

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 PARVATHANENI 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.

कृषि मंत्री (श्री भजन लाल) : उपसभापति 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 पुरोकारवाई करने की कोशिश की । आप जानती हैं कि ज्यों-ज्यों इतिहास बदलता गया लोगों-तों इसमें समय लगता गया । त्यों-त्यों पंचायती 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 जी की भावना थी, श्रीमती इन्दिरा गांधी जी की भावना थी वह सपना साकार नहीं हो पाया ।

हमारे देश के युवा प्रधान मंत्री श्री राजीव गांधी जी ने जिस दिन प्रधान मंत्री का पद संभाला उसी दिन 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 उनको 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 झोंपड़ी 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 चोक 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 की 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 ज्ञान 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-निर्माण में जो महसूस किया गया उसमें पंच-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। इनको अधि 5 साल होना चाहिए। इस संविधान संशोधन में हमने प्रावधान किया है कि पंचायतों के चुनाव 5 साल में होंगे, टाइम पर होंगे। कोई सुगराड हो जाए इतिहास से जैसे विधानसभा सुगराड हो जाती है उनके चुनाव भी 6 महीने के अंदर करवाते हैं। इसी तरह से इसमें प्रावधान किया गया है कि पंचायतों के चुनाव 6 महीने के अंदर और होने चाहिए जैसे बला और लोक सभा के होते हैं। यहां नहीं, इसके साथ-साथ यह भी फैसला 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 सारे 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 छोड़ा है।

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

एक तरफ हों जाए तो सरपंच को हटाने का प्रस्ताव ले सकते 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 सामने है। फाइनेन्शियल पोजिशन, वित्तीय सधन उनके पास क्या होंगे उसके लिए बकायदा फाइनेंस कमिशन 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 दिया जाए और पैसों के सधन कैसे जुटाए जाए। इसमें प्रावधान किया गया है पैसों जुटाने के लिए कौन से रेवेन्यू डिस्ट्रिक्ट से मिलना चाहिए और टेक्स लाने का अधिकार भी उनको दिया है। इसके साथ-साथ इलेक्शन कौन करेगा? इलेक्शन करेगा, इलेक्शन कमिशन। जिस तरह से लोक सभा का, विधान सभाओं का चुनाव इलेक्शन कमिशन करते हैं उसी तरह से पंचायतों के चुनाव भी इलेक्शन कमिशन करेंगे त कि कोई गड़बड़ न हो। कुछ मन्त्री सदस्यों ने शंका जहिर की है कि इलेक्शन कमिशन का क्या है? यह आपनि वहां लोग कर सकते हैं जिन्होंने बूथ कपचौरिंग कराना हो या गड़बड़ पदा कराना हो। आप जानते जहां पर भी इलेक्शन कमिशन के चुनाव होते हैं वहां भी स्टेट ही कराती है। ठीक है इलेक्शन उनका है, कंट्रोल कुछ उनका है लेकिन पूरा कंट्रोल फिर भी इलेक्शन कमिशन का नहीं होता। हमने कोई दखल देने की बात नहीं की। इलेक्शन कमिशन हो उनका चुनाव करायेंगा यह कानून है कि जिन प्रदेशों को अब भी 20 लाख से कम है यह उनकी मर्जी पर छोड़ा 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 करती है।

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

[श्री भजन लाल]

होना चाहिए। संविधान में 52 अनुच्छेद में राजधानी का नाम प्रमित है। आप जानते हैं कि एक-आध जगह राज्यपाल अपने विवेक में है। विवेक शब्द कहाँ इस्तेमाल करता पड़ता है राज्यपाल की? उसकी अपना विवेक बहुत पिछड़े हुए एरिया में, ट्राइबल एरिया में जहाँ उनकी नोटिफाई करना हो उसमें करना है। वरना राज्यपाल का मतलब आप जानते हैं कि मंत्रिमंडल जो स्टेट का है उनकी एडवाइज मानना है। इसमें उनकी किसी तरह की आपत्ति नहीं होनी चाहिए। इसमें आपत्ति की कोई विशेष बात नहीं है। मैं आपकी बातों 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 से स्टेटों में भी लोकल फंड एकाउंट आडिट बना हुआ है। बकायदा जा यहां से कमिशन डायरेक्टिव देगा कि इस तरह से उनका आडिट होना चाहिए। उसके मुताबिक आडिट होगा। यह नहीं है कि कोई भी आडिट कर दें। बकायदा स्टेटों के अंदर है। वहां पर म्यूनिसिपल कमिटीज 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 विनास का काम पंचायतों को देने जा रहे हैं। अगर उनका आडिट नहीं होगा तो मुनासिब नहीं होगा। इसी तरह से श्रद्धालु कास्ट्स भाई, आदिवासी भाई और महिलाओं जो समाज के दबे हुए वर्ग हैं उन वर्गों को हमने इसमें शक्ति देने की कोशिश की है। ताकि वह वर्ग अपनी नुमाइंदगी वहां बैठकर कर सकें। हमने आवादी के हिसाब से हरिजन भाइयों के लिए रिजर्वेशन का प्रावधान किया है। 30 प्रतिशत महिलाओं का रिजर्वेशन होगा। आदिवासी भाइयों की आवादी 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 प्राप्ती हैं या बहुत बड़े लठधारी 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 इज्जतों 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 विकल्प हैं उनके बारे में वे वहां बात कर सकें। इसी तरह से आदिवासी भाइयों, इसी तरह से महिलाओं पर कितनी ज्यादतियाँ 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 चेतना आएगी। आप जानते हैं, हम पंडित जवाहरलाल नेहरू जी की सौवीं वर्षगांठ 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 थोड़ा 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 श्यामलात जमीन होती है उस जगह, पर

