

to be used to demoralise the armed forces, our jawans (*Interruptions*) Can you allow an Independence Day speech to demoralise the armed forces? ... (*Interruptions*)

SHRI FARVATHANENI UPENDRA We can expose your corruption and your pay-offs and your kickbacks ... (*Interruptions*) ...

SHRIMATI JAYANTHI NATARAJAN Can you allow an Independence Day message to be misused by using words that glorify one political party? ... (*Interruptions*) .

SHRI M. M. JACOB: Madam, I have a submission to make. (*Interruptions*) In the List of Business we have listed Constitutional (Amendment) Bills, Sixty-third, Sixty-fourth and Sixty-fifth. ... (*Interruptions*) My submission is this. Instead of putting the Sixty-third first and then Sixty-fourth and Sixty-fifth, please start with the Sixty-fourth and Sixty-fifth after lunch. That is my only submission.

THE DEPUTY CHAIRMAN That we will take up only after lunch. Now, we have had enough discussion on this. So I adjourn the House for lunch for one hour.

The House then adjourned for lunch at thirty-one minutes past one of the clock. The House reassembled after lunch at thirty-one minutes past two of the clock. The Deputy Chairman in the Chair.

CONSTITUTION (SIXTY-FOURTH AMENDMENT) BILL, 1989 .

CONSTITUTION (SIXTY-FIFTH AMENDMENT) BILL, 1989

THE DEPUTY CHAIRMAN: Now we take up the Constitution (Sixty-Fourth Amendment) Bill, 1989, and the Constitution (Sixty-fifth Amendment) Bill, 1989.

- THE PRIME MINISTER (SHRI RAJIV GANDHI): - Madam Deputy Chairman, with your kind permission, I rise to move:

That the Bill further to amend the Constitution of India—the Constitu-

tion (Sixty-fourth 'Amendment) Bill, 1989—as passed by the Lok Sabha, be taken into consideration. .

I further move

' That the Bill further to amend the Constitution of India—the Constitution (Sixty-fifth Amendment) Bill, 1989—as passed by the Lok Sabha, be taken into consideration.

My colleagues, Shri Bhajan Lal the Minister of Agriculture, and Smt. Mohsina Kidwai, the Minister of Urban Development, who are Ministers in charge of the subject matter in the Bills will explain the provisions of the Bills. I will reply to the debate.

THE DEPUTY CHAIRMAN: Mr. Bhajan Lal

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): When is the TV debate?

THE DEPUTY CHAIRMAN: You talk of the Rajya Sabha debate first,

हुषि मंत्री (श्री भजन लाल) :
उपलभापति महोदया, हमारे देश के प्रधान मंत्री जी ने अभी आपके सामने पंचायती राज बिल प्रस्तुत किया है। यह बिल एक क्रान्तिकारी और ऐतिहासिक बिल है।

आप जानती हैं कि राष्ट्रपिता महात्मा गांधी जी ने यह कहा था कि सही मायनों में प्रजातंत्र, सही मायनों में स्वराज तभी होगा जब गांवों में बसने वाले भाइयों को हम शक्ति देंगे और इसी बात को लेकर पण्डित जवाहर लाल जी ने उस स्वप्न को साकार करने की कोशिश की और पण्डित जी ने पंचायती राज की स्थापना की। पण्डित जवाहर लाल जी चाहते थे कि देश में पंचायतों को पूरा अधिकार दिया जाए और उनके द्वारा लोगों की हालत को बेहतर बनाया जाए। लोगों की समस्याओं का समाधान किया जाए और आर्थिक और सामाजिक दोनों ही न्याय उनको दिए जाएं।

[श्री भजन लाल]

यह भावना थी पण्डित जी की । उसके बाद स्वर्गीय श्रीमती इन्दिरा गांधी जी ने इस पर पूरी कार्रवाई करने की कोशिश की । आप जानती हैं कि ज्यों-ज्यों इतिहास बदलता गया गांधी-राज इसमें सम्वलगत गया । त्यों-त्यों राजपूतों का ढाँचा बजाए और मजबूत होने के और आगे जाने के उसमें बहुत कमियाँ आ गई । जो भावना राष्ट्रपिता महात्मा गांधी जी की थी, पण्डित जवाहर लाल नेहरू की जो भावना थी, श्रीमती इन्दिरा गांधी की जो भावना थी वह अपना साकार नहीं हो पाया ।

हमारे देश के युवा प्रधान मंत्री श्री राजीव गांधी जी ने जितना जितना प्रधान मंत्री का पद संभाला जितनी जितनी से उन्होंने इस बात को महसूस किया कि किस तरह से हम आम आदमी को जो गांवों में बसने वाले भाई हैं उनको शक्ति दे सकते हैं और किस तरह से लोगों की हालत हम अच्छी बना सकते हैं । किस तरह से दबे हुए लोग, आदिवासी भाई, हरिजन भाई, महिलाएं इनको कैसे ताकत देकर आगे ल सकते हैं और कैसे आर्थिक विकास उनका कर सकते हैं । कैसे उनकी सामाजिक न्याय दिला सकते हैं । इन सारी बातों पर बहुत गहराई से हमारे प्रधान मंत्री जी ने अध्ययन किया और अध्ययन करने का तरीका आप जानते हैं कि इस देश में कोई इलाका कोई प्रदेश ऐसा नहीं है जहाँ के एरिया में हमारे प्रधान मंत्री न गए हों । सभी इलाकों में चाहे राजस्थान का रेगिस्तानी इलाका है, चाहे पहाड़ का इलाका है, चाहे ऊबड़-खाबड़ इलाका है, चाहे मैदानी इलाका है, चाहे गरीब आदमी की झोंडी है, चाहे कच्चा मकान, चाहे गली है चाहे मुहल्ला है, हर जगह जाकर इन्होंने इस बात को देखा कि कैसे हम इन लोगों की हालत को ठीक कर सकते हैं और कैसे इनको ताकत हम दे सकते हैं । इसी बात पर विचार करने के लिए हमारे प्रधान मंत्री जी ने सबसे पहले कलेक्टरों के साथ मीटिंग की और उनसे जाना चाहान कि किस तरह से हम गांवों को शक्ति दे सकते हैं ।

महोदय, राष्ट्रपति महात्मा गांधी जी कहते थे कि भारत की आत्मा गांवों में निवास करती है । देश गांवों में बसता है । इसलिए गांवों की दशा सुधारने के लिए उन्होंने कलेक्टरों के साथ मीटिंग की और उसके बाद चोफ सेक्रेटरीज के साथ मीटिंग की और यही नहीं उसके बाद देश के जो चुने हुए नुमाइंदे हैं, सरपंच, पंचायत समिति के चैयरमैन, जिला पंच और नगरपालिकाओं के चैयरमैन या प्रधान, सबके साथ बैठकर सारे देश को तीन हिस्सों में बाँटकर, तीनों जगह स्वयं जा करके चार-चार घंटे उनके साथ बैठकर एक-एक बात की तह में गए और सबके विचार जाने कि किस तरह से हम आपको शक्ति दे सकते हैं, कैसे पंचायतों के स्वरूप सुन्दर बना सकते हैं और किस तरह से हम लोगों की हालत को बेहतर बना सकते हैं । क्या-क्या काम उनके हाथ में दिए जाने चाहिए । इसके लिए, आप लोग जानते हैं कि, पहले दिल्ली में सम्मेलन हुआ । उसके बाद बंगाल में हुआ, इसके बाद कर्नाटक में हुआ यही नहीं उसके बाद इन्होंने आदिवासियों के साथ सम्मेलन किया, हरिजन भाइयों का अलग से सम्मेलन किया, महिलाओं का अलग से सम्मेलन किया और सम्मेलन करके उनके सबके विचार जाने । उसके बाद सारे देश के पंचायत मंत्रियों का सम्मेलन गुजरात में हुआ । उसके बाद सारे देश के मुख्य मंत्रियों का सम्मेलन दिल्ली में हुआ । सब के विचार जानकर इस नतीजे पर पहुँचे कि हमारे पंचायती राज का ढाँचा कैसा हो, पंचायती राज का स्वरूप कैसा बने और इन सारे विचार-विमर्श में जो महसूस किया गया उसमें पाँच-छ बातों पर खास तौर से महसूस किया गया है ।

आप जानते हैं कि पंचायती के चुनाव कई जगह 10-10 और 15-15 साल तक नहीं होते । इसी तरह से नगरपालिकाओं के चुनाव भी 10-10 या 15-15 साल तक नहीं होते । सबने एक राय से बात कही कि पंचायतों के चुनाव टाइम पर होने चाहिए । जिस तरह से लोकसभा या एसेंबलियों या विधान सभाओं के चुनाव

होते हैं, इसी तरह से पंचायतों के चुनाव होने चाहिए। इनकी अधि 5 सल होनी चाहिए। इस संविधान संशोधन में हमने प्रावधान किया है कि पंचायतों के चुनाव 5 सल में होंगे, 2 इस पर होंगे। कोई सुरासाड हो जाए इतिहास से जैसे विधानसभाय सुरासाड हो जाता है उनके चुनाव भी 6 महीने के अन्दर करवाते हैं। इसी तरह से इसमें प्रावधान किया गया है कि पंचायतों के चुनाव 6 महीने के अन्दर आने होने चाहिए जैसा एसेबल और लोक सभा के होते हैं। यहां नहीं, इसके साथ-साथ यह भी फसल किया है कि पंचायतों में 3 टियर सिस्टम हो, दो टियर सिस्टम नहीं होगा। आप जानते हैं कि कई जगह दो टियर सिस्टम है, कहीं 3 टियर सिस्टम है। इसमें हमने प्रावधान किया है कि सरे देश में एक तरह का सिस्टम होना चाहिए और उस सिस्टम में नाचे पंचायत, उसके बाद पंचायत समिति और उसके बाद जिला परिषद। इनका चुनाव कैसे हो? चुनाव में यह प्रावधान किया गया है कि एक अदमी के चार वोट होंगे। वह हमने बकायदा स्टेटों पर छाड़ है।

स्टेटों के समने दखल की बात कहते हैं वह ठीक नहीं है। कई जगह आप जानते हैं सरपंच के डायरेक्ट चुनाव होते हैं और कहीं इन्डायरेक्ट होते हैं। इनने स्टेट पर छोड़ दिया है। जहां डायरेक्ट चुनाव होंगे तो एक अदमी एक वोट पंच के लिए डलेगा, एक वोट पंचायत समिति के मेम्बर के लिए डलेगा और एक जिला परिषद के मेम्बर के लिए डलेगा। इस तरह से एक अदमी को चार वोट देने का प्रावधान इसमें हमने किया है। जहां पंचायत होंगे वहां मेम्बर पंच को चुन सकते हैं। पहले क्या सिगल बहुमत का अधिकार था कि अब सिगल बहुमत सरपंच और चेयरमैन को हट सकते थे। अब हमने फसल किया कि इसमें दो-तिहाई मज्योरिटी सरपंच को, पंचायत समिति के चेयरमैन को, जिला परिषद के चेयरमैन को हट सकेंगे। क्योंकि आप जानते हैं कि गांव का पंचायत में बहुत थोड़ा गिनती होता है। गांव में माल के चोर पर सत्त पंच होते हैं। चार

एक तरफ हों जाए तो सरपंच को हटाने का प्रस्ताव ले आते हैं। वह काम नहीं कर सकते थे। हम चाहते हैं कि काम करने का उसको मौका मिलना चाहिए। इसी बात को लेकर हमने दो तिहाई बहुमत का अधिकार दिया है। इसके बाद हमने फैसला किया है इस बिल में संशोधन लए हैं जो आपके समने है। फाइनेन्शियल पोजिशन, वित्तीय सधन उनके पास क्या होंगे उसके लिए बकायदा फाइनेंस कमीशन रखा है त कि वह एक-एक बात को देखे कि कहां से पैस आए, किस तरह से पैस आए और क्या-क्या काम उनको दिए जाए और पैसों के सधन कैसे जुटाय जाए। इसमें प्रावधान किया गया है पैसों जुटाने के लिए कौन से रेवेन्यू डिपार्टमेंट से मिलना चाहिए और टेक्स लाने का अधिकार भी उनको दिया है। इसके साथ-साथ इलेक्शन कौन करेगा? इलेक्शन करेगा इलेक्शन कमीशन। जिस तरह से लोक सभा का, विधान सभाओं का चुनाव इलेक्शन कमीशन कराते हैं उसी तरह से पंचायतों के चुनाव भी इलेक्शन कमीशन करेगा त कि कोई गड़बड़ न हो। कुछ मन्त्राय सदस्यों ने शंका जहिर की है कि इलेक्शन कमीशन का क्या है? यह आपनि वहां लोग कर सकते हैं जिन्होंने बूथ कपचरिंग करानी हो या गडबड पदा करना हो। आप जानते जहां पर भी एलेक्शन कमीशन के चुनाव होते हैं वहां भी स्टेट ही कराती है। ठीक है डायरेक्शन उनका है, कंट्रोल कुछ उनका है लेकिन पूरा कंट्रोल फिर भी इलेक्शन कमीशन का नहीं होता। हमने कोई दखल देने की बात नहीं की। इलेक्शन कमीशन हो उनका चुनाव करेगा यह कानून है कि जिन प्रदेशों को अब दी 20 लाख से कम है यह उनकी मर्जी पर छोड़ है। जैसे जू एंड के० में उनकी मर्जी पर छोड़ा है क्योंकि वहां अलग कानून है ताकि कोई भी प्रदेश यह महसूस न करे कि भारत सरकार ज्यादाती की बात करता है।

कई जगह राज्यपाल के नाम पर कुछ महानुभावों ने आपत्ति जाहिर की है। राज्यपाल को जगह स्टेट गवर्नमेंट का काम

[श्री भजन लाल]

होना चाहिए। संविधान में 52 अनुच्छेदों में राजस्व का नाम मिलता है। आप जानते हैं कि एक-आध जगह राज्यपाल अपने विवेक में है। विवेक शब्द कहाँ इस्तेमाल करना पड़ता है राज्यपाल का? उसको अपना विवेक बहुत पिछड़े हुए परिधि में, ट्राइबल एरिया में जहाँ उनकी नोटिकारी करना हो उसमें करना है। वरना राज्यपाल का मतलब आप जानते हैं कि मंत्रिमंडल जो स्टेट का है उनका एडवाइज मानना है। इसमें उनकी किसी तरह की आपत्ति नहीं होनी चाहिए। इसमें आपत्ति की कोई विशेष बात नहीं है। मैं आपको बताना चाहता हूँ हमारा उद्देश्य क्या है और हम क्या-क्या करना चाहते हैं। एक तो यह है कि वित्तीय साधन जो होंगे उसमें फाइनेंस कमिशन बनेगा। आप जानते हैं भारत सरकार ने फाइनेंस कमिशन बनाए हुए हैं। इसी तरह के स्टेटों में भी लोकल फंड एक्जेंट आडिट बना हुआ है। बकायदा जा यहां से कमिशन डायरेक्टिव देना कि इस तरह से उता आडिट होना चाहिए। उसके मुताबिक आडिट होगा। यह नहीं है कि कोई भी आडिट कर दें। बकायदा स्टेटों के अंदर है। वहां पर स्पेशलिज्ड फमेंटेशन का, हर पंचायतों का आडिट होता है। आप जानते हैं कि पंचायतों को बहुत ताकत देने जा रहे हैं, बहुत शक्ति पंचायतों को देने जा रहे हैं। आप जानते हैं कि जवाहर रोजगार योजना और उसका सारा पैसा, सारा बिजली का काम पंचायतों को देने जा रहे हैं। अगर उनका आडिट नहीं होगा तो गुनासिब नहीं होगा। इसी तरह में गजपुल्ल कास्ट्स भाई, आदिवासी भाई और महिलाओं जो समाज के अंदर हैं उन वर्गों को हमने इसमें शक्ति देने की कोशिश की है। ताकि वह वर्ग अपनी नुमाइंदगी वहां बैठकर कर सकें। हमने आबादी के हिसाब से हरिजन भाइयों के लिए रिजर्वेशन का प्रावधान किया है। 30 प्रतिशत महिलाओं का रिजर्वेशन होगा। आदिवासी भाइयों की आबादी के हिसाब से उनके लिए रिजर्वेशन होगा। आज से पहले क्या था? नामिनेशन थी और नोमिनेशन कौन करता था? आप जानते हैं कि जिनके पास बहुत बड़ी ताकत है और बहुत बड़े पैस

वाने आबादी है या बहुत बड़े लठठारों और जो हरिजन भाई उनके खेत में काम करता था उसी हरिजन भाई को नोमिनेट कर देते थे और वह हरिजन भाई क्या करता था? जैसे मालिक ने हाथ खड़ा कर दिया वैसे ही वह भी हाथ खड़ा कर देता था। चाहे हरिजनों के खिलाफ बात हो, चाहे कोई भी इस हो, चाहे वह कुछ समझे, चाहे न समझे, मालिक ने जिस बात के लिए हाथ खड़ा दिया उसी के लिए वह भी हाथ खड़ा कर देता था। इसी तरह से महिलाओं की नामिनेशन होती थी। अब हमने बकायदा इजनेक्शन के द्वारा उनके लिए रिजर्वेशन की है ताकि उनकी पूरी नुमाइंदगी मिले और वहां बैठ करके वे नुमाइंदगी कर सकें, उनकी समस्याओं की चर्चा कर सकें, क्या-क्या उनके सामने दिक्कतें हैं उनके बारे में वे वहां बात कर सकें। इसी तरह से आदिवासी भाइयों, इसी तरह से महिलाओं पर कितनी ज्यादाियां और अन्याय गांवों में होते हैं गरीब लोगों पर होते हैं। उनके हाथ में ताकत होगी, शक्ति होगी तो उनका मनोबल बढ़ेगा और उनमें नई जेतना आएगी। आप जानते हैं, हम पंडित जवाहरलाल नेहरू जी की सीढ़ी बरखांठ मना रहे हैं; शतब्दी मना रहे हैं। पंडित जी के नाम से हमने जवाहर रोजगार योजना शुरू की है और जवाहर रोजगार योजना का मतलब यह है कि परिवार में एक आदमी को हर हालत में रोजगार मिले, गरीब आदमी को रोजगार मिले। यही नहीं, जवाहर रोजगार योजना का सारा का सारा पैसा यानी 80 परसेंट पैसा पंचायतों के द्वारा गांव में खर्च होगा और 20 परसेंट जिला परिषद खर्च करेगा और इस प्रकार से टोटल राशि पंचायत के द्वारा खर्च होगी। यह कोई थोड़ी राशि नहीं है। पिछले साल हमने उस पर 1235 करोड़ रुपए खर्च किए थे, लेकिन इस बार हम 2632 करोड़ रुपए खर्च करने जा रहे हैं यानी दुगुने से भी ज्यादा पैसा जवाहर रोजगार योजना के द्वारा पंचायत खर्च करेगी। हम चाहते हैं कि पंचायत अपना एकाउंट बकायदा गांव की चौपाल में, पंचायत घर में, जो स्थानमात जमीन होती है उस जगह, पर

बोर्ड पर लिखेगी कि तीन महीने में हों इतना पैसा मिला वह पैसा इस-इस जगह पर खर्च किया गया और आगे हन क्या करने जा रहे हैं। अब हमारे पास यह एकाउन्ट है, कोई भी गांव का आदमी उसको देखना चाहे तो देख सकता है। इसके साथ-साथ हमने यह भी किया है कि वह पूरे काम को देखें। पहले जो ग्रान-ग्रीडिंग योजनाएँ थीं, जो चल रही थी उनके साथ चार सौ करोड़ रुपए बच गए थे और हमने सड़कों सौ करोड़ रुपयों का और प्रावधान किया ताकि जो एन० आर० ई० जो० और आर० एल० ई० जो० पो० का काम चल रहा था वह रुके नहीं, उन कामों को पूरा किया जाये। इसके साथ-साथ पंचायतों को और मजबूत करते की बात है। हमने क्या-क्या काम उनको दिए हैं? मते पंचायतों को 29 प्रकार के काम देने की कोशिश की है। आप जानते हैं कि गांवों में कितनी भ्रष्टाचार समस्या होती है। गांवों में पीने के पानी की समस्या होती है, सीवरों की समस्या होती है, गांव में बिजली ठीक आ रही है या नहीं, खेतों में केनाल चल रही है या नहीं, माइनर चल रही है या नहीं, उनकी टैल तक पानी पहुंच रहा है या नहीं, गांवों में शौचालय ठीक है या नहीं, गलियों में खड़बे पक्के हैं या नहीं, गांव में सड़क आ रही है या नहीं और अन्य सुविधाएँ गांवों में हैं या नहीं, ये सारे काम हमने पंचायतों को देने की कोशिश की है ताकि पंचायतों को पूरी ताकत दे कर हम एक सरतह से गांधी जी के सपने को साकार करने जा रहे हैं। इसके साथ-साथ हम चाहते हैं कि पंचायतों को, जैसा मैंने अर्ज किया, पंचायतों के वित्तीय साधनों की भी बात है। इसके साथ-साथ कुछ महानुभावों ने कुछ बातों पर आपत्ति की है, और जिसके बारे में चर्चा भी की है। मैं आपसे इतनी ही बात कहना चाहता हूँ कि पंचायतों को ताकत देने का मतलब है कि हम चाहते हैं कि जो हमारी योजनाएँ बनें, गांवों के विकास की योजनाएँ बनें, वे बकायदा प्रास रूट से नीचे से बनकर ऊपर आएं। बनना क्या होता है आप जानते हैं कि

