

[The Deputy Chairman]
whether the Member who abstained from voting can be deemed to be present and voting within the meaning of the article. In other words, the point is whether the abstention could be counted in any way for the purpose of voting. That is what exactly you want. It is established that abstentions in any voting are not taken into consideration in declaring the result on any question. A Member who votes 'abstention' either through the electronic vote recorder or on voting slip or in any other manner does so only to indicate that his presence in the House and his intention to abstain from voting. He does not record his vote within the meaning of the words 'present and voting'. The expression 'present and voting' refers to those who vote for 'Ayes' or for 'Noes' and not to those who are merely present but not voting either in favour or against any question before the House. This has also been the practice in this House in the past so that whenever Members have abstained from voting, they have not counted for the purpose of declaring the result of a Division. Even in an election if you abstain, your vote will not be counted.

(Interruptions)

SHRI LAL K. ADVANI : In a General Election or in any other election, there is no such column as abstention. In this particular case, we have a formal column like abstention. Therefore, this question arose. But I accept whatever you had said. As I said at the outset, I am not willing to incorporate so many perverse provisions in the Constitution today. No.

THE CONSTITUTION (SIXTY-FOURTH AMENDMENT) BILL, 1989,

and

THE CONSTITUTION (SIXTY-FIFTH AMENDMENT) BILL, 1989—Contd.

उपसभापति : श्री चतुरानन मिश्र
आप कृपया दस मिनट बोलिएगा। मैं
वर्ड दिया है कि आज ही खतम कर
देंगे।

श्री चतुरानन मिश्र (बिहार) : अगर
इतना वर्ड दे रखा है तो यह भी वर्ड
दे दीजिए कि बिना बहस के हम इसको
पास कर दें, यह भी हम लोगों के हाथ
में है।

उपसभापति : ऐसी बात आप क्या
कह रहे हैं? आप नहीं बोलना चाहते तो
आप एक्स्टेन हो जाए।

श्री चतुरानन मिश्र : अगर साढ़े
तीन हजार करोड़ रुपया बिना बोल
हुए हो सकता है तो इसको तो बेरोजगार
योजना में ही जाना है।

श्री गुलाम रसूल मट्टू (जम्मू और
काश्मीर) : साढ़े तीन हजार करोड़
रुपए पर तीन दिन बहस हो सकती थी।
(व्यवधान)

श्री चतुरानन मिश्र : हम लोगों ने
बहस किया है। आप लोगों ने कहा कि
यही कर दीजिए तो कर दिया। ...
(व्यवधान)

[उपसभाध्यक्ष (श्री बी. नारायणसाामी)
पीठासीन हुए।]

श्री चतुरानन मिश्र : उपाध्यक्ष महोदय
हाऊस को जरा आर्डर में ले आइए।
यह आपके लिए भी अच्छा होगा।

THE VICE CHAIRMAN
(SHRI V. NARAYANASAMY) :
Order please.

श्री चतुरानन मिश्र : उपाध्यक्ष महोदय
संविधान संशोधन के लिए जो बिल हम
लोगों के सामने आए हैं ... (व्यवधान)

THE VICE CHAIRMAN
(SHRI V. NARAYANASAMY) :
Order please. You can continue,
Mr. Mishra.

श्री चतुरानन मिश्र : महोदय, आपके यहां बहुत लोग हैं, उनको वोट के वक्त पर बुला लीजिएगा, तब तक सोने के लिए जाने दीजिए। यहां जरा शांति हो, आर्डर हो।

उपाध्यक्ष महोदय, मैं यह कह रहा था कि यह जो ग्राम पंचायत के संबंध में, नगरपालिका के संबंध में जो दो संविधान संशोधन बिल आए हैं, उनमें कुछ अच्छे प्रावधान हैं, जैसे—नियमित चुनाव हो, हरिजन—आदिवासी और महिलाओं के लिए आरक्षण हो, कुछ कोष की व्यवस्था हो और पंचायतों और नगरपालिकाओं के कुछ अधिकारों को अनुसूची में लाया जाये। ये बातें कुछ अच्छी हैं और इसको पास करने में किसी का विरोध नहीं हो सकता। बात यह है कि अपने देश के अंदर जो कांग्रेस शासित राज्य हैं, वहां पंचायतें चल नहीं रही हैं। वहां पंचायतों के चुनाव वर्षों से कहीं हुए हैं—कहीं 12 वर्ष से, कहीं 14 वर्ष से नहीं हुए हैं। नगरपालिकाओं के बारे में मैं जानता हूं कि जहां 17-17 वर्ष हो गए हैं कांग्रेस शासित राज्यों में चुनाव नहीं हुए हैं। इसलिए अगर सरकार ऐसा विधेयक लाना चाहती है तो यह सोचा जा सकता है। लेकिन जो गैर कांग्रेसी राज्य हैं, जैसा बंगाल है, केरल है, आंध्र है, वहां चुनाव नियमित हो रहे हैं। उन लोगों ने इसका सुधार कर लिया है। फिर भी अगर इतनी ही बात रहती कि यह नियमित चुनाव हो और आरक्षण दिया जाए, तो इस पर गंभीरता से विचार किया जा सकता था। अब जो विषय विचारणीय है, वह यह है कि पंचायत और नगरपालिका हमारे संविधान के अंदर स्टेट लिस्ट में हैं। स्टेट लिस्ट में रहने के कारण यह केन्द्रीय सरकार का कर्तव्य था कि इसे राज्य सरकारों के मातहत हो करने के लिए रखा जाये क्योंकि वह कांकरेंट लिस्ट में नहीं हैं। जो हमारे शासक दल के कुछ लोग बोले, उनके भाषणों से ऐसा लगता था कि पंचायत, ग्राम पंचायत और नगरपालिका भी कांकरेंट लिस्ट में हैं। ऐसा नहीं है। इसीलिए हम लोग विरोध करने के लिए बाध्य हुए हैं। आजकल

हम लोगों के ख्याल से अगर देश में शांति स्थापित करना है तो इस बात की जरूरत है कि राज्य सरकारों को और अधिकार दिए जाएं। लेकिन हमारी केन्द्र सरकार कर यह रही है कि राज्य सरकारों के अधिकार को कुंठित कर रही है। केन्द्रीय सरकार की नीति कुछ ऐसी हो गयी है कि जो राज्य सरकार बोट के द्वारा चुनी हुई सरकार है, उनके खिलाफ कांग्रेसी नेता लोग भाषण करते हैं कि उनको बंगाल की खाड़ी में फेंक दिया जाए। यह भाषण करने वाले केन्द्र के मंत्री लोग होते हैं। इस विधेयक में अगर सिर्फ इतनी ही सीमित बात होती कि नियमित चुनाव हो, हरिजन—आदिवासी और महिलाओं को आरक्षण मिले या वित्तीय व्यवस्था का प्रावधान हो तो यह विधेयक इतने तफसील में नहीं आता। जैसे इसमें लिखा है कि कितनी आबादी पर नगरपालिका या कांपोरेशन होगी? दो टायर होगी या तीन टायर होगी? कौन हिसाब आडिट करेगा? केन्द्रीय सरकार के सी०ए०जी० करेंगे या राज्य सरकार के आडिटर जनरल करेंगे? चैयरमेन का कैसे चुनाव होगा? उसे कैसे हटाया जाएगा? ये सारी बातें घसीट दी गयी हैं जिनसे कोई मतलब सधता नहीं है। एक ही मतलब सधता है कि केन्द्रीय सरकार पंचायतों और नगरपालिकाओं के कामों में हस्तक्षेप करना चाहती है। इससे एक ही बात जंचती है और हम को लगता है कि एक ही काम इसमें छूट गया है कि वह पंचायत और न्यायपालिका में कुर्सी कैसे रहनी चाहिए, टेबिल कैसे रहनी चाहिए यह सिर्फ नहीं लिखा हुआ, अच्छा होगा कि सरकार यह भी बिल ले आए कि यह कुर्सी और टेबिल जो रहेगा वह मेड इन 24-अक्बर रोड अखिल भारतीय कांग्रेस कमेटी का दफ्तर ही रहेगा, दूसरा कोई नहीं रहेगा। यह भी रख दिया जाए तो अच्छा है। यह कोई तरीका है? अगर आप चाहते हैं सचमुच सुधार करना तो हम लोग इसके पक्ष में हैं कि नियमित हों और हरिजनों—आदिवासियों, महिलाओं को आरक्षण हो। इसके लिए आप किसने ही इसमें प्रावधान रखें, विपक्ष इसके लिए

[श्री चतुरानन मिश्र]

तैयार है। हम लोग तो इसको खुशी से पास कर सकते हैं, राष्ट्र को इसकी जरूरत है कि जो सत्ता है उसका विकेन्द्रीकरण किया जाए। राज्य सरकार और केन्द्रीय सरकार का जो प्रशासन का खर्चा है, वह इतना बोझिल हो गया है कि हमारे बजट का एक भारी हिस्सा उसी में खर्च हो जाता है। इसलिए अगर कम खर्चीला प्रशासन हो, हम इसके पक्ष में हैं। अगर आप इतना ही लाते विधेयक में कि नियमित चुनाव हों, हरिजन-आदिवासी, महिलाओं के लिए अधिकार हो या कुछ कोष के प्रावधान का, तो हम इसका समर्थन करते। लेकिन आप तो टोटल बना कर दे देते हैं। यह हमको याद आता है कि अंग्रेजी में भी कहावत है कि :-

Love me and love my dog.

आपके इन उद्देश्यों के लिए, जिसके लिए आप टी.बी. पर रोज-रोज बोलते हैं, उसके कोई विषय नहीं है लेकिन यह तफसील में जाने का क्या मतलब है? एकमात्र उद्देश्य है कि आप राज्य सरकारों के अधिकार हटा कर सीधे केन्द्र में लाते हैं। इसलिए हम मजबूर हो रहे हैं, आपके इन संशोधनों का विरोध करते हैं।

फिर आपने इसमें दिया है कि फाइनेंस कमीशन बने स्टेट के लेवल पर और उसकी व्यवस्था करे। यह बात अच्छी हो सकती है लेकिन जरूरत इसमें यह है कि फाइनेंस आएगा कहां से? अगर स्टेट के ही फाइनेंस में बंटवारा करना है तो कांग्रेसी सरकार के जितने भी मुख्य मंत्री हैं, वे सभी जानते हैं कि वह भी स्वयं नहीं चला पाते हैं। वित्तीय संकट इतना है कि सेंट्रल फाइनेंस कमीशन बार-बार इस पर विचार करता है। अगर आप ऐसा एक भी नहीं देते हैं। कन्सोलिटेड फण्ड आफ इण्डिया से अगर आप कुछ भी ऐसा देने का प्रावधान करते तो हम समझते कि आप वित्तीय प्रावधान कर रहे हैं। अगर आपने कन्सोलिटेड फण्ड आफ इण्डिया से फण्ड देने का कोई भी प्रावधान नहीं किया।

मैं आपका ध्यान ग्रेट ब्रिटेन की ओर आकर्षित करता हूं। उन्होंने पंचायतों के लिए, काउंटीज के लिए और आपने यहां के म्युनिसिपल कारपोरेशन के लिए, उनकी जो टोटल इनकम होती है उसमें से 45 प्रतिशत सेंट्रल गवर्नमेंट देती है। अगर आप ऐसा प्रावधान करते कि हम ग्राम पंचायतों के लिए, नगरपालिकाओं के लिए कन्सोलिडेटेड फण्ड आफ इण्डिया से 50 प्रतिशत देंगे, जैसा कि मैंने एक असेम्बलमेंट में भुव किया है, तो मैं इसका पूरा समर्थन कर देता और यह पास होता। लेकिन आप इसको नहीं करते। आप जो यह भेद रख देते हैं कि स्टेट का अपना एक फाइनेंस कमीशन होगा, यह हमको ऐसा लगता है कि यह एक ऐसा लिफाफा है जिसमें मजमून नहीं है। बिना मजमून का लिफाफा आप लोगों को दे रहे हैं और डोल पीट रहे हैं कि हम इसके जरिए बहुत बड़ा काम कर रहे हैं। फिर इसमें जो जरूरी चीजें हैं हमने कई बार सुना है प्रधान मंत्री का भाषण कि न्याय व्यवस्था पैरालाइज्ड हो गई है, ज्यूडीशियरी हमारा पैरालाइज्ड हो गई है और लाखों केस जमा हो गए हैं सुप्रीम कोर्ट में और हर स्तर पर कोर्ट में केस जमा हो गए हैं, लेकिन फिर भी आपके लिए यह जरूरी नहीं हुआ कि न्याय पंचायत की व्यवस्था हम इस विधेयक में करें। यह आपने इसमें नहीं किया। आरक्षण की बात की, लेकिन पिछड़े वर्ग का आरक्षण होना चाहिए, यह आपने नहीं किया। आपने महिलाओं के लिए किया, अच्छी बात है। हरिजन-आदिवासियों के लिए किया, लेकिन हम आपसे जानना चाहेंगे कि जो दूसरी पिछड़ी जातियां हैं, उनके लिए आरक्षण का आपने इसमें कोई प्रावधान क्यों नहीं किया है? आपने यह भी प्रावधान नहीं किया है कि जो हमारे यहां बी. जी. ओ. है, डी. सी. है, डी. एम. है वह पंचायतों के अधीनस्थ होंगे जैसा कि बेंगलूर की सरकार ने किया है। वहां भारतीय प्रशासनिक सेवा के अधिकारी भी चुने हुए प्रतिनिधियों के अधीन रहेंगे, यह आपने किया नहीं और डोल पीट रहे हैं कि हमने सत्ता का विकेन्द्रीकरण करने के लिए यह बिल रखा है।

अगर पंचायतें और नगरपालिकाएं आई. ए. एस. अधिकारों के अधीन रहेंगे तो उसी तरह से वहां भी हस्तक्षेप बढ़ जाएगा।

मैं आपका ध्यान ग्रेट ब्रिटेन की जो लोकल बाडीज हैं उनकी ओर दिलाना चाहता हूँ। वहां पर पुलिस के अधिकार भी उनके हाथ में हैं, वे काउंटीज के अंदर हैं। इसलिए प्रशासन उतना खर्चीला नहीं हो पाता। एक और बात जिसके लिए हम विरोध करते हैं वह है आपका राज्यपाल का अधिकार जिसको आपने अधिकार बहुत दिए हैं। आजकल राज्यपाल ए. आई. सी. सी. का सेक्रेटरी होता है। इससे राज्यपाल की गरिमा गिर गई है। यही उनका विहेवियर है जिसकी आलोचना सरकारिया कमीशन में बड़े पैमाने पर की गई है। उनकी सूची दी गई है। तो केन्द्र के हस्तक्षेप का एक और साधन आपने रखा है। इसीलिए हम इसका विरोध करते हैं।

एक बात और है जिसको मैं आपसे कहना चाहूंगा और जो हमारे देश की विशेषता है। मैंने ग्रेट ब्रिटेन की चर्चा की, वहां की रिपोर्ट की चर्चा की जिनमें कहा गया है कि वहां नगरपालिकाओं के चुनाव के लिए कैंडिडेट नहीं मिलते। वहां पर 20 से 30 परसेंट नगरपालिकाओं के चुनावों में अन-कंटेस्टेड लोग जाते हैं। लेकिन भारत में पंचायतों पर कब्जा करने के लिए गोलियां चल जाती हैं, हत्याएं हो जाती हैं।

THE VICE CHAIRMAN (SHRI V. NARAYANASAMY) : Your time is 15 minutes and that is over.

SHRI CHATURANN MISHRA : This is a Constitutional Bill. You asked me and I got up to speak.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : I give you three minutes more. Please conclude.

SHRI CHATURANNAN MISHRA : You said that ruling party will not speak. That is why I am speaking. If you had told me that I have only 15 minutes, I would have adjus-

ted my speech. Anyway, I will now adjust.

हम आपसे कह रहे थे कि हमारे यहां ऐसी स्थिति हो गई है कि क्रिमिनल्स का पोलिटिक्स पर, पंचायतों और नगरपालिकाओं पर अधिकार बढ़ता जा रहा है और वे तमाम सीटों पर कब्जा कर लेते हैं।

श्री सत्य प्रकाश मालवीय : (उत्तर प्रदेश) : विधान सभाओं में नहीं ?

श्री चतुरानन मिश्र : विधानसभाओं और पालियामेंट की बात तब होगी जब वह बिल आएगा, अभी वह बिल नहीं आया है। उत्तर प्रदेश में जो नगरपालिकाओं के चुनाव हुए उनमें 14 पंचायतों के अंदर क्रिमिनल बेयरमेन चुने गए हैं। यही नहीं, मैं आपसे कहना चाहता हूँ कि इस पर बड़ी चर्चा हुई थी जब संविधान बनाया जा रहा था। डा. अंबेदकर ने कहा था कि पंचायतों को ये अधिकार अभी नहीं दिया जाना चाहिए क्योंकि हमारे देश की स्थिति ऐसी नहीं है कि अगर हम पंचायतों को अधिकार दे देंगे तो वह न्याय कर सकेंगे। जिस देश में 500, 600 हरिजनों की हर साल हत्या हो जाती है वहां पर ये अधिकार दे दिए जाएं तो हम समझते हैं कि यह हरिजन हत्याओं की बढ़ाएंगे। इसलिए इस कानून में प्रावधान की जरूरत है कि क्रिमिनल नहीं होंगे, कास्टिस्ट नहीं होंगे, भूमि चोर नहीं होंगे, शील भंग करने वाले नहीं होंगे, बंधुवा मजदूर रखने वाले नहीं होंगे, हरिजन हत्या करने वाले खड़े नहीं हो सकेंगे। इनके लिए प्रावधान किया जाए और इसके साथ ही राइट टुरिकाल हो, तब आप ये अधिकार पंचायतों को देंगे तो पंचायतें काम कर सकेंगी।

महोदय, मैं आपका ध्यान सरकारिया कमीशन की रिपोर्ट के पृष्ठ 14 की ओर आकर्षित करना चाहता हूँ जिसमें इस देश में क्या स्थिति है, उसके बारे में लिखा है :

“Economic development has led to the growth of affluent community of gentleman farmer who

[श्री चतुरानन मिश्र]

now from the rural elite and the landless labourer continues to struggle to maintain his place at the periphery."

भोपा कांड की हृदय विदारक घटना जहां सात हरिजन सिर्फ इसलिए मारे गए कि वे गांव छोड़ कमाने के लिए पंजाब जाना चाहते थे और ये जेन्टिलमैन फारमर उन्हें अपने ही गांव में मजदूर कर कम मजदूरी में काम लेना चाहते थे। एक नया वर्ग बन कर आया है हरित क्रांति में, ग्रीन रेवोल्यूशन में। आज पंजाब में नंगा नाच कर रहे हैं और वही वर्ग एपीकल्चर वर्क्स को सप्रेम करके रखा हुआ है। यह आपके सरकारिया कमीशन की रिपोर्ट है। ऐसी हालत में अगर आप एलिजिबल क्वाज को मजबूत नहीं करते हैं, जेन्टिलमैन फार्मर्स के हाथ पंचायतें रखते हैं तो उनके ऊपर अत्याचार और बढ़ जायेगा। अब आपकी पार्टी के बारे में कह रहा हूँ। अभी तो आप चेयर पर हैं इसलिए आपकी पार्टी नहीं कहूँ। लेकिन जब आप बिना चेयर पर जिस पार्टी में होते हैं उसकी मैं चर्चा कर रहा हूँ। सरकारिया कमीशन की रिपोर्ट के पेज 15 पर है :

"As the old guard of the pre-independence days began to vanish from the political scene by sheer afflux of time the composition of the Congress Party underwent a change particularly in the States. The new political leaders were distinctly different from their predecessors. They were younger and not steeped in the Gandhian traditions of the pre Independence era. Political life was not seen as in the days of the freedom struggle, as a sacrifice for the nation. Rather, it became a political carrier and a means of reaching for power and pelf in varying proportions. It was no longer the lawyer or doctor sacrificing a lucrative practice or the teacher throwing up his calling to join politics. It was the local leader commanding money, muscle power and caste or communal loyalties who came to the forefront of State politics."

आपकी पार्टी में यही लोग आ गये हैं सत्ता में। ये लोग कौन हैं—मनी वाले, मस्सल पावर वाले, कास्ट वाले और कम्युनल लीडर्स हैं। उन संशोधनों के जरिए आप इसी को अधिकार देना चाहते हैं। सम्भवतः हमारे प्रधान मंत्री इसी के लिए प्रयत्नशील हैं। यह हमारी रिपोर्ट नहीं है यह सरकारिया कमीशन की रिपोर्ट है और इसीलिए मैं कह रहा हूँ कि एलिजिबल क्वाज इसमें दीजिए ताकि हत्या करने वाले लोग इसमें न जा सकें। यह आपकी कांग्रेस पार्टी के बारे में कमीशन ने कहा है। अब मैं इसी के चलते आपसे कहना चाहता हूँ कि क्या हो रहा है। पैरा 1.4.21 में है :

"Those in power at the national level have been obliged to use diverse strategies and tactics, which were not always sound from long-term interests, in order to maintain their hold on the State level forces."

मैं सिर्फ इतना ही कहना चाहता हूँ कि आपकी पार्टी का चरित्र अत्यन्त ही भ्रष्ट हो गया है और सरकारिया कमीशन की रिपोर्ट को पढ़ कर कहता हूँ कि अगर आप यह बिल पास करते हैं तो गांव में हत्या बढ़ेगी, खेत मजदूरों को बड़ा सताया जायेगा, हरिजनों को सताया जायेगा, शीलहरण होगा, कम्युनल राइट्स होंगे। इसलिये हम अपील करेंगे कि आप इसको वापस कर लीजिये। हम लोगों के साथ आप बैठिये। जो तीन क्लॉज मैंने आप से कही—रेगुलर इलेक्शन, हरिजन आदिवासी महिलाओं का आरक्षण, फंड का प्रावधान, इसको आप पास कर दीजिये। हमारे संशोधन को मान लीजिये। हम आपका साथ दे देंगे और नहीं तो हम इसका घोर विरोध करते हैं। आपके दल में भी जिनको थोड़ा सा भी ज्ञान है हरिजन आदिवासी और गरीब तबके के लिये उनको सहकारिया कमीशन की रिपोर्ट सुनाकर हम अपील करेंगे कि आप इस तरह के हत्यारों के हाथ ग्राम में पंचायत न जाने दीजिये।

श्री मंत्री (श्री भजन लाल) : ये तीनों बातें आपकी मानी हुई हैं। आप साथ दे देंगे।

श्री चतुरानन मिश्र : तीन तो ठीक है लेकिन बाकी जो आप कहते हैं love me and my dogs too. आपके कुत्तों की पूजा नहीं करेंगे। आप तीनों ले लीजिये हम आपको देने के लिये तैयार हैं। हमारा अमेंड है इसको आप एक्सेप्ट कर लीजिये। भजन लाल जी आप जो यह कह रहे हैं कि आप सी.ए.जी. आडिट करायेंगे तो राज्यों का आडिटर जनरल क्या करेगा एक मारेगा।

श्री भजन लाल : आप तह में जाइये। सोच कर बात कीजिये।

श्री चतुरानन मिश्र : सोच रहे हैं तो फिर आप यह डिलीवरी क्यों कर रहे हैं। हम आपकी इस डिलीवरी के खिलाफ हैं। पहले आप फालतू प्रावधानों को डिलीट कर दीजिये और वही तीन मुद्दों पर बहस कराइये, अपोजीशन के साथ बैठकर इस पर विचार कीजिये। यह आपका ही मसला है। कांग्रेस रूढ़ स्टेट्स में पंचायतों और नगर-पालिकाएँ अत्यन्त दुरावस्था में हैं। अपोजीशन रूढ़ स्टेट्स में उससे कहीं अच्छी व्यवस्था है। प्रधानमंत्री ने स्वयं यह बात कही है कि बंगाल में, यह व्यवस्था अच्छी है। आप तो चाहते कुछ और हैं और रेडियो और टी.वी. के बल पर यह कहते हैं कि हम सत्ता का विकेन्द्रीकरण कर रहे हैं और एक नई क्रांति ला रहे हैं। यही आप चिन्ता रहे हैं। इससे काम नहीं चलेगा।

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Shri G. Swaminathan. You have fifteen minutes. Please try to conclude within that time.

SHRI G. SWAMINATHAN (Tamil Nadu) : Sir, I stand to

support the Bills wholeheartedly. The respected hon. Member, Shri Chaturanan Mishra, who spoke before me, used to be very clear and precise in his arguments. I have heard him many times and whatever he said, he used to be precise in his arguments and I could fathom whether he was supporting or opposing a Bill. If I have understood him correctly, he is opposing the Constitution (Amendment) Bills, but once he said in his speech that he was in favour of panchayats getting more powers because it was the dream of Mahatma Gandhi. We have been having that dream for the last so many years. It is a well-known fact and it is being talked here that in our country panchayats have been having all the powers for the last thousand or two thousand years. Even in Tamil Nadu, during the time of Chola kings and Pandiyas, we were having the Panchayat system. We were also having the election system. It is not as if panchayats were wanted as a dream by Gandhiji. They were in existence in this country for a long time and naturally when such an amendment is being brought, our hon. Prime Minister is giving life to the ancient methods by which our country was ruled and our panchayats were functioning. That is the intention with which he is bringing it.

While Mr. Chaturanan Mishra has been congratulating and saying that he is in for panchayati raj, he has been saying that because of the criminalisation of politics at the village level and at the State level, he is not in favour of giving powers to the panchayats. Either you give powers to the panchayats or you do not give powers to the panchayats. And then you cannot change the system or the people who are in politics today.

