

[Sh. Palas Barman]

notice that in Balurghat, West Dinajpur, West Bengal, six blocks, Tapan, Balurghat, Hili Kumarjanj, Gangarampur and Bansihari are severely affected by gastroenteritis. Total affected people are nearly two lakhs, noticed deaths are 98, total villages under gastroenteritis are 352. Many more are in the hospital and getting treatment.

I request the Government to take immediate necessary action to release funds to provide pure drinking water and to provide adequate medicines and funds to the Government of West Bengal to face the grave situation.

(viii) Need for expeditions implementation of Foreign language courses in Berhampur University

SHRI GOPI NATH GAJAPATHI (Berhampur): The knowledge of popular foreign languages will be immensely beneficial to students, teachers and research scholars, not only from the scholastic point of view, but also for delving into voluminous works of science and technology in those languages. It will also help people who visit foreign countries on fellowships and cultural exchange visits.

Presently, there is absolutely no facility for learning foreign languages in all the four existing Universities of Orissa State. At the Barhampur University the course is designed for two years to enable students acquire working knowledge in these languages. In the first instance, courses will be offered in Russian and German languages. One post of Lecturer, each in Russian and German subjects, besides teaching materials like books, maps and slides costing Rs. 30,000 approximately will be necessary for purpose. Berhampur University has already submitted a proposal to the U.G.C. for implementation of this

scheme under the Eighth Five Year Plan.

I would urge the U.G.C. to actively consider the expeditious implementation of this much needed foreign languages course in the University of Berhampur.

14.44 hrs.

STATUTORY RESOLUTION RE. DISAPPROVAL OF THE DELHI MUNICIPAL LAWS (AMENDMENT) ORDINANCE, 1991

AND

DELHI MUNICIPAL LAWS (AMENDMENT) BILL

[English]

MR. CHAIRMAN: The House shall now take up items nos. 11 and 12 together. The time allotted is two hours.

[Translation]

SHRI GIRDHARI LAL BHARGAVA (Jaipur): Mr. Chairman, Sir, I beg to move:—

“That this House disapproves of the Delhi Municipal Laws (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the President on the 30th March, 1991.”

Mr. Chairman, Sir, I have moved my Resolution regarding disapproval of the ordinance promulgated by the President as the Central Government have brought forward a proposal to extend the period of supersession till 31st March, 1992 instead of 31st March, 1991. There was no need of promulgating an ordinance by President in this manner. A Bill could have been brought forward straight away in the House instead of promulgating

this ordinance. That is why I have moved this Resolution regarding disapproval of this ordinance. In this regard, I would like to submit that when Delhi Rent Control Act was amended on 1st December, 1988, the problem of house-tax had arisen and the amount of House Tax was increased. When House Tax was increased, Congress Party was in power in Delhi. The elections were approaching. These people wanted to postpone the implementation of amendment. If people got notices of house tax at increased rates, people will not vote in favour of Congress. I mean to say that they want to gain time.

A committee was constituted in this regard. Earlier Committee was constituted under the Chairmanship of Shri Jagpravesh Chandraji. That committee did not work. Afterwards, a committee was constituted under the chairmanship of Shri Vijay Kumar Malhotra, former Member of Parliament. This committee had submitted its report to Shri Markandey Singh, Lt. Governor of Delhi. I would like to submit that the recommendations made by the committee under the chairmanship of Sri Vijay Kumar Malhotra should have been disclosed by the Minister in the House. I would like to submit that the Secretary, Delhi Administration has made all his recommendations almost on that very basis on which recommendations were made by this High Powered Committee. I request that the structure of house tax should be made uniform for both Delhi Municipal Corporation and New Delhi Municipal Committee. The High Powered Committee had recommended that the new structure providing relief should be implemented with effect from 1st April, 1989. The Delhi Administration intends to implement it with effect from 1st April, 1991 and recover house tax at the rates applicable prior to the passing of the amendment to Delhi Rent

Control Act for the period from 1st December, 1988 to 31st March, 1991.

Secondly, I would like to say that a tribunal having two-members may be constituted for disposing of disputes. Though it has been said that a tribunal may be formed, yet the Administration wants that this Tribunal should be multi-member Tribunal, because two-members having contradictory opinion will not be able to take a decision. Therefore, the work regarding hearing of appeals may be held up in the absence of one member. Such a system is functioning in Jammu and Kashmir. There is no such tribunal in Delhi today. The High Powered Committee has recommended that the rental value should be increased by ten per cent after every three years for the purpose of assessment of house tax, but the Administration has decided to increase it by fifteen per cent after every five years. The people of Delhi would get a relief of 33 per cent as against the recommendations of the Committee. At present, there is no such provision in both Delhi Municipal Corporation Act and Punjab Municipal Act. I would like to submit to the hon. Minister that the High Powered Committee had recommended that enhanced house tax could be recovered on the basis of rental value likely to be increased from time to time if there was no change in the structure of such properties. A provision has been made that a person, who has paid the entire tax amount in lumpsum for 10 years and does not make any changes in the structure of the property may be exempted from payment of tax in future. Similarly, if there is any change in the structure of the property or any additional structure is added to the property and if the owner of the property pays increased tax for ten years in lumpsum, he too should be exempted from further payment of tax. This was the provision. Congress and BJP Members were associated with

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that high powered committee and this became a point of controversy. The Delhi Administration's decision in this regard does not find favour with Congress members. My submission is that had the Delhi Administration sent an amendment or draft of a new legislation to the Centre, it could have been passed by Parliament before 31st March. There are 62,000 properties under the jurisdiction of New Delhi Municipal Committee. A letter has been written to NDMC under the Punjab Municipal Act that the bills are to be submitted by year and for final assessment. If a new law is passed, the Municipal Committee should give 3 years notice to the property owners. They get very little time to finalise the assessment and that is why this ordinance has been promulgated. Instead of 31st March the time should be extended upto 1992.

What was the recommendation of the high powered committee? I have been told that one of the recommendations was that instead of 45 per cent tax, 25 per cent tax may be levied. But the Administration wants that tax should be levied on the basis of market value. Suppose a person had purchased land 10 years ago for Rs. 10,000 but the market value as on date is Rs. 10 lakh. The Administration insists that the tax on the property should be assessed on the value of Rs. 10 lakh whereas the high powered committee recommended that the tax on property should be assessed taking its value as Rs. 10,000. Similarly, the committee recommended that it should not be given retrospective effect. It should be implemented from the day the legislation is passed. If it is implemented with retrospective effect from 1988, it would be betrayal of trust of the people of Delhi.

Therefore, my submission is that it would have been better if instead of

an ordinance, this should have been brought in the form of a Bill. Use of the office of the President of India for promulgation of ordinances time and again would not serve the purpose. Congress party is the ruling party and the way they have been betraying the people of Delhi is well known. Even today, their intentions are not clear and they want to betray the people of Delhi once again. I, therefore, want to submit that keeping in view the recommendations of the high powered committee an ordinance should be promulgated so that the people of Delhi are provided relief.

[English]

MR. CHAIRMAN: Motion moved:

"That this House disapproves of the Delhi Municipal Laws (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the President on the 30th March, 1991."

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI M. M. JACOB): Sir, I have listened to the objections raised by the hon. Member in regard to this Bill. It is actually ratification for an ordinance and the extension of time sought is in fact for six months... (Interruptions)

SHRI MADAN LAL KHURANA (South Delhi): It is one year.

SHRI M. M. JACOB: In effect it is only six months. It does not substantially or materially affect the decisions of the recommendations of the expert committee and the high-powered committee, which the hon. Member knows very much. The problem with me now is that we have to get this ratified. And if you permit

me to move the Bill, then I can explain everything in detail in my statement.

At this stage, I do not think that I should go into further details because we are going to debate this Bill now. There will be many speeches and in the end, I will reply to the points raised by the hon. Members.
(Interruptions)

[Translation]

SHRI GIRDHARI LAL BHAR-GAVA: You may move the Bill and reply to my queries. You should not have promulgated this ordinance. I am opposing it, as this provision has been made through an ordinance. You merely waste the time of Hon. President of India.