हम दिल्ली में बैठकर योजना बनाते हैं। जयपुर में, लखनऊ में, चंडीगढ़ में, बैठकर योजनाएँ बनाते हैं। अब योजना का आकार यह होगा कि उसके अंदर बकायदा योजना बनाते हैं। उसमें हरियाण भी शामिल होंगे, मणिपुर भी उसमें शामिल होंगी और योजना का आकार गांव में बनेगा। हम चाहते हैं कि गांवों की समस्याओं के बारे में गांवों में बने, फिर सिने में आये और सिने की योजना स्टेट लेवल पर आये और स्टेट को योजना भारत सरकार में आये और यही से बकायदा पैसा तैयार हो उसको गांवों में भेजा जाय ताकि गांवों में विकास का काम पंचायतों के द्वारा किया जा सके। इसमें कौन सी ऐसी बात है? जिस पर आपत्ति हो आप जानते हैं हम लोगों को जो ताकत मिली हुई है वह जल्द जल्द द्वारा दी गई है। लेकिन अहमदाबाद के साथ कहना पड़ता है कि कुछ भाई इस बात पर आपत्ति करते हैं। आपत्ति वाली कोई बात हो तो उस पर आपत्ति करना यह प्रजातंत्र में आपको अधिकार है। लेकिन जो महानुभाव हमने बैठे हुए हैं मैं क्या कहूँ लोकसभा में 14 बिल 10 आरोख को पास हुआ लेकिन इन्होंने लोक सभा में गांव की छुट्टी करवा दी और ये महानुभाव यहां बैठे हुए हैं। नेता यहां बैठे हुए हैं और नीचे जो सब-नेता ये उनकी छुट्टी करवा दी। लेकिन यह उनका अधिकार है, हम इसके बारे में कुछ नहीं कह सकते हैं यह उनका अपना अधिकार है। लेकिन किसी बात को लेकर कहें तब तब तो समझ में आ सकता है यह एक ऐसा मंच है प्रजातंत्र का जैसा कि आप जानते हैं कि इस मंच के लोगों की भावनाएँ लोगों के विकास के काम, देश की नीति और देश की पालिसी आदि पर यहां विचार होना चाहिए। इस प्रजातंत्र का मैकनी जेग मैं कह सकता हूँ और इस रणभूमि से इस्तीफा देकर भाग गऊँ सस्ती लोक-प्रियता प्राप्त करने के लिए यह ठीक नहीं आप जानते हैं कि चुनाव के लिए 2-3 महीने रह गए हैं। उन्होंने सोचा कि और कुछ नहीं इस बात से ही इनाम हासिल कर लें। इनकी क्या नीति है कमी कोफ़र्स का थोर मचाते हैं। मैं

[श्री भजन लाल]

माननीय सदस्यों से पूछना चाहता हूँ उधर बड़ी सुझाव रखने वाले सदस्य बैठे हुए हैं, मैं उनका इतना ही निवेदन करना चाहता हूँ कि किस तरह से इन्होंने ... (अवधान) ... मैं अपनी बात कहता हूँ। मैं ज्यादा बात नहीं करना चाहता क्योंकि मुझे टाइम थोड़ा है। मोहनिना जी ने भी बोला है।

मेरे कहने का तात्पर्य यह है कि इस मंच से विचारों का आदान-प्रदान होना चाहिए और यहां पर आपके सुझाव आने चाहिए। अगर सरकार कोई गलत काम करती है तो आपको अधिकार है कि आप क्विस्टाइन करें। लेकिन अच्छे काम को ठीक कहना चाहिए। नगरपालिकाओं की बात हुई। आप बाइकाट करने की बात है? हम उनके अधिकारों में छाना मार रहे हैं? आप हम जो यहाँ बैठे हुए हैं, यह किसकी शक्ति दी हुई है वह उन्हीं लोगों की दी हुई शक्ति है। राजीव गांधी जी चाहते हैं कि लोगों ने हमको शक्ति दी है हम उस शक्ति को उनको वापस करें। इससे कुछ मशानुमावों को सामंजस्य की ताकतें जो हैं उनका तालाफ हो रही है आप इस बात को जानते हैं आप इस बात को अच्छी तरह से समझते हैं कि अगर देश के स्वरूप को बचाना है तो यह सभी बनेगा जब गांवों में बने वाले भाई हमारे देश की 75 फीसदी जनता गांवों में बसती है, उनकी हालत को सुधारा जाएगा और उनकी हालत सभी सुधरेगी जब वहाँ चुनी हुई पंचायत होगी गांव के चुने हुए मुसाहदे होंगे इसी तरह से राजीव गांधी जी ने नगरपालिकाओं की बात की। नगरपालिकाओं की हालत किस तरह से खराब थी। हमने अभी देश की पंचायतों और नगरपालिकाओं का किया है। आगे हम चाहते हैं कि कोऑपरेटिव मूवमेंट ठीक हो। उसमें बहुत कठिनाई है उनको दूर करने की हमारी आगे कोशिश होगी। आगे बोलने सेवन में उनके लिए भी इसी तरह से

बिल लाकर उनको सशक्त और मजबूत बनाने की कोशिश करेंगे।

बाकी बातें, जब डिस्कशन होगा उससे बाद कहूंगा। इस वक्त मुझे आपसे इतना ही कहना है कि यह एक ऐतिहासिक कदम है एक क्रांतिकारी कदम है और एक क्रांतिकारी संशोधन आपके जानने विचाराधीन है। मैं आपसे निवेदन कहूंगा कि इसको आप एक स्वर से पाठ करें ताकि महात्मा गांधी का सपना नेहरू जी का सपना जो था उसको हम साकार कर सकें। इन शब्दों के साथ मैं निवेदन कहूंगा कि इस पर बहुत शुरु करवाई जाय।

श्री परमेश्वर उपाध्याय : जय आप हरियाणा के मुख्यमंत्री तो आपने चुनाव क्यों नहीं कराये?

श्री भजन लाल : चाहे मैं मुख्यमंत्री हूँ चाहे 100 टों और 1000 टों कोई भी हो यह काम अब मैं नहीं कर रहा हूँ और सब ने यह नहीं कराया। मैं यह नहीं कहता कि वहाँ कांग्रेस की सरकार है वहाँ अच्छा है और वहाँ अपोजिशन की सरकार है वहाँ बहुत बुरा है। मैं ऐसा नहीं कहता। हम चाहते हैं कि सारे देश का स्वरूप एक जैसा हो, टाइम पर चुनाव हों और कहीं ज्यादा तो न हों... (अवधान) ... सबके साथ न्याय हो तभी तो हम यह बिल लाए हैं।

शहरी विकास मंत्री (श्रीमती मोहनिना किवबई) : मैडम, मुझे बहुत खुशी है कि प्राण कांस्टीट्यूशन के 65वें संशोधन विधेयक पर मुझे बोलने का अवसर मिल रहा है और मैं सपमती हूँ कि ऐसी चीजें खुशकिस्मत लोगों के हिस्से में आती हैं जो कि अपने आपको एक हिस्ट्री बनाती हैं इसलिए मुझे खुशी है कि आज मुझे इसके ऊपर बोलने का मौका मिल रहा है।

इस सदन में जो मुख्यमंत्रिज मेम्बरान बैठे हुए हैं, जो हालत आज लोकल बाडीज की है वह उनसे कोई छिपी हुई नहीं है। किस तरह से सौ वर्ष पुराना ढांचा है जिसको प्राइम मिनिस्टर ने अब बदलने की बात कही और बहुत सी सलाहें दे करके, सबसे सलाह मशिवरा करने

के बाद आज यह बिल सदन के सामने आया, जो लोकसभा से पास हो चुका है।

जहाँ तक पंचायती राज का मतला है। यह एक बड़ा प्राचीन काल से हमारी परम्परा थी और उसी को संवैधानिक रूप दिया गया है और क्यों दिया गया, माननीय उपसभापति महोदया, इसलिए कि सबसे बड़ी चोज होती है पोपुलस पार्टीसिपेशन और पोपुलस पार्टीसिपेशन को ही आगे रखते हुए नेहरू जो ने उस वक़्त इसको एक रूप दिया तथा अभी पंचायती राज के बारे में हमारे साथी माननीय भजन लाल जो ने भी बताया, मैं उस पर कहना नहीं चाहती हूँ क्योंकि मुझे थोड़ा वक़्त कम है, इसलिए मैं अपने को लोकल बाडीज के लिए सीमित रखूंगी। लोकल बाडीज की जो हालत है, मैंने आपको बताया कि सी वर्ष पुराना ढाँचा चला आ रहा है। कहीं आपस में कोई लिंकेज नहीं है। स्टेट की बात छोड़िए मैं जिले की बात करती हूँ। अगर एक जिले में 50 लोकल बाडीज काम कर रही हैं तो सब इडिपेंडेंटली काम कर रही हैं, किसी का लिंकेज न एक दूसरे से है न डिस्ट्रिक्ट हेडक्वार्टर से है, सोघे-सीधे स्टेट से है। पैसा है नहीं, काम कुछ कर नहीं सकते। अख्तियारात कुछ नहीं है। हर स्टेट की अपनी अलग अलग समस्याएँ हैं और अलग-अलग एक्ट के तहत व काम कर रही हैं और उसी तरह से जो अख्तियारात है वे भी कहीं पूरे उनको नहीं हैं। जो हमने सम्मेलन किये अभी और उसी का नतीजा है जो सम्मेलन हमारे हुए, दिल्ली में म्यूनिसिपल आफिसर्स का हुआ, फिर एक सदर्न स्टेट का बंगलौर में, फिर एक कटक में, फिर दिल्ली में, उनमें हमें भी बहुत सी जानकारीयाँ हुई जो हमें मानूम नहीं थीं। हर स्टेट के लोग आये और सबने, मैं आपसे कहती हूँ चाहे वे किसी भी पार्टी से नाल्लुक रखते हों, चुने हुए नुमाइंदों की बात मैं कर रही हूँ, उन सबने एक स्वर से यह कहा कि हाँ कॉस्टीट्यूशन में अमेंडमेंट होना चाहिए, एकसा एकट बनना चाहिए। हमें व अख्तियारात मिलने चाहिए जो प्राइम मिनिस्टर कह रहे हैं।

उन्होंने यह बात भी कही कि आप स्टेट लेवल की बात छोड़िए कभी आज तक हमें जिले के लेवल पर भी इकट्ठा करने की कोशिश नहीं की गयी जो प्राइम मिनिस्टर ने किया कि हमको नेशनल लेवल पर बुलाकर बैठाया और हमारी बात सुनने की कोशिश की। उनको वे समस्याएँ हैं जो देश की बढ़ती हुई समस्याएँ हैं खास तौर से बढ़ती हुई आबादी है। माइग्रेशन बढ़ रहा है। बड़े शहरों की तरफ लोग रोजी रोटी की नज़ाश में आ रहे हैं और जो इन्फ्रा-स्ट्रक्चर बना हुआ था लोकल बाडीज का हमारे शहरों का अब वह इस काबिल नहीं है कि इतनी बड़ी बढ़ती हुई आबादी को रोक सके या उनके लिए सुविधाएँ दे सके। मिसाल के तौर पर मैं दिल्ली की बात कहना चाहती हूँ जिस के बारे में हमारे बहुत मेम्बरान जो यहाँ के रहने वाले हैं और बाकी चन्द रोज दिल्ली में रहते हैं उनको मालूम है। जो दिल्ली है मेरा खयाल है कि वह 12 लाख लोगों के लिए बसाई गयी थी और आज से दिल्ली की आबादी 81 के सेंसस से 80 लाख के करीब है बालक और ज्यादा बढ़ गयी होगी और यह अंदाजा है कि इस सदी के खत्म होने तक करोड़ उस ऊपर हो जायेगी चाहे वह 1 करोड़ 12 लाख हो, चाहे 1 करोड़ 30 लाख या 1 करोड़ 32 लाख हो। कमोवेश यही हालत कलकत्ता की है, यही हालत बम्बई की है... (व्यवधान) और मद्रास की मैं कितने नाम लूँ। इसमें बहुत ज्यादा इजाफा हो जायेगा। ये तो बड़े शहर हैं जिनकी अपनी समस्याएँ हैं लेकिन जो छोटे शहर हैं उनकी भी समस्याएँ कुछ कम नहीं हैं। हर एक की अपनी अलग है। हमने जब सुना तो कुछ हमें हँसी भी आई और कुछ वह भी हुआ कि किस किस से हर जगह काम हो रहा है, मिसाल के तौर पर यू०पी० में टाउन एरिया के चेयरमैन डाइरेक्टरी चुनकर आते हैं लेकिन उनको हटाने के अख्तियारात चुने हुए मेम्बरस को हैं। इसी तरह से हर जगह हर स्टेट में काम हो रहा है। तो इसमें जितनी भी बातें कहीं गई हैं, जो खास तौर से हम बदलने की बात कर रहे हैं,

[श्रीमती मोहसिना किदवाई]

वह यह है कि नगर पंचायत जो दस बीस हजार के बीच में हों और नगर पंचायत और खास तौर पर ऐसे एरियाज की तो सब से बुरी हालत है, जो न ग्रवन एरिया में हैं और न कूरल में हैं। उनका अपना एक इतिहास है, हालात है।

हमने यह कोशिश की है कि इसको टून्डेशन पोरिड माना जाए। जितनी देर यह ग्रवन में शामिल न हो जाए और उस बीच में पंचायत दी उनको - क्योंकि क्या होता है कि जो हमने अपनी लिमिटेड बढ़ाये गांव से लिये, सो न तो बेचारों को देहात की सुविधाये होती हैं और न शहर की सुविधाये होती हैं और उनकी बुरी हालत होती है।

इसमें हमने यह कहा है कि जो ऐसी समस्याये हैं, स्टेट गवर्नमेंट चाहे, तो उनको पंचायत की सुविधाये दे और शहरों की भी सुविधाये दे।

इस बीच में जो बात में कह रही थी कि हमने कन्सल्टेशन किया और कन्सल्टेशन हर लेवल पर किया है। यह जो बहुत सी बातें कही जाती हैं, इस पर अभी तो बहस शुरू नहीं हुई, लेकिन अखबारों के जरिए जो बातें आ रही हैं कि यह बड़ी जल्दी में तैयार किया गया है, इलेक्शन के सिलसिले में तैयार किया गया है, इन सारी चीजों का जवाब मैं पहले भी दे चुकी हूँ और आज भी मैं कहना चाहती हूँ कि हम अग्रिम की सहूलियातों के साथ जुड़े हुए हैं कि उनको किस तरह से हम ज्यादा से ज्यादा सहूलियतें दें और उनकी अख्तियारत दें।

इस बिल को लाने का मतलब यह है कि हम ज्यादा से ज्यादा अख्तियारत उनको दें और उसके साथ जिम्मेदारी का प्रहसास उनमें पैदा करवाये। यह जो छोटे लेवल पर हमारी संस्थाएँ हैं, वह जिम्मेदार हों, कायबल हों और अग्रिम को सही ढंग से खिदमत कर सकें, अग्रिम के हाथ में ताकत जाए और उसी की बिनाह पर यह सारी चीजें इसमें हैं। बास-खास चीजें हैं, नगर पंचायत का है, फिर क्लासिफिकेशन किया है कि स्पेसिफिक बोर्ड की कितनी पापुलेशन हो और

किस हिसाब से उसका क्लासिफिकेशन किया जाए। उसके बाद हमने क्लासिफिकेशन में कहा कि उसका साईज क्या हो? महानगरपालिका की पापुलेशन बीस हजार से तीन लाख तक की हो और उसके ऊपर की कापॉरेसन हों और उसके बीच में हमने किया कि वाईस कमेटीज हो और उसके ऊपर जो बड़ी कापॉरेसन हैं, उसमें जोनल कमेटी हों।

हमने इसलिए किया है कि आज दिल्ली की ही मिसाल दे रही थी, जैसे कि दिल्ली कापॉरेशन की एक वार्ड है 32 हजार का और अगर आप नांगलोई में जाए, तो देखेंगे कि तीन लाख उसके बोर्ड की सदस्या है और उसके बाद आप धर देखिये शकूर बस्ती में, तो उधर भी लगभग तीन लाख की है। तो तीन लाख के बीच में एक कांसलर कैसे राबता रख सकता है?

श्री सत्य प्रकाश मालवीय (उत्तर प्रदेश) : दिल्ली नगर निगम का कार्यकाल पांच वर्ष था बिना चुनाव के सात वर्ष कर दिया।

श्रीमती मोहसिना किदवाई : मालवीय जी, आप मेरी बात सुनिये। आप तो चैयरमैन भी रहे हैं। आपको अच्छी तरह मालूम है।

श्री सत्य प्रकाश मालवीय : कार्यकाल दो बार में बढ़ा कर सात वर्ष कर दिया।

उप सभापति : मालवीय जी, आपका नाम आएगा, तो आप जरूर बोलना।

श्रीमती मोहसिना किदवाई : ज्यादातर आपस में राबता बढ़े और एक-दूसरे के साथ अपनी बात लेकर जा सकें। इसलिए वार्ड्स, जोनल कमेटीज की व्यवस्था की गई है। इसके बाद कहा गया है कि उनको अख्तियारत दिये जाएं।

फाइनल इस वक्त बिलकल नहीं है। मैं समझती हूँ कि 90 प्रतिशत छोटी नगरपालिकाएँ ऐसी होंगी कि जहाँ कर्मचारियों को देने के लिए पैसा नहीं है। 17-17, 18-18 साल से उनमें चुनाव नहीं हुए, कर्मचारियों को देने के लिए पैसा नहीं है। इसलिए इसकी व्यवस्था की जा रही है कि उनको इवोल्यूशन

आफ पावर, डेवोल्यूशन आफ फाइनेंशल पावर, यह सारी चीजें उनको दी जाए ताकि वह अच्छे मूनिट्स बन सकें और लोगों की खिदमत कर सकें।

फाइनेंस कमीशन के जरिए उनके फाइनेंस रेगुलेट हों और इलेक्शन कमीशन के जरिए इलेक्शन करवाया जा सके। पांच साल के बाद इलेक्शन जरूरी है और मैं समझती हूँ कि यह एक बहुत अच्छी चीज है, जो सम्मेलन में हरक ने की। मुझे अफसोस यह होता है कि जो हमारे चुने हुए नुमाइन्द मुन्सिपल स्टेट्स के आए हुए थे, जिनके मिनिस्टर्स ने, जोकि मिनिस्टर ने बायकाट किया, जिन पार्टीज के और उनके चुने हुए नुमाइन्दों की राय बिल्कुल फर्क थी, वह कहते कि पांच साल के बाद चुनाव होना चाहिए, लेकिन इलेक्शन कमीशन के जरिए चुनाव होना चाहिए और, मैंडम, आपने देखा है कि मनमाने ढंग से... (व्यवधान)

श्री पर्वतनेनि उपेन्द्र: वह आपके लिए बोल रहे थे, आपकी कांग्रेस स्टेट्स के लिए। ... (व्यवधान)

श्रीमती मोहसिना किदवाई: नहीं, नहीं, आपके लिए भी बोल रहे थे। अभी आपने देखा है कि वेस्ट बंगाल के बरहम-पुर कॉर्पोरेशन को किस तरह से भंग किया गया है। ... (व्यवधान)

श्री दीपेन घोष (पश्चिमी बंगाल): चोरी किया, इसलिए भंग किया गया। ... (व्यवधान)

ठाकुर जगतपाल सिंह: यह नहीं चाहते कि जनता को अधिकार दिये जाए। ... (व्यवधान)

SHRI DIPEN GHOSH: In Uttar Pradesh you have kept municipalities superseded for 15 years. There has not been an election in the Bhagalpur municipality for 18 years, ... (Interruptions) ...

TITE DEPUTY CHAIRMAN: Mr. Dipen Ghosh, your party has got en-

ough time.- You will have enough opportunity to discuss this matter. Please don't interrupt the Minister.

SHRI SUBRAMANIAN SWAMY (Uttar Pradesh): If the Marxists come to power, there will not be any elections anywhere.

श्रीमती मोहसिना किदवाई: उप सभापति जी, यह मैं सिर्फ आपोजीशन की सरकारों के लिए नहीं कह रही हूँ, मैं स्टेट गवर्नमेंट जो हमारी हैं उनके लिए भी कह रही हूँ कि पांच साल के बाद चुनाव होना चाहिए। मनमाने ढंग से कोई सुपरसीड नहीं कर सकता और आइदा दीपेन घोष जी आपको मौका नहीं मिलेगा कि मनमाने ढंग से आप कर सकें। ... (व्यवधान) इसी तरह से उप सभापति जी, हम इस बिल में लाए हैं कि ज्यादा से ज्यादा पावज उनको दी जा सकें और हमारी कोशिश होगी कि इसके ऊपर अमल-दरामद हो। जो हमने वाइज कमेटी की बात कही है वह हमने स्टेट गवर्नमेंट पर छोड़ा है कि या तो एक वाई में एक पूरे वाई को देखते हुए जितने मैनबर वह रखना चाहे, साथ ही उसकी वोटिंग कराएँ या वह चाहते हैं उस वाई में भी अपनी कांस्टिट्यूंस बनाता तो बनाए हमें कोई एतराज नहीं, यह हमने स्टेट गवर्नमेंट्स पर छोड़ा है। क्या पावज देने है इन मैनबरान को वह हमने स्टेट गवर्नमेंट पर छोड़ा है। इस पूरे बिल को पढ़ने से कहीं आपको यह महसूस नहीं होगा कि कोई हम इसको इलेक्शन के लिए या एक पार्टी के लिए लाए हैं। उप सभापति जी, मैं एक और बात कहना चाहती हूँ कि जिन चीफ मिनिस्टर्स ने बायकाट किया प्राइम मिनिस्टर की मीटिंग का, प्राइम मिनिस्टर ने कभी कांग्रेस के अध्यक्ष ने नाते वह मीटिंग नहीं बुलाई थी बल्कि वह बुलाई थी अपने पूरे देश के प्राइम मिनिस्टर के नाते और उसमें कोशिश की थी जो डेमोक्रेटिक वेल्यूज हैं उनको हम कायम रखें। ... (व्यवधान)

श्री पर्वतनेमि उपग्रह : वे हमेशा कांग्रेस अधिवेशन में ताते बात करते हैं।
(अपवधान)

श्रीमती मोहिना किरवई : आप बराए मेहरबानी, उपेन्द्र जी, आपको बहुत वक्त मिला, आप बताइयेगा कि जो डेमोक्रेटिक नाम्ने है कि हम आपस में बैठे एक-दूसरे की बात करें और उसके बाद हम कोई नतीजा निकालें। उससे आपने अपने चुने हुए नुमाइशों के साथ ज्यादाती की है। मैं इस वक्त आपके सामने यही कहना चाहती हूँ। उप सभापति जी, हमारा इस डेमोक्रेसी में विश्वास है और मुझे फछ है कि यह दुनिया की सब से बड़ी पार्लियामेंट है। मैं नेहरू जी का एक कोटेशन आपकी इजाजत से पढ़ना चाहूंगी :

"The historian of the future will probably not pay too much attention to the number of speeches or the hours which the speeches have taken or to the number of questions but rather to the deeper things that go towards, the making of a nation. There can be no higher responsibility or greater privilege than to be a Member of this august body which is responsible for the fate of the vast number of human beings who live in this country. We have not only to function on the edge of the history but sometimes plunge into the process of making history."

