

[Sh. Chitta Basu]

history is a priceless heritage for all Indian patriots, which the country cannot afford to allow anybody to smear.

I request the Central Government to refuse permission to the Japanese Association and set up a suitable memorial at the Red Hills in memory of the valiant fighters of the INA.

(viii) Need for early completion of work at Jabalpur airport in Madhya Pradesh.

SHRI SHRAVAN KUMAR PATEL (Jabalpur): It was after crossing many hurdles that the Civil Aviation Ministry ultimately agreed to take up a time bound programme for extension of the existing airstrip into a 6,500 ft. strip to enable boeing 737s to land and take off from Jabalpur.

The hon. Prime Minister taking interest very kindly indicated that the work would be completed by October, 1995.

But, it has been observed that even the preliminary work of filling, clearing the bushes, etc., and levelling has not commenced, as yet. Any further delay might adversely affect the schedule of the entire project. The State Government has already allotted 37 acres of land for the purpose free of cost. Now, further action rests totally with the National Airport Authority. To expect Madhya Pradesh State Government to get the filling work done through JRY would now be unfair. They do not have sufficient funds for such projects and they have already done their part by surrendering 37 acres of land free of cost. The Civil Aviation Ministry also made allocation of Rs.4 crores for the extension of the runway in National Airport Authority's Eighth Plan.

I therefore request the Central Government to complete the entire extension of airstrip.

the construction of the terminal facilities and the installation of VOR DME visual landing air (PAPI) and night landing facilities as also the fencing of the airport at Jabalpur in view of its importance well before 30th October, 1993.

[English]

12.47 Hrs.

DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL - *Contd.*

MR. DEPUTY SPEAKER: The House shall now take up further discussion on the Delhi Municipal Corporation (Amendment) Bill. Shri Pawan Kumar Bansal was on his legs. He may continue his speech now.

12.47 Hrs.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Mr. Deputy Speaker, Sir, I was submitting yesterday that the proviso to Article 243(2b) which postulated the provisions of Part IX(A) of the Constitution could be made applicable to the Union Territories with the modifications which the President may feel necessary.

Sir, we thought that this provision would be invoked only for certain formal matters; as in the case of the Union Territories, particularly the small Union Territories, it may not be possible to implement certain provisions contained in the various Articles relating to the Panchayat and Nagarpalikas in the Constitution. But, what we find is that instead of really coming forth with a law here which could serve as a model for all the States and the Union Territories in the country, which could serve as an example to be emulated by the other States to ensure that the local self-governments—that is the municipalities and the nagarpalikas - are accorded a status which was intended to be so accorded to them when these

constitutional amendments were moved, the picture is slightly to the contrary. It was pointed out; it was, in fact, very forcefully brought to the notice of this august House by Shri Sajjan Kumar and other hon. members that this amendment Bill seeks to take away certain powers which were earlier vested in Municipal Corporations.

Sir, I am sure, the hon. Home Minister would hereafter give deeper thought to these provisions and try to bring about those amendments which they be necessary to give real power to the representatives of the people in the municipal corporations and the other municipalities.

Sir, there are two very important provisions and in fact, we can term them as revolutionary provisions in the Constitution and those related to the District Planning Committee and the Metropolitan Planning Committee. Those are contained in Article 243-ZD and Article 243-ZE.

"There shall be constituted in every State, at the district level, a District Planning Committee to consolidate the plans prepared by the panchayats and the municipalities in the districts and to prepare a draft development plan in the district as a whole."

Thereafter, Article 243 ZE says:

"There shall be constituted in every metropolitan area, a Metropolitan Planning Committee to prepare a draft development plan for the metropolitan area as a whole."

