

14.49 hrs.

Title: Discussion on the Delhi Municipal Corporation (Validation of Electricity Tax) Act and other Laws (Repeal) Bill, 2002. (Bill passed)

MADAM. CHAIRMAN : We will now go on to the legislative business. We have the Repeal Bill. Shri Ch. Vidyasagar Rao.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYASAGAR RAO): Madam Chairperson, I beg to move:

"That the Bill to repeal the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966 the Goa Daman and Diu (Opinion Poll) Act, 1966, the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989 and certain other enactments which are in force in the Union Territory of Chandigarh, be taken into consideration."

The Bill seeks to repeal the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966, the Goa Daman and Diu (Opinion Poll) Act, 1966, the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989 and certain other enactments which are in force in the Union Territory of Chandigarh.

Madam Chairperson, a Commission was constituted by the Central Government to review all administrative laws, identify certain laws which could be repealed. On the basis of the recommendations of this Commission, it is proposed to repeal three Acts. First, the Delhi Municipal Corporation (Validation of Electricity Tax) Act of 1966 which validated the imposition and collection of certain taxes on the consumption or sale of electricity during the period from 1959 to 1966. Second, the Goa Daman and Diu (Opinion Poll) Act of 1966 which provided for eliciting the opinion of the electors of the erstwhile UT of Goa Daman and Diu with regard to the future status of the UT. Third, the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act of 1989 which repeals the Punjab Pre-emption Act, 1913 as enforced in the UT of Delhi and Chandigarh.

All these three Acts have since served their purpose and are no longer required on the Statute Book. Besides this, the Ministry of Law and Justice and Company Affairs also set up an Expert Group to review Acts administered by the Ministry of Home Affairs. This Expert Group recommended repeal of 19 Acts of Punjab State in so far as their application in the UT of Chandigarh is concerned, for the reason that these Acts have outlived their utility and there is no cogent reason for their continuance. Accordingly, it is proposed to repeal all the 19 Acts which are applicable to the UT of Chandigarh.

With these words I commend this Bill to this august House for approval.

MADAM CHAIRMAN : Motion moved:

"That the Bill to repeal the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966, the Goa Daman and Diu (Opinion Poll) Act, 1966, the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989 and certain other enactments which are in force in the Union Territory of Chandigarh, be taken into consideration."

MADAM CHAIRMAN : Not much to be discussed since it is a repeal Bill. Shri Pawan Kumar Bansal.

SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Madam Chairperson, in as much as this Bill seeks to repeal certain pieces of legislation which over the years have outlived their utility, have been rendered obsolete and redundant and in so far as this Bill seeks to remove the unnecessary flab of the Indian Statute Book, one would certainly welcome such an exercise. It is because, the Indian laws or the plethora of Indian laws that we have on the Statute Book are, in fact, known more for verbosity, more for repetition, which we could do without.

But, at the same time, when some pieces of legislation relating to Chandigarh, in particular, are taken up here, I would certainly like to take this opportunity to express my feeling of dismay and chagrin over the fact that the UTs, particularly, Chandigarh are not being accorded the primacy or the concern which in fact the Union Government should provide good governance to those UTs.

What immediately comes to my mind is the extension of the Punjab Municipal Corporation Act to UT of Chandigarh. I know, there was a definite lobby of both the politicians and the bureaucrats working at that time to see somehow that the salutary provisions of the Constitution, then being enshrined in Part IX and Part IX A, should not be extended to the UTs.

Shri Mani Shankar Aiyar is here. He played a very prominent role in one of the Select Committees. We somehow managed to see that those provisions were made applicable to UTs also. Accordingly, certain provisions were supposed to be extended to the UTs. I do not know what really is the fate of other UTs but I have seen it for myself that despite Punjab Municipal Corporation Act and Panchayat Act being extended to UT of Chandigarh, so far not one of the provisions relating to Panchayats in Schedule 11 have been conferred on the Panchayats - not one of those powers.

In the case of municipalities, the position may be slightly better but the municipality, that is, the Municipal Corporation has been emaciated of whatever legitimately it could have.

There is a provision for the Finance Commission. The Finance Commission has been set up but it is just in the name. When the powers of the Administration were being transferred to the Municipal Corporation, what somebody really did was very unfair to the Municipal Corporation of Chandigarh. A large number of people, who had been recruited over the years and perhaps for whom they had no work, all have been shunted off to the Municipal Corporation. And the Municipal Corporation is responsible for their salary. Imagine the burden that the Municipal Corporation has to bear after the recommendations of the Fifth Pay Commission. We would not mind that if those people were recruited and sent to the Municipal Corporation provided commensurate work was also transferred to the Municipal Corporation and provided the Municipal Corporation was also given the power and those functions through which the Union Territory Administration, for that matter the Government of India earns revenue.