इसी तरह से बहुत से कोटेशंस हैं जो आपके सामने पेश किए जा सकते हैं और खुद आप में से बहुत से इसमें जो हमारे मैम्बरान हैं बहुत दिनों से किसी न किसी हाउस के मैम्बर रहे हैं तथा उप सभापति जी, मैं एक बात और कहना चाहती हूँ कि कंपोजीशन आफ द म्युनिसिपैलिटी इसमें है कि इलेक्शन कैसे हो और कितना उसका एरिया हो, कितनी पापुलेशन हो, कितना उसके जो गार्डर्ज कमेटी और जोनल कमेटीज के मैम्बर मैंने बताया वह बात मैं आपसे कर चुकी, उसके बाद पंचायती राज बिल में जो बातें कही गई उसमें बहुत

से फकशज, क्योंकि इस वक्त सब से बड़ी दिक्कत यह है कि रूरल एरियाज और अर्बन एरियाज में कोई तालमेल नहीं है। कोई रास्ता नहीं है। एक-दूसरे के क्या प्लान बन रहे हैं, कहाँ बन रहे हैं, इसकी कहीं पै, कोई भी, उनको कभी मौका ही नहीं मिलता। इसलिए हमारी यह कोशिश है यह करने की कि डिस्ट्रिक्ट लेवल पर एक प्लानिंग बाडी हो जिसमें रूरल एरियाज के जो जिला परिषद के चुने हुए नुमाइशे हैं वे अपने नुमाइशे चुनें, जो अर्बन एरियाज के हैं वे अपने चुनें और उसके बाद मिल कर पूरे जिले की प्लानिंग हो, ताकि मालूम हो कि कहाँ किस चीज की जरूरत है। एक-दूसरे के तालमेल से वह प्लानिंग हो। साथ ही साथ, हमने इसमें यह व्यवस्था भी की है कि कुछ नोमिनेशज भी हों। नोमिनेशज जितने हैं उनको वोटिंग राइट न हो, लेकिन जो प्लानिंग बाडी है हमारी नगरपालिकाएँ हैं महा-पालिका है उसमें कम से कम विशेषज्ञ हों, एक्सपर्ट्स हों, प्लानर हों, आर्किटेक्ट हों इकोनोमिस्ट हों ताकि वह ढंग से उनको प्लानिंग भी कर सकें और उसमें उनको मदद भी दे सकें। इसलिए इसमें इस चीज का व्यवस्था भी की गई है और जो म्युनिसिपैलिटीज को पावर देनी है, जो उनके फक्शज हैं वह सारी चीजें भी इसमें विस्तार से कही गई हैं। मुझे उम्मीद है कि इसमें जो 12वें शैड्यूल में जितनी बातें कही हैं उनको भी आप देखेंगे और उनको मानेंगे। और उनको मानेंगे। गवर्नर की बात कही गई, बाहर अड-वारों से पता चलता है, उसके बारे में भजन लाल जी ने कह दिया है। इस वक्त जो हिल एरियाज हैं, जो डेजर्ट हैं, जो पहाड़ी इलाके हैं, उनके लिए भी यह व्यवस्था अलग से की गई है।

माननीय उपसभापति जी, एक बात और कहना चाहूंगी। आज मैं इस हाऊस में मौजूद थी, मैं दो बातें जरूर कहूंगी कि हम अपने देश के लोगों का उत्साह बढ़ाना चाहते हैं, उनका हौसला और हिम्मत बढ़ाना चाहते हैं, उनको भाग लेकर चलना चाहते हैं और सबसे बड़ी चीज यह कि हम उनके ऊपर जिम्मेवारी डालें

चाहते हैं, उनका पॉइंटियेशन चाहते हैं। मुझे बेहद अफसोस हुआ आज, इस सदन में सुनकर कि 15 अगस्त की स्पीच, एक चीफ मिनिस्टर साहब के यहां जो अंश पढ़कर सुनाए गए ... (व्यवधान) मेरी बात सुनने की जरा कोशिश करें, मैं आपसे सिर्फ यह दो बात कहना चाहती हूँ ... (व्यवधान)

SHRI PARVATHANENI UPENDRA- Madam, I am on a point of order (Interruptions)

श्रीमती मोहसिना किवर्दी : माननीय उपसभापति जी, मैं कुछ नहीं कहना चाहती, इतनी बात कहना चाहती हूँ कि अब 15 अगस्त ... (व्यवधान) ... मैं यह 15 अगस्त की बात कहने जा रही हूँ, मैंने किसी का नाम नहीं लिया है ... (व्यवधान) ...

THE DEPUTY CHAIRMAN: Let me know what is your point of order. (Interruptions)

श्रीमती मोहसिना किवर्दी : 15 अगस्त हम कल मनाने जा रहे हैं, उस पर मैं यह कहना चाहती हूँ ... (व्यवधान) ...

SHRI PARVATHANENI UPENDRA: I am a gentleman. I cannot speak when she is on hex- legs. (Interruptions) You have allowed me to speak on a point of order. (Interruptions)

THE DEPUTY CHAIRMAN: You don't have to plead for Mr. Upendra. He has got a strong enough voice and position to speak. Please sit down. You don't have to support him. (Interruptions)

THE MINISTER OF HUMAN RESOURCE DEVELOPMENT (SHRI P. SHIV SHANKER): What is it that the Minister has said? She has said that a TV matter has been referred to and she referred to 15th August. That is all. Does it become a point of order?

She must be allowed to say what she wants to say. (Interruptions)

SHRI PARVATHANENI UPENDRA: You hear me and then rule it out.

SHRI VISHVJIT P. SINGH (Maharashtra) On this how can a point of order be raised? (Interruptions)

THE DEPUTY CHAIRMAN: You please sit down.

SHRI VISHVJIT P. SINGH: Make him also sit. I am also on a point of order

THE DEPUTY CHAIRMAN: I have allowed him to make his point of order. You please sit down. I would request Members not to get agitated and start talking unnecessarily know how to run the House.

SHRI PARVATHANENI UPENDRA: The hon. Minister is supposed to explain the salient features of the Nagar Palika Bill, which she was doing. Suddenly she referred to a Chief Minister's action or whatever it is on Doordarshan's refusal. In the morning with your permission we discussed this matter, I raised it. I took exception to Doordarshan censoring the Chief Minister's speech. I also accused that Doordarshan is being used as a private property of this Government... (Interruptions)

THE DEPUTY CHAIRMAN: There is no point of order. I cannot allow you.

SHRI PARVATHANENI UPENDRA: And I also said... (Interruptions)

SHRI P. SHIV SHANKER: Nothing should go on record.

SHRI PARVATHANENI UPENDRA I also said that this country is being treated as the Jagirdari of Rajiv Gandhi. (Interruptions)

THE DEPUTY CHAIRMAN: You cannot direct anybody what they should speak or what they should not speak.

SHRI PARVATHANENI UPENDRA: What is the relevance of Doordarshan with the Nagar Palika Bill? What is the relevance of Doordarshan

(Shri Parvathane, Upendra)

to this Bill, you tell me? I will repeat what all has been said in the morning. ... (Interruptions)... If she was not there in the morning, I will repeat everything. It does not have any relevance.

श्रीमती मोहसिना किवई : आप मेरी बात सुनिए। हम कल जो हमारा 15 अगस्त मनाने जा रहे हैं, इसके बारे में मैं एक बात कहने जा रही थी ... (व्यवधान) ... यह बहुत रिलेवंट है। ... (व्यवधान) ... यह हमारा कोमल स्मृति है।

श्री परवतनेन उपेन्द्र : बिल के साथ क्या सम्बन्ध है ?

श्रीमती मोहसिना किवई : यह हम सब को मुश्तरका कोशिश होगी ... (व्यवधान) ... अगर वे सुनना नहीं चाहते हैं ... (व्यवधान) ...

उपसभापति : उनका भाषण खत्म होने दीजिए।

श्रीमती मोहसिना किवई : मैं इस बारे में यही बात कह रही थी कि यह जो बिल हम लाए हैं, उसकी मंशा इसके पीछे पूरी यही है कि जो हमारे चुने हुए नुमाइंदे हैं, उनको हम ज्यादा-से-ज्यादा पावर दें, अख्तियार दें। हम उन इंस्टीट्यूशंस को इस काबिल बना सकें कि वह अपना बोझ उठा सकें और जिम्मेदारों का एहसास कर सकें क्योंकि जो हमारी म्यूनिसिपल बाडीज हैं, चाहे वे पचायती राज की हों या म्यूनिसिपल बाडीज की हों, इसमें जो लोथ काम करते हैं वे आवाम के ज्यादा करीब रहते हैं। इसलिए इसमें सारी वही बातें कही गयी हैं जिससे आवाम और चुने हुए नुमाइंदों का सम्पर्क ज्यादा-से-ज्यादा एक-दूसरे के साथ हो सके और ज्यादा-से-ज्यादा वे आवाम को सहूलियत पहुंच सकें। जैसा कि मैंने अभी आप से कहा कि 17-17, 18-68 साल तक लोकल

बाडीज सुपरसीडेड रहती हैं, उनके चुनाव नहीं होते। इसलिए इसमें यह बात कही गयी है कि 5 साल के बाद चुनाव जरूरी है। अगर बिना किसी वैलिड ग्राउंडस के सुपरसेशन होता है तो 6 महीने के अंदर उनके चुनाव कराए जाएं। मैं समझती हूं कि ये सारी बातें अगर किसी आपत्ति के सभी को मान लेनी चाहिए। इसलिए यह हम सब की मुश्तरका कोशिश है कि हम देश को ऊपर उठा सकें, देश को आगे ले जा सकें और ज्यादा-से-ज्यादा लोगों का पार्टिसिपेशन इसमें हो उसके लिए लोगों की हिम्मत बढ़ाएं, हौसला बढ़ाएं न कि उनको डिमोरलाइज करें।

THE DEPUTY CHAIRMAN: There is one amendment by Shri Satya Pra-kash Malaviya for reference of the Constitution (Sixty-fifth Amendment) Bill, 1989 to a Select Committee of the Rajya Sabha.

श्री सत्य प्रकाश मालवीय : महोदय, मैं अपना एमेंडमेंट प्रस्तुत करता हूँ कि—

“भारत के संविधान का और संशोधन करने वाले विधेयक को राज्य सभा के निम्नलिखित सदस्यों की प्रवर समिति को सौंपा जाय, अर्थात्:—

1. श्री बी० सत्यनारायण रेड्डी
2. श्री शंकर सिंह वाघेल
3. श्री कैलाश पति मिश्र
4. श्री कमल मोरारका
5. श्री ईशदत्त यादव
6. श्री एम० ए० बेबी
7. श्री गुरुदास दासगुप्ता
8. प्रो० सी० लक्ष्मन्ना
9. श्री दीपेन घोष
10. श्री डी० बी० चन्ने गोडा
11. श्री सत्य प्रकाश मालवीय

और उसे आगामी सब के प्रथम दिवस अपना प्रतिवेदन प्रस्तुत करने का अनु-देश दिया जाये।”

THE DEPUTY CHAIRMAN: The motion for consideration of the Constitution (Sixty-fourth Amendment) Bill, 1989, the Constitution (Sixty-fifth Amendment) Bill, 1989 and the amendment thereon are now open for discussion.

THE DEPUTY CHAIRMAN: Shri M. S. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY (Karnataka): Madam Deputy Chairman, when I was a school student! I had heard... (Interruptions) ... may I go on? When I was a student in the school I had heard a nursery rhyme and the nursery rhyme runs as follows: You will like the nursery rhyme for a change.

THE DEPUTY CHAIRMAN: I accept to be a teacher. All right. (Interruption)...

SHRI M. S. GURUPADASWAMY: You will like this rhyme; The rhyme j-un like thi\$.

"Peter Piper picked a peak of pickled pepper,
a peck of pickled pepper did Peter Piper pick;

if Peter Piper picked a peck of pickled pepper,

where is the peck of pickled pepper that Peter Piper picked."

THE DEPUTY CHAIRMAN: This is not a nursery rhyme. , This ■ is- a tongue-twister.

SHRI VISHVJIT P. SINGH: Will you yield for a minute? This is not a nursery rhyme. This is a tongue-twister and I must say that Mr. Gurupadaswamy, in his usual fashion, is a seer of the future. He has shown us what is going to be the-fate or the Opposition when they fall over the' tongue-twister of this Bill.

SHRI M. S. GURUPADASWAMY: I wonder who is the Pete, Piper here?

Is it the Prime Minister... (Interruptions) ...

SHRIMATI ' RENUKA CHOWDHURY (Andhra Pradesh); This is what happens when you do not do the right thing at the right time.

SHRI M. S. GURUPADASWAMY: I wonder whether Peter Piper is the Prime Minister or... (Interruptions)...

SHRI ANAND SHARMA (Himachal Pradesh): This is highly objectionable and unparliamentary ... (Interruptions) ...

THE DEPUTY CHAIRMAN: I will look into the record and And out whether it is parliamentary or unparliamentary. .. (Interruptions)...

• SHRj ANAND SHARMA: They are denigrating the Parliamentary institution. Either they use abusive language or they come up with the rhyme .. (Interruptions)...

ठाकुर जगतपाल सिंह : जिस भाषा का युज किया जा रहा है, क्या यह पार्लियामेंटरी है? मेरा वाइंट आक आर्डर यही है।

SHRI M. S. GURUPADASWAMY: I wonder whether the Prime Minister is a Peter Piper or his deputies who ' spoke later. Madam, I heard the speech of the two Ministers on these Bills. They said," these Bills are revolutionary, they - are historic and the Prime Minister has been repeating since sometime past that he is transferring power to the people and we are here to debate and discuss these so-called historic, revolutionary measures which give power to the people which was denied to them for forty years. The nation is educated by the Prime Minister and his colleagues 'that for

[Shri M. S. Gurupadaswamy] forty years they were sleeping like Rip Van Winkle and they have now-woken up and found out that they have done grave injustice to the people of India. Now... (*Interruptions*). And now, the Prime Minister wants to remedy and rectify the grave injustice, wrong, committed to the common man who lives in huts, sheds, on the streets and the pavements in villages and urban areas. Madam, nobody in this country can go against the message of Mahatma Gandhi. Mahatma Gandhi believed in 'gram swaraj'. He believed that democracy has to be built from the village level upwards and he wanted the ancient panchayati raj system to be ushered in to take up all activities in the village—education, health, sanitation, crafts and so on. Therefore, let there not be any "misunderstanding on, the part of anybody in this House that anybody would oppose the concept and philosophy of 'gram swaraj'. Perhaps, in implementing 'gram swaraj' or the panchayati raj system in the country, it is the Opposition parties who have been pace-setters, not the Congress. (*Interruptions*)

श्रीमती रेणुका चौधरी : वह महात्मा गांधी के बारे में बोल रहे हैं, कोलेबोरेशन गांधी की बात नहीं कर रहे हैं... (व्यवधान)

श्री आनन्द शर्मा : ये क्या कह रही हैं ? यह कोई मजाक नहीं है, कोई थियेटर नहीं है... (व्यवधान)

SHRI M. S. GURUPADSAWAMY: The Congress party has created history in this country in not implementing the message of Mahatma Gandhi in creating panchayati raj system...

SHRI RAJIV GANDHI: Those are not my words, Madam.

SHRI V. GOPALSAMY (Tamil Nadu): It is customary on his part to deny.

SHRI M. S. GURUPADASWAMY: He has denied it. That is all right. I don't contradict him. My intention is not to enter into an argument but to state my point of view. I want to say that all political parties in the country stand for devolution of power, decentralisation of authority and creation of a suitable, effective, meaningful, structure at all levels so that we build up a real, genuine, participatory democracy in this country. Madam, what are the reasons, what are the grounds on which we are objecting to the move of the Government in bringing this legislation? Firstly, these Bills lack legitimacy, sanctity, ... (*Interruptions*) Please listen to me. Why are you so impatient? ...

SHRI KAMAL MORARKA (Rajasthan): They are trying to impress upon the Prime Minister.

SHRI M. S. GURUPADASWAMY: These two Bills were not brought together in Lok Sabha; they were brought one after the other after second thoughts. The Prime Minister made an off-the-cuff remark in the AliCC Session about the second Bill...

THE DEPUTY CHAIRMAN: But I think it was decided in the Business Advisory Committee that these two Bills would be discussed together.

SHRI M. S. GURUPADASWAMY: I am not talking! about that. You are missing my point. Please have patience. Let me go on... (*Interruptions*) For heaven's sake, don't disturb me. An off-the-cuff remark forms the basis for the second Bill...

SHRI RAJIV GANDHI: I am very sorry, the honourable Member is not able to differentiate between, fact and his fantasy.

SHRI -M. S. GURUPADASWAMY: Anyway, people know what happened. They know what I said is true. These two Bills were passed by the Lok Sabha. You know the composition of the Lok Sabha now. The Lok Sabha,

the present Lok Sabha, after the resignation of the Opposition,

SHRI RAJIV GANDHI: I take great objection to the Member saying that the Lok Sabha

SHRI M. S. GURUPADASWAMY: No, no; I said

That is my point...

SHRI RAJIV GANDHI: It is a clear aspersion on the other House.

SHRI M. S. GURUPADASWAMY: This is a statement of fact. May I say, ...
(Interruption)
I think the mike is all right, now...
(Interruptions)

SHRI RAJIV GANDHI: Madam, I would like to have a clarification from the honourable Member; Did he or did he not say that the Lok Sabha.*

SHRI M. S. GURUPADASWAMY: I said,* ... (Interruptions) ...

SHRI RAJIV GANDHI: If it has* it means that it does not have

SOME HON. MEMBERS: No....
(Interruptions)...

SHRI DIPEN GHOSH It had it since the Opposition is not there ... (Interruptions)...

SHRI M. S. GURUPADASWAMY: ...
(Interruptions)...

SHRI DIPEN GHOSH; Because .
Opposition is not there, (interruptions)
...

SHRI RAJIV GANDHI: Then I take it as an affront to our democracy, Madam...
(Interruptions)...

SHRI DIPEN GHOSH; what is the affront?
... (Intevrptions).... You do not know the meaning of the

word "democracy" .(Interruptions) ...

SHRI SAT PAUL MITTAL (No
minated): He must withdraw
this
remark (Interruptions) This
remark must be withdrawn... (In
terruptions) ...

SHRI M. S. GURUPADASWAMY: I have not said anything; I have not insulted the Lok Sabha ... (Interruptions) ...

THE DEPUTY CHAIRMAN; Just . a minute... (Interruptions) . . . You Said that after the resignation by the Opposition MPs the Lok Sabha* It means that* any more which is wrong. I would not allow it to go on record..
(Interruptions)...

SHRI M. S. GURUPADASWAMY: No, what is wrong in that?... (Interruptions) .. It is my point of view ... (Interruptions)...

SHRI DIPEN GHOSH: It is his point of view... (Interruptions) '

SHRI M. S. GURUPADASWAMY: It is my point of view.. (Interruptions) ...

THE DEPUTY CHAIRMAN: I would not like that ... (Interrwp-i . tions)...

SHRI M. S. GURUPADASWAMY: That is my point of view, Madam
(Interruptions)...

THE DEPUTY CHAIRMAN: I would not like the Lok Sabha one day to call my House ... (Interrup
tions) ____

SHRI M. S. GURUPADASWAMY: I did not has I said that it has ... (Interruptions).I am very careful in my language ... (Interrup
tions) ... Madam. I am very careful in my language. I did not mean to insult in Lok Sabha atall... (In-

[Shri M. S. Gurupadaswamy]
erruptUma)... My second point is ...
(Interruptions) ...

THE DEPUTY CHAIRMAN: Order, please... *(Interruptions)*.. ;

SHRI SAT PAUL MITTAL: He must withdraw it *(Interruptions)*

THE DEPUTY CHAIRMAN: Honourable Members, we are discussing two very important Constitution (Amendment) Bills.

SHRI SATYA PRAKASH MALAYIYA: But they don't understand it ... *(Interruptions)*...

THE DEPUTY CHAIRMAN: Therefore I would like the Members to listen to the speakers from both the Bides in peace and harmony.

SHRI M. S. GURUPADASWAMY: My second objection, Madam, is this The Prime Minister is not merely the leader of the Congress (I) Party but he is the Prime Minister of India.

THE MINISTER OP STATE IN THE DEPARTMENTS OF YOUTH AFFAIRS AND SPORTS AND WOMEN AND CHILD DEVELOPMENT IN THE MINISTRY OF HUMAN RE- ' SOURCE DEVELOPMENT (SHRI MATI MARGARET ALVA): I am glad that you have acknowledged it

SHRI M. S. GURUPADASWAMY: He is not merely the leader of the Congress (I) Party, but he is the Prime Minister of India, and that is why, Madam, I started with a nur-sery rhyme... *(Intemitionps)*...

SHRI KAMAL MORARKA: But, Madam, he forgot to give them lolly-pops!

SHRI M. S. GURUPADASWAMY: It was expected of the Prime Minister to consult the Opposition leaders when an important measure like this

has to be introduced. But he nevar di d it.

SHRI SITARAM KESRI (Bihar): The Chief Ministers of all the States had come. *(Interruptions)*...

SHRI RAJIV GANDHI: Madam, I appreciate what the honourable Members has said. Yes, the Opposition leaders are not necessarily those that are sitting in this House. The Opposition leaders also are Chief Ministers of some States and, if I am correct, most of the leaders of the Opposition parties who are not sitting here in this House are, in fact, Chief Ministers and I did invite them for talks. Most of them did not come. Or, most of them came for the Pan-chayati Raj Bill most of them did not come for the Bill on the Nagar Palikas. I am so sorry that the hon. Members has got his facts and his fantasy so mixed up. Perhaps the tongue-twister that he keeps calling a nursery rhyme has twisted his tongue so much that he cannot straighten it out. *(Interruptions)*'

SHRI M. S. GURUPADASWAMY: He need not score point over me.

SHRI GURUDAS DAS GUPTA (West Bengal): The Prime Minister is making a cricket commentary. *(In terruptions)*

SHRI M. S. GURUPADASWAMY: . Perhaps to the Prime Minister we are not the Opposition leaders at all. So he is quoting something else I meant something else. For him we are not the leaders of the Opposition. What is to be done?

Madam, my third objection is this. These are all important constitutional amendments. Whenever there was a debate or doubt raised by the public or the press or by the Opposition or by anybody, then it was normal to request the President of India to refer these two Bills for the opinion of the Supreme Court under article 143

Not recorded.

was not done.. I am of the view that this called for the opinion of the Supreme Court. (Interruptions) There is a sizeable opinion in the country that these Bills, if passed and if they become part of the Constitution, will affect the basic structure of the Constitution . Perhaps many of our Members are aware... (Interruptions.)