I find from the present Bill that the National Capital Territory of Delhi shall be deprived of these two important bodies. There is no gain in saying that there are a large number of villages in the territory which, under the law relating to panchayats, would be given certain functions as enumerated in the Eleventh Schedule and these should also be called upon to prepare their own plans. The

Corporation should be called upon to prepare its own plan and then a consolidated plan to be prepared by the District Planning Committee or the Metropolitan Planning Committee. This function has not been left to the Municipal Corporation of Delhi though there is Clause 36 which provides for the amendment of section 42 of the Municipal Corporation Act to the effect that:

"The function relating to the preparation of plans for economic development and social justice shall be one of the functions of the Municipal Corporation."

It could be argued that, in fact, the intent of Article 243-ZD and 243-ZE is being served by this Clause but my submission to this honourable House is that it is not really going to the extent that the Constitution so postulates. There is some lack of delegation of veritable authority to the Municipal Corporation and we would see that when the new Municipal Corporation comes into being, it is found wanting in certain duties for the reason that it does not have the right corresponding to perform. I know that in a big national capital like Delhi, there are certain functions which may have to be performed by the Government of the National Capital Territory or certain functions to be performed even by the Union Government as such. For instance, consider building by laws. Personally, I do not find much fault with the present provision when it says that the commissioner shall report to the Central Government and the central government shall prepare the plans. I think, for an integrated, balanced and proper development of a metropolitan city like Delhi, that is necessary. But I feel that if we really want the Municipal Corporation to be meaningful in its working, then some role has to be assigned to it. Now, Municipal Corporation would be just like an individual in making certain suggestions when the draft regulations are notified for inviting public objections or opinions. It would be in no better position

[Sh. Pawan Kumar Bansal]

than an ordinary individual.

There should be some say. There could be a provision that the laws concerning the area that falls within the domain of the Municipal Corporation, shall be framed after due consultations with the Municipal Corporation.

Then, there is another provision which, if I understand it correctly, means that it will be the Commissioner who as Executive Head will be entitled to appoint the staff of the Municipal Corporation. I think that would not really be in tune with the spirit of this constitutional amendment. In a State where there were to be more than one municipal corporations or municipalities one can understand that the services are provincialised, that the State Government makes those appointments and then those employees are transferable from one Municipal Corporation to another. But in a place like Delhi, where there is only one Municipal Corporation, I suppose the right to employ staff should vest in the Municipal Corporation through the Standing Committee and the Mayor and not through the Commissioner. We can understand and even appreciate the dichotomy of functions if it were to ensure that the functioning of the Municipal Corporation goes on smoothly. Why I, personally, am prompted to say all these things is because a fear lurks in my mind that if this is the fate of the Municipal Corporation in the National Capital Territory of Delhi, I do not know what would be the fate of the Municipal Corporations to be set up in various other Union territories which are indeed very small.

I come from Chandigarh. For Chandigarh, in particular, we have had no representative body or authority whatsoever. So far, there is only one election after five years when the citizens of Chandigarh are called upon to

exercise their franchise and that is for the election to Parliament. It is with hope and expectation that the citizens of Chandigarh were looking forward to this constitutional amendment, which would, for once and for the first time, endow them the right to elect a local self-government for themselves in the form of a Municipal Corporation. But I find that if these important functions were not to be assigned to the Municipal Corporation when the Bill is framed. For instances, these functions which include the deployment to the staff, the maintenance of certain services falling within the area, particularly refer to the sanitation problem. Chandigarh is called a 'city beautiful' always and from roof tops, we claim that. But if you go and visit the city, you will find the litter lying all over the place and for days together, the rubbish, the debris and the garbage are not collected to be dumped at one site meant for that purpose. It is seen that the officers are not really showing proper attention to that work. It would really be the desire of the local residents to ensure that their surroundings and environment are kept clean and therefore these functions must vest with the Municipal Corporation. But going through these provisions, I have my own fears and that is what prompted me to raise to speak on the Bill.

There is no denying the fact that the amendments to the Constitution and the subsequent State laws and the law relating to the Delhi Municipal Corporation also, are ground breaking in certain aspects. For instance, the concept of forming the Ward Committees which would enable even people in a locality to have some say, to have some role in matters concerning their daily lives.

