

ommendations contained in their Sixty—third Report (Eighth Lok Sabha) on Cochin Refineries Limited.

11.051/2 hrs.

COMMITTEE OF PRIVILEGES

First Report

[English]

SHRI SOMNATH CHATTERJEE (Bolpur): I beg to present the First Report (Hindi and English versions) of the Committee of Privileges.

11.05 hrs.

COMMITTEE ON THE WELFARE OF SCHEDULED CASTES AND SCHEDULED TRIBES

Fourth and Fifth Reports

[English]

SHRI PURNA CHANDRA MALIK (Durgapur): I beg to present the following Reports (Hindi and English versions) of the Committee on the Welfare of Scheduled Castes and Scheduled Tribes:

- (i) Fourth Report on the Ministry of Railways (Railway Board) — Reservations for and employment of Scheduled Castes and Scheduled Tribes in Indian Railway Construction Company Limited.
- (ii) Fifth Report on Action Taken on 49th Report (Eighth Lok Sabha) on the Ministry of Finance (Department of Economic Affairs—Banking Division) — Reservations for and employment of Scheduled Castes and Scheduled Tribes in Dena Bank and credit facilities provided by the Bank to Scheduled Castes and Scheduled Tribes.

11.06 hrs.

STATEMENT BY MINISTER

Conversion of Leasehold system of Land tenure into free hold in Delhi

[Translation]

MR. SPEAKER: Shri Daulat Ram Saran.

Since it is a lengthy statement, you can lay it on the Table.

THE MINISTER OF URBAN DEVELOPMENT (SHRI DAULAT RAM SARAN): Mr. Speaker, Sir, I beg to lay on the Table a statement regarding conversion of Leasehold system of land tenure into free hold in Delhi: [Placed in Library. See No. LT—2283/91](Interruptions).....

STATEMENT

[English]

The issue relating to conversion of leasehold system of land tenure into freehold in Delhi has been engaging the attention of the Government for quite some time. A decision

[Sh. Daulat Ram Saran]

in this regard was taken in October, 1989 and orders were issued conveying the sanction of the Government for conversion of leasehold rights to feahold rights for properties in Delhi in case of residential leases of less than 500 sq.mtr. However, before these orders could be implemented a number of representations were received, which necessitated a review of the whole matter. I am happy to state that Government, after careful consideration of the various representations, have decided to modify certain conditions laid down in the previous order. It has now been decided that the benefit of conversion would be allowed for residential leases in Delhi administered by a public agency in respect of properties upto a size of 500 sq.mtrs. Janata, LIG, MIG and SFS flats as well as allotted by the Delhi Development authority and its Slum Wing on leasehold basis as also flats/tenements of Group Housing Societies on land leased by Delhi Development Authority would also be eligible for such conversion to freehold.

2. As decided earlier, plots upto 50 sq.mtrs. and Janata flats of Delhi Development Authority would be allowed this conversion free of charge. In regard to conversion charges for plots above 50 sq.mtrs. and upto 150 sq.mtrs. the earlier order had given certain flat rates of conversion charges without any distinction about location though there is considerable variations in land values from one area to another. With a view to rationalise this and to make it more equitable, it has been decided that the one-time conversion fee for the slab from about 50 to 150 sq.mtrs. would now be calculated on the basis of 7.5% of the notified land rate. Another problem which had been faced in the earlier decision was that there was a considerable jump in the conversion fees at the change of each slab. In order to get over this difficulty, the rates now specified have been formulated on an incremental basis from one

slab to another on the lines of the Income Tax formula. The incremental rates are higher for the higher area slabs.

3. In regard to the DDA flats and tenements mentioned by me earlier with a view to the calculation processes involved in simplify arriving at conversion charges, the conversion rates are now prescribed on a zone-wise, category-wise basis for the different types of flats.

4. As regards case where there has been transfer of property by the original lessee through power of attorney, the earlier orders had anticipated a two stage process for regularisation. With a view to simplify the process, it has been decided that in such cases conversion to freehold will be allowed in a one-stage process by levying a surcharge of 33 1/3% over and above the normal conversion fee.