श्री भजन लाल : उपसभापति महोदय गुरुपादस्वामी जी बहुत सीनियर मेंबर हैं लेकिन जब भाषण करते हैं तो समझ में नहीं आता, जैसे सलोल्यूज न्यूज चलती है, उसी तरह से बोलते हैं। आजकल सलोल्यूज में बहुत भारी काबिल आदमियों की आवश्यकता है अगर वे वहाँ थोड़ा समय दे सकें तो अच्छा हो।

SHRI M. S. GURUPADASWAMY: Perhaps the Members are aware of the famous Kesavanand Bharati case. In that case the Supreme Court has ruled that the basic... (Interruption) of the Constitution could not be obliterated. That would mean not amending the Constitution but destroying the basic democratic structure of the Constitution.

AN HON. MEMBER: What is the relevance? (Interruptions)

SHRI M. S. GURUPADASWAMY: I am coming to it. Why don't you listen? Later on the Sarkaria Commission went through this and studied this matter in depth. And the Commission had discussed three alternatives: One to pass a Bill in the State Assemblies on the basis of consensus in the Inter-State Council; Two, to adopt a Bill at the Centre with the consent of the States and Three, to adopt a constitutional amendment at the Centre. The Sarkaria Commission rejected the third alternative.

SHRI MADAN BHATIA (Nominated): I respectfully submit that this is a wrong statement that he is making. On the contrary....(Interruptions)

THE DEPUTY CHAIRMAN: You will get a chance to speak.

SHRI M. S. GURUPADASWAMY: He can reply to it later. Why are you worried

SHRI KAMAL MORARKA: He does not want the Member to give his views in the House. (Interruptions) You don't know English and you are trying to teach us English. (Interruptions)

SHRI M. S. GURUPADASWAMY: The basic structure of the Constitution. ..

(Interruptions)

SHRI KAMAL MORARKA: Madam, you should name Mr. Bhatia. He does not know the rules of this House. I am much junior to Mr. Bhatia. He is interrupting the hon. Member. He does not know law and he wants to teach us law.

(Interruptions)

THE DEPUTY CHAIRMAN: think you should conclude, Mr. Gurupadaswamy.

SHRI M. S. GURUPADASWAMY: I cannot conclude in this background. The Sarkaria Commission had rejected the third alternative and insisted on exploring the possibility of implementing the first two alternatives keeping in mind the federal character of the Constitution.

• (Interruptions)

THE DEPUTY CHAIRMAN: Mr. Bhatia, your name is there. Let him speak and then answer him back. Please don't interrupt because I want him to finish and allow some other Member to speak.

SHRI DIPEN GHOSH: When Mr. Bhatia speaks, will the Prime Minister remain present in the House? Please remain present in the House when Mr. Bhatia speaks

श्री बीरेन्द्र बर्मा : (उत्तर प्रदेश) :
वे प्रधान मंत्री को दिखाना चाहते हैं
... (व्यवधान) ... जब भाटिया जी बोलेंगे
और प्रधान मंत्री न रहें तो क्या होगा।

हैं... (व्यवधान)

SHRI N. E. BALARAM (Kerala)
Why do you object to it? Let them
do it. They want to show their
loyalty to the Prime Minister. What
is wrong in it?

THE DEPUTY CHAIRMAN: You are
also getting up. He is also getting up.
Everybody is showing loyalty to the
Prime Minister. Please sit down.

SHRI M. S. GURUPADASWAMY:
The State List entry 5 in the Seventh
Schedule is as follows:

"(5) Local Government, that is to say,
the constitution and powers of municipal
corporations, improvement trusts, district
boards, minin-ing settlement authorities
and other local self-government of
village local self-government or village
administration."

Article 246, Sub-clause (3) is as
follows:—

"(3) Subject to clauses (1) and (2), the
Legislature of only State { has exclusive
power to make laws for such State or any
part thereof with respect of any of the
matters enumerated in List II in the
Seventh Schedule (in this Constitution
referred to is the 'State List')

These are the provisions. Article . 12 is
stated by some quarters implying that it
covers both the Centre and States, further
implying that the Centre has got
authority to legislate and amend the
Constitution in respect for Panchayati
Raj. But the Prime Minister or his
colleagues or the Government fop that
matter overlooked article 361, 40 and 51.
They should read article 12 along with
the other three articles—articles 36, 40
and 51. There is a strict demarca-

tion between the States and the Centre.

So, Madam, my objection is that these
two Bills will affect the existing
Constitutional structure of the country
and will bring about distortions and take
away power from the States. We aire for
realistic genuine devolution of power.
According to us, the devolution should
start from the Centre to the States' and
then from the States to the Panchayat Raj
bodies or local authorities.

THE MINISTER OF STATE IN THE
MINISTRY OF HOME AFFAIRS
(SHRI SANTOSH MOHAN DEV): They
want powers for the Chief Ministers, not
for the people.

SHRI M. S. GURUPADASWAMY:
Why are you so touchy, I do not
understand.

Madam, there has got to be transfer of
power to the people. There has got to be
genuine decentralisation of authority.
Today the trend is more concentration of
power in the Centre and depriving the
States and State Governments of their
legitimate powers.

THE MINISTER OF STATE IN
THE MINISTRY OF
TEXTILES (KUMARI SAROJ
KHAPARDE): Not a correct statement.

SHRI M. S. GURUPADASWAMY:
Why are you behaving like parrots, I do
not understand. (Interruptions) We want
transfer of power from the Centre to the
States and from the States also to the
lower levels. There has got to be financial
devolution, there has got to be economic
devolution there has got to be administra-
te devolution. The Government of India
does not think on those terms. Let the
Prime Minister of India shed his own
powers first before he asks

the others to shed their powers. Let him transfer the powers of the Centre to the States. Over a period of time, we have seen, Madam, Centrally-sponsored schemes and distribution of revenue, and even imposition of Central plan on the States. Even in the co-operative sector, there is more centralisation. The Concurrent List is used or misused or abused to favour the concentration of power in the hands of the Centre. If the Prime Minister had brought a comprehensive Amendment to the Constitution devolving power, functions and authority from the Centre to the States and from the States to the lower levels, perhaps, we would have welcomed it. There is nothing at all.

Now, coming to another point, devolution of power —

THE DEPUTY CHAIRMAN: Your Party has got one hour...

SHRI M. S. GURUPADASWAMY: I know. I have been interrupted. 50 per cent of my time has been taken by others.

SHRI V. GOPALSAMY: Madam, you should exclude interruptions.

THE DEPUTY CHAIRMAN: I have no device to calculate interruptions. It is not part of my job.

SHRI M. S. GURUPADASWAMY: Most of my time has been taken by interruptions. What can I do?

I would like, Madam, 50 per cent of the resources should be transferred from the Centre to the States. I would like recasting of the Concurrent List to give more powers to the States. I would like the planning authority to be decentralised. Is he prepared to do it

Madam, my fourth objection to the Bills is that these Bills are politically motivated. They have been brought on the eve of elections.

SHRIMATI MARGARET ALVA: Is that what you are worried about? (Interruptions)

श्री मंवर लाल पंवार (राजस्थान):
प्रधानमंत्री जी ने यह चर्चा प्रारम्भ की है, अक्टूबर, 1981 में महामंत्री के रूप में यह चर्चा आरंभ की है।

SHRI M. S. GURUPADASWAMY: If by these measures the Prime Minister is thinking that he will be able to change the electoral scenario in his favour, he is mistaken. (Interruptions)

THE MINISTER OF STATE IN THE DEPARTMENT OF POWER IN THE MINISTRY OF ENERGY (SHRI KALP NATH RAI): In the elections you will meet your Waterloo.

SHRI M. S. GURUPADASWAMY: Who will meet Waterloo, that we will see. My point is that the provocation, the compulsion, imperative for these measures is because the Congress Party and the Congress Government at the Centre has lost all the other planks so far. It has no more planks left. May I remind the House that in the 50s, early 50s, community development and agricultural extension service was thought of. They were not implemented. Later on, cooperative farming and joint farming were announced. They were not implemented. Later on public sector was announced with a big fanfare, with a bang, but that too was not properly implemented.

SHRI JAGESH DESAI (Maharashtra): It is incorrect. (Interruptions,)

SHRIMATI MARGARET ALVA: You left the Party of Bank nationalisation.

SHRI M. S. GURUPADASWAMY: Then the abolition of rural indebtedness announced. I am only reminding you because you have forgotten.

SHRI SAT PAUL MITTAL What about the privy purses and nationalisation of banks?

SHRI M. S. GURUPADASWAMY: Then the abolition of child labour was announced. To cap it all, *garibi hatao* was announced, *bekari hatao* was announced.

SHRI KALP NATH RAI We have done it.

SHRI M. S. GURUPADASWAMY: Everything was announced and there was nothing left for the Prime Minister. Panchayati Raj was the last straw. This is the last straw and he is catching on to it.

SHRIMATI MARGARET ALVA: That is why you are singing nursery rhymes.

SHRI M. S. GURUPADASWAMY: The people of India know very well, that it was the opposition parties who implemented the Panchayati raj, not you. Where were you all these 40 years when there was the Balwant Rai Mehta Committee Report, the Ashok Mehta Committee Report, the Administrative Reforms Committee Report, and then there is the Sarkaria Commission Report. Where were you, all these years? And you are waking up now. (*Interruptions*)

Let me say it to the Prime Minister and his colleagues

that this last straw will not help them because they are exposed. Their whole record is the record of non-performance in the panchayati sector. It is the opposition parties— take Andhra, take Karnataka, Tamil Nadu, West Bengal—who have implemented it. There was no constitutional amendment. Mr. Prime Minister, there was no constitutional amendment when we implemented panchayati raj in our States; it was not necessary. What is necessary is the political will and political leadership. I pity you; you are a great party, a

national party. I pity you. In spite of your massive majority...

SHRI N. K. P. SALVE (Maharashtra): You leave us to our lot so far as the leadership is concerned. You look after yourself.

SHRI RAJIV GANDHI: Hon. Member has spoken a lot about what has been done in Andhra for panchayati raj.' I would like to recollect that when we had the Chief Ministers meeting on panchayati raj, the Chief Minister of Andhra Pradesh - had brought a little booklet which described what they had done, and many chief Ministers quoted from that booklet, Congress Chief Ministers, non-Congress Chief Ministers

SHRI B. SATYANARAYAN REDDY (Andhra Pradesh): It is a model.

SHRI RAJIV GANDHI: Yes, it is, and what was quoted from there, and what was written is that he by passed all democratic authority and appointed a person who overruled every-thing.

SHRI PARVATHANENI UPEN-DRA It has nothing to do with this; you are confusing. That is not on panchayats. You are confused again.

SHRI RAJIV GANDHI: If the hon. Members from Andhra do not have the publicity material produced by their own government, we are most willing to hand it over to them.

SHRI PARVATHANENI UPEN-DRA You are referring to the appointment of a Karshaka Parishad in the State, probably. That has nothing to do with Panchayats.

SHRI B. SATVANARAYAN REDDY: He has no correct information with him.

SHRI M. S. GURUPADASWAMY: I am having two or three small points and then I will finish.

What is required is the political will, political leadership, political determination which were lacking. You call yourself a great party but there is no will. What is to be done? You lack the will... (Interruptions)

ठाकुर जगतपाल सिंह : बिल है, इसलिए तो बिल लाए हैं।

SHRI S. K. T. RAMACHANDRAN (Tamil Nadu): We do not want doctors; we are healthy.

SHRI M. S. GURUPADASWAMY: I see the signs on the wall. We have already seen the signs on the wall. The Prime Minister since the last two or three years has been directly meeting officials of the State Governments, for what purpose, I do not know, bypassing the State Governments, and he is sending money, financial assistance, under Jawahar Rozgar Yojna, directly to the zila Parishads and the Collectors bypassing the State Governments... (Interruptions)

श्री भजन लाल : पाइंट आफ़ आर्डर मैडम। उपसभापति महोदया, गुरुपदस्वामी जी के इतनी देर के लंबे-लंबाव में से कुछ निकाला जाय तो कोई बात सम्भव में नहीं आती कि इन्होंने क्या कहा है। इनकी किसी बात में कोई सार नहीं है। लेकिन इतनी बात में कहना चाहता हूँ कि स्टेट गवर्नमेंट्स को बाइ-पास करने का कोई सवाल पैदा नहीं होता है। न किसी गवर्नमेंट को हमने बाइ-पास किया है और न ही बाइपास करने का सवाल है।

SHRI M. S. GURUPADASWAMY: Madam, I just draw the attention of the House to the statement, made by my friend, Mr. Shiv Shanker, in the month of May in the other House. This is the opinion expressed by him, which has been published in "The Times of India" under the caption "Government strategy to defend Bill". For lack of time, I am just quoting this: * The Bill does not provide the means to ensure that each of the States actually implement it. R*»-ptm "Once wtwarei, %e totfrift-

tion would be binding on all the States. If any State Government becomes adamant and, perversely, does not comply with the provisions of the enacted law, it would mean governance of a State not being carried on in accordance with the Constitution. That being so, the President could exercise his powers under article 356 and assume the functions of the State Government to himself." (Interruptions).

SHRI P. SHIV SHANKER: You cannot arrogate to yourself to violate the Constitution.

SHRI PARVATHANENI UPENDRA: Whatever you dictate we are supposed to do?

SHRI M. S. GURUPADASWAMY: The intention is clear.

SHRI P. SHIV SHANKER: That would mean you have decided not to devolve on the local bodies, powers, and the Constitution will take care of it. (Interruptions)

SHRI PARVATHANENI UPENDRA: You know. You come from Andhra. Haven't we done it?

SHRI P. SHIV SHANKER: The Constitution will take care of it. (Interruptions)

SHRI N. E. BALARAM: The cat is out of the bag.

SHRI M. S. GURUPADASWAMY: In other words, Madam...

THE DEPUTY CHAIRMAN: Mr. Gurupadasawmy, please conclude. I have a lot of names in the list.

SHRI M. S. GURUPADASWAMY: In other words, Madam, the intention of the Government is sinister...

SHRI N. E. BALARAM: Very sinister.

SHRI M. S. GURUPADASWAMY: ...dubious and far from honourable. The Government wants to have more

[Shri M. S. Gurupadaswamy]

powers at the Centre so that they may control the State Governments and, if need be, control the Zila Parishads, the Panchayats and the local bodies also.

SHRI KALPNATH RAI What is wrong? (Interruptions)

SHRI M. S. GURUPADASWAMY You have no sense.

SHRI JAGESH DESAI Madam, this should not go on record. (Interruptions)

SHRI M. S. GURUPADASWAMY: Finally, Madam...

श्री मदन लाल : ये राज्य सभा के मेंबर हैं, अगर लोक सभा के होते तो पता चलता कि ये कहाँ खड़े हैं।

SHRI M. S. GURUPADASWAMY: The provisions in the Bill regarding the Election Commission and the C&A.G. will provide enough opportunity enough scope, for the Central Government to interfere with the functioning of the State Governments.

SHRI JAGESH DESAI: C&A.G? How can you say that

SHRI M. S. GURUPADASWAMY: Accounting. (Interruptions) We have got Accountant-Generals in the States.

SHRI PARVATHANENI UPEND-RA They are under the C&A.G.

SHRI M. S. GURUPADASWAMY: They are under the C&A.G. Don't you know that (Interruptions)

THE DEPUTY CHAIRMAN: EL. Upendra, you will have your say.

SHRI PARVATHANENI UPEND-RA: It is an enlightenment for them.

SHRI M. S. GURUPADASWAMY-May I ask the Prime Minister to lighten me? Suppose, these Bills are passed, what devolution he is off

ing? There is nothing about transfer of power no devolution at all, (Interruptions).

SHRI P. SHIV SHANKER We will wait to see your political will to pass this Bill.

SHRI M. S. GURUPADASWAMY: we have already exhibited our political will, you lack it.

SHRI P. SHIV SHANKER: We will see your political will now. (Interruptions)

THE DEPUTY CHAIRMAN Now conclude please.

SHRI M. S. GURUPADASWAMY: May I conclude with a historical writing of a person that you have no will to will a political will, that is the tragedy of the nation. You have no political will.

SHRI P. SHIV SHANKER: We are not willing to will you, but we are asking you to imbibe that political will to pass these Bills. If you have already implemented, then why you are worried, pass it.

SHRI V. GOPAL SAMY: It should be thrown to the dustbin.

THE DEPUTY CHAIRMAN; I think Mr. Gurupadaswamy's tongue-twister inspires the Leader of the House to interrupt him again and again.

SHRI M. S. GURUPADASWAMY: That is because I love the Leader of the House. (Interruptions.)

THE DEPUTY CHAIRMAN: Will you conclude?

SHRI M. S. GURUPADASWAMY-I will conclude Madam. With your permission say that the Prime Minister should not be misled to say to the people through Doordarshan or radio that he is the only person who believes in devolution of power. We believe far more we have done its.

but the tragedy of the Prime Minister is that he is completely misled.

SHRI P. SHIV SHANKER You did it when you were in Congress but after having gone there you have never done it.

SHRIMATI JAYANTHI NATARAJAN (Tamil Nadu): Madam Deputy Chairman, I rise to support the Bills Madam, this morning when I came to the House it was with a sense of history. I was overstruck by a sense that today we were going to start a debate on the two Constitutional Bills that mark a watershed in the history of independent India. For the first time... (Interruptions). I will wait for them to leave.

SHRIMATI MARGARET ALVA: That is the respect they have for women. They do not want to listen to the speech of a woman.

THE DEPUTY CHAIRMAN YES continue.

SHRIMATI JAYANTHI NATARAJAN: For the first time in the history of independent India every Indian citizen is being given the power, the right, to be the arbiter of his own destiny and this is truly a great revolutionary step, a moment in history and as such a watershed, but that moment in history, I did not realise, would deteriorate to the level, with great respect to Gurupadaswamyji, to the force of a trade limerick. He started with one and he ended with one. Before I go any further, it is important to immediately make a few comments on what Shri Gurupadaswamy just said in his comments on the two Constitutional amendments. He, of course, started with a tongue-twister the relevance of which to the present subject completely passed my limited comprehension. He referred to Peter Piper, he referred to pickles, then to the Lok Sabha and then he referred to Keshwanand Bharati which does not

apply. Then he went on. He completely forgot about those committees which actually do apply in this case. He said that for 40 years we had been sleeping, nothing had been done and for the first time we have taken up these panchayati raj institutions. I did not understand the point he was trying to make with that. But if I understood him correctly, he was wanting to know why nothing had been done on Panchayati Raj before this, I just want to remind Mr. Gurupadaswamy that even though Panditji first gave expression to Gandhiji's dreams and introduced the concept of Panchayati Raj in 1958 at Nagpur, from that time onwards the matter was pursued with passion by the Central Government and it is to our eternal regret that all the State Governments, no matter which party was ruling the State Governments, did not implement these provisions properly. Elections were not held regularly. Proper authority was not developed. Authority was actually given to people outside Panchayati Raj institutions themselves. There was great under-representation of women and scheduled castes. Justice was not being done. Not enough money was being transferred to those panchayats. Therefore because of the neglect and negligence of the State Governments, the Panchayati Raj institutions fell into complete disuse. This was the reason why after having given the State Governments all the time in the world to try and function as if the Panchayati Raj institutions had the power to carry out all those duties under such institutions that now the Central Government has taken upon itself the right to bring about a constitutional amendment in this matter.

Madam, Mr. Gurupadaswamy referred to the Supreme Court. He referred to the Keshwanand Bharati case. I want to say that the Keshwanand Bharati case has no relevance here whatsoever. It is axiomatic that we cannot tamper with the basic struc-

[Shrinivati Jayanthi Natarajan] -ture of the Constitution. But it is the very basis of our case that the basic structure of the Constitution is not being touched at all. And I am going to deal with that in a minute.

Madam, the basic structure of the Constitution is one thing and the right to...

THE DEPUTY CHAIRMAN:
Please do not disturb the House. The Member is getting distracted.

SHRIMATI JAYANTHI NATARAJAN: Madam I want to straight away go to the constitutional position in this matter. Madam, when they finish the dialogue, I can continue.

SHRIMATI JAYANTHI NATARAJAN: Madam, the departure of the Prime Minister affects him more than it is affecting me. I am continuing with my speech.

Madam, I want to start off with the constitutional position. Before I go any further, the basic position which is under attack, now is the fact that allegedly these Bills attack the basic structure of the Constitution. Before I go any further you have to first refer to Article 40 of the Constitution and if you take a little look at history, you find that as early as 10th May, 1948, when the Constitution was being debated in the Constituent Assembly, it was Dr. Rajendra Prasad who woke up to the fact that the Constitution had to be based upon village panchayats and the panchayats should find a place in the Constitution. And when he brought the matter up before the Constituent Assembly and demanded that this should find a place in the Constitution, Dr. B. N. Rao, who was the Constitutional Adviser at that time—Madam, all these things are a matter of record—was of the opinion that this was IM a state to bring in panchayati

and make a constitutional reference to them. Thereafter the matter was solved by Dr. Ambedkar who accepted on the 22nd of November 1948, Mr. Santhanam's amendment thereby enshrining it in the Directive Principles of State Policy.

Madam, this is the background of how the Directive Principles of State Policy came to enshrine the concept of Panchayati Raj, on how the State should promote Panchayati Raj and Gram Swaraj in the country. Madam after that every committee that has gone into the matter of Panchayati Raj—and Mr. Gurupadaswamy conveniently forgot about the Asoka

[This Vice-chairman (Shri Mirza Irshadbaig) in the Chair] Mehta Committee I want to make a brief reference to the Asoka Mehta Committee. The Asoka Mehta Committee appended to its report a draft Constitutional amendment on the subject, and this as signed by 21 eminent citizens of the country, and most of them were not in the Congress, including Mr. E. M. S. Namboodiripad, all of whom were of the opinion that a Constitutional amendment and a place in the Constitution was the only way by which you could secure a proper status for panchayats in the country. Madam, if you...

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Sir...

SHRIMATI JAYANTHI NATARAJAN: I am sorry, Sir. (*Interruptions*). They say, Madam... Sorry, they say, Sir... (*Interruptions*)...

AN HONOURABLE MEMBER: How long will you take to adjust

(*Interruptions*)...

SHRIMATI JAYANTHI NATARAJAN: Sir, they say: .