[English]

SHRI M. M. JACOB: Sir, this ordinance was promulgated few months back. You know very well, who brought this. My contention is to regularise this. Now, I beg to move:

“That the Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi, be taken into consideration.”

St Sir, the assessment and realisation of property tax by the Municipal Corporation of Delhi and the New Delhi Municipal Committee is closely linked with the standard rent provided under the Delhi Rent Control Act. This Act was amended through the Delhi Rent Control (Amendment) Act, 1988 and became effective from 1st December, 1988. The main changes brought in by the amendment Act were (a) premises with a rent of Rs. 3500 per month and more are beyond

the purview of the Rent Control Act; (b) properties constructed after 1st December, 1988 will not be liable to be assessed for standard rent applicable to different categories of properties as a proportion of the cost of construction etc. has been raised to 10 per cent; and (d) a provision has been made that after every three years, standard rent or any rent agreed upon between the landlord and the tenant (where no standard rent is fixed) may be increased by 10 per cent.

As a result of the above amendments, assessment of property taxes needed some changes: Under section 126 of the Delhi Municipal Corporation Act, 1957, the Commissioner, Delhi Municipal Corporation was required to make amendments in the Assessment List from 1st December, 1988 and to issue notices for such amendments within the same financial year i.e. before 31st March, 1989. In view of the fact that a large number of properties—about five lakhs—were due for an amendment and the fact that the time available for issuing notices to the property owners was very short, it was not possible for the Commissioner to get surveys completed, documents scrutinised and issue well-founded notices before 31st March, 1989. The Delhi Municipal Corporation Act, 1957 was accordingly amended through the Delhi Municipal Laws (Amendment) Act, 1989 to provide time for issue of notices for the years commencing from 1st April, 1988 and 1st April, 1989 before 1st April, 1991.

Similarly, the Punjab Municipal Act, 1911 as in force in New Delhi was also amended by the Delhi Municipal Laws (Amendment) Act, 1989 to enable the New Delhi Municipal Committee to issue notices for the amendment of the Assessment List for the financial years commencing on 1-4-1988, 1-4-1989 and 1-4-1990 before the first day of April, 1991.

[Sh. M. M. Jacob]

In March, 1991, it was felt that the magnitude of the work involving survey of properties, scrutiny of records and issuing of notices was such that it was difficult to complete the process before 1-4-1991. As such, the time for issue of notices was proposed to be extended till 31-3-1992. As the Parliament was not in session, the President promulgated an Ordinance on 30-3-1991 to amend relevant provision of the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911 to permit issue of the notices before 1-4-1992.

The present Bill is to replace the said Ordinance. The Bill is essential as it will help avoid undue haste in the preparation of assessment lists and check inflated claims being preferred with consequent harassment to the tax payers. It will also help both the Municipal Corporation of Delhi and the New Delhi Municipal Committee to increase their revenues.

I commend this Bill to the House for consideration and acceptance.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi, be taken into consideration."

SHRI GIRDHRI LAL BHAR-GAVA: I beg to move:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 28th October, 1991."

15.00 hrs.

MR. CHAIRMAN: These Bills are to be passed because they are to go to the Upper House. I seek the co-operation of all the Members. Shri Madan Lal Khurana will speak.

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, there is a small amendment in the Bill. The hon. Minister has just now said that the last date of issuing notices which was 1st April, 1991 should be substituted by 31-3-1992. The hon. Minister has stated that an Ordinance in this regard was promulgated in 1989. That ordinance was promulgated because elections were due in Delhi. The Delhi Municipal Corporation and Metropolitan Council elections were held on February 5, 1983 for a period of five years. The elections were expected to be held in 1988-89. Inflated bills for tax were sent to the people and it was a matter of public discussion in Delhi. We had raised this matter in Delhi Metropolitan Council also. Congress was afraid of facing the elections. The Period for issuing notices was extended by three years and it was said that a committee would be set up to look into it. Shri Jag Pravesh Chandra was the Chief Executive Councillor. The Committee was headed by him. But that committee did not submit even a single report nor did it take any action. After that the Government changed. As has been said just now, a high powered committee under the chairmanship of Shri Vijay Kumar Malhotra was set up. Before coming to the recommendations made by that committee, I would like to submit one thing. There is lot of hue and cry everywhere in Delhi—because of issuing of exorbitant house tax bills. This shows that there is no accountable administration in the city. There is no Godfather of Delhi.

There is no forum for discussing the problems of Delhi. There is no elected body in Delhi. Thus, the people who have no affection with and are not accountable to the people of Delhi are taking policy-decisions whether the problems relate to DESU, DTC, Roads or Law and Order. Similarly,

there is a problem of house tax also about which I have just mentioned. Now I would like to draw your attention towards the recommendations of the Committee. This is an ideal report. I would like that our Ministry should study the report and this report should be implemented in other cities also. At present, they are imposing house tax on the basis of market value. The recommendation of the Committee was that the tax should be levied on the basis of its cost price. If anybody purchases a house worth rupees one lakh from DDA, the tax should be imposed on rupees one lakh provided he resides himself and it is self-occupied. If he has rented out it, you may enhance the tax. If the house is of worth rupees one and a half lakhs or two lakhs, the tax should be imposed on its actual cost. If the market value of the house rises to ten lakhs, the tax should not be imposed on ten lakhs. This is improper. Because the cost price of the house was two lakhs when he had bought this house. If you impose tax on ten lakhs which is its present market value, how middle income group or low income group people will be able to pay the tax. If a man has a fixed income of rupees two thousand and you are imposing tax two thousand rupees per month how he will be able to pay 25-30 thousand rupees per annum. Such cases are seen. Therefore, it is mentioned therein that the tax should be imposed on the cost price of the house.

34 per cent tax is being imposed presently. The Committee has recommended that maximum and minimum limit of the tax should be fixed at 20 per cent and 12 per cent respectively. Everybody has to pay it.

One more thing I would like to submit to the hon. Minister, through you. As and when Corporation wishes, it includes water tax, sanitations tax education cess in the property tax. My point of view is that property tax means property tax. To include edu-

cation cess and other taxes therein, is not justified. It is not proper.

Other taxes like water, sanitation or education cess should not be included in house tax. This is the report of that committee.

I would like to request one thing more. Administration and Municipal Committee could not finalise the bill. The Government have brought forward it. Although its responsibility does not fall on the people. Its responsibility falls on politicians or the officials who are running the administration. The people of Delhi are facing the consequences of the lapses on the part of the officials. Therefore, the recommendations of the committee should be implemented with retrospective effect not with effect from today. This is my submission.

This Committee consists of the nominees of Delhi Administration, Delhi Municipal Corporation, the B.J.P. and the Congress and this report was adopted unanimously. The officials of Delhi Administration and Delhi Municipal Corporation have also adopted it. When you are already going to amend it, then you also issue necessary directions to them that. If it is not done, the problems are bound to arise. If you change the date but don't issue guidelines and keep silence about the recommendations issued, the officials will impose property tax on the basis of their own formula. It will cause uproar in Delhi. The purpose will be defeated for which the committee was constituted and we are amending to it. If the purpose is defeated it will not be good. Therefore, I request you, Sir, kindly to tell the officials that four years have already passed and yet no decision has been taken, though we are supporting the and for setting up a legislative assembly given to us. The sword of uncertainty is hanging over the heads of the

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people of Delhi. You will not get the time afterwards. We should finalise the whole issue of property tax before 31st March, 1992 and issue guidelines accordingly.

Mr. Chairman, Sir, I urge upon you that the report, which is unanimous and Delhi Administration and Delhi Municipal Corporation are agreed to it, should be implemented immediately. Then I would say that we would be successful in achieving the aim, the purpose behind amending the bill. Once again, I would request the hon. Home Minister through you, Sir, elections, which are due to the Delhi Metropolitan Council and Delhi Municipal Corporation be held as early as possible. This problem has been there for the last four years. Last time, the elections were held on 5th February, 1983. Eight years have been gone by. The people of Delhi should be allowed to decide their fate so that elected members of Delhi, who are accountable to it and fully aware of the problems of it, could solve the problems of Delhi. Thanks.

