

Commission as per the wishes and directions of the Standing Committee connected with this Ministry.

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Now you have to move a Bill.

### **THE REPRESENTATION OF THE PEOPLE (AMENDMENT) BILL, 1996.**

**THE MINISTER OF STATE OF THE DEPARTMENT OF LEGAL AFFAIRS LEGISLATIVE DEPARTMENT AND DEPARTMENT OF JUSTICE (SHRI RAMAKANT D. KHALAP):** Sir, I beg to move that the Bill further to amend the Representation of the People Act, 1950, as passed by Lok Sabha, be taken into consideration.

Sir, this Bill seeks to amend the Fourth Schedule of the Representation of People Act, 1950 in relation to the States of Karnataka and Uttar Pradesh. This became necessary because the respective States have enacted their own laws in respect of Panchayati Raj and they have changed the nomenclature of the local bodies. In the case of Karnataka, there was a demand that the Gram Panchayats should also be included in the Fourth Schedule so that the members of the Gram Panchayats also become entitled to vote in the elections of the respective Councils. Sir, this has been incorporated and the Bill has now come before this House. This is a consequential Bill and I, therefore, commend this to this House.

#### *The question was proposed*

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Shri K. Rahman Khan not here. Prof. Vijay Kumar Malhotra.

**प्रो० विजय कुमार मल्होत्रा (दिल्ली):** उपसभाध्यक्ष जी, यह जो दो इलेक्ट्रोरल रिफार्म बिल कर्नाटक और यूपी० के बारे में मंत्री जी लाये हैं। मैं यह जानना चाहता हूँ कि कंफ्रिहेंसिव इलेक्ट्रोरल रिफार्म के बारे में जो बिल आप लाने वाले थे उसका क्या हुआ जिसके लिए कई सालों से लगातार मांग उठ रही है और हर बार उसका वायदा किया जाता है। आपने जुलाई के महीने में कुछ छोटी-छोटी चीजों को तो पास कर दिया। जैसे उसमें यह कर दिया कि एक आदमी दो जगह से

चुनाव नहीं लड़ सकता। मुझे मालूम है कि इसका इससे कोई ताल्लुक नहीं है। मैं पूछ रहा हूँ कि इलेक्ट्रोरल बिल आप इसके लिए यहां पर लाये हैं तो उस बिल के बारे में क्या पोजीशन है, क्यों नहीं आप उसको ला रहे हैं? मैं उपसभाध्यक्ष महोदय, यह जानना चाहता हूँ कि यह जो गवर्नमेंट फण्डिंग है इसके बारे में आपने अभी तक कोई फैसला नहीं किया है और आपने इलेक्ट्रोनिक मशीन के बारे में भी कोई फैसला नहीं किया है कि उसका क्या होगा, आइडेंटिटी कार्ड के बारे में आपने न तो कोई बजट.... (व्यवधान)...

**श्री रमाकांत डी० खलफ:** माफ कीजिए यह सवाल इससे ताल्लुक नहीं रखता है।

**प्रो० विजय कुमार मल्होत्रा:** जी, मुझे मालूम है और मैं यह जानना चाहता हूँ... (व्यवधान)... यह इसलिए ताल्लुक रखता है कि आप इस बिल को लाये हैं। आप इस बिल को पीसिज में क्यों ला रहे हैं।

