

DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1987

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : I beg to move :

“That the Bill further to amend the Delhi Municipal Corporation Act, 1957, as passed by Rajya Sabha, be taken into consideration.”

This is a very simple, innocuous and the most non-controversial Bill. Section 90(8) of the Delhi Municipal Corporation Act, 1957 defines the category A posts in the Municipal Corporation of Delhi as any post with a minimum monthly salary of not less than Rs. 700 and category B posts as any post with a monthly salary of not less than Rs. 550 and which is not a category A post.

The Municipal Corporation of Delhi follows the same scales of pay as are applicable to the Central Government employees and accordingly with the revision of pay scales of Groups B, C and D employees of the Central Government on the recommendations of the Fourth Pay Commission, the pay scales for the employees of the Municipal Corporation of Delhi have also been revised. In the new pay structure, the minimum pay for a government servant starts from Rs. 750. Under the existing provisions of Section 90(8) of the Principal Act, all posts in the Municipal Corporation of Delhi became category A posts. Again under Section 96 of the Delhi Municipal Corporation Act, 1957, no appointment to any category 'A' post in the Municipal Corporation of Delhi can be made except after consultation with the Union Public Service Commission. Even the cases of confirmation and regularisation would have to be referred to the Union Public Service Commission and this was very much affecting the administration of the MCD. The MCD was in a dilemma following the announcement of the Fourth Pay Commission's Report. As per the Commission's recommendations, even peons and Safai Karmacharis also became category 'A' posts in the Municipal Corporation of Delhi. This took away the powers of the Municipal Commissioner who is the executive head of the MCD even to appoint a peon after the revision

of the pay scales has been accepted by the MCD. This has been greatly agitating the minds of the MCD employees and their number is more than 1,00,000.

I must thank the Municipal Corporation of Delhi because they have not only accepted the recommendations of the Fourth Pay Commission but also decided to implement them, though the extra burden for the Municipal Corporation will be about Rs. 16 crores annually. In view of the above mentioned facts that I placed before this House, the ordinance was promulgated to help the Municipal Corporation of Delhi to overcome the dilemma and the anomaly that was facing them. Without this ordinance, the administration of the MCD would have been seriously affected since no appointment, no confirmation and no regularisation could have been arrived at without going through the procedure of consulting the UPSC. This could have resulted in virtual stoppage of recruitment to various posts in the MCD. The Central pay scales have to be extended to the MCD employees quickly so that not only their pay, but cases of confirmation and regularisation also do not suffer because of the procedural difficulties. In fact I feel that the ordinance should have come a little earlier. Instead of February, it should have come a little earlier. But as you know, all the formalities have to be worked out and sometimes it takes time. This ordinance is completely a pro-working class ordinance which wanted to help 1,00,000 employees of the Municipal Corporation of Delhi. It has received support in Rajya Sabha from all sides and I hope that in this House also, it will receive support from all sections of our hon. members.

This Bill is brought forward just to remove the anomaly and dilemma in which the MCD found itself. This Bill seeks to replace the aforesaid ordinance by making a provision to the effect that category A posts and Category B posts mean any posts which having regard to the scale of pay and emoluments, could be classified as such under the Central Government in accordance with the orders issued by that Government from time to time. Therefore the provision of

going and referring the matter to the UPSC every time has been substituted by this amendment so that the Municipal Corporation of Delhi can act on its own without going to the Union Public Service Commission every time.

For the information of the hon. members here, I may also mention that this ordinance has facilitated the working of the Municipal Corporation of Delhi to a great extent and even during this period of 5.2.87 to 16.3.87, the MCD has started the process of appointment, confirmation and regularisation in 1,886 cases. The regularisation was for 360 posts; appointments was for 343 posts and confirmation was for 53 posts and appointments, which is being processed—will facilitate 1108 cases. I may therefore, appeal to the hon. Members that this is a very simple and innocuous Bill and will receive the support from all sections of the House.

I commend this Bill for consideration.