[English]

SHRI SRIBALLAV PANIGRAHI (Deogarh): Mr. Chairman, Sir, I rise to support this Bill which is intended to replace the relevant ordinance, that is the Delhi Municipal Laws (Amendment) Ordinance, 1991. The learned speaker from the other side who has just now spoken, who happens to represent Delhi in this House, has welcomed the different provisions of the ordinance. He has some suggestions to make, to bring about improvement in his own way. According to him, the ordinance has several good provisions. The provisions are welcome.

The hon. Minister has explained, while introducing the Bill, that it has two aspects. On the one hand it will mitigate the undue harassment, suffer-

ings of the property holders, the house owners etc. and on the other hand it will enhance the income of the Municipal Corporation. The income of the Municipal Corporation will considerably go up which is the need of the hour.

Delhi being the capital city of India, we should have a very good and ideal Corporation here. The Municipal Corporation should be ideal in all respects. It should also have very healthy functioning. As you are aware, every day some high foreign dignitaries are present in Delhi.

So many things like local development etc. are taken care of by the Municipal Corporation. Unless the Corporation is ideal and it does its job properly, its life will suffer and that also will give a bad impression to the outside world. Of course we have our poverty and so many other problems in the country, but in the midst of all this, Delhi has the reputation of being one of the five beautiful cities in the world. That reputation is there and we should see that this reputation is in no way eroded by our functioning. According to this Ordinance or the Bill that is before us, it gives also power to the authorities to include if any property is left out and rectify if there is any error or mistake. If there is, for example, an assessment on the higher side and so on, that could also be rectified. These are all welcome features, but at the same time, there should be proper safeguards. We have very good provisions in our legislation, but while they are implemented in the field by the bureaucrats or by the officers, sometimes the spirit is lost and sometimes other considerations come in the way of implementation. And the officers in charge of implementation do not do the work properly and the reasons are quite obvious. There is always a tendency on the part of a few officers to make some money out

of it. You should see how it should be checked—the aspect of corruption etc.

There is nothing much to speak on this, but one thing I want to say and that is sometimes I am confused because in Delhi so many institutions or organisations are associated with different aspects of our urban life—the Delhi Municipal Corporation, the New Delhi Municipal Committee, the Delhi Metropolitan Council, the Delhi Development Authority (D.D.A.) and so on. Of course, there is some subtle distinction between them. I do not say that there is no distinction absolutely, but it is very thin. So, what I urge upon the Minister, through you, is that there should be proper coordination between all these organisations so that there is no overlapping in respect of jurisdiction etc. and the purpose behind all this is not defeated. If there are only less organisations in Delhi, I think that will minimise the confusion and I think that is welcome. Whatever it is, at least there should be proper coordination between them.

Another thing is that this Bill has reference to two laws—the Delhi Municipal Corporation Act, 1957. and the Punjab Municipal Act, 1911. Sometimes I am allergic to see how many years before Independence this Punjab Municipal Act, 1911 was passed. What I mean to say is that there is a sea-change everywhere and a lot of change has been taking place since 1911. Delhi is our Capital. So, should we not have one comprehensive law for Delhi dealing with all aspects? Again, what is the necessity of making some reference to some other laws that are in vogue in Delhi? Somehow I am allergic to it. I am somewhat allergic to it. Now things are changing and we are also trying to keep pace with the changing situation. Why should we again adopt all these out-dated and out-modelled laws? This is a continuous process.

Delhi is our capital city and there is no dispute that we should build up this city more beautifully. It is a nice and beautiful city and it is one of the most beautiful cities in the world. We say that the city of Bangalore is a city of gardens. Even, Delhi could be made as a city of gardens. Therefore, further efforts should be made to beautify the city of Delhi and we should have a comprehensive law. Since the Parliament was not in session, the need had arisen for issuing the ordinance. We should also try to see that the functioning is streamlined in such a way that the necessity for issuing ordinances is minimised. Then, at the time of preparation of a Bill or ordinance, some more accuracy should be there so that very often we need not come to the House suggesting some amendments. In that process, the Government has to come before the Parliament seeking extension of time and if the House is not in session, again they have to issue an ordinance. Therefore, the concerned officers should apply their mind to this matter more meticulously so that this could be avoided in future.

Sir, there is no opposition to this Bill from the other side also. They have only given some suggestions. With these words, I support this Bill.

SHRI SYED SHAHABUDDIN (Kishanganj): Mr. Chairman, Sir, I rise to support the Bill before us. But I take this opportunity to make some observations on the state of the city of Delhi.

As regards the Bill, the Statement of Objects and Reasons explains the situation in which the Ordinance was promulgated and I fully appreciate that the municipal authorities should have extended time to initiate assessment proceedings and the time limit that has been given, I hope, shall be adequate for that purpose, that is, up to the 31st March, 1992. However, I

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have a feeling that the points raised by the hon. Member Shri Madan Lal Khurana regarding the retrospectivity of the enhanced rates must be given due consideration. If assessment has been delayed, it is for no fault of the tax payer and to suddenly place a burden on him for the past assessment at an enhanced rate shall not be fair.

Therefore, I make this plea to the Government that the fresh assessments must apply only with the current financial year if the assessments are completed before 31st March, 1992.

The second point that I would like to place before you and emphasise is the fact that a lot of properties are used by the citizens of Delhi for their own occupation or their own business. Delhi is a great metropolitan centre and the commercial value of property is rising every day. Some concession must be made for the properties which are in self use either for residential purposes or for business purposes. A person might have a small house of 50 sq. metres or 25 sq. metres. A person might have a small shop of, say 10 sq. metres and he cannot possibly go on paying the municipal tax at enhanced rates every year. I am not questioning the right of the Municipal authorities to re-assess and re-fix the rates. That they can do every year or every few years. But I would say that some exemption must be made from its process of continuous enhancement, in the interest of those people who are occupying their own properties or for their own purposes or for business purposes.

An important point to which I would like to draw your attention is this that the Municipal services in Delhi, all said and done, are at a breaking point. I am not talking of the posh localities. I am not talking of the roads of Delhi. I am not even speaking of the colonies of South Delhi. They are well-maintained. I do not know whether in fact the re-

sidents of those localities pay in totality the expenditure that is incurred on their beautiful parks, on the beautiful roads which are laid out very beautifully and on the services that they receive. But I do know that in East Delhi, there are slums and *bastis* which receive practically no service at all. You have the beautiful city of gardens on the one hand and, you have, on the other hand, the city of sinking nallas and drains in which the nallas are running into the roads and I would, therefore, suggest that the Municipal authorities of Delhi—and I would like the hon. Home Minister to take note of this fact—should provide the basic amenities for all the people of Delhi, for all the colonies of Delhi and, in fact, even the *bastis* are springing up and they are springing up every day and more and more people are coming to Delhi from outside. Some effort has to be made to have a proper lay out and to see to it that these *bastis* do not grow in a very haphazard manner. If some effort is made to provide the minimum Municipal services, I think Delhi can be a better place to live in for all people of the country.

Delhi should not be a matter of pride for the people who have adopted the five-star culture. It should be a matter of pride for every citizen of the country who comes to Delhi.

I represent in this Parliament an area called Purnea in North Bihar. I believe at least 50,000 people from various parts of Purnea live and work in Delhi. I do not have words to explain to you the dismal conditions in which they live. Imagine a visitor from Purnea coming here, to meet his relatives. I am just giving an example and that applies to all in the country. He has heard a lot about Delhi. He comes to Delhi to enjoy fresh air and the beauties and the landscape of Delhi and he goes on and sees people practically down in drains. This disparity in Municipal services must go.

Only today or yesterday, I read in the newspaper that in order to renovate the roads in a single colony of Delhi, the Defence Colony where perhaps a thousand families live, it is proposed to spend something like Rs. 3 crores.