13.00 hrs.

But, Sir - as you have got to expect in a developing society - such measures raise the expectations of the people. People do

want more and more and that is where the Government has to really meet the yearnings and aspirations of people in a very telling manner. I am sure the hon. Home Minister will go into detail as to what my esteemed colleague, Sajjan Kumarji said about the problems being faced by the people of Delhi. What are their desires; what provisions or amendments have to be made to make this law a living testament of the government's desire to ensure that the people at grassroot level have a dominant role to play: have a dominant role to determine what is good for them and how accordingly they want their plans to be moulded.

While I have no hesitation in supporting this amendment bill, which would be a precursor for bringing still better pieces of legislations trusting people at the grassroot level; making them the arbiters of their fate, I do want to repeat for the sake of emphasis that no delay should be brooked in the implementation of this Constitutional provision for any which territory. The progress at the moment is trudy. And, as the things go today, one is not really sure whether we would be able to establish these local self governments - these local bodies - in the Union Territories by the stipulated date, that is 20th April, 1994.

To conclude, there is one small point which I find in fact a sort of repetition in this Bill, which I would like to bring to the notice of the hon. Home Minister. Clause 5 at page 4, which seeks to amend Section 4 of the Principal Act talks about the duration of Corporation and says that:

"An election to constitute the Corporation shall be completed, -

- (i) before the expiry of its duration specified in sub-section (1);
- (ii) before the expiration of a period of six months from the date of its dissolution."

You will find the same provision in sub-section (3) of Section 490 at page 29. I suppose it has to be at one of the two places and the necessary change if so felt could be made.

Lastly, I would say that the proviso to Section 4 (1), as is now sought to be amended, reads as follows:

"Where the Corporation is constituted after its dissolution, such Corporation shall continue only for the remainder of the period for which the dissolved Corporation would have continued under this section had it not been so dissolved."

This point was put forward at length by Shri Sajjan Kumar. But I would like only to emphasise again that this proviso should be deleted, particularly, in cases of Union Territories where there is not more than one Municipal Corporation. This Clause in the constitution was brought about with the idea that in State where there are more than one Municipal Corporation, a situation should not arise where you have the elections being held to different Municipal Corporation, at different times. This provision is just there in the Constitution for begger States having more than one Municipal Corporation. In Delhi, since there is only one Municipal Corporation, this Clause is not really needed and the hon. home Minister may kindly consider deleting it from this Bill because this will nto be violating the Constitution provides for it, but then, there is a provision to which i referred to earlier and that is, in the case of Union Territories, certain exceptions an be made. This exceptions should hae been made but and not the exceptions which really have been made.

With these words, I support the Bill.

Thank you very much.

MR. DEPUTY SPEAKER: The House

stands adjourned for Lunch to meet again at

13.06 hrs.

The Lok Sabha then adjourned for Lunch till five minutes past fourteen of the clock.

14.11 Hrs.

The Lok Sabha re-assembled after Lunch at eleven minutes past Fourteen of the Clock

[MR. DEPUTY SPEAKER *in the Chair*]

DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL - *Contd.*

[*English*]

MR. DEPUTY SPEAKER: Shri Hannan Mollah to speak.

SHRI HANNAN MOLLAH (Uberia): Mr. Deputy Speaker Sir, after a long debate and delays. Ultimately today we are now discussing the Delhi Municipal Corporation (Amendment) Bill, 1993.

Sir, it is important as it concerns the rights of lakhs of citizens of the Capital. It is also very sensitive as it relates to those citizens who come from different parts of the country and stay in Delhi.

You know, Delhi is like mini India. But in spite of so many debates and consultations the Bill is not fully satisfactory on many counts and many important issues are also vague.

We are talking of decentralisation of power and ensuring the rights of the citizens to exercise their rights in the local affairs to our the local self-Government through their representatives. But it is very unfortunate that for over a decade the Capital of this country is run by the bureaucrats without the repre-

sentatives of the people. Anyway, before coming to the concrete issues, I would like to appreciate one very important aspect of this Bill.