Incidentally, Chandigarh Union Territory is a revenue surplus State. The income tax paid by the people of Chandigarh Circle is much more than the income tax paid by Ludhiana Circle. Nobody may be knowing that. Ludhiana is called the Manchester of Punjab. Chandigarh Circle pays more income tax than Ludhiana circle. We acquire land there at eight lakhs of rupees an acre. And you sell it at – I am sure the hon. Minister would know – thousands and thousands of rupees; in the case of commercial properties, Rs. 50,000 a yard and for residential, Rs.16,000 a yard. So, Chandigarh is paying you enormous amount. And in return, you are not paying them anything. The only thing that you are doing is wielding the stick "raise more resources and impose more taxes".

When Chandigarh was built, there was a promise held out to the people by Sardar Pratap Singh Kairon, the then Chief Minister of Punjab. He went round telling the people, "I want to build a beautiful city for you. Please come there." People were being wooed to come over there. And today, you want to impose more taxes on them. Then, you are not justifying the expenditure from what you are taking away from them.

Somehow I feel that – I would not like to make it a political issue at all – since the Congress won the last election of the Municipal Corporation, thereafter surprisingly, instead of raising more resources of grants in aid to the Municipal Corporation - not as a *khairat*, not something that we are begging for – they reduced them. It is a legitimate right under the Constitution, which the provision of the Constitution says, the Finance Commission has to apportion the funds of the State between the State and the local bodies. That has not been fairly done. What, in fact, has been done is that after we came to the power, after Congress won the majority of the seats – it is not really acquiring power because there is no power worth the name at all – in the Municipal Corporation, Rs. 13 crore – and that is a major amount for Chandigarh - out of the projected budget has been withdrawn. The Additional Secretary goes there and says: "If you raise resources, we will give you matching grants." That is besides the point. There is no question of that. We have got Rs. 13 crore less than what the last outgoing Municipal Corporation run by the BJP got.

When you have time to bring out this legislation – I welcome this legislation – please also find time to make amendments in those laws. You have a provision regarding district planning. And district planning comes under article 243 ZD (2) and it says that the legislature of a State may, by law, make provision for district planning, etc. What have you done in the case of UT? You have to do it. You do not have to go to the State Legislatures for that. You have to do it from here. What have you done for us? You do not want the elected representatives to participate in the planning process. You only want them to just come and attend a meeting; agenda is given by the officials and you expect us to say either 'yes' or 'no' and then go away.

Madam, last time, it was perhaps in November, 2000, an amendment regarding conferring membership of the Chandigarh Municipal Corporation on the Member of Parliament was brought before this House.

15.00 hrs.

I had said then also. That was not a very necessary and very important provision. What was important then was, what the employees of the Corporation had been seeking for the last five or six years ever since the day of their transfer to the Municipal Corporation. They had been asking for a provision to the effect that they be considered to be on deemed deputation to the Municipal Corporation from the Chandigarh Administration. An assurance was held out by this Government to those employees and to my predecessor here also.

When I raised this point here, I got an assurance from the hon. Minister then that the Government would take immediate steps to bring about another amendment. Does this Government need two years to bring about such an amendment? Ad hocism seems to have become the only standard practice of this Government. That is seen all over. That is perceptible all over and that is what we find in Chandigarh. There is no law for Chandigarh. Tell me what law is applicable to Chandigarh. The beautiful city is being defaced by posters. A law from West Bengal is picked up and it is promulgated there but no action is being taken.

The Punjab Reorganisation Act, under which the Union Territory was carved out, gives the Central Government an authority to extend any law to Chandigarh. But we find that adhocism is the only byword for the Government as far as Chandigarh is concerned. You take the case of employees. You take the case of real estate. You take the case of trade. You take anything. There is, in fact, no law. Anything which suits any particular officer of the day becomes the law.

If I were to say, there is legal lawlessness in Chandigarh. That is the position that prevails in Chandigarh. Nobody has ever paid attention to that. ...*(Interruptions)*

Madam, I did not want to really speak on this Bill but I was asked to speak. So kindly let me just make one or two

submissions.

In this context, I would like to remind him that there is a judicial verdict to the effect that the Union Territory of Chandigarh is as good, just on the same level, as the succeeding States of Punjab and Haryana under the Punjab Reorganisation Act are. If that be so, why do you keep Chandigarh out of all those provisions?

I was just seeing the Constitution. Article 240 of the Constitution says:

"(1) The President may make regulations for the peace, progress and good government of the Union territory of—"

- a. the Andaman and Nicobar Islands;
- b. Lakshadweep;
- c. Dadra and Nagar Haveli;
- d. Daman and Diu;
- e. Pondicherry; "

Chandigarh does not find mention there. You do not want good governance there. You want only ad hocism to prevail there. I say so because I have found those things happening. That state of drift is prevailing in Chandigarh over the years.

Since I have that direction of yours to conclude, I would only urge the hon. Minister one thing. You have the Home Minister's Advisory Committee. Have you constituted one for the last four or five years? Have you ever thought of calling the representatives of the Union Territory to come and discuss these matters with you? Does Chandigarh not figure in your scheme of things? Call those people, have meetings with them, get to know what they want and then take steps. It is not just enough to say here, "well the Government is considering the move to amend the Punjab Municipal Corporation Act and fill any lacuna which you find there.