(Translation)

*SHRI BAJU BAN RIYAN (Tripura East) : Mr Deputy Speaker, Sir, I support the objectives with which this Bill has been brought forth in this House. This Bill seeks to amend the Delhi Municipal Corporation Act of 1957. In Sub-Section 8 of Section 90 of this Act it has been provided what will be the pay scales of the employees of the Corporation. A little while ago while introducing this Bill, the hon. Minister said that previously those posts were treated as 'A' category posts which carried a minimum basic pay of Rs. 700 and those posts with a minimum basic pay of Rs. 550/- were treated as category 'B' posts and for making appointments to such posts the approval of the UPSC was necessary. This was the position till now. But after the implementation of the recommendations of the Fourth Pay Commission in the MCD, the basic pay of even the lowest category of employees there is Rs. 750/- today. Hence the Municipal Corporation

was finding it difficult to appoint persons even to the lowest category of posts on its own without the approval of UPSC. The promulgation of the ordinance in this connection and the passing of this amendment Bill which seeks to replace the ordinance, that obstacle in the way of the Municipal Corporation shall be removed. This is what has been stated by the hon. Minister and this objective deserves our support. While supporting this Bill I will request the hon. Minister to look to the conditions of the employees of other Municipal Corporations also in the country which are under the administrative control of the Central Govt., e.g the Chandigarh Municipal Corporation. The hon. Minister may kindly see to it that the pay scales of the employees of the Chandigarh Municipal Corporation are also brought at par with those of the Delhi Corporation. In this context I will like to mention that employees of the Chandigarh Municipal Corporation and their leaders have already met the hon. Minister and have placed their demand for the implementation of the recommendations of the Fourth Pay Commission there also. I would like to draw the attention of the hon. Minister to the fact that the present pay scales of the Corporation employees in other big cities like Calcutta, Bombay, Madras etc. are much less than the scales suggested by the Fourth Pay Commission. I will request the Government to see whether their pay scales can be possibly improved after providing adequate funds for the developmental works. This may also kindly be examined. Another purpose of this Bill is to revoke the ordinance that was promulgated on the 5th February 1987 in this connection. Now Sir, I have some objections in respect of the issue of that ordinance itself. The Govt. was very well aware that the eighth session of the eighth Lok Sabha was to commence on the 23rd February. The summons for this 8th session were issued, so far I can remember, on the 31st January 1987. Therefore the ordinance was promulgated on the 5th February after the summons were issued on the 31st January. The hon. Minister has himself admitted here that it should have been promulgated

*The speech was originally delivered in Bengali.

[Shri Bajju Ban Rlyan]

earlier. Hence my objection is that why are we being compelled to pass this Bill by issuing an ordinance a little earlier in January? This is nothing but pressurising the Parliament unnecessarily to pass the Bill. If it was considered so very urgent then this Bill could have been introduced in the last session of the Lok Sabha, so far as I remember, the last session extended upto the 3rd week of December '86. This amendment Bill could well have been brought forth in the 3rd week of December without taking recourse to the issue of ordinance. Did the Govt. have any objection to that? No, this Govt. is indifferent to that! The Govt. has not yet got over the bad habit of issuing ordinances as they like, whenever they like and on any issue they like. This is what I object to I will request the Govt. to pay heed to it in the future. Every-body in the Rajya Sabha has supported this Bill. Our party has also supported it in Rajya Sabha. Our party supports it here also. But you should not try to pressurise Parliament by issuing ordinances beforehand unnecessarily.

This could have been brought forth in the last session or since they waited so long, they could wait a few days more and bring forth this Bill in the current session. What was the need of an ordinance? One thing more Sir, the pay scales introduced in the MCD are identical to those of the Central Govt. In view of that, in Sub-Section 8 of Section 90 of the Act of 1957, in place of the present amendment perhaps it would have been better if you deleted the whole section and just said 'as in the Central Govt.' or some such thing. That might have avoided complications and the necessity of further amendments in the future. With that Sir, I once again support this Bill and conclude my speech.