In sum, an overview of the national scene would indicate that the activities of the panchayati raj institutions were meagre, their resource base weak and the overall treatment given to them niggardly,

This is actually a Committee set up during the Janta time in 1978 (Interruptions)... some of the State Governments postponed the holding of elections or superseded some of the important spheres of panchayati raj institutions for one reason or another. Of particular significance is the cooling off of enthusiasm of elected representatives in some States towards panchayati raj. Madam, then they say....

(Interruptions)

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Sir

SHRIMATI JAYANTHI NATARAJAN: I am sorry; Sir, I am sorry; Sir; I am sorry, Sir.

SHRI SUKOMAL SEN (West Bengal) She has lost her balance!

SHRIMATI JAYANTHI NATARAJAN: They say:

"The requisite checks and balances assure - continuous functioning. In practice it is subjected, from the beginning, to the whims and fancies of the State Government which was only too aware that the conferment of any real powers on panchayati raj institutions would inevitably diminish their own. Yet, ironically, it was left to them to devolve authority to panchayati raj institutions."

Even as early as that, Sir, the Asoka Mehta Committee was of the view that if they left the matter completely to the State Governments, the State Governments actually had no legitimacy to make this claim now because they always ask for greater powers for themselves from the Centre but they never showed any real desire to devolve powers lower down to panchayati raj institutions.

You may know even what Jayaprakash Narayan was saying from the beginning, and I will take just one minute to quote what he said in 1961 at the All-India Panchayat Parishad

Conference in Jaipur. He referred to the emergence of the panchayati raj institutions in the country and remarked:

"This vital development sooner rather than later, has to be given rightful expression and place in the organic law of the land, thus fulfilling incidentally, the wish of the Constituent Assembly. At present the Constitution recognizes only two territorial organs of Government, the Union and the State. The emerging three spheres of self-Government, the gram panchayat, the panchayat samiti and the zila parishad should also be assigned their due place in the Constitution, which should clearly lay down their powers, responsibilities and share in the national resources."

Sir, this is what Jayaprakash Narayan said as early as 1961. This is what the Asoka Mehta Committee, which included eminent leaders of the Opposition at that time, said as early as 1978. This is what the various committees from time to time have repeatedly urged that Constitutional recognition should be given to panchayats.

, Sir, Mr. Gurupadaswamy referred to the Sarkaria Commission. I have the report here. I am sorry to say that he was completely inaccurate in saying that the Sarkaria Commission rejected a Constitutional amendment. The Sarkaria Commission gave three alternatives, the first one being that all the State Legislatures should pass a Model Bill prepared on the basis of consensus at the forum of an Inter-State Council. Then he said, it could be done by a law on the subject made by Parliament under article 252(1) with the consent of the Legislatures of all the States and, thirdly, by a Parliamentary law uniformly applicable throughout India, containing provisions analogous to articles 172 and 174 of the Constitution. The Commission also said, Sir, that one and two should be pursued in the

[Shrimati Jayanthi Natarajan] order set out, and recourse to alternative there may be had as a last resort, if the attempts to follow one and two fail. Sir, the point I am trying to make is, constitutional amendment, amending the Constitution is a right of this Parliament, and under the garb of the State List or by making it a Centre State issue, we will not abdicate, this Parliament should not abdicate its right and responsibility to amend the Constitution.

Once again Gurupadaswamyji was inaccurate, to put it at its mildest, by referring to Article 12. Article 12 of the Constitution says that the State shall mean the Centre as well as the State Governments. He tried to say that in certain other instances it could not possibly mean States and the Central Government, and, therefore, he tried to apply that reasoning to say that here also as far as Article 40 was concerned, it would not refer to the Central Government. I want to join issue with them and refer to Article 36 which he himself referred to, wherein, in the Directive Principles of State Policy, it says:

In this Part, unless the context otherwise requires, "the State has the same meaning as in Part III."

Part III of the Constitution which deals with the Fundamental Rights, says;

"In this part, unless the context otherwise requires, "The State" includes the Government and Parliament of India and the Government and the Legislature of each of the States and all local or other authorities within the territory of India or under the control of the Government of India." Therefore, the point is, wherever the context otherwise requires, "State" refers only to the State Government. Generally, State refers to both the Union and the State Governments. In this case, Article 40, as amended, has cast a duty upon the Central Government to see that the panchayat raj

institutions are revitalised in the country. We will not abdicate, this Parliament and this Government should not abdicate its right and responsibility to see that this constitutional mandate is guaranteed.

Sir, having dealt with this, I just want to say that he said that a law amending the basic structure is void. If you just look at the provisions of this Bill, not one clause has been added to the Constitution of India. Not one clause has been negated in the Constitution of India. You have the State List. You have the Central List. You have the Concurrent List. He referred to the State List. Sir, by these Bills we do not seek to touch a single item in the State List. All that is being done is that a Constitutional framework is being adopted, and we are inviting the State Governments to pass actually legislations in their own Legislatures subject to the framework of the constitutional amendment. Therefore, the legislation on the subject even if we have done what Mr. Gurupadaswamy himself has suggested, which is enacting a law of Parliament under Article 252 upon a matter in the State List, even that might have amounted to an erosion in the basic structure, to an erosion of the concept of federalism in the country. But the bona fides of the Government are clear that even we did not attempt to do that. This is something that nobody really sees properly. These Bills leave the legislation on the subjects in the State List to the States. We are not legislating upon any subject in the State List. What we are doing is, bringing about a constitutional amendment securing certain basic constitutional safeguards.

Sir, before I go any further, what are the safeguards that we are trying to secure? To put it very briefly Sir, there are only three-. One, that regular, periodical elections should be held in the panchayati raj institutions and that panchayati raj institutions should not to be superseded on flimsy grounds.

Number two, the Scheduled Castes, the Scheduled Tribes and women who are gravely under-represented in the panchayati raj institutions, should be given protection of a constitutional mandate to see that there is a reserved percentage in every panchayati raj institution where they will be represented.

Sir, the concept of social justice is that these traditionally disadvantaged sections of society, women, the Scheduled Castes and the Scheduled Tribes, have to be given representation if our democracy is to be meaningful today. Sir, I do not understand what objection anybody could possibly have to bringing about a provision in the Constitution saying that in all the panchayati raj institutions women, the Scheduled Castes and the Scheduled Tribes shall have a basic minimum representation. The Constitution already secures these provisions as far as the Parliament and as far as the State Assemblies, and legislatures are concerned. Why is it that in the case of Panchayati Raj institutions alone only by way of a Constitutional protection to women and to Scheduled Castes and Scheduled Tribes? It is only by way of a Constitutional protection can the rights of women and of Scheduled Castes and Tribes be secured, because otherwise it is my apprehension that State Governments will tamper with these provisions. The intention of this Government in bringing about a Constitutional safeguard is to further social justice. We want reservations for women and for the weaker sections of the society to promote social justice in this country. The only reason why any State Government can possibly object and say that there should be different yardsticks is because they want to exploit the policy of reservation for narrow electoral gains. I want to ask you, is a woman from Tamil Nadu or Bihar different from a woman in Bengal or Uttar Pradesh? Is a Scheduled Caste or a person from the weaker section

of the society different in different States of the country? No. Women, Scheduled Castes and Tribes and the weaker sections of the society are the same all over the country. They require the same protection. It is utterly meaningless for any State to say that different yardsticks should be applied. This is only a way of getting around the Bill. This is only the way of running away from the provision which requires them to give mandatorily representation to women and to Scheduled Castes and Scheduled Tribes.

The third point is that there should be proper financial devolution and proper devolution of powers from the State Governments to the Panchayati Raj institutions. Again there have been oft-repeated arguments that different States have different conditions prevailing and, therefore, there should not be any uniform Bill. I want to reiterate that there is no uniform Bill. It has been left to each State Government to pass laws that are suitable to local conditions. All that has been insisted upon is a constitutional framework whereby no State Government can get away from the responsibility of holding regular elections— you cannot have a quarrel with that of securing proper representation for women and for Scheduled Castes and Scheduled tribes—you cannot have a quarrel on that—and a proper devolution of power. These are the real and only three basic facts which the Constitutional amendment seeks to place within the Constitution. I don't understand what quarrel any State Government, except if their intentions are *mala fide* could possibly have to these basic provisions.

Here I would just like to make one reference to what Gurupadaswamy J said. He said that under Article 240(3) the State has the exclusive power to legislate on the State List. This is obvious on the face of it. There is no argument over it and there is no quarrel with it. But I would like to remind him that under Article 36.8

[Shrimati Jayanthi Natarajan] of the Constitution, the Parliament has the right to amend. If I just read, for a moment, Article 368 of the Constitution;

"The power of Parliament to amend the Constitution and procedure thereof; Notwithstanding anything in this Constitution,, Parliament may, in exercise of the constituent power, amend by way of addition, variation of repeal any provision of the Constitution in accordance with the procedure laid down in this Article."

The powers given in Article 368 of the Constitution are sweeping, but nowhere are we going near the use of this power completely. All that has been done is that a framework has been established. under which the State Governments can function.

To come back to the beginning after having dealt with what Gurupada-swamy Ji said, I just want to remind this House of two or three very important issues, which according to me, had been at the background of these two Constitutional amendments being before the House today. In the 42 odd years since independence, the system today in our country has become a strait-jacket. We have run out of steam; we have run out of ideas and we have run out of vision. There are volcanic pressures within the system heaving to come out and there are tremendous pressures from outside. It is a matter to our eternal credit that India stands like the last bastion of democracy when all around us, other countries are under military dictatorship or fascist regime. India stands as a bastion, as a tribute to democracy and this is to our eternal credit, Sir. At the same time, even in our country, our system is under tremendous strain. Our democracy is under tremendous strain. Sir, you think for a minute that all over the country, we have about 5000 elected representatives to represent 800 million people. Sir, if you take the total membership of the parliament and of

all the members of the State Legislatures, you get only about 5000 elected representatives representing the - interests of 800 million. Indians. Sir, as the Prime Minister said, how can democracy function in such an unequal atmosphere?" There are no stepping-stones I quote; Between 80 crores and 5000. There is only patronage. There is only vested interests between 80 crores and 5000, There are only power brokers between 80 crores and 5000." Certainly, Sir, there can be no democracy if there is no way by which the legitimate aspirations of the people . can cross this vast divide and find proper expression among the 5000 people. The gap is impossible to cross.

Then, Sir, we have given voting right to young people-right down to the age of 18. At the same time, we have not given them even the semblance of a say in what their future is going to be, a semblance of a say in the system. There is no way in which leadership can develop among young people, can cross over this vast divide between 800 million and 5000 and really achieve something meaningful (*Time bell rings*). I will take a few more minutes. Therefore, the point is that with the passing of these Constitutional (Amendment) Bills and revitalising Panchayat Raj institutions, we will have suddenly 7 lakh elected representatives in the country and this is a far more meaningful way of nurturing participatory democracy in the country. The people will finally have a say how democracy in the Country is being run and this is one of the major reasons why these two Bills are going to fulfil a long felt need in our country for democracy today.

Sir, secondly, it is axiomatic that pragmatic planning has to be from the grass-root level upwards.. Planning from the top is dangerous and completely it is down right foolish because from the top it can only be based upon incorrect assumptions, something upon assumption of a situation which we have no knowledge about, and if planning la

to come up from the grass-root level we have to nurture democracy and make sure that the concept of district planning is properly appreciated. Sir, it is again axiomatic today that as far as proper planning is concerned, the district is the optimum unit of planning. Sir, the block is the optimum unit for implementation and the Panchayat is the optimum unit to secure participation of the people. When you have these three concepts, the best way to secure district planning, proper implementation and participatory democracy is by the three-tier system of Panchayat which these Bills contemplate. This is the only way by which we can assure that there is maximum devolution and maximum democracy to the people. Since there is lack of time, I only want to make a passing reference to the problem of delivery systems which is another major reason why these Bills have come forward. So we know without going into anything political that the delivery systems in the country are so outdated and are so unresponsive to the needs of the people, that for any welfare scheme, 80 per cent of the funds allotted get lost in the way and the real beneficiaries get only 20 per cent by the time they come round various levels of Government. Sir, revolutionary measures like Jawahar Rozgar Yojana see to it that the funds are transferred straight from the Centre to the Collector who is only a distributing agency and comes right down to the village Panchayat which has the power thereafter to decide what is best suited to local conditions and spend the money. This way, Sir, not only the people have a say in which direction they want to develop but also democracy becomes transparent. Sir, the moment there is some problem the moment something goes wrong, the village Sarpanch will have to answer to his villagers and there will be a change. This is the only way that you can make democracy responsive to the needs of the people. I do not want to say anything more about Jawahar Rozgar Yojana

because of lack of time.

Sir, another important issue that I want to emphasise is that planning is not only district planning or pragmatic planning but to my way of thinking, it has to be integrated planning. We cannot let rural India alone prosper while we ignore urban India and at the same time, we cannot let urban India prosper by ignoring rural India. A holistic perception is needed to see the threat and I quote the Prime Minister, Sir, that links the remotest hamlet to the largest metropolis. It is only the recognition of the rural-urban continuance which will enable us to rationally plan the prosperity of all India. So, Sir, the concept of these two Bills having been brought together in this House, is the concept of a united India. It is the concept of India where we will not ignore one side of India while allowing the other to come up. It is the concept where starting from the top of the pyramid of the constitutional provisions right down every level of the pyramid the State Governments and various other provisions, the continuous threat that links urban and rural India, in economy, administration in human relationship, is constantly sought to be addressed right down to the base of the pyramid which deal with the said needs and aspirations of every citizen of India. It is only in this way that we can enable India to strive confidently forward in a balanced democratic developed way into the 21st century. Sir, I just want to make a reference to what has been said by various speakers. I already referred to the attack and I do not want to take too much time to deal with it. Sir, I already referred to the attack which is being made today upon these two Bills by saying that they are a violation of the basic structure. The Chief Minister of Andhra Pradesh referred to this as a savage attack on our federal polity. I think, I have demonstrated that it is in no way an attack on our federal polity in fact,

[Shrimati Jayanthi Natarajan]

the Leaders of the Opposition much earlier in various report suggested these constitutional amendments. I have dealt with what Mr. Jayaprakash Narayan had said. As I said, I do not want to go any further into what the Leaders of the Opposition have been saying.

There is one more point that I wish to make which is the connection between urban India and rural India and the important concept of Nagar Panchayats which has been set out in these Bills. Sir, in urban India the dynamics of development are constantly changing the demographic profile of modern India. Increasing and fast developing urbanisation of India is a reality of today. As the hon. Minister was referring just now, today we have situation where one-fourth of our population lives in urban areas. We have 3,301 urban settlements in the country. We cannot afford any longer to neglect these urban settlements. At the same time, we have to remember that every urban settlement needs the precious input of human capital that comes in from the rural areas and at the same time, there is absolutely no reason in law, in equity or in justice why rural areas should be denied the basic civic amenities that are being given to the urban areas.

Then again, Sir, the boundary between an urban area and a rural area is largely imaginary. The concerns of the people are the same. *(Time Bell rings)*... In just two more minutes I will finish. The concerns of the people are almost the same. Very often, what is supplied for the towns lies outside the limits of the towns in the rural area and very often, the produce of the rural area has to be sold within the urban area. Therefore, Sir, I welcome the provision in the Nagar Palika Bill where this issue has sought to be addressed—the question of when a rural area becomes an urban area. According to the Registrar General, Census there are two or three qualifications that have

to be fulfilled, namely density of the total population, more than 400 and then whether 75 per cent of the male population is engaged in agricultural labour or not. And thereafter, Sir, after fulfilling these statutory conditions, there are certain other ways by which a rural area becomes an urban enclave. These distinctions are now not quite relevant as they used to be at that time. Sir, we know that the British, our colonial rulers, conceived, even from Lord Ripon's time, of district administration of panchayatiraj, and particularly our municipalities, merely as a means of giving civic amenities to the People. Certainly our colonial rulers were not interested in either democracy or development and this is why the 107-year-old structure which was set up at that time ceases to be relevant today. Today we are interested in converting these units of district administration into making India a vibrant democracy. They have to be the instrument of development. They have to be the medium of planning and therefore, the concepts today are completely different. Therefore, I welcome the idea of Nagar Panchayat which is, for the first time, being set out in these Bills. Sir, the Nagar Panchayat represents the transitional areas between the rural panchayat and the urban panchayat and panchayat is a word that should be applied equally to urban and rural areas. The Nagar Panchayat will constitute a committee which will operate on both the urban and the panchayat limits and this will thereby bring about a harmonious construction by which the urban areas are not divorced from the rural hinterland and both the parts of India can go forward and develop into a healthy and vibrant economy.

Finally, Sir, I want to make a brief reference to the question of urban poverty. The question of rural poverty has been addressed and the Jawahar Rozgar Yojana is an answer to that question of rural poverty in a large measure.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Please conclude now.

SHRIMATI JAYANTHI NATARAJAN The question of urban poverty, or the first time, has been addressed in the Seventh Plan. The 'tremendous problems of the urban poor have been considered very deeply and very voniprehensively by the National amission on Urbanisation and by various other agencies which I will go into for lack of time. The im-ortant issues that have been raised here are, in urban areas, poverty is inlli-dimensional. It is not just un-oyment, but underemployment. then there are other considerations have also to be taken into ac-ac- unt, shelter status, whether they have housing or not the status of the mily and the status of the migra-m. Therefore, urban poverty is alti-dimensional in character and has to be tackled separately. There already some programmes for irban poverty which are being un-rtaken by the Central Govern-ent. But I would urge upon the vntral Government to consider a fully structured plan for urban erty as much as they have done r rural poverty and this plan should into account the multi-dimen-unal character of urban poverty and , the fact that sometimes the pro-m should not be compounded by leasing greater migration from ra) areas to urban areas and there-we have to identify the rural 90 per cent rural areas, where ater inputs have to be given, more amenities have to be given to people so that mass migration not take place from those areas the urban areas and this is the way in whcih a balanced devest can occur.

Sir, because you pressed bell

THE VICE-CHAIRMAN (SHRI IRSHADBAIG): Now con-

SHRIMATI JAYANTHI NATARAJAN Finally, in conclusion, I just want to say that the main attack that this is an election stunt I do not think, has any validity to the intrinsic merits of the measure. Sir, the fact that it might be of some advantage to a political party during elections is not a criticism in any sense of the matter. The question is whether the issue is in national interest or not and this is the .only way by which we can determine the intrinsic merits of this measure. It is no answer to say that this is an election stunt. As a matter of fact, there has been an unprecedented consultation in this matter and I will not go in to it further. Finally, Sir, as the Prime Minister said, in these matters, the people are with us and those who are not with Us will have to reckon With the people.

SHRI E. BALANANDAN (Kerala): Sir, I rise to oppose these two Bills lock, stock and barrel. When I say that I am going to oppose, I have to give my reasons for that. Before going into my reasons, I want to refer to certain efforts made by the Government, and especially our Prime Minister, just before bringing this legislation. He has claimed that he was engaged in a manthan for long and Anally he has brought amnth for us. After a big manthan he has brought us amrith. He is sharing that amrith with this. august House. This is the claim made by the Prime Minister. Now let us see how he has done the manthan. The first stage of the manthan that the Prime Minister did was- that he held conferences with District Collectors. That was the first manthan. And you know whs those District Collectors are. They are inherited for us from the British Raj. They are people who don't like people as such. And they were the people first consulted by the Prime Minister at the start of his manthan. Then he went to the other side. Here I have to say something about this manthan. Some reference was made by Balraj Mehta and it appeared in

[Shri E. Balanandan]

the press. With your permission . I Would like to quote that paper report:

"The Prime Minister was persuaded to lend a direct hand in putting forward this project for the revamping of the administrative system and structure after he was inspired by foreign consultants though they had dubious antecedents. 'The Module of Responsive Administration' drawn up by a Ford Foundation consultant has been followed with great devotion and is claimed to be part of a wider effort for enhancing knowledge and skills of administration and management on preferred line This involves a variety of foreign inputs, such as, training of trainers abroad and setting up institutions in the country, setting up what is called mental relations with the management programmes and institutioning abroad, to put in place a standard curriculum, training material and faculty. The emphasis has been shifted to training the inservice personnel, especially the IAS cadre, to become trainers."

So, the first inspiration the Government of India got was from Ford Foundation experts...

SHRI DIPEN GHOSH; Not Gandhi Foundation?

SHRI E. BALANANDAN; I don't know. So, for making dosa and MB we want expertise from Ford Foundation, from America. Therefore for this panchayati raj the first consulta-tation was with the Collectors. These Collectors are to be sent to America for- training and they will come back here and train-the other Collectors. They are the trainers. And, Sir, they will train our Collectors to rule India! This is how this thing has come up. Therefore, the manthan started with the Collectors, not within India, but from outside India.. (Interruptions).

THE MINISTER OF STATE IN THE MINISTRY OF COMMERCE (SHRI P. R. DAS MUNSHI) Sir if the honourable Member yields, I can say something. Manthan and amrit have positive effects. The effect of taking this amrit now is that a particular Chief Minister who never unfurled the National Flag all these years has now agreed to hoist the National Flag. This is the result. The Chief Minister has finally agreed to do that which he refused to do earlier This is the result of taking this amrit.

SHRI E. BALANANDAN; Mr. Vice-Chairman, Sir, the honourable Minister wants to be educated on some subjects, I think. I shall try to do ' that with my humble ability. At the same time let him keep quiet for some time.

The second thing that he has done is to meet the State Secretaries and the secretariat officials. They are all democrats in the country. The Secretaries were called and the Prime Minister discussed with them. Then the Prime Minister called the representatives of the Panchayats. Sir, in our system, under the Constitution, we have the Central Government and we have the State Governments, all elected by the people and by nobody else, elected by the people themselves. The Central Government and the State Governments are elected by the people. They ! have an equal status. Anyhow, let us forget this aspect for the time being. He convened a Panchayati Raj meeting.' What is that meeting? I do not want to say much on that. Democracy, has become a fashion, of late, with the leaders of the Congress (I) Party and that is why they are loud in claiming that though they are not practising it. They are shouting loud about democracy because they are new converts to it. Therefore, they will talk loudly about it. Now, to this Panchayati Raj meeting, about two thousand people were called and the Prime Minister explained something and then....

AN HON. MEMBER: They then clapped!