बोर्ड पर लिखेगी कि तीन महीने में हों इतना पैसा मिला वह पैसा इस-इस जगह खर्च किया गया और आगे हनक्या करने जा रहे हैं। अहमारे 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 आन-गोइंग योजनाएँ थीं, जो चल रही थी उनके साढ़े चार सौ करोड़ रुपए बच गए थे और हमने साढ़े पाँच सौ करोड़ रुपयों का और प्रावधान किया ताकि जो एन० आर० ई० भी० और आर० एल० ई० जी० 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 भयंकर समस्याएँ होती हैं। गांवों में पौने के पानी की समस्या होती है, सीवरेज 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 टेल तक पानी पहुँच रहा है या नहीं, गांवों में शौचालय ठीक हैं या नहीं, गलियों में खड़के पक्के हैं या नहीं, गांव में सड़क आ रही है या नहीं और अन्य सुविधायें 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 तरफ से गांवों जो 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 आयें। करना 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 प्रंदर बाकायदा योजना बनाते हैं। उसमें हरिजन भी शामिल होंगे, महिलाएँ 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 लिले में आये और लिले की योजना स्टेट लेवल पर आये और स्टेट की योजना भारत सरकार में आये और यही से बाकायदा पैसा ता सरकार उसको गांवों में भेजना था 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 हन लोगों को जो ताकत मिली हुई है वह नेता द्वारा दी गई है। लेकिन अहमारे के साथ कहना पड़ा 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 समझे बैठे हुए हैं मैं क्या कहूँ लोकाभा में 14 बिल 10 तारीख को पास हुआ लेकिन इन्होंने लोक सभा में जब की छुट्टी करवा दी और ये महानुभाव यहां बैठे हुए हैं। नेता यहां बैठे हुए हैं और नीचे के जो सबनेता ये उनकी छुट्टी करवा दी। लेकिन यह उनका अधिकार है, हम इस बारे में कुछ नहीं कह सकते हैं यह उनका अपना अधिकार है। लेकिन किसी बात को लेकर कहें तब तक 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 मैदान जो 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 कमो बफोर्स का थोर मचाते हैं। मैं

[श्री भजन लाल]

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

मेरे कहने का तात्पर्य यह है कि इस मंच से विचारों का आदान-प्रदान होना चाहिए और यहाँ 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 बायकाट करके चले गए। क्या यह बायकाट 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 यह 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 मशानुभावों को सामंजस्य की ताकतें जो हैं उनका तालीफ हो रही है आप इस बात को जानते हैं आप इस बात को अच्छी तरह से समझते हैं कि अगर देश के स्वरूप को बनाना है तो यह तभी 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 तभी सुधरेगी जब वहाँ खुली हुई पंचायत होगी गांव के चुने हुए नुमाइंदे 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 किरा है। आगे हम चाहते हैं कि कोऑपरेटिव मूवमेंट ठीक हो। उसमें बहुत कठिनाई है उनको दूर करने की हमारी आगे कोशिश होगी। आगे बोलने सेवान में उनके लिए भी इसी तरह से

विल लाकर उनको सशक्त और मजबूत बनाने की कोशिश करेंगे।

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

श्री पवंतनेनि उपेन्द्र : जब आप हरियाणा के मुख्यमंत्री थे तो आपने चुनाव क्यों नहीं कराये?