I would like to mention one important aspect, that after the amendment of the Constitution one-third of the members would be from among the women. In our male dominated and feudal obscurantist social practices is a new development. Our experience is also the same. In West Bengal, for the first time, in Panchayat Raj we have introduced the provision that one-third of the candidates for election should be women. Many people had doubted whether able candidates would be available or not. But we found that it is very commendable that about 75,000 women came and contested; 22,000 of them were elected. I think that is the biggest number of women elected in the whole world in a particular single election and participated in that democratic process. So, that is also incorporated in this Bill and I hope that here also women will be able to participate, to change their fate, and also contribute to the reconstruction of the Government.

This debate has been going on for a long time decentralisation of power and establishment of people's government in the Capital of the country. The Balakrishnan Committee was formed. It studied the various problems of the existing structure in Delhi. This Committee had noted the huge expansion and the tremendous horizontal growth of the city. The way it is growing it was creating, at a certain point of time, lot of problems to the citizens of the country.

This Balakrishnan Committee noted particularly the problem of multiplicity of authorities. In Delhi, there are dozens of authorities for the same purpose and some times there is a series of contradictions between the authorities and it creates problems in the administration, delays and so on.

That is the problem. So, they have suggested that, to minimise that multiplicity specific responsibility should be assigned to particular agencies.

Today, a large majority of citizens of Delhi are working people, living in slums and re-settlement colonies, *Jhuggi-Jhonpris*. Those areas are absolutely without even minimum civic facilities. If one runs around Delhi, one will find the plight of the citizens of this capital. No proper accommodation is there no proper drainage is there and so on. Earlier, the Delhi Administration never thought of drainage system for Delhi. Now because of rains a large part of the city is flooded. It becomes a hell for many colonies because of rain. It has become a pool of garbage and it creates lot of problems and health hazards in various parts of the city. Except in the New Delhi area, in the other parts of the city, the roads are horrible. If one goes around one will find it. If one goes to old Delhi it will be found that it is virtually a hell and people live on streets.

When people of old Delhi go and complain about the civic problems that Administration threatens them that if they complain they would face the consequences of Emergency days. They are reminded about eh Turkman Gate days but we warn you about the after-effects of Turkman Gate.

But this is the situation going on in various parts of Delhi. If you visit *Juggis*, where people come various parts of the country because it is the capital of the country, they are living in very bad conditions. Those *Juggi-Jhonpris* are den of diseases. You know, Sir, how few years back hundreds of people died of gastroenteritis, cholera and all those things. So, this is the situation going on here.

Now the question arises why it happened. You will be surprised to know that there has been complete imbalance in the per capita

expenditure in different areas of Delhi. For example, in East Delhi where poorer sections of people live, the per capita expenditure per year is Rs.15 whereas in South Delhi the per capital expenditure Rs.92 and in New Delhi where rich people are there, the per capita expenditure is Rs.173. This shows the attitude of the Government towards various sections of the people. So, it is a very trim situation. It shows the Government's attitude towards various parts of the city, how they provide the amenities to the common Delhities.

Now the critical question is, does the present Bill tackle the problem of providing any structure to improve the accessibility of lakhs of citizens of the capital to civil amenities.

MR. DEPUTY SPEAKER: Now please conclude.

SHRI HANNAN MOLLAH: I will conclude, Sir. I am not going to take a long time.

So, Sir, the only way is proper decentralisation. You know, Sir, that from our party, we made the suggestion that Delhi should have three separate corporations. It will be unmanageable for one corporation. For instance, we suggested that for areas across the Yamuna river, where one-third of the population is there and where poorer sections of the people are living, there should be a separate corporation. But the Government never listens to the suggestions of the people, they listen to the bureaucrats brokers only. The Bill is not to solve the problems of the people or to implement the decentralization. It provides for the formation of Zonal Committees. However, the powers of these Committees are such that they have been reduced to only road and drain cleaning institutions. They have no powers. It is a mockery of decentralization. Already it has been mentioned by earlier speakers that powers have not been

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given to them property. So, the Zonal Committees will remain only on paper. They have no power actually. So, that is another problem envisaged in the Bill.