SHRI E. BALANANDAN; ...they say "Yes" to it and go away. They shout "zindabad" and the discussion is supposed to be over! This is how the consultation is held. The Prime Minister of the country did not consult the State Governments. He called for a meeting. But they were not given the Bill nor were they given the proposal earlier. They called for some kind of a fake consultation which has been made and that is the only thing that he has done. How should the Government consult, the Government which says it is serious to implement democratic reforms? It should consult us, the people who are having experience in the field that is, the Chief Ministers. We are not novices and we know what Pancha-yati Raj is. We have implemented it in the States where we are in power. Therefore, what I say is that before trying to implement it, the Prime Minister should have found time to discuss this with the Chief Ministers. This has not been done and this aspect has been ignored. But he is claiming that the manthan has been done and amrit has come out of it.* How can you get amrit? You can only get poison out of it. You did not consult the Chief Ministers. It should have been done. No democratic procedure has been followed. This is the first point that I would like to make.

5.00 P.M.

श्री भजन लाल : उपसभाध्यक्ष महोदय, मैं माननीय सदस्य को यह बताना चाहता हूँ कि या तो इनको जानकारी नहीं है ... (व्यवधान) ... मेहरबानी करके आप जो ठीक है, वह कहिए। अगर जानकारी नहीं है तो हमारे से ले लीजिए। सभी मुख्य मंत्रियों को, मंत्रियों को बुलाया गया, विचार-विमर्श किया गया, चुने हुए नुमाइंदों को बुलाया गया, उनसे बात-चीत की गई। जैसा कि मैंने आपको बताया और पूरा सबको बुलाकर के बाद में मंथन किया, ऐसे नहीं। मंथन कोई पानी में होता है ... (व्यवधान) ...

श्री चतुरानन मिश्र (बिहार) : मंत्री

महोदय, ड्राफ्ट भी तैयार नहीं था। आप स्वयं भी जानते हैं कि जब मीटिंग बुलाई गई तब तक आपका ड्राफ्ट भी तैयार नहीं था। सबचाई रही है। अभी बोलिए आप कि ड्राफ्ट कब बना है? ... (व्यवधान)

श्री भजन लाल : पिछले सेशन में बिल लाया गया और इस सेशन में डिस्कस हुआ है। ... (व्यवधान) ...

श्री चतुरानन मिश्र : एक माइडिए पर बुलाया गया सबको और ताली बजवा लिया। ... (व्यवधान) ...

श्री भजन लाल : अगर ड्राफ्ट बनकर तैयार पहले ही जाए तो फिर डिस्कस करने की जरूरत क्या है?

एक माननीय सदस्य : डिस्कस करने के बाद ड्राफ्ट तैयार किया गया है। ... (व्यवधान) ...

श्री चतुरानन मिश्र : आज डिस्कशन हो रहा है और ... (व्यवधान) ...

श्री भजन लाल : नहीं, नहीं, कोई ऐसी बात नहीं है। ... (व्यवधान) ...

SHRI E. BALANANDAN; The Prime Minister has gone on record that West Bengal, Andhra Pradesh, Karnataka, Maharashtra and Tripura were having Panchayati Raj, that Panchayats were there. And before going to the other thing, I must refer, with your permission, to the latest step that the Congress (I) Government has taken to kill one of the best Panchayati Raj systems which prevailed in Tripura, a small State. They dissolved the Panchayats. All elected bodies were removed. Seven hundred and four Panchayats were there. They were elected on the basis of 18 years of age, election within five years was stipulated and all the Panchayats were given the rights and privilege which the Government of India wanted. Fifty per cent of the resources were being handled by the

[Shri E. Balanandan]

Panchayats there. When the new Government came into power, the first step they took was to

AN HON MEMBER; Congress Government.

SHRI E. BALANANDAN; I would like to quote the Indian Express, with your permission. The report in the Indian Express from Agartala reads like this:

"The first major decision taken by the Congress (i) Tripura Upajati Juba Samity (TUJS) Government after it captured power in February last year was to supersede the various elected bodies like the boards, cooperatives and the 704 panchayats in the State..."

» SOME MON.

MEMBERS: Shame, shame, (Interruptions)

SHRI E. BALANANDAN: Then:

"...These organisations were replaced by nominated members belonging to the Congress (I), which even left its coalition partner, the TUJS, disappointed. The haste with which the panchayats were superseded left no body in doubt over the intentions of the new Government. The Left Front Government, which had remained in power for about a decade in the State, deserves the credit for introducing secret ballot for panchayat elections. The coalition government first took a decision to reduce the term of the panchayats, about 7.0 per cent of which were controlled by the Left Front, from five years to four years

(Interruptions)

श्रीमती मोहिनिना किदवाई : एक बात में कहना चाहता हूँ। मैं इनको सन 6977 की याद दिलाना चाहती हूँ जब एक कलम में आपकी सरकार ने 9 वेंसंसियों को भंग कर दिया था। ये सारी पुको हुई सरकारें थीं तो आपने

ही यह सिखाया होगा। पता नहीं कौन से मुखबार की खबर आप पढ़ रहे हैं ... (व्यवधान) ...

श्री बोरिङ्ग वर्मा : आपने भी कर दी थी। सवाल यह है कि इलेक्टड पंचायतें थीं उनको क्यों भंग किया, यह इनको बताओ ... (व्यवधान) ...

श्री सजन लाल : केरल में श्रीर धैस्ट बंगाल में सरकार एक पार्टी की है या नहीं? अगर एक पार्टी की है तो जब प्रधान मंत्री गए तो पंचायती राज सम्मेलन बंगाल में थी तो उसको प्रसाइड बंगाल के मुख्य मंत्री जी ने किया था, इन्होंने उसका बायकाट किया था। यह इनकी पालिसी है ... (व्यवधान) ...

SHRI SUKOMAL SEN: The Minister gets up every moment. What is this?

SHRI E. BALANANDAN: Sir, I can understand the Ministers getting up. That is not my mistake. It is their mistake. It is their own creation, I am referring to facts. I am not making any allegations. The facts may be unpalatable to them. They can see that their position is wrong.

Now I come to the point. What have we done in West Bengal? Is there a separate Constitution in West Bengal? Is there a special Constitution in Andhra Pradesh? Was there a separate Constitution in Karnataka? The Constitution is the same as it exists today. Put we were having Panchayats in West Bengal and 50 per cent, of the resources of the State are spent through the Panchayats alone. What

more devolution of power do you want? Therefore, the question is as to why all these constitutional things are toeing talked of today. You have been sleeping for the last 40 years. You were sleeping. Your State Governments were riot doing anything. And we are going to be' penalised for it. The State Governments under your conrtol were not taking proper democratic decisions and giving powers to the people. That is why you are doming forward with this kind of constitutional amendment now. I showed you that the Pan-chayat have been functioning properly in different parts of the country even without this constitutional amendment. That is the first point.

Now I come to the Constitution itself. My friend, Shri M. S. Guru-padaswamy, has referred to the constitutional position. I find that many legal pundits are their on that side and it seems that they will be talking in the last. Their legal position will be the last in this House because they will be speaking last. At the same time, I would say that we are having a federal Constitution which has many unitary tendencies. The powers have been divided between the Centre and the States. We are having a State List, a Centre List and a Concurrent List. You are changing the fundamental or basic framework o. . the Constitution. The Pancha-vats, corporations, etc. are in Entry 5 of Seventh Schedule, II List. Therefore, it is the prerogative of the State Government to legislate on the subject. Now, you are taking that away. That is why we say that you are going against the fundamental position of the Constitution.

Sir, somebody was telling about article 40 It was inserted as an amendment brought forward by Shri K. Santhanam which was article 31-A in the Draff Constitution. That amendment which was not in the initial draft of the Constitution was adopted by Dr. B. R. Ambedkar. Sir, I am quoting again with your kind permission what Shri Santhanam said

in the House. It relates to the Constitutional or legislative competence. I quote:

"What powers should be given to a village panchayat, what its areas should be will vary from Province to Province and from State to State, and it is not desirable that any hard and fast direction should be given in the Constitution. I think, the same must be left to the Provincial Legislatures." That is the State Governments.

Sir, I would also like to quote what Dr. Ambedkar said. While moving for the adoption of the Draft Constitution in the Constituent Assembly, Dr. Ambedkar said;

"The basic principle of federalism is that the legislative and executive authority is partitioned between the Centre and the States, not by any law made by the Centre, but by the Constitution itself. This is what the Constitution does. The States under our Constitution are in no way dependent upon the Centre for their legislature or executive authority. The Centre and the States are co-equal in this matter. The chief mark of federalism lies in the partition of the legislative and executive author between the Centre and the States by the Constitution. This is the principle embodied in our Consti-tution. There can be no mistake about it. It is therefore wrong to say that the States have been placed under the Centre. The Centre cannot by its own will alter the boundary of that partition, nor can the judiciary." This is what is said by Dr. Ambedkar. No authority equal to him can be cited for this kind of a subject. Therefore, Sir, it is evident that the Government of India, by bringing, this legislation is trying to transgress the right of the States, and we are ' completely against it. This taking away of rights of the States goes against the federal structure of the

[Shri E. Balanandan] Constitution and, therefore, it is against the democracy too. Now, you want to give more powers to the Panchayats. My friend, Mr. Gurupadaswamy, was saying that so many declarations have been made by you but none is implemented, Shrimati Jayanthi Natarajan was telling us about the economic position of the rural India. And she wanted to improve the conditions of the urban people too. How can we do it, Sir? By Simply making Panchayati Raj legislation, simply rural India and India as a whole cannot be developed. cannot be developed without undertaking land reforms seriously. If you give land to the peasantry, they can stand on their own legs. That is the basic point. What was the experience for the last 40 years about land reforms in our country?. Sir, with your permission I have to give some statistics here. According to the statistics presented by the Union Government, the picture on redistribution of surplus lands is dismal. In 1967 the Mahalanobis Committee estimated that, with a ceiling of 20 acres per family, about 6.3 crore acres of surplus land would be available for distribution among the landless and poor peasants. The Committee had taken into account all the surplus, fallow, waste arid be-nami lands.

The 1987-88 annual report of the Ministry of Programme Implementation has vividly brought out the gap between precept and practice. Till March 1988, only 78 lakh acres of land had been declared surplus. Of this only 58 lakh acres had been acquired by the State Governments and 45 lakh acres actually distributed. The reasons put forth by the Governments for non-distribution of surplus lands are many. But the distributed land represents only 1.25 per cent of the total cultivable land in the country.

Sir, we are talking of panchayati raj, giving powers to panchayats. But if panchayat pradhans at the present

stage are not able to give land to the peasants, we know what will happen. We know many leaders of the ruling party who are owning 2,000 hectares of land in their own names or in Benami names. We know that in many situations like this they will be controlling two panchayats or three panchayats or five panchayats by their financial powers. Therefore, if you are interested in democracy, this is the first thing on which you must take action but you are not doing anything. Now, what is your attempt? Your attempt now is to take away the rights of the States. As I told you the Central Government wants to do what? The Central Government wants to ignore the States. It wants to be directly in touch with the Collectors. They want to ignore the States. They want to give a go-by to the States. Therefore, the total attempt of the Govt. of India by bringing in this legislation is to take away the rights of the States Government. State Government goes, means what. I want the Government of India to spell out.

If they are interested in devolution of power, as they must do, they must give more powers to the States. And the States can give more powers to the districts and panchayats. That should be the approach. Instead you are asking the State Government to give more powers to the panchayats and you are keeping all the powers in your own hands. Not only that.

The State Governments, their Chief Ministers and the State Legislatures are ignored and only collectors and officials are recognised. This is the method which is being followed and tried to be put into practice. This we have to oppose tooth and nail.

Therefore, Sir, at this stage I declare that we are going to oppose this Bill. Thank you.

मैं आपसे एक बात कहना चाहता हूँ कि आज जो दो बिल आये हैं ये ऐतिहासिक बिल हैं। सबसे पहले मैं अपनी सरकार को, प्रधान मंत्री को बधाई देना चाहता हूँ कि ये ऐतिहासिक बिल लाकर वे उन महान् नेताओं के उन वायदों को पूरा करने जा रहे हैं जो उन्होंने आजादी की लड़ाई में किये थे। मुझे याद है, सन् 1942 में उन्होंने कहा था कि आजादी के बाद हिन्दुस्तान के गरीब को, हिन्दुस्तान के लोगों को ग्राम स्वराज मिलेगा। मेरे साथियों ने कहा कि पंचायती राज बड़ा अच्छा है, यह खुशी की बात है, मानना चाहिए। अगर अच्छा है तो फिर उसका विरोध किस बात का? मुझ से मैं देख रहा हूँ इस सदन में केवल प्रान्तों के अधिकारों की बात हो रही है। मैं दो तीन साल पूछना चाहता हूँ। पंचायती की बात आपने कहा कि आंध्र में हमारी सरकार ने हटा दिया। कोई भी सरकार हो, अगर कोई खाम है और हम उसको पूरा कर रहे हैं तो उसमें क्या गुनाह कर रहे हैं? कोई भी सरकार, जो भी नई सरकार आयेगी, अगर पाँच साल तक चुनो हुई पंचायत रहेंगी तो कोई भी सरकार उनको हटा नहीं पायेगी। तो इसमें क्या बुराई है? अभी आपने कहा कि वहाँ पर पंचायतों को हटा दिया गया। चाहे वे हमने हटाई हों चाहे आपने हटाई हों लेकिन उस बीमारी को दूर करने के लिये पंचायती राज बिल लाकर उसके अंदर प्राविधान किया है कि पाँच साल तक कोई भी सरकार चाहे वह किसी भी पार्टी की हो उनको नहीं हटा सकेगी।

दूसरी बात मैं यह पूछना चाहता हूँ कि क्या पंचायती की जो अधिकार दिये जा रहे हैं, चाहे वे प्रान्तीय सरकारों द्वारा दिये जाते चाहे सेंटर द्वारा, लेकिन मेरे बोलने से पहले विरोधी पक्ष के कई माननीय सदस्यों की कहते सुना कि 40 साल तक हिन्दुस्तान में हम कुछ नहीं कर पाये। मैं आपको याद दिलाता चाहता हूँ, पंडित नेहरू ने पंचायती राज के बारे में कहा था, कि पंचायती राज द्वारा वास्तव में इस देश में बहुत सी जगहों पर अच्छा काम हुआ

और इसके लिये वे बधाई की पात्र हैं। लेकिन इन 40 सालों तक जो हमारे नेता चाहते थे वह नहीं हो पाया जो हमें सोचना पड़ा कि इसमें कौन सी खामियाँ हैं। ऐसा सोचने के बाद हम यह नया बिल लाये हैं। हम लोग पंचायतों में गये, म्युनिस्पैलिटी में गये और वहाँ पर हमने देखा कि उनके पास पैसा नहीं है, उनके पास अधिकार नहीं हैं और न उनके पास किसी तरह की कोई मशीनरी है जिससे वे जनता की सेवा कर सकें। चुनाव, मर्जी हों तो कराया लिये जाएँ और मर्जी न हो तो न कराये जाएँ। इसलिये मैं आज आपको और सब को बधाई देना चाहता हूँ कि जो स्वप्न हमारा था यह पूरा होने जा रहा है उधर बहुत से ऐसे साथी बैठे हुए हैं जो 1942 में हमारे साथ थे, उन्होंने भी देश के लिये कुर्बानियाँ दी हैं। पता नहीं क्यों बहक गये जो वे भी पंचायती राज बिल का विरोध कर रहे हैं। जिसके लिये इस देश के महान् हस्तियों ने फाँसी का तख्ता चूमे और लाखों ने जेलों में यातनाएं सहो और उन्होंने कहा था कि हिन्दुस्तान में आजादी के बाद सामाजिक और आर्थिक क्रांति होगी और वह हो रहा है। किसी भी मुक्त में आजादी के बाद प्रगति के दरवाजे खुलते हैं और सामाजिक और आर्थिक क्रांति से उस देश की प्रगति होती है। जहाँ तक सत्ता का, पावर का संबंध है प्रांतों से पावर छीना जा रही है यह आश्चर्य है। लेकिन मैं पूछना चाहता हूँ कि अगर एक हथियार किसी को दे दिया जाय और वह उसका सही इस्तेमाल न करे तो चाहे वह किसी की भी सरकार हो, उससे उस हथियार को छानना आवश्यक है और यहाँ पर हम छान नहीं रहे हैं। हम एक फ्रेम वर्क बना रहे हैं जिसको देश के अंदर एक सा ढाँचा होगा और हर प्रांतीय सरकारों को पूरा करना है। मैं आपसे दूसरी बात यह कहना चाहता हूँ कि आपने कहा कि हम इसका पोलिटिकल एडवन्टेज लेना चाहते हैं। मेरे दोस्त आज भी राजनैतिक पार्टियों के सदस्य हैं। अगर इस बिल को पास करने के बाद हमें राजनैतिक फायदा होता है

[ठाकुर जगतपाल सिंह]

तो आप भी इसको पास करके राजनतिक फायदा क्यों नहीं उठाते ? मैं एक सिम्पल बात पूछना चाहता हूँ कि अगर हम इससे फायदा लेना चाहते हैं चुनाव में जीतने के लिये तो आप भी इसको पास करके चुनाव के अंदर इसका फायदा क्यों नहीं उठाते ?

श्री ईश दत्त यादव (उत्तर प्रदेश) : मेरा व्यवस्था का प्रश्न है। माननीय सदस्य को यहाँ पर आपको सम्बोधित करते हुए कोई भी बात आपके थू कहेनी चाहिये। लेकिन ये तो जैसे पब्लिक मीटिंग में बोल रहे हों दोस्तों दोस्ती।

ठाकुर जगत पाल सिंह : माननीय उपसभाध्यक्ष महोदय, मैं विरोध पक्ष के माननीय सदस्यों को दोस्त ही मानता हूँ। लेकिन अगर मैंने गलती की है तो मैं अपने इन शब्दों को वापस लेता हूँ। मैं दोस्त न कहकर विरोधपक्ष के माननीय सदस्य कहूँगा। ... (व्यवधान) ... दुश्मन बिल्कुल नहीं कहूँगा।

मैं कह रहा था कि बार बार एक बात कही गई कि हम चुनाव की वजह से बिल को लाये हैं। चुनाव आपको भी लड़ना है और हमको भी लड़ना है। अगर इससे चुनाव में फायदा होने वाला है तो कृपा करके इसको पास करिये और आप भी इससे फायदा लीजिये। हम इससे आपको नहीं रोकते हैं ? लेकिन मैं आपसे कहना चाहता हूँ कि हम चुनाव के लिये कोई काम नहीं करते। मैं आपको याद दिलाना चाहता हूँ कि जब श्रीमती इंदिरा गांधी को जनता ने हराया तो उन्होंने हुकूमत आपको दे दी हमने सोचा था कि विरोधीपक्ष सत्ता में आने पर हो सकता है कि कुछ अच्छा काम करे इस मुल्क में। हमने आपको हुकूमत दे दी। लेकिन क्या हुआ ? आपने कौन सी ऐसी बात की ? पांच साल के लिये जनता ने आपको चुना था लेकिन आप तीन साल में ही छोड़कर भाग गये। हमने तो कभी नहीं कहा था... (व्यवधान) ... ढाई साल खैर एक ही बात है। तो मैं एक और बात कहना चाहता हूँ। हमारे बहुत से साथी, जो पुराने चेहरे मुझे दिखाई देते

हैं आपमें से, ये वे जिन्होंने इस देश की आजादी की लड़ाई लड़ी है। लेकिन आजादी की लड़ाई हमने क्यों लड़ी थी ? क्यों इसलिए लड़ी थी कि अगर मैं सत्ता में न रहूँ तो विरोध पक्ष में चला जाऊँ ? इसलिए लड़ी थी कि देश की गरीबी मिटानी है, इस देश के अंदर सामाजिक बुराईयाँ हमें मिटानी हैं और आज मैं ये बातें केवल इसलिए याद दिलाना चाहता हूँ कि हमारे उन महान नेताओं का—जिन्होंने देश के लिए कुर्बानियाँ की और देश को आजादी दिलाई तथा आज के जो सब नेता जो हमारे सामने बैठे हैं, चहे विरोधी पक्ष के हों या द्धर के—जो स्वर्ण अक्षरों में इतिहास लिखा गया है, मैं चाहता हूँ कि आपका और हमारा भी लिखा जाये। कहीं इतिहासकार यह न लिखें कि हमारे एक-एक नेता ने जिन्होंने देश को आजाद किया और आने वाले नेताओं ने उसे गिरा दिया।

मैं एक बात याद दिलाना चाहता हूँ कि जब पंडित नेहरू ने इस देश के अंदर कोर इंडस्ट्री की बात कही थी, बड़ी फैक्ट्रियाँ लगाने की बात कही थी तो उस जमाने में भी एक सेक्शन यह कहता था कि काटेज इंडस्ट्री या स्मॉल स्केल इंडस्ट्री लगाना चाहिए। लेकिन उन्होंने इस बात को नहीं माना, क्योंकि वे जानते थे कि साइंटिफिक युग में अगर कोर इंडस्ट्रीज हमारे मुल्क में नहीं होंगी, खाद नहीं होगी, पानी नहीं होगा, बिजली नहीं होगी, लोहा नहीं होगा तो हम अपने मुल्क को आगे नहीं ले जा सकते हैं। इसलिए उन्होंने इस बात को नहीं माना। नेता बह होता है जहाँ पर भावनाओं से भरे हुए रास्ते पर या गलत रास्ते पर अगर जनता जाती है तो दोबार बनकर उसको मोड़ दे देता है। तो आज मैं वह बात इसलिए याद दिलाना चाहता हूँ कि माननीय सदस्य, मेरे विरोधी पक्ष के सभी लोग और हिंदुस्तान के सभी लोग आज देख रहे हैं कि हिंदुस्तान की ग्रामीण जनता, जिनसे कि हर चुनाव में हम और आप वोट मांगने

जाते हैं, क्या चाहती है। लेकिन आज अगर उन्हें कोई सत्ता के विकेन्द्रीकरण द्वारा प्लानिंग का काम दिया जा रहा है, इम्प्लीमेंटेशन का काम दिया जा रहा है, पैसा दिया जा रहा है और क्या वह हम न दें। या हम और आप कोई भी इसका विरोध करें तो मैं इसे उचित नहीं समझता हूँ क्योंकि आज हिंदुस्तान की जनता बहुत होशियार हो चुकी है और वह जानती है इस बात को कि अगर पंचायती राज हमें मिलेगा, पंचायतों को ताकतें या पावर मिलेगी तो आज हमारा सुधार होगा। अपने गांवों की बात वे खुद तय करेंगे। मैं सिर्फ यह बात इसलिए कह रहा हूँ कि मैं आपसे विनती करना चाहता हूँ, विरोधी पक्ष के माननीय सदस्यों से कि History is a merciless judge. इतिहास से निर्दयी व्यापकारों कोई नहीं होता। कहीं आने वाले इतिहास यह न लिखे कि उन महान आत्माओं ने जिन्होंने फांसी के तख्ते इस मुल्क के लिए चूमे थे, आदिवासी, हरिजन और नीचे गिरे हुए गरीब लोगों के लिए जो क्रांति और इंकलाब सोचा था वह पीछे रह गया। एक बात कहकर मैं खत्म कर दूंगा... (व्यवधान) सही बात है। सबको समझा रहा हूँ। मैं कोई पार्टी लाइन की बात नहीं कह रहा हूँ। मैं आपको याद दिलाना चाहता हूँ उन बीती हुई यादों की जो इस मुल्क में बीती है और जिनसे हमारा मुल्क आगे उठा है।