He was also mentioning the Sarkaria Commission Report. I do not know whether Sarkaria

[Shri G. Swaminathan]

Commission mentioned only about the Congress Party. We have all kinds of people, whether it is a Congress-ried State or an Opposition-ruled State. Also those people who were freedom fighters are almost gone; 95 per cent have gone. We have only four or five per cent of them, may be, who are already aged and who are not able to function in politics. A new generation of people has come who have their own aspirations. They are entirely different from their forefathers. They think that politics has to be a fulltime job. As we all know, in those days, politics was a part-time job. Either you are a lawyer, or you are a doctor, or you are a teacher and you could still be in politics and could serve the country. Now a days, politics has become a full-time job, as you may know, Sir. You yourself are a lawyer and I have my own profession. I do not know, whether you have given up law, but I have almost given up my profession. It so happens, once you are in politics, either at the panchayat level, or at the higher Legislative Assembly or Council level—I have myself been in the Council and Assembly for nearly 24 years and here for about 18-20 years I have found myself that hereafter it is difficult to be a part-time politician because once you are here in Parliament, you spend three or four months here and then you will be going with Committees. So most probably it takes nearly four or five months and when you go back home, you have no time to practise law. I have been meeting a friend of mine who is from Tripura who has been telling me that he was a popular doctor in that place. He no longer can practise medicine in that place. Suppose you get a patient there and you simply vanish from there and come to Parliament, when you go back the patient cannot be waiting for you. And if you are a lawyer, your client won't wait for you. If you are a Chartered Ac-

countant, your clients won't wait for you. If I am in any other profession, it is not possible to practise that profession and politics together because you have to satisfy so many people.

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra) : That is why you have become a professional politician ?
..(Interruptions)..

SHRI G. SWAMINATHAN : Naturally. But I did not say "professional," but he becomes a fulltime politician. There can be a difference between a professional politician and a fulltime politician. I am talking about the fulltime politician, because almost all of us are. Naturally, he cannot attend to both because the aspirations of the people are so high that for everything they go to him. I remember a person coming to my house at two o'clock in the night and ringing the bell. He wanted to admit his daughter into some maternity home. Sometimes we get people at ten o'clock in the night.

One says, "Sir, you are moving about everywhere. Why don't you find a bridegroom for my daughter ?" I cannot chase him away because I depend upon his votes. Therefore, to say that there are all kinds of people in politics has no meaning.

According to me, sincerely, because the times have changed, people have changed, and people will change, you cannot have the old days back. These days you have this kind of people everywhere, not only in the Congress. Everywhere, in any place, may be criminals will come, all kinds of people will come. It is the will of the people to reject them. I cannot say that because criminals have come I cannot have Panchayati Raj. Tomorrow somebody may say that communal riots are there and the majority community will oppress the minority community—even now they are oppressing—and now if you are going

to give them power they will oppress them all the more. Then to say that you will not give power to the panchayats has no meaning. To say that because criminals will come I will not have Panchayat Raj will have no meaning. Either you give panchayat powers or you don't give panchayat powers, once you accept that panchayats should have powers,

As one who has been in the District Development Council for a period of time, I had seen that panchayats were pleading with the Collectors, panchayats were pleading with the officers who were attending the District Development Council meetings. Most of them used to say, "The lights are not burning. What shall we do?" They will not put electric bulbs. The roads will not have any bridges. Even for maternity cases they will not be able to travel in rainy days. The school will not have a teacher and the DEO will not oblige. The Panchayat Union will have a primary health centre, but the doctor will not be given. And they will not be able to report to anybody. This is the kind of pitiable condition in which our panchayats, panchayat unions and local bodies are. How are you going to remove it? Unless you give them power, unless you constitutionalize the whole thing, it cannot be removed.

What is happening is, once elections are to take place, the Chief Minister feels, "Why should I conduct elections?" Take any State Government. May be my party is in power or the Opposition party is in power, whichever party may be in power, tomorrow if I find that I will not win a municipal election, I will not hold the election if I am the Chief Minister. Tomorrow the other party comes to power and if I find that I will not be able to win the panchayat election, I will not hold the election. Whichever party is there, whether it is the Congress Party, DMK or

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AI-ADMK, whatever may be the party, elections have not been held, not only in Tamil Nadu but in many States elections have not been held over a number of years from Kashmir to Kanyakumari.

This is a State subject where the Government has to command elections. They have not done it. People have been saying, why power to hold elections should be given only to the States and why it should not be given to the Election Commission so that elections can be held periodically. This is what our honourable Prime Minister has said. Whether you want it or not, whether the State Government wants it or not whatever Government you may have or may not have, you will have to hold the elections every five years. Supposing superseded panchayats are there. Whether you supersede a panchayat or whatever you may do, within six months you will have to hold the elections. This is the mandate which the Constitution gives to the State Legislature.

Sir, the previous speaker said, where is the money for me to give to the panchayats? This was the argument.

(Interruptions)

SHRI V. GOPALSAMY (Tamil Nadu): They are not conducting elections. You know the States.

SHRI G. SWAMINATHAN: I don't know. You are talking about elections because you are always selective about power. (Interruptions) Mr. Mishra said that they might be conducting Parliamentary elections in which I am interested and you are also interested. Elections are coming. You also know it. . . . (Interruptions)

SHRI V. GOPALSAMY: For seven years the AI-DMK Government did not conduct elections.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Mr. Swaminathan, you address me. Don't answer his interruptions. *(Interruptions)*

SHRI G. SWAMINATHAN : He is my good friend and neighbour. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : That is not the way to answer him.

SHRI V. GOPALSAMY : Because I don't want to disturb him...

SHRI G. SWAMINATHAN : He disturbs me from the back. And this gentleman is speaking from this side and I have to see him also. He wants my time to collapse. I also know his intention. ... *(Interruptions)*

The point which Mr. Chaturanan Mishra raised is, where is the money ? If the Centre gives me money the State Governments will be able to do it. But, as one who has been in the State Legislature for a very long time. I know where the money goes. whatever Government may be there. Two-thirds of the people are living in villages and one-third of the State funds are going to the villages. Two-thirds of the money is being spent on urban areas. In the urban areas, if you take the corporation areas, one-third of the money is being spent on corporation areas, one-third money is being spent on municipal areas and one-third of the money only is being spent on village areas. This is what is happening in our country.

Even take a hospital. Whatever amount you give, a village man in a panchayat will get medicine worth 8 naye paise. When he goes to a medical college hospital, he will get medicines worth Rs. 1.20. Even in medical colleges, if you take a place like Thiruvananthapuram from where I come, which is a district headquarters, in the hospital had, if my man goes

there, he will get it worth 80 paise, and the Madras Medical College man will get it worth about Re. 1. Even in Madras itself there are three more variations. The whole thing is a variation in this nation.

What we are now thinking is, whatever money we may have with the State Government, has to be allocated appropriately. If they are getting money from the Centre, nobody bothers. I would be very happy if the Centre gives more money. That is what our hon. Prime Minister says that under the Jawahar Rozgar Yojana he is going to give more money. That is there. Even when he gives money, we are disputing, "You are giving money. You have to give only through me. Don't give the money directly to the panchayats." They want money, and they say that they do not have money. Even the money they have, they do not allocate properly. If the money is given directly to those people because the Central Government is afraid that the money will not reach them, they say, "Don't give them money." What is the argument, Sir ? They accept the Finance Commission. They say that election has to be conducted every five years. They say that panchayats are very necessary. At the same time, they say, "Don't give powers to the panchayats. It will create criminalisation." I am not able to understand any of the arguments because the whole argument seems to be confusing about whether they are for it or not. If you are not for the panchayats getting powers, tell it frankly that you don't want powers to be given to them. Tell it frankly. But don't put your argument and say "but" and "if". How many "buts" and how many "ifs" ? Everything has become a very confusing affair.

So, from this point of view, Sir, I very strongly advocate and very strongly support the Bill because I feel that through this

Bill there will be a great change going to come in this country. What change has not come over the last 40, 50 year period, what has been dreamt by our forefathers, what has been laid down in the Constitution, this very fact has been brought by our Prime Minister. He is going to usher in a new India, I assure you. I am not from the Congress Party. I am taking out of my conviction. A new India is going to be ushered in. That is my firm conviction. I strongly support the Bill.

Then one more thing I say. Certain arguments have been given. One or two I may also like to give by the experience of Tamil Nadu. There are certain sections in this Bill two sections which I would like the Government to deeply consider. One is indirect elections to Panchayat and Panchayat unions. Sri in Tamil Nadu we have direct elections to Panchayats and panchayat unions. Panchayat Presidents and Panchayat Union Presidents are directly elected in Tamil Nadu. Here, Sir, according to your Bill, there is indirect election to Panchayat and indirect elections to panchayat unions. They are intermediate bodies. So, I wish, Sir, you consider whether there should be direct elections to panchayats and whether you can give power to the States to decide whether it can be a direct election or an indirect election because the mode of the election will depend upon the ethos of a particular State. We were having indirect elections, and later we found that indirect election has brought in so much of trouble, so much of corruption, so much of lifting people and trying to do these things. We changed the whole thing and we held that direct elections to panchayat Presidents will be much better. Sir, I wish you considered this point. It is a very valid point, Sir.

Another very valid point that I would like to point out is this.

The Panchayat Presidents are automatically members of the panchayat unions and the panchayat union members are automatically members of the District Development Councils. The District Development Council consists of the Panchayat Union Presidents. It consists also of other people from the municipalities and the Members of the Legislatures also. With voting rights we are members there. Now, Sir, according to your Bill, the Panchayat Presidents will not be members of the panchayat unions. The Panchayat Presidents will not be members of the District Development Council. You are going to elect them directly a representative from the panchayat to the panchayat union from the panchayat union to the District Development Council. That is what you are going to do. You have also given powers that the Panchayat Presidents and the Panchayat Union Presidents can also be nominated either to the panchayat union or to the District Development Council.

What may happen is that it may lead to diarchy. There will be one representative to the Panchayat Union as a representative of the Panchayat. There will also be the Panchayat President without having a voting right. He is a man who is functioning there as President. He knows the ethos of his village. He knows what actually he has to do. He, if the Government passes an appropriate legislation, may also become a member of the District Development Council. But still he will have no voting right in the Panchayat Union. Only a directly elected Member will have a voting right and this man will be without a voting right. These are the two very points and I wish you to consider them.

About six objections have been raised against this Bill. One of the hon. Members who spoke here during the last session, raised one

[Shri G. Swaminathan]

objection that this Bill has been passed in the Lok Sabha without the Opposition Members having given their views because they had resigned from the Lok Sabha. On this ground they feel that the Bill does not have legitimacy. If somebody resigns and goes away from the Lok Sabha on his own accord as the Opposition Members have done and if a Bill is passed their logic regarding claiming the Bill not being legitimate is not understandable.

The second objection raised by them is that the Opposition Members have not been consulted and therefore the Bill does not have legitimacy. The Prime Minister has replied on that point saying that he had already consulted the Chief Ministers of various States. He called them at a meeting and had consultations with them. So there is no point in their raising such an objection. The Chief Ministers are great Opposition leaders. My Chief Minister when he was there he was the Opposition leader. Even though I am here as an Opposition leader. I was under him. It is because he has nominated me as a leader. I am here. My State Chief Minister was asked to come here for consultations. So, the objection about not consulting the Opposition leaders has no meaning because the Chief Ministers of various States, including those of the Opposition ruled States were asked to come for consultations. If they have not come it is their decision. The most important point is whether they had been asked to come or not.

Another objection raised against this is that the basic structure of the Constitution is being affected. If they have such a feeling they should go to the court and the court will strike it down if it is so. Naturally no Government in its senses would bring in such

a Bill. The Centre has got its own legal advisers who advise them whether the basic structure of Constitution is being affected or not. The instance that was quoted was regarding the property of a person. The property of a person is a private property and if somebody says that his property has been affected that is something different. I do not understand this kind of an argument being applied here. It is up to the Government to find out whether it has got legality or not. If the Opposition leaders find there is no legality they should go to the court. The Supreme Court is there and it can strike it down if it feels that the basic structure of the Constitution is being affected.

Another objection raised is that there is no strict demarcation and that the States powers have been eroded. As one who has been advocating for powers of the States for a very long time, I personally feel that they have not been affected. Here a sort of indication has been given to the States that these are the powers you allocate to the various Panchayat unions and district councils. It is a sort of instruction under the Constitution given to the States. As long as they obey it nothing is going to happen to them. Nobody has gone away with your powers. Still you are lord of the Panchayats and still you can supersede the Panchayats. Still you have powers to conduct elections to the Councils. So, to say that the powers of the States have been taken away is a wrong argument. The Opposition parties are taking such a stand because they don't like such powers to be granted.

Finally I would say it is a very innovative Bill. It is going to bring in a new era in the country. We are all looking forward to securing great achievements especially in the villages this Bill is passed. We hope

this will give them better amenities, better functioning and better authority over their own life. So, I support the Bill on behalf of my party.

श्री अश्विनी कुमार (बिहार) :
उपसभापति जी, मैं निवेदन करना चाहता हूँ कि आज ऐसा अनुभव हो रहा कि सदन काफी देर तक बैठेगा, 10-11 बजेंगे। कल भी हम लोग एक बजे तक बैठे थे। सदन के सदस्यों के लिये भी भोजन की व्यवस्था बहुत विलम्ब से हुई थी और मुझे यह जानकारी मिली है कि सदन के लिये व्यवस्था तो हुई थी परन्तु सेक्रेटेरिएट स्टाफ और सेक्यूरिटी स्टाफ के भोजन की कोई व्यवस्था नहीं हुई थी।

मेरा आपसे नम्र निवेदन है कि सदन के सदस्यों के लिये, सेक्रेटेरिएट स्टाफ तथा सेक्यूरिटी स्टाफ के लिये भोजन की व्यवस्था करने की व्यवस्था की जाये।

संसदीय कार्य मंत्रालय में राज्य मंत्री तथा प्रधानमंत्री कार्यालय में राज्य मंत्री (श्रीमती शोला बोसित) : आई एग्जिस्टेंट वी आनरेबल मेम्बरज सेंटिमेंट। लेकिन मैं आपसे यह निवेदन करने जा रही हूँ कि न केवल सदस्यों के लिये व्यवस्था है, बल्कि पूरे सेक्रेटेरिएट स्टाफ की भी हुई है, प्रेसवालों के लिये भी हुई है और जितना यहाँ पर सुरक्षा का स्टाफ है, आदर या बाहर, उन सबके लिये पूरी तरह से व्यवस्था की गई है।

SHRIMATI BHOYA CHAKRAVARTY (Assam) : Mr. Vice-Chairman, Sir, I feel and it is also true that no politically conscious people will oppose the lofty principles of Panchayati Raj system in the country. It was there and it will be there. But we cannot support the deformed Panchayat Raj Bill that is presented here in the House.

We cannot support the line of action of the Government so far as the 64th and 65th Amendments of the Constitution are concerned. Bills involving great national interest should not have ulterior motives. But now it is clear that two Bills smack of the interest of the party in power. We have seen that the ruling party here in its haste for reaping political harvest in this election year through an Indian breed of *perestroika* is going to destabilise the very federal structure of the Country. Sir, I feel that most of Members have expressed their views that a major legislation involving the basic structure of the Constitution, presupposes countrywide discussion and deliberation. Moreover, expert opinion of legal luminaries and reference to a Select Committee for thorough scrutiny of the Bills have been an imperative necessity. People's opinions are taken lightly. I want to ask the Government, why they are showing haste in passing these Bills? We are not going to wage any war with the Panchayati Raj and Nagarpalika Bills against any foreign country. Sir, I am constrained to say that the Members of the ruling party are not at all serious and not at all concerned over the technical and Constitutional aspects of the Bills. In their speeches, the ruling party Members here flung epithets to

[Shrimati Bijoya Chakravarty]
the Opposition Members of course, to speak in the language of the Prime Minister, Mr. Rajiv Gandhi, "beimans and limpets" are there. If they are not mindless Robots, they cannot come out of their mental grooves. These limpets even turn the august session of Parliament into a national conference of "Wah wah" party. We all assert here that there is no controversy in the country about the necessity of reinforcing the Panchayati Raj and other local bodies. There is no controversy in the country about making these institutions more effective, vibrant, representative and vesting them with adequate power and financial resources and administrative authority. But what are these Bills presented in the House? These Bills are simply meant for political convenience of the ruling party.

In my state of Assam, our Chief Minister, Shri Prafulla Kumar Mohanta, wrote a letter to the Prime Minister regarding Panchayati Raj system, I quote :

"We welcome the objective of the strengthening of the local bodies. In fact, our Government has already introduced decentralised planning at the sub-divisional level in Assam for bringing administration closer to the people. We have already enacted Assam Panchayati Raj Act in 1986 making provision for three-tier Panchayati Raj system and providing adequate representation for women and Scheduled Castes and Scheduled Tribes at the various levels."

It is clear that all non-Congress (I) States in the country have taken these basic issues of decentralisation of powers more seriously and sincerely. We have seen how Andhra, West Bengal, Karnataka and other States have attained tremendous success in their attempt to develop responsible local bodies more ad-

roitly than the Congress (I)-rule States of the country. We have ample proof how in UP and Bihar these local bodies are turned into dens of corruption. Shri Chaturana Mishra stated this fact. At a time when the existing constitutional provision works commendably well and the process of decentralisation is nowhere disrupted, this legislation at the cost of the State's autonomy is a monumental blunder on the part of the Central Government. In this connection, I would like to refer to the report of the Sarkari Commission. The Commission suggested three alternatives. First is a law may be made on the basis of a model Bill, prepared on the basis of consensus at the forum of Inter State Council. Secondly, by a law on the subject, made by Parliament under Article 252, with the consent of the legislature of the State. Thirdly, by Parliamentary law uniformly applicable throughout India. Sir, adoption of number one and number two alternatives require no amendment of the Constitution. But the Commission very clearly said, if the Government wants to make a uniform law, it has to amend the Seventh Schedule and take item number 5 out of the purview of the State Legislature. Sir, the Prime Minister did not exercise or try to take recourse to number one and number two alternatives and get either a model Bill prepared in the inter-Governmental Council or in the National Development Council through or consensus of the State legislatures. By the present amendment, through an indirect process, the autonomy of the States is going to be affected badly and the road to corruption would be open without check at every level. When the Government talks about devolution of power to the people, the Government should see that there is proper devolution of power at the State level also. There can be no devolution of power unless the Centre respects the devolution of powers to the States. The Centre is preaching all the time of more powers to the people. We too desire that the people,

right from the grassroot level should exercise power on their own but there is a constitutional process of devolution of power to the people. The Central Government can never bypass the States while going to devolve power to the people. The Government that slowly and gradually curbs the constitutional power of the States can never devolve power to the people in the true sense. The process followed by Rajiv Gandhi here puts the federal fabric of the Constitution in jeopardy. We all know it and it is felt by the people in general. The principle of decentralisation has been grossly abused and the very spirit of the Constitution of India has been dragged down by the morally bankrupt Government here. Secondly, I want to mention here how the Prime Minister thinks that the Comptroller and Auditor General would be able to cover lakhs of Panchayats and thousands of Nagarpalikas in the country in time. It is known to all that the CAG is already so hard pressed to examine different public corporations and other Governmental departments that it normally takes six years for him to submit the report. By that time, it becomes virtually meaningless. The third aspect is about the financial memorandum. Rules and procedure say, a Bill involving expenditure shall be accompanied by a financial memorandum, which shall invite particular attention to the clauses involving expenditure, and shall also give an estimate of recurring and non-recurring expenditure. What does financial memorandum say? I do not want to explain it because of shortage of time. The provisions are likely to increase the workload of the CAG as well as the Election Commission. The Election Commission needs augmentation of their staff. Without going into the details,

7.00 P.M.

they cannot spell out the likely financial burden involved in it. From these points we see that the likely

increase in the expenditure has not been clearly mentioned. This is a measure brought in such haste that it betrays the insincerity on the part of the Central Government. Moreover, these Amendments make way for level-jumping in the administration. The rationale of devolution of power and control of one layer by another just above it have been completely thrown to the winds. As a consequence there will be an incongruous situation in the States, at all the local levels, in the panchayats and in the nagarpalikas throughout the country. If these measures are introduced, the instability and incongruousness in administration will become more pronounced in the country. Then there will be no time to correct it. I assert that this Government should not go in for these things. I emphatically say that the Government should withdraw the Bills as early as possible. (Interruptions). Prime Minister Rajiv Gandhi is a great lover of super-computers and electronics. Probably he wants to control panchayats and nagarpalikas sitting here in New Delhi. I think it is a sort of madness to bring these Amendments. I would also like to say that even if the Bills are passed—we will not allow them to be passed, we will defeat them; even assuming that it so happens that they are passed—the Centre will have no authority with regard to panchayats and nagarpalikas and they will continue to remain under the sole and exclusive authority of State Legislatures. Then, what is the use of introducing the Bills? The Centre will only be subverting and tampering with the Constitution of the country. In this connection, I would like to give a final warning. One must not forget that history is like a very cruel retaliator. It excuses nobody and when it starts retaliating it does not stop. Thank you.

SHRI SHABBIR AHMAD SALARAI (Jammu and Kashmir) : Sir, both the Constitution (Sixty-fourth

[Shri Shabbir Ahmad Salarai

Amendment) Bill and the Constitution (Sixty-fifth Amendment) Bill are intended to amend the Constitution so as to provide for establishment of panchayats and also to provide for the working of these panchayats. They also seek to provide for nagar-palikas in urban areas. The basic idea behind these Bills is not in controversy. Even the Opposition as well as the Congress in power thinks that there should be devolution of power, the power to decide, the power to implement. But the whole atmosphere is charged with suspicion. There is a suspicion that this is being done with a view to erode the powers of the States and thereby to bring in more of a unitary form of Government than a federal form. And for that purpose, references have been made to the provisions of the Bills as passed by the Lok Sabha. The Bills do contain provisions whereby the Central Government has provided for the control of the Comptroller and Auditor General of India as well as the Accountant General. Now, that suspicion can be removed by providing that the State Accountant General can provide for the accounts and for the audit of these accounts. So far as the criticism that the Bills have taken all the powers and have decided everything and left nothing to the State Legislatures to decide is concerned, I think there is not much of substance in that.

A reading of the various sections of the Bill would show that it repeatedly says that the State may by means of law passed by the State Legislature provide for such and such contingencies which are envisaged in the Bill. Now, therefore, I would submit that State Legislatures are not totally left out of the entire working of the panchayats and their establishments. But so far as our State is concerned, we have our own Panchayat Act and our constitution. According to the constitution of Jammu and Kashmir, the panchayats are to be established

and we have established the panchayats. Therefore, there is the suspicion that whatever powers remain with the States are being taken away. But this suspicion takes the place of reason. The Bill as laid before the honourable House require certain re-consideration

For instance, I will invite your kind attention to the provision in the Bill which requires re-consideration. For instance, at page 3 you have section 5, which says: "The Chairperson of a panchayat at the village level shall be chosen by election in such manner as the Legislature of the State may by law provide." and (b) a Panchayat at the intermediate or district level shall be elected by, and from amongst, the elected members thereof."

I would submit that clause (a) of section 5 should be re-cast so as to say :

"A Panchayat at the village - or intermediate level shall be chosen by election in such manner as the Legislature of the State may by law provide."

Similarly, in section 243C(1) it is said: "Seats shall be reserved for the Scheduled Castes and the Scheduled Tribes..." But it does not talk about backward classes. Therefore, I would say :

"Seats shall be reserved for the Scheduled Castes and Scheduled Tribes and other Backward Classes..." This is one of the criticisms which has been levelled against the Bill by one hon. Member. And I do think that this amendment in the bill is necessary so that other Backward Classes which are as important and which need as much of attention as do the Scheduled Caste and Scheduled Tribes should also find reservation. This should be provided in the Bill and this amendment is necessary.

Further, I may take you to the

other provisions. For instance, we have been saying much about the load of cases on the subordinate judiciary as well as the load of cases in the High Courts and District Courts. Undoubtedly, thousands of cases are piled up which have not been decided, with the result that the faith of the people in the judiciary is shaken. Apart from other reasons, one of the reasons is that for years together cases are not decided, so much so that people get disgusted and leave the courts in disgust. There are cases which are pending for 15 years. After 15 years when the case is taken up, even the client or anybody else is not interested in the matter. And when a matter is decided after 15 years and we write to them to come for judgment, we do not have any response. Perhaps those people have perished in the process. This is the condition now. In fact, we have added to the burden of cases in the courts and to the misery of the people by not filling up the vacancies of Judges in High Courts and other courts. In the State of Jammu and Kashmir there are five out of eleven posts which are vacant for years together, which have not been filled up. But we have promised to the people to provide them speedy and cheap justice. That could have been provided by means of these Panchayats. Panchayati *adalat* is nothing new for India. Panchayati *adalat* has been in existence. In Jammu and Kashmir we have got Panchayati *adalats*. Those Panchayati *adalats* decide criminal and civil matters. Therefore, I say that in Section 433(E) or Article 243(E) where you have said: Subject to the provisions of the Constitution, the Legislature of a State may, by law, endow Panchayat with such power and authority as may be necessary to enable them to function as an institution of self-government, such law may contain provisions for the devolution of power and responsibility upon the Panchayat at the appropriate level subject to such condition as may be specified therein with respect to (a) the preparation

of laws for economic development and social justice and (b) implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule. I say add (c) saying establishment of the conferment upon Panchayat *adalat* or *nyaye adalat*. The jurisdiction should be to try such criminal and civil matters as may be entrusted by the State Legislature. This is forgotten. (*Time Bell rings*) I don't say that this has been done intentionally. But somebody has forgotten it while it was being drafted. It will be very good for the people of India. It will be very good for all of us. It will be very good for those people who are suffering because their cases are not being decided and for our future. Also it will be good to inspire confidence amongst our people that we give power to the people to decide smaller matters as has been done in many States and we establish *nyaye panchayats*. This has not been done here. It struck me that after this Bill has been framed, this thing has been forgotten although it is the avowed policy of the Congress as well of other socialist parties that we shall have such Panchayats as can decide matters or any controversy between the parties which are of a smaller nature, smaller offences and smaller revenue matters in order to give justice and succour to the people.