5. Earlier decision had laid down that the option for conversion would be available for a period of only six months. Government have now decided that there will be no time limit for exercising the option for conversion. However, for the period up to 31.3.92 the land rates applicable for purposes of calculating the conversion fee will be at the current notified land rates which have been effective from 1.4.87. After 31.3.92 conversion fee will be based on the land rates to become effective thereafter.

6. The agencies administering the lease have been asked to issue a public notice laying down the modalities for implementation of the orders of the Govt. and the procedures to be followed in regard to making applications requesting for conversion. It is expected that this public notice would be issued within a period of sixty days.

7. The details in regard to the conditions for conversion to freehold are given in the statement laid on the Table of the House. As

49 *Stat. by Minister* PHALGUNA 20, 1912 (SAKA) *system of land tenure* 50
Conversion of leasehold *into free-hold in Delhi*

decided earlier the proceeds from the conversion fee will be utilised for housing including general pool accommodation and urban development programme in Delhi.

8. I am sure, Members of Parliament would welcome this action taken by the Government to fulfill a long—pending demand of the public of Delhi.

Details referred to in para 7

It has been decided that the conversion of leasehold rights to freehold rights for properties in Delhi will be granted on payment of one time conversion charges to the following.

(1.1) The option for such conversion will be applicable only to

- (a) leasehold plots upto a size of 500 sq. mtrs. where the

lease/sublease has been granted by a public agency for residential purpose;

- (b) Janata, LIG, MIG and SFS flats and tenements allotted on leasehold basis by the Delhi Development Authority and its Slum wing;

- (c) flats tenements built by Group Housing Societies on lands leased by the DDA.

(1.2) The option for conversion shall be applicable only in respect of properties where the land use as prescribed in the Master Plan/Zonal Development Plan is residential.

(1.3) The one time conversion charge to be paid in lumpsum, shall be as follows:-

(A) For plots

Sl. No.	Plot Area in sq.m.	Conversion Fee to be calculated on the following basis	Formula for calculating conversion fee
1	2	3	4
1.	Upto 50	Nil	Nil
2.	Above 50 & upto 150	7.5% of notified land rate per sq. mtr. for area above 50 sq. mtrs.	$.075 \times R \times (P-50)$
3.	Above 150 & upto 250	Conversion charge applicable for 150 sq.m. plus 10% of notified land rate per sq. m. for area above 150 sq. mtr.	$(7.5 \times R)$ plus $[0.1 \times R \times (P-150)]$
4.	Above 250 & upto 350	Conversion charge applicable for 250 sq. m. plus 15% of notified land rate per sq. mt. for area above 250 sq. m.	$(17.5 \times R)$ plus $[0.15 \times R \times (P-250)]$
5.	Above 350 & upto 500	Conversion charge applicable for 350 sq. mtrs. plus 20% of notified land rate per sq. mtr. for area above 350 sq. mtrs.	$(32.5 \times R)$ Plus $[0.2 \times R \times (P-350)]$

The notified land rates to be adopted for calculating the above conversion charges will be those notified by the Ministry of Urban Development. For the period upto 31.3.92 the conversion charges would be calculated on the land rates notified by the Ministry of Urban Development w.e.f 1.4.87 vide that period beyond 31.3.92 the notified land rates

applicable for calculating the conversion charges would be those prevailing on the date of conversion. (For areas where rates have not been notified by the Ministry of Urban Development, the residential land rates notified by DDA for the area would be applicable).

For flats/tenements allotted by Delhi Development Authority and its Slum Wing on leasehold basis:

Sl. No.	Category of flat/ tenement	Conversion charges				
		East Zone	North & West Zone	South Zone	North & West Zone	South Zone
1	2	3	4	5		
1.	Janata	Nil	Nil	Nil		Nil
2.	L.I.G.	3,000	9,000	12,000		12,000
3.	M.I.G.	4,250	12,750	17,000		17,000
4.	S.F.S. (I)	5,500	18,750	25,000		25,000
5.	S.F.S. (III)	7,500	22,500	30,000		30,000

(C) For flats constructed by Group Housing Societies on land leased by DDA.