**उपसभाध्यक्ष (श्री मोहम्मद सलीम):** आपकी कम्प्लेट कंफ्रिहेंसिव बिल के बारे में हैं।

**प्रो० विजय कुमार मल्होत्रा:** आप एक-एक करके पीसिज में चीजें ला रहे हैं। कुछ थोड़ा-सा हिस्सा पहले पास कर दिया और थोड़ा सा आप बाद में यहां पर ले आये कि इसमें पंचायतें भी आ जानी चाहिए। जो असली मुद्दा है उसको आप एवाइड करते चले जा रहे हैं। अब यूपी० में इलैक्शन हो जायेगा और फिर अन्य एज्यों की असेम्बलियों के इलैक्शन हो जायेंगे। कोई गवर्नमेंट इसके बारे में, इस हाउस के सामने वायदा करने को तैयार है कि कब तक आप इसके बारे में कंफ्रिहेंसिव बिल लायेंगे जिसके अन्दर गवर्नमेंट फण्डिंग का मामला हो, बूथ कैप्चरिंग को रोकने का मामला हो, मसल पावर, मनी पावर को रोकने का मामला हो, आइडेंटिटी कार्ड का मामला हो, इलैक्ट्रोनिक मशीन का मामला हो क्योंकि बजट में इसके लिए कोई प्रोविजन नहीं है। इसका मतलब यह है कि इस साल में आप कोई ऐसी चीज नहीं करने जा रहे हैं। अगर यह पोजीशन है तो यह छोटा सा बिल लाकर ग्राम पंचायत का और दूसरा कि यूपी० में कार्पोरेशन एड कर दो, उससे कोई मसला हल नहीं होगा। इस मौके पर जबकि आप यह अमैडमेंट बिल लाये हैं, मैं आपसे यह मांग करना चाहता हूँ कि कंफ्रिहेंसिव इलेक्ट्रोरल बिल के बारे में पीपुल रिप्रजेंटेशन एक्ट में चेंजिंग करनी है, या अन्य किसी एक्ट में चेंजिंग करनी है तो उसको भी आपको जल्दी लाना चाहिये और आप एश्योर करें कि इस हाउस में कब तक इसके बारे में फाइनल फैसला हो जायेगा?

DR. Y. RADHAKRISHNA MURTY (Andhra Pradesh): Sir, as far as this amendment is concerned, I think, there is no need for any objection in principle. The 73rd and 74th Constitutional Amendments were most welcome because they involved decentralisation and transfer of power to the lower rungs of administration. That is most welcome. But, regarding the changes in the nomenclature which actually is the substance of this amendment, I would say that in the nomenclature of the local boards there is some sort of semantic and language problem from State to State. Sir, we in Andhra Pradesh had this problem. When one Government was there, they called it Panchayat Praja Parishad or some big name was there. But, subsequently when the new Government came there, they changed it and made it a little shorter. There is no reason to object to this semantic problem. But, the main issue that appears to me is whether these local bodies have been working properly or not and whether there is devolution of funds for the proper working of these local bodies. Whatever names they may have, but, if they are not functioning well, they are useless. There is a lot of bureaucratic stranglehold on these local bodies and that has to be corrected.

My next point is—it may concern of may not concern the amendment—that I personally feel that there is no need of these Legislative Councils at all for which this amendment is proposed, because, if you go into the history of Legislative Councils, you will find that various Legislative Councils were formed at various stages. There are also some States where these Legislative Councils have been abolished after sometime on finding that they were useless. In many States they were found to be not coming up to the expectations. Some people thought that probably they had become political sanctuaries and some sort of rehabilitation centres probably to serve the intra-party group rivalries, etc. That

is why in 1984 when the new Government came in Andhra Pradesh, it abolished the Legislative Council there and it has not been there since then. In some other States, for example, West Bengal, there is no Upper House or Legislative Council. Therefore, I feel that there is no necessity of these Legislative Councils. This is a problem which has to be looked into. A lot of money is being spent on these Upper Houses which are not doing any useful work. As far as changes in the names are concerned, there is nothing to object in it. Sir, I support this Bill.