I will also invite your kind attention to Article 243(H) in which the power has been vested in the Comptroller and Auditor General of India to audit the accounts of Panchayats. This has created a serious suspicion and rightly so. There are obviously available in each State we call 'Accountant General'. Can't they do this job? If you keep the purse in the hands of the Central Government, you give birth to suspicion. Let us not give birth to misgivings. Let us do something which can make the matter easier for those who feel that their powers

[Shri Sabbir Ahmed Salarai]
are being taken away. The existence and continuance of the federal structure demands that they should do it with a broader mind. We should not throw the baby with the bath. The purpose is that we should have Panchayats. The purpose is that we should have devolution of power. The purpose is that disputes amongst the people should be settled at the grassroot level without going into costly litigation, without going far away from home and without expending so much of money. If that purpose is to be served, why bring in these clauses which create friction, which create suspicion, which create a sort of tug of war between the States and the Centre? (Time bell rings).

We support this Bill because it has a laudable purpose. We support this Bill because it is enshrined in the programme of *Naya Rashmir* of the National Conference, because it provides something which we have implemented in the State of Jammu and Kashmir. But it does not contain those good things which should be there. Therefore, I will submit with all humility that all these amendments to which I have referred to the Members of this august House and to which I have invited the attention of the Government and the powers that should be accepted and these defects may kindly be removed. These may kindly be given a thought to so that we have a better Bill and a better law which can serve the purposes of the people of India.

With these words, I support this Bill subject to the submissions which I have made.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY) : Shri Ram Awadesh Singh. Please try to conclude in 15 minutes.

श्री राम अवधेश सिंह : (बिहार) : उपसभाध्यक्ष महोदय, मैं आपका आभारी

हूँ कि आपने आज मुझे पहले बुद्धि दिया।

मान्यवर, इस बिल पर आने से पहले मैं एक छोटी सी बात आपको बताना चाहता हूँ। हमारे यहाँ बजार में गन्धारों में घटिया सोदा बेचने वाले रहीं दवा बेचने वाले हमरू बजते साँप दिखाते हैं और लोगों को जकड़ते हैं। जब लोग जमा हो जाते तो रहीं से रहीं दवा निकालकर लोग को बताते हैं कि यह दवा दाँत दर्द दूर करेगी, यह पेट का दर्द करेगी, यह दिल का दर्द दूर करेगी और सब लोगों का इलाज वह कनफूसियर दवा में दिखाते हैं। अज पंचायतों, राज बिल के बारे में जितना झामा हुआ जितना हमरू पोटा गया है और हम बजकर लोगों का ध्यान खींच गया कि दिल्ली की सरकार, राजीव गांधी की सरकार सत्ता का विकेंद्रीकरण कर रही है और सत्ता को गाँवों में जनत के पास ले जा रही है, इसका बोझ पीटकर देश की जनता का ध्यान खींच गया है कि यह कनफूसियर दवा पेट दर्द दिल का दर्द, तथा गाँव की सब बेभारियों का इलाज है, वह हम बताते चाहते हैं कि क्या है।

मान्यवर, मुझे खुशी होती अगर सत्रम् में सत्ता का विकेंद्रीकरण होता। हम लोग जन लोगों में से जो बिना सहायता माँगे हो इस बिल का समर्थन करते अगर बातें इससे सत्ता का विकेंद्रीकरण होता। इस सदन में ऐसा सोचा आया जब इंदिरा गांधी जी ने सही मायने में आतंककारी कदम उठाये थे और वहाँ का राष्ट्रीयकरण किया था, प्रिवी पर्स को समाप्त करने का कदम उठाया था तो प्रतिपक्ष के समाजवादी लोगों ने, सोशलिस्ट लोगों ने कम्युनिस्ट वहाँ इंदिरा गांधी का समर्थन किया था क्योंकि हम लोग माँग करते रहे हैं कि वहाँ का राष्ट्रीयकरण करो, प्रिवी पर्स को समाप्त करो और वही बिल जब आया तो हम लोग पीछे नहीं भागे, उसका सपोर्ट किया था। हम सोच माँग करते थे कि बीछम्मा राज्य बनाओ,

सत्ता का विकेन्द्रीकरण करो। चौखम्भा राज्य हो जिसमें चार खम्बे हों—दिल्ली की पंचायतों प्रांत की पंचायत, जिले की पंचायत और गांव की पंचायत। इन चारों पंचायतों में सत्ता का विकेन्द्रीकरण होना चाहिये।

श्री विठ्ठलराव माधवराव जाधव (सहाराष्ट्र) : फिर विरोध क्यों कर रहे हो, वही तो किया जा रहा है?

श्री राम अवधेश सिंह : आपकी खोपड़ी में यह बात नहीं आयेगी...

श्री विठ्ठलराव माधवराव जाधव : आपकी खोपड़ी नहीं है समझने के लिये...

श्री राम अवधेश सिंह : आपकी पीठ में कभी पुलिस के डंडे नहीं पड़े हैं। आप को पैर खींचार कभी जेल में बन्द नहीं किया गया है। हम लोग उन लोगों में से हैं जिनको पुलिस के डंडे पड़े हैं, कान खींचार जेलों में हफ्तों-हफ्तों बन्द किया गया है। इसलिये मेरे पास दंड है। आप सुनिये। डा० राम मनोहर लोहिया ने कहा था कि चौखम्भा राज्य बनाओ तब जम्हूरियत मजबूत होगी। उसी देश मजबूत होगा। चौखम्भा राज्य देश को बनाया जाये। सूबे की पंचायत हो, जिले की पंचायत हो, गांव की पंचायत हो और केन्द्र को पंचायत हो। उन्होंने कहा कि लेजिस्लेटिव पावर पंचायतों को दो, जिला पंचायत को कानून बनाने का अधिकार दो, पंचायतों को कानून बनाने का अधिकार दो। यह सीआरपीसी में 1857 के बाद जो खूबार जानवर पैदा किया गया है, जिले का कलेक्टर आजाद भारत में, ऐसे खूबार जानवर की कोई जगह नहीं होनी चाहिये। जो खूबार जानवर पैदा किया गया अंग्रेजों के द्वारा 1857 के बाद उसी जानवर के जरिये देश की आजादी के आन्दोलन को कुचला गया और उसी खूबार जानवर को बरकरार रखते हुये सत्ता का विकेन्द्रीकरण कैसे कर सकते हैं। जैसे की पंचायत चुनी हुई पंचायत हो। उसको

अधिकार दो और कलेक्टर जैसे खूबार जानवर को, एस.पी. जैसे खूबार जानवर को हटाओ। पुलिस को पंचायत के अधीन करो तब जाकर सही मायने में पंचायती राज होगा, सत्ता का विकेन्द्रीकरण होगा। आप घोखाघड़ी कर रहे हैं। जब हम चौखम्भा राज कहते हैं तो आप पंचखम्भा राज बना देते हो। इस पंचखम्भा राज में पंचायत भी है, ब्लॉक की भी पंचायत है, जिला की भी पंचायत है, प्रदेश की भी पंचायत है और फिर दिल्ली की पंचायत है। यह पंचखम्भा बना दिया और इस पंचखम्भा में एक खम्भा मजबूत है। नाकी सड़े हुये, घुन लगे हुये खम्भे हैं। इस पर कैसे महल टिका रह सकता है। महल को टिकाना है तो चारों खम्भे मजबूत बनाओ और उसी पर इमारत खड़ी हो सकती है, मजबूत इमारत बन सकती है। आप बनाना चाहते हैं घुन लगा हुआ खम्भा। एक खम्भा रहना दिल्ली वाला। यह सारी पावर छीन सकता है। बाकी छीनने की सारी योजनायें आप कर रहे हैं। मुझे हिटलर की बात याद आ रही है। आप समझने की कोशिश करिये। हिटलर ने कहा था कि चांसलर की पावर और प्रेजिडेंट की पावर—दोनों हमको मिला देंगिये क्योंकि यह को बांधा हो रहने है काम करने में। कम्युनिस्ट और सोशलिस्ट दोनों को हथ-जोड़कर कहा कि पालियाट के बिना पास करा दो। चांसलर और प्रेजिडेंट दोनों पावर मिला दो और हम को दे दो। ज्यों ही बिल पास हो गया तो पास होते के बाद तुरन्त उसने कम्युनिस्टों की और ऊंगली उठायी और कहा कि अब आपकी सहमता की जरूरत नहीं है। फिर सोशलिस्टों की ओर ऊंगली उठायी और कहा—
I require no more your help.
रात में सब कम्युनिस्टों और सोशलिस्टों को जेल में बन्द कर दिया। इसी तरह से मैं यह कहना चाहता हूँ कि यह जो बिल है यह हिटलर ने जो बिल पास कराया था उससे ज्यादा भयानक और खतरनाक है। मैं यह कहना चाहता हूँ कि फेडरलिज्म का यह लास्ट फाइवर है। जो संघीय व्यवस्था है उस व्यवस्था

[श्री राम अवधेश सिंह]

के अन्दर खंभों को तोड़ना चाहते हैं।

श्री विठ्ठलराव माधव राव जाधव :
प्लाई-आफ आर्डर। मैं माननीय सदस्य से जानना चाहता हूँ कि इससे कौन बन्द हो सकता है। हिलटर का इससे क्या ताल्लुक है।

श्री राम अवधेश सिंह : आपकी खोपड़ी के बाहर की चीज है।

श्री विठ्ठलराव माधवराव जाधव :
आपकी खोपड़ी इतनी नोची है कि वह किसी के...

श्री राम अवधेश सिंह : यह निश्चित है कि हमारी खोपड़ी ज्यादा अच्छी है। यह हम जानते हैं कि आपकी खोपड़ी से हमारी खोपड़ी ज्यादा अच्छी है।

[उपसभापति महोदय पीठासीन हुई]

आप आ गयीं अच्छा हो गया। गुस्सा भी करेंगी और हंस लेगी तो हमारा गुस्सा ठंडा हो जायेगा। मैं यह कह रहा था कि यह जो 64वां और 65वां संशोधन बिल है यह उस संघीय व्यवस्था के ताने-बाने को तार-तार करने वाला है। उसका तहस-नहस करने वाला है। कैसे करने वाला है यह संविधान में लिखा हुआ है States are federating units of the Union. यह नहीं लिखा है Panchayats are the federating units of the Union.

आप पंचायत को जोड़ कर कह रहे हो। यह हमारा युनिट होगा, डायरेक्ट लिंक होगा। स्टेट को पावर है। जिले का कार्य क्षेत्र है उसमें लेजिस्लेटिव पावर वो तब हम समझेंगे कि पावर दू-द पीपल जा रहा है। कलेक्टर जैसे खूंखार जानवर को हटाओ। वाइसराय हटा या नहीं। अंग्रेज के जमाने में जो वाइसराय का खूंखार पद था उस को हटा कर चुने हुये भारतीयों के हाथ

में सत्ता दी गयी। तो कलेक्टर क्यों रहेगा, कलेक्टर के माध्यम से क्यों होगा? जो काम होगा वह कलेक्टर को हटा कर होगा। जब जिले में पावर जायेगी, जनता के प्रतिनिधियों के हाथ में पावर जायेगी तब आप कह सकते हैं कि पावर जनता के पास ले जाई जा रही है।

कल जो कागज हमको बांटा गया और वह प्रधान मंत्री की तरफ से बांटा गया। वह एक लम्बा चौड़ा बयान है। उसमें कह दिया कि धि नीति के संबंध में इस प्रकार से लेसयमित किया जायेगा कि हमारे किसानों को उनकी उपज का लाभकारी मूल्य सुनिश्चित किया जाये। अभी तो सारी चीजें चुनाव के हिसाब से हो रही हैं। मैं पूछता हूँ कि इसको आप कैसे करेंगे, यह तो बताइये। लेकिन कुछ काम नहीं होगा। यह सब फ्रांकेवार्ज है। कह दिया कि सुनिश्चित कर देंगे लेकिन कैसे करेंगे। एक बयान दिया गया कि कोआपरेटिव के जरिये किसानों की हालत सुधारेगी। लेकिन मैं कहना चाहता हूँ कि मुझे अन्य राज्यों के बारे में मालूम नहीं है, बिहार के पूर्व मुख्य मंत्री श्री जगन्नाथ मिश्र यहां पर बैठे हुये हैं, इनको मालूम है, इनकी अगले-बगल में कोआपरेटिव के माध्यम से लूटने वाले माफिया बैठे रहते हैं और इनको धोखा भी देते हैं, उल्टा भी देते हैं। ये बेचारे लाचार हैं, विवश हैं। इनके अगले-बगल में बैठ कर बिहार लूट रहे हैं। उस पर प्रधान मंत्री का ध्यान नहीं गया है। हमारे यहां एक माफिया है जिसका नाम सुपेस्वर सिंह है। उसने विस्कोमान को लूटा। श्री जाद साहब ने उसको नुबूनी पहनाने का काम शुरू किया था लेकिन वह झूठ से उनको ही हटा दिया और क्या काम किया? ऐसा झाक डाला... (व्यवधान)

SHRI MURLIDHAR CHANDRAKANT BHANDARE (Maharashtra) : He is naming persons who are not present at all and who are Members of the other House.

श्री राम अवधेश सिंह : आप तो क्या-क्या एलीगेशन लगाते हैं ।

श्री बिठलराम माधवराव जाधव : महोदय, क्या इनकी खोपड़ी में समझाइये कि लोक सभा के मेम्बर का नाम यहाँ नहीं लेना चाहिये । इनकी खोपड़ी में यह बात नहीं आती है ।

श्री राम अवधेश सिंह : इक्कीसवीं सदी का खाद हमारे यहाँ दिया गया कि 28 दिन में ही गेहूँ का पौधा उठा गया । इस तरह प्रधान मंत्री का ध्यान खींचा गया कि कोअपरेटिव वाले हमें लूट रहे हैं, ऐसा बीज दिया गया है... (व्यवधान)

श्री बिठलराम माधवराव जाधव : महोदय, ये किस पर बोल रहे हैं ।

श्री राम अवधेश सिंह : मैं उसी पर बोल रहा हूँ जो पंचायती राज बिल यहाँ पर लाया गया है आपके इदेगिर्द ऐसे ही लोग आयेंगे और आप कहेंगे कि हम सत्ता का विकेंद्रीकरण कर रहे हैं । अब मैं असली पाइंट पर आता हूँ ।

उपसभापति : असली पाइंट तो हो गया है । अब मिनटों की गिनती मत कीजिये, प्रयास बैठ जाइये ।

श्री राम अवधेश सिंह : अगर यह सरकार सचमुच में चाहती कि जनता के लिये बिल लाना है और बिल ऐसा लाना है जिससे पावर जनता के पास जाये तो हम लोग आँधे मुँह गिरते और उसका समर्थन करते जैसे हमने बकों के राष्ट्रीयकरण की और प्रिवीपर्स का समर्थन किया था । मैं यह सलाह दूँगा कि जहाँ तक इसका अच्छा अस-पेक्ट है वह इतना है कि पांच साल में पंचायत के चुनाव होंगे, यह अच्छा है, इसमें और कुछ अच्छा नहीं है । इतने पक्ष का हम आपको समर्थन देते हैं और बधाई देते हैं । लेकिन पच्चीस तरह का बड़िया खाना बनाकर उसके एक कोने पर एक चम्मच पाखाना रख दीजिये तो उसे कौन खायगा

बताइये । आपने एक अच्छा काम तो कर दिया उसके एक कोने में पाखाना रख दिया और फिर आप कह रहे हैं कि हम पंचखंभा राज बचायेंगे । आप डाइरेक्ट मत करो । आप स्टेट के माध्यम से पंचायतों को आठो-तामी दो जिलों को आठोनामी दो । मैं इस बात से सहमत हूँ । इसलिये आप बिल को री-कंस्ट्रक्ट करिये और दस रोज के बाद फिर सेशन बुलाइये । हम लोग उसको पास कर देंगे । आप उस बिल को ऐसा बनाइयेगा ताकि देश को लगे कि पूरा सदन सत्ता पक्ष और प्रतिपक्ष देश की जनता को गाँवों की जनता को पावर देना चाहते हैं ।

उपसभापति : मुझे अनाउन्समेंट करना है । आप बैठ जाइये ।

श्री राम अवधेश सिंह : मेरा टाइम पूरा होने दीजिये ।

उपसभापति : आपका टाइम पूरा हो गया है ।

श्री राम अवधेश सिंह : अभी पांच मिनट बाकी हैं । अनाउन्समेंट बाह दि वेयर ।

उपसभापति : आप बैठ जाइये । आप का टाइम हो गया ।

श्री राम अवधेश सिंह : मैं कह रहा हूँ कि सरकार इस बिल को पास न कराये और हम लोगों का संशोधन मान ले । अगर सरकार सचमुच में जनता को पावर देने वाला बिल लाती है तो जैसा हम लोगों ने बकों के राष्ट्रीयकरण के लिये वोट किया, प्रिवी पर्स को हटाने में वोट किया, वैसा ही इसके लिये वोट करेंगे । लेकिन सरकार यह करना चाहती है कि बिल जब पास नहीं होगा तो ये इस बिल को लेकर चारों तरफ घूमेंगे और कहेंगे कि देखिये अपोजीशन वालों ने इसको पास नहीं किया । मुझ को एक किस्ती याद आता है ।

उपसभापति : कहानी न सुनाइये ।

श्री राम अवधेश सिंह : एक सियार और एक सियारिन थे । सियार को एक उस्ताद मिल गया । वह वहाँ पर रखवाली करने वाला एक ग्रंथा था । ये उसके खेत का भुट्टा खाते थे । सियार को वह ग्रंथा कहता था दूर दूर । सियारिन कहती थी कि भागो भागो वह आ गया । वह कहता था कि नहीं नहीं और कहता था कि अब हमको खाने का परमिट मिला हुआ है । ऐसा करते रहे लेकिन फिर वहाँ पर दो ठो कुत्ता वह ला दिया । जब उसने कुत्ता छोड़ा तो सियार ने कहा कि भागो भागो...

उपसभापति : वे कौन सी जुवान में बोल रहे थे ।

श्री राम अवधेश सिंह : सियार ने कहा कि भागो भागो तो सियारिन ने कहा कि परमिटवा दिखा दो । उसने कहा कि यह परमिट सरमिट कुछ नहीं मानता है भागो भागो । जो ग्रंथा था परमिट उसको दिखाती थे लेकिन जब सियारिन ने कहा कि परमिट दिखाओ तो वह कहता है कि यह परमिट सरमिट कुछ नहीं मानता है तो जब आप पंचायती राज का परमिट जनता के पास दिखायेंगे तो जनता आपको कहेगी कि परमिट सरमिट हम कुछ नहीं मानते हैं । हम तुमको हरायेंगे ।

उपसभापति : आप बैठ जाइये ।

श्री राम अवधेश सिंह : परमिट नहीं चलेगा, पंचायती बिल की नौटंकी नहीं चलेगी और जनता आपको हरायेगी तब आपको पता चलेगा... (अवधान)...

उपसभापति : आपने सियार और सियारिन की कहानी सुना ली, अब आप बैठ जाइये ।

श्री राम अवधेश सिंह : मेरे सभी पाँच मिनिट और बाकी हैं । पाँच मिनिट बाकी बाकी हैं न ?

उपसभापति : नहीं बाकी हैं ।

श्री राम अवधेश सिंह : प्रण्टा दो मिनिट दे दीजिये । मुझे खत्म करने दीजिये । (अवधान) यह सियार जैसा बोलने से काम नहीं चलेगा । महोदया, मैं यह कहना चाहता हूँ कि इस बिल को वापिस ले लें और नये संशोधनों के साथ इसको लाएं ताकि हम लोग पूरे समर्थन के साथ इसको पास करें और जनता को सही मायने में अधिकार मिलें अन्यथा इस बिल का हृथ आप ही जानती हैं यह बिकल होगा और इस बिल की इस हाऊस में पराजय होगी ।

THE DEPUTY CHAIRMAN:

Hon. Members, I have to make an announcement that arrangements have been made for catering dinner at 8.30 p. m. in Room Nos. 70 and 73 for the hon. Members, for friends from the Press and the officers and staff. I would request the Members to go in batches so that we do not waste time in adjoining for dinner. It is for every one—staff, officers, watch and ward and every body else.

SHRI G. SWAMINATHAN:

What about the time of voting?

THE DEPUTY CHAIRMAN:

Let me finish with the food, then I will come to voting. The reply will start at 09. 30 p. m. followed by voting. So in between, you please go and finish your dinner.

SHRI MURASOLI MARAN

(Tamil Nadu): Who is replying Madam

THE DEPUTY CHAIRMAN:

Whom do you want to reply?

SHRI V. GOPALSAMY: The

Prime Minister.

THE DEPUTY CHAIRMAN:

That will be for the Government to decide.

SHRI V. GOPALSAMY: You are

really great, Madam.

THE DEPUTY CHAIRMAN: The

Prime Minister will reply. Today what-

ever you have asked, I have given you.

SHRI CHITTA BASU (West Bengal): Madam, I rise to oppose the two Bills in principle. At the outset, I want to make it clear that we are for the decentralisation of power.

THE DEPUTY CHAIRMAN: You continue. You are a veteran politician. You should not get bothered by disturbance.

[The Vice-Chairman (Shri B. Satyanarayan Reddy) in the Chair]

SHRI CHITTA BASU: Sir, We are for decentralisation of power, we are for regular elections to the panchayats, we are for reservation for women, we are for reservation and protection of the scheduled castes and scheduled tribes of our country. We also want to get them involved in the decision making process right from the grassroot level up to the highest level of decision-making machinery. But I am opposed to these Bills on principle, firstly because these will impinge upon the basic structure of the Constitution of the country. These Bills deal deadly blows to the principles of federalism as explained and enunciated by Dr. Ambedkar, who described the States and the Union as co-equals and the States not being dependent upon the Union. These two Bills directly violate that very sound principle of federalism. That sound principle is that ours is a Union of States. Our Union is not the pre-dominating institution but the States and the Union are co-equal and co-partners and they will have to function in harmony and in cooperation.

As you know, Sir, the Constitution of the country has local self-government and Panchayati Raj under the State List, Entry 5. The State Legislature is empowered to make suitable legislation for the Panchayati Raj institutions and Nagar Palika institutions but now the Union is trying to grab that power. Therefore,

it is a blatant abridgement of the States rights as guaranteed by the Constitution and has all along been practised. It is just impermissible under the present system of devolution of power. We have got a set system of devolution of power. These Bills distort that very delicate balance between the States and the Centre and, therefore, it is in contravention of the basic spirit of the Constitution. If you would kindly permit me to say so, it is nothing but a fraud on the Constitution of our country.

In this connection I won't quote, because you won't permit me to quote profusely, but I would only remind the House to recall what was said by Mr. Santhanam while he moved his amendment in the Constituent Assembly. (Interruptions)... Tamilian name? Is he a Brahmin?... (Interruptions)... No? Thank you. So, Sir, this is my first reason on principle to oppose these two Bills.

My second objection to the Bills is that these two Bills display a cynical, perverted, notion of decentralization. Under the cover of decentralization, these Bills seek to centralize power in the hands of the Union at the cost of the States.

My third reason for opposing the Bills is that these Bills exhibit the intention of the Centre, I would say, the sinister design of the Union Government, to forge instruments to convert the Panchayati Raj institutions and local bodies into numerous Union territories in the States. They want to have their own islands of power, they want to see that the rights of the local self-government bodies and Panchayati Raj are not properly utilized by the people for the fulfilment of their hopes and aspirations. But they want to convert this Panchayati Raj institution into an instrument of interference into the affairs of the State Governments.

Fourthly, Sir, I want to mention in all humility, this Bill seeks to

[Shri Chitta Basu]

claim credit for rejuvenation of the panchayati raj system, passing on all responsibilities to the States—please note “all responsibilities”—for the functioning of the panchayati raj system and the local bodies to the State Governments but without parting with any power and not guaranteeing anything for the successful functioning of the panchayati raj system and local bodies. There are no guarantees from the Centre. All responsibilities have to be borne by the States, but the States' rights are not being guaranteed. This is nothing but a hoax. This is nothing but a device by which to hoodwink the people, particularly on the election eve.

Therefore, on these four specific grounds I want to oppose the Bill on principle.

In the course of the speeches I heard the name of Mahatma Gandhi, that this Bill is going to fulfil the dream of Mahatma Gandhi. True. Gandhiji wrote an article entitled “My Ideas of Village Swaraj” in the “HARIJAN”—I do not know whether you know it—on July 26, 1942. I had an opportunity of reading it. There the entire concept is different. Gandhiji's idea was that the village republics must be economical and socially self-sufficient without reliance on the Government. Here you want to make Gandhiji's dream in this way that all panchayati raj institutions will be nothing but your instruments, nothing but your variants. Therefore, you are killing the spirit of Mahatma Gandhi. Therefore, the spirit of Mahatma Gandhi in regard to panchayati raj is being killed, is being destroyed, is being buried.