This disparity in the commitment of Municipal resources for providing basic amenities like drainage and roads must be looked into and must disappear.

Sir, the other aspect of the city of Delhi that I would like to place before you is the fact that Delhi is a historic city, Delhi is a city of monuments and these monuments are—not only due to natural wear and tear, due to erosion by further time but by human acts—dwindling with every passing day. At the turn of the century a survey was made by the Central Government and they found that there were nearly 1200 monuments in Delhi. Today, nearly half of them cannot be traced. They have simply disappeared. They were not at all taken under the Central protection. Only a few were and only a few are taken under them and the rest are the responsibility of the Delhi Administration. Unfortunately nothing very much is being done. On the other day we had a project for a museum of the city of Delhi. I do not know where this project was prepared. There was a talk about establishing a museum in which the evolution of the city of Delhi from the pre-historic times right up to the present day shall be projected. I would suggest that for a city to have a sense of historic past, for a city to retain its historic memory, for a city to have its place in history, it is essential that we must look after the historic monuments on the one hand and we must try to project all these things to the people and the visitors who come from all over the world. Simultaneously, may I also mention that the Old City is in a bad shape. I think

the Old City, the Old Shahjahanabad, the Walled City needs a lot more care than has been bestowed upon it by the Delhi Municipal Corporation or by the Delhi authorities.

Coming to this, one of the reasons why some of this negligence has taken place is the fact that while we speak of decentralisation of authority, in the case of Delhi more and more centralisation has taken place over the last few years. There is not only a multiplicity of authority which creates overlapping and negligence but there are also several layers of decision-making and finally everything ends up with the Central Government. I do not understand why the Central Government should run the Delhi Transport System, or why should the Central Government run the Delhi Power Supply system, why should the Central Government have a hand in running the Delhi Housing System. I cannot understand it. Therefore, I would suggest that Delhi must have a role to run itself, to rule itself, to Govern itself and therefore I take this opportunity to plead with the Government to grant the cherished demand of the people of Delhi to have a Statehood for themselves.

MR. CHAIRMAN: Only for Delhi? What about the Andaman & Nicobar Islands etc.?

SHRI MANORANJAN BHAKTA (Andaman-Nicobar): We are having an inferior type of Government there.

SHRI SYED SHAHABUDDIN: When I plead for Delhi I am not meeting the claims of the others but I would suggest that Delhi has a very special place and Delhi must be given the Statehood. For that matter, at least what the least we can do immediately is to allow the people of Delhi to choose their own representatives, to elect their own representatives. That is the first step. For four years, may be for 8 years in some

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cases, the Municipal Elections have not taken place. The Metropolitan Council is in doldrums. The people of Delhi have no hand in running their affairs. I think this state of affairs must go. While the Government make up their mind about granting the degree of autonomy, granting the Statehood to Delhi it would be fair if at least they announce the dates for the Delhi Municipal Corporation elections and the Elections to the Delhi Metropolitan Council which have been deferred from time to time on many occasions.

There is one more point I would like to make and I am done with. I am a believer in municipal housing. When I was in Algeria as India's Ambassador, I had the occasion to study their housing system. It was a country which had lost practically all dwelling units during ten years of its War of Independence. Everything was in shambles. But they took the model, the model perfected by the great Mayor of Marseilles in France who had created the municipal housing for that city. They built enormous complexes to house the people whose dwellings had been razed to ground by the war operations during the freedom struggle.

I think that once Delhi has a Statehood, instead of these occasional bulldozing that we hear about, there shall be a planned and systematic way of relocating people without disturbing their means of livelihood, perhaps, in high-rise buildings, and in a way, without interfering with their livelihood.

With these few ideas that I have placed before you, I support the Bill and once again, I plead with the Government, at least, to exempt—that is the most important point in my mind—the question of retrospectivity. The new rate should apply with effect from their assessment and not with re-

trospective effect. Secondly, the self-users of the properties should not be subjected to this rise too frequently.

SHRI TARIT BARAN TOPDAR (Barrackpore): This is a Bill which is going to be legalised with promulgation that has been made in regard to the Delhi Municipal Corporation and specially for the assessment of properties. I am in one, with the earlier speakers that it should not have the retrospectivity because, this will tell upon the incumbents—the householders—not for their fault. It is because of the fault of the administration; because of some sort of delaying or procrastinating on the part of the administration. And for this reason, the people should not be penalised.

One more thing that I also support is that persons who are owning and using the property for himself for the purpose of dwelling or for the purpose of some sort of business done by himself should get special concession, in the course of assessment of taxes. It is true that in Delhi, the values of properties are getting high day by day and it is also true that the municipal authorities should take this into consideration and assess the taxes commensurating with the rise in the value. This is the order in which taxes are assessed in our country in different cities.

While considering these things, properties used by the owners themselves in the form of business and in the form of dwelling purpose, I reiterate, should get special concessions.

While this Bill has to be supported, because it is merely a legalisation of the ordinance promulgation, I want to make one salient point. That has been mentioned by earlier speaker also and that is about the elections to the Municipal Corporation which are not being held in Delhi for so many years. It is not the case with Delhi alone. In

so many metropolis and in so many cities the ruling party Congress-I is not willing to hold elections. This is the case where they rule. Probably in Delhi also they are not willing to hold elections. In course of supporting this Bill, I want to put a rider through you that the House should resolve that within the time limit given, the Delhi Municipal/Corporation elections must be held. This should be a rider which we want to put on the Government through the House.

In course of supporting this Bill I would like to say that the standard of municipal service has gone down and because of multiplicity of authorities—one is DDA, the other is Delhi Municipal Corporation and the third is Metropolitan Council—there is overlapping of issues as to who will decide things, which is the jurisdiction of which Committee etc. These are the things that complicate simple matters.

I don't say at the present moment that Delhi should be given statehood right now. I am not going into it now. When that point comes up, we will discuss and finalise it. But decentralisation must be there. Delhi people must have their say in their municipal activities, in their municipal services. They must be given powers to do their own jobs as regards the municipal activities. Thousands of crores of rupees are being spent for Delhi; but the slum dwellers remain in the same standard as they were and the dismal picture on the one side remains as it is. Therefore in order to fix accountability and at the same time in order to have participation of the people in the Delhi Municipal activities, Delhi Municipal elections should be held forthwith. The Metropolitan Council elections also should be held forthwith. Coordination among the authorities governing the issues of Delhi should be well identified and things done in that way.

SHRI MANORANJAN BHAKTA
(Andaman-Nicobar): Mr. Chairman

Sir, this Bill has a very limited purpose. However, the Members from the other side try to bring many other questions in it. What was the purpose of bringing this Bill? There was an ordinance issues when this House was not in session. Now the Government wants to repeal that and therefore this Bill has to be passed.

The purpose of the Bill is;

“Consequent upon coming into force of the Delhi Rent Control (Amendment) Act, 1988 with effect from 1-12-1988, it became imperative for the Municipal authorities of Delhi to send revised notices to a very large number of property tax payers (over 5 lakhs) as prescribed under the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911 as in force in New Delhi.”

Subsequently they say,

“The number of properties due for re-assessment being large, the Commissioner was not in a position to issue notices based on systematic surveys and proper scrutiny of documents. With a view to ensuring that notices were issued after due verification, it was felt essential to extend time upto 31-3-1992 for the purpose of initiating assessment”.

I think, this is the purpose of the Bill. So, there is very little scope for discussion on this Bill. I support this Bill. At the same time, I would like to say a few words for consideration.

I do not agree when Shri Khurana said that there was no election in Delhi and that is why all these issues are lying pending; that is why many things could not be done, etc. It is not so. The problems of the Union Territory are quite different. Each Union Territory has a different type of administrative system. In Pondicherry there is a legislature. It is an Union Territory with a legislature; In

[Sh. Manoranjan Bhakta]

Delhi, there is a Metropolitan Council, and there is a Municipal Corporation; In Andaman & Nicobar Islands, there is a Pradesh Council; similarly in Lakshadweep, there is a Pradesh Council. So, in different Union Territories, different types of administrative systems are prevailing. So, what Shri Khurana should have said and demanded is that there should be one uniform policy for all the Union Territories. In that case, many problems of the Union Territories could be solved.