DR. G. S. RAJHANS (Jhanjharpur): Mr. Deputy Speaker, Sir, the provisions incorporated in this Bill are good. There is not much to speak on them, but a lot is to be said about the Municipal Corporation of Delhi, which is a den of corruptions. I can say with full responsibility

that out of the files of 75,000 cases prepared by the vigilance against big persons who had undertaken irregular contractions, made encroachments, committed frauds of crores of rupees by passing bye laws, 60,000 files have been stolen and destroyed by the officers there. The Government has suffered a huge loss due to this and the people, against whom cases should have been filed and who should have been punished are flourishing. Nobody can harm those big people who have made encroachment on Government land or municipality land. But the Jhuggi dwellers are being displaced. A very large population of Delhi lives in trans-Yamuna area, but no civic amenities are available to them. People live there like animals. I would urge upon the hon. Minister to institute an inquiry into this corruption case which has also been published in the press several times. You may take five months, six months, but you must make a statement in this House as to who was responsible for this and what action was taken against him. In Naveen Shahdara, commercial complexes have been constructed at places where there were proposals to construct private house. Nobody is paying any tax for it. It is more important to note that the vigilance wing of the M.C.D. wrote to higher authorities that unauthorised construction was being made and that the same be stopped immediately. Those officers put the report in their drawers and suppressed the file and allowed the unauthorised construction to reach top storey. What can be a greater fraud than this? The whole matter should be enquired into. We have no objection if their salary is increased ten times. This fraud must be fully enquired into and this House should be informed why this is happening. With these words I conclude.

(English)

SHRI P. KOLANDAIVELU (Gobichettipalayam): I welcome the Bill. The Bill is meant for the officers of the Municipal Corporation. They are about one lakh employees working there. It is a right Bill and I congratulate the hon. Minister who has brought it. It ought to have been brought before the 29th of January, 1987.

The Ordinance ought to have been brought before 29th of January, 1987 because on the 30th January, 1987, the summons had been issued by the President to all the Members of Parliament with regard to convening the Budget Session of Parliament on the 23rd February, 1987. So, only after the summons had been issued to all the Members of Parliament on the 5th February, 1987, this ordinance was promulgated. So, you are creating a bad convention by bypassing the Parliament. It gives an impression that you are showing disrespect to the parliamentary democracy. I think in future you may not like to do it and this time you might have done it due to some urgency.

PROF. N. G. RANGA (Guntur): This is not the first time that they have done it.

SHRI P. KOLANDAIVELU: Of course, so many times you have shown disrespect to Parliament. This Corporation is going to implement the recommendations of the Fourth Pay Commission. It is a welcome Bill. I do not know whether they are going to implement the recommendations of the Fourth Pay Commission in respect of the Union Territory like Chandigarh and so on. There are so many Union Territories. I do not know whether they are going to implement the recommendations of the Fourth Pay Commission in respect of those Union Territories. It is for the hon. Minister to enlighten us on this point.

As far as this Corporation is concerned, it is an autonomous body. When it is an autonomous body, there is no body to question its activities; that is what they think. The Minister, who is my neighbour, I think, will take action against those officers who are encouraging putting up *jhuggis* on the unauthorised land by getting some money from them. Whatever Mr. Rajhans has said, I fully endorse it because such a behaviour is going on by getting money and allowing people to put up their *jhuggis*. In this way, they are occupying the land of the government unauthorisedly.

More than 5 lakh Tamil people reside in Delhi. They reside in R. K. Puram, Mongolpuri, Janakpuri, Mori Gate, Vasant Vihar and in other places also; in all these places, our Tamil population is living. They are all labour community. They are not having any land to have construction or to put up *jhuggies*. This has been reported to the Delhi Municipal Corporation and also to the Housing Minister also umpteenth times. But they have not taken any action. If at all I get any reply they only say that the applications have been rejected. All the hut dwellers are suffering. That is all they do. I request the hon. Minister to come to their rescue and those hut dwellers who are able to construct a house or a *jhuggy* may be allotted some land so that they can live in Delhi. Our hon. Prime Minister is keen to help the downtrodden and the poor people. So, if there is any vacant land it may be given to the poor people, working people and I request that the Delhi Municipal Corporation may keep these downtrodden people in view.