Now the Government wants, as I have alleged, to centralise power. I give an example. The Government has recently set up in Delhi the National Informatics Centre. It has been given the charge of collection of data at the block level. An officer of the Centre would be placed in

every district to collect and computerise information at the district level and transmit it to the Centre, that is, the National Informatics Centre. At the District level this computerisation work and monitoring work will be done by an officer appointed by the Centre on the back of the State Government. Therefore, as I have earlier alleged, they want to make the panchayati raj system an instrument of interference at the grass-root level. This is the scheme on which the Central Government is proceeding now.

It has been the habit of the Central Government to take more powers for the developmental activities in the States. I will give an example; statistics too. Way back in 1970 the National Development Council decided that the value of the Central sponsored schemes would be limited to one-sixth or one-seventh of the quantum of the assistance for State Plans and that too in the nature of experimental projects, survey and research. That was the decision taken by the National Development Council in early 1970s. Now I have checked the figure. In 1987-88 the total value of those schemes, the Central sponsored schemes, in the State amounted to 53 per cent of all State Plan schemes. My dear friends from Karnataka must have got the information that for Karnataka this figure had reached up to 103 per cent. They want to make inroads into the developmental activities of the State without giving them the constitutional power to function. Therefore, on all the counts I also feel that this is nothing but a device for further centralisation of power.

Now look at the example of the State Government of West Bengal. You are saying that more financial resources should be transferred to the district level. In West Bengal in 1988-89 transfers from the State to the districts were about 40 per cent. In 1989-90, this year, these transfers have risen up to 47 per cent. It is the target of the State Government of West Bengal to further increase the transfers from the State to the districts.

Therefore, it is not the State Government which does not want to transfer resources towards the districts. The reverse is the case with the transfer from the Union to the States. I give that example also. So far as West Bengal is concerned, transfers from the Union to West Bengal was 32 per cent earlier. Now it has been reduced to 29 per cent. I think this trend is equally true in all the States. Transfer, which was 32 per cent has been reduced to 29 per cent not only in two years, but this is the trend. On the other hand the Left Front Government in West Bengal has increased the amount of transfer from the State to the districts. This is what has been the centralisation of powers. What you are encouraging is nothing but centralisation of power.

No mention has been made about the recommendations of the Ashoka Mehta Committee. I think none of us was a member of that Committee, but it is for the benefit of the House to know what actually the Ashoka Mehta Committee recommended. I will read out a summary portion of it:

“The logical corollary of creating Panchayati Raj as a medium imperative is the need for greater devolution of functions and authority from the Union to the States”.

Ashoka Mehta was asked to recommend for the decentralisation of powers and rejuvenation of Panchayati Raj system. Here to begin with that recommendation you say in order to rejuvenate, in order to strengthen the Panchayati Raj system, the first step to be done is that there should be transfer from the Union to the States. Therefore, I allege that it is a perverted motion of decentralisation of power and it is nothing but a device of centralisation of power at the hands of the Centre. Now, it has been referred to that Mehta Committee also. The Mehta Committee also enclosed a model Bill. This Bill does not tally with the model Bill of Ashoka Mehta Committee's report. In two respects only I would interpret. The draft

Bill of the Ashoka Mehta Committee leaves the entire supervision, management and control of the Panchayati Raj to the State Governments. The control and management all lies with the State Governments. Here you have deprived the State Governments their rights in very specific and crucial areas. One is election, and the other is audit. Therefore, the total monitoring, total supervision which was envisaged by the Ashoka Mehta Committee has been reduced and you have taken away the power of the States in two crucial areas. The draft Bill provided for flexibility in the structure of Panchayati Raj institutions. I mean two-tier or three-tier. Here the Ashoka Mehta Committee did not recommend for uniformity of structure. Here irrespective of the peculiarities irrespective of differences which exist from State to State, socially, politically or otherwise, you are recommending a rigid framework of Panchayati Raj a uniform Panchayati Raj which is not applicable for a vast country like India with different specifics, with different particularities prevailing in different parts of the country. I think, every man who is connected with the State realities will understand my argument.

Now, we have got the report of the Sarkaria Commission. It also discusses the affairs of decentralisation of power. In the report of the Sarkaria Commission, the question of Panchayati Raj system was also discussed. The Sarkaria Commission suggested two things: (1) There may be an Inter-State Council to be formed and the Inter-State Council may decide upon a model Bill and the State Legislatures ought to pass that model Bill or alternatively they suggested: (2) The State Governments may give the power to the Union Government to legislate upon Panchayati Raj system based on a common agreed draft model Bill with consent. Why he has said so? I just quote what he has in his mind. The Sarkaria Commission had the perception of decentralisation of power at the grass-root level.

“Since there is a general tendency

[Shri Chitta Basu]

towards greater centralisation of power, there is a special need in a country like India, for a conscious and purposive effort to counter it all the time."

He felt that there is a tendency towards centralisation of power and there should be a conscious effort to fight back that trend. I again quote:

"There is considerable truth in the saying that undue centralisation leads to blood pressure at the Centre and anaemia at the periphery. The inevitable result is morbidity and inefficiency. Indeed, centralisation does not solve but aggravates the problems of the people."

Therefore, all these principles have been dishonoured and thrown to the winds and it is nothing but a diabolical method of centralisation which is very dangerous for the country and the country's polity, the country's democracy. Therefore, I oppose the Bills and I want even at this late stage they should withdraw if they have got the interest of the country, democracy and better polity of the country in mind. Thank you.

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): I request the Leader of the House, Mr. P. Shiv Shanker to clarify a point.
8.00 P.M.

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER): Mr. Vice-Chairman, Sir, I thought, I owe a certain explanation to the hon. Members. Unnecessary rumour and panic is floating around on the statement that I had made as intervention at the time when Mr. Advant rose to speak. I did not say that the Lok Sabha will be dissolved. (Interruptions) Just a minute. I would like you to check up every word that I have said. I will repeat it. I will repeat that also. I would request you to check every word of what I have said. In fact, I have no authority to have said so. I only said, it is possible that we might think. I said that. Just a minute. It means nothing. We should

understand this simple English. means nothing and obviously so. I means it is possible, it is not possible. We have not made up our mind. I does not mention that we are going to dissolve the Lok Sabha. It is not susceptible of the meaning in any form as it is sought to be floated on this side. I thought that I should explain my position because unnecessarily I find a lot of people—Lok Sabha Members equally the press people being panicky. I thought I should explain my position.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): Can you clarify if you have any plan of dissolving the Rajya Sabha?

THE VICE-CHAIRMAN (SHRI B. SATTAMARAYAN REDDY): That is not possible. Mr. Swamy. Now, Prof. Sourendra Bhattacharjee.

PROF. SOURENDRA BHATTACHARJEE (West Bengal): Mr. Vice-Chairman after the Leader of the House explained the position the situation may perhaps not improve in view of the fact that when the Leader of the House, a responsible Cabinet Minister makes such a statement, nobody should be blamed for coming to a conclusion. But that is neither here nor there. We would have been more concerned if it were declared that even the perennial House also should be dissolved. Now the Panchayati Raj Bill, to my mind, is completely unconstitutional in the sense that article 249 of the Constitution clearly lays down that if Parliament is to legislate on a matter which is under State List, the Council of States will have to adopt a resolution by two-thirds majority. Then Parliament may legislate on a matter of urgent national importance and that also for a particular period. The Constitution (Sixty-fourth Amendment) Bill, 1989 and the Constitution (Sixty-fifth Amendment) Bill, 1989 bear the article number by way of filling up a gap—article number 243—both the Bills with the same article numbers goes through

both the Bills. The Article number is 243. Article number 246 is the Seventh Schedule which enumerates the lists—List No.1 is the Union List. List Number 2 is the State List and under the State List, entry number 5, includes Local Self Government including village panchayats and village administration and everything. There are provisions which infringe upon Article 249 or Article 250. When? Under emergency. Parliament can legislate even on State subjects. So far as we know, there is no emergency just at the present moment. So far as we know the Rajya Sabha has passed a resolution that Parliament legislate on such matter of national importance. Just by passing these Constitutional Amendments can a patently unconstitutional thing be done? Another underlying point is that it gravely and seriously infringes on States' rights on a matter which is basic to the States and which involves the grass-root level in the State, a pet term of our young Prime Minister. Of late he has taken to talking of taking democracy to grass-root levels and putting an end to exploitation which are very noble sentiments. But as a student of history, I am reminded of a story in the European history in the 18th Century Queen Mary of Austria wept constantly over the fate of Poland. And it is said the more she wept, the more she took out of Poland. The Prime Minister's concern for the exploited for the downtrodden, for the grass-root level, reminds me of that only because the more he expresses his concern, the more the exploitation increases, the more the condition of the poor becomes worse. So, with that understanding these Bills have been brought and therefore its bona fides are seriously in question in my mind. The Congress rules over most of the States in the country. The Congress in its different incarnations—whether Congress-S, Congress-I, Congress-R or Congress-J—all of them put together, rules over a majority of the States. Our Prime Minister happens to be the President of that noble organisation, I do not like to proudly say at this point of my life

that I also used to be associated with the Congress at one time. When? It was the period of national struggle, national movement, when it was not the resort of power-brokers again in the inimitable language of our Prime Minister. But what prevented the Congress President during the period 1984-89 from bringing about a change in the Congress-ruled States, from bringing about panchayat raj there? Now, any power you propose to the panchayats will go to whom? To the 'mukhias' and 'sarpanches' who are representatives of the worst forms. In bigger States like Uttar Pradesh the largest State, and in Madhya Pradesh, and in most of other States where the Congress (I) rules, the first duty is to bring something good in one's home. Even after that, I feel impelled to say, it is a gigantic fraud on the nation at large. That will be very wrong. The people of the Congress Party very liberally told that their party would forego its time. If the Panchayati Raj Bill and the Nagar Palika Bill had not been taken, would the Heaven have fallen? What is the scheme of things? What is in the offing? Mr. Shiv Shanker told us an alarming news. Dissolution is not alarming. Dissolution of the Lok Sabha has to come today or tomorrow. Our programme was to sit till the 16th. But again during the second day without break, without anything, just in order to score a point in the elections perhaps all these things have been tried. Therefore, their *bona fides* are not acceptable.

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): Your time is over. Please conclude.

PROF. SOURENDRA BHATTACHARJEE: All this has been done to make inroads into the domain of the State. A parallel source of power is sought to be created. I need not go into the Election Commission and the Comptroller and Auditor General. As the hon. Member Shri Chitta Basu pointed out, it is one question of principle that we oppose this Bill and oppose this Bill lock, stock and barrel. The only advisable thing and

[Prof. Sourendra Bhattacharjee]
the only sensible thing for this Government would be to retrace its steps even at this last moment. It is a step towards confrontation with the States. Thank you.

THE VICE-CHAIRMAN (SHRI
B. SATYANARAYAN REDDY):
Mr. Gautam. Ten minutes.

श्री आनन्द प्रकाश गौतम : (उत्तर प्रदेश) : आदरणीय उपसभाध्यक्ष महोदय, अभी पंचायती राज से सम्बन्धित जो संशोधन विधेयक प्रस्तुत हुए हैं उनके सम्बन्ध में मैं अपने विचार रखने के लिए खड़ा हुआ हूँ। पंचायत की धारणा हमारे देश में बहुत पुरानी है। संविधान इस देश में लागू होने के समय संविधान निर्माताओं ने उसमें विशेष व्यवस्था का प्रावधान किया था। अनुच्छेद 40 और पार्ट 4 में जो डायरेक्टिव प्रिंसिपल्स आफ स्टेट पालिसि है उसमें कस्टिट्यूशन ने किस तरह से पंचायतों का प्रावधान किया है वह बताना चाहना है :

The Constitution has stated that the States will 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.

मान्यवर, सरकार ने वर्तमान सरकार ने एक बड़ा भारी डिंडोरा पीटना शुरू किया कि जनता को सत्ता का विकेंद्रीकरण करने जा रहे हैं। ऐसा लगा कि कोई बहुत नयी चीज पैदा हो गयी, कोई बहुत क्रांतिकारी चीज जनता के सामने देने जा रहा है। आखिर कौन सी ऐसी चीज थी जिसके लिए संविधान में संशोधन करने के लिए वर्तमान सरकार को बाध्य होना पड़ा। मजबूर होकर किसी विशेष उद्देश्य के तहत इस संविधान संशोधन को लाने के लिए बिल प्रस्तुत किया गया। वह कुछ और नहीं हो सकता, उसके प्रति सच्ची धारणा नहीं हो सकती बल्कि केवल चुनाव में एक नया नारा देने का प्रयास है, जनता को लुभाने के लिए, केवल वोट प्राप्त करने के लिए ऐसी धारणा सारे देश में व्याप्त हो गयी है। पार्टियों के सदैव से खोखले नारों

और आधोखीन घोषणाओं पर भरोसा किया और देश की भोली-भाली जनता को अंधेरे में रखकर गद्दी पर बैठे 42 सालों से। चुनाव के पहले इस तरह से लुभावने नारे और घोषणाएं कांग्रेस हमेशा करती रही चाहे वह गरीबी हटाओ का नारा रहा हो, चाहे समाजवाद का और चाहे जनता के हाथ में ताकत देने के नारे के साथ पंचायती राज बिल का यह नारा। यह भी चुनावी प्रचार मात्र है। हाँ, इस समय जनता ने इतना ज़ोर स्वीकार किया है कि यह बिल लाकर कांग्रेस ने अब तक जो 40 वर्ष से जनता को इस अधिकार से वंचित रखा था उसका थोड़ा प्रापञ्चित अवसर करना चाहते हैं।

शहरी विकास मंत्री (श्रीमती मोहसिन क़िदवाई) : आपने माना तो इतना।

श्री आनन्द प्रकाश गौतम : प्रायः कांग्रेस के सत्रों में यह देखने में आया है कि चुनाव पंचायतों के हुए और उनका गठन भी हुआ मगर उन्हें छोटे-छोटे बहाने बना कर बर्खास्त कर दिया गया। उन्हें स्थगित किया गया। आजादी के बाद से अब तक पंचायती राज की भावना से परहेज करने वाले सत्ता में बैठे कांग्रेस के लोगों को अपने पिछले 40 साल के इतिहास पर शर्म करनी चाहिए पंचायती राज और नगरपालिका बिल को एक बहुत बड़ा क्रांतिकारी कदम कहना कांग्रेस के लोगों का हक नहीं है। प्रधान मंत्री जी के मन में एकाग्र पंचायती राज लाने की भावना आई। जो उनकी एक महत्वाकांक्षा थी और अगले चुनावों के लिये यह एक नारा मात्र है। जल्दी से जल्दी जिस तरह से इस बिल को लोक सभा में बिना विपक्ष की मौजूदगी में पास करवा लिया गया वह उचित नहीं है। संविधान में महत्वपूर्ण संशोधन करना हो और विपक्ष की मौजूदगी की परवाह नहीं की जाय तो यह कैसी पंचायती राज की धारणा है ? क्या पंचायती राज की भावना को आप उसी भावना से गांवों तक ले जाना चाहते हैं ? निश्चित

ही इसके परिणाम अच्छे नहीं होंगे। आप कह सकते हैं कि विपक्ष ने असहयोग का फैसला किया है। मगर पंचायती राज की भावना तो यही है कि विरोधियों के असहयोग को भी आप बातचीत के माध्यम से सहयोग में बदल दें तो शायद यह पंचायती राज की भावना हो सकती थी। आपको मानना चाहिये कि पंचायती राज की भावना इस तरह से होती है। पंचायती राज की धारणा कोई नई धारणा नहीं है। आजादी के बाद हमारे देश के ग्रामीण क्षेत्रों में और सारे समाज में पंचायती राज की भावना भले ही वह सरकार या संविधान के भातहत नहीं रही हो लेकिन वह मौजूद रही है कि कम से कम अनुसूचित जातियों और अनुसूचित जनजातियों में आज भी पंचायत के निर्णय को पुरोहिताकृत के साथ लागू किया जाता है उसकी अपील भी नहीं हो सकती है।

जब यह बिल लाया गया तो ऐसा लगा कि अनुसूचित जातियों और महिलाओं के साथ बहुत बड़ी हमदर्दी दिखाई जा रही है। आप कहते हैं कि वे भी अब विकास में भागीदार हो सकेंगे। आपकी पिछली कइती और कयनी में जो अन्तर रहा है उससे गरीब जनता में भय फैल गया है क्या यह भी उसी तरह से झूठा नारा सिद्ध होगा। अनुसूचित जातियों के बारे में आपने भूमि सुधारों को अच्छी तरह से लागू नहीं किया और इस दिशा में आज तक कोई प्रयास नहीं किया। वे कानून किताबों तक ही सीमित रहे। आज गांवों में चुने हुये प्रधान अपने लोगों को अच्छी जमीन दे देते हैं। और अपने रिश्तेदारों के नाम पर कर देते हैं। गरीब हरिजनों के लिये उनके पास कोई हल नहीं है। आपने कहा कि हम हरिजनों को अधिकार दे रहे हैं, उनको स्वायत्ता दी जा रही है। इससे उनके मन में भय पैदा हो गया है कि क्या अब वही जमाना आयेगा कि जमींदार साहब उसी तरह के हो जायेंगे क्योंकि भय इसलिए है कि जिस तरह

से चुनावों में अच्छे लोग नहीं आते हैं उसी तरह से यहां भी होगा। इस बिल के अन्दर ऐसी कोई व्यवस्था नहीं है जिसमें भुज बल और धन बल को चुनावों में रोका जा सके। पंचायती राज में आवश्यकतानुसार सरकार को पंचायतों के अनुदान तथा और बहुत सी बातों के लिये कानून बनाना और पंचायत चलाना और उनके विकास कार्यों को देखने का काम राज्य सरकारों का है, किन्तु पंचायती राज के वित्तीय मामले राज्यपाल जैसे सत्ता के विचालिये घोषित करेंगे, इसमें भी प्रधान मंत्री नहीं चूके। इस तरह से राज्यपाल का हस्तक्षेप पंचायत और राज्य सरकारों के संबंध में हस्तक्षेप है जो भारत के संविधान के खिलाफ है। जो पठे लिखे अनुसूचित जाति के व्यक्ति है उनके बारे में बड़े जोरों से छिडोरा पीटा गया कि उनके लिये बड़ी हमदर्दी दिखाई जा रही है और यह कहा गया कि जो चालीस सालों से कानून बना हुआ था, संविधान में नियत है, वह आरक्षण पूरा किया जायेगा, लेकिन आज तक भी आप उस आरक्षण को पूरा करने में सक्षम नहीं हुये हैं। पिछले मई महीने मैं आपने जोरों से घोषणा की कि अनुसूचित जातियों के लोगों का आरक्षण दोतीन महीनों में 31 अगस्त तक पूरा कर दिया जायेगा। आपने बड़े जोर-शोर से अखबारों में इसका प्रचार किया। लेकिन अब लोगों की सच्चाई की जानकारी हुई तो उन्होंने अपना सर मथे पर दे मारा। यह भी आपका अत्यंत नारा निकला। आपने सारे विभागों को बताया कि स्पेशल रेकूटमेंट होगा। वहीं पीछे से कामिक विभाग की जो एक डी.ओ. लेटर है उसको मैं यहां पर उद्धृत करना चाहता हूं। महोदय, कामिक मंत्रालय द्वारा डी.ओ. संख्या 36012/c/88 एल.सी.टी./एस.आर.डी., दिनांक 1 जून 1989 में यह कहा गया है कि यदि स्थान रिक्त नहीं है या नई शर्तों पर रोक लगी है तो आरक्षण का कोटा पूरा करना आवश्यक नहीं है। सारे विभागों से इस आरक्षण के मामले को ताक पर रख दिया और आरक्षण के

[श्री आनन्द प्रकाश गौतम]

लिये जो विशेष अभियान चलाया था क्या आप बता सकते हैं कि उसमें कितना काम हुआ है ?

इसी तरह से पंचायती राज के नाम पर अनुसूचित जाति के लोगों और महिलाओं के लिये जो कुछ दे रहे हैं वह कोई बहुत बड़ी बात नहीं है। यह चुनाव स्टट हो सकता है। मान्यवर, सत्ता का विकेंद्रीकरण आपने किया। लेकिन सत्ता का विकेंद्रीकरण कितने तरह से ? लोगों में यह आशंका बढ़ गयी है कि विकेंद्रीकरण उस सत्ता का होगा जो सत्ता छष्टाचार में लिप्त है। उसका ही विकेंद्रीकरण किया जायेगा। जवाहर रोजगार योजना और नेहरू रोजगार योजना, इनके माध्यम से जो पैसा गांव के किसानों को दिया गया उसमें सारे चैक हटा लिये गये। सारे रोक, सारे प्रतिबंध हटा लिये गये। कोई निर्देश नहीं है। जहां मर्जी है खर्च करो। कोई पुंजेशा नहीं। अब यह हो रहा है कि प्रधान जी अपना काम करा रहे हैं और उस पैसे का इस्तेमाल केवल अपने लिये कर रहे हैं। और वे अपनी शक्ति बल से गांव में जो इसका विरोध करता है उसका मुकाबला करते हैं। अब लोगों के मन में यह धारणा पैदा हो गयी है कि इस तरह से प्रधान मंत्री जी गांव के प्रधानों को अपनी तरफ शामिल कर लेंगे और कोई आदमी उनके छष्टाचार पर आवाज उठाने वाला नहीं रह जायेगा। इसलिये पूरे देश में इस धारणा का...

उपसभापति (श्री बी. सत्यनारायण रेड्डी) : खत्म कीजिये आपका समय हो गया।

श्री आनन्द प्रकाश गौतम : मैं यह कहना चाहता हूँ कि जिस तरह से इस बिल में प्रावधान किये गये हैं वह देश के संविधान में जो निहित प्रावधान है उसके विरुद्ध है। जनता को सीधा-सीधा लाभ पहुंचाने का प्रावधान नहीं है। इस वष्टकीण से जो यह स्वरूप आया है मैं उस स्वरूप का विरोध करता हूँ।

SHRI SUBRAMANIAM SWAMY: Sir, I will take just minute only. The Bill may have some good points but it has a large number of short falls. It should really have gone to a select Committee where it should have been discussed and made into a Bill of unanimous choice. In other words then the whole House could have supported it. But it has been brought here with hardly any time and I also recognise that the timing of the Bill is such as to make it an election weapon and to take maximum advantages out of the timing. Of course, all ruling parties do that all over the world and this ruling party is no better. So they have done that in those circumstances. But, Sir, despite all the shortfalls, I have been directed by the Central Parliamentary Board of my Party to vote for the Bill and that is all I want to say. Thank you.

SHRI MURLIDHAR CHANDRAKANT BHANDARE: Mr. Vice-Chairman, Sir, I rise to support the Constitution Sixty-fourth amendment Bill and the Constitution Sixtyfifth Amendment Bill. Now, these are two measures which have caught the fancy of the people, won their hearts and received universal acclaim. And, if in the voting, which is to follow soon, one finds that the opposition has not voted for the Bill, it only shows how out of tune they are with the aspirations and the wishes of the people. The basis of this Bill is, of course, to strengthen democracy. Its essence is a very popular demand, "give power to the people." Democracy, as has been said by Abraham Lincoln, is a government of the people, by the people and for the people, and when I talk of people, I don't mean Members of Parliament here, or the members of the legislature there. I mean that unknown poor man whose, in the words of Gandhiji, tears we have to wipe off. By this Bill, a small unknown invincible man is going to be the master

of his destiny. Today they have a bare right of vote. Therefore, democracy lies in only casting one vote. But after this Bill is enacted, it will give them vast potentialities of shaping their destiny and of exercising their own decision-making power in spheres which concern them, which concerns the life around them and which will give them what is the basis of our Constitution and which has been so aptly set out in the Preamble, namely, equality of opportunity. And for this one single reason that it will expand the horizon of democracy that I welcome this measure and support it wholeheartedly.