SHRI MADANLAL KHURANA:
I agree.

SHRI MANORANJAN BHAKTA:
Sir, then I agree with Shri Khurana when he said a point about the assessment of high rates. That point should be taken into consideration. The assessment should be done on the basis of the actual cost of the property purchased either from DDA or from any other authorities. It should not be done on the basis of the market rates because market rate is an unreliable parameter which is fluctuating.

For example, suppose if some NRI people or people from Gulf come and try to purchase properties—they pay any price. So, in such cases we have seen that—suddenly there will be a steep rise in the price of properties. But, actually the real user who lives in his own house which was purchased from DDA or from any other authorities, cannot pay the tax assessment made on the basis of the market rates. That is why I want that this matter should be considered.

15.48 hrs. SHRI S. MALLIKARJUNAIAH in the Chair]

There is also another point to be noted. This Bill intends to increase the revenue of the Municipal Corporation. The Municipal Corporation is increasing their revenue earnings, but they are hardly providing any service

to the people. This point has to be taken into consideration. When we are putting more and more burden on the people, we are not providing civic amenities and facilities to the people succinctly. Until and unless this is done, I do not think the Government will be really doing justice to the people or to the occupants of these properties.

I would also like to make a request to the hon. Minister that Shri Subhanab Rangiani here has stated that we are following all the old laws by piece-meal amendments.

The Government should consider about a comprehensive amendment to such Bills so that we can cope up with the present requirements of the people and also how these municipal bodies would function effectively in a better manner in the big metropolitan cities, particularly in Delhi.

At the same time, I also request the hon. Minister to consider the other Union Territories where the municipal laws are inadequate and ineffective. In those areas also, they should consider that a comprehensive and united legislation is brought before this House.

The time at my disposal is limited. I support this Bill for consideration.

[Translation]

SHRI DAU DAYAL JOSHI (Kota): Mr. Chairman, Sir, with reference to the Delhi Municipal Laws (Amendment) Bill, which has been presented here, I would like to say that the distribution of authority in Delhi is totally incomprehensible and confusing. In the last session, two of my party colleagues, Prof. Vijay Kumar Malhotra and Shri Madan Lal Khurana repeatedly made forceful plea for granting statehood to Delhi and for setting up a legislative assembly. However, Delhi has been

deprived of its legitimate rights, because it is the Bharatiya Janata Party which commands the support of the people of Delhi. Unfortunately, even now the work of administering Delhi is divided among four or five organisations. Only yesterday, some traders from Sadar Bazar approached me and requested me to visit their area, which is represented in the House by Shri Jagdish Tytler. They told me that there was slaughter house in the main market, where traders from all over the country come for business and that the sight of blood flowing from the butchery is quite repulsive.

(Interruptions)

Although Shri Jagdish Tytler is known to be a very considerate person and is occupying an important position in the Union Cabinet, yet it is most unfortunate that after winning the elections, he has not visited Sadar Bazar area even once.

Although Delhi Sadar is the constituency of Shri Jagdish Tytler, I would like to tell him that he should not get intoxicated by power and that he should visit his constituency at least once. *(Interruptions)*

I have been the president of the Kota Municipal Council. I would like to mention here that Municipal Councils all over Rajasthan have imposed house tax, but during my tenure as the President of the Kota Municipal Council in 1970 I had taken a decision to abolish house tax. Now the year is 1991 and even now house tax is not levied in Kota. You say that your intention is to provide some relief through this Bill, but I don't think that it is possible to provide any relief. Assessment is made once and some people succeed in getting house tax fixed at a lower rate by greasing the palms of some officials. Then the same amount continues to be recovered for years. This doesn't

provide any relief to the people. It is my humble submission that there is nothing wrong in the convention of making an assessment once, but some tribunal should be constituted thereafter to check whether the house tax has been properly fixed.

I would like to submit that house tax is not properly recovered. You may fix it for 15 or 20 years together. Many amendments were required to be made in this Bill. Hon. Minister, Sir, when you brought forward this Bill, you should have introduced some amendments to the Delhi Municipal laws, along with it. There should have been a provision under which if a person deposits house tax for twenty years in one lump sum, he should be exempted from paying house tax for life. Unfortunately, you haven't brought forward any such proposal. You wanted to provide relief, just keeping an eye on elections. This is obvious from the fact that the house tax had gone up under the Rent Control Act and an increase in house-tax means loss of votes to political leaders. This is precisely the intention behind this amendment.

A committee under the Chairmanship of Shri Jag Parvesh Chandra was constituted. Later on, Prof. Vijay Kumar Malhotra was inducted into it. Unfortunately, no heed was paid to his suggestions. I do support this Bill, but along with it I would like to make a humble submission that taxes like House tax, which creates a lot of difficulties for the citizens, should be completely abolished. The Municipal Councils have many other sources to earn revenue. Lastly, I once again extend my support to this Amendment.

SHRI BHUBANESHWAR PRA-SAD MEHTA (Hazaribagh): Mr. Chairman, Sir, I would like to point out certain facts, with regard to the Delhi Municipal Laws (Amendment) Bill. Under the provisions of the 1989 amendment, the house tax was

[Sh. Bhubaneswar Prasad Mehta]

to be assessed by 31st March, 1991, but unfortunately, it could not be done. Now the time has been extended to 1992. The notices currently being issued to the citizens of Delhi, show the house tax amount higher by 10 or 12 times and the people are running from pillar to post and finding it difficult to go to the concerned offices to file their objections. The people of Delhi are fed up with all this. Therefore, it is my humble request that such provisions be included in this legislation, which would enable the common man to pay his dues without facing any difficulties or harassment at the hands of the officialdom. Today, they are running from pillar to post, submitting representations to one and all, yet their grievances are not listened to, in time as a result of which they are facing immense inconvenience.

Mr. Chairman, Sir, through you I would like to suggest to the Government that they should not levy house tax from people owning and residing in the L.I.G. (Lower Income Group) and M.I.G. (Middle Income Group) flats of the D.D.A. They should be exempted from the purview of house tax. It is further requested that tax based on D.D.A. rates should be levied from those who have purchased their flats on hire-purchase basis.

Mr. Chairman, Sir, I would also like to say that the Government should implement the recommendations made in the Malhotra Committee Report. Right now, instead of conducting a house to house survey, the officials concerned fix the house tax sitting in their offices and under this process structures coming under the commercial category get included in the non-commercial category and vice-versa, and consequently, it is the common man, who suffers the most. It was reported in the newspapers sometime back that the Government proposes to launch a Self-assessment scheme. I would

like to know from the Government, whether it is serious about implementing the said scheme. If so, the Government should give it wide publicity and save the people from the inconvenience and the difficulties, they are currently facing. It has been decided to assess the house tax by 1992, but alongwith it, the Government should see to it that the taxes are levied w.e.f. 1992 onwards and not retrospectively from 1988, as proposed. If it is levied with effect from 1988, it would tantamount to perpetrating injustice on the people of Delhi. Election to the Municipal Corporation of Delhi is long due and the people of Delhi are finding it difficult in the absence of their elected representatives. Therefore, the Government should see to it that elections to the Municipal Corporation are conducted, wherever and whenever they are due. With these words, I once again extend my support to this Bill and request the Government to ponder over the points. I have raised.

[English]

SHRI SAIFUDDIN CHOUDHURY (Katwa): Sir, the first speaker from our Party has given our views on this particular Bill. The problem of not having democratic elections to any of these institutions is that we have to discuss all those matters in Parliament. I would not have taken part in this debate, had I not been hurt by one incident in connection with the NDMC.