I know that that law was then enacted in haste because it was either then or never because of the circumstances I just referred. There was a strong group of people who wanted that those provisions should not be extended to the Union Territory. So, we thought "let us just have whatever it is, with the passage of time, we will seek certain amendments and we will try to have some improvements in the law". But that is not being done. For the last so many years you have been in the Government. So I would just urge you to kindly have a comprehensive or holistic approach on the governance of Chandigarh. You cannot just overlook Chandigarh. It has its importance. You know the importance that Chandigarh has.

We know what the dispute about Chandigarh had led to. So, kindly take necessary steps to ensure that Chandigarh is provided good governance. When I talk of good governance, I talk of the system. We have been having excellent people coming to manage the affairs of Chandigarh from time to time; I have no problem on that but when I say so, I talk of the system as such. A system is missing. There is no system for Chandigarh. If I would only repeat for the sake of adding emphasis thereto, there is no law applicable to Chandigarh. This is what I call, 'legal lawlessness'. Please do away with a situation like that.

SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Madam Chairperson, this is a repeal Bill but I would have to bring out certain facts.

Now, a law is proposed to repeal the Delhi Municipal Corporation (Validation of Electricity Tax) Act of 1966; the Goa, Daman and Diu (Opinion Poll) Act of 1966; and the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989. These are some of the statutes that the Government proposes to get repealed. The reason advanced is that they have outlived the purpose. These statutes were passed with a specific social purpose. Now, according to the Government, that purpose served and there is no necessity of continuing those laws in the statute book. Normally nobody would object to it because it is for the Government to decide which law should prevail and which law should go away.

Shri Pawan Kumar Bansal was talking about Chandigarh and I agree with whatever he said but here I would have to talk about something other than Chandigarh. Here is the question of the Delhi Municipal Corporation Act, about which I would have to inform the Government of some salient factors now arising in the country. After the Seventy-third and Seventy-fourth Amendments to the Constitution bringing in the three-tier system into the country, Panchayat Acts and Municipal Corporation Acts have been passed by several States but the spirit of the provision in the Constitution is not at all implemented by them barring one or two States. Karnataka and Kerala are, I think, the only two States where there is real decentralisation of powers. If you look into the question of decentralisation as a whole, you would be convinced that they have not yet implemented the Amendments to the Constitution made by this House regarding establishment of a three-tier system. The real three-tier system has not been implemented in many States.

Apart from the three Schedules attached to the Constitution, there is a Fourth Schedule, which is left to the panchayats or the local bodies. Even those items that are included in the Additional List have not been parted with by many State Governments. They are not prepared to give away the powers that they are bound to transfer to the local bodies. Many of the States have not done it. Even now, panchayats as well as municipalities are functioning more or less like resolution-passing bodies, as they were before.

There was a proposal before the Central Government to pass a uniform law for the guidance of all the States giving effect to the Constitution Amendments and transferring those departments that are now being controlled by Government Departments to the local bodies like primary health and primary education. These are some of the items that have to be

transferred to the local bodies. There are many States in India which have not transferred these institutions to the administrative control of local bodies that are duly elected. They have not done it so far. This matter has been discussed in a meeting convened by our hon. Prime Minister Shri Atal Bihari Vajpayee recently in Delhi. Many Block Presidents as well as 60 Panchayat Presidents and also Gram Panchayat representatives were present. All of them raised this important issue that powers have not been conferred or powers have not been transferred to the local bodies, as provided in the Constitutional amendment. There is a uniform consensus of opinion that there must be a uniform law with regard to municipalities and other local bodies for which the Central Government should take the initiative and forward a model law to the concerned States. The model law will have to be enunciated and will have to be circulated to the States for their guidance. There must be strict direction from the Central Government for the State Governments also to pass laws so that these powers which they are controlling now be left to the local bodies. This is an urgent necessity; otherwise the participation of the man in the street in our democratic set up will become meaningless. The man in the street should feel that he has to play a part in the day-to-day administration of the country. The village man is feeling it only through the village *panchayat* or the *gram panchayat*. So, whatever you may say about our administrative set up, but the real question lies how far the participation of the man in the grass-root level is obtained. That is the crux of the issue. But that has not been met so far by the Central Government and by the respective State Governments, barring two or three States. This is the most important thing.

Now, you are doing away or repealing the Delhi Municipal Corporation Bill. This Act has served its purpose or it has outlived the purpose. But new social issues, new legal issues or new Constitutional issues have emerged. I would request the Central Government to meet that situation.

When you are repealing this Bill – of course, I agree with your repealing and when repealing provision is effected, the most important thing is new issues have come up. We will have to answer those issues, which have come up especially in the 21st Century, making our democracy a meaningful exercise and not a mockery so far as the common man is concerned.

15.13 hrs. (Shri Devendra Prasad Yadav in the Chair)

Sir, since we are discussing the Delhi Municipal Corporation (Validation of Electricity Tax) Act and other Laws (Repeal) Bill, should I speak about the power problems in the capital city of Delhi? In different corners of the city, the power supply is cut off. People are in complete darkness. The business in Delhi is still at a standstill. I think, the Government also is aware of it.