I shall briefly deal with certain points, legal and Constitutional, moral and ethical, which have been raised by the opposition, because many have said so many things. It seems that our party has voluntarily surrendered its time, but I do not want to set the record right by telling and convincing the House that not one of their objections has any validity either in law or otherwise. The first objection is why should this be a Constitutional provision. Now, I consider this power to the people, power at the grassroot level, as the very basic structure of our Constitution. No process of devolution of power, whether it is power to Parliament, whether it is power to the legislature, whether it is power to the municipalities or panchayats is complete unless that devolution of power has Constitutional basis. It cannot be left to the sweet will of the States to enact laws in such manner as they like. And in fact, the devolution of this power must be protected by the Constitution because one knows how difficult it is to amend the Constitution. It is easy to repeal an Act but very difficult to amend the Constitution. What is most important is that when you ask why we are giving Constitutional basis for this measure, I have only to cite the 12th recommendation of Ashok Mehta Committee, a committee

which was constituted by the Janata Government of the opposition. The 12th recommendation says; "The Committee agreed to the need for a provision in the Constitution in order to provide the panchayati raj institutions the requisite status as well as assurance of continuous functioning." It is not a matter of surprise that the Ashok Mehta Committee recommendations were not adopted by the Janata Government but even their own committee has recommended, and I cannot conceive of the devolution of power being effective unless it has the constitutional status which is now given by these Bills. Then there is the objection and it is a serious objection that we are encroaching upon the legislative power of the State Legislature. I know, I am a citizen of India, also I am a Member of Rajya Sabha which is a Council of States and I am aware of the delicate and fine balance which the Constitution has made in the division of powers between the States and the Centre. Let me assure the Members of the opposition that I am as vigilant, if not more, as any one of them in guarding the interest of the State and particularly the State which I represent in this House. I have very carefully looked at the provisions and in the course of time these provisions will further be interpreted and tested in courts of law, but I have no doubt at all that they do not encroach upon, in any manner, the legislative power of the State or affect the operation of List II which has often been referred to in the debate. My hon. friend Upendraj read out from a judgement which has absolutely no relevance. He said that this is a Legislative power which the Parliament is exercising and not a constituent power. That matter is well settled because for long it was held that the power under article 368 is a constituent power which

[Shri Murlidhar Chandrakant
Bhanda.e.]

has its origin under article 368 and it does not emanate or it does not come out of the fountain of the other legislative powers as given in articles 245, 246, 247, and so on and so forth. Only in Golaknath case by majority of one they said, no, this is not a constituent power, this is a legislative power, and therefore, it must yield to Part III of the Constitution. But after Keshwanand Bharti case in 1973 it has now been well established that the constituent power of the Parliament and the Legislatures to amend the Constitution under article 368 is distinct and in exercising that power the Parliament can repeal, modify or vary any article. So, let there be no mistake at all on this count that we are undertaking some kind of exercise in legislative incompetence. Then, if one looks at the scheme, everything has to be done by the State Legislatures. Look at article 243E which I think is the sheet anchor of the 64th Amendment Bill and it says: Subject to the provisions of this Constitution the Legislature of a State may by law, endow the panchayats with such powers and authority as may be necessary to enable them to function as institutions of self-government and such law may contain provisions for devolution of powers and responsibilities upon the panchayat at the appropriate level, subject to such conditions as may be specified therein with respect to the preparation of plans for economic development and social justice; the implementation of schemes for economic development and social justice as may be entrusted to them including those in relation to the matters listed in the Eleventh Schedule. So, it is not a provision of this Constitution which is going to operate, but it is the provision of the legislation of the State which will hold the field and cover the various

items, as many as 29, mentioned in the Eleventh Schedule. Let me also make this clear that it will be a good opportunity because at least one of the Members of the opposition referred to article 249. It would be a good thing if two or more State Legislatures request Rajya Sabha to make a legislation under article 243E and then we can, as we have done in the case of environmental law, provide for a model legislation. But that legislation will not be for the Centre but for the States and the States can adopt that model legislation and carry on the good work. What has been thwarting the march of the people is the complete absence of the participation of the our people in the planning process and in the implementation process. Right from building a small school, or having a small dispensary or having a road, they have to look to somebody coming a some time and trying to complete the school over a period of 5 years or 10 years and in the meantime continuing perennially and endlessly 'Operation Blackboard'. And I am glad that this measure will instil a sense of obligation, a sense of duty, a sense of pride and a sense of fulfilment in the villagers and it will bring about a rapid change. I know to what extent that change has taken place in my State of Maharashtra. Maharashtra is not the premier State for nothing. We do not say that there are no faults, but we have strengthened our grassroot institutions. We have powerful cooperatives today. The large tracts of prosperity which you see in Maharashtra today will now also be seen in U.P., will also be seen in Bihar, will also be seen in Orissa, Rajasthan and other economically backward States. Ultimately, democracy is not merely political democracy; it is the economic democracy which is important. One must get equal opportunity and all the needs—shelter, food, clothing, education, medical care, employment and everything that goes in to fulfil the

dignity of an individual. If you look at the one cardinal test, the sheet anchor on which our Constitution is based—broad democracy, equality of opportunity and dignity of the individual—you will appreciate the importance of this measure and those who have chosen to oppose this measure for political reasons, and ulterior gains will really one day rue the day for their opposition, here today.

Then I found another argument made by my hon. friend, Mr. Upendra. He said: "Why don't you write for the word 'Governor' the words 'State Government'?" Now the scheme of the Constitution is absolutely clear. Whenever we use the word 'President' or whenever we use the word 'Governor' either under article 74 or under article 163, it really means the Government. In the case of the Centre, it is the Union Government. In the case of the State, it is the State Government. Justice Krishna Iyer in Mary Ram's case has said—though I do not like to use it because ultimately the President is the highest office under our Constitution—that the President and the Governor are mere abbreviations for the Union Government and the State Government. That is the correct position. One knows of this position. Therefore, it is unfortunate that in some places the Chief Ministers had really to be controlled and checked by the Governor. But that does not alter the unconstitutional position.

The merit of these bills is the reservation—30 per cent reservation for women and reservation for the scheduled castes and scheduled tribes. People who have been suppressed, people who have been rendered helpless, people who continue to be the weaker sections now will have their voice expressed in the management of their destiny. Mr. Upendra said, "we believe in regular elections." One knows for how many years, they did not hold the elections to

Hyderabad Municipality. When it was held after many decades, since the Telugu Desam list there, what they did was they stopped all the funds of Hyderabad Municipality. These are all things very well known. To the extent that this gives that Constitutional assurance of continuity the guarantee that nobody will touch you for a period of five years and, even if somebody touches you, within six months you will have fresh elections Constitutionally, mandatorily. I think, that is a very positive, and a very long step in the right direction.

Well the DMK is opposing it. When it comes to autonomy of the States, they say one thing but, when it comes to the autonomy of the village they have quite another thing to say.

Lastly, I can say, here I had moved a Resolution for stopping criminalization of politics. I have said things of various kinds on corruption. In fact, let me tell you, when Mr. V.P. Singh was the Finance Minister, the only issue on which I disagreed with him was when he accepted apologies from the economic offenders who were caught redhanded. Under what authority did you accept the apologies and let them scot-free? But that suited people at that time. I also told him, that if a child were to be caught stealing a bread or a rupee from a pocket, he would be sent to jail for one month, but those whom you caught cheating redhanded to the tune of crores of rupees, then you allowed to go scot-free. So, my views on these things are well known, whether it is corruption or whether it is criminalization of politics.

Those who talk of Sarpanchs talk as if it is going to be the end of democracy and here I am reminded of what Churchill used to say: "Well, the Indians are not fit enough to govern themselves." Here I see the same colonial, feudal

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note coming from the Opposition. I have always had great faith in the sagacious voters of our country. They may be illiterate but they are not ignorant. There was a time in 1952 when Rajaji said, "Well, you can give voting rights only to graduates or only to matriculates or only to those who are literate," and we were those who opposed it because we knew that it was not merely conferring the right to vote but it was the unifying of the country.

People do not realize fully what Parliament is. It is one institution where all people of this country, whether they speak Tamil or Kashmiri in their own State, speak with one voice and in one language. Therefore, I must say that all these fears are totally misplaced and they are without foundation. And the people of the country know how to weed out the corrupt, how to weed out the criminals, and I share here what has been so eloquently stated by my friend from Tamil Nadu, Mr. Swaminathan : We will surely usher in what Gandhiji conceived as Gram Swaraj. If the Opposition still chooses to be stubborn and obdurate in its opposition, it will be one example among the many of the Opposition, running away from the issues, and it won't be long when the electors will also run away from them.

With these words, Sir, I support both the Bills wholeheartedly. Thank you very much.

SHRI RAM JETHMALANI (Karnataka) : Mr. Vice-Chairman, Sir, while fully endorsing almost every word that was uttered by my two distinguished and veteran friends, Mr. Chitta Basu and Mr. Bhattacharjee, I wish to add a few nuances in support of the submission that I wish to make that the intellectual attitude and philosophy be-

hind this measure are undesirable, the timing and motivation are highly objectionable and the manner in which the measure is being projected and presented to the people of India is almost obscene.

Sir, we are a secular country, and we pride ourselves in the secular Constitution that we have given to ourselves. The Constitution very wisely does not give primacy to any denominational religion. But our secularists tend to forget that secularism is itself a form of religion. Secularism itself consists of a set of tenets and principles on which our republic is to conduct its own affairs. Just as every denominational religion has a holy book, the Republic also has a holy book, and that holy book is the Constitution of India.

Sir, reverence to this Constitution—by reverence I do not suggest that the Constitution is unamendable, that the Constitution can never be altered—but a basic minimum reverence for the Constitution, I think, is a condition of political stability, is a condition of our commitment to basic values of our constitutional polity. And more than that, it is an assurance of continued protection of fundamental human freedoms which are written in the body of our Constitution.

Sir, the Constitution is a basic law because that law was given by the people of India to themselves. Other laws are enacted by subordinate legislatures, whether it is the State Legislature or the Central Legislature or other subordinate legislatures, but the basic law is the law given by the people themselves

डा० रत्नाकर नाथदेव (उत्तर प्रदेश)
मौनवीर उपाध्याय जी, मेरा व्यवस्था का प्रश्न है...

THE VICE-CHAIRMAN (SHRI B. STAYANARAYAN REDDY)
Don't record anything of what he says.

*Not recorded.

DR. RATNAKAR PANDEY :*

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : आप बैठ जाइये । ये इस माननीय सदन के सदस्य हैं ।

DR. RATNAKAR PANDEY : *

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : रत्नाकर पांडेय जी, आप बैठ जाइये । मेहरबानी कीजिये । ऐसी बातें सदन में कहना आपको शोभा नहीं देता ।

SHRI RAM JETHMALANI : Unless the House knows how to control him, the proceedings cannot go on . . . (Interruptions)

DR. RATNAKAR PANDEY : *
(Interruptions)

SHRI RAM JETHMALANI : He should stop. (Interruptions)

DR. RATNAKAR PANDEY : *
(Interruptions)

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : ये एक माननीय सदस्य हैं इस सदन के । आपको यह शोभा नहीं देता । आप कृपया बैठ जाइये ।

DR. RATNAKAR PANDEY : *

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : इनकी कोई बात रिकार्ड में न की जाये ।

डा० रत्नाकर पांडेय : जब तक ये बोलेंगे, मैं बाहर जा रहा हूँ ।

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : जाइये-जाइये, बाहर जाइये ।
(अव्यवधान)

SHRI RAM JETHMALANI : Before I proceed, I suggest that all these obscene utterances must be struck off the record. Sir, I wish to make it clear that we will not allow the Prime Minister to speak if this is the condition. Either this

gentleman should stop or we will not allow the proceedings to go on.

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : जो कुछ उन्होंने आपके करे में कह है वह रिकार्ड में नहीं गया है ।

श्रीमती सूर्यकान्त जयवंतराव पाटील (महाराष्ट्र) : आप रोक कर तो देखिये प्रधान मंत्री को । कैसे रोकते हैं ?

श्री कमल मोरारजी (राजस्थान) : देखिये आप चले-चले कीं ये, बहिन जी ।

उपसभाध्यक्ष (श्री बी० सत्यनारायण रेड्डी) : मेरी बरीर है त के किसी की त रिकार्ड में नहीं जायेगी । (अव्यवधान)
कमल मोरारजी जी, आप क्या कह रहे हैं ? उनकी आदत आपको आ गयी ? आप बैठ जाइये ।

SHRI RAM JETHMALANI : It is a wrong attitude that whenever the ruling party conceives a political whim or entertains a caprice or wants to do something which they regard politically expedient for the time being and if the Constitution stands in the way of those irrational projects, it is the Constitution which must be altered, changed, maimed or distorted out of shape. I suggest that the Constitution in this country is not receiving the respect which even the Cattle Trespass Act and other statutes of a similar kind are receiving. In 39 years, the Constitution has been amended 65 times and this is the 65th amendment, which is being passed. I suggest that this is not a very enviable record. To treat the Constitution in this manner and amend it every time it stands in the way of your political designs is, with respect, to betray a sense of public frivolity, to betray a sense of public irresponsibility and to betray a lack of commitment to the republic of which the Constitution is the Holy Book. So far as the Constitution is concerned, the founding fathers, who consisted of a brilliant galaxy of Constitution-makers and considered the

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question of power to the people and the so-called grass-roots democracy, had decided in their wisdom that it is the State legislatures which shall be competent and in a position to deal with this problem of devolution of power at the local levels and they in their wisdom after a great deliberation enacted Article 40 of the Directive Principles and put the administration of Panchayats and the setting up of local self-Government units in the State List. While I do not suggest that occasionally one Entry may not be shifted from the State List to the Central List and while I do not suggest that you are tinkering with the basic sense of the Indian Constitution now, I do suggest that this delicate principle of federalism which was written into the Constitution deserves to be respected. And if it is to be tinkered with, it is to be tinkered with for a sufficient cause, which does not in my opinion exist at all. It is worth recalling that the record of non-Congress Governments in the matter of local-self-Government is an impressive record. Wherever non-Congress Governments have flourished and had been in power, the local-self-Government has at the same time flourished. Why was it then not possible for the ruling party to compel the Governments which were ruling the States on their behalf, why did they not compel those Governments to enact legislation and make a reality of the local-self-Governments which is being talked about today? The Congress must realise and the ruling party must realise and all 9.00 P.M. political parties must realise that before you tinker with the Constitution and amend it even for a supposedly laudable purpose, you must look at it gravely, you must look at it seriously, a second

time and watch warily because if a thing cannot be done under the Constitution as it exists, it must introduce a sense of introspection and seriousness and find out that something is not wrong with the project upon which you have embarked. Sir, the least that should be done before a Constitutional amendment is embarked upon is that you must go to the people with a proper election manifesto and seek the mandate of the people for amendment of the Constitution. When the Janata Party came into power in 1977, the Janata Government had made it a part of the election manifesto that the Forty-second Amendment of the Constitution shall be reported if it comes into power and we shall make amendments to the Constitution which shall make imposition of the emergency more difficult. It is with that mandate that the Constitutional amendments of a limited character were carried out by the Janata Party and that is the precedent which must be followed. I have in vain looked at the Congress election manifesto of 1984-85. There is only one paragraph, 94, which talks of Centre-State relations. There is no reference to Panchayats and setting up of Panchayats and even that limited paragraph, 94, of the Congress election manifesto talks of Centre-State relations and it says "To strengthen the Centre it is not necessary at all to weaken the States and the strengthening of the States is the process by which the Centre itself can be strengthened." This is the Congress election manifesto. It gave no indication to the electorate that you wanted to amend the Constitution during the next five years for the purpose of this so-called devolution of political power. Therefore, Sir, my first submission is that this is a lame-duck Government. This lame-duck Government which is breathing its last has no moral authority to tinker with the Constitution. Now, we are going to the people for a trial of political strength. Go to

the people, tell the people that you want to usher in this kind of Panchayati Raj; you want to give grass-root democracy to the people for which they, according to you are hungering, all the poor people in the country are waiting for this great gift of God, to descend upon them. Go to the people, have a mandate for your election manifesto and if the people return you to power, come and make this Constitutional amendment. But without a mandate from the people to interfere with the Constitution is thoroughly immoral particularly when it is going to interfere with the very delicate principle of federalism which the founding fathers wrote in the Indian Constitution in some great detail and with utmost care.

Sir, then, at some stage not under any inner intellectual compulsions or political compulsions of the ruling party but under other compulsions. The Sarkaria Commission came to be appointed. Before the Sarkaria Commission, no such proposal was mooted on behalf of the ruling party. This proposal came to be mooted by other non-Congress Governments and non-Congress political parties and the Sarkaria Commission devotes a good part of its report to the examination of this phenomenon and the Sarkaria Commission very wisely reported that the first method, primary method of introducing local self-Government in a better form is that you must resort to consent legislation, give it to the States, recommend this legislation to the States, and if the people of this country want that model legislation as a great gift of God which now the Prime Minister of India and the Congress Government are going to give, then, the people will themselves compel the State Governments to pass that legislation and those Governments which do not pass this legislation will be thrown out of power by the people. Sir, the Sarkaria Commission said "You resort to

this consent legislation, a model legislation being recommended." It said "Otherwise, resort to article 249. Let the Council of States representing the various States of India pass a resolution by a two-thirds majority and enable the Centre to legislate upon this subject in national interest" or it said "You follow the other method, the third method" which they suggested was "you have the legislation by consent of two or more States first passing resolution that the Centre should legislate for those groups of States and then when the model is found to be workable by those groups of States, then it will be immediately and thereafter voluntarily adopted by other States which are struck by the wisdom and the efficacy of this phenomenon. Sir, the Sarkaria Commission gave two constitutional amendment methods the last place and I am surprised that the ruling party has not tried the first, the second and the third expedient at all and has proceeded now to amend the Constitution and the motivation obviously, Sir, is that you want to impress upon the people of this country that all others wanted to deny to you power but we are now giving you a gift even by the great expedient of having to amend the Constitution for your benefit. This is the deception of which Mr. Chitta Basu talked about. This is the colossal and grand deception and smoke-screen of which Mr. Bhattacharjee talked about and it is a grand scheme of deception of the people and Sir, I want particularly to lodge my protest against the manner in which the Prime Minister and his supporters go round the country, telling the people that the Prime Minister is now giving power to the people. Has the Prime Minister of this country, have his supporters—and these are speeches on the Door-darshan, these are speeches on the radio, these are speeches which have been quoted and requoted in every newspaper—any power to give to the people? They say

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that the Prime Minister now has decided to turn over power to the people of this country. Sir, who is the Prime Minister of this country to give power to the people? It is the people of the country that have given power to the Prime Minister himself. First of all the scheme of the constitution is this. (Interruptions)

SHRI H. HANUMANTHAPPA (Karnataka): Mr. Jethmalani, will you yield for a minute?

SHRI RAM JETHMALANI: Sir, I do not yield to anybody. I am not yielding. Kindly ask him to sit down.

SHRI H. HANUMANTHAPPA: Will you yield for a minute? (Interruptions).

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): No, Mr. Hanumanthappa, I am not allowing you. Whatever Mr. Hanumanthappa speaks will not go on record. (Interruptions).

SHRI H. HANUMANTHAPPA:*

SHRI RAM JETHMALANI: Sir, the people of this country have all the power in them. If the people of this country wanted any particular legislation to be passed for their benefit, they would have asked for it. I want to know one thing. In the whole country and in most of the States, it is the Congress party which has been in power. Then why is it that for the last forty years or so, nothing has been done to strengthen the so-called grass-root level democracy? (Interruption). I have heard almost with dismay an argument which is made on behalf of the propagandists that for the first time in the history of this country, the people are going to get powers which were denied to them by Jawaharlal Nehru, Lal Bahadur Shastri and by the present Prime Minister's mother. Sir, this is an undeserved arrogance, an arrogance which is matched by the

ignorance and the sycophancy of the ruling party but it has no possible foundation in any kind of merit. Sir, allied with and connected with this so-called Panchayati Raj. (Interruptions).

THE VICE-CHAIRMAN (SHRI B. SATYANARAYAN REDDY): The interruptions will not go on record.

SHRI RAM JETHMALANI: Sir, I agree with my friend Mr. Murlidhar Bhandare. (Interruptions).

SHRI VITHALRAO MADHAVRAO JADHAV:*

SHRI DEBA PRASAD RAY (West Bengal):*

SHRI VITHALRAO MADHAVRAO JADHAV:*
[The Deputy Chairman in the Chair]

DR. BAPU KALDATE (Maharashtra): Something has happened to them. (Interruptions).

उपसभापति: आप सब लोग बोलेंगे तो मेरी समझ में कुछ नहीं आयेगा। (व्यवधान) आप बैठ जाइये। मेरी समझ में कुछ नहीं आ रहा है। (व्यवधान) I cannot understand what your problem is. Please sit down. I request hon. Members to sit down. I do not want to name anybody. Please sit down. I do not even want to take names. Please sit down. I very humbly request. Please sit down. It is very late. (Interruptions). Just listen to me. आप बैठेंगे तो मैं कुछ समझ सकूंगी। एक आदमी कोई बोलेंगा, अपनी तकलीफ बयान करेगा तो मेरी समझ में आ सकता है तभी कुछ कह सकती हूँ। (व्यवधान) He has his time. Let him finish his speech. At 9.30 we have the reply. We do not want to delay. (Interruptions). Please sit down. Please take your seats. (Interruptions). I am not able to hear.

SHRI M. S. GURUPADA-SWAMY: I do not understand why they are misbehaving. There is no

reason. (Interruptions). It seems they have lost their balance.

उपसभापति : मैं आपसे रिक्वेस्ट करती हूँ कि आप बैठ जाइये, मेरी बात सुन लीजिये । (व्यवधान)
Just a minute. Listen to me. Their party has got 34 minutes. If one Member wants to speak, it is up to them. If five Members want to speak, it is also up to them to adjust. It is all right. (Interruptions).

SHRI M. S. GURUPADASWAMY: Your behaviour is very shameful really. You do not know how to behave. (Interruptions).

श्री सुरेन्द्रजीत सिंह महुबुबालिया (बिहार) : यह वही दल है... (व्यवधान)
जिसने कंस्टीट्यूशनल असेम्बली का विरोध किया था । (व्यवधान) यह वही दल है जो पंचायती राज बिल का विरोध कर रहा है... (व्यवधान)

THE DEPUTY CHAIRMAN: Please, please, just a minute. (Interruptions) Please. (Interruptions) Do you know the meaning of 'please'? That is why I am saying: Please. The time for the Janata Dal is 34 minutes. The Member started at 8.49. It is 9.16 only. Let him finish his speech. There is no point in getting agitated. (Interruptions)

I want to ask the Leader of the Janata Dal whether one person will speak? I have two names listed.

SHRI KAMAL MORARKA: All the time for Mr. Jethmalani.

THE DEPUTY CHAIRMAN: Who are you to decide? Are you the leader also (Interruptions) So Mr. Virendra Verma will also speak. Please conclude your speech. (Interruptions)

SHRI RAM JETHMALANI: How much more time do you want to give me?

THE DEPUTY CHAIRMAN: It is not for me. It is for your own self. You have 34 minutes. How much time do you want to give to Mr. Verma?

SHRI RAM JETHMALANI : Please give him 10 minutes and 24 to me. How much time is left? (Interruptions) Ten minutes? All right. That is the promise. (Interruptions) Five minutes (Interruptions) Now, Madam, do I start? Do I finish?

Now, Madam, the short time of five minutes that is left I wish to devote to two pieces of specific deception which are being practised upon the people of this country.

The first piece of deception is that never in the history of this country has a constitutional amendment of such vital public import has ever been brought before this House. Madam, I think this is an affront not only to the great galaxy of statesmen that fashioned the basic law of our country but it is also an insult to the memory of all the great men that have ruled from time to time country and have exercised political power.

Madam, I wish to record for posterity that I am not prepared to believe that Mr. Rajiv Gandhi is another Dr. Ambedkar. I am not prepared to believe that any of these gentlemen sitting across this House, across the bar of this House, on the other side, have even the remote resemblance to that brilliant galaxy of people who sat in the Constituent Assembly of India. (Interruptions)

THE DEPUTY CHAIRMAN: That is his viewpoint. Why should you object? Let him have his viewpoint. Do not object. It is his viewpoint. Why do you want to object to it?

SHRI RAM JETHMALANI:
Now I come to the second piece of deception. (*Interruptions*). The second piece of public deception is that by this amendment the lost and the forgotten dream of Gandhiji is being realised for the first time in the history of this country. I refuse to believe that Gandhiji is reborn. I refuse to believe that the present Prime Minister has the remotest possible resemblance to the Mahatma Gadhī whose memory is being utilised and is misused and is being insulted for the purpose of this base political end.

Madam, I agree with only one thing which my friend, Mr. Bhandare, said. The people of this country are very intelligent. The people of this country know who the corrupt are. The people of this country know how to deal with corruption. Let me say this and this is my feeling about the people of this country. The people of this country, the poor people of this country for whom you are shedding crocodile tears are not waiting now in their villages and in their slums and in their hovels for this Jawahar Rozgar Yojna to fructify and some federal money to pour forth into the villages. Madam, I wish to record my protest against public money which you have taken from the poor people being distributed, a small petty portion of that money being distributed, and that should be called as if it is a gift from the Jawaharlal Nehru's family or it is a gift from Rajiv Gandhi. I protest against this Yojna being called Jawahar Yojna. The late Prime Minister of this country would have objected to it.

Madam, now I am winding up. The people of this country are not interested in getting a pittance of the money which you have stolen from them. They are interested in all the stolen wealth being brought back from foreign countries and distributed to the people of this country. The people of this

country want to know who the originators of this yojna are. The people of this country want to know who is the identity of PITCO, who is the identity of Moineau and who is Moineau. They all know who have taken away the poor people's money. Bring back that poor people's money and that is what the poor people of this country want. They will tell you when you go to them for their vote. When you ask them for their vote, they will tell you; Bring back that money and please return to us our stolen money which you have taken away and not give us this pittance of a gift. We are not going to be satisfied with the crumbs that you are throwing. Thank you.