श्री जलालुद्दीन अंसारी (बिहार): उपसभाध्यक्ष महोदय, यह जो अमेन्डमेंट बिल लाया गया है जिसमें कर्नाटक और उत्तर प्रदेश की जो लोकल बाडीज हैं उनका लेजिस्लेटिव कौंसिल में रिप्रजेंटेशन होगा, इसका मैं विरोध नहीं करता, मैं इसका समर्थन करता हूँ। लेकिन जिन राज्यों में यह व्यवस्था है वहाँ तो चुनाव ही नहीं होते। पिछले 15-16 सालों से लोकल बाडीज के जगिए लेजिस्लेटिव कौंसिल में आ ही नहीं रहे हैं और लेजिस्लेटिव कौंसिल में सीटें खाली पड़ी हुई हैं। इसलिए मैं इस बात की ओर आपका ध्यान दिलाना चाहता हूँ कि जिन राज्यों में यह व्यवस्था है भी वहाँ भी इलेक्शन नहीं होते। सत्ता का विकेन्द्रीकरण हो और सब को प्रतिनिधित्व मिले यह इस बिल का उद्देश्य है। लेकर बहुत सारे राज्यों में चुनाव ही नहीं होते। इसलिए इसकी क्या गारंटी है कि अगर आप इसको शामिल भी कर लेते हैं तो वहाँ चुनाव होंगे। उदाहरण के लिए हमारा प्रदेश बिहार है। वहाँ पिछले 12-14 सालों से लोकल बाडीज के चुनाव ही नहीं हुए। वहाँ लेजिस्लेटिव कौंसिल में, विधान परिषद में सीटें खाली हैं। मैं इसका विरोध नहीं करता, लेकिन मैं चाहता हूँ कि इसका भी इसमें प्राविजन होना चाहिए कि इसकी मानेटरिंग हो और ड्यू टाइम पर इलेक्शन करण जाएं। तभी सत्ता के विकेन्द्रीकरण की बात होगी और उनके प्रतिनिधि जो हैं वह विधान परिषदों में जायेंगे। मंत्री जी आप जो अमेन्डमेंट ला रहे हैं और युनाइटेड फ्रंट सरकार ने वायदा किया है कि हम इसके लिए एक कम्प्लेक्स बिल लायेंगे। तो जन प्रतिनिधित्व कानून को व्यापक कानून के रूप में लाने के लिए वायदे तो पिछली सरकार भी करती रही है। यह सरकार अभी थोड़े समय से ही सत्ता में है लेकिन कब तक लाया जाएगा? बताया गया था कि इसी सत्र में यह बिल आने

बाला है। लेकिन अब यह सत्र तो कल तक है। अब अगले सत्र में क्या होगा मालूम नहीं। अगर सचमुच में आप जन-प्रतिनिधित्व कानून में सुधार चाहते हैं तो इसके लिए एक सम्यक बिल आपको लाना होगा। इसलिए इसमें जो बहुत सारी त्रुटियाँ हैं उन त्रुटियों को ठीक करने के लिए आप सभी राजनैतिक दलों के साथ राय-मशविरा करके एक व्यापक बिल लायें, यह मेरा सुझाव है। मैं समझता हूँ कि सदन भी हमसे इस बात में सहमत होगा। इसलिए मेरा यह कहना है कि इनका सही समय पर चुनाव हो और इनके प्रतिनिधि संबंधित विधान परिषदों में आया करें इसका भी प्रोविजन किया जाना चाहिए, इसकी भी व्यवस्था होनी चाहिए। इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

ہے۔ لیکن بہت سارے راجیوں میں جتاؤ ہی نہیں ہوتے۔ اسلئے اسکی کیا کارروائی ہے کہ اگر آپ اسکو سٹائل بھی کر لیتے ہیں تو وہاں جتاؤ ہوگے۔ ادھاروں کیلئے ہمیں اپنا پیشہ پارہ ہے وہاں پچھلے بلوں جو وہ سالوں سے لوکل باڈی کے جتاؤ نہیں ہوئے وہاں لیجسلیٹو کاؤنسل میں ودھان پڑش میں سیشن خالی ہیں۔ میں اسکا وردھ

کرتا۔ لیکن میں چاہتا ہوں کہ اسکا بھی اس میں پرویزن ہونا چاہیے۔ کہ اسکی مانیٹرنگ ہو اور ڈیوٹی ٹائم پر الیکشن کرائے جائیں۔ تبھی سٹائے و کیڈریکٹن کا بات ہوگی۔ ایٹھ پر تیندھی جو ہیں وہ ودھان پڑش میں جائیں گے۔ مٹری جی آپ جہاں مینڈ میٹ لارہیں اور نوٹا مینڈ فرنٹ سرکار نے ودھان کیا ہے۔ کہ ہم اسکو بے ایک کیوی صینڈ سٹوبل لاریں گے۔ تو جن پر تیندھی قانون کو وی ایک قانون کے روپ میں لانے کیلئے وعدے تو پچھلی سرکار بھی کرتی رہی ہے۔ یہ سرکار بھی وعدے سے ہی سٹا میں ہے۔ لیکن کب تک لایا جائیگا۔ جیایا گیا تھا کہ اسی سیشن میں یہ بل لانے والا ہے لیکن اب یہ ستر تو کل تک ہے۔ اب اگلے ستر میں کیا ہوگا۔ معلوم نہیں۔ اگر سٹیج میں آپ جین پر تیندھی قانون میں سدھار