Sir, this Act was passed in 1966 to validate electricity tax. Now, that tax is being collected in another form. However, the poor people, the tax-payer or the consumer is put to hardship or he is not able to get the connection for days together. He is in darkness and the poor man is not able to purchase the electricity for his home. Only a very few people can afford it. The poor man is unable to purchase the genset so that his daily needs are met. It is not possible. So, the power condition in the nation, as a whole, is in crisis, is very precarious.

Sir, in my State the position is very precarious. It is not only in Kerala but in many of the States the power position is very precarious and the delay of monsoon will create the situation much more worse. In Kerala the monsoon is more or less delayed and even delayed monsoon is more acute when compared to the previous year. In Delhi we are expecting monsoon for a number of days.

We do not know when the monsoon will come in Delhi. So, this is the position.

Sir, the main power producing system is hydro electric. If monsoon fails and if the rain fails, then these systems will fail. No generator will be working and the entire power supply in the State will be jeopardised. That is the situation that we are facing now. So, when you are repealing this Act, please bear in mind that we are facing a very acute crisis so far as the power generation is concerned.

The NTPC are also not in a position to help us. They cannot meet the requirement of each and every State. They have expressed their difficulty. The State Electricity Boards are in huge arrears and in huge debts. They are not able to pay even the rent or the tax. The people are heavily taxed. Unknown to human history, such taxes are collected from the consumers in many States, including my State, Kerala. When you repeal this Act, please bear in mind this crisis that the people are facing. So, I would request you to consider these two aspects.

With these observations, I have no objection in getting this Act repealed because it is on the basis of a recommendation made by an Expert Committee appointed by the Central Government.

प्रो. रासा सिंह रावत (अजमेर) : सभापति महोदय, मैं सरकार के द्वारा प्रस्तुत विधेयक दिल्ली नगर निगम (विद्युत-कर विधिमन्यकरण) अधिनियम और अन्य विधियाँ (निरसन) विधेयक, 2002 का समर्थन करता हूँ। चंडीगढ़ एक केन्द्र शासित प्रदेश है। पहले सारा पंजाब हुआ करता था। उसकी राजधानी के रूप में चंडीगढ़ को विकसित किया गया था। जिस तरह से नई दिल्ली भारत की शान समझी जाती है, उसी तरह से आजाद हिन्दुस्तान के अंदर चंडीगढ़ का स्थान है। चंडीगढ़ को इस ढंग से बसाया गया कि वह एक खूबसूरत शहर बन गया। वहाँ का सौन्दर्यीकरण, वहाँ की बसावट और प्राकृतिकरण तथा सभी सुख-सुविधाओं से युक्त वातावरण मन मोह लेता है। इन सबके कारण चंडीगढ़ की एक निराली शान हुआ करती थी। लेकिन पंजाब का जब विभाजन हुआ और हरियाणा, पंजाब तथा हिमाचल प्रदेश अलग राज्य बने तो हरियाणा और पंजाब में राजधानी को लेकर विवाद हुआ। चंडीगढ़ आज भी हरियाणा और पंजाब की संयुक्त राजधानी है और स्वयं में एक केन्द्र शासित राज्य भी है। यहाँ पर दोनों राज्यों की सरकारें और प्रशासन तो है ही, चंडीगढ़ का प्रशासन भी यहीं है।

जहाँ तक इन कानूनों का सवाल है, जो हमारी केन्द्रीय सरकार ने प्रशासनिक दृष्टि से जो कार्यविधियाँ चल रही थीं, उनकी समीक्षा की। समीक्षा करने के बाद यह पाया

गया कि जो प्रशासनिक कार्यविधि आयोग बना था, उसने देखा कि उन कानूनों की अब कोई उपयोगिता नहीं रह गई है, जो चंडीगढ़ के अंदर लागू हैं। चाहे वह दिल्ली विद्युत कर वाला हो अथवा गोवा, दमण एवम् दीव (ओपिनियन पौल) एक्ट हो या फिर पंजाब अग्रक्य (चंडीगढ़ और दिल्ली निरसन) अधिनियम, 1989 हो। मुख्य रूप से ये तीन थे, इसके अलावा इसके अंतर्गत चंडीगढ़ में जो 22 अधिनियम लागू थे, जिनकी लम्बी-चौड़ी सूची दी गई है, उनकी भी उपयोगिता नहीं रह गई है। जैसा आप जानते हैं, change is the law of the nature. परिवर्तन प्रकृति का नियम है। The old order changeth, yielding place to new. पुरानी चीज बदलती है तो नई चीज उसका स्थान लेती है। मैं समझता हूँ समाज की आवश्यकताओं के अनुरूप कानूनों का निर्माण होता है। चंडीगढ़ के अंदर पंजाब के कानून या दिल्ली के कानून लागू किए गए थे। आज उन कानूनों की उपयोगिता नहीं रह गई है। इसलिए उन कानूनों का निरसन सम्बन्धी यह जो विधेयक गृह मंत्रालय ने यहां पेश किया है, मैं उसका समर्थन करता हूँ। लेकिन मैं चाहूंगा कि चंडीगढ़ जैसे नगर की गरिमा, उसका महत्व बना रहे। वहां पर जैसा अभी कहा गया नगर निगम है, स्थानीय निकाय है। स्थानीय निकाय सुदृढ़ होना चाहिए।