श्री भजन लाल : चाहे मैं मुख्यमंत्री हूँ चाहे न० टों० आर० साहब हो कोई भी हो यह कमा अब में रही है और सब ने यह नहीं कराया। मैं यह नहीं कहता कि जहाँ कांग्रेस की सरकार है वहाँ अच्छा है और जहाँ 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 ज्यादाती न हों... (अवधान) ... सबके साथ न्याय हो तभी तो हम यह बिते लाए हैं।

शहरी विकास मंत्री (श्रीमती मोहनिता किवचई) : मैडम, मुझ बहुत खुशी है कि आज कांस्टीट्यूशन के 65वें संशोधन विधेयक पर मुझे बोलने का अवसर मिल रहा है और मैं सपन्नती 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 मुअज्जिज 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 से करके, सबसे सलाह मशिवरा करने

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

जहां तक पंचायती राज का मसला है। यह एक बड़ा प्राचीन काम 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 जी ने उस वक्त इसको एक रूप दिया तथा अभी पंचायती राज के बारे में हमारे साथी माननीय भजन लाल जी ने भी बताया, मैं उस पर कहना नहीं चाहती हूं क्योंकि मुझे थोड़ा वक्त कम है, इसलिए मैं अपने को लोकल बाडीज के लिए सीमित रखूंगी। लोकल बाडीज की जो हालत है, मैंने आपको बताया कि सौ वर्ष पुराना ढांचा चला आ रहा है। कहीं आपस में कोई लिंकेज नहीं है। स्टेट की बात छोड़िए मैं जिले की बात करती हूं। अगर एक जिले में 50 लोकल बाडीज काम कर रही हैं तो सब इंडिपेंडेंटली काम कर रही हैं, किसी का लिंकेज न एक दूसरे से है न डिस्ट्रिक्ट हेडक्वार्टर से है, सीधे-सीधे स्टेट से है। पैसा है नहीं, काम कुछ कर नहीं सकते। अख्तियारात कुछ नहीं है। हर स्टेट की अपनी अलग अलग समस्याएं 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 सदन स्टेट का बगलौर में, फिर एक कटक में, फिर दिल्ली में, उनमें हमें भी बहुत सी जानकारीयां हुई जो हमें मान्य नहीं थीं। हर स्टेट के लोग आये और सबने, मैं आपसे कहती हूं चाहे वे किसी भी पार्टी से नालुक रखते हों, चुने हुए नुमाइंदों की बात मैं कर रही हूं, उन सबने एक स्वर से यह कहा कि हां कांस्टीट्यूशन में अमेंडमेंट होना चाहिए, एकसा एक बनना चाहिए। हमें व अख्तियारात मिलने चाहिए जो प्राइम मिनिस्टर कह रहे हैं।

उन्होंने यह बात भी कही कि आप स्टेट लेविल की बात छोड़िए कभी आज तक हमें जिले के लेविल पर भी इकट्ठा करने की कोशिश नहीं की गयी जो प्राइम मिनिस्टर ने किया कि हमको नेशनल लेविल पर बुलाकर बैठाया और हमारी बात सुनने की कोशिश की। उनकी वे समस्याएं हैं जो देश की बढ़ती हुई समस्याएं हैं खास तौर से बढ़ती हुई आबादी है। माइग्रेशन बढ़ रहा है। बड़े शहरों की तरफ लोग रोजी रोटी की तलाश में आ रहे हैं और जो इन्फ्रा-स्ट्रक्चर बना हुआ था लोकल बाडीज का हमारे शहरों का अब वह इस कारिबल नहीं है कि इतनी बड़ी बढ़ती हुई आबादी को रोक सके या उनके लिए सुविधाएं दे सके। मिसाल के तौर पर मैं दिल्ली की बात कहना चाहती हूं जिस के बारे में हमारे बहुत मेम्बरान जो यहां 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 खतम 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। कमोनेस यही हालत कलकत्ता की है, यही हालत बम्बई की है... (व्यवधान) और मद्रास की मैं कितने नाम लूं। इसमें बहुत ज्यादा इजाफा हो जायेगा। ये तो बड़े शहर हैं जिनकी अपनी समस्याएं हैं लेकिन जो छोटे शहर हैं उनकी भी समस्याएं कुछ कम नहीं हैं। हर एक की अपनी अलग हैं। हमने जब सुना तो कुछ हमें हंस भी आई और कुछ वह भी हुआ कि किस किस से हर जगह काम हो रहा है मिसाल के तौर पर यूपी में टाउन एरिया के चेयरमैन डाइरेक्टरी चुनकर आते हैं लेकिन उनको हटाने के अख्तियारात चुने हुए मेम्बर्स 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 किदवई]