† اشرفی جلال الدین انصاری "بہار": آپ سمجھا ہوا ہے۔ یہ امینڈ مینٹ بل لانا لگا ہے جس میں کمرنگ اور اتر پڑش کی لوکل بوڈیز میں انکا لیجسلیٹو کاؤنسل میں ریپریزینٹیشن ہوگا۔ اسکا میں وردھ نہیں کرتا۔ میں اسکا سرٹیفکیشن کرتا ہوں۔ لیکن جن راجیوں میں یہ ویو سٹوڈ ہے وہاں تو جتاؤ ہی نہیں ہوتے۔ پچھلے جنوری کے سال سے لوکل باڈیز کے ذریعے لیجسلیٹو کاؤنسل میں پر تیندھی آ ہی نہیں رہے ہیں اور لیجسلیٹو کاؤنسل میں سیشن خالی پڑی ہوئی ہیں۔ اسلئے میں اس بات کی طرف آپکا دھیان دلانا چاہتا ہوں کہ جن راجیوں میں یہ ویو سٹوڈ ہے وہاں بھی سٹا جی الیکشن نہیں ہوتے سٹا کا وی کیڈریکٹن ہوا اور سیکو نمائندگی کے یہ اس بل کا مقصد

چاہتے ہیں تو اس کے لئے اسمبلی بل آپ کو  
 لانا ہو گا اس لئے اس میں جو بہت ساری  
 ترمیمیں ہیں ان ترمیموں کو ٹھیک کرنے کیلئے  
 آپ سے بھی درخواستیں کیوں کے ساتھ اس  
 مشورہ کر کے ایک وی اپک بل لائے یہ ہمارا  
 سبھا اور پے میں سمجھتا ہوں کہ سب سے بھی  
 ہم نے اس بات میں سمجھتے ہو گا اس لئے  
 میرا یہ کہنا ہے کہ اس کا سہی سے یہ جتنا ہو اور  
 اس کے پر تندی سے سمجھتے وقت وہ صاف پر تندی  
 میں آیا ترمیمیں اس کا بھی پرواز کیا جا چکا ہے  
 اس کی بھی وہ سمجھا ہونی چاہئے ان ترمیموں  
 کے ساتھ میں اپنی بات سمجھتے کرتا ہوں گا

SHRI JOHN F. FERNANDES (Goa):  
 Sir, I want to give one suggestion to the  
 hon. Minister ... (Interruptions)... Sir, we  
 are giving reservation. In the past also we  
 had given reservation... (Interruptions)...

SHRI SATISH AGARWAL:  
 (Rajasthan): Sir, Mr. Chidambaram is  
 not there and the next item is listed in his  
 name; so it is just a stop-gap arrangement  
 that somebody should go on speaking.

THE VICE-CHAIRMAN (SHRI MD.  
 SALIM): No, no; that is not the case.  
 There is one hour allotted for this.  
 ... (Interruptions)... You can take that  
 time. Even you can also speak.  
 ... (Interruptions)...

SHRI JOHN F. FERNANDES: Sir,  
 we keep on amending the Constitution. I  
 have made it a point to speak on this.  
 Basically I do not have much objection to  
 this Bill. It is a very innocuous Bill. Sir, I  
 come from the State from which our hon.  
 Law Minister comes. Sir, in this House  
 we debated and gave powers under the

Panchayati Raj and Nagarpalika Bill.  
 This legislation was also sent to the State  
 Governments for ratification and  
 approval. The main essence of that  
 legislation is that power should be given  
 down to the people. But, in certain  
 States, including my State—I am saying  
 this because the hon. Law Minister hails  
 from my State—they have completely  
 changed the meaning of it. There are no  
 Zila Parishads, there are no Finance  
 Commissions instituted. I give the  
 example of my own village. There was  
 the Taligoan Panchayat. The Supreme  
 Court gave a judgement that green areas  
 need not be reserved in urban areas, so it  
 should be converted. It should be  
 permitted for conversion because there is  
 a shortage of land. Sir, the state  
 Government transferred this Panchayat,  
 Taligoan Panchayat, which is a rural area  
 and which is having the maximum  
 number of O.B.Cs., into urban area just  
 to take advantage of the Supreme Court  
 ruling. The former Prime Minister had  
 made a statement and Mr. Mishra also  
 made a statement that Governments  
 which do not implement this Panchyati  
 Raj system in toto would be dissolved.  
 Now, the hon. Minister has come with a  
 similar Bill again. What guarantee is  
 there that this law will be enforced by the  
 Central Government and the State  
 Governments. I think whatever  
 announcements was made by the earlier  
 Prime Minister and the earlier Panchayati  
 Raj Minister is binding on this  
 Government because I am talking about  
 the Government of India; I am not  
 talking about the political Government of  
 the day. So I want an assurance from the