I think this bill is welcome and I hope that in future Parliament will not be bypassed and let not any disrespect be shown to Parliament and to Parliamentary democracy. Thank you.

[Translation]

SHRI GIRDHARI LAL VYAS (Bhilwara): Mr. Deputy Speaker, Sir, I support the Delhi Municipal Corporation (Amendment) Bill, 1987. I would like to bring it to the notice of the hon. Minister of Home Affairs that, as has been stated by Dr. Rajhans more than 70,000 cases of encroachment had been prepared in the Municipal Corporation and out of them 60,000 files are missing. Do you know how many senior officers in the M.C.D. own commercial complexes and are in possession of property worth one to two crore of rupees? You might have taken note that a few days back we had undertaken an examination of the working of the D D A and we had come to know that Senior Officers of D.D.A. also have raised commercial complexes in the name of their family members.

[English]

MR. DEPUTY SPEAKER : Mr. Vyas, in what way is your speech related to this Bill ?

[Translation]

SHRI GIRDHARI LAL VYAS : You have not understood this. You designate them 'Daroga' and pay Rs. 5/- per month. They are not bothered because they are millionaires. They have accumulated property from various sources. You have not done a wise thing by increasing their salaries.

[English]

MR. DEPUTY SPEAKER : Then, is it not necessary to increase their salaries ?

[Translation]

SHRI GIRDHARI LAL VYAS : You may at least conduct an enquiry as to how much property they possess, how much property is there in the possessions of their family members. Instead of increasing salaries of the employees of Municipal Corporation, you should have made provisions for beautifying Delhi. You must make such arrangements as would provide better facilities to the people of Delhi. Today, the condition of roads in Delhi is bad, gutters in streets are not being cleaned, the position of electric supply is not good. You must take corrective measures. The schools in Delhi are being run in tents. The Municipalities have the earnings of crores of rupees but it all goes into the pockets of higher officers. You must look into this.

You have made D.D.A. and M.C.D. two separate departments. You must have heard that the house constructed by D.D.A. do not have any foundation. The D.D.A. had to dismiss many of its Executive Engineers, Assistant Engineers, Junior Engineers on the charges of corruption. Crores of rupees are misappropriated there. You set up separate departments for the same work. Somebody will give land and the other accord approval for construction of houses. Lot

of corruption takes place in this way. The officers of both D.D.A. and the M.C.D. take advantage of this. People have encroached upon street corners which is obstructing the movement of traffic. It is essential to look in to all this. Has any attention been paid for the beautification of Delhi ? Today, Delhi has a population of about 70 lakhs and it might become 1 crore in the next five years when it will become a city with the highest population in the country. Do you want to create conditions here like those in Calcutta where it takes hours to travel from one place to another because of traffic jams everywhere. The way the Marxists and Communists have created chaos in Calcutta, do you want the same conditions to be created in Delhi as well ? If so, then let the Delhi Municipal Corporation work the way it is working at present, there is no need to interfere. If you want to make Delhi the most beautiful city of the world, it being capital of India, then it is necessary to pay special attention to it. Are you aware that 2 to 3 lakhs of people migrate to Delhi every year in search of jobs and means of livelihood ? Some of these people build their own huts but under the cover of these huts some contractors are doing business by charging a rent of Rs. 50 to Rs. 100 for each hut. You must control such contractors because they are giving certain portion of this amount to the officers of the Municipal Corporation. All this is being carried on right under the nose of the Central Government as there the saying goes 'nearer to the church further from God', through the hon. Prime Minister the Home Minister and other Ministers and State Ministers are live in Delhi, still the people have to face great difficulties here. Hence, in order to improve the situation, you must instruct the officials—you may increase their salary to Rs. 10,000/- —to make Delhi the most beautiful city to be emulated by other towns and cities. If the officials work honestly it is possible to achieve this target. They should not harbour any intentions of amassing huge wealth and work for the welfare of the public. You have increased the salaries of the I.A.S. officers to Rs. 8000 per month on the recommendations of the