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 अर्बन एरिया में हैं और न रूरल में हैं। उनका अपना एक इतिहास है, हालात है।

हमने यह कोशिश की है कि इसको टूनडोशन पोरियड माना जाए। जितनी देर यह अर्बन में शामिल न हो जाए और उस बीच में पंचायत दी उनको— क्योंकि क्या होता है कि जो हमने अपनी लिमिटस बढ़ाये गांव ले लिये, सो न तो बेचारों को देहात की सुविधायें होती हैं और न शहर की सुविधायें होती हैं और उनकी बुरी हालत होती है।

इसमें हमने यह कहा है कि जो ऐसी समस्याएँ हैं, स्टेट गवर्नमेंट चाहे, तो उनको पंचायत की सुविधायें दे और शहरों की भी सुविधायें 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 अवाम की सहूलियातों के साथ जुड़े हुए हैं कि उनको किस तरह से हम ज्यादा से ज्यादा सहूलियतें दें और उनको अख्तियारात दें।

इस बिल को लाने का मतलब यह है कि हम ज्यादा से ज्यादा अख्तियारात उनको दें और उसके साथ जिम्मेदारी का अहसास उनमें पैदा करवायें। यह जो छोटे लेवल पर हमारी संस्थायें हैं, वह जिम्मेदार हों, वायबल हों और अवाम की सही ढंग से खिदमत कर सकें, अवाम के हाथ में ताकत जाए और उसी की बिनाह पर यह सारी चीजें इसमें हैं। खास-खास चीजें हैं, नगर पंचायत का है, फिर क्लासिफिकेशन किया है कि म्यूनिसिपल 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 कापॉरेशन हों और उसके बीच में हमने किया कि वाईस कमेटीज हो और उसके ऊपर जो बड़ी कापॉरेशन 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 जाएं, तो देखेंगे कि तीन लाख उसके वोटर्स की संख्या है और उसके बाद आप इधर देखियें शकूर बस्ती में, तो उधर भी लगभग तीन लाख की है। तो तीन लाख के बीच में एक कौंसलर कैसे रास्ता 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 किदवई : 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 आया, तो आप जरूर बोलना।

श्रीमती मोहसिना किदवई : ज्यादातर आपस में रास्ता बड़े 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 अख्तियारात दिये जाएं।

फाइनेंस इस वक्त बिलकूल 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 यूनिट्स 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 मुख्य-लिफ स्टेट्स के आए हुए थे, जिनके मिनिस्टर्ज ने, चीफ मिनिस्टर ने वायकाट किया, जिन पार्टीज के और उनके चुने हुए नुमाइन्दों की राय बिलकुल फर्क थी, वह कहते कि पांच साल के बाद चुनाव होना चाहिए, लेकिन इलेक्शन कमीशन के जरिए चुनाव होना चाहिए और, मैडम, 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 किदवई: नहीं, नहीं, आपके लिए भी बोल रहे थे। अभी आपने देखा है कि वेस्ट बंगाल के बरहम-पुर कांफरेंशन 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 जाएं। ... (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) ...

THE 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 किदवई: उप सभा-पति 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 पांचवें 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 मैसेम्बर वह रखना चाहे, साथ ही उसकी वोटिंग कराएं या वह चाहते हैं उस वाई में भी अपनी कांस्टिट्यूशन बनाता तो बनाए हमें कोई एतराज नहीं, यह हमने स्टेट गवर्नमेंट्स पर छोड़ा है। क्या पावर्ज देने है इन मैसेम्बरान 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 मिनिस्टर्ज ने वायकाट 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 वेल्थूज हैं उनको हम कायम रखें। ... (व्यवधान)

श्री पर्वतनेनि उपन्द्र : वे हमेशा कांग्रेस अध्यक्ष ने नाते बात करते हैं।
(अवधान)

श्रीमती मोहिनी किवदई : आप बराए मेहरबानी, उपेन्द्र जी, आपको बहुत वक्त मिला, आप बताइयेगा कि जो डेमोक्रेटिक नाम्ना हैं 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 फख्र 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 कोटेशज हैं जो आपके सामने पेश किए जा सकते हैं और खुद आप में से बहुत से इसमें जो हमारे मैसेबरान हैं बहुत दिनों से किसी न किसी हाउस के मैसेबर 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 पार्डर्ज कमेटी और जोनल कमेटीज के मैसेबरज मैंने बताए 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, कहां 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 नुमाइदे हैं वे अपने नुमाइदे चुनें, जो अर्बन एरियाज के हैं वे अपने चुनें और उसके बाद मिल कर पूरे जिले की प्लानिंग हो, ताकि मालूम हो कि कहां 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 नगरपालिकाएं हैं महा-पालिका है उसमें कम से कम विशेषज हों, एक्सपर्ट्स हों, प्लानर्ज हों, शार्कीटेक्ट हों इकोनोमिस्ट हों ताकि वह ढंग से उनकी प्लानिंग भी कर सकें और उसमें उनको मदद भी दे सकें। इसलिए इसमें इस चीज की व्यवस्था भी की गई है और जो म्युनिसिपैलिटीज को पावरज देनी है, जो उनके फकशज 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 अड्ड-बारों 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 आगे लेकर चलना चाहते हैं और सबसे बड़ी चीज यह कि हम उनके ऊपर जिम्मेदारी डाल

