were basic structures of the Constitution. But they did not point out what were the specific articles which should be considered as basic structure. There is nothing like that. Only in their imagination they have got the basic structure. Whenever laws come from Parliament they apply their imagination on that piece of legislation and try to obstruct. They are trying to wrest power from Parliament which is against democracy

So, Sir, through you I draw the attention of the House that tomorrow when the leader answers to this question, he should not forget to answer this point. He must clarify on this point and make Parliament supreme and only then our democracy will be meaningful.

BUSINESS ADVISORY COMMITTEE

[English]

Seventy-fourth Report

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE DEPARTMENT OF CHEMICALS AND PETRO-CHEMICALS IN THE MINISTRY OF INDUSTRY (SHRIP. NAMGYAL): Sir, I beg to present the Seventy-fourth Report of the Business Advisory Committee.

MR. DEPUTY SPEAKER: The House stands adjourned to reassemble tomorrow at 11.00 A.M.

19.35 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 10 1989/ Sravana 19, 1911 (Saka)