Fourth Pay Commission. You can enhance it further to Rs. 10,000 or Rs. 15,000 per month subject to the condition that they shall work with complete honesty. I would suggest that they should be appointed on temporary basis, for five years in the first instant, like we are here for five years. If they work satisfactorily for five years then they should be given extension and if not their services should be terminated as happens in our case after 5 years. Only then will the work progress in the best possible manner and all the arrangements work properly. With these words, I fully agree with many of the hon. Members who have raised their voices against the issue of the Ordinance after the Parliament has been summoned but as I belong to your party so I will have to support it. However, I will request you to take strict action against the dishonest people and punish them harshly as to set an example for others and the future generation may know that when you were the Home Minister you had taken strong measures against corrupt officials and had awarded them strict punishment. It will bring fame to you, to us and to the hon. Prime Minister and the people will say that under his leadership the system functioned honestly and efficiently. Hence you must take some hard, strong steps. With these words, I support the Bill.

SHRI VIJOY KUMAR YADAV (Nalanda) : Mr. Deputy Speaker, Sir, the Bill presented in this House is so small that there is hardly any need to say anything on it and I, therefore, support the Bill. However, I will take this opportunity to place two or three suggestions before the Houses. When I came here as a Member of Parliament in 1980, I was allotted a flat where there were no mosquitoes. But today the situation is such that it is difficult for us to sleep during the night because of mosquitoes. If this is the condition in the flats of Members of Parliament then it is difficult to say what will be the condition elsewhere. The situation has become so terrible that no one can sleep in peace at his home at night. I have talked to the concerned Department in this regard many times and they gave me assurance

also but no one came. We are Members of Parliament. The officials had some difficulties and they may come tomorrow or later. But what about the common man? The situation is very serious. The situation in Delhi, New Delhi and trans Yamuna area is worse. Just now, an hon. Member of the D.M.K. has mentioned about the situation in his State. Thousands of unemployed and poor people from Bihar come to Delhi in search of work. Their influx to Delhi is not a recent happening. They have been coming here since long and the process still continues. They have no shelter to live. They have not been provided with ration cards and other facilities. It is really painful to see that no shelter is available to them although they have been living here for a long time. Therefore, I would request that housing and other facilities should be made available to them. Some of the hon. Members have mentioned about the condition of the roads. Barring a few places, the condition of roads is very bad. The people have many complaints about drinking water and sanitation also.

I have already said that there is nothing objectionable in this Bill. This Bill has to be supported. Therefore, I support it, but I hope that you would pay attention to what I have said about the trans-Yamuna areas, mosquitoes and 28, North Avenue and would take corrective steps in order to remove the present difficulties.

(English)

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHINTAMANI PANIGRAHI) : Sir, I am grateful to the hon. Members for the interest they have taken in this Bill. Mr. Riyan, Mr. Rajhans, Mr. Kolandaivelu, Mr. Vyas and lastly, Mr. Yadav have participated in the discussion.

As you have rightly said, some of the problems which were mentioned by the hon. Members have nothing to do with the Bill that I have introduced in this House. But I fully share the sentiments

[Shri Chintamani Panigarhi]

expressed by them because I am myself a part of Delhi. For the last many years I am in Delhi, so, sometimes I myself think as to what is happening to Delhi, as Mr. Vyas and Mr. Yadav have pointed out.....*(Interruptions)*

[*Translation*]

SHRI VIJOY KUMAR YADAV :
The situation is deteriorating day by day. No improvement is in sight.

[*English*]

SHRI CHINTAMANI PANIGRAHI :
Sometimes I myself describe Delhi Administration as a classical music. To understand a classical music and dance, you have to be a part of it and you have to have experience of it for years together. Otherwise, you cannot understand a classical music. Therefore, to understand this Delhi Administration, really one should be very much involved in these kinds of things so that one can understand it. Hon'ble members have drawn attention to the problems of mosquito menace, there are less facilities for drinking water, there is no accommodation for so many people coming to Delhi, and many other problems like encroachment of land and coming up of new structures without any registration. Because it is a cosmopolitan city, so naturally thousands of people are coming from outside to find employment here. There are numerous problems that every person living in this city of Delhi is facing. But since these are not within the purview of this Bill, I will not speak on the points which they have raised but I must convey these difficulties that the hon. Members mentioned in this House, to the proper authorities so that they can look into them. We shall see what best we can do to improve them.