hon. Minister of Law that some  
 mechanism will be evolved for ensuring  
 compliance with the essence of the  
 principal Act. We did it by amending the  
 Constitution and it is binding on all  
 Governments, every Government, in this  
 country. Sir, what mechanisms will be  
 evolved to see that Statutes are complied  
 with in toto by all the States. So, with  
 these remarks, I fully sport this Bill and I

hope the hon. Minister will react to my queries. Thank you.

**SHRI RAMAKANT D. KHALAP:** Mr. Vice-Chairman, Sir, listening to the arguments put forward by the hon. Members of this House, I am constrained to observe that some sort of confusion prevails in the minds of some of the Members of this House, regarding our assurance to bring a comprehensive Bill on electoral reforms and this Bill which is before the House for consideration. Let us clearly understand the implications of the present Bill before the House and the electoral reforms which we have promised and which we are committed to bring for the purpose of improving the entire electoral system in our country. There are two Acts before us; one is the Representation of the People Act, 1950 and the other is the Representation of the People Act, 1951. The R.P.A., 1951 was amended in this very House sometime back and in those amendments we introduced a set of electoral reforms and we also promised this august House that we shall soon be coming with a second set of electoral reforms after ascertaining the opinion of the different political parties which have representation, not only in this House but in the Lok Sabha as well. Sir, so far as my Ministry is concerned, we have completed that process and we compiled all the different suggestions which were received from different organisations, different committees, different members of different political parties and also those which were received from people who are not members of this House. This compilation has been circulated to all the political parties. As per the promise I gave, a meeting of all political parties was, therefore, convened on the first day of this part of the Session of our House. In that meeting, all the political parties, with one voice, suggested—rather, complained—that due to paucity of time, it was not possible for them to consider the entire set of suggestions which I had put forward before them. They pleaded that sufficient time should be given to all

the political parties to deeply ponder over the different suggestions. Naturally, this request had to be acceded to and time has been given to all the political parties up to the 20th September to give their written submissions, their written comments, on the various provisions proposed to be incorporated in the enactment.

Therefore, these comments would be received up to the 20th September. Thereafter, once again, all the parties would be meeting to further consider the comments of different political parties. Then, an attempt would be made to arrive at a consensus.

Once the whole process is completed, we shall be coming before the House with a new enactment which would, hopefully, be a comprehensive electoral reforms Bill.

Sir, our Government and the United Front gave this commitment to the country. In pursuance of that commitment, we brought forward the first set of amendments. Again, in pursuance of the same commitment, we shall be bringing forward the second set of amendments. Therefore, I would request hon. Members to kindly bear with us till that date. We have time now to further request...

**THE VICE-CHAIRMAN (SHRI MD. SALIM):** Mr. Minister, would you yield for a minute? The Leader\* of the Opposition wants to say something.

**विपक्ष के नेता (श्री सिकन्दर बख्त):** यह जो लेकर आए हैं उससे कोई ऐतराज नहीं है बिल्कुल। लेकिन कहीं न कहीं, कुछ न कुछ गड़बड़ चल रही है। आपके पार्लियामेन्ट्री अफेयर्स मिनिस्टर को खबर लेनी चाहिए क्योंकि जब यह तजबीज हमारे यहाँ से आई तो यह ऐतराज किया गया था कि यू०पी० में इलेक्शन होने वाले हैं लिहाजा यू०पी० के इसके साथ शामिल न किया जाए और यह तय हो गया था सभी पार्टीज की तरफ से। चैयरमैन साहब की मौजूदगी में यह फैसला हुआ, एक फारमल मीटिंग में फैसला हुआ; तो लोकसभा में यह बात पहुंचानी चाहिए थी पार्लियामेन्ट्री अफेयर्स