मैं कुछ दिन पूर्व चंडीगढ़ गया था। वहां मैंने देखा कि इस शहर में भी झुग्गी-झोंपड़ियों का निर्माण होने लग गया है और अतिक्रमण शुरू हो गया है। जो कभी एक आदर्श नगर माना जाता था, जिसके नगर का नाम किसी व्यक्ति के नाम से नहीं था और जहां सेक्टरों के जरिए लोग गंतव्य तक पहुंचते थे, आज के सामान्य शहरों की तरह जो बुराइयां इनमें पाई जाती हैं, वहां भी आ गई हैं। मैं यह कहना चाहूंगा कि पुराने जो कानून लागू थे, चाहे बिजली सम्बन्धी हों और दूसरे सम्बन्धी हों, उनको तो हटाएं। लेकिन चंडीगढ़ की गरिमा है। वहां बिजली सप्लाई की बात हो, जल सप्लाई की बात हो या वहां पर स्थानीय निकायों को सुदृढ़ करने की बात हो या अन्य अधिकार देने की बात हो, इस पर विचार किया जाना चाहिए। उस क्षेत्र के सांसद, श्री पवन कुमार बंसल जी, ने वहां की व्याख्या की है। मैं समझता हूँ कि उनके विचारों में वज़न है और हमारी सरकार की मंशा भी है कि उस क्षेत्र का विकास हो, क्योंकि एनडीए की सरकार प्रजातान्त्रिक मूल्यों में विश्वास करती है। वहां निश्चित रूप से लोकतन्त्रीय शासन व्यवस्था है, चाहे पंचायत के रूप में, चाहे जिला परिषद् के रूप में, चाहे नगर-निगम के रूप में, उस क्षेत्र के विकास के लिए स्थानीय अधिकार दिए जाने चाहिए, ताकि वे स्थानीय आवश्यकताओं के अनुरूप नियमावली बनाकर व्यवस्था को बनायें रखें। मैं समझता हूँ कि जिन कानूनों की उपयोगिता नहीं रह गई है, उन कानूनों को वास्तव में खत्म होना ही चाहिए, नहीं तो अनावश्यक रूप से विधि संग्रह का भार बढ़ता है। इन कानून के स्थान पर उपयोगी कानून हों, जिनके द्वारा उस क्षेत्र का सर्वांगीण विकास हो और उनको सुचारु रूप से संचालित किया जा सके। अतिक्रमण को रोका जा सके। इसके साथ ही दिल्ली में दिल्ली नगर निगम का कर हटाया जा रहा है। इस बारे में विचार करना पड़ेगा।

मैं आपके माध्यम से इतना जरूर निवेदन करना चाहूंगा कि चंडीगढ़ की गरिमा, चंडीगढ़ का महत्व, चंडीगढ़ की शान और जिस उद्देश्य के लिए चंडीगढ़ बसाया गया था, वह पूरा होना चाहिए। चंडीगढ़ राजधानी चाहे दो राज्यों की रहे, लेकिन उसके सर्वांगीण विकास की ओर ध्यान दिया जाना चाहिए।

इन शब्दों के साथ मैं अपनी बात समाप्त करता हूँ।

SHRI G.M. BANATWALLA (PONNANI): Mr. Chairman, Sir, this is just a cleansing Bill. It seeks to remove from the Statute Book certain obsolete laws. Now among the various Acts which are sought to be removed from the Statute Book, one Act is itself a repealing Act. Now, when the principal Act is repealed by another Act and today we repeal the repealing Act, then, perhaps, the principal Act comes into force. If this is the situation, I am happy. I am happy because on 11th May, 1989 I had opposed the repealing of the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989. If this repealing Act today is being removed from the Statute Book and if as a result of this repealing Act being removed from the Statute Book, the principal Act comes back into force, then, of course, I will be very happy.

This Act deals with the principle of pre-emption. The principle of pre-emption is an important principle in the Muslim law. In view of the realisation of the utility and practicality of the principle of pre-emption and in view of the realisation that this principle of pre-emption is based on consideration of natural justice and equity and in view of all these things, this principle of pre-emption of the Muslim law has acquired universal applicability and universal adoption. I do not want to go into details of the law of pre-emption. I did it in 1989 on 11th of May. It is there on record.

However, if there is another view that even by repealing a repealing Act, the principal Act does not get revived, then, I am sorry. I will only appeal to the Government to consider the reintroduction of the principle of pre-emption which has been universally acclaimed as a principle based on natural justice, equity, considerations of practicality and utility. I will not go into the technical details of the subject since, as I said, I have already done that before this House years ago.