Even the list of Zonal Committees given in the Schedule is entirely confusing. Not a single Resettlement Colony has been mentioned. We do not know in which area these Resettlement Colonies will fall because that is not mentioned, though a large number of people are living there. So, that should also be mentioned and the position of Resettlement Colonies should be clarified in the Bill.

Now, Sir, what will happen to the vital sectors? Some of the powers are being taken away. The Bill talks about taking out electricity, water supply, sewer disposal, hospitals and fire fighting from the jurisdiction of the Corporation and to transfer them to separate agencies. Now to which agencies will these be transferred? These will be transferred to private agencies because the Government, day in and day out, is giving them to private agencies. We do not know whether it will be a private agency or what because that is not categorically explained. So, that should be properly clarified. The role of the Delhi Government and the National Capital vis-a-vis the Municipal Corporation should be categorically explained.

This Bill also gives rise to the apprehension that the Central Government will exercise control, which will compound the problems of the municipality. Definitely it is the national capital. The Central Government will have some authority because people are coming from various parts of the country and we know how the people suffer. You know, Sir, how the people from other parts are coming here and suffering. There is one special incident. For the last two years, the Bengali-speaking people are suffering. There

names were struck from the voters list. They were beaten and they were arrested and all sorts of things happened. We have to intervene. We had to talk to the Home Minister and the Prime Minister to intervene and to save them. So, that guarantee also should be there.

These MCD and NDMC which are functioning, have become the den of corruption. Because of their corrupt practices, people suffer. Even for small work, people will have to go with some money. They cannot get the work done without that. Delhi people talk of corporation as *Chorporation*. So, I do not know what will happen. How will they protect the people from the hands of those hounds who are looting the common people everyday even for small work?

Then, Sir, as you know, Delhi is the biggest polluted city in the country.

AN HON. MEMBER: Which pollution?

SHRI HANNAM MOLLAH: All sorts of pollution - environmental pollution, then economic, then political. Corruption is all prevailing. We cannot demand cleanliness from them because they run their cart of corruption. They have purchased seven bulls for crores of rupees. We cannot expect much from them. So, this is the situation. But anyway, we have to fight for improving the conditions of the people of Delhi.

Then, Sir, illegal construction is another problem. Poor people were given small plots in Resettlement Colonies. Now some unscrupulous contractors and promoters are going and capturing their land. Sajjan Kumar Ji has been coming in the news for the last three or four days saying that DDA has become a centre of loot. So, this is the situation of the capital. Lacunae I have already mentioned. Some have been mentioned by the earlier speakers also. All those problems should be properly attended to

and corrected so that the citizens of Delhi and this capital can enjoy their democratic rights, they can have a democratically elected administration and there should not be multiplicity of authority. There should be balanced distribution of power between the Delhi National Capital and the Corporation and also as it is the capital, the Central Government also will have to look after the interests of the people coming from other parts of the country.

With these words, I conclude.

MR. DEPUTY SPEAKER: Now the hon. Minister for Railway will make a statement.

14.30 hrs.

STATEMENT BY MINISTER

DERAILMENT OF 5609 AVADH-ASSAM EXPRESS ON 3.8.1993

[English]

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS (SHRI K.C. LENKA): Mr. Deputy Speaker, Sir, it is with deep anguish that I apprise the House of an unfortunate accident involving 5609 Avadh-Assam Express (Guwahati-Delhi) on North Eastern Railway on 3.8.93.