मिनिस्टर साहब को। इतिफाक से नहीं पहुंचाई है और लोकसभा में ज्यों के त्यों दोनों की दोनों स्टेट्स को लेकर इसमें आ गए हैं। अब मैं क्या कह सकता हूँ। मैं सिर्फ इस हाउस की नोटिस में यह बात लाना चाहता था। आप जारी रखिए। यह बहुत की अफसोसनाक है। कुछ तमाम मैनेजमेंट में इस कदर उलझावा, इस कदर की मुश्किलें पैदा हो गयी है कि बात कहीं की होती है, कहां होती है, किसको क्या करना है, क्या करना चाहिए या नहीं करना चाहिए, कुछ समय में नहीं आता है कि क्या करना है। फारमल फैसला था और होना भी नहीं चाहिए था। यू०पी० में जब इलेक्शन होने वाले थे तो यू०पी० को इस बिल में शामिल नहीं रखना चाहिए था। इसका फैसला हो गया था। लोकसभा में इस चीज को पहुंचाना चाहिए था। बताए बगैर दोनों स्टेट्स को रख कर यहां यह बिल आ गया है। मैं सिर्फ अफसोस जाहिर कर सकता हूँ और तो कुछ कह नहीं सकता।

[[ یتاوردو صوری شری سنگور بخت: یہ جو  
لیکر آئے ہیں ان سے کوئی اعتراض نہیں ہے بالکل۔  
لیکن آپس نہ کہیں کچھ نہ کچھ گڑبڑ چل رہی ہے۔  
آپ کے پارلیمنٹری ایفیرس منسٹر کو خبر دینی چاہیے  
کیونکہ جب یہ تجویز ہمارے یہاں سے آئی  
تو یہ اعتراض کی گئی کہ یو۔ پی میں الیکشن  
ہونے والے ہیں لہذا یو۔ پی کو اس کے ساتھ  
شامل نہ کیا جائے اور یہ طے ہو گیا تھا۔  
کہ سبھی پارٹیوں کی طرف سے پیر میں صاحب  
کا موجودگی میں یہ فیصلہ ہوا ایک فارمل  
میٹنگ میں یہ فیصلہ ہوا تو نوک سبھا میں یہ  
بات پہنچانی چاہیے تھی پارلیمنٹری ایفیرس  
منسٹر صاحب کو اتفاق سے نہیں پہنچائی ہے۔  
اور نوک سبھا میں جیوں کی تحریروں دونوں

کلا دونوں اسٹیٹس کو لیکر اسمیں لائے  
ہیں۔ اب میں لکھا کہہ سکتا ہوں۔ میں صرف  
اس معاوضے کے نوٹس میں یہ بات لانا  
چاہتا تھا۔ آپ جاری رکھتے۔ یہ بہت افسوس  
ہے۔ کچھ تمام مینجمنٹ میں اس قدر الجھا  
ہوا۔ اس قدر کی مشغلیں پیدا ہو گئی ہیں  
کہ بات لکھیں کی ہوئی ہے۔ کہیں ہوئی ہے۔  
کس کو کیا کرنا چاہیے؟ یا نہیں کرنا چاہیے؟ کچھ  
سمجھ میں نہیں آتا ہے کہ کیا کرنا ہے فورمل  
فیصلہ تھا اور سونا میں نہیں چاہیے تھا۔  
یو۔ پی میں جب الیکشن ہونے والے تھے۔  
تو یو۔ پی کو اس بل میں شامل نہیں رکھنا  
چاہیے تھا۔ اسکا فیصلہ ہو گیا تھا۔ نوک  
سبھا میں اس چیز کو بہو چھانا چاہیے تھا۔  
بتا کر پیر دونوں اسٹیٹس کی طرف سے یہاں یہ  
بل آ گیا ہے۔ میں صرف افسوس ظاہر کر سکتا  
ہوں اور تو کچھ نہیں کہہ سکتا۔

SHRI RAMAKHANT D. KHALAP:  
Sir, the point raised by the Leader of the  
Opposition was not, personally, in my  
knowledge.

SHRI SATISH AGARWAL: That is  
exactly the point.

THE VICE-CHAIRMAN (SHRI MD.  
SALIM): That is what the Leader of the  
Opposition is pointing out.

SHRI SIKANDER BAKHAT: It  
should have been brought to your notice.