हमारे विरोधी पक्ष माननीय सदस्य जमीन की बात कह रहे थे। जरा मैं एक बात पूछूँ, मेरे समाजवादी साथी जो बैठे हुए हैं उनसे कि समाजवाद का दुश्मन कौन है? पूँजीवाद। क्या आपने कभी यह भी कहा, जमीन तो बंटनी चाहिए, बटेगी, बंटती रहेगी, कभी आपने पूँजी के बंटवारे की बात कही? आप समाजवाद की बात करते हैं, साम्यवाद की बात करते हैं What is socialism? What is Communism? What is Gandhism? What is mixed economy and socialist economy? मैं यह पूछना चाहता हूँ कि आज समाजवाद इस मुल्क में अगर नहीं आ रहा

है तो इसके पीछे रोड़ा कौन अटका रहा है? पूँजीवाद। तो क्या पूँजीवाद पर कभी हमला आपने किया। जब भी किया होगा तो कांग्रेस वालों ने किया होगा, समाजवाद के लिए किया होगा और आप में से मेरे साथी कंधे से कंधा मिलकर इस बात को कहें मैं आपसे नम्र निवेदन करूँगा कि क्या समाजवाद, पूँजीवाद, साम्यवाद, सम्प्रदायवाद एक साथ चल सकता है? जरा मेरे लॉर्ड मेम्बर इस बात को जो मैं कह रहा हूँ रात को जाँकर सोचें। देश की जनता कह रही है कि जो लोग क्रांति की बात करते हैं, इस मुल्क से गरीबी मिटाने की बात करते हैं इस मुल्क में समाजवाद लाने की बात करते हैं आज वे प्रतिक्रियावादी ताकतों से हाथ मिला रहे हैं। क्या हथ्र होगा इसका क्या आप समझते हैं कि हिंदुस्तान की जनता बेवकूफ है? वह समझती है। वह इस बात को समझ चुकी है कि हमारे साथी कौन हैं, हमारे दोस्त कौन हैं हमारे दुश्मन कौन हैं। हमें और आपको मिलकर इस देश से शोषणवादी ताकतों को मिटाना है। हमने अंग्रेजी राज हटाया, इसलिए हटाया था कि हमारा मुल्क गरीब है और हमारे गरीबों का जो शोषण होता है, जो शोषण हो रहा है उस शोषण को हमें मिटाना है। धन्य है हमारा प्रधान मंत्री—मैं उन्हें बधाई देना चाहता हूँ कि माननीय जवाहर लाल नेहरू ने जो किया: आज वह भी वही करने जा रहे हैं कि भावनाओं से खेलते हुये लोगों के सामने दीवार बन कर देश की गरीबी मिटाने के लिए देश में सामाजिक बुराइयाँ मिटाने के लिए, देश को आगे ले जाने के लिए, यह दोनों बिल लाये हैं जो आने वाला इतिहास लिखेगा। यह कितनी बड़ी बात उन्होंने की है।

एक बात कह कर मैं खत्म कर दूंगा कि पं० नेहरू ने इस देश में बुनियाद रखी थी इंडस्ट्रियल रेवोल्यूशन की। अगर आज कोर इंडस्ट्री न होती जरा अपने दिलों से सोचिये जो बात मैं कह रहा हूँ वह बहुत गहराई से समझने की कोशिश करें अगर कोर इंडस्ट्री इस मुल्क न होती, अगर नेहरू उस वक़्त भावनाओं में बह गये होते और स्माल-स्केल तथा

[ठाकुर जगत्पाल सिंह]

काटेज इंडस्ट्रीज की बात जैसी कही जा रही थी, विदेशी ताकतों ने यह शब्द हमारे मुँह में डाले और अगर कोर इंडस्ट्री न होती तो आज हमारे देश का क्या होता ?

माननीय सदस्य जरा इस बात को सोचें कि श्रीमती इंदिरा गांधी के जीवन में कितनी चुनौतियाँ आईं। उन्होंने उनको अवसर में बदला। जब इस देश के अंदर गल्ला नहीं मिल रहा था, विदेशों में दाम बढ़ा दिये गये थे, तो उन्होंने इस चुनौती को एक्सेप्ट किया और अवसर में बदला, हरितक्रांति इस मुल्क में आ गई। जब पेट्रोल और डीजल के दाम बढ़े, तो उस वक़्त उन्होंने क्या किया उस चुनौती को एक्सेप्ट किया और उसके बाद आज पेट्रोल और डीजल आपके मुल्क में निकल रहा है।

मैं आखिर में कहना चाहता हूँ कि गांधी जी ने हमें पाँच हथियार दिये—सत्य, अहिंसा, प्यार, त्याग और सेवा।

नेहरू जी ने हमें पाँच चीजें दीं—लोहा, बिजली, टैक्नालॉजी, खाद, पानी तथा और जो चीजें आपके सामने हैं और आज इंदिरा जी ने हमें पाँच चीजें दी हैं—जमींदारी एवं रियासतों का अधालीशान। जब बैंक नेशनलाइजेशन उन्होंने किया, तो इसी हाउस में विरोध हुआ था, लेकिन आज वह रूखा कहाँ जा रहा है? वह गरीबों में जा रहा है। हरित क्रांति—पेट्रोल डीजल इत्यादि।

मैं इसलिए आद दिलाना चाहता हूँ कि आपने कुर्बानियाँ की हैं; आपके दिल में भी समाज के लिए ज़गह है, लेकिन भावनाओं में न बहो, सत्ता के नाम पर इस देश की उन चीजों को, उन ताकतों को मत उभरने दो जो हमारे आने वाले बच्चों के लिए दुखदायी साबित होंगी।

आज मैं अंत में अपने प्रधान मंत्री को बधाई देना चाहता हूँ कि उन्होंने पाँच हथियार हमको दिये। आज दिया है पंचायती राज ढाँचा, नया ढाँचा जो पंचा-

यती राज चला सके—कोई पावर लेने की बात नहीं।

दूसरा, जवाहर रोजगार योजना, गरीबों के लिए तीसरा 30 प्रतिशत महिलाओं के लिए... (व्यवधान) ताली की जरूरत नहीं है। ताली तो ज़रूर देनी जब मैं आपके सामने प्लेटफार्म पर आऊँगा। (व्यवधान) मेरा तो इतना ही कहना है कि मैं अपने माननीय विरोधी पक्ष के सदस्यों से बड़ा नम्र-निवेदन कर रहा हूँ कि वे इस गहरे सवाल को सोचें अपनी बात कहें लेकिन इस बिल का विरोध न करें। इसे पास करवायें। इसमें आपका भी फायदा है, देश का भी फायदा है, सब का फायदा है, वरना फिर आप कहेंगे कि राजनीतिक फायदा हमने उठा लिया, गाड़ी निकल जाएगी फिर आप पछतायेंगे।

इतना ही कह कर मैं अपनी बात समाप्त करता हूँ।

SHRI PARVATHANENI UPEN-DPTA: Mr. Vice-Chairman, Sir, I rise to oppose these two Bills because these are not meant to strengthen the Panchayati raj, but are meant only to perpetuate the 'Rajiv raj' in this country. At the outset, let me make it very clear that we welcome any genuine move to decentralise the administration, strengthen the panchayati raj and give more power to the people, but the present Constitutional amendment is not the correct way of going about it. We are also committed to holding elections within the panchayati raj institutions regularly every five years. If that had to be given a constitutional cover, probably that could have been understood, they could have brought in only that amendment in the Constitution. Articles 83, 172, 326, 327 and 328 speak about Lok Sabha and Assembly elections. Similarly, an article could have been added to give constitutional cover for the election to the panchayati raj institutions also. And the rest should have been left to the State Governments to decide. Why are we opposing these Bills?

SHRI V. NARAYANASAMY (Pondicherry): You are opposing these Bills as a member of the National Front?

SHRI PARVATHANENI UPEN-DEA: What is this silly question? Don't put Billy questions. It is a question? Put some intelligent' question.

SHRI V. NARAYANASAMY: You are acting like childish people without coming to a consensus on this issue.

SHRI H. K. L. BHAGAT: I will request my colleague not to put any embarrassing question to him.

SHRI PARVATHANENI UPEN-DRA: Thank you very much. Mr. Vice-Chairman, why are we opposing these Bills? on what grounds? Our* opposition is on ethical and constitutional grounds. We are also opposed to these Bills because we are convinced that these are guided by political considerations.

Sir, the motive behind the whole exercise, making its appearance as it " does on the eve of the nation-wide elections, is quite transparent. The ruling party is not at all worried about the propriety of bringing such major changes in the Constitution at the fag end of its term. We are all aware that these Constitution Amendment Bills, even if they are passed, require ratification by half of the State Assemblies and after that the President's assent required. Then you are giving one year's time to the State Assemblies to modify their existing Acts. All this will take us to either end of 1990 or 1991. Why is this Government, which has almost reached the end of its mandate, rushing through these Bills at this stage? Everybody can understand the motives of these people.

Another thing is, why did I say that on ethical considerations We are opposing these Bills? Because Panchayat Raj was a national mandate during our freedom struggle. It is

one subject on which we should secure a national consensus because basically nobody is opposed to strengthening the Panchayat Raj or the concept of Panchayat Raj. Unfortunately, the whole effort has been reduced to a political gimmickry, guided by partisan considerations. The Balwantrai Mehta Committee made its recommendations about three decades ago, the Asoka Mehta Committee about 12 years ago. But why has this Kumbhkarana woken up suddenly in 1989, at the end of its term, shouting "Panchayat Raj, Panchayat Raj, Panchayat Raj" like a Vedic mantra. It is showing an indecent haste in rushing through this legislation. The legislation itself is very hastily thought of and badly drafted. If you see the Nagarpalika Bill, you know what type of drafting has gone behind this. It confuses the whole situation as regards Panchayat Raj in the country. As regards the Bill, which is inexpedient and unwarranted, I only quote what my Party President has said:

"It is unnecessary and improper for the Centre to impose a uniform rigid model for all the States since every State Legislature is constitutionally empowered to develop a model appropriate to the state of social and economic development which it has attained and consonant with the ethos of its Culture."

"It should have complete freedom to determine the pattern and structure of its local self-governing institutions, the extent of devolution of powers and the quantum and the type of resources to be made available for their development and welfare activities. If the Centre is genuinely solicitous about the working of the PR institutions, it can be more generous in its grants to the States without making any political capital out of it."

Mr. Vice-Chairman, Sir, as I stated in the beginning I oppose this Bill, apart from on ethical grounds, on Con-

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stitutional grounds also. It is a very deliberate, premeditated and savage attack on the Constitutional autonomy of the States and the federal nature of our polity. The amendment goes against the spirit of federalism, the division of powers between the Centre and the States. 'As friends have already pointed out, Panchayati Raj is in the State List, and the Centre has no authority to tamper with this power and amend the Constitution in this respect.

They may say about the Directive Principles. They also say, under, article 40 "State" means both the Centre and the State Governments and therefore, they have also a responsibility to look after the welfare of the Panchayati Raj institutions. In this connection, what Mr. Santhanam—who introduced this amendment—said, was quoted by Mr. Balanandan, and I think it is worth quoting again. What he actually said is:

What power should be given to a village panchayat, what its area would be and what the functions should be, will vary from Province to Province and from State to State. It is not desirable that any hard and fast direction should be given in this Constitution. I think these must be left to the Provincial Legislatures."

That is what Mr. Santhanam, who introduced this part in the Constitution, had stated. My predecessor speakers have already said that these amendments change the basic structure of the Constitution itself and they go against the Supreme Court judgment in this regard.

Now, two new Schedules are proposed to be added, the Eleventh Schedule and the Twelfth Schedule which, in effect, mean that you are introducing a three-tier Administration in the country. In this connection would like to quote

article 1 of the Constitution. Article 1 of the Constitution defines what India is. Sub-clause (1) of article 1 states;

"India, that is Bharat, shall be a Union of States.

It does not say that India shall be a Union of a Federal Government, States and local bodies. Unless Article 1 is amended, a third level of Government cannot be introduced through these Constitutional amendments.

Then, I would also say that this legislation which is sought to be pushed through Parliament is a colourable legislation. In this connection I would like to quote an eminent jurist, one former Chief Justice of the Delhi High Court, Justice Rajinder Sachar. quote:

"The scheme of the Constitution and the distribution of the Legislative Lists clearly show that Parliament is incompetent to legislate with regard to panchayats. There is no legislative entry with regard to panchayats in the Union List, that is, List I. The purported exercise of power by Parliament, to legislate on the subject of panchayats is really a fraud on the Constitution and is a colourable piece of legislation. The legislation with regard to PR, now sought to be passed by Parliament, would be a nullity as being an Act passed by a Legislature without the legislative competence. It is no part of the duty of the State Government to carry out either the provisions of a void legislation or any of the directives issued by the Central Government in pursuance of such a void legislation purporting to be under article 256,"

"The constitutional amendment is in exercise of the constituent power under Article 368. But, as it is not amending the State List, it will remain a useless, decorative amendment."

Now what is the necessity for these Bills? In the existing Constitution itself the States can delegate powers to the panchayat bodies. The amendment of the powers under entry (5) of List II of the Seventh Schedule of the Constitution is very wide. The States can delegate powers to the panchayati raj institutions. They have already done it through State Acts. Otherwise, they could not have done it. If they had no power to delegate to the panchayati raj institutions, how could Andhra Pradesh, Karnataka, West Bengal and other States pass those legislations delegating powers to the panchayati raj institutions? That itself shows that this Amendment is superfluous.

In AIR 1954, Bombay, page 261, AIR 1956, Orissa, page 7 and AIR 1957, Andhra Pradesh, page 393, it has been held that the power under entry 5 of List II is of the widest amplitude, and the State can also confer such powers that it possesses on local authorities, including the power of taxation within the limits of List II for the purpose⁰¹ local government and also for election to local authorities. Therefore this is a superfluous legislation.

In fact, as my friend has suggested, they could have taken the opinion of the Supreme Court in this regard under Article 143 regarding the constitutional validity of this legislation.

Now I come to another point. What would be the effect of this legislation on the Centre-State relations? Sir, under the fig-leaf of the slogan of "power to the people" with all the accompaniment of a flowery rhetoric a lethal blow is being delivered on the autonomy of the States, and a basic feature of this amendment is the mistrust of the State Governments. Also it is clear that the Centre does not trust the States to function within the powers delegated to them. I would like to quote a letter written by our Chief Minister to the Prime Minister on May 17, 1989. I quote;

I have to confess that I am very sceptical, indeed apprehensive, about your interpretation of the nature of the Amendment. Instead of being constitutionally and conceptually independent in legislation and accountable solely to its own electorate, the State Legislatures and the State Governments are now sought to be reduced to mere instruments of implementation of whatever is mandated in the proposed Amendment. Instead of strengthening the resources and authority of the State Governments and helping them to promote democracy at the district and sub-district levels, an impression is being sought to be created through the proposed Amendment that local self-government has to be -rescued by the Cen-

tral Government from the clutches of the State Governments. Instead of recognising and strengthening the holistic nature of the State administration, a dangerous and illusory schism is sought to be created between the State and sub-State levels of the Government. This I must point out, may have very serious consequences for the internal political and emotional integrity and homogeneity of the State."

Mr. Vice-Chairman, Sir, the track record of this Government clearly shows that they have been continuously encroaching upon the powers of the States, and this is one more instance of such diabolical attempts.

Then, a point has been raised that they are talking about devolution of powers from the States to the panchayat bodies, but what about the major question of devolution of power from the Centre to the States. They are not talking about it. Whenever we raise that question, they are silent. We have also seen even in small things like amending the terms of reference of the Ninth Finance Commission, what attitude this Government has taken. We can understand,

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by the Sixty-Fourth and the Sixty-Fifth Amendments now before us they generously re-allocate the subjects and take them away from the States and give them to the panchayat bodies. But unless the powers from the Centre are developed on the State it is all meaningless. The Prime Minister has referred in the other House and also outside to the recommendations of the Ashoka Mehta Committee telling that the Ashoka Mehta Committee itself had recommended these things. Para 6 in Chapter Hi of the Ashoka Mehta Committee's Report was quoted. But preceding that there is Para 5 in the same Chapter, which I would like to quote from the Ashoka Mehta Committee's Report. I quote:

"It has been argued that the logical corollary of treating Panchayati Raj as an imperative is the need of greater devolution of functions of authority from the Union to the State level. While we are not competent to say what should be the pattern of distribution of powers between the Centre and the States, our recommendations about the transfer of substantial quantum of powers from the State Governments to the local bodies have implications on the existing scheme of distribution of powers between the Union and the States, which should require a detailed, but separate, consideration

Then another question arises is: Is the uniformity which is being suggested in these Constitutional amendments desirable? Or not? As you all know, every State has got its own peculiar problems, priorities, resource levels and capabilities. So, there cannot be any uniformity. The booklet circulated by the Government of India itself shows each State has got its own pattern. Ten States have got one type of Panchayati Raj institutions; four States have got some other system; Even among the ten States

there are various differences. Is it necessary or desirable, to try to bring about a uniformity through this Bill? Once it is put in the Constitution the States are bound to accept and they have to follow it. That is your intention and you are threatening in violation of Article 356 also if it is not done. That means what you are trying to do is to undo whatever is there in the States already and you are trying to impose a uniform pattern, which is not at all desirable and is, rather, dangerous.

Of course, in one of the Bills Panchayati Raj Bill you have removed most of the references to "Governor", but in the second Bill with a vengeance you have put "Governor" in every alternate line. Bhajan Lal Ji very correctly said "Governor" means Governor acting on the advice of the Council of Ministers. But we have got practical experience how Governors are behaving nowadays—whether they are going by the advice of the Council of Ministers or are trying to show they have got discretionary powers. If you are sincere and genuine, why put Governor? You could have put "State Government". There is nothing constitutional in what you are suggesting there. It is a local arrangement.

SHRI JAGESH DESAI: AH the orders are given in the name of Governor in all the States (Interruptions)

SHRI PARVATHANENI UPENDRA: Sir, another thing is being said: Where is the Centre interfering? The Centre is not interfering. Everything has been left to the State-Legislatures. What is left to the State Legislatures. We have seen the Bill. They have given the complete pattern of the proposed Panchayati Raj institutions what should be done and what should not be done. Nothing has been left for the State Governments except to follow. On top of it you are threatening,—Mr. Shiv Shanker has threatened in the other House that Centre will invoke President's rule

if the States do not follow. Even today he said that. Therefore, that means the States will be compelled to follow. As I said already, different types of Panchayati Raj institutions are there in various States. Already elected bodies are there in a number of States. Their terms i

s therefore two years, for three years, for four years or whether it is. Now, you want the State Governments to amend their acts, abolish all those institutions which are already functioning efficiently and introduce some pattern which you think is the best for the whole country. You are prescribing a medicine for us and you say this is the best and we should swallow it. But we are not prepared to swallow it whatever may be your threats. Suppose the State Legislatures refuse to accept these things. I have already said it is

a colourable legislation. It has no validity. It will be challenged in a court of Jaw and that it will be struck

down. Therefore, you cannot compel the State Governments to follow any uniform pattern.

Now, I come to another aspect. What are the political motives of this Government in bringing these bills now in such a hurry apart from a diabolical intention of usurping whatever powers are left with the States? That is one thing. And the second thing is, in the States they want to create some mini-administrative units which will come into conflict with the State Governments, so that through schemes like Jawahar Rozgar Yojana and other funny scheme, you can directly fund units and bring a perpetual conflict between these units, and the State Governments. It will lead to anarchy, That means you are aiming at an anarchy by passing the State Governments, trying to deal with sub-State units there. You are trying to bring a kind of anarchy, in the administrative set-up there.

The Government also says: "We are very keen to ensure timely elections". I am only amused when a

party which has not held its organisational elections for decades, which has no membership, that party is speaking of democracy and regular elections... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG) Don't speak about the party... (*Interruptions*)...

SHRI PARVATHANENI UPENDRA-. Now, everything is nomination in their scheme of things. We have shown our sincerity by holding regular elections. Nobody can blame us that we are not for regular elections but what is the track record of your Government? I have with me a parliamentary unstarred question No. 2429 dated 21st July, 1989 answered in the Rajya Sabha by our friend, Mr. Janardhan Poojari. It gives a statement of elections held at the district, middle and the lower levels. He gives all the details of the Congress (I) States when they have held the elections last. In Bihar lower level elections were held in 1978, middle level election in 1979 and the district level in 1980. Then, you have got Himachal Pradesh—upper level elections in 1971, 1971, Then, you have Maharashtra—the district level elections were held in 1979 and you have Punjab—the district level elections were held in 1975, middle level elections in 1975 and the lower level 1983. In Madhya Pradesh, 1983 was the last election. It was like this, the list of Congress (I) States which have defaulted.

SHRI JAGESH DESAI: It has been held recently in Maharashtra.

SHRI PARVATHANENI UPENDRAI do not know. This is the answer given by your Minister. He may correct it.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADEAIG): He is correcting you.

SHRI DIPEN GHOSH: Let the Minister correct the reply.

SHRI VIRENDRA VERMA: No Zilla Parishad elections were held for the last 11 years.

SHRI PARVATHANENI UPEND-RA: Mr. Vice-Chairman, funnily the Government of Orissa and Maharashtra also taking advantage of these Bills have postponed the elections which have already been scheduled. Our friend has mentioned about Tripura and I came to know yesterday—Mr. Lai Denga met me here. He said that in Mizoram, a few days back 156 Panchayats have been superseded by the Congress Government.

SHRI DIPEN GHOSH: Let Mohsina Kidwai make a not a of it.

SHRIMATI MOHSINA KIDWAI: That is why we have brought forward these Bills.