Sir, this Bill also seeks to remove from the Statute Book an obsolete law which goes by the name Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966. It is an obsolete law. Let it go out of the Statute Book. But then, this is on the question of power and electricity. So, I will take this opportunity only to emphasise upon the Government that the question of power – I do not mean political power – power generation, power distribution and power transmission has not received as much attention from the Government as it should have. Throughout the country, we are having this power problem. In Kerala also, the position is difficult. I will only, at this juncture, emphasise upon the Government the need to give greater attention to this question of power. Today, we are a nuclear power and yet, we are not in a position to give electricity to our homes and houses over here. Such is the contradiction.

If, here, the reference is to Delhi, I may only point out that people of Delhi are also reeling under long spells of inhuman power cuts. I need not be eloquent on their sufferings. Their sufferings can be imagined. There is so much of power shortage here in Delhi. The requirement of Delhi is 3,000 megawatts p.a.. From power generation, Delhi has only 900 megawatts. From the northern grid, Delhi gets hardly 1,500 megawatts. Again, from Himachal Pradesh, the supply is hardly 100 megawatts to 150 megawatts. The sum total of all these figures shows that the power shortage is to the extent of nearly 500 megawatts. The problem is that in Delhi, per annum, the requirement of power increases by eight per cent. Therefore, there is a continuous build up of power shortage over here. It is also

interesting to note that during the last decade, power consumption in Delhi increased by 149 per cent.

However, the number of power consumers increased only by 49 per cent. This also shows the extent of loss in transmission and distribution. In East Delhi, in 1999-2000, the loss in transmission and distribution was as high as 63 per cent; in South Delhi, it was 38 per cent.

Sir, the situation is very grim. It is good that the Government is coming forward and giving attention to obsolete laws with respect to different places and is trying to repeal them. At the same time, I urge upon the Government to get in touch with the State Governments also and to see to it that these problems which are being faced by the people are also attended to adequately.

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, सरकार की तरफ से नया कानून आया है और उसमें कहा गया है कि विशेषज्ञों का एक समूह बनाया गया था और उनकी सिफारिशों के मुताबिक यह कानून लाया गया है और उन्होंने एक स्वर से इसका समर्थन भी किया था। सभी कानून मिला कर लगभग 25 हजार हैं और उनमें से द्वाइं हजार कानून सैंट्रल लॉ हैं। राज्यों के अलग-अलग 1100-1200 कानून हैं। 1998 में जैन आयोग बना था। उसने कहा कि 1324 कानून खी हो गए हैं और उन्हें एक बार में खत्म कर देना चाहिए लेकिन यह एक-दो करके उन्हें ला रहे हैं। इसमें क्या पेच है? उसमें इस कानून से संबंधित दिल्ली, गोवा, दमण एवं दी व एवं चंडीगढ़ वाला गया था लेकिन आयोग में बाकी के कानून क्यों नहीं गए। आप इस बात को साफ करिए। मेरा आरोप है कि सरकार के लोग ढिलाई और लापरवाही से काम करते हैं। बिल में दिए गए उद्देश्य और कारण एक महत्वपूर्ण हिस्सा होते हैं। इसके पीछे क्या भेद है? हिन्दी में लिख दिया कि तदनुसार चंडीगढ़ संघ क्षेत्र में लागू सभी 22 अधिनियमों के निरसन का प्रस्ताव है। चंडीगढ़ से संबंधित 22 हिन्दी में लिख दिया। अंग्रेजी में क्या लिख रहे हैं

"Accordingly, it is proposed to repeal all the 19 Acts which are applicable to the Union Territory of Chandigarh."

इस प्रकार हिन्दी और अंग्रेजी में तीन नम्बर का फर्क है। इसमें से कौन सा वाजिब है यह स्पष्ट करें। ऐसा लगता है कि अधिकारी लोग इसे पढ़ते नहीं हैं जबकि इतने विद्वान काबिल मंत्री और मैसेम्बर यहां हैं। हल्के ढंग से हिन्दी में 22 लिख दिया और अंग्रेजी में 19 लिख दिया। किस को ठीक माना जाए। यह दो पन्ने का विधेयक है। यदि इसमें बहुत से पेज रहते तो हम मान लेते कि इसे वे लोग पढ़ नहीं पाए। सरसरी निगाह से भी किसी ने इसे देखने का कट नहीं किया जबकि इस मामले में इस सरकार की जवाबदेही है। तीन नम्बर का फर्क कैसे कर दिया?

डॉ. मदन प्रसाद जायसवाल (बेतिया) : पूरा ब्यूरोक्रेसी निकम्मा है इसलिए इनका यह आरोप सही है।

सभापति महोदय, मैं कहता हूं कि जब कानून बनता है तो उसके अक्षर-अक्षर पर विवाद होता है। कानून कोर्ट में जाता है। उद्देश्य मूल चीज होती है। शुरु में केन्द्र सरकार द्वारा विधि के पुनरावलोकन के लिये स्थापित प्रशासनिक विधि पुनरावलोकन आयोग के बारे में कहा गया था लेकिन आप अपने विशेषज्ञ कहां से ले आये? यह दो खंडों में क्या है। आपके विभाग में कितने कानून रद्द होने लायक हैं? आयोग ने कहा था कि सब एक तरफ से खत्म कर दो, आप एक-एक या दो-दो करके क्यों ला रहे हैं, सरकार स्पष्ट करे।