At about 21.30 hours on 3.8.93, while 5609 Avadh-Assam Express was passing through Mairwa station on the Chhapra-Bhatni B.G. Single line section on Varanasi division of N.E. Railway, 3 coaches marshalled 1st, 3rd and 4th from the rear derailed, blocking through running. As a consequence of the derailment, 21 persons lost their lives and 4 persons sustained injuries. It appears that all the persons who were involved in the accident were travelling on the roof of the train, since the bodies were found about half a kilometer behind the point where

the train came to a halt after the derailment.

Immediately on receipt of information about the accident, the medical relief van from Sonpur and Gorakhpur along with a team of doctors and officers rushed to the site. Senior officers of the Zonal Headquarters from Gorakhpur and Varanasi also rushed to the site of accident. The injured passengers were shifted to the Civil Hospital at Siwan.

Minister for Railways, Shri C.K. Jaffar Sharief, accompanied by Chairman, Railway Board and Member Engineering and other officials, rushed to the site by special Air Force plane to visit the injured in the hospital and to supervise the rescue and relief operations.

The accident is being inquired into by the Commissioner of Railway Safety/N.E. Circle.

The arrangements for making ex-gratia payments to the next of kin of the dead and to the injured have been made.

My senior colleague, Shri Jaffer Sharief, all Railway workers and I express our heartfelt condolences to the families of the persons who have lost their lives and sincere sympathies to the injured. I trust the House will join me in extending heartfelt condolences to the bereaved families. (*Interruptions*)

[Translation]

SHRI MOHAN SINGH (Deoria): We accept what you say. But under special circumstances, the Presiding Officer has a right to allow Members to raise a few points. I may be allowed to raise this point as it relates to our area. The Government has provided that the passengers travelling in sleeper class will have to pay more, but this has been done in particular cases only. The Government has abolished general class.

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But in many trains, 1-2 coaches of general class are attached. Many passengers travel on the roof of trains in Bihar. More than 500 passengers were travelling on the roof of the train when the accident occurred that is why the number of casualties cannot be 21 only. It is more than that, because they were travelling on the roof of the train. Three coaches had derailed. Most of the passengers were sitting on the roof of 7-8 coaches. They fell down and were crushed under the train. Some people succumbed to injuries later. The coaches fell down and the people were buried under them. Therefore, I would like to request the hon. Minister to get the information of death of 21 people verified again. It is a humanitarian question. It is because of the wrong policy of the Government that the people died. We condemn it. The Government should reconsider its policy and collect the factual statistics of casualties and provide maximum financial assistance to their families. I share the sentiments expressed by the hon. Minister for the deceased persons and would like to request him to share the grief of family members and get the number of deceased persons checked. It should be considered and sleeper system should be replaced. *(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Shri Madhukarji, please excuse me. You have made the rules and we follow them. If you want to violate the rules, how shall we follow them? Shri Mohan Singh said it is an extraordinary request. Supposing, I give you a chance, there are others who want to participate in it and how can I stop and not give a chance to them? You have framed the rules. Whatever you wanted to say. Shri Mohan Singh has already expressed the feelings.

[Translation]

SHRI KAMLA MISHRA MADHUKAR (Motihari): The news of death of 21 people is unverified. The Government should get it verified. Nothing has been said therein about the compensations to be paid to the next of the kin of deceased. The Government should pay at least Rs. 1 lakh to the next of kin of the deceased. A committee of Members of Parliament should be formed and it should conduct inquiry into the matter so that people may realise that the Government has full sympathy with them. It is a terrible incident. *(Interruptions)*

[English]

MR. DEPUTY SPEAKER: Mr. Madhukar, these points have already been covered in the Statement of the hon. Minister.

SHRI KAMLA MADHUKAR (MOTIHARI): Not so clearly.

SHRI HANNAN MOLLAH: But, Sir, there are repeated accidents on that line.

(Interruptions)

MR. DEPUTY SPEAKER: That is a different matter.

SHRI HANNAN MOLLAH: There was the Samasthipur accident in the last few days. *(Interruptions)*

MR. DEPUTY SPEAKER: No, no, please. Mr. Hannan Mollah, it is not the time for us to discuss all the accidents taking place in the whole country.