Some days ago, one young man came to me and informed me that he had a stall in Janpath near the Indian Oil Bhavan. He told me that he was evicted by the NDMC. The aggrieved persons like him, moved the Supreme Court for redressal and got a stay order also. Despite the Supreme Court's order, they are not being allowed to set up the stalls there. Why? Money plays a very big role

in these matters. Some were permitted to put up their stalls, while some others were denied the opportunity. If somebody comes to me, as a representative of the people, it is my duty to contact the highest authority there. I telephoned the administrator of the NDMC thrice. On the telephone I could not contact him. So I left my number with the office of the Administrator. I do not know who that great man is. He may indeed be great and he may be having lot of work to do in the NDMC. He did not have time to reply my call and the PA of the gentleman advised me to send that young man with a letter from me to meet the administrator. I wrote a letter and I sent that young man to the administrator. His PA sent him to the Director of Enforcement. Do you know what happened there? He threw my letter on the floor and said that nothing could be done. If this is the kind of behaviour that we have to face from the servants of the people, I am really very sorry. How can we inculcate a sense of accountability in the minds of our public servants?

May be this is a very small matter. Nobody bothers in our country, if a man is dying. If this young man dies, nobody will shed a tear for him. Since he has come to me seeking my help, I wanted to help him. Despite the Supreme Court's stay order, he has not been allowed to put up his stall. I want to know why. Who will give me the answer? Though this is a small matter, many important issues are involved in this. How can NDMC behave in this manner? I urge upon the hon. Minister to give a specific reply to this. I am raising this question because in a democracy it is necessary that this kind of people are taken to task. It is not merely my insult. It is an insult to the people of this country. We cannot allow our bureaucracy to function in this way. I have taken part in this debate just to raise this issue. For

that matter, I am helpless. What have I to say to that young man who came to me? I am just reporting this matter to the hon. Minister and raising this issue in the House so that at least this way, we can do some justice to the suffering persons.

[Translation]

SHRI MOHAN SINGH (Deoria):
 Mr. Chairman, Sir, there is no question of speaking against the spirit of this Bill. But some time should have been allowed to the Administration for the reassessment of the House tax. There is no problem in allowing such a time. However, I would like to submit as to how long we shall continue to maintain law and order in Delhi through ordinances and with the help of the Union Government. Much time of this House and the Central Government which has to pay its attention to so many activities of the country is unnecessarily wasted in maintaining law and order and attending to other activities of Delhi in the absence of any democratic set up in Delhi for the last 8 years. Therefore, I demand that elections for the Municipal Corporation and the Metropolitan Council of Delhi should be held immediately. I am in favour of granting statehood to Delhi. It must have its own Vidhan-Sabha for which elections should be held soon. Had the Bill for granting State-hood to Delhi been introduced, we would have perhaps supported it vehemently. I demand that such a Bill should be introduced in the House.

So far as the question of assessment of House Tax in respect of buildings owned by individuals is concerned, I would like to inform the House that 15-20 lakh persons belonging to Uttar Pradesh and Bihar are residing in Delhi. Most of them are daily-wage employees and their income is quite limited. They have constructed their houses after obtaining loans either from their departments or from

[Sh. Mohan Singh]

financial institutions. This is a fact that the prices of the properties are raising in the market day by day, but there are many other reasons for increase in the prices of properties. When the prices of the properties go up, there is no increase in the income of the individual house-owners simultaneously. When there is no increase in their income, there is no justification for levying these taxes on them. I would, therefore, like to suggest that no new taxes at the increased rates should be imposed on the residential houses as well as those houses which are used for the small business by a man to earn his bread.

So far as the question of civic amenities to the common man in Delhi is concerned, these are deteriorating day by day in the absence of a responsible Government or a proper set up in Delhi. Do not take New Delhi separately. Think of greater Delhi as a whole. Taxi-drivers and Scooter-drivers go on strike at the interval of every two or three days, but there is no responsible authority to hold talks with them. Filth is piling up in the city, there is no arrangement of even night-shelters for the people and therefore, lakhs of them are compelled to live on the foot-paths. Who is responsible for all these things? Who will take care of all these people? It was the grace of God that there has been no rains this year, otherwise entire city might have been perhaps submerged into water. I would, therefore like to submit that a proper responsible set up should be formed to augment civic facilities in the city. Our motto should not be to extract taxes only on the pattern of bureaucracy. Civic amenities should also be increased as well. With these words, I support this Bill.

SHRI SURYA NARAYAN YADAV (Sahasra): Mr. Chairman, Sir, I support this Bill. I got an opportunity to understand the working

of Ministry of Urban Development when I and Mr. Khurana were members of its Consultative Committee. The Metropolis like Delhi where people from all over the country come and reside lacks suitable arrangements for them. The number of persons belonging to Uttar Pradesh and Bihar who have come to Delhi and reside here is 40 to 45 lakhs and not 15-20 lakhs as mentioned just by one of our colleagues.

Sir, they are living in their small jhuggis where they do not have the facility of drinking water or any other facility as corporation elections have not been held for the last 8-9 years. There cannot be greater injustice than this. We are not able to provide them clothes, food-grains, medicines etc. We fail to provide them even drinking water which is essential for survival. This is most unfortunate for this metropolitan city.

Sir, there is the question of granting statehood to Delhi and there is the question of holding of elections to Municipal Corporation, but I would like to submit that there are many families, which have come from other places are living here in Delhi for the the last 10 to 20 years, but till date, they have not got their Ration-cards. I would urge upon the Government that when an amendment is made in this Bill, it should be ensured that the names of all those persons are included in the voter-lists, who have been living in Delhi for the last 10 to 20 years and ration-cards must also be issued to them.

Sir, in the metropolis of Delhi ration card is of vital importance. A person without it even if he is an M.P. does not get a person to stand as surety for bail in case he is implicated in any case or is involved in any court-case. The person facing such a problem rushes to us for bail and we send with him our servants or drivers for whom we have got the ration-cards

issued. This is certainly a sorry state of affairs. I would like to submit that the situation is the same for Punjab migrants also. Being the President of All India Jhuggi Jhonparin Mazdoor Sabha, I have myself seen the condition prevailing in Delhi, Calcutta, Bombay and Madras. I see the condition of jhuggi jhonpari dwellers in all the Metropolitan cities of the country. Just now Shri Saifuddin Choudhury has rightly said that I happen to establish contacts being President of that Sabha. I have written many letters regarding their problems to the concerned Authorities, but unfortunately none of my letter has been replied to by them during the last two years. Now you can easily imagine the situation of an ordinary man in such circumstances when even an M.P's letter is not responded to.

Sir, I would, therefore, like to submit that a date should be fixed for holding the elections of Delhi Municipal Corporation and elections should be held as soon as possible so that the problems do not get complicated further. I would like to say one thing more in this regard that usually 4 or 5 candidates contest elections in a particular constituency of Corporation. They adopt the policy of divide and rule and the people become the ultimate victims. These elections must be held immediately so that the elected representative of the particular constituency may be responsible to take care of the difficulties of the public and to make suitable arrangements to remove the difficulties of the people. This is my suggestion and I support this Bill. I am thankful to you for giving me time to speak.

[English]

SHRI M. M. JACOB: Mr. Chairman, Sir, I am thankful to the hon. Members who participated in the discussion on this Bill. I was sur-

prised to find that there was so much to say against this very casual, innocuous way of treating the time for extension. Anyway, I am extremely happy that some of the Members have mentioned very valid points though not pertaining to this particular Bill that is before the House but regarding the overall requirement of Delhi.

I agree that Delhi is a growing city. Everyday, people are coming from various States in search of employment, in search of other occupations and the problems of Delhi are enormous.

As you know, I have taken over a part of the responsibility of looking after this only in this very Session.

At the same time, the Parliament Session started. I did not have even the time to go to the houses of the hon. Members at least to know for myself what are the real problems at close quarters. I agree with many of the points raised here by the hon. Members, because a composite plan, a composite thinking is required, a coordinated effort is required before elevating the status of Delhi to a real Capital of India.