श्री बनातवाला ने भी कहा कि आप इसे दोबारा रिपील कर रहे हैं। दिल्ली नगर निगम विद्युत कर विधिमाम्यकरण अधिनियम, 1966 में लागू था, अब कहते हैं कि खत्म हो गया है। यहां म्युनिसिपल कारपोरेशन, दिल्ली एक है, एन.डी.एम.सी. एक है। दिल्ली देश की राजधानी है जहां बिजली और पानी का संकट है। लोगों में त्राहि-त्राहि मची हुई है। आप जानते हैं कि बिहार से काफी लोग यहां मेहनत मजदूरी करने आते हैं और दिल्ली को बनाने तथा संवारने का काम करते हैं। वे लोग बिजली-पानी के संकट में रह रहे हैं। अनाधिकृत कालोनियों में भारी संकट है। म्युनिसिपल कारपोरेशन में शहरी विभाग कहां गया लेकिन गृह विभाग इस कानून को खत्म कर रहा है। यह कहा गया है कि जिस ऐरिया का ज्यादा विकास हो जाये, उसे शहरी माना जायेगा। सरकार बताये कि कितना ऐरिया शहरी विकास का हिस्सा बना? बिहार की राजधानी पटना में अभी म्युनिसिपल कारपोरेशन का इलैक्शन हुआ। साथ में सारे राज्य में कहीं छोटा और कहीं बड़ा नगर पालिका का चुनाव हुआ। संविधान के 74वें संशोधन में कहा गया था कि नगर पालिका के संबंध में यह कानून लागू हो गया है। 10वें वित्त आयोग ने स्थानीय निकायों के लिये यह अनुशंसा की थी। स्थानीय निकायों में पंचायत और नगर पालिका दोनों आते हैं। यदि वहां चुनाव नहीं हुये तो पैसा नहीं दिया जायेगा। यह नगर पालिका से संबंधित मामला है, केन्द्रीय सरकार का मामला नहीं हुआ। जब बिहार में स्थानीय निकायों के चुनाव हो गये हैं तो क्यों केन्द्र सरकार पैसा नहीं दे रही है। 10वें और 11वें वित्त आयोग द्वारा अनुशंसित पैसा रोक कर रखा हुआ है। 10वें वेतन आयोग ने देने के लिये कहा लेकिन वित्त विभाग ने यह सरकुलर जारी किया है कि यह पैसा लैप्स नहीं होगा जबकि केन्द्र सरकार की ओर से कहा जा रहा है कि यह पैसा लैप्स हो गया है। मेरा सरकार पर आरोप है कि सरकार 10वें और 11वें वित्त आयोग के अनुशंसित बिहार सरकार के हिस्से को मार रही है। सरकार की खराब नीयत और दुश्मनी से ऐसा हो रहा है। यह कहा गया था कि यदि स्थानीय निकायों के चुनाव नहीं कराये जायेंगे तो केन्द्र पैसा रोक कर रखेगी। अब जब चुनाव हो गया है तब भी केन्द्र बिहार का हिस्सा नहीं दे रही है।

इसलिए आप हमें समझ-बूझकर उत्तर दीजिए कि इस तरह से कैसे शहरी विकास होगा। छोटी, मझोली नगर पालिकाओं का विकास कैसे होगा। आयोग पंच होता है। आयोग को अक्षरशः इन्होंने मान लिया है। दसवें वित्त आयोग की अनुशंसाओं को भी इन्होंने मान लिया है। अनुशंसा में आया है कि एक्शन टेकन रिपोर्ट स्थानीय निकायों के संबंध में पार्लियामैन्ट को बता दिया जाए कि इसे हमने मान लिया। अब एक्शन टेकन रिपोर्ट (व्यवधान)

श्री लाल मुनी चौबे (बक्सर) : सभापति महोदय, माननीय सदस्य असंसदीय आचरण कर रहे हैं।

सभापति महोदय : रघुवंश जी, आप अपना भाग समाप्त कीजिए।

डॉ. रघुवंश प्रसाद सिंह : मैं अभी खत्म कर रहा हूं। महोदय, यह विधायक जनहित का है। (व्यवधान)

सभापति महोदय : वह बैठे-बैठे बोल रहे हैं, आप उधर ध्यान मत दीजिए। (व्यवधान)

श्री लाल मुनी चौबे : नियम आपने भी पढ़े हैं और हम भी जानते हैं कि ऐसे उंगली दिखाकर और बांहें चढ़ाकर यह बोल रहे हैं जो असंसदीय आचरण है। (व्यवधान) मैं आपके बोलने के बारे में नहीं, आपके एक्शन के बारे में कह रहा हूं। (व्यवधान)