(Interruptions)

MR. DEPUTY SPEAKER: Anyway, Mr. Mohan Singh, the hon. Minister has made a statement, you have made certain reference, the hon. Minister has noted down. If

he feels necessary that he shall have to come back with further details, it is left to him, he may come back.

14.37 Hrs.

DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL-Contd.

MR. DEPUTY SPEAKER: Now, I ask Mr. Kalka Das to speak.

There are four persons to participate. Each taking 10 minutes, it will be 40 minutes and in the rest of the 20 minutes the hon. Minister can reply. I am telling you so that we can be aware of the time.

SHRI KALKA DAS (KAROLBAGH): As you desire.

MR. DEPUTY SPEAKER: It is not my desire, it is the desire of the House.

SHRI KALKA DAS: As you direct us.

SHRI TARA CHAND KHANDELWAL (CHANDNI CHOWK): Previously on this Bill people have taken half-an-hour each.

MR. DEPUTY SPEAKER: Any way, you touch the relevant points.

SHRI KALKA DAS: I will obey you.

MR. DEPUTY SPEAKER: It is not that. You respect the precedent of the House.

SHRI KALKA DAS: I will respect, Sir.

MR. DEPUTY SPEAKER: Thank you.

[Translation]

SHRI KALKA DAS (Karol Bagh): Mr. Deputy Speaker, Sir, today we are discussing the amendment Bill to the Delhi Municipal Corporation Act, 1957. The elections to

the corporation were held in 1983 for a term of four years. Now it is over ten years and no elections have been conducted. The administration of Delhi is in the hands of bureaucrats and Government officials. There is nobody to listen to the grievances of the citizens. The citizens of Delhi are not getting their democratic and political rights. They are being deprived of their democratic and political rights. In 1988, the Central Government had assured that the Sarkaria Commission was being constituted and it would submit its report within six months and examine as to how the problems of Delhi could be resolved. Today it is 1993. An assurance was given that the entire process would be completed within 6 months. But the Congress Government has not done anything in this direction because of the apprehension that it may lose the elections. The Congress was afraid of defeat at that time and it has the same feeling even today. As a vendor fee the citizens of Delhi were deprived of their political rights. My colleague has explained in this speech the plight of the citizens of Delhi in the regime of bureaucrats in Delhi. There is nobody to look into the problems of Delhi. Where should the people complain? The Congress Government did not pay attention towards it. Not only during Congress regime but during the regime of V.P. Singh and Chandra Shekhar in 1990, Bhartiya Janta Party tried that Government should declare the elections so that people of Delhi may get their political rights. But V.P. Singhji went on delaying it to his last day in the office. Shri Chandra Shekhar also did the same thing and now this Government which has completed its two years in office and claims to have made a great achievements has also done nothing in this regard.

The people who have not seen Delhi may be of the view that Delhi being the capital of the nation does not have any problem and the residents of Delhi must be very happy but when they visit Delhi their dream will get

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shattered like anything. They may feel satisfied to some extent after visiting New Delhi, but if they go the rest of Delhi, Shahdara, Old Delhi and unauthorised colonies they may find so their dismay that people there are living a life of a hell. They do approach the authorities, but nobody listens to their woes.

The step motherly treatment has been meted out to Delhi. We pressurised the Government a lot on this issue and hon. Minister of Home Affairs have also held discussion with us 2-3 times during last year and this year. I wish to thank him that this issue has after all come up for discussion in the House, no matter if it has been delayed. It should not be confined only to discussion but the hon. Minister for Home Affairs should also state categorically as to when election will be held in Delhi because merely passing the Bill is not going to satisfy the Delhites. The Delhites have never felt so harassed at the hands of bureaucracy as are feeling at present. There is a political reason behind it because the Congress does not have a courage to face the elections in Delhi. They have read the writing on the wall that they were going to lose this election to the B.J.P. The Congress Government is, therefore, applying tactics to delay the elections and this is harassing the Delhites. How long one can avoid facing the inevitable, one or the other day they will have to face it. Everybody will then come to realise this truth when elections take place.