SHRI PARVATHANENI UPEND-RA: This is the concern they are showing for Panchayati Raj (Interruptions). There is another interesting incident—relating to the Kar-nataka Panchayat Raj Bill. The Karnataka Government, the non-Congress Government soon after it came to power, sent to the Central Government its Bill for President's assent in 1983. Do you know how long they kept in here? Till July, 1935. For two years they kept it here, a progressive legislation adopted by the Karnataka Legislature. They kept for two years without giving the consent. 6.00 P.M. In Andhra Pradesh, we have the most model legislation on the Panchayati Raj institutions... (Interruptions).. . <. SHRI D. B. CHANDRE GOWDA (Maharashtra): Upendra Ji, lutimately the Minister had to say that he would go on hunger strike.

SHRI PARVATHANENI UPEND-RA: Yes, Mr. Nazir Sab was the Min-

ister. He had to threaten that he would go on hunger strike in Delhi unless the Bill was given President's assent. And in Andhra Pradesh, we have a very model legislation on Panchayati Raj institutions to which the Prime Minister also referred. Of course, he mixed up so many things as usual. But it is a very model legislation. If I have got the time, I would have enplained how progressive it is. But the Congress Party opposed it in Andhra Pradesh. They did not want the Mandal system which takes administration nearer to the people. Now, today, three-fourths of the superseded or abolished Panchayati Raj institutions are in Congress-ruled States. Why don't you hold the elections in Delhi, in the capital? Why you are not holding elections to the Metropolitan Council. You show your concern for timely elections in far away villages and there is no election in Delhi in spite of the demand of the people?

Therefore, Mr. Vice-Chairman, Sir, I have got three conclusions why they are doing it. One is to take dubious credit giving power to the people that won't help them. Our friends have said, the last straw they are catching because all the slogans are over. Garibi *Hatao*, *Bekari Hatao*, all hataos are over. Now, it is the time to hatao you. Now, they want some slogans—power to the people—, and suddenly it comes there. Therefore, that is one thing. They have nothing... (Interruption)... This one slogan they want. Another thing is, since the non-Congress (I) States have already implemented this scheme, show one upmanship Oh, we are bringing a constitutional amendment; it is a progressive legislation" and all that to show to the world that they are doing something extraordinarily wonderful. I was shocked when the Prime Minister mentioned that seven lakh new people will come into the fold of self-Government scheme. What new people? These sarpanches and panches were there. Where new

people are coining from? You have not held elections. The posts were there. What is new? Where from seven lakhs new people are coming? (*Interruptions*)... I can understand the Prime Minister is ignorant of the rural structure. He may not be knowing what is sarpanch and panch and all that. (*Interruptions*). And the third conclusion which I reach is, because the non-Congress (I) Governments are implementing this scheme effectively and they are getting strengthened in the rural areas through these Panchayati Raj institutions, you destroy them completely. ... (*Interruptions*)... Therefore, I have no time. (*Interruptions*) ... Mr. Jagesh Desai, please sit down. Don't disturb me. Sir, why you allow him every time? It is not proper. Every time he gets up... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Please sit down. Please keep silence, (*Interruptions*) ...

SHRI-M. M. JACOB: He is afraid of the people in the Panchayats... (*Interruptions*)... If power is given ... (*Interruptions*) ...

SHRI PARVATHANENI UPENDRA I am disturbed in my thought. I speak and they get up every minute. What is this? I do not disturb anybody like this except the Ministers ... (*Interruptions*)...

डॉक्टर जगन्नाथ सिंह : मेरा प्वाइंट ऑफ ऑर्डर है । ४ बजे गये हैं । हाउस से कुछ बिदा जा किये आगे चलना है या नहीं ।

उपसभाध्यक्ष (श्री सी.बी. इमरुद्दीन) :
हाउस चलता रहेगा ।

SHRI PARVATHANENI UPEN-DRA: Now, they mentioned about the power... (*Interruptions*).

SHRI V. GOPALSAMY: Up to what time are we going to sit?

THE VICE-CHAIRMAN: (SHRI MIRZA IRSHADBAIG): Beyond six:

SHRI PARVATHANENI UPEN-DRA: I can continue later.

SHRI MURASOLI MARAN (Tamil Nadu) You can have it day-after-tomorrow, (*Interruptions*).

SHRI PARVATHANENI UPEN-DRA: I have got another 20 minutes' time. I can continue day-after-tomorrow,

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG) Up to 6.30 P.M. we can sit. (*Interruptions*).

SHRI M. M. JACOB: This side is also here. Mr. Vice-Chairman, please ask us till what time we want to continue: (*Interruptions*). Let Upen-draji continue his speech and complete and then give us a chance also to reply to him. Then we can adjourn (*Interruptions*),

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Let Mr. Upendra complete his speech.

SHRI PARVATHANENI UPEN-DRA: Mr. Vice-Chairman, small doses will be better. They cannot bear any longer. (*Interruptions*).

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): You continue i now.

SHRI DIPEN GHOSH: " Mr. Vice-Chairman, anyway, we are not going to conclude the discussion today. It has to be continued. I have to be continued day-after-tomorrow and again on 18th. So, you adjourn the House as we sit only up to 6 o'clock. He will speak day-after-tomorrow.

उपसभाध्यक्ष (श्री सी.बी. इमरुद्दीन) :
बिजनेस एंडवाइजरी कमेटी में यह बिसा-इड हो चुका है कि अगर जरूरत हो तो ४ बजे से आगे श्री हाउस को बढ़ा सकते हैं ।
(*Interruptions*)

[श्री मीर्जा इरशादबेग]

I am on my legs. So many speakers want to participate in this debate; Whatever time is fixed,

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SHRI DIPEN GHOSH: He agreed with me. Mr. Jacob agreed with me. We cannot... (Interruptions).

SHRI H. K. L BHAGAT: Mr. Vice-Chairman, obviously these measures, are very important. There are criticisms as well as support. A large number of people want to speak. In the Lok Sabha, if I am not wrong, as many as 57 Members spoke. If the Rajya Sabha sits longer... (Interruptions). I would like to say, after Mr. Upendra finishes, one may speak from this side. Mr. Ahluwalia will speak; (Interruptions). There is no question of some Members saying no. Let us hear what the House has to say. (Interruptions).

SHRI PARVATHANENI UPENDRA: My party has been allotted 55 minutes. I have taken half an hour. Another 25 minutes I have to speak.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): You can speak. you can take your time. Why are you not continuing? Other people are also here. They want to speak on this. (Interruptions). I want to know from Mr. Upendra whether he wants to continue or not. Have you completed your speech (Interruptions).

SHRI DIPEN GHOSH: You have to take the leave of the House as to whether We want to sit after 6 o'clock or not

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Mr. Upendra, you continue your speech. I have not adjourned the House. (Interruptions).

उपेन्द्र जी, आपकी स्पीच कम्पलीट हो गई है या अभी चालू है ?

SHRI M. S. GURUPADASWAMY: Please do not make it an issue. We have go? home important engagements

Otherwise we could have sat late. We have got important engagements. (Interruptions).

SHRI H. K. L BHAGAT: Is what you are discussing now not important? It there something more important than this?

SHRI M. M. JACOB: Passing power to the people of this country is more important. So we are prepared to sit. (Interruptions).

SHRI V. GOPALSAMY: The Prime Minister is going to make a speech tomorrow. We have also to prepare ourselves.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Mr. Upendra, why don't you complete your speech now? §13!*T 6-0 0 sR cl^ ^IT

श्री अटल बिहारी वाजपेयी : (मध्य प्रदेश) : नहीं, अभी तक यह फैसला नहीं हुआ कि सदन 6 बजे के बाद बैठे। अगर इस सवाल पर एक राय हुई तो तब चला-इये।

उपसभाध्यक्ष (श्री मीर्जा इरशादबेग) : चर्चा में इतने लोगों का नाम आया है और इसके बिना जो वक्त तय किया गया है उसमें इतने स्पीकर पूरे नहीं हो सकते हैं। आधा घंटा बैठने में क्या हर्ज है ? अभी स्पीच चालू है, आधे घंटे में क्या है ?

Mr. Upendra, you can complete your speech within that time.

PROF. C. LAKSHMANNA (Andhra Pradesh) : You have taken a decision to close at 6 o'clock. it is already 6.10. Why should -you go back on your own word? Tomorrow is Independence Day. Members are concerned about it. Why should you come in the -way? It is a great day.

उपसभाध्यक्ष (श्री मीर्जा इरशादबेग) : और भी लोग हैं जो इस पर बोलना चाहते हैं।

PROF. C. LAKSHMANNA: The decision was taken. How many times should you change the decision of the House?

उपसभाध्यक्ष : बिजनेस एडवाइजरी कमेटी ने यह तय किया है इसलिये इसको चेंज करने का सवाल नहीं है ।

SHRI DIPEN GHOSH: The Business Advisory ' Committee had allotted 16 hours for discussing these two Bills. So, whether you continue now up to 7 o' clock or 8 o' clock, you cannot complete the debate. When you can keep us engaged here? You adjourn the House now and let us anyway continue the debate the day after tomorrow.,

SHRI M. M. JACOB: The decision of the Business Advisory Committee was to sit up to 6 and beyond 6, if necessary.

SHRI PARVATHANENI UPEN-DRA: No, no.

SHRI M. S. GURUPADASWAMY: With the consent of the House.

SHRI M. M. JACOB: Today Mr. Upendra was speaking and there was no unusual thing that happened for him to stop his speech abruptly. Let him complete his speech and if you permit, one Member from this side of the House also can speak and then we can adjourn the House.,

SHRI VITHALRAO MADHAVRAO JADHAV (Maharashtra): We are. very much interested in the debate. We want to hear Mr. Upendra and then we want one Member from our side also to speak. Mr. Ahluwalia from our. side also will speak now. We can sit till 7. o' clock.

उपसभाध्यक्ष (श्री मीर्जा इरशादबेग) : यह कोई प्रश्न मत बनाइये। ... (व्यवधान) ... मैं सदन के सामने यह प्रश्न रखता हूँ कि सदन को....

SHRI M. S- GURUPADASWAMY: Don't break a convention.

SHRI DIPEN GHOSH; Don't make a bad precedent.

उपसभाध्यक्ष (श्री मीर्जा इरशादबेग) : उपेन्द्र जी, आपके पास मेटोरियल बहुत है । आपने क्यों खत्म कर दिया ?

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]HRI M. M. JACOB: can suggest a compromise. Let Mr. Upendra conclude his speech and then we can adjourn.

उपसभाध्यक्ष (श्री मीर्जा इरशादबेग) : आप 15 मिनट क्यों नहीं बोलते। आप थक गये लगता है ।

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Are you prepared to continue, Mr. Upendra? ... (*Interruptions*)

SHRI DIPEN GHOSH: Why are you dragging this issue? Do not create any wrong precedent. You adjourn the House... (*Interruptions*)...

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Just a minute. Let us hear Mr. Jacob... (*Interruptions*)...

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): It is all right now. You adjourn the House... (*Interruptions*).

SHRI V. GOPALSAMY After a long time, Mr. Matto, you have(made a sensible suggestion... (*Interruptions*) .

SHRI H. K. L. BHAGAT: Mr. Vice-Chairman, Sir, Mr. Upendra has already taken the time. So, let him conclude now... (*Interruptions*)..

श्री पवन कुमार जसल (पंजाब) :
सफ़ इसी बात पर 15 मिनट जाय कर
दिये ... (अवधान)

श्री सुरेन्द्रजीत सिंह ग्रहलुवालिया
(बिहार) : अगर नहीं बोलना है तो मुझे
बोलने का मौका दिया जाये।

SHRI GHULAM RASOOL MATTO:
We can sit late later, but not today .
(Interruptions)

SHRI PARVATHANENI UPEN-
DRA: Mr Vice-Chairman, Sir, before
starting my speech, I checked up and
they told me that it is only up to six o'
clock. In fact, I was not prepared to speak
today, Mr. Darbara Singh was supposed
to speak. Somebody went and told him to
go out They sent out Mr. Darbara Singh
and put up some other speaker in his
place. That is why I started. I also said
that I will speak only up to six o' clock
and will not speak after six o' clock.
Today, I have fuel only up to six o'
clock!... (Interruptions)...

THE VICE-CHAIRMAN (SHRI
MIRZA IRSHADBAIG): Mr. Upen-dra,
you see, we have other Members also
who want to speak just now. What is
your decision? Are you continuing or
may I call some-body else?...
(Interruptions)

SHRI YASHWANT SINHA (Bihar):
You cannot call another" Member before
he finishes... (Interruptions)...

SHRI PARVATHANENI UPEN-
DRA: If you force me, I will end my
speech, wherever I have finished But that
is not correct. I checked up before
starting and I was specifically told that it
is up to six o' clock only and that is why
I started. Otherwise I would not have
started at all ... (Interruptions)...

THE VICE-CHAIRMAN (SHRI
MIRZA IRSHADBAIG): Who told
you?... (Interruptions)...

SHRI PARVATHANENI UPEN-DRA:
If you want, I will stop (Interruptions)...

THE " VICE-CHAIRMAN (SHRI
MIRAZ IRSHADBAIG): I don't what
you to stop.

मैं तो चाहता हूँ आप ज्यादा बोलें
और आज ही अपनी स्पीच खत्म करें।
दूसरे मैम्बर्स तैयार हैं।

SHRI M. S. GURUPADASWAMY:
Please do not break the convention. It
has got to be done by consensus. The
mood of the House is not to proceed
further. What do you gain by ten
minutes? I would request you to adjourn
it. We will meet later... (Interruptions)...

THE VICE-CHAIRMAN (SHRI MIRZA
IRSHADBAIG): If you talk about the
mood of the House, then both the sides
must be considered... (Interruptions)...

[The Deputy Chairman (in the
Chair)]

PROF. C LAKSHMANNA; Madam
Deputy Chairman, our party speaker was
asked to speak and they told that it was
up to six o' clock only. Otherwise he
would have said, "I will not speak."...
(Interruptions) think it is better, in the
interest of the House, to adjourn it today
and take it up later... (Interruptions).

SHRI V. GOPALSAMY: (Interruptions)
You have come to adjourn the House.

THE DEPUTY CHAIRMAN: I do not
always come to adjourn the House. I
sometimes come to start the House.
(Interruptions)

SHRI H. K. L. BHAGAT: The sense of
the House is not merely of the
Opposition. All the same, I was saying
that since the Opposition does not want
to sit even for such an
important thing, extra time Please
hear. The Business Advisory Com-

mittee allocated 16 hours. ' There could be more also. It has been noticed. Since they are insisting that they consider other things more important than this debate in that case you can adjourn the House. But I want to make it clear that again today Mr. Upendra having spoken for 40 minutes now wants to run away ... (Interruptions)

SHRI FARVATHANENI UPENDRA Highly objectionable. (Interruptions)

SHRI DIPEN GHOSH: Madam Deputy Chairman, He has used a new phrase 'running away' He is obsessed with... (Interruptions) It was not a question of running away. You must know English. Then use English. (Interruptions) What is the meaning of running away?

उपसभापति : भगत जो को अपनी बात पूरा कर लेने दोजिए ।... (व्यवधान)

SHRI H. K. L. BHAGAT: Without any reason if they want the House to be adjourned, I do not mind. But they are trying to obstruct like children. (Interruptions)

श्री चतुरानन मिश्र : सात बजे तक हम लोग डिस्कस करें कि हम लोग बैठेंगे कि नहीं, और बैठे रहें ?... (व्यवधान)

उपसभापति : श्री चतुरानन मिश्र जो ने ठोक बात कही कि बजाए इसके कि हम लोग इस बहस में अपना वक्त बर्बाद करें ।

I think by this time one more could have spoken.

SHRI V. GOPALSAMY On a point of order. This is a very important discussion. Our hon. Prime Minister was here. He introduced these Bills, very important Bills. He should have stayed throughout and listened to the debate.

(Interruptions)

THE DEPUTY CHAIRMAN: Just a minute. Listen. There is, no point

of order in this. It is a point of your opinion. If the Prime Minister was here it is fine. If he cannot be here it does not mean that the House will not work. We will continue.

श्री पवन कुमार बांसल : गोपालसामी ऐसी बात करके खुश हो रहे हैं ।... (व्यवधान)

श्री एच० के० एल० भगत : अब यह भी बहाने ढूँढ़ रहे हैं—नये-नये बहाने । सोधी बात कहें कि आज डिबेट नहीं करना चाहते, आज नहीं बठना चाहते ... (व्यवधान) कहीं इम्पार्टेंट एनगेजमेंट है—क्या इससे ज्यादा इम्पार्टेंट है ?

We would not be obstinate.

श्री पवन कुमार बांसल : यह छह बजे किसी जरूरी काम के लिए जाना चाहें य ।... (व्यवधान)

PROF. C. LAKSHMANNA: It is not a question of running away. This term has become a very fashionable one. It is beside- the point. The point is that our when Speaker was asked to speak it was made clear to him that the discussion will be up to 6 o'clock only today. Otherwise he would have requested to speak tomorrow and somebody else could have spoken. At that stage there was an agreement that it would end by 6 o'clock. We have got other engagements. And all of us have to prepare also for tomorrow's Independence Day. (Interruptions)

AN HON. MEMBER: The Opposition is trying to run away. (Interruptions)

THE DEPUTY CHAIRMAN: I don't think anybody is running away. Everybody seems to be sticking here—including myself. If the House so agrees that we should continue the discussion.

SOME HON. MEMBERS: No, no.
(Interruptions)

THE DEPUTY CHAIRMAN: I do not know how many people are speaking at the same time I have got only two ears.

SHRI DIPEN GHOSH: We have not agreed. Normally if we want to continue the House beyond 6 o'clock, leave is taken from the House or consensus is taken. I had a talk with the Minister of State for Parliamentary Affairs, Mr. Jacob, before 6 o'clock. I wanted to know whether he was intending that the discussion should continue beyond 6 o'clock. He told me that there was no objection from his side if the House is adjourned at 6 o'clock.

SHRIMATI RENUKA CHOWDHURY: He will never talk to you now.

SHRI DIPEN GHOSH: Mr. Upendra was speaking at 6 o'clock. The question came whether the House would be adjourned at 6 o'clock and Mr. Upendra will continue the day after tomorrow. Our information was that we would not sit beyond 6 o'clock.

THE DEPUTY CHAIRMAN: You are speaking after 6 o'clock.

SHRI DIPEN GHOSH: It is the because the Vice-Chairman could not give a decision. Anyway, we are not going to complete the discussion tonight. We are having two more days. The session can also be extended beyond that, Mr. Bhagat says that since we are demanding adjournment of the House, we are running from the discussion. We will not be running away. We will be sitting here to vote it down and to defeat the Government on the floor of the House. We will not be running away. We will not be giving you any opportunity to get these two Bills passed. We are going to defeat these two Bills. We say that this House be adjourned now.

Let us resume the discussion the day after tomorrow at 11 o'clock.

(Interruptions)

THE DEPUTY CHAIRMAN: Let me first handle this situation. You see that we have allotted 16 hours for these two Bills. We also have another Constitutional Amendment Bill on Tripura for which we have allotted two hours. It means 18 hours. In the next two sittings, we will be having Special Mentions and I do not know whether they will be over in one hour. Let us have one more speaker. I promise that after one Member has spoken, I will adjourn the House. I do not know what has happened to our Rajya Sabha. We have sat over here the whole night. (Interruptions) I am sorry you were not a Member of this House. So, you don't know.

(Interruptions)

श्री भजन लाल : मैडम, मेरा प्वायंट आफ ऑर्डर है।... (व्यवधान) मैं इस मामले में आपकी क्लिग चाहता हूँ। क्या हाउस का टाइम बढ़ाया जा सकता है या नहीं और बढ़ाया जा सकता है तो हाउस की मर्जी से बढ़ सकता है या नहीं? मैं आपकी क्लिग चाहूँगा, अगर हाउस चाहे तो बढ़ सकता है या नहीं?

उपसभापति : हाँ, बढ़ सकता है।

श्री भजन लाल : मैडम, हाउस से पूछिए। अगर हाउस चाहे तो बढ़ाइये और अगर नहीं चाहे तो न बढ़ाइये।

श्री दीपेन घोष : यह हरियाणा विधान सभा नहीं है। इधर का कानून दूसरा है।... (व्यवधान)

श्री भजन लाल : इस मामले में हाउस मास्टर है।... (व्यवधान) ...मैडम, इसके लिए आप हाउस से पूछिएगा।... (व्यवधान)

PROF. C. LAKSHMANNA; it is not a question of another speech. When Mr. Upendra was to start this speech it was a clear understanding

That the House will be adjourned at 6 o'clock. Now he has got another engagement. He has to go.

SHRI M. M. JACOB: Madam, in your absence the Vice-Chairman who was in the Chair said that the House would continue up to 6.30 p.m. Now you can decide.

THE DEPUTY CHAIRMAN: It is very unfortunate that we have wasted half an hour in deciding whether we shall sit or we shall not sit beyond 6 o'clock. By this time we would have adjourned the House. I request the hon. Members to sit for one speech and then adjourn so that we have less business.

PROF. C. LAKSHMANNA: You are standing on procedure... (Interruptions).

THE DEPUTY CHAIRMAN: Just a minute. I will tell you that the Janata Dal has got four Members listed. Only one has spoken. The CPM has got 5 Members. Now, how are you going to find time? (Interruptions) If you want to abide by the time, then from Mr. Gurupadaswamy's side nobody will speak because he has taken so much time. ... (Interruptions) Let not you bind yourself with the time allotted to you. Otherwise, you will be in difficulty.

(Interruptions)

PROF. C. LAKSHMANNA: It was a clear understanding; an agreement, a convention... (Interruptions)... which cannot be disturbed. (Interruptions)

THE DEPUTY CHAIRMAN: Can we sit up to 7 o'clock?

PROF. C. LAKSHMANNA: No, no. (Interruptions)

ठाकुरजगतपाल सिंह : आध घंटा
इसमें ऐसे ही खराब कर दिया।
... (व्यवधान) ... इनके लिए यह
अर्जेंट वर्क नहीं है। ... (व्यवधान) ...

उपसभापति : मैंने आप लोगों से
रिक्वेस्ट की। आप चेयर को रिक्वेस्ट
नहीं मानते हैं, आपको मर्जी, मत मानिए।

If you do not want to sit and discuss, I cannot say anything. The Minister is willing to listen, there are Members who want to speak. If nobody wants to hear, then we will adjourn the House.

Now, the House stands adjourned till 11 A.M. on 16th August, 1989.

The House then adjourned at thirty-two minutes past six of the clock till eleven of the clock on Wednesday, the 16th August, 1989.