SHRI SATISH AGARWAL: I was  
present in that meeting. (Interruptions)

**SHRI PRANAB MUKHERJEE** (West Bengal): One minute, Satishji. Mr. Vice-Chairman, what Mr. Sikander Bakht said is right. In the Business Advisory Committee meeting, it was decided. Two questions came up. One question was whether, in view of the fact that elections were going to take place in U.P., we should wait till we get the views of the elected Government of U.P. Of course, the views of the U.P. Government were there. But we wanted to get the views of the elected Government of U.P. That is why it was decided that so far as Karnataka was concerned, the Bill should incorporate the provision. Now, if there is a lack of co-ordination between the two Houses, between those who manage the two Houses, it is really unfortunate. It should have been brought to the notice of the hon. Minister and they should have taken note of it. It was decided that U.P. would be excluded.

**SHRI SATISH AGARWAL**: Sir, I was present in that meeting. Mr. Jena promised in that meeting and we agreed to that, that U.P. would be excluded from the purview of the Bill; that it would only be relating to Karnataka. He said that it would be deleted; only Karnataka would be there; not U.P., in view of the impending elections in U.P. As rightly pointed out by Pranabda, it was decided that in regard to U.P., we should do it later on.

**THE VICE-CHAIRMAN (SHRI MD. SALIM)**: The Minister of Parliamentary Affairs is also here. He should note that. The whole point is: it was raised in the meeting earlier that since elections were coming up in U.P., we should wait till the elected Government came into being.  
3.00 P.M.

**SHRI RAMAKANT D. KHALAP**: There appears to be some confusion going on in the House. Let me explain. What is sought to be amended now, both in respect of Uttar Pradesh and Karnataka, is the nomenclature of the local bodies. This change was affected by

the respective State Legislatures much before this Bill was contemplated. Naturally, this is a consequential Bill. This has been done by the respective State Legislatures. What we are doing is, whatever they have included in their State laws, we are transferring it here. That is the only thing that is happening. Now, where does the confusion lie? In the case of Karnataka there was a demand that in addition to the local bodies mentioned in the Schedule, one more local body should be included, that is, the gram panchayats, while some people mentioned that the gram panchayats of Uttar Pradesh should also be included. At that stage a discussion was held and it was decided that since elections were going to be held in Uttar Pradesh, that Government could not be considered to be competent enough to advise the Central Government regarding incorporation of the gram panchayats in the Fourth Schedule. Therefore, gram panchayats are not being included in the case of Uttar Pradesh.

**THE VICE-CHAIRMAN (SHRI MD. SALIM)**: Now it is clear.

**SHRI RAMAKANT D. KHALAP**: What is included is the gram panchayats of Karnataka. I think this is the only thing there.

**THE VICE-CHAIRMAN (SHRI MD. SALIM)**: In that respect U.P. is excluded. Okay.

**SHRI RAMAKANT D. KHALAP**: Therefore, the issue regarding the comprehensive Bill is explained by me and this objection has also been explained.

Two more points now remain. One is that wherever these local bodies exist, elections are not being held properly, in time and regularly. In this case also the primary duty to hold elections in the States to the local bodies is of the respective State Governments. After that, naturally, elections will take place. A similar issue was raised in the Lok Sabha too and I have assured that House that

the only thing we can do is, we can advise the respective State Governments to hold elections regularly to all the local bodies in accordance with the provisions of the Constitution and the provisions of the respective law. This is what we can do.

Mr. John Fernandes, my hon. colleague from Goa, always seems to have an umbrage against his local Government. He calls himself a proud member of the same party to which that Government belongs.

SHRI JOHN F. FERNANDES: This is the Council of States, and where it is violated, we have every right to point it out.

SHRI RAMAKANT D. KHALAP: Exactly. I respect and honour your right to raise the issue. But what I am saying is, he is so eloquent in this House but when he goes back to Goa, he hardly listens to anything being said by me. Therefore, what I would request him is, if your local Government is, as you rightly pointed out, including rural areas in urban areas so that they can take the benefit of the urban laws and goes on converting paddy fields and green areas in Goa and thereby destroy whatever scenic beauty that Goa is proud of today, it is your duty, my hon. colleague, to go there and make it a public issue—and I will stand with you.

SHRI JOHN F. FERNANDES: It is not being implemented. There are no State Finance Commissions, there are no zila parishads. What is the Law Minister doing about it? It is a Central Act. Your party is in opposition there. What is your party doing?