श्री सीता इशारिबेग (गुजरात) :

माननीया उपसभापति महोदया, संविधान के 64वें और 65वें संशोधन का मैं हार्दिक समर्थन करते हुए यह कहना चाहता हूँ कि एक बहुत बड़ा क्रांतिकारी कदम कांग्रेस के नेतृत्व में और राजीव गांधी के नेतृत्व में आज सदन के सामने प्रस्तावित किया गया है। मैं इस पर बोलते हुए यह कहना चाहूंगा कि कई बातें यहां पर उठाई गई हैं। समय का अभाव है वरना अलग ढंग से इसका जवाब भी दिया जा सकता था। इनके एक प्रश्न का जवाब पंडित जवाहर लाल नेहरू ने दिया है। विकेन्द्रीकरण की दिशा में और पंचायती राज की व्यवस्था की दिशा में मैं उनके शब्दों को उद्धृत करना चाहता हूँ। मान्यवर, पंडित जवाहर लाल नेहरू ने कुछ वर्ष पूर्व यह कहा था कि—

“पंचायती राज के लिए अत्यंत उत्साह के तसके पर मैं पहुंचा हूँ। भारत के पांच लाख या उससे अधिक गांवों में पंचायती राज की स्थापना करनी यह भारत के लिए बुनियादी एवं क्रांतिकारी बात है। गांव में एक अत्यन्त निम्न स्तर से ऊपर तक कार्यरत लोकतन्त्र प्रतिनिधित्व वाली संस्थाओं के इस विपुल जाल का विचार मुझे रोमांचक लगता है।

सर्वोपरि कक्षा में संसद हो या राज्यों में विधानमण्डल वही लोकतन्त्र नहीं है लोकतन्त्र के मायने हैं एक ऐसी व्यवस्था जो व्यक्ति को जागृत कर के उसे योग्य स्थान सम्भाल लेने की जब देश में आवश्यकता पैदा हो तो देश में किसी भी स्थान को सम्भाल लेने की प्रत्येक व्यक्ति को तालीमबद्ध करने वाली व्यवस्था।

यह व्यवस्था आज इस संविधान संशोधन से राजीव गांधी लाना चाहते हैं। पंडित जवाहरलाल नेहरू और आगे कहते हैं इन्होंने जो प्रश्न किये हैं यह उन प्रश्नों का जवाब है—

“पंचायती राज तथा सहकारी समाज से भारत में राजकीय लोकतन्त्र से नहीं आर्थिक लोकतन्त्र की भी स्थापना होगी जिससे लोग स्वावलम्बी एवं समृद्ध बनेंगे”

पंडित जवाहरलाल नेहरू आगे कहते हैं कि पंचायतों को अधिक सत्ता दिलाने की दिशा में यह तमाम प्रयास जो उस वक्त थोड़े बहुत हुए थे उस वक्त उन्होंने कहा कि—

“पंचायतों को अधिक सत्ता दिलाने के तमाम यह प्रयास यानी पंचायती राज में क्रान्ति लाएंगे ऐसा मुझे प्रतीत होता है”

इस क्रान्ति की निरन्तरता पंडित जवाहरलाल नेहरू से इन्दिरा गांधी तक, लाल बहादुर शास्त्री तक और आज राजीव गांधी तक चल कर आई है और इस प्रकाश को अधिक ज्योतिर्मय बनाने के लिए आज यह संविधान संशोधन विधेयक आपके सामने प्रस्तुत किया है। देश की जनता देखेगी आप यह व्यवस्था किस ढंग से ले जाना चाहते हैं, आप इस व्यवस्था को किस ढंग से झुठलाना चाहते हैं। इसके सम्बंध में कहना चाहूंगा कि विकेंद्रीकरण की बात करते हैं। विकेंद्रीकरण कहाँ शुरू हो? उनका यह कहना है कि Power goes to C.M. हम और प्रधानमंत्री कह रहे हैं कि Power goes to people अब विकेंद्रीकरण अगर सीधे केन्द्र से गांव तक पहुंचता है तो क्या हज है? लेकिन दलाल उनको बनना है, बिचैलिये उनको बनना है क्योंकि सत्ता उनके हाथ

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से छूटती नहीं है और सत्ता का किस ढंग से दुरुपयोग किया गया है यह देश की ज्यूडिशियरी ने उन राज्यों में से बताया है कि किस ढंग से सत्ता का दुरुपयोग उन्होंने किया है। केन्द्र की व्यवस्था बनी थी इस में अपनी व्यवस्था को मिला कर अपने नाम से किस ढंग से उन्होंने लगाया। मैं कहना चाहूंगा कि राजीव गांधी ने यह प्रस्ताव देश के समक्ष ला कर पंचायतों को क्या-क्या सत्ता हमने दी है इसके अन्तर्गत उनको एग्जीक्यूटिव की सत्ता दी है, फाइनेशियल सत्ता उनको दी है और सब से बड़ी बात यह है कि जिनका पचास प्रतिशत योगदान है देश की जनसंख्या में ऐसी महिलाओं को प्रतिनिधित्व देने की दिशा में कारगर कदम इसके अन्दर उठाने की बात है। इससे देश की महिलाओं का आसन ऊंचा उठ सकता है उनके आत्मविश्वास और आत्मसम्मान को हम और ऊंचा उठा सकते हैं। देश में पंचायती राज की व्यवस्था को नियमितता की दिशा में ले जाने का यह पहला कदम है। कानून बनाने की व्यवस्था तो राज्यों के हाथ में है हस्तांतरण की बात कहाँ आती है। कानून की सत्ता तो राज्यों को दी है कानून बनाएंगे चाहेंगे जैसा वैसा कानून बनाएंगे। गुजरात में आज चल रहा है; महाराष्ट्र में आज चल रहा मैं। ये यह भी कहना चाहूंगा कि पश्चिमी बंगाल जहां विपक्ष दल की सरकार है पश्चिमी बंगाल में जो सरकार चलती है उस में पंचायती राज की कुछ अच्छी व्यवस्था जरूर है; आन्ध्र प्रदेश में भी चलती है और जो तमाम विपक्षी सरकारें हैं उनके अच्छे तत्वों का निचोड़ निकाल कर एक ऐसी व्यवस्था जो देश के सच्चे स्वरूप को अच्छे ढंग से उजागर कर सके यह मुझ को एक सक्षम प्रयास हमारे सामने किया जा सकता है। मैं कहता हूं कि विकेंद्रीकरण के इस आयोजन को यह झुठलाना क्यों चाहते हैं? मैं आगे कहना चाहता हूं कि इसी तरह प्लानिंग के सम्बंध में भी दिया गया है। राज्यों को अधिक जिम्मेदार इसके अन्दर माना गया है। टैक्स, जल और तेल वगैरह के लिए भी राज्यों को पावर है वह राज्यों के हाथ में है। कहाँ राज्यों का शक्ति हस्तांतरण हो रहा है? मैं यह चहुँगा

[श्री मीर्जा इशार्द बेग]

कि केन्द्रीय सरकार इसके लिए एक ऐसा मॉडल लान बनाए एक मॉडल बिल भी प्रस्तुत करे जो तमाम राज्यों के लिए अच्छे ढंग का अच्छी प्रणाली बनाने के लिए उसका मार्गदर्शन करे। महोदया पंचायतों के प्रश्नों और विवादों को निपटाने के संबंध में एक अलग जूडिशियल सिस्टम ल राज्य स्तर पर स्थापित किया जाना चाहिए जिससे उनके जो भी प्रश्न हैं उनका निपटारा हो सकता है। धार्मिक तथा भाषा की लगभग 100 करोड़ों का डामिनेशन आदि के लिए भी इसके अंदर जो मॉडल का स्वरूप बनाया गया है उसमें प्रतिनिधित्व देना चाहिए।

गवर्नर्स की बात की जा रही है। सब जानते हैं कि गवर्नर का संविधान के अंतर्गत का स्थान है गवर्नर के स्वतंत्र अधिकार वहां भी दिये गये हैं और महोदया, संविधान के अनुसार गवर्नर को राज्य सरकार की सलाह पर काम करना होता है यह क्यों भूल जाते हैं। चुनाव जो किये जाते हैं वे चुनाव को अलग ढंग से नहीं होंगे। इनके अंदर प्रबंधन दिया है कि जो चुनाव होंगे वे इलेक्शन कमीशन के अंतर्गत होंगे। कहां धांधली होने की संभावना है। आज भी पूरे देश में इसी तरह से चुनाव होते हैं। आर्टिकल 368 संसद को अधिकार देती है इन संशोधन करने का और इन अधिकार के अंतर्गत यह संशोधन प्रस्ताव आ हमने पामने लाया गया है। आर्टिकल 316 संवैधानिक कानून बनाने का अधिकार राज्यों को देती है। मैं उनसे पूछना चाहता हूं कि विकेन्द्रीकरण की दिशा में जो निर्मा बनी थी उस निर्मिति पर हस्ताक्षर कि किये थे। आज मुकरते क्यों हैं। उन निर्मिति पर हस्ताक्षर थे श्री राम कृष्ण हेगड़े के, श्री इरा गिरीश्वर के और मधु मिश्र के और उन सबने अशोक मेहता निर्मिति के सम्मुख कहा था कि संविधान संशोधन करके पंचायती राज व्यवस्था को संवैधानिक दर्जा देना चाहिए। क्यों मुकर रहे हैं। यह आपके लोगों ने ही कहा। आप फिर से दुबारा आप कह रहे हैं, आज फिर मुकर रहे हैं। यह उनका मुखौटा है।

मैं दूसरी बात कहना चाहता हूं कि ... (समय की घंटी) ... फरवरी 1989

में स्थानिक सरकारों की केन्द्रीय काउंसिल और अखिल भारतीय मेयर काउंसिल की संयुक्त बैठक में उपेन्द्र जी जिस राज्य से आते हैं उस प्रदेश की तेलंग देशम सरकार और केरल की चामपथी मोर्चा सरकार थे पश्चिमी बंगाल की सरकार के श्री निधियों के मंडल के नेता ने, उनके मार्क्सवादी मेयर ने ही तमाम अधिकारों के संबंध में संविधान संशोधन पर प्रस्ताव रखा था और इसी तरह... (समय की घंटी) मैं कन्वल्ड कर रहा हूं। इसी तरह 11वीं संयुक्त बैठक में राष्ट्रीय मोर्चा के मुख ने तमाम नर लिखकों को समान दर्जा दिलाने की मांग की थी।

महोदया, संविधान संशोधन से बनने वाले अधिकार और बाध्यता तथा लोकल कानूनों के बीच में बड़ा अंतर है। संविधान उसको बाध्यता बनाता है। आखिर में एक बात कह कर अपनी बात खत्म करना चाहता हूं। गुरुपदस्वामी जी ने कुछ पाइंट्स उठये थे। उन्होंने कहा था कि राज्य की विधान भंगों के अधिकार आबादित हैं। इनको कांफ्रंट जा रहा है। अलग से उनको दिया जा रहा है। आडवाणी जी ने भी ... (समय की घंटी) यह कहा कि राज्य सरकार के जो कानून हैं उन्हें इम्प्लीमेंट करना चाहिए। कानून होने के पश्चात् भी समय पर चुनाव नहीं हुए, यह एक हकीकत है और समय पर चुनाव हो इसके लिए इसके अंदर से अधिकार दिये गये हैं। ये इनको क्यों झुठला रहे हैं।

आखिर में इतना कहना चाहता हूं कि उपेन्द्र जी और दूसरे लोगों ने यह बात कही कि यह तो लम्बी प्रक्रिया थी और आज इसे क्यों लिखा गया। ये भूल गये हैं कि यह प्रोग्राम तो तीन वर्ष पूर्व से चल रहा है। उपेन्द्र जी ने यह भी गलत कहा है कि उनकी सरकार को इसके अंदर कंसल्ट नहीं किया गया। उनको पता होना चाहिए कि आपके राज्य के आपके अधिकारियों के प्रतिनिधि ने वहां जो बैठक हुई थी उस बैठक में आकर अपना निवेदन किया था। आप क्यों भूल जाते हैं और फिर कह रहे हैं कि आंध्र प्रदेश सरकार को हमने कंसल्ट नहीं किया

इसी तरह से मैं उनसे यह कहना चाहता हूँ... (समय की घंटी)

उपसभापति : आप बैठ जाइये ।

श्री सीर्जा इशविबेग : विदिन वन मिनाट आई मस कन्सलूडिंग ।

इसी तरह से उन्होंने एक बात मेरे नेता प्रधान जेही राजीव गांधी के बारे में कही । उपेन्द्र जी ने यह कहा कि उन्हें क्या पता कि ग्रामीण व्यवस्था और ग्रामीण वस्तु क्या होती है । उपेन्द्र जी रेल रजालय से आकर आपको अगर सब बातों का पता लग सकता है तो राजीव गांधी जी को जिनके घर में दो-दो प्रधान मंत्री हुए जिनके घर से आजादी का आंदोलन चला था जिनके खून में आजादी थी, जिनके खून में राजनीति थी—इसको क्यों झुलाले हैं ।

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): I only said that Prime Minister has never lived in a village. I stand by it.

श्री सीर्जा इशविबेग : मैडम रंगमंच से आकर के अगर कोई एक व्यक्ति आन्ध्र प्रदेश को शासन धुरी वाहन कर सकता है तो राजीव गांधी को आप किस मुह से यह कह रहे हैं ? राजीव गांधी के खून में राजनीति है राजीव गांधी के घर में... (व्यवधान) आपको पूरा पता नहीं है ।... (व्यवधान) नाटक रंगमंच से आकर के तूम्हें सब पता लग सकता है देश को चलाने का पता लग सकता है और आपके घर से राजनीति चली है और जिनके घर से आजादी के आंदोलन चले हैं, उनको झुलला रहे हो और उनको यह कह रहे हो ।

उपेन्द्र जी, आपको ऐसी बात करने से पहले अपने घर की तरफ भी देख लेना चाहिए ।... (व्यवधान)

SHRI PARVATHANENI UPENDRA: Why are you misleading ? I only said Prime Minister never lived in a village. He does

not know what a village is. And I stand by it... (Interruptions)

THE DEPUTY CHAIRMAN: I would Rumbly request you to please conclude and sit down.

श्री सीर्जा इशविबेग : आखिर में मैं एक शब्द बोल कर बैठ जाता हूँ । मैं आपके माध्यम से तमाम संसद की और विपक्ष के मित्रों को भी अनुरक्त करता हूँ... (समय की घंटी)... कि एक सही दिशा में ले जाने वाला कदम जब कांग्रेस पार्टी ने रखा है, तो आप उसका समर्थन करें, वरना वही हाल होना कि जिन लोगों ने बैंकों के नेशनलाइजेशन का जिस ढंग से विरोध किया था और इसी ढंग से प्रजा ने जो उनको सबक सिखाया था, वही सबक आप लोगों को प्रजा सिखायेगी ।

इन्हीं शब्दों के साथ मैं आपका धन्यवाद करना हूँ

उपसभापति : आज के दिन एक मैडन स्पीच हो रही है और उसके बाद आखिरी आपकी होगी ।

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : मेरी स्पीच करवा कर आप मैडन स्पीच करवा दीजिए ।

उपसभापति : अटल जी क्या कहेंगे कि मैडन स्पीच बाद में करी ।

श्री वीरेन्द्र वर्मा : हां, मैडन स्पीच बाद में करवाइये ।

उपसभापति : चलिए आप बोल दीजिए, वर्मा जी । आपके दस ही मिनट तो हैं ।

श्री वीरेन्द्र वर्मा : माननीया उपसभापति जी, इस आदरणीय सदन का प्रत्येक माननीय सदस्य जनता को अधिकार देने में, सत्ता के विकेंद्रीकरण करने के पक्ष में है । सम्भवतः एक व्यक्ति भी ऐसा न होगा... (व्यवधान) जो सत्ता का विकेंद्रीकरण न चाहता हो ।

डा० रत्नाकर पाण्डेय : एक है, राम जेटमलानी ।... (व्यवधान)

श्री वीरेन्द्र वर्मा : मैं अपनी यह बात इन तथ्यों पर आधारित करता हूँ कि अभी माननीय सदस्य जो कह रहे थे विपक्ष की ओर इशारा करके, जैसे कि विपक्ष विकेंद्रीकरण के पक्ष में नहीं है, मैं उसे निराधार साबित करने की चेष्टा रखता ।

माननीया, आन्ध्र प्रदेश में, पश्चिमी बंगाल में, कर्नाटक में और तमिलनाडु में विपक्ष की सरकारें हैं ।

श्री सुब्रह्मण्यम स्वामी : कर्नाटक में नहीं हैं ।

श्री वीरेन्द्र वर्मा : आप सुन लीजिएगा । आप उनसे कहें, उन्हें रोकिये । वह लोग बकार की बात करते हैं ।

माननीया, यहां जिन प्रदेशों की मैंने चर्चा की, वहां विपक्ष की सरकारों ने जनता को सत्ता के विकेंद्रीकरण के सिद्धांत के आधार पर अधिकार सौंपे । उन अधिकारों की चर्चा, माननीय प्रधान मंत्री जी ने भी देश के विभिन्न कोनों में की है, किंतु मैं आपकी आज्ञा से यह बात बताना चाहता हूँ कि मैं उत्तर प्रदेश का निवासी हूँ । जिला परिषद या डिस्ट्रिक्ट बोर्ड जिसे कहते थे, उसका अध्यक्ष साढ़े चार साल तक मुजफ्फरनगर का रहा हूँ । सन 1948 में डिस्ट्रिक्ट बोर्ड की जो अधिकार थे जिला परिषदों की स्थापना के बाद उसका दसवां हिस्सा भी अधिकार आज जिला परिषदों के पास नहीं हैं । ... (व्यवधान) पहले सुन लीजिएगा, अब शोर मचाने से तो काम नहीं चलेगा । दसवां हिस्सा भी आज जिला परिषदों के पास अधिकार नहीं है । प्राथमिक शिक्षा भी आज जिला परिषदों के पास नहीं है । ... (व्यवधान) प्राथमिक शिक्षा, जूनियर हाई स्कूल तक की शिक्षाएं डिस्ट्रिक्ट बोर्ड के पास थीं और आज प्राइमरी शिक्षा भी जिला परिषदों के पास नहीं हैं, पंचायतों के पास नहीं है । ... (व्यवधान)

एक माननीय सदस्य : वही तो देने जा रह हैं । ... (व्यवधान)

श्री वीरेन्द्र वर्मा : देखिए, क डिस्टर्ब कर रहे हैं । अब असलीयत फेस करना चाहिए । असलीयत को फे करें ।

एक माननीय सदस्य : कहने में अ करने में जो फर्क है अभी मालूम जाएगा । ... (व्यवधान)

उपसभापति : वर्मा जी, आप इस देखिए, उधर मत देखिए ।

श्री वीरेन्द्र वर्मा : महोदय, जो बिल आए हैं इनमें विभिन्न समितियों अप्रत्यक्ष चुनाव रख हैं जैसे उत्तर प्रदेश में ब्लाक कहते हैं, म्युनिसिपैलिटीज चैंबरमैनो के चुनाव वह सब अप्रत्यक्ष चुनाव है जिसका अर्थ होता है कि च आसमी पैसे वाला चुने हुए सदस्यों खरीदता है । उठा भी लेते हैं, छिपा लेते हैं । आन्ध्र प्रदेश और दूसरे प्रदेशों में डाइरेक्ट इलेक्शन हैं, प्रत्यक्ष चुनाव हैं मैं सहमत नहीं हूँ आपके इस प्रोविज़न से जो आपने अप्रत्यक्ष चुनाव इसमें रखे हैं, जो नोमिनेशन रखें हैं न मैं उस हक में हूँ । माननीया, अभी एक माननीय सदस्य यहां से चले गए 11 साल जिला परिषदों के चुनाव महाराष्ट्र नहीं हुए । 20-20 साल तक उत्तर प्रदेश की नगरपालिकाओं और टाउन एरिया के चुनाव नहीं हुए हैं । उत्तर प्रदेश 10 जिला परिषद आज भी ऐसी जिनके अध्यक्षों के चुनाव अब तक नहीं हुए हैं । माननीया, विभिन्न प्रदेशों की सरकारों की शिकायतें थीं कि हमें अधिकार दिए जाएं । उसी के लिए सरकारिया कमीशन का गठन हुआ मुझे ऐसा प्रतीत होता है कि इन कानून के जरिए विकेंद्रीकरण नहीं, बल्कि केन्द्रीयकरण अधिकारों का किया जा रहा है । चर्चा है राज्यपाल की, अभी मेरे माननीय मित्र राज्यपाल के अधिकारों की चर्चा कर रहे थे । राज्यपाल के अधिकार तो हमने 1984 में देखा था, चले गए । माननीय सदस्य एक बैठे हैं देखा था 1984 में आन्ध्र प्रदेश में राज्यपाल के अधिकारों को, देखा था जम्मू और कश्मीर में जिस प्रकार

राज्यपाल ने अपने अधिकारों का दुरुपयोग किया था, देखा है हमने राज्यपाल के अधिकारों को कर्नाटक में जिस प्रकार से उसका दुरुपयोग आज हुआ है और देखा है हमने राज्यपाल के अधिकारों को मिजोरम और नागालैंड में जिस प्रकार उसने अपने अधिकारों का दुरुपयोग किया है। राज्यपाल केन्द्रीय सरकार का खिलाता है, कठपुतली है। ... (व्यवधान) राज्यपाल केन्द्रीय सरकार का, प्रधानमंत्री का या गृह मंत्री का एक खिलाता है, उनके इशारे पर नाचता है, उनका एजेंट है। ... (व्यवधान)

श्री सतपाल मिश्र (नाम-निर्देशित) : यह सच है, बिल्कुल गलत बात है।

उपसभापति : वर्मा जी, एजेंट है, नाचता है, इस्तेमाल न करें।

SHRI PARVATHANENI UPENDRA: What is this? Is it unparliamentary to say that the Governor is an agent of the Central Government?

THE DEPUTY CHAIRMAN: You don't say that, Mr. Upendra. You understand what Mr. Verma meant. राज्यपाल को कहना कि एजेंट है, नाचता है, गलत बात है। यह अच्छा नहीं लगता। Someday you might also become a Governor. यह रिमार्क मत लाइए।

SHRI SUBRAMANIAN SWAMY: Shri Ramlal is in Janata Dal now.

SHRI PARVATHANENI UPENDRA: But not in Janata Party.

श्री सतपाल मिश्र : जो गलत काम करता है, वह जनता दल में चला जाता है, रामलाल जी चले गये।

श्री वीरेन्द्र वर्मा : उसने आपके इशारे पर काम किया था। ... (व्यवधान) ... जहाँ तक लोकतंत्र को मजबूत करने की

चर्चा है, सब सहमत है, कोई भी इसका विरोधी नहीं है।

उपसभापति : वर्मा जी, एक मिनट में आप खतम कीजिए।

श्री वीरेन्द्र वर्मा : देखिए, बहन जी, माननीया, बहन जी तो गलत कह गया, आदरणीया, मेरे तो अभी तीन-चार मिनट भी नहीं हुए।

उपसभापति : वह तो आपके साथियों ने ले लिए, उनसे जगड़ा करिए।

श्री वीरेन्द्र वर्मा : आदरणीया, आप जल्दी न करें, मैं जल्दी समाप्त करता हूँ। लोकतंत्र को मजबूत करने की चर्चा हाउस में प्रायः उठती है। हम सभी उसके हक में हैं और हक में सभी को होना चाहिए। देश में लोकतंत्र स्थापित भी है। कल भी चर्चा हुई उसमें पेश्वर भी, कि 1977 ईसवी में लोकतंत्र का गला घोंटा गया, नौ राज्यों की, जनता की चुनी हुई सरकारों को भंग किया। ... (व्यवधान) ... मैं उस समय मिनिस्टर था, जानता हूँ, लेकिन 1980 ईसवी में भी नौ ही सरकारों को आपकी सरकार ने भी उसी ही प्रकार से डिजोल्ड किया था, जिस प्रकार से कि सन् 1977 ईसवी में किया गया।

महोदया, प्रधानमंत्री जी यह कहते हैं कि पंचायतों को अधिकार देने से भ्रष्टाचार समाप्त होगा। मैं जीवन भर भ्रष्टाचार का जानी-दुश्मन रहा हूँ, विरोधी हूँ और रहूँगा। मुझे अधिक प्रसन्नता है कि माननीय प्रधानमंत्री जी भ्रष्टाचार पंचायतों को अधिकार देने से समाप्त करने का इरादा रखते हैं, लेकिन भ्रष्टाचार तो आज ऊपर से नीचे जा रहा है, नीचे से ऊपर को नहीं चल रहा है। एक बात और कहते हैं हैं प्रधानमंत्री जी कि सत्ता के दलालों को हटाना है। अरे भाई मैं पूछता हूँ सत्ता किसके हाथ में है मेरे ने ज्यादा आपको पता है, तो फिर सत्ता के दलाल कौन हुए? सत्ता जिनके हाथ में है, दलाल उन्हीं के होंगे। तो उन्हें आप हटा दें। दलाल बना क्यों रखे हैं। ... (समय की घंटी) ...

माननीया, समाप्त कर रहा हूँ। जहाँ तक शेड्यूल कोर्ट्स, शेड्यूलड ट्रिब्यूनल महिलाओं के आरक्षण की बात है सभी

[श्री वीरेन्द्र वर्मा]

इससे सहमत हैं, सौ फीसदी सहमत हैं। कर्नाटक में जब जनता दल की सरकार थी, वहाँ महिलाओं के लिए 25 प्रतिशत सीटें रिजर्व की गई थी। यह जो बिल है, आपका इसमें शूड्यूल्ड कास्ट्स शूड्यूल्ड-ट्राइब्स, महिलाओं के लिए तो आरक्षण रखा है, लेकिन पिछड़े वर्ग के लिए आरक्षण का कोई प्रावधान नहीं रखा है इसलिए भी मैं इसका विरोधी हूँ। और भी बातें हैं, जिनसे मैं पूर्णतः सहमत नहीं हूँ। मैं इसका इस कारण भी विरोध करता हूँ कि चुनाव-क्षेत्र पर हैं, जनता नई संसद को चुनेगी, नई संसद सभी प्रदेशों के नेताओं से, मुख्य मंत्रियों से परामर्श कर नए बिल को तैयार करे और सबकी इच्छा के अनुसार बिल तैयार हो तभी देश के और जनता के हित में होगा।

इन्हीं शब्दों के साथ मैं इन बिलों का विरोध करता हूँ।

THE DEPUTY CHAIRMAN :

Shri A. Nallasivan, Honourable Members, this is his maiden speech... (Interruptions)...