सभापति महोदय : आप अपना स्थान ग्रहण कीजिए, मैं आपको अलाऊ नहीं कर रहा हूं।

डॉ. रघुवंश प्रसाद सिंह : यह एक ऍड्युटरी है, एक साजिश है कि किस तरह से बिहार की हिस्सेदारी मारी जाए और हमारे ही लोकल लोगों को कहा हुआ है कि जब मामला जमने लगे और सरकार भरभराने लगे तो कुछ न कुछ बोलने लगे। यह क्या विया है। इसलिए मैं कहना चाहता हूँ कि आयोग की जो अनुशंसित राशि है, उसे नगरपालिकाओं के संबंध में सरकार ने स्वीकार किया और पार्लियामेंट में एक्शन टेकन रिपोर्ट ले लिया गया। पार्लियामेंट के साथ घात न हो और किसी के साथ दुश्मनी के कारण उस पैसे को रोका न जाए। तभी शहरी विकास होगा। आप खत्म करने वाला कानून ला रहे हो, विकास करने वाला कानून कहां चला गया। विकास करने वाला कानून भी लाइये। शहरी क्षेत्रों में जो लोग रहते हैं, खासकरके दिल्ली जैसे बड़े शहर में लोग खुशहाल रह सकें। दिल्ली देश की राजधानी है। लेकिन यहां से गरीबों को उजाड़ने का काम कर रहे हैं। दिल्ली में झुग्गी-झोंपड़ियों में गरीब, मेहनतकश मजदूर रहते हैं, आप उन्हें उजाड़िये मत। इसलिए इन सभी मामलों पर आपको विचार करना चाहिए। इसलिए इस बिल के माध्यम से हमने जो सब सवाल उठाये हैं, आप उनका जवाब दीजिए, नहीं तो हम आपकी खबर लेंगे।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYASAGAR RAO): Hon. Chairman, Sir, I am thankful to hon. Members, Shri Pawan Kumar Bansal, Shri Varkala Radhakrishnan, Prof. Rasa Singh Rawat, Shri G.M. Banatwalla and Dr. Raghuvansh Prasad Singh for supporting this Bill. At the same time, they were kind enough to give many suggestions.

Shri Bansal highlighted a number of financial and administrative issues relating to Chandigarh. He specifically mentioned the issue of constitution of Home Ministry's Advisory Committee there. Earlier also on the floor of the House he suggested a small amendment and said that something could have happened towards the best administration of Chandigarh. I will take out that assurance.

Shri Bansal also suggested to change the 'legal lawlessness' in Chandigarh. He has used that word. I assure the hon. Member, through you, that all necessary steps would be taken for improvement of Chandigarh, and that legitimate rights will be given pursuant to the Finance Commission. The question of the Central Government overlooking Chandigarh does not arise. NDA Government is effectively functioning. We take all necessary steps for the betterment of all the Union Territories that are administered by the Home Ministry.

Hon. Member Shri Radhakrishnan was pleased to highlight ...(*Interruptions*)

SHRI PAWAN KUMAR BANSAL : What about constitution of District Planning Committee?

SHRI CH. VIDYASAGAR RAO: I have taken note of all the suggestions given by the hon. Member. Appropriate action would be taken on them definitely.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Mr. Minister, you mentioned various laws, you have not mentioned the Constitution. The District Planning Committee arises out of Part IX-A of the Constitution. There is a Constitutional obligation which you are not fulfilling. Please give us an assurance that you will not only fulfil your legal obligation but that you will also take steps to, at least now after ten years, fulfil your Constitutional obligation with respect to the District Planning Committee.

SHRI CH. VIDYASAGAR RAO: Mr. Chairman, Sir, I have taken note of the suggestion given by the hon. Member Shri Mani Shankar Aiyar because at the time of the carving of Chandigarh, those committees played an important..

I have taken note of this and definitely, this will be examined.

Shri Varkala Radhakrishnan had highlighted about the Municipal Corporation Act. I have taken note of all his suggestions. He had highlighted about the implications and complications of the Municipal Corporation Act. He also highlighted the electricity problems of the Delhi Administration.

Sir, Shri Varkala Radhakrishnan, Prof. Rasa Singh Rawat and Dr. Raghuvansh Prasad Singh were particular about the powers given by virtue of Constitutional 73rd and 74th Amendments to the Panchayats and the Municipalities. We will look into them.

So far as the suggestion of Shri G.M. Banatwalla regarding Repeal Act's third item is concerned, the principal Act will not come into force by virtue of this Repeal Bill. It already stands repealed. It can be revived only by the legislation.

Sir, therefore, I request this hon. House to pass this Bill.

MR. CHAIRMAN : The question is:

"That the Bill to repeal the Delhi Municipal Corporation (Validation of Electricity Tax) Act, 1966, the Goa Daman and Diu (Opinion Poll) Act, 1966, the Punjab Pre-emption (Chandigarh and Delhi Repeal) Act, 1989 and certain other enactments which are in force in the Union Territory of Chandigarh, be taken into consideration. "

The motion was adopted.

MR. CHAIRMAN: The House shall now take up clause-by-clause consideration.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

The Schedule was added to the Bill

Clause 1, the Enacting Formula, and the

Long Title were added to the Bill.

SHRI CH. VIDYASAGAR RAO : I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

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