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

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

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

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

श्रीमती मोहतिना किदवाई : 15 अगस्त हम कल मनाते 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 her 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. I 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 Parvathaneni 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 किववई : आप मेरी बात सुनिए। हम कल जो हमारा 15 आस्त मनाने जा रहे हैं, इसके बारे में मैं एक बात कहने जा रही थी ... (व्यवधान) ... यह बहुत रिलेवंट है। ... (व्यवधान) ... यह हमारा कोमी त्यौहार है।

श्री पर्वतनेनि उपेन्द्र : बिल के साथ क्या सम्बन्ध है?

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

उपसभापति : उनका भाषण खत्म होने दीजिए।

श्रीमती मोहसिना किववई : 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, अख्तियारात दें। हम उन इंस्टीट्यूशंस को इस काबिल बना सकें कि वह अपना बोझ उठा सकें और जिम्मेदारों का एहसास कर सकें क्योंकि जो हमारी म्युनिसिपल बाडीज हैं, चाहे वे पचायती राज की हों या म्युनिसिपल बाडीज की हों, इसमें जो लोग काम करते हैं वे आवाज के ज्यादा करीब रहते हैं। इसलिए इसमें सारी वही बातें कही गयी हैं जिससे आवाज और चुने हुए नुमाइंदों का रास्ता ज्यादा-से-ज्यादा एक-दूसरे के साथ हो सके और ज्यादा-से-ज्यादा वे आवाज को सहूलियत पहुंच सकें। जैसाकि 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 हूँ कि ये सारी बातें बगैर 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 डिमाराइज करें।

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

श्री सत्य प्रकाश मालवीय : महोदया, 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 चन्द्रे गौड़ा
11. श्री सत्य प्रकाश मालवीय

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

The questions were proposed.

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 run like this.

"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 of the Opposition when they fall over the tongue-twister of this Bill.

SHRI M. S. GURUPADASWAMY: I wonder who is the Peter 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)...

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

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

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

ठाकुर जगतपाल सिंह : आप देखिएगा कि या तो ये छोड़कर भागेंगे या वाक-आऊट करेंगे। यह जनता को अधिकार नहीं देना चाहते। ... (व्यवधान)

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 AIACC 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? ... (Interruptions)... You do not know the meaning of the

word "democracy" ... (Interruptions)...

SHRI SAT PAUL MITTAL (Nominated): He must withdraw this remark ... (Interruptions)... This remark must be withdrawn... (Interruptions)...

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 ... (Interruptions)...

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*... (Interruptions)...

SHRI M. S. GURUPADASWAMY: I did not say* I said that it has* ... (Interruptions)... I am very careful in my language ... (Interruptions)... Madam, I am very careful in my language. I did not mean to insult in Lok Sabha at all... (Interruptions)...

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

THE DEPUTY CHAIRMAN: Or-
 der, please... (*Interruptions*)...

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

THE DEPUTY CHAIRMAN: Ho-
 nourable Members, we are discuss-
 ing two very important Constitution
 (Amendment) Bills.

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

THE DEPUTY CHAIRMAN: The-
 refore, I would like the Members to
 listen to the speakers from both the
 sides 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 OF STATE IN
 THE DEPARTMENTS OF YOUTH AF-
 FAIRS 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... (*Interruptions*)...

