

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

[English]

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

[Translation]

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

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

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

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

(Interruptions)

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

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

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

[Translation]

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

[English]

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

[Translation]

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

[English]

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

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

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

[Translation]

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

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

AND

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

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

Amendment Bills have been presented very late in the House. It appears to me that these constitution amendments are not perfect.

The Municipal Corporation Act in force in most of the States of the country is very old and the provisions made in it do not provide adequate rights to the representatives elected by the people. The Municipal Corporation Act of 1888 was formulated at the time of British rule and the same is being exercised even today in our State. It does not provide the adequate rights to the representatives elected by the people. Neither the hon. Minister nor the Joint Committee took this matter into consideration. The Municipal Corporation Act in force at present does not provide adequate rights to the elected representatives, the Mayor nominated by the party, the Deputy Mayor or the Chairperson. Only the Commissioner or the higher officers has the adequate powers. Even when Corporation or Municipality passes resolution for the welfare of the people the commissioners or officers try to avoid it. That is why my submission is that the amendments presented here are very essential but their number is very less. Keeping the prevailing situation in mind, amendments at large scale are required.

So far as Panchayat Bill is concerned, Balwant Rai Mehta Committee and many other committees gave recommendations and these recommendations were implemented. But no amendment was made in Municipal Corporation Act through which people could enjoy the benefits of democracy and the public representatives could get adequate powers. I would like to submit that 72 Amendment would also not provide adequate powers. My opinion is that Municipal Corporation Act is different in very State, there is not uniformity in it. Moreover it does not give adequate powers to the public representatives or the Chairperson. Amendment to give adequate powers to them should have been presented. I would like to submit to the hon. Minister that if we take into consideration the prevailing circumstances in the Corporation area and the provision in the Act. We find that officers

and commissioners are to be blamed for committing most of the mistakes.

I would like to raise one more point. Through this amendment Corporation, Municipality and Panchayats have been entrusted a number of responsibilities. I am also of the opinion that local bodies should be given such responsibilities. But at the same time we must be considerate in regard to the allocation of adequate funds to these local bodies? In the prevailing circumstances, the Central Government and the State Governments shift all the responsibilities on local bodies, but give neither grants nor funds to them.

I want to cite only one instance that the responsibility of providing primary education lies with the Government but every where in the corporation areas this responsibility has been given to the corporations. The grant provided in this regard has been stopped in Gujarat. Similarly, grants were earlier provided by the Centre for family planning and malaria eradication programmes, but all those grants are being stopped now under the corporation areas. I want to say that responsibilities are fixed for the local bodies and they are empowered but neither there is any proposal in the amendment for providing funds to these local bodies, nor any such recommendation or directive has been given to the State Government in this regard.

Sir, the report of the Joint Committee says that these responsibilities are shouldered by the local bodies today as small villages are turning into towns, towns are changing into big cities and big cities are becoming metropolitan cities resulting in increase in their problems alone. These local bodies need funds to provide civic amenities and other facilities to the people but the Government is not providing these funds. The All India Mayor council gave several representations to the centre and the State Government in this regard that under the Act, more powers should be given to the representatives of the people and adequate funds should be provided to the local bodies. But even after so many years, neither the

State Government nor the Central Government has done anything in this regard.

Sir, the members of the Joint Committee had submitted their report after touring the entire country. In paragraph Nos. 2.7 and 2.8, which are there at page no. 20 of this report, they have mentioned that the local bodies need funds more than Rs. 1000 crore to provide these facilities to the people and to solve the problems which arise. But nothing has been mentioned about how the local bodies should get these funds. The Finance Commission was constituted several times—the Eighth Finance Commission and then the Ninth Finance Commission were constituted and several representations were given to the Finance Commission by the Municipalities, Corporations and by the All India Mayor Corporation that funds should also be given to them. Income-tax comes from every major city today. The Government earns crores of rupees from customs and excise duty, but the corporation gets no share from it. The State Government gets the share and it should give this share to the city, whether it is under Corporation area or municipal area, but it does not do so either. I had been Mayor for three-four years and I had full experience that whenever the State Government is approached for share, it denies to part with it. Municipal Finance Boards are also constituted, but they are also unable to provide funds. So, I would like to draw the attention of the hon. Minister through you that efforts have been made to fix responsibilities on local bodies through these amendments. It is okay, because neither the Centre nor the State Government is able to sort out these problems.