Sl. No.	Plinth area of flat/tenement	Conversion charges				
		East Zone	North & West Zone	South Zone	North & West Zone	South Zone
1	2	3	4	5		
1.	Below 30 sq. mtrs.	Nil	Nil	Nil		Nil
2.	Above 30 & upto 50sq.m.	3,000	9,000	12,000		12,000

Conversion of leasehold

into free-hold in Delhi

Sl. No.	Plinth area of flat/tenement	Conversion charges		
		East Zone	North & West Zone	South Zone
1	2	3	4	5
3.	Above 50 & upto 75 sq. m.	4,250	12,750	17,000
4.	Above 75 & upto 1000 sq. m.	6,250	18,750	25,000
5.	Above 100 & upto 125 sq. m.	7,500	22,500	30,000
6.	Above 125 sq. m	See para (1.)	(D) below.	

Note: The rates in (E) and (C) above will be applicable for the period upto 31.3.1992. For the period beyond 31.3.92 revised conversion charges linked with the then prevailing land rates will be notified separately.

- (D) For flats/tenements of Group Housing Societies on lands leased by DDA, of plinth area exceeding 125 sq. mtrs.

The conversion charges would be on the basis of the formula given in para (1.3) (A) above. The plot area would be deemed to be 1.2 x Plinth Area of the flat.

- (1.4) The applications for conversion shall be submitted on the forms prescribed by the agencies administering the lease and the one time conversion fee based on a self assessment basis as per the formula given in para (1.3) above shall be deposited according to procedure prescribed by the concerned agency administering the lease. The date of depositing the fee shall be treated as the crucial date for purpose of calculating the conversion fee.
- (1.5) The conversion shall also be allowed in the cases where the lease/sublessee/ allottee has parted with possession of the property, provided that:
- (a) application for conversion is made by a person holding power of attorney from the lessee/sublessee, to alienate (sell/transfer) the property:
 - (b) proof is given of possession of the property in favour of the person in whose name conversion is being sought.

In such cases a surcharge of 33-1/3% on the conversion fee as per para (1.3) would be payable over and above the

one time conversion charge applicable for a regular leasee (No unearned increase will be recoverable)

- (1.6) In all cases of conversions, the conveyance deeds shall be registered on payment of Stamp-duty and registration charges and the consideration amount for this purpose shall be the amount of conversion charges including the surcharge where applicable.
2. For the facility of the beneficiaries, the concerned agency administering the leases shall make suitable arrangements with the Banks for the deposit of necessary charges be person opting for conversion.
 3. The public agencies administering the leases shall issue a public notice setting out clearly the modalities for implementation of these orders, the procedures for making application for conversion and the proformae, if any, required for the purpose. This notice shall be issued within sixty days of the date of issue of these orders.
 4. The proceeds from the one-time conversion charge including surcharge shall be utilised for housing, including construction of general pool accommodation, and urban development in Delhi. For this purpose, two separate funds will be established namely, "General Pool Residential Accommodation Fund" and "Delhi Urban Development Fund". Detailed Administrative modalities/arrangements for implementing this order and for administering the above mentioned funds

will be worked out within sixty days from the date of issue of this order

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, I want to have a clarification regarding the lease system. How the proposal which the previous Government sent from the Ministry to the Cabinet was changed? At that time a consensus was reached to the effect that lease system in Delhi should be scrapped, but the statement speaks something else, which is very improper....(*Interruptions*)....

MR. SPEAKER: You should have given a notice for that.

(*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA (Delhi Sadar): Mr. Speaker, Sir, today is the last day of this Lok Sabha. (*Interruptions*).....

MR. SPEAKER: You should have given in writing.

(*Interruptions*)

SHRI MADAN LAL KHURANA: Sir, he had given an assurance that he would discuss it with you. We have met him a number of time..... (*Interruptions*).....