I also see the contradictions existing in various institutions as many other hon. Members have mentioned. But I do not want to waste my time at this hour to elaborately answer the problems raised by the hon. Members. Mr. Khurana was arguing about elections again and again in Delhi. The Government is aware of it. Now the Government is actively considering the manner in which the elections have to be held. One of our colleagues just now mentioned that the elections will have to be conducted on the basis of new electoral rolls because many people have come from various parts of India to Delhi, especially from Bihar; he was mentioning about Bihar. He was arguing

[Sh. M. M. Jacob]

that unless their names are included in the electoral rolls, they cannot get their ration cards. So, their names must be enrolled in the electoral rolls; only then they can become full citizens of this Metropolitan city. I agree with them. This is a very good proposal and I will see whether it is possible to do so; and I will be very happy to examine this aspect; and if it is possible, I will be very happy to accept that a new revision of electoral rolls will be required in Delhi.

I don't think the Congress Party is averse to elections. Some of our friends from that side mentioned in the course of their speeches that the Congress Party is not interested in the elections. The first parliamentary election was held in India. I even remember to have read an editorial in the English newspaper, *Guardian*. They said, India has proved that elections are possible in India and the Congress Party under the leadership of Shri Jawaharlal Nehru has proved that they are the cradle of democracy for the whole Asia. Till today, the Congress Party is not against the elections. Every time when the time comes, the Congress Party is prepared for the elections. But Mr. Khurana is upset about that. There are countries across the border where people do not believe in elections at all. But we are running this country for several years who believe in the elections. Never national elections were put off; never State elections were put off until and unless there are valid reasons for putting off elections for one year or two years.

For Delhi, there are issues to be sorted out, as my good friend just now mentioned about electoral reforms; he also mentioned about an argument. There are all sorts of arguments which are coming up. There is a demand for a Statehood. Then

they say, it should be on the model of Pondicherry State. In this connection, I do not want to digress because there are Reports of the Sarkaria Committee; there are Reports of the Balakrishnan Committee. All these Reports are before the Government and the Government is examining which will suit best for Delhi; whether it is full Statehood or whether it is Pondicherry model or immediate elections to the Metropolitan Council and the MCD. All these Reports are before the Government. We are not running away from the fact.

But here it is a simple fact before the House; it is only an extension of time for one year for proper assessment to be made. The issue is simple. An assessment is to be made as per the amendment made earlier in this very House. According to that amendment, we were given time till 31-3-1991 to complete the assessment for New Delhi Administration and the MCD. But they wanted to go deeper into it. They surveyed the records; they surveyed the area. They wanted to find out the actual users, the actual people; and in the process, they took more time; and because of that, out of five lakh people in the MCD, they could complete only 2.5 lakh people. Now half done and half undone. The same is the case with the NDMC. Ninety per cent of the assessments are over. But ten per cent was remaining. So, we thought that a proper assessment has to be done in order to prevent harassment to the poor people and we have to be very reasonable in making the assessment and valuation. So, the ratable tax, whenever you take the ratable rate whenever you assess a person, nobody shall feel hurt.

That was the intention of the Government in asking for the extension of the time. And I hope that my good friends who moved the amendments would agree. I am thankful to

Shri Girdhari Lal Bhargava for the points he made while speaking on his amendment. But at the same time I request that this has to be taken into reality.

Another point was raised about the various committees appointed. It is true that a committee was appointed of which this House is aware of, and that Committee could not complete its work because suddenly the dissolution of the set-up came. Then the Committee was re-constituted and the re-constituted committee was there. In the meanwhile an expert committee was also appointed. I honestly tell you that the problem is that the expert committee constituted in August 1990 and the Property Tax Committee of November 1990 submitted their reports to Delhi Administration and the Delhi Administration conveyed its views to this Government on the 22nd July, 1991. Even on the day before, on the 2nd August, 1991, we have received another letter from the Delhi Administration that it was in furtherance of what they had conveyed that they were again conveying some more views. We must have some time to look into what they have actually said, what the various committees have said.

SHRI MADAN LAL KHURANA: When did you receive the report?

SHRI M. M. JACOB: That is what I said. The full report came only on the 2nd August. On 22nd July they sent a report and on 2nd August they sent another lot. We were not able to apply our mind during the course of a week to two reports giving conflicting views. There is a contradiction between the expert committee report and the Property Tax Committee report, between the recommendations made by them. We have to apply our mind thoroughly to find out what is right and what is wrong. Naturally, it has to be done.

Another important question was which Shri Shahbuddin knows, whether the actual users are harassed in this process. For self-users, prior to 1-12-1988 it was 8.25 per cent of the cost of construction and the market value of the land. From 1-12-1988 it was 10 per cent of the cost of the market value. My distinguished hon. friend was telling that it will be 50 per cent. I assure you that it is not 50 per cent. It may be about 20 per cent or so.

SHRI MADAN LAL KHURANA: It will be 37 per cent, total.

SHRI M. M. JACOB: I am talking of self-users.

SHRI MURLI DEORA (Bombay, South): You do not have to give so many details.

SHRI M. M. JACOB: The point I am driving at is that the ultimate point is that it is done not to harass ordinary people; people having rental value of Rs. 3500 are not at all affected basically. People who are having palacious buildings and earning large amounts of money are distinguished between the users and the non-users.

What we are doing is that this money is meant for the development of Delhi. Without money Delhi is not able to develop. So, if you are not allowing the extension—that much which we have sought—we have to suffer, so many crores of rupees which will be lost and the development may suffer. It will be a set back for the ordinary common people of Delhi.

Considering all these aspects I request Hon. Members not to press for the amendment, and to withdraw it giving us this innocent extension asking for some more time and the ratification of the Ordinance which is before you in the form of the Bill.

[Translation]

SHRI GIRDHARI LAL BHAR-GAVA (Jaipur): Mr. Chairman, Sir, a committee was constituted under the Chairmanship of Shri Vijay Kumar Malhotra and that committee had submitted its report, but the hon. Minister has mentioned nothing about that. Had the hon. Minister made a mention of the recommendations of that committee, many of the issues would have been resolved here itself.

I would like to put forward some points for the information of the hon. Minister and I believe, these points would prove to be useful to him. There are two provisions in vogue in Delhi to realise house tax and property tax. Under the first provision, house tax is levied on standard rent calculated on the basis of cost of construction whereas in some cases, the house tax is levied on the basis of commercial rent also. What I want to say is that there is no justification for raising the house tax in respect of the houses which were let out a long ago and in the cases of which there has not been any increase in rent during these years. This is my first point.

My second point is that there is no relief in house tax for widows, personnel of the armed forces and the retired persons who have been living in their houses for years. The rent is the only source of their income. The taxation proposed does not clearly indicate as to the limit of rent on which concession would be available for self occupied houses and those let out on rent. The hon. Minister has mentioned about re-valuation of old properties in Delhi saying that the city has since undergone development. But I would say that after all these people had been paying house tax and property tax even before Delhi had undergone any development worth the name. I feel, revaluation of property in the case of those houses which have neither undergone any addition or altera-

tion nor have their ownership changed hands, is an injustice to the house owners. There is no objection to revaluation of old houses to which additions and alterations have been made and ownership in respect of which have changed hands. But if nothing of this sort has taken place, there should be no upward revision of house tax.

The hon. Minister might be aware that in Delhi huge amount of money is taken as 'Pugree' (Advance). Small 'Thadis' (raised platforms) and houses are let out by taking 'pugrees'. My submission is that an amendment should be made in the law by adding a provision under which the landlord should alone be entitled to get his house back in the event of a tenant vacating it so that it might not change hands from one tenant to the other. If this is done, I think, house tax will increase along with the rent of the house owner beside making it convenient for the authorities to realise the house tax. As regards, the realisation of house tax for the year 1988-89, I feel that if the Government realises the house tax from 1-4-87 on the basis of the rates applicable for the year 1987-88, there will not be any difficulty in tax collection. This is my second submission.