SHRI RAMAKANT D. KHALAP: Sir, the Constitution provides for a number of things, and these things are divided into things which are to be done by the State and things which are to be done by the Centre and, of course, there are certain things in the Concurrent List. Now, the Panchayati Raj system is to be implemented by the respective State

Governments. I am therefore requesting you—rather I would plead with you and demand also of you—that as a respected Member of this august House, since your party Government rules in Goa, kindly take up this issue in Goa with your Government, and if your Government does not obey the provisions of the Constitution, you know what to do about it.

SHRI JOHN F. FERNANDES: Mr. Vice-Chairman, have already stated that the former Panchayati Raj Minister, Mr. Mishra, made a statement that action would be taken against those States who would not implement panchayati raj in toto. He made the statement. Therefore, I referred to him. I do not want to bring local politics here. His party is in opposition there. They are also a party in the conversion business. The President of the M.G. Party, Mr. Sirsat, is on the Town Planning Board. So, it is *quid pro quo*. ...*(Interruptions)*

SHRI RAMAKANT D. KHALAP: If this is the case, the best thing for them will be to hand over the Government to us, to the Opposition in Goa. You will see how we will manage the whole thing.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Don't convert the Council of States into the State Assembly.

SHRI JOHN F. FERNANDES: There is no proper sense in it. I am very sorry I cannot help him.

SHRI RAMAKANT D. KHALAP: This is how we come to the end of this debate, I believe. I hope that Mr. John Fernandes will certainly abide not only by my wish but the general wish of this House that every State must comply with the provisions of the Constitution. Therefore, I don't think that there is any doubt left so far as this Bill is concerned.

I plead with the House kindly to pass the Bill.



THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Minister, though the State Government will hold the elections, your Ministry can pursue it, the Government can pursue it.

SHRI RAMAKANT D. KHALAP: I promise that. We will take up this issue with the State Government.

THE VICE-CHAIRMAN (SHRI MD. SALIM): The question is:

“That the Bill further to amend the Representation of the People Act, 1950, as passed by Lok Sabha, be taken into consideration.”

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI MD. SALIM): We shall now take up clause-by-clause consideration of the Bill.

*Clause 2 was added to the Bill. Clause 1, the Enacting Formula and the Title were added to the Bill.*

SHRI RAMAKANT D. KHALAP: Sir, I move:

“That the Bill be passed.”

*The question was put and the motion was adopted.*

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now, according to the List of Business, we have to take up the Appropriation (No. 3) Bill, 1996. The Minister is also here. But, in the BAC meeting, I think, it was decided that the Appropriation Bill and the Finance Bill should be considered and discussed together.

THE MINISTER OF FINANCE (SHRI P. CHIDAMBARAM): The Finance Bill was passed by the Lok Sabha only ten minutes ago. I have signed the papers for transmitting it to this House. It may take a little time to come to this House.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Minister, we can wait for the message to come.

SHRI PRANAB MUKHERJEE: We can take up the next item, the Jammu and Kashmir Appropriation Bill.

THE VICE-CHAIRMAN (SHRI MD. SALIM): We can take up the next one, that is, the Jammu and Kashmir Appropriation Bill. This is also to be piloted by you. when the message comes, we will take up the Appropriation (No. 3) Bill and the Finance Bill together.

SHRI P. CHIDAMBARAM: The difficulty is that I have to be in the other House at half past three to move the U.P. Bill.

THE VICE-CHAIRMAN (SHRI MD. SALIM): All finance matters. No problem.

SHRI PRANAB MUKHERJEE: Let us pass the Appropriation Bill without debate. We can discuss the Finance Bill.

SHRI SATISH AGARWAL: There can be a *bia-media*. We can have a full-fledged debate on the Finance Bill. We can pass the Appropriation Bill... (*Interruptions*)

It is not necessary that both should be taken up together.

PROF. VIJAY KUMAR MALHOTRA: Points relating to the Appropriation Bill can be raised in the discussion.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Minister, you are supposed to pilot the J.&K. Budget and the U.P. Budget.

SHRI P. CHIDAMBARAM: I will move the U.P. Budget there, get it passed and come back.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Has the J. & K. Bill been passed?

SHRI P. CHIDAMBARAM: The J. & K. Bill has been passed.