Sir, I would like to demand when all these responsibilities are being slowly given to local bodies, they should get funds as well. The Corporation and the Municipality should get a direct share from the income earned by the Central Government through taxes. It should not go to the State Government. In a State where the Corporation is run by any opposition party, the State Government does not give them any grant for any work. It

should give the grant, but it does not do so. So, I would like to demand that the Central Government should directly give the share to the city because the State Government also recovers entertainment tax, even though all the primary civic amenities are provided by local bodies. The State Government does not do anything in this regard. Basic civic amenities such as sanitation and roads are very necessary for the cities today. A large number of people are migrating to the cities today to earn their livelihood. The problem of slums are increasing day by day in all the cities in the country. The cities can provide livelihood to the people, but neither the State nor the Central Government cooperates with the corporations or municipalities in their schemes made to solve the problems of slums and to provide better rehabilitation to the people. It is said that HUDCO will provide loans at comparatively lower rates of interest but I know how much time it takes in getting loan from HUDCO. The local bodies are facing a lot of such problems, but no provision has been made by the hon. Minister in this amendment to remove these problems. Only new responsibilities are being entrusted to the local bodies but they need funds to discharge their responsibilities.

Sir, I remember that many years ago, the then Prime Minister had visited Calcutta, which has been mentioned here, and had announced that a sum of Rs. 100 crore would be given for the development of Calcutta city. Similarly, during the centenary session of the Congress Party at Bombay it was announced that a similar amount would be given for the development of Bombay city also. So, I would like to know from the hon. Minister that according to the announcements, how much amount has yet been paid to these cities. I am convinced that no funds are given according to such announcement, but instead it only increases the expectations of the public.

SHRI MANI SHANKAR AIYAR (Mayiladuturai): Just now the hon. Member has mentioned about Bombay and said that an announcement of providing Rs. 100 crore was made there. I would like to tell the hon. Member that Belapur-Mankhurd railway line

was to be laid and that line has been laid and inaugurated. There was a scheme to construct houses in place of slums in Dharavi. I had gone to Bombay the day before yesterday. I have seen with my own eyes that scores of houses have already been constructed there. So, it is not right to say that resources are not provided after announcements.

SHRI KASHIRAM RANA: Mr. Deputy Speaker, Sir, Shri Iyer may not have heard, I have mentioned that funds are not being provided to the local bodies for the mandatory responsibilities given to them. He told about the railway line in Bombay but did not mention anything about Calcutta. He also did not tell whether the slum problem of Bombay has been solved. I also know about the railway line. No provision has been made in this Bill to provide adequate funds to the local bodies. If this issue is not given a serious thought it will create chaos. The local bodies constitute of the representatives elected by the people. If the Government does not provide funds to these local bodies for discharge of their responsibilities, the representatives will become the victims of public ire. I have doubt that if this issue is not considered, such situation may arise in future.

Besides, people in big cities face a lot of difficulties. The representatives of the local bodies should be given more powers to solve the problems of the people. I am happy that the jurisdiction of the Court has been barred in the matter of elections. I have experienced that whenever a resolution is passed against an inefficient officer, the Court comes in between and issues a stay order. Sometimes good resolutions are brought, but the Government comes in the way. Sometimes stay orders are obtained from the court. When the court issues stay orders the State Governments create obstruction. There must be a provision in the Bill to avoid such a situation. Otherwise, these amendments will be of no use and Government's claim that they have brought forward such a good amendment - for the Panchayats and Municipalities.