Coming to third submission—I would like to ask as to why there is a variation between the rates of house tax being charged in Delhi by the N.D.M.C. and the Municipal Corporation of Delhi. The rate of house tax being charged by the NDMC is 30 per cent whereas in the case of M.C.D. it is 12 per cent. There should be a parity in the rates. When the Municipal Corporation of Delhi is charging 12 per cent, the NDMC too should change 12 per cent. I am saying this not only for Delhi. The rate of house tax should be uniform throughout India whether it is Delhi, Jaipur, Jabalpur or Punjab and the rate in no case should be more than 5 per

cent of the ratable value. The law should be uniform in the entire country.

Mr. Chairman, Sir, talking about Delhi, I would like to point out that there are four types of taxes in this capital city. There is wealth tax, there is income tax, then there is house tax and there is yet another tax known as land and building tax. There are four different agencies to assess these four taxes. All the four agencies assess the ratable value of the house or the property differently. Will you please tell me the justification for this? Four different departments assess the ratable value of the same house or property differently to realise their respective taxes. I would request that this anomaly should be removed and the ratable value of a house or property for the purpose of income tax and house tax should be assessed uniformly. House tax and building tax are the State subjects. As regards, wealth tax, I would request that it should be charged in lumpsum. When there are different kinds of anomalies in the matter of assessment of ratable value, who is there to decide about the authenticity? Let me tell you that in Delhi, four local taxes are charged from the house owners. These are: water tax, sewage tax, education tax and fire tax. These four make the total number of taxes to seven in Delhi. After all, to what extent the Government wants to fleece the people of Delhi after levying these seven taxes. I feel that it is a gross injustice.

Similarly, the Government has allowed exemption upto Rs. 1000. That means the person who is paying Rs. 1000 annually is allowed exemption in Delhi. That means exemption is available only to those who pay Rs. 80 per month. That being so, the one paying Rs. 85 would come in the tax bracket. I demand that either you do away with this nominal exemption limit of Rs. 80 or the exemption limit should be raised on the lines of exem-

ption limit in the case of income tax. If the Government really wants to give some relief, the exemption limit should at least be equal to that of income tax exemption limit, otherwise this nominal exemption is of no use to anybody and it should better be done away with.

Delhi is a Union Territory. Being a Union Territory, the Parliament have to devote its precious time to transact business pertaining to the Union Territory. Mobilisation of resources for Delhi also costs a lot. This being so, Sri Khurana has to struggle daily in the House on the question of statehood to Delhi. All political parties including the Congress Party are demanding statehood for Delhi. We too have promised statehood to the people of Delhi. The Government has been postponing elections to the Delhi Metropolitan Council and the Municipal Corporation of Delhi on the pretext that Delhi is being given statehood and there is no need for holding elections to these bodies. I demand that Delhi should be given statehood as early as possible. The Congress Party does not seem to be sincere in its promise of giving statehood to Delhi lest B.J.P. should take the credit for it. If there is going to be some delay in the matter of statehood, let there be elections to the Municipal Corporation, and the Metropolitan Council at least. The Government should give thought to all these things and rectify the anomalies.

Another point to which I want to draw the attention of the House is that responsibility should be fixed for causing delay in bringing the proposed amendment to the Rent-Control Act. All these points need to be given urgent attention. Through this resolution, I want to draw the attention of the House to these specific points. The people of Delhi are in distress. People in other States are also feeling harassed by these departments. Now, there is no place which has been

[Sh. Girdhari Lal Bhargava]

exempted from taxation. Tax is being levied on each and every human activity. The Congress Party wants to levy tax on air also. People will be required to pay tax for breathing also. You have squeezed the representation of the people of Delhi in seven seats, then how development can take place in Delhi? It is the responsibility of the Government to ensure development and that is why it has all along been levying taxes. The people of Delhi demand that Delhi should be granted statehood so that time of the House is not wasted on discussion of petty matters. Time and again minor amendments are brought in respect of Delhi and the people of Delhi will have bear the brunt. If the Government does not want to grant statehood to Delhi, it should, at least, hold elections to the Municipal Corporation of Delhi and the Metropolitan Council. It is my appeal to the Government.

[English]

SHRI M. M. JACOB: The suggestions mentioned by him are being certainly looked into. He was rather requested to withdraw and I think the hon. Member is prepared to withdraw.

[Translation]

SHRI GIRDHARI LAL BHARGAVA: I know that various promises made here are not fulfilled. In order to ensure that my suggestions are not totally ignored, as the Parliament House is circular in shape. I request the Government to consider my valuable suggestions. With this understanding I withdraw the resolution, in which I had moved for disapproval of the ordinance.....(Interruptions)

SHRI SURYA NARAYAN YADAV: Mr. Chairman, Sir. I would like to know from the hon. Minister whether the Government would in-

clude the names of people, who have come over to Dehli from other parts. in the voters' list before the elections(Interruptions).....

[English]

SHRI M. M. JACOB: I think, I have already mentioned this in my speech. That is a very valid point and that is well taken. That aspect will be examined before conducting any election. That is what I mentioned.

MR. CHAIRMAN: Is it the pleasure of the House that the Statutory Resolution moved by Shri Girdharilal Bhargava be withdrawn?

SEVERAL HON. MEMBERS: Yes

The Statutory Resolution was, by leave, withdrawn.

MR. CHAIRMAN: I shall now put Amendment No. 1 to the Motion for consideration of the Bill moved by Shri Girdharilal Bhargava to the vote of the House.

The amendment No. 1 was put and negatived.

MR. CHAIRMAN: I shall now put the Motion moved by Shri M.M. Jacob to the vote of the House.

The question is:

“That the Bill further to amend the Delhi Municipal Corporation Act, 1957 and the Punjab Municipal Act, 1911, as in force in New Delhi, be taken into consideration”.

The Motion was adopted

MR. CHAIRMAN: Now, the House will take up Clause-by-Clause consideration of the Bill.

The question is:

[Translation]

"That Clauses 2 to 4 stand part of the Bill".

SHRI BHOGENDRA JHA (Madhubani): Mr. Chairman, Sir, I beg to move:

The Motion was adopted.

Clauses 2 to 4 were added to the Bill

MR. CHAIRMAN: The Question is:

"That this House disapproves of the Jammu and Kashmir Criminal Law (Amendment) Ordinance, 1991 (Ordinance No. 1 of 1991) promulgated by the Government on the 16th June, 1991."

"That Clause 1, the enacting formula and the long title stand part of the Bill."

The Motion was adopted.

Clause 1, the Enacting Formula and the long Title were added to the Bill.

SHRI M. M. JACOB: Sir, I beg to move:

"That the Bill be passed".

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The Motion was adopted.

16.36 hrs.

STATUTORY RESOLUTION RE
 DISAPPROVAL OF THE JAMMU
 AND KASHMIR CRIMINAL LAW
 (AMENDMENT) ORDINANCE,
 1991

AND

JAMMU AND KASHMIR CRIMI-
 NAL LAW AMENDMENT (SE-
 COND AMENDING) BILL

[English]

MR. CHAIRMAN: Now, we shall take up item nos. 13 and 14 together.

Mr. Chairman, Sir, the amendment that has been brought forward here in respect of Kashmir bears a long story of heartrending events. People like me who were involved in the freedom struggle fought for the freedom of the entire country. The people of Kashmir under the leadership of Sheikh Abdullah decided to stay in India. The aggressors who attacked in disguise were initially not accepted by Pakistan. I remember that some British and American generals were leading the troops. But they were not duly authorised generals. They belonged to Pakistani troops and were leading them. At the time of attack by Pakistani troops the late Maharaja Hari Singh refused to join the Indian Union. He fled Kashmir Valley without joining the Indian Union. At that time, the very persons who were Governor General and Chief of the Army in the British regime were made Governor General and Chief of the Army of free India. Both of them were bent upon not to send military assistance to Sheikh Abdullah. They categorically derecognised the authority of Mr. Abdullah stating that merging Kashmir into the Indian Union was not the proposal of Maharaja Hari Singh. The National Conference volunteers challenged the aggressors at the cost of their life. Later Hari Singh came to Jammu and under people's pressure joined the Indian Union.

We approached the Security Council. Everybody knows what was the