Some hon. Members have pointed out that there are various agencies here—Municipal Corporation of Delhi, Delhi Development Authority, New Delhi Municipal Committee and so on. Like these, there are multifarious agencies and really the Government should think of having a unified agency which can coordinate the

efforts of all these agencies and which can regulate them in such a manner that the development of rapidly expanding Delhi is done in a coordinated manner keeping in view the growing problems. I hope this needs serious consideration of the Government.

One more point was referred to by my friends when the Parliament was sitting on 23rd of February, why was this Ordinance brought? While introducing this Bill, I explained that this was urgently needed. I told you that this ordinance could have been brought earlier. We could have brought it earlier in January or even in December.

Municipal Corporation of Delhi accepted the recommendations of the Fourth Central Pay Commission and they decided to implement this. Therefore, there were formalities, anomalies, and dilemma before us. It took a little time. Therefore we came with this on 5th February. This is with a good intention. This is not for raising tax without the permission of the House. This is simply to help 100,000 employees of the Municipal Corporation of Delhi. They were very much agitated. What to do about their ranks, their categories, confirmation, how to regularise their services this was a very urgent matter. Even the Municipal Commissioner himself had no right to do anything. He is the Executive Head. He cannot do anything because all the posts were category 'A' posts. Therefore, only to help 100,000 employees of the Municipal Corporation of Delhi this Ordinance was brought forward. I understand the feeling of the Members of this House—when 23rd was the date for Session, why was it brought on on 5th of February. This feeling has always been taken into consideration. But this is not a new thing as Prof. Ranga has pointed out. These ordinances have been coming a number of times. I hope the hon. Members will excuse us. We have done it for a good cause and for the interest of the workers.

Shri Rivan and others raised a point about Chandigarh. There is no Municipal Corporation. I hope you referred to the Union Territory of Chandigarh.

SHRI BAJU BAN RIYAN : Yes.

SHRI CHINTAMANI PANIGRAHI : Many of employees came to meet me three, four or five days ago. We have taken note of their submission. I hope within two or three weeks we shall have to see that whatever the Fourth Central Pay Commission recommended or suggested, the Union Territory employees of Chandigarh get that benefit. That is under consideration.

No other major point has been raised by the hon. Members. Whatever points were raised, they were completely outside the purview of this Bill.

I would request the hon. Members, about the specific cases, whenever it comes to their notice, if they bring it to the notice of the Home Ministry, we shall pursue it with the Delhi Administration and we shall see how the situation could improve in Delhi.

With these words I again commend this Bill be taken into consideration.

MR. DEPUTY SPEAKER : The question is :

"That the Bill further to amend the Delhi Municipal Corporation Act, 1957, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. DEPUTY SPEAKER : The House will now take up Clause by Clause consideration of the Bill.

MR. DEPUTY SPEAKER : The question is :

"That Clauses 2 and 3 stand part of the Bill."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Enacting Formula and Title were added to the Bill.

SHRI CHINTAMANI PANIGRAHI : I beg to move :

"That the Bill be passed."

MR. DEPUTY SPEAKER : The question is :

"That the Bill be passed."

The motion was adopted.

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14 50 hrs.

DEMANDS FOR GRANTS, 1987-88

Ministry of Energy

(English)

MR. DEPUTY SPEAKER : The House will now take consideration and voting on Demand Nos. 17 to 19 relating to the Ministry of Energy for which five hours have been allotted.

Motion moved :

"That the respective sums not exceeding the amounts on Revenue Account and Capital Account shown in the fourth column of the Order Paper be granted to the President, out of the Consolidated Fund of India, to complete the sums necessary to defray the charges that will come in course of payment during the year ending the 31st day of March, 1988, in respect of the heads of Demands entered in the second column there of against Demands Nos. 17 to 19, relating to the Ministry of Energy.