Sir, I would like to make yet another

submission. There is a very good provision for women in this Bill. The Bill provides for 1/3 representation of women in local bodies. Sir, I would like to state that if there will be 1/3 representation for women in local bodies and election of women as Chairperson, also it would be most welcome step. One such experiment was made by the Government of Maharashtra when they made such provisions in their Municipal Corporation Act and implemented the same there. We made these provisions so as to create awareness among women in the country because the women today are not coming forward the way they are expected to. For this the Government should conduct or chalk out a programme so as to provide 1/3 representation to women in local bodies. In this way there will be no difficulty.

Regarding elections it has been said that elections would be held in five years. It is a very good provision. I would like to express my thanks to the hon. Minister, for this. Several local bodies are dissolved or superseded, but no elections are held there. Elections are not held even after 10, 15 and 20 years. The Government is afraid that elections are held the opposition parties might come to power and they would be losers. While empowering State Government to make a State Law, I would certainly like to warn the hon. Minister that he should ask the State Government to implement this provision. Despite adequate provisions in the Municipal Corporation Act that elections must be held in five years, if it is not extended by one year under specific circumstances elections are not held. In spite of such provisions the Gujarat Government became ready to extend the date of elections. We took up the case in the High Court and obtained its judgement. Only then the Government was compelled to hold elections in time. Under the Municipal Corporation Act, the Municipal Commissioner is fully empowered to announce elections, but the State Government can interfere with it and postpone the elections. This practice should be stopped. This provision is being made by the Central Government. Therefore, I presume that elections will certainly be held in five years. This should not be extended

[Sh. Kashiram Rana]

under any of the circumstances. If there are no elected bodies in the villages, cities and towns the Officers posted there will not do any development work.

I say this with great distress because officers to not do any development work.

If people's representatives are there, their presence will exert pressure on development work there. Therefore, the decision to hold elections there within five years is most welcome. The State Government should always implement it, because we empower the State Governments to look into this aspect. Therefore, under this provision, elections are to be held in five years. But the election process should start six months earlier before the completion of 5 years. It is a very good provision and there are certain other good provisions in the Bill. But some loopholes are found at some stage and these provisions become meaningless. Therefore, I would like to warn the hon. Minister that the State Government should implement it properly so that this does not turn into a mere joke. This will enable people elect their representatives and facilitate the local bodies function properly.

This amendment also provides that the accounts of local bodies which were hitherto being audited by the Auditor Generals in the States will now be audited by the Comptroller and Auditor General of India. This is a good provision.

[English]

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF SCIENCE AND TECHNOLOGY (DEPARTMENT OF ELECTRONICS AND DEPARTMENT OF OCEAN DEVELOPMENT (SHRI RANGARAJAN KUMARAMANGALAM): Mr.

Deputy Speaker, Sir, it was agreed in the Business Advisory Committee meeting that we would sit till 7.00 p.m. today. If the House agrees, I propose the same.

SHRI AMAL DATTA (Diamond Harbour): Sir, the Minister may ensure that tomorrow we can get the discussion started at 2.00 p.m.

SHRI RANGARAJAN KUMARAMANGALAM: I am agreeable to start the discussion even at 12 Noon, if the hon. Members agree to waive the Zero Hour.

SHRI AMAL DATTA: So long as we reserve our rights to speak tomorrow, we can go at 6.00 p.m.

MR. DEPUTY SPEAKER: It seems in the Business Advisory Committee, in which all the representatives of political parties are there, it was agreed to extend the sitting today by one hour. So, is it the desire of the House to extend the sitting by one hour?

SEVERAL HON. MEMBERS: Yes.

MR. DEPUTY SPEAKER: So, the sitting of the House is extended upto 7.00 p.m.

17.58 hrs

BUSINESS ADVISORY COMMITTEE

Twenty-Third Report

[English]

DR. LAXMINARAYAN PANDEYA (Mandsaur) Sir, I beg to present the Twenty-third Report of the Business Advisory Committee.

MR. DEPUTY SPEAKER: We now continue with the Constitution Amendment Bills.

SRI KASHIRAM RANA to continue.