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

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

has to be introduced. But he never
 did 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 Oppo-
 sition leaders also are Chief Minis-
 ters of some States and, if I am cor-
 rect, most of the leaders of the Oppo-
 sition 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 ton-
 gue so much that he cannot straight-
 en 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. It

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 मजन लास : उपसभापति महोदया गुरुपादस्वामी जी बहुत सीनियर मेंबर हैं लेकिन जब भाषण करते हैं तो समझ में नहीं आना, जैसे सलोल्यूज न्यूज चलती है, उसी तरह से बोलते हैं। आजकल सलोल्यूज में बहुत भारी काबिल आदमियों की आवश्यकता है अगर वे वहां 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: I 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 वीरेन्द्र वर्मा : (उत्तर प्रदेश) :
वे प्रधान मंत्री को दिखाना चाहते हैं
... (व्यवधान) ... जब भाटिया जी बोलेंगे
और प्रधान मंत्री न रहें तो क्या होगा।
मैं तो प्रधान मंत्री को दिखाना चाहते
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 get-
ting up. Everybody is showing loyal-
ty 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, improve-
ment 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 Constitu-
tion referred to is the 'State List')."

These are the provisions. Article
12 is stated by some quarters imply-
ing that it covers both the Centre and
States, further implying that the
Centre has got authority to legislate
and amend the Constitution in respect
of Panchayati Raj. But the Prime
Minister or his colleagues or the
Government for that matter over-
looked articles 36, 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 Cen-
tre.

So, Madam, my objection is that
these two Bills will affect the exist-
ing Constitutional structure of the
country and will bring about distor-
tions and take away power from the
States. We are 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 trans-
fer 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 legiti-
mate 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 devolu-
tion, there has got to be administra-
tive 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 संवर 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 too 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 everything.

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

SHRI B. SATYANARAYAN 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, इसीलिए 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 मजन लाल : पार्श्व आफ आर्डर मैडम। उपसभापति महोदया, गुरुपदस्वामी जी के इतनी देर के लंबे-लंबाव में से कुछ निकाला जाय तो कोई बात समझ 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'. Response "Once approved, the legisla-

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 मजन 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 UPENDRA: 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: Mr. Upendra, you will have your say.

SHRI PARVATHANENI UPENDRA: It is an enlightenment for them.

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

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. GOPALSAMY: 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 I 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 it,

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 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 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 limericks. 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 1959 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 out 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-

[Shrimati 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.

THE DEPUTY CHAIRMAN: You 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 too late a stage to bring in panchayats

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 institution were meagre, their resource base weak and the overall attention 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

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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 Ji said. He said that under Article 246(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 368

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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 or 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 Gurupadaswamy 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 is

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, in administration, in human relationship, is constantly sought to be addressed right down to the base of the pyramid which deals 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,

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the Leaders of the Opposition much earlier in various reports 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, for the first time, has been addressed in the Seventh Plan. The tremendous problems of the urban poor have been considered very deeply and very comprehensively by the National Commission on Urbanisation and by various other agencies which I will not go into for lack of time. The important issues that have been raised here are, in urban areas, poverty is multi-dimensional. It is not just unemployment, but under-employment. Then there are other considerations that have also to be taken into account, shelter status, whether they have housing or not, the status of the family and the status of the migrant. Therefore, urban poverty is multi-dimensional in character and has to be tackled separately. There are already some programmes for urban poverty which are being undertaken by the Central Government. But I would urge upon the Central Government to consider a carefully structured plan for urban poverty as much as they have done for rural poverty and this plan should take into account the multi-dimensional character of urban poverty and the fact that sometimes the problem should not be compounded by increasing greater migration from rural areas to urban areas and therefore we have to identify the rural areas, 90 per cent rural areas, where better inputs have to be given, more amenities have to be given to the people so that mass migration does not take place from those areas to the urban areas and this is the way in which a balanced development can occur.

Finally, Sir, because you pressed the bell...

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): Now conclude within one minute.

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 into 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 finally he has brought amrith 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 who 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

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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 institutions 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 idli we want expertise from Ford Foundation, from America. Therefore, for this panchayati raj the first consultation 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 Panchayati 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, चुन हए नुमाइदों को बुलाया गया, उनसे बात-चीत की गई। जैसा कि मैंने आपको बताया और पूरा सबको बुलाकर के बाद में मंथन किया, ऐसे नहीं। मथन कोई पानी में होता है ... (व्यवधान) ...

श्री चतुरानन मिश्र (बिहार) : मंत्री

महोदय, ड्राफ्ट भी तैयार नहीं था। आप खय भी जानते हैं कि जब मीटिंग बुलाई गई तब तक आपका ड्राफ्ट भी तैयार नहीं था। सच्चाई यही 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 आइडिए पर बुलाया गया सबको और ताली बजवा लिया। ... (व्यवधान) ...

श्री भजन लाल : अगर ड्राफ्ट बनकर तैयार पहले हो 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 privileges which the Government of India wanted. Fifty per cent of the resources were being handled by the

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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 nobody 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 70 per cent of which were controlled by the Left Front, from five years to four years..."