SHRI A. NALLASIVAN (Tamil Nadu) : Madam, Deputy Chairman, I thank you for the opportunity given to me for making my maiden speech in this august House.

Madam, at the outset I wish to state that our party, the Communist Part of India (Marxist), opposes these two Bills on Panchayati Raj and Nagar Palikas. Our party considers that these two Bills are further sinister steps on the part of the Government of India in making the Indian State more and more authoritarian. The attitude authoritarianism in politics tends to cutting more and more at the root of federalism and concentrating more and more powers in the hands of the Centre.

Madam, we know that the political set-up of the country consists

of three tiers—the Central Government, the State Government and the Local Self-Government. Our Constitution places the third tier, that is, Local Self Government, under the responsibility and control of the State Government. In our country, the general democratic opinion is more and more insistent upon giving powers to the States, that is, State autonomy, so that the States be able to fulfil the responsibility of administering not only the State but also the Local Self-Government institutions, which is their responsibility. But through these two Bills the Government of India wants to take away even the powers that are existing with the State Government. Not only that. The Government of India proposes to supervise how the Central Bills will be administered by State Government with regard to Local Self-Government bodies.

My friend from the Congress side was saying that the word "Governor" is being put there in the Bill, that it is equivalent to "State" and that Governor meets the State. Then why don't you put the word "State" itself there? You are doing this because you want to put the Governor over the head of the State in the matter of administering these local bodies. That is the position. The Congress says that these Bills have been brought for decentralisation of powers. Our party also stands for devolution of more powers to local self-government. We have not only as a policy but we are implementing in West Bengal and Kerala. For instance, we have given more powers to them in West Bengal not only to administer the civic needs but also to register the tenancy rights of peasants and agricultural labour in the rural areas. We have given more powers to local self-government bodies in West Bengal than what has been envisaged in this Panchayati Raj Bill. We have given

more substantive powers to the panchayati raj institutions in West Bengal the responsibility of registering the tenancy rights of the peasants in the villages.

My friend from the Congress (I) on the other side is telling that because of this Panchayati Raj Bill, the rural people are going to have a very jubilant social, economic and political life in the rural areas. He also talked about mass participation in the activities in the rural, panchayat areas. I want to ask him only one question. Prof. Mahalanobis had given a report to Pt. Jawaharlal Nehru saying that even according to the land ceiling acts of the Congress Governments, there will be 6.4 crore acres of extra land in the hands of the Government to be distributed to the poor. What is the record of the Congress with regard to land reforms? Without land beyond ceiling being found in villages and being distributed to agricultural labourers and poor peasants, how are you going to enthuse the rural people to take part as a mass in the activities of the panchayats? But in West Bengal and Kerala we have given more powers to the panchayats.

My point is, even to bring about uniform devolution of power to the local self-government, can it not be brought about without cutting into the powers of the States in the crucial areas of elections and auditing in the local self-government administration. You say, you want to give power to panchayats. All right. Can it not be brought about without cutting the rights of the State Governments in the crucial areas of election and auditing? The moot question to be answered by the Congress Government is this. We also stand for devolution of powers. But can it not be done like that?

The e bills are in line with the policy already taken by the Government of India in the matter of convening directly the meetings of the District Magistrates, the Municipal Commissioners, the Block Development Officers etc. Without reference to the State Governments. You are doing all that. Then, where is the power of the State Government left? Why should there be a State Government at all? The Constitution may straightaway be changed into a unitary constitution. What is meaning of this? You are telling the District Magistrates, you are telling the Municipal Commissioners, you are telling the Block Development Officers, "After all, the power is in the hands of the Centre. You need not act according to the directives of the State Government." Are you not encouraging disobedience among the State Government officials? This is how you are undermining even the existing powers with the States. Therefore, you are trying to build up a unitary state, keeping the form of a federal state. That is what you are trying to do.

You are taking away the powers of the State Governments on elections saying that the elections are being delayed. But what is the guarantee that elections will be held regular for local bodies even when the responsibility is transferred to the Election Commission? For instance, there is an accusation in the political circles that even the Election Commission adjusts its programmes according to the convenience of the ruling party at the Centre.

10 P.M.

If such an accusation is there against the Election Commission itself, where is the guarantee of holding regular elections? Simply because you are amending the

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Constitution, will there be regular elections to the local bodies ? No. Have we not discussed recently the postponing of elections to the Karnataka Legislature ? Even though the situation is ripe for elections, you are postponing the elections in that State because the people's opinion is against you because of the rise in prices of so many essential commodities. Therefore, you are trying to make use of the provisions in the Constitution in such a way that the Central Government can extend the Governor's rule for a full one year. Then where is the guarantee for holding regular elections to the Panchayat Raj boards even after the amendment of the Constitution ? In this connection I want to bring to your notice that most of the overdue elections in local bodies have not been held mostly in Congress (I) ruled States. I can give you the example of my own State, Tamil Nadu. When the AIADMK was in power, it was the Congress party which was aiding that Government to drag on its feet on the question of conducting elections for nine years. You can see mostly Congress (I) ruled States are not conducting elections regularly to the local bodies. Therefore, you should have criticised and punished your own Chief Ministers who have not conducted elections regularly. Instead of that you are now punishing all the States by taking away even their existing powers. Now you are going to transfer the auditing authority to the Comptroller and Auditor General of India... (*Interruptions*)

THE DEPUTY CHAIRMAN:
Never disturb anybody who is making a maiden speech.

SHRI A. NALLASIVAN :
How will you be able to audit the accounts of lakhs and lakhs of municipalities and Panchayati Raj bodies with the help of the CAG set up in Delhi ? What purpose

will it serve by bringing CAG all into the picture ? You say you have brought this Bill with the intention of giving more powers to the people. But that is not your intention. Why could you not bring it in the last 4½ years ? Why are you bringing it at the fag end of your five-year term ? Because you are having your eyes on the election. Let alone bringing this Bill, first hold elections to the municipalities and local bodies in the Congress (I) ruled States. Why have you not done that ? you are now doing it because the people in the Congress (I) ruled States are very much dissatisfied with the absence of civic rights and amenities. The civic needs have not been fulfilled. Therefore, the Congress High Command feels that by saying that they are going to give powers to the people, the people can be mesmerised into believing that the Congress High Command, especially Rajiv Gandhi, is giving power to them; so they should vote for him.

THE DEPUTY CHAIRMAN:
You can interrupt but not anyone who is making a maiden speech.

SHRI A. NALLASIVAN : The Indian people will now see through your game. They understand you now. So, on behalf of my party I oppose these Bills.

THE PRIME MINISTER (SHRI RAJIV GANDHI) : Madam Deputy Chairman, I have been following with the closest interest this important debate on the Panchayat Raj and Nagarpalika Bills. These Constitutional Amendments, which I had the honour to introduce at the last session, are of truly historic and revolutionary significance. It is, therefore, not surprising that the debate should have been sometimes stormy, sometimes incisive, sometimes reflective, but at all times lively. I wish to thank all members on

both sides of the House for the important contributions they have made to this debate which is bound to adorn textbooks on Constitutional history for many years to come.

By and large, it appears to me there is general acceptance of the need for maximum democracy and maximum devolution. What is disputed is matters of Constitutional jurisdiction, political propriety, electoral motivation and legislative detail. Allow me, Madam, to deal with each of these apprehensions in turn.

It has now been well established in both Houses that there can be no doubt about the Union Government's competence to introduce these Constitutional Amendments. We have displayed the utmost rectitude in not impinging upon the essential Constitutional relationship established between the Union and the States. Our basic aim is to secure Constitutional sanctity for democracy in the Panchayats and Nagarpalikas and devolution to them of adequate power and finances to ensure the people's participation in the development process.

First, we have left Entry Five of the State List exactly as it is and where it is. The competence of State legislatures to deal with all municipal legislation relating to rural and urban local bodies has not been tampered with in any way. Second, care has been taken to so draft the Constitutional Amendments as to leave it entirely to State Legislatures to draft the law on the subject, and to State Governments to formulate and pass the necessary orders to realise the objectives of these Constitutional Amendments. The only point I would wish to stress is that all municipal law has to conform to the provisions of the Constitution. These two Amendments, when passed, will set the Constitutional

stage on the basis of which State Legislatures will undertake detailed legislation'

Third, it is erroneous and misleading to say... (Interruptions)

AN HON. MEMBER : Sir.

SHRI RAJIV GANDHI : I said 'Third'. One, two, three; not Sir. Those who have not understood put on their head-phones.

Third, it is erroneous and misleading to say, as some Members opposite have alleged, that what we have attempted to do is to draft a detailed Municipal legislation by the backdoor of detailed constitutional Amendments. We have restricted ourselves to essential features such as regularity in elections and the forestalling of arbitrary and prolonged suspensions. We have been asked why we have prescribed in such a detail a common structure of Panchayats at village, intermediate and district levels, as also a common structure of Nagarpalikas for different sizes of population. The answer is simple. A uniform structure means uniform pattern and degree of democratic representation in the local bodies. Why should the pattern and degree of democracy differ from one part of the country to the other? We are, after all, one country. Another major objective we have in mind is to reduce the vast gap that now separates the voter from his representative. In a vast country like ours, there are at present not more than about 5,500 persons—5,000 in the State Legislatures and around 500 in Parliament—to directly represent 800 million people. The number of voters seeking the assistance of the elected representative is so large that there is no way the representative can really give his personal attention to his electorate as a whole. Also, it means the people have to approach their M.L.A., or even M.P., to get grass-roots

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problems attended to. The Panchayat Raj and Nagarpalika Bills will generate so many lakhs of elected grass-roots representatives that the distance between the voters and his representative would be drastically reduced, the power-brokers would be driven from their perches, and grass-root problems would receive grass-root attention. There is no reason why these benefits should not reach the people in a more or less uniform manner throughout the country. That objective can only be secured by uniformity in the structure of local bodies.

The third point is perhaps, of the greatest significance. We are determined to ensure just representation for the weaker sections of society through reservations in all our local bodies. The only way of ensuring uniformity in reservations is by ensuring a uniform structure of local Government. Let me give you an example to illustrate the complications that would have arisen if we had tried to secure a uniform system of reservations without having a uniform structure of local Government. At present in some States including Congress-run Maharashtra and non-Congress-run West Bengal, the Panchayat Samiti is a body directly elected by the people at large. In some other States, however, the Panchayat Samiti is not a directly elected body but a committee of the Chairman of Village Panchayats. In a directly elected Panchayat Samiti it is entirely feasible to reserve seats for Scheduled Castes and Scheduled Tribes in proportion to their population, as also to reserve 30 percent of the seats for women. If, however, the Panchayat Samiti is not a directly elected body but only a committee of the Chairman of the Village Panchayats how is one to secure proportionate representation for Scheduled Castes and Scheduled Tribes or 30 per cent reservation for women? In prescribing a uniform

structure of local government for the country as a whole, our aim is not to arbitrarily impose a uniform structure on a diverse country. It is only to ensure that there is uniformity of reservations throughout the country for the Scheduled Castes, the Scheduled Tribes and women. We are second to none in recognising the diversity of our country. We are second to none in celebrating the variegated cultures of our country. We are second to none in being the most passionate advocates of our unity in diversity, in recognising and affirming that, in a country like India, the only unity that is possible is by a large-hearted acceptance of diversity. Respect for diversity means recognising that palm trees grow in some parts of the country and the chinar grows elsewhere. But what has this to do with the oppression of Harijans or Adivasis or discrimination against women? Surely, the ladies of Kerala deserve equal treatment in the Panchayats as the ladies of Kashmir, even as Scheduled Castes and Scheduled Tribes everywhere are entitled to equal representation. Diversity means respect for a Carnatic Kriti in Thanjavur, a baul in Bengal, a dhrupad in Gwalior and a manganiyar lok-geet in Rajasthan. But does this mean reservations in Tamil Nadu should be different to reservations in Bengal? Does this mean that the Adivasis of Rajasthan should be treated differently to the Adivasis of Madhya Pradesh or that the Scheduled Castes in one part of the country should get reservations in proportion to their population but be denied the same privilege in other parts of the country? To do this would be to make a farce of the noble precept of unity in diversity.

We celebrate the intellectual, spiritual and cultural diversity of our country. But, as I said a minute ago, we are one country. When it comes to oppression and discrimination, the people of India are united in demanding a uniform end

to all oppression, all suppression all social tyranny, all obsolete social morals. I repeat, Madam, that it is to secure a uniform system of reservations that we were obliged to prescribe a uniform structure of local government.

I now turn to questions of political propriety which appear to have agitated the feelings of our friends opposite. We have been asked: How dare the Prime Minister interact directly with District Magistrates? I answer: What call has the Prime Minister of a country like India to remain as Prime Minister unless he feels at home in the humblest hut of the humblest, remotest village of our vast and varied country? I toured hundreds of villages. I spoke to countless people. There, in their hearths and homes, I experienced the cruelty of an unresponsive administration, the oppression of an administration without a heart, the callous lack of compassion that most of our people find at the hands of much of our administration. I then looked at the administrators themselves—most of them dedicated young men and women, of extraordinarily high intelligence, deeply concerned about the people placed in their charge and yet, apparently, incapable of converting their enthusiasm and personal compassion into a responsive administration. I sought an answer to this riddle, a solution to this conundrum. That is how I decided to pose the question to the District Magistrates themselves. How could this possibly be wrong?

In any case, there was nothing clandestine about my encounters with District Magistrates. The first one was held at Bhopal. I invited Chief Minister Motilal Vora to join us. He accepted and was with us in the meeting. The second one was at Hyderabad. I invited Chief Minister N. T. Rama Rao to accompany me to the encounter. For reasons best known to him, he haughtily declined. (*Interruptions*). I asked him once again at Hyderabad

airport. He once again refused to come with me. How can the Opposition... (*Interruptions*). ... now turn around and say I went behind the backs of Chief Ministers to talk to District Magistrates?

When it came to meetings with village pradhans and sarpanches panchayat samiti chairmen and presidents of zila parshads, we took care to seek the cooperation of at least two Opposition-run State Governments in holding these sammelans. Chief Minister Jyoti Basu kindly agreed to cooperate and we held a most informative and useful Sammelan in Calcutta, in full view, I might add, of the representatives of that State's non-Congress Government. We were making arrangements with an Opposition-run Government for the South Zone Sammelan in Bangalore when that Government crumbled under the weight of its own inconsistencies. If the Janata Dal failed to host the South Zone Sammelan that was not on account of any failings on our part but only because of their own inability to hold out until the Panchayat representatives arrived.

We have consulted openly, frankly and freely with every echelon concerned: beginning with the common folk of our villages to whom I spoke; then the bureaucracy, including District Magistrates, Chief Secretaries and Secretaries to the Government of India; and then the Panchayat and Local Self-Government Ministers and Chief Ministers of States. It was never we who shied away from meeting them. Regrettably, however, some Opposition-run State Governments refused to send officials and even elected representatives to these encounters and then, in a shameful act of abnegation of governmental responsibility, failed to participate in the Conference of Chief Ministers which I called in early July.

We come to this House, Madam, at the culmination of a process of open, transparent consultation without

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precedent in the history of independent India. The amendments we present are the distilled essence of the views of thousands of elected local body representatives, hundreds of District Magistrates, scores of senior Government servants and dozens of Ministers and Chief Ministers. There is no impropriety on our part. The only impropriety has lain in the discourtesy with which a well-intentioned invitation was turned down.

Madam, much play has been made by the Opposition of the proximity of the forthcoming general elections to the important legislation which this House will shortly be voting upon. I do not quite understand the point at issue here. Is it not a fact that we were elected to govern and legislate for a five-year period ?

SHRI PARVATHANENI UPENDRA : Misrule.

SHRI RAJIV GANDHI : Is it not a fact that we were elected to serve the people of their development and progress for a five-year period ? Should we stop governing and legislating only because elections are in the offing ? It is the people who have given us this responsibility. It is to the people and the people alone—that we are responsible. (*Interruptions*). We reject this artful misinterpretation of parliamentary practice that would require us to desist from legislation because of the proximity of the polls.

In any case, Madam, it was at the very beginning of our present term of office, in the first broadcast I made to the nation in January 1985, that I outlined the plan we had in mind to make our administration responsive to the people's needs. I raised these issues in my speech at the Congress Centenary in Bombay in December 1985. In August 1986, this intention of Government was enshrined as the Twentieth

Point of the Twenty Point Programme under the rubric "Responsive Administration."

At that time, I must confess, we were in quest of managerial solutions to unresponsive administration. We were looking to a simplification of procedures, grievance redressal machinery, single-window clearances, computerisation and courtesy as the answers to the problem. As we went along, we discovered that a managerial solution would not do. What was needed was a systematic solution.

The Panchayati Raj and Nagar-palika Bills constitute the most significant systemic transformation in the governance of the Indian polity since the Constitution entered into force just under forty years ago. We learnt that a paternalistic administration cannot be a responsive administration. We learnt that a grassroot administration without political authority was like a meal without salt. We learnt that however well-intentioned our district bureaucracy might be, without effective elected authority the gap between the people and the bureaucracy could not be closed. We learnt that the vacuum created by the absence of local level political authority had spawned the power-brokers who occupy the gap between the people and their representatives in distant Vidhan Sabhas and the ever more remote Parliament. We learnt that corruption could only be ended by giving power to the Panchayats and making Panchayats responsible to the people. We learnt that inefficiency could only be ended by entrusting the people at the grassroot with the responsibility for their own development. We learnt that callousness could only be ended by empowering the people to send their own representatives to institutions of local self-government, by empowering the people to reject those who betray their mandate.

The Panchayati Raj and Nagar-palika Bills are not only instruments

or bringing democracy and devolution to every *chaupal* and every *chabutra*, to every *angan* and every *dalan*. They are also a charter for ending bureaucratic oppression, technocratic tyranny, crass inefficiency, bribery, jobbery, nepotism, corruption and the million other malfeasances that afflict the poor of our villages, towns and cities. The Bills are the warrant for ending the reign of the power-brokers, of the intermediaries whom Shakespeare called "the caterpillars of the commonwealth."

These Bills fill a yawning gap in the country's polity. They are the result of a process that was started in the immediate aftermath of our great electoral victory and has been carried forward in carefully considered stages till it has ripened for consideration by our august Houses of Parliament. There is nothing sudden or surprising about the timing of these Bills.

There is another point I would wish to stress. Elections come and go. The consequences of these Constitutional Amendments will far outlast the outcome of the forthcoming general elections. These Amendments will become a sacred obligation on all Governments, whether at the Centre or in the States, whether run by the Congress or by any Opposition party. There is nothing gimmicky about our intentions. We are making democracy at the grassroots a solemn and ineluctable Constitutional obligation. Equally, we are making the devolution of administrative and financial powers to the local bodies an inescapable responsibility of all governments, now and in the future, here at the Centre and there in the States, a responsibility as much of Congress-run governments as of governments run by others. An election gimmick is a trick of the trade. A Constitutional Amendment is a solemn, long-term pledge. Ours is a pledge to the people. Those who thwart the people do so at grave risk to themselves. When the voter stands in the seclusion of

the voting booth, his hand will go down on the hand which clasps his as a friend.

With your permission, Madam, I would now like to deal with some of the matters of detail touched upon by participants in this debate.

It has been alleged that Schedules Eleven and Twelve infringe in some manner upon the legislative sovereignty of the State Legislatures and the freedom of action of State Governments in regard to responsibilities assigned to them by the Constitution. The confusion appears to arise out of confounding the Legislative Lists of the 7th Schedule and the Lists incorporated in the proposed 11th and 12th Schedules. The Union, State, and Concurrent Lists detailed in the 7th Schedule deal with the respective Legislative competence of the Union, the States, and the Union and the States together. The 11th and 12th Schedules on the other hand constitute an illustrative list of subjects in respect to which development programmes might be implemented by Panchayats and Nagarpalikas respectively. These are subjects regarding which understanding at the local level is likely to be much more profound at that level than in some distant State capital and where implementation by local elected bodies is likely to be much more responsive to articulated public need than the cold administrations of official agencies.

The 11th and 12th Schedules do not confer any legislative competence upon the local bodies. Nothing is taken away from the legislative competence of State Legislatures. All that is indicated by the 11th and 12th Schedules is the path along which effective devolution might be pursued to render the Panchayats and Nagarpalikas into vibrant, dynamic, meaningful institutions of local self-government. It is explicitly stated in the Constitutional Amendments now before the House that it would be for the State Legislatures to lay down the Legislative

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parameters of devolution and for State Governments to give practical effect to these parameters. We recognise that the precise pattern of devolution might vary from State to State. We leave it to the good sense of our people to endorse or reject through their vote the degree and nature of devolution conferred upon the Panchayats and Nagarpalikas by different State Legislatures and State Governments. Those State Governments that live up to the expectations of the people will receive the endorsement of the people. Those who fail the people will receive the rejection they deserve. Our sanction is the people's vote. The only threat we hold out to State Governments is the threat of their being rejected at the polls by the people whose Constitutional rights they transgress, by the people who feel deprived of the opportunities to them by Constitutional Amendments.

Surprisingly, little has been said in this debate about the heart of the Amendments, which is the provisions of planning and implementation. It is undeniable that our planning has become increasingly removed from the perceptions and aspirations of our people at the grassroots. Such District planning as is taking place is largely formalistic in nature, a putting together by bureaucrats and technocrats of what they perceive to be in the interests of the people. The people themselves are not consulted at all, or are consulted but perfunctorily. Through these Amendments, the primary responsibility for planning would devolve upon the Panchayats at every level, and each tier of the Nagarpalikas. Each local community, whether in a small village covered by a village Panchayat or in a village turning into a town governed by a Nagar Panchayat, or in a town governed by the Municipal Council or in a city governed by a Corporation would prepare its own plan for its own development. I would particularly draw the atten-

tion of the House to the wording of the relevant provision. It provides in effect for any plan for economic development to incorporate its social justice component. As it is, the provision for reservation ensures that the Panchayat and the Nagarpalika undertaking the planning exercise will be adequately weighted with the weaker sections of society. That in itself will contribute to a heightened social consciousness in the preparation of plans. But these Constitutional provisions go even further. They make the completion of any plan prepared by a Panchayat or a Nagarpalika contingent upon the incorporation in the plan of its social justice component. In other words, whereas up till now even in so progressive a State as Gujarat which has pioneered the social justice committees in panchayats, social justice has been an adjunct to the planning process. These Constitutional amendments make social justice an integral element of the planning process. Plans prepared by panchayats, panchayat samitis and nagarpalikas will then be filtered upward to the zila parishad for harmonising and consolidation by a committee elected by the members of the zila parishad and the nagarpalikas. This committee for district planning incorporates members of the Scheduled Castes and the Scheduled Tribes in proportion to their population in the district and reserve 30 per cent of the seats for women. Thus the very composition of the district planning committee is such as to ensure the integration of social justice with economic planning in district plans. This holds true equally of the elected body being established for metropolitan planning. These constitutional amendments presage an entirely new era in planning not only in terms of detailed consultations at the grassroots but also in terms of ensuring social justice as an integral component of the development process. As regards implementation, there has been a half-hearted attempt by some Members of the Opposition to raise alarm by pointing to one lacunae

or the other in the 11th and the 12th Schedule. These digs would have a purpose if there had been any attempt to make the 11th and 12th Schedules either comprehensive or obligatory. We have made it amply clear that these two Schedules are illustrative in nature aimed at indicating practical ways in which the implementation of the programmes and projects might be entrusted to elected local bodies, instead of being carried out as at present by cold, remote official agencies. It is by being held responsible for the implementation of programmes that local bodies will become truly responsible to the people. It is when representativeness is combined with responsibility that responsive administration follows. Moreover, the location of the district planning committee in the zila parishad and indeed its very creation provides the first-ever platform of rural urban interaction of developmental issues. This in itself will contribute to a higher awareness of various problems of social injustice and the remedial measures required to rectify them. Through the proposed metropolitan planning authority, India becomes one of the first developing countries in the world to provide a platform for interaction between States and Central authorities and the elected representative of urban and adjacent rural local bodies, thus integrating the demands of social justice with the imperatives of economic growth. We have left it to State Legislatures and State Governments to determine the precise contours of the responsibility that will devolve on local bodies for the implementation of programmes. Some States will go further than others. Some variations in the degree and pattern of devolution would be justified and acceptable. But any State Government which transgresses the spirit of these amendments will have to face the wrath of the people. We at the Centre have made a beginning in trusting the local bodies to implement their own programmes. The Jawahar Rozgar Yojna and the Nehru Rozgar Yojna are the

earnest of our commitment to placing responsibility for development administration squarely in the hands of the elected representatives of the people at the grassroots. No longer will the people have to run from one bureaucratic closed door to another from one indifferent official to another. No longer will they have to bribe and cajole their way to securing their legitimate rights. We are bringing to an end the Kafkaesque nightmare through which the people at the grassroots have lived. Their problems will now be solved at their doorsteps. Answerability will be within the very villages where they live. Accountability would be nailed to the panchayat ghar and the nagaralika. Truth will not be hidden in ever more voluminous files and cupboards bursting at the seams but will be revealed on the floor of the panchayat ghar and at the village hustings, on the floor of the town-hall and the hustings in every mohalla.

As regards the sound finances of the panchayats and nagarpalikas, we propose entrusting this responsibility to the Finance Commissions envisaged in the Constitutional amendment. Here again, some of the comments made by Members opposite would appear to indicate that while they have glimpsed some of the parallel features between the Finance Commission established under article 280 of the Constitution and the Finance Commissions proposed in the present amendment, they have not comprehended the essential differences between the two. Whereas the Finance Commission established under article 280 effects the actual allocation of resources between the Centre and the States, the Finance Commissions referred to in this amendment would limit themselves to the principles on the basis of which allocation might be made between the States and the local bodies. The actual allocations will be made by the State Governments in the light of State legislation on the

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subject and the principles recommended by the Finance Commissions.