PROF. VIJAY KUMAR MALHOTRA: Mr. Speaker, Sir, When we met him in this connection, he had assured that he would discuss it with us and that the documents were being collected. Shri V.P. Singh Government had taken a decision in this regard in October last year. Thereafter, the matter came before the Cabinet and a Committee of three Ministers was constituted for this purpose, which held a full discussion. Now that discussion having been reversed.. (*Interruptions*).....

MR. SPEAKER. Please take your seat.

(*Interruptions*)

THE PRIME MINISTER (SHRI CHANDRA SHEKHAR): Mr. Speaker, Sir, how can we do anything unless we know what is there grievance? I agree that there has been some increase in the rates, but that is done for resource mobilisation from time to time. If you say the rate is to be lowered, let it be done, it depends on the House. But to pay that the decision taken by the previous Government regarding the rate should be acceptable to us is not right, because it is not binding on the present Government..... (*Interruptions*)

MR. SPEAKER: You give it in writing.

(*Interruptions*)

PROF. VIJAY KUMAR MALHOTRA: Mr. Speaker, Sir, two successive Governments-Rajiv Gandhi's Government in October, 1989 and V.P. Singh Government in July, 90 - had fixed the rate. But on the last day of this Lok Sabha, the present Government have raised the rate sharply. It will cause loss to lakhs of people. Therefore, What should have been done was.....(*Interruptions*)

MR. SPEAKER: You should have given it in writing.

(*Interruptions*)

SHRI MADAN LAL KHURANA: I am a member of the Consultative Committee and I had raised this issue in that Committee. The hon. Minister had given an assurance that he would consult us before taking a decision.....(*Interruptions*)

SHRI L.K. ADVANI (New Delhi): Mr. speaker, Sir, today's sitting has been called with a view to avoid any constitutional crisis.

[Sh. L.K. Advani]

Therefore, we should pass the Vote on Account and the Bill on Punjab today itself. If some other business is to be transacted, I would like it to be done through consensus only. I have not studied this statement thoroughly. We too are in favour of converting the lease hold into free hold, but to put a burden on the citizens which they cannot bear is, I think, not justified. I would request the hon. Prime Minister to consult all the seven Members of Parliament from Delhi before arriving at a decision. (*Interruptions*)

SHRI J.P. AGARWAL (Chandni Chowk): Mr. Speaker, Sir, it has been our long standing demand. Our Government had taken a decision in this regard but that decision could not be implemented. I am constrained to say that we were not consulted before taking decision.....(*Interruptions*)

MR. SPEAKER: Please take your seat, Mr. Agarwal. The Prime Minister is speaking.

.....(*Interruptions*).....

SHRI CHANDRA SHEKHAR: Mr. Speaker, Sir, as they wanted a decision to be taken on this issue, we have taken the decision. I agree with Shri Advani that this statement should not be laid on the Table. We have no objection to it because it is in no way going to change the decision. The Government had already taken the decision, but since the House adjourned abruptly on that day, we could not lay it on the Table. In compliance of the Rules, we are laying it on the Table. If the House decides against it, let the will of the House prevail. But the decision is not going to be changed whether it is laid on the Table or not. (*Interruptions*)

SHRI MADAN LAL KHURANA: I would

request the Hon. Prime Minister to accept our suggestion since it is in the interest of the citizens of Delhi. What is being done now is exactly what the Congress Party did last time. This is just an eye wash before the elections. (*Interruptions*)

SHRI CHANDRA SHEKHAR: What this decision has to do with the elections?

(*Interruptions*)

11.11 hrs.

CONSTITUTION (SEVENTY - FIFTH
AMENDMENT)*

[*English*]

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF INFORMATION AND BROADCASTING (SHRI SUBODH KANT SAHAY): I beg to move for leave to introduce a Bill further to amend the Constitution of India.

MR. SPEAKER: The question is:

"That leave to granted to introduce a Bill further to amend the Constitution of India."

The motion was adopted

SHRI SUBODH KANT SAHAY: I introduce the Bill.

MR. SPEAKER: The House may take up the financial and other business listed in the Agenda. I think there may not be any discussion as is the consensus. But I am thinking to allow after all the business is