(Interruptions)

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

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

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

श्री मजन लाल : केरल में और वेस्ट 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 प्रिंसाइड बंगाल के मुख्य मंत्री जी ने किया था, इन्होंने उसका वायकाट किया था। यह इनकी पालिसी है ... (व्यवधान)...

SHRI DIPEN GHOSH: Sir, the Ministers interrupt at every point of time. They have a right to reply. They will be replying. They have got speakers from their party also. A speaker should not be interrupted like this.

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 being talked of today. You have been sleeping for the last 40 years. You were sleeping. Your State Governments were not doing anything. And we are going to be penalised for it. The State Governments under your control were not taking proper democratic decisions and giving powers to the people. That is why you are coming forward with this kind of constitutional amendment now. I showed you that the Panchayat 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. Gurupadaswamy, has referred to the constitutional position. I find that many legal pundits are there 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 of the Constitution. The Panchayats, 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 Draft 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 authority between the Centre and the States by the Constitution. This is the principle embodied in our Constitution. 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

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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. It 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 and benami 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 power 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.

ठाकुर जगतपाल सिंह (मध्य प्रदेश) :
आदरणीय उपसभाध्यक्ष जी, हमारे
माननीय सदस्यों ने ... (व्यवधान) ।
आप हंस लीजिये, पहले आप बोल लीजिये,
ये खड़ा रहूंगा ।

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 जी को बधाई देना चाहता हूँ कि ये ऐतिहासिक बिल लाकर वे उन महान 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 शरीर 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? सुबह से मैं देख रहा हूँ इस सदन में केवल प्रांतों के अधिकारों की बात हो रही है। मैं दो तीन साल पूछना चाहता हूँ। पंचायती की बात आपने कही कि आंध्र में हमारी सरकार ने हटा दिया। कोई भी सरकार हो, अगर कोई खामोश है और हम उसको पूरा कर रहे हैं तो उसमें क्या गुनाह कर रहे हैं? कोई भी सरकार, जो भी नई सरकार आयेगी, अगर पांच साल तक चुनो हुई पंचायतें 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 पांच 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 प्रांतीय सरकारों द्वारा दिये जाते चाहे सेंटर द्वारा, लेकिन मेरे बोलने से पहले विरोधी पक्ष के कई माननीय सदस्यों को कहते सुना कि 40 साल तक हिन्दुस्तान में हम कुछ नहीं कर पाये। मैं आपको याद दिलाना 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 करवा 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 महान हस्तियों ने फाँसी का तख्ता चूमे और लाखों ने जेलों में यातनाएं सहੀं 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 छीनी जा रही है यह आपका डर है। लेकिन मैं पूछना चाहता हूँ कि अगर एक हथियार किसी को दे दिया जाय और वह उसका सहो इस्तेमाल न करे तो चाहे वह किसी की भी सरकार हो, उससे उस हथियार को छीनना आवश्यक है और यहाँ पर हम छीन 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 यहां पर आपको सम्बोधित करते हुए कोई भी बात आपके थूकहनी चाहिये । लेकिन ये तो जैसे पब्लिक मीटिंग में बोल रहे हों दोस्तों दोस्तों ।

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 कहूंगा । ... (व्यवधान) ... दुश्मन बिल्कुल नहीं कहूंगा ।

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, उन्हें विरोधी पक्ष के हों या इधर 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 अपने 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 कांटेज 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 होगी, खाद नहीं होगा, 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 दोवार 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 मांगते

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 ताकत 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 व्यापकारी 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 ईकलाव 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 आदों 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? पूंजीवाद। क्या आपने कभी यह भी कहा, जमीन तो बंटनी चाहिए, बंटेगी, बंटती रहेगी, कभी आपने पूंजी 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? पूंजीवाद। तो क्या पूंजीवाद 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 मिलाकर इस बात को कहें मैं आपसे नम्र निवेदन करूंगा कि क्या समाजवाद, पूंजीवाद, साम्यवाद, सम्प्रदायवाद एक साथ चल सकता है? जरा मेरे लर्नेड मेम्बर इस बात को जो मैं कह रहा हूँ रात को जाकर 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 हथ 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 प० 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 वक्त भावनाओं में बह गये होते और स्माल-स्केल तथा

[ठाकुर जगतपाल सिंह]

काटेज इंडस्ट्रीज की बात जैसी कही जा रही थी, विदेशी ताकतों ने यह शब्द हमारे मुंह 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 चुनौतियां 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 हूं कि गांधी जी ने हमें पांच हथियार दिये—सत्य, अहिंसा, प्यार, त्याग और सेवा।