We at the Centre are undertaking an exercise to review nagar-palika and panchayat finances with a view to seeing what steps might be taken to augment the availability of financial resources for local self-government. We would hope, the State Governments, both those run by our party and those run by the opposition parties would undertake a similar exercise in self-enlightenment.

The Constitutional amendment entrusts to the Comptroller and Auditor General the responsibility for causing the accounts of the local bodies to be prepared and audited in such manner as he deems fit. Members opposite appear to have jumped to the conclusion that this means dismantling the existing State machinery for the examination and auditing of local bodies accounts. In our view, unless the CAG in his wisdom deems otherwise there would be no need to dismantle the existing State machinery nor undertake any substantial augmentation of the staff in the CAG's office. What the CAG is being asked being mandated to do is to examine existing procedures in different States for the preparation and audit of local bodies accounts and prescribe methods by which such accounts and auditing might be made stricter and less prone to abuse. There is no question of requiring the CAG to himself take over the direct responsibility for accounting and auditing. The State local fund auditing bodies would continue to exercise their functions but under the overall guidance and direction of the Comptroller and Auditor General.

I now turn to the dust being raised by the opposition over the role of the Election Commission. Here again it is a total misreading of the Constitutional amendment

to suggest that the existing machinery for the conduct of elections to local bodies would have to be dismantled. The Election Commission will conduct the elections through the State electoral officers and their staff. Also as elections are going to be regular and arbitrarily prolonged suspensions are to be outlawed it would be essential to further strengthen the existing machinery. The important change we are effecting is not in centralising the conduct of elections but in bringing the process of elections to the local bodies under the purview of the Election Commission.

In recent months the burden of responsibility on the Election Commission has been considerably increased. Legislative amendments undertaken in respect of the Representation of the People Act and other legislations have greatly added to the workload of the Commission. The responsibilities envisaged for them under the Panchayati Raj and the Nagar Palika Bills will further increase the Chief Election Commissioner's responsibilities.

[Mr. Chairman in the Chair]

Mr. Chairman, Sir, we seek no confrontation on these Bills. In preparing these Bills we have drawn upon the experience of all Congress States as much as of non-Congress States. We have freely and repeatedly acknowledged our debt to Opposition Governments like those in West Bengal and Andhra Pradesh and the earlier Janata Government in Karnataka who have made innovative contribution to the improvement of panchayati raj in our country.

SHRI DIPEN GHOSH
Without amending the Constitution

SHRI RAJIV GANDHI : Equally do we owe a debt of gratitude to the pioneering Congress stalwarts in Gujarat and Maharashtra who

have the longest, unbroken and unblemished record of panchayat raj in the country. There are negative lessons too to be learnt as we have freely and fully admitted from is inadequate or insufficient panchayat raj and nagar palika administration in some non-Congress as well as in some Congress States. There is no partisan politics in this. Our only interest is the national interest—the interest of development, the interest of the poor, the interest of the weak. We admit also that the objectives we seek to achieve are objectives which at various times in the past have been espoused by Opposition parties ranging all across the spectrum, from the Bharatiya Janata Party and its forebearers to the two Communist Parties and their forebears. We invite all the parties in the House to join hands with us in passing these Bills.

The Bills are for the people. The Bills are for their welfare, their benefit. The Bills are to give power in the hands of the people. The Bills are to end the reign of power-brokers. The Bills are to entrust responsibility to the grassroots. The Bills are to give representative administration. The Bills are to involve the people's participation in planning and implementation in development and social-justice. The Bills are designed to entrench democracy in the very foundations of our polity so that the superstructure of democracy in State capitals and the national capital might be stable, sound and well-founded. The Bills represent the realisation of Mahatma Gandhi's vision. The Bills represent the fulfilment of Pandit Jawaharlal's dreams. The Bills are the outgrowth of Indiraji's endeavours. Sir, I invite the House to pass these Bills unanimously. Those who support these Bills will earn the people's gratitude. Those who oppose these Bills will fail the people and live to rue their lapse.

Mr. Chairman, Sir, I commend to this House the Constitution

(Sixty-fourth Amendment) Bill, 1989 and the Constitution (Sixty-fifth Amendment) Bill, 1989.

Thank you, Sir.

MR. CHAIRMAN : I shall first put the motion regarding the Constitution (Sixty-fourth Amendment) Bill, 1989, to vote. The question is...

SHRI LAL K. ADVANI (Madhya Pradesh) : On a point of order. Sir, normally...

SHRI PARVATHANENI UPENDRA : Sir, all non-Members must leave the House. (Interruptions)

SHRI LAL K. ADVANI : If it had been one or two Members, I may not have raised this issue at all. But I would like to invite the attention of the Chair to Kaul and Shakhder, page 789, which says :

"When a division is about to be taken, only members of the House have the right to be present in the Inner Lobby and all other persons, including those to whom a courtesy right of access is allowed, must vacate it."

Namely Article 88 empowers Members of the other House also who are members of the Government to have access to this House, but not a right to vote in this House.

(Interruptions)

I know that. Mr. Chairman, if it had been only one or two, I would not raised it. After all a seat is reserved for the Prime Minister in this House even though he may be a Member of the other House. But there are several Members sitting here. I merely point to the fact that there is nothing obligatory, there is no right with me, but at the same time the preceding rulings and precedents say that it is better if he is not present in the House to avoid objections. So it is desirable. I am only pointing to the desirability of this fact.

SHRI P. SHIV SHANKER : Mr. Chairman, is the hon. Member casting aspersions on those who are sitting here as Ministers.

SHRI LAL K. ADVANI : I have cast no aspersions on them.

SHRI P. SHIV SHANKER : It amounts to that. You need not bring it to the notice of the Ministers. They are very well aware of it. And it was unnecessary on your part to have raised this point.

SHRI LAL K. ADVANI : I said, I consider it desirable. That is all.

SHRI G. SWAMINATHAN : Sir, I stand on a point of order. The Ministers who are not Members, even though they are not Members of the House, have got every right to be present during the division. That has always been so. No Minister can be asked to go from the House. Only others in the outside lobbies shall be asked to leave. When the Minister is present in the House, he cannot be asked to go out and it will be casting aspersions on the office of the Minister. He has got every right to be here. (Interruptions)

MR. CHAIRMAN : Confusion seems to be arising out of the fact that there is a confusion about being present in the House and being present in the inner lobby. They are not permitted, they should not go to the inner lobby. They can be present in the House and that is what becomes clear in the next sentence. He says :

"Objection can be taken if such a member takes advantage of his presence and goes into the lobby." So the objection will be if they go into the lobby. It is very clear. The language is absolutely clear. You have been a Member of the Lok Sabha and you know the whole thing. The convention is also known to Shri Atal Bihari Vajpayee.

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश)
भाषाति जो, इ... मन लाबी में जाने व
बात नहीं है क्योंकि वोट यहाँ पर बट
प्रे कर रहा होगा। पहले वोट लाबी
हु कर रहा था।

SHRI DIPEN GHOSH (West Bengal) : The reference is to going into the lobby, i.e. when the voting takes place in the lobby. That is why "inner lobby" is referred to.

MR. CHAIRMAN : My ruling is, the whole position is absolutely clear. (Interruptions) There can not be lobbying. The word used is "lobbying". Lobbying is to be avoided. That is why they are not permitted to be in the lobby.

SHRI DIPEN GHOSH : There are two methods of voting—voting by pushing the button or by going to the lobby and marking. In case the voting is to take place by going to the lobby and marking, the Members who are not Members of this House but have access to this House should not go to the lobby. That means, the presence of such Members during the voting is not desirable.... (Interruptions)..

SHRI G. SWAMINATHAN : Voting is different. It is a question of raising the hand and also going to the lobby. When a Minister can be here by right, how can he ask him to go out?

(Interruptions)

SHRI GURUDAS DAS GUPTA (West Bengal) : Sir, the point is very clear.

MR. CHAIRMAN : I have heard it.

SHRI GURUDAS DAS GUPTA : Sir, I have a submission.

MR. CHAIRMAN : What is it?

SHRI GURUDAS DAS GUPTA : One Minute, Sir. My submission is that desirability says those who will participate in the

voting should be present at the time of voting in the House itself. Those who have no right to participate in the voting, why should they be present? What is the reason?... (Interruptions)... Why should all the others sit here? Those who piloted the Bill should be present. Why should others be present?

SHRI PARVATHANENI UPENDRA : Should all the 60 members of the Cabinet sit here? The Prime Minister has piloted the Bill. Let him sit.

SHRI P. SHIV SHANKER : This is a very strange argument, an argument which is against the Constitutional provisions.

(Interruptions)

SHRI VISHVJIT P. SINGH (Maharashtra) : Sir, I crave your indulgence... (Interruptions)

SHRI A.G. KULKARNI (Maharashtra) : Sir, I want to say one thing... (Interruptions)

श्री चतुर्लोक मिश्र : अध्यक्ष महोदय, आज टाइटल प्रजेन्स दिखाना है यह एन.जे. कर दीजिए ताकि प्रजेन्स का जवाब बोटिंग न पड़े ।

SHRI A.G. KULKARNI : Sir, I want to bring to your notice that in the Rajya Sabha... (Interruptions)... Nobody from the House goes out... (Interruptions)

SHRI VISHVJIT P. SINGH : Sir, as a junior Member of this House I would like to make a very small submission. We ought to hang our heads in shame today... (Interruptions)... We are all Members here... (Interruptions)... Do we have to vitiate the atmosphere so much as to say that we do not have mutual trust?...

(Interruptions)

SHRIMATI RENUKA CHOWDHURY (Andhra Pradesh) : It is misconduct... (Interruptions)

SHRI VISHVJIT P. SINGH
It is amazing. I request her not to adopt this kind of an attitude... (Interruptions)

MR. CHAIRMAN : It is at their discretion. The Chair has no right to ask them to go out.

11 P.M.

MR. CHAIRMAN : Under article 368 of the Constitution, the motion will have to be adopted by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members of the House present and voting.

The Question is :

"That the Bill further to amend the Constitution of India (Sixty-fourth Amendment), as passed by the Lok Sabha, be taken into consideration."

The House divided.

MR. CHAIRMAN : Ayes : 157,
Noes : 83

AYES—157

Ahluwalia, Shri S.S.
Alia Kumari
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A.K.

Bagrodia, Shri Santosh
 Bansal, Shri Pawan Kumar
 Barongpa, Shri Sushil
 Bekal Utsahi, Shri
 Bhajan Lal, Shri
 Bhandare, Shri Murlidhar Chandrakant
 Bhardwaj, Shri Hansraj
 Bhatia, Shri Madan
 Bhatt, Shri Jitendrabhai Labhshanker
 Bhattacharjee, Shri Kamalendu
 Bhim Raj, Shri
 Birla, Shri Krishan Kumar
 Chatterjee, Prof. (Mrs.) Asima
 Chaturvedi, Shri Bhuvnesh
 Chavan, Shri S.B.
 Chowdhary Ram Sewak
 Darbara Singh, Shri
 Deori, Shrimati Omen Moyong
 Desai, Shri Jagesh
 Deshmukh, Shri Shaunkarrao Narayanrao
 Dharam Pal, Shri
 Dhusiya, Shri Sohan Lal
 Dronamraju, Shri Satyanarayana
 Dubey, Shri Bindeshwari
 Faguni Ram, Dr.
 Fernandes, Shri John F.
 Fotedar, Shri Makhan Lal
 Ganeshwar Kusun, Shri
 Gaufran Azam, Shri
 Gopalan, Shri R.T.
 Gupta, Shri Vishwa Bandhu
 Hanspal, Shri Harvendra Singh
 Hanumanthappa, Shri H.
 Hari Singh, Shri
 Hashmi, Shri Shamim
 Heptulla, Dr. (Shrimati) Najma
 Husain, Shri M.F.

Jacob, Shri M.M.
 Judhav, Shri Vithalrao Madhavrao
 Jamuda, Shri Durga Prasad
 Jani, Shri Jagadish
 Jogi, Shri Ajit P.K.
 John, Shri Valampuri
 Joshi, Shrimati Sudha Vijay
 Kailashpadi, Shrimati
 Kakodkar, Shri Purushottam
 Kalita, Shri Bhubaneswar
 Kalmadi, Shri Suresh
 Kesri, Shri Sitaram
 Khan, Dr. Abrar Ahmed
 Khaparde, Miss Saroj
 Khatun, Kumari, Sayeeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M.L.
 Koya, Shri B.V. Abdulla
 Kulkarni, Shri A.G.
 Kuthiravattom, Shri Thomas
 Laxmi Narain, Shri
 Leeka, Shri Kanhnu Charan
 Latha, Shri Khyomo
 Madni, Shri Maulana Asad
 Maheudra Prasad, Shri
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Malaviya, Shri Radhakishan
 Malik, Shri Mukhtiar Singh
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
 Mathur, Shri Manmohan
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mirza Ishaadbaig, Shri

Mishra, Dr. Jagannath
 Mishra, Shri Sheo Kumar
 Mishra, Shri Shiv Pratap
 Mittal, Shri Sat Paul
 Mohammad Yunus, Shri
 Mohan Singh, Shri
 Mohanty, Shri Subas
 Mohapatra, Shri Basudeb

Naik, Shri G. Swamy
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi

Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pande, Shri Bishambhar Nath
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panwar, Shri B.L.
 Parmar, Shri Rajubhai A.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai M.
 Patil, Shrimati Paratibha Devisingh
 Patil, Shrimati Suryakanta Jayawantrao
 Pattnaik, Shri Sunil Kumar
 Pagla, Shri Nareesh C.

Rafique Alam, Shri
 Raf, Shri Kalpnath
 Ramachandran, Shri S.K.T.
 Ramamurthy, Shri Taindivanam K.
 Ramanathan, Shri V.
 Ratan Kumari, Shrimati
 Rathwa, Shri Ramsinh
 Ravi Shankar, Pt.
 Ray, Shri Deba Prasad
 Razi, Shri Syed Sibtey
 Reddy, Shri T. Chandrasekhar
 Richharia, Dr. Govind Das
 Sahay, Shri Dayanand
 Sahu, Shri Baikuntha Nath
 Sahu, Shri Rajni Ranjan
 Sahu, Shri Santosh Kumar
 Salaria, Shri Shabbir Ahmad
 Salvo, Shri N.K.P.
 Satyaa, Bablu, Shrimati

Sharma, Shri Chandan
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri-P.
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R.K. Dorendra
 Singh, Dr. Rudra Pratap
 Singh, Shri Surender
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvjit P.
 Solanki, Shri Madhavsinh
 Sukul, Shri P. N.
 Swaminathan, Shri G.
 Swamy, Shri Subramanian

Taimur, Shrimati Syeda Anwara
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandresh P.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh
 Thangakabalu, Shri K.V.
 Tiria, Kumari Sushila
 Topden, Shri Karma
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti

Valiullah, Shri Raoof
 Verma, Shri Kapil
 Verma, Shrimati Veesa
 Vikal, Shri Ram Chandra
 Vincent, Shri M.

Yadav, Shri Ram Naresh

NOES—83

Advani, Shri Lal K.
 Ajit Singh, Shri
 Amin, Shri Mohammed
 Ashwani Kumar, Shri
 Aurora, Sardar Jagjit Singh
 Baby, Shri M.A.
 Balanandan, Shri E.
 Balaram, Shri N.E.
 Balu, Shri T.R.

Basu, Shri Chitta
 Basumatary, Shri Anantlal
 Basu Ray, Shri Sunil
 Bhattacharjee, Prof. Sourendra

Chakravarty, Shrimati Bijoya
 Chaudhuri, Shri Tridib
 Chautala, Shri Om Prakash
 Chowdhury, Shrimati Renuka

Das Gupta, Shri Gurudas

Gautam, Shri Anand Prakash
 Ghosh, Shri Dipen
 Gopalsamy, Shri V.
 Goswami, Shri Ramnarayan
 Gowda, Shri D.B. Chandre
 Gowda, Shri K.G. Thimma
 Gurupadaswamy, Shri M.S.

Jaswant Singh, Shri
 Javali, Shri J.P.
 Jethamalani, Shri Ram

Kaldate, Dr. Bapu
 Kalvala, Shri Prabhakar Rao
 Kar, Shri Narayan
 Kiruttinan, Shri Pasumpon Tha.
 Kunjachen, Shri P.K.
 Lakshmanan, Prof. C.
 Lather, Shri Mohinder Singh
 Ledger, Shri David

Mahajan, Shri Pramod
 Maheswarappa, Shri K.G.
 Mahishi, Dr. (Shrimati) Sarojini
 Malaviya, Shri Satya Prakash
 Maran, Shri Murali
 Mehta, Shri Chimanbhai
 Mishra, Shri Chaturanan
 Mishra, Shri Kailash Pati
 Moraraka, Shri Kamal
 Mukherjee, Shrimati Kanak
 Mukherjee, Shri Samar
 Naik, Shri R.S.
 Nallasivan, Shri A.

Padmanabhan, Shri Mentay
 Patil, Shri Vishwasrao Ramrao
 Poddar, Dr. R.K.

Quasem, Shri Mostafa Bin
 Radhakrishna, Shri Puttapaga
 Rahman, Shri Mohd. Khalidur
 Rai, Shri Ratna Bahadur
 Rajangam, Shri N.
 Raju, Shri J.S.

Rao, Shri Gopala Rao
 Rao, Shri Moturu Hanumantha
 Rao, Shri Yalla Sasi Bhushana
 Reddy, Shri B. Satyanarayan
 Reddy, Dr. G. Vijaya Mohan
 Reddy, Dr. Narreddy. Thulasi

Saikia, Dr. Nagen
 Srinidhi, Shrimati Vijaya Rupa
 Sen, Shri Ashis
 Sen, Shri Sukomal
 Siddiqui, Shri Abdul Samad
 Singh, Shri Ram Awadhesh

Sinha, Shri Yashwant
 Sivaji, Dr. Yelamanchili
 Sreedharan, Shri Arangil

Talari Manohar, Shri
 Upendra, Shri Parvathaneni
 Vaghela, Shri Shanker Singh
 Vijayee, Shri Atal Bihari
 Venkatesan, Shri Tindivanam G.
 Verma, Shri Ashok Nath
 Verma, Shri Virendra
 Viduthala Virumbi, Shri S.
 Yadav, Shri Ishi Dutt
 Yadav, Shri Shrad

The motion was not carried by a majority of the total membership of the House and by a majority of not less than two-thirds of the Members present and voting.

SHRI M.S. GURUPADA-SWAMY: I ask the Prime Minister to accept the verdict honourably and send his resignation. In view of

the mandate and in view of the parliamentary tradition, I ask the Prime Minister to resign (*Interruptions*). In view of the democratic conventions, I ask the Prime Minister to tender his resignation.

MR. CHAIRMAN: I put the second Bill to vote. There is an amendment by Shri Satya Prakash Malaviya for reference of the Constitution (Sixty-fifth Amendment) Bill, 1989 to a Select Committee of Rajya Sabha.

SHRI SATYA PRAKASH MALAVIA : Sir, I am not pressing amendment.

The amendment was, by leave, withdrawn.

MR. CHAIRMAN: Now, I put the second Constitution Amendment Bill to vote.

The question is:

"That the Bill further to amend the Constitution of India (Sixty fifth Amendment), as passed by the Lok Sabha, be taken into consideration."

The House Divided:

MR. CHAIRMAN: In order to avoid any confusion, slips are distributed. Each Member will mention his Division number and will write yes or no and put his signature so that we will have the record.

MR. CHAIRMAN: Ayes 157,

Noes

83

AYES—157

Ahluwalia, Shri S.S.
Alia Kumari
Alva, Shrimati Margaret
Amla, Shri Tirath Ram
Amrita Pritam, Shrimati
Anand Sharma, Shri
Ansari, Shri Mohammed Amin
Antony, Shri A.K.

Bagrodia, Shri Santosh
Bansal, Shri Pawan Kumar

Barongpa, Shri Sushil
Bekal Utsahi, Shri
Bhajan Lal, Shri
Bhandare, Shri Murlidhar Chandrakant
Bhardwaj, Shri Haasraj
Bhatia, Shri Madan
Bhatt, Shri Jitendrabhai Labhshanker
Bhattacharjee, Shri Kamalendu
Bhim Raj, Shri
Birla, Shri Krishan Kumar

Chatterjee, Prof. (Mrs.) Asima
Chaturvedi, Shri Bhuvnesh
Chavan, Shri S.B.
Chowdhary Ram Sewak

Darbara Singh, Shri
Deori, Shrimati Omem Moyong
Desai, Shri Jagesh
Deshmukh, Shri Shankarrao Narayana
Dharam Pal, Shri
Dhusiya, Shri Sohan Lal
Dronamraju, Shri Satyanarayana
Dubey, Shri Bindeshwari

Faguni Ram, Dr.
Fernandes, Shri John F.
Fotedar, Shri Makhan Lal

Ganeshwar Kusun, Shri
Ghufran Azam, Shri
Gopalan, Shri R.T.
Gupta, Shri Vishwa Bandhu

Hanspal, Shri Harvendra Singh
Hanumanthappa, Shri H.
Hari Singh, Shri
Hashmi, Shri Shamim
Heptulla, Dr. (Shrimati) Najma
Husain, Shri M.F.

Jacob, Shri M.M.
Jadhav, Shri Vithalrao Madhavrao
Janiuda, Shri Durga Prasad
Jani, Shri Jagadish
Jogi, Shri Ajit P.K.
John, Shri Valampuri
Joshi, Shrimati Sudha Vijay

Kailashpati, Shrimati
Kakodkar, Shri Purushottam
Kalita, Shri Bhubaneswar
Kalmadi, Shri Suresh

Kewri, Shri Sitaram
 Khan, Dr. Abrar Ahmed
 Khaparde, Miss Saroj
 Khatun, Kumari Sayeda
 Kidwai, Dr. Mohd. Hashim
 Kollur, Shri M.L.
 Koya, Shri B.V. Abdulla
 Kulkarani, Shri A.G.
 Kuthiravattom, Shri Thomas

Laxmi Narain, Shri
 Lenka, Shri Kahnu Charan
 Lotha, Shri Khyomo

Madni, Shri Maulana Asad
 Mahendra Prasad, Shri
 Mahto, Shri Bandhu
 Majhi, Shri Prithibi
 Maleviya, Shri Radhakishan
 Malik, Shri Mukhtiar Singh
 Manhar, Shri Bhagatram
 Masodkar, Shri Bhaskar Annaji
 Mathur, Shri Manmohan
 Matto, Shri Ghulam Rasool
 Meena, Shri Dhuleshwar
 Mirza Ibrahimali, Shri
 Mishra, Dr. Jagannath
 Mishra, Shri Shoo Kumar
 Mishra, Shri Shiva Pratap
 Mittal, Shri Sat Paul
 Mohammad Yunus, Shri
 Mohan Singh, Shri
 Mohanty, Shri Subas
 Mohapatra, Shri Basudeb
 Naik, Shri G. Swamy
 Narayanasamy, Shri V.
 Natarajan, Shrimati Jayanthi

Pachouri, Shri Suresh
 Pahadia, Shrimati Shanti
 Palaniyandi, Shri M.
 Pande, Shri Bishambhar Nath
 Pandey, Shrimati Manorama
 Pandey, Dr. Ratnakar
 Panwar, Shri B.L.
 Parmar, Shri Rajubhai A.
 Patel, Shri Chhotubhai
 Patel, Shri Vithalbhai M.
 Patil, Shrimati Pratibha Devisingh
 Patil, Shrimati Suryakanata Jayawantao
 Pattnaik, Shri Sunil Kumar
 Puglia, Shri Naresh C.

Rafique Alam, Shri
 Rai, Shri Kaipanth
 Ramachandran, Shri S.K.T.
 Ramamurthy, Shri Thindivanam K.
 Ramnathan, Shri V.
 Ratan Kumari, Shrimati
 Rathwa, Shri Ramesh
 Ravi Shankar, Pt.
 Ray, Shri Doba Prasad
 Razi, Shri Syed Shafay
 Reddy, Shri T. Chandrasekhar
 Richharia, Dr. Govind Das

Sahay, Shri Dayanand
 Sahu, Shri Baikuntha Nath
 Sahu, Shri Rajni Rajan
 Sahu, Shri Santosh Kumar
 Salaria, Shri Shabbir Ahmed
 Salve, Shri N.K.P.
 Satya Bahin, Shrimati
 Sharma, Shri Chandan
 Sharma, Shri Satish Kumar
 Shiv Shanker, Shri P.
 Siddiqi, Shri Shamim Ahmed
 Silvera, Dr. C.
 Singh, Shri Bir Bhadra Pratap
 Singh, Shrimati Pratibha
 Singh, Shri R.K. Dorendra
 Singh, Dr. Rudra Pratap
 Singh, Shri Surender
 Singh, Thakur Kamakhya Prasad
 Singh, Shri Vishvjit P.
 Solanki, Shri Madhavsingh
 Sukul, Shri P.N.
 Swaminathan, Shri G.
 Swamy, Shri Subramanian

Talmur, Shrimati Syeda Anwara
 Tariang, Shri Jerlie E.
 Thakur, Prof. Chandrash P.
 Thakur, Jagatpal Singh
 Thakur, Shri Rameshwar
 Thakur, Shri Surendra Singh

Thangabalu, Shri K.V.
 Tiria, Kumari Sushila
 Topden, Shri Karma
 Tripathi, Shri Chandrika Prasad
 Tyagi, Shri Shanti