नेहरू जी ने हमें पांच चीजें दीं—लोहा, बिजली, टेक्नालोजी, खाद, पानी तथा और जो चीजें आपके सामने हैं और आज इंदिरा जी ने हमें पांच चीजें दी हैं—जमींदारी एवं रिवाजों का अबोलेशन। 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 हूं कि आपने कुर्बानियां की हैं; आपके दिल में भी समाज के लिए जगह 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 हूं कि उन्होंने पांच हथियार हमको दिये। आज दिया है पंचायती राज ढांचा, नया ढांचा 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 जनता देगी जब मैं आपके सामने प्लेटफार्म पर आऊंगा। ... (व्यवधान) मेरा तो इतना ही कहना है कि मैं अपने माननीय विरोधी पक्ष के सदस्यों से बड़ा नम्र-निवेदन कर रहा हूं 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 हूं।

SHRI PARVATHANENI UPENDRA: 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 UPENDRA: What is this silly question? Don't put silly 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 UPENDRA: 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 I 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, the former Chief Justice of the Delhi High Court, Justice Rajinder Sachar. I 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 amplitude 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 purpose of 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 Central 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 III 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 invocation 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: All 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 is 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 law 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 UPENDRA: I do not know. This is the answer given by your Minister. He may correct it.

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): 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. Lal 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 note 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 Karnataka 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, 1985. 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, ultimately 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 explained 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-up-manship: "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 coming 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)...

उत्तर जगन्नाथ सिंह : मेरा प्वाइंट थाक आउंडर है । ६ बजे गये हैं । हाउस से कुछ बिजना जा किये आगे चलाना है या नहीं ।

उपसभाध्यक्ष (श्री सी.जी. इरशादबाग) : हाउस चलता रहेगा ।

SHRI PARVATHANENI UPENDRA: 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 UPENDRA: I can continue later.

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

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

THE VICE-CHAIRMAN (SHRI MIRZA IRSHADBAIG): You continue 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.जी. इरशादबाग) : बिजनैस एडवाइजरी कमेटी में यह डिस्कस हो चुका है कि अगर जरूरत हो तो ६ बजे से आगे श्री हाउस को बंद कर सकते हैं । (Interruptions)

[श्री मीर्जा इशदिबेग]

I am on my legs. So many speakers want to participate in this debate. Whatever time is fixed, अभी साढ़े छः मजे तक बैठ सकते हैं।

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 87 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 got some 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? Is 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? हाऊस 6.00 बजे तक चलेगा

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 इशदिबेग) : चर्चा में इतने लोगों का नाम आया है और इसके लिये 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 इशदिबेग) : 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 UPENDRA: 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 मेटिरीयल बहुत है । आपने क्यों खत्म कर दिया ?

SHRI M. M. JACOB: I 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 एबन कुमार कंसल (पंजाब) :
सर्क इसी बात पर 15 मिनट जाय कर
दिये (ध्वजघान)

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 pre-
pared to speak today. Mr. Darbara
Singh was supposed to speak. Some-
body 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 Mem-
bers 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 be-
fore 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 specifi-
cally told that it is up to six o' clock
only and that is why I started. Other-
wise 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 want
you to stop.

मैं तो चाहता हूँ आप ज्यादा बोलें
और आज ही अपनी स्पीच खत्म करें।
दूसरे मैसेज 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 pro-
ceed 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) ...
I think it is better, in the interest of
the House, to adjourn it today and
take it up later... (Interruptions) ...

SHRI V. GOPALSAMY: (Interrup-
tions) 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 PARVATHANENI 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 जी को अपनी बात पूरी कर लेने दीजिए ।... (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 डिसकस करें कि हम लोग बैठेंगे कि नहीं, और बैठे रहें ?... (व्यवधान)

उपसभापति : श्री चतुरानन मिश्र जी ने ठीक 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 दूढ़ 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 चाह रहे थे ।... (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 मजन लाल : मैडम, मेरा प्वायंट ऑफ ऑर्डर है । . . . (व्यवधान) मैं इस मामले में आपकी रुलिंग 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 रुलिंग चाहूँगा, अगर हाउस चाहे तो बढ़ सकता है या नहीं ?

उपसभापति : हाँ, बढ़ सकता है।

श्री मजन 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 मजन 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 convent... (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 बंटा इसमें ऐसे ही खराब कर दिया ।
... (व्यवधान) ... इनके लिए यह अर्जेंट वर्क नहीं है । ... (व्यवधान) ...

उपसभापति : मैंने आप लोगों से रिक्वेस्ट की । आप चेयर की रिक्वेस्ट नहीं मानते हैं, आपकी 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.