I had requested hon. Home Minister in this regard and had asked the Government that Delhi has a population of 1 crore, therefore, for every Assembly seat there should be at least 3 corporation seats so that the locals may easily approach their representatives for their problems. But they only know to punish the people of Delhi, so they will never talk good. In democracy the voters and their

representatives should have close contact, only then voters can get benefit from this system. If they provide 3 seats of Councilors under one assembly seat then the people will be divided and the representatives will be able to listen the woes of the people living in their areas but the Bill has a provision for 134 seats which means two corporation seats for every one Assembly seat. Hon. Minister of Home Affairs should amend it and make provision for 3 corporation seats for one Assembly Seat.

We had also made a demand, which was repeated by my colleague, that there should be three corporations in Delhi because Delhi has a large population of one out of the crore. Population of one crore 57 lakh people are leading a life of hell. These people live in Delhi Dehat, J.J. Colonies and unauthorised colonies, where even basic amenities are not available. If three corporations are set up, one of them should be in Shahdara. That should be a powerful one so that it may do some work there. Another should be for Delhi which may look after the old Delhi area and the third one for rural areas. One can realise the plight of the people living in the rural areas only if one goes to reside in that area. I want to make a request to the Home Minister that to be fully conversant with the problems of walled city of Delhi and unauthorised colonies he should go and reside there for one or two months. I once again demand that he should consider the proposal of having three corporations again. This thinking that the Delhites are pro B.J.P., therefore, they should be punished, is not good. This is neither a democratic nor a Welfare approach. This is simply a feeling of Vendetta. Previously also, it was there in the Bill and it was also discussed but at that time too, the Government had not accepted the idea of having three Corporations.

I welcome the provisions made in the Bill that first year, there will be a woman Mayor and the next year a person belonging to

scheduled castes. This is a very good provision. It will benefit us. I welcome this provision. With this I would like to submit that the way, they are going to form the corporation is not the right one. All powers except cleanliness, have been withdrawn from the Corporation. Your attitude has been step motherly one. The Fire-Bridge, Sewerage and DESU are very important departments which have been withdrawn from the Corporation. The corporation has been entrusted with the subject of cleanliness only. I request the Home Minister that he should reconsider it. There is no need to adopt a rigid stand. It is for the benefit of the people. The arrangements which you are going to make will not benefit the people, rather it will prove harmful. Therefore, I demand that these powers should be entrusted to the Corporation. With that water, Sewerage, health and schools etc. should also rest with the Corporation, which are proposed to be withdrawn from it. I would like to know whether they have these powers? The representatives of people will discuss and pass the resolutions and then send them to the commissioner and the Commissioner after one week will send them back with his letter of dissent and the decision taken by the representatives will be thrown to the winds. This is not the democratic way of doing things. I want to submit the representatives should have these powers. The development of trans-Yamuna area, Shahdara region should be given a thought so that the problem of one third of the population of Delhi could be solved. By running a office at Nabi Karim in Chandni Chowk, you cannot solve the problem, instead you should go for decentralization. If you want to have one Mayor and one Corporation then you should give powers to the Zonal offices. Once I went to a Zonal office and asked the officers there to do a work but they showed their inability to do it on the grounds of paucity of funds and absence of powers. Whatever work we ask them to do is not done. Therefore, I request

that senior officers in Zonal offices which are called ZAC should be given powers so that they may get the work done.

Mr. Deputy Speaker, Sir, through this amendment you should made provisions to form such a corporation in which all the powers should go from the hands of Government officials to the hands of people's representatives. I demand that electricity and water should remain under Municipal Corporation. Even Fire-brigade should be with the Corporation. One more point, which I would like to make is that the Municipal Corporation is burdened under debt if it continues to be under the burden of this debt, then it cannot function. So I request that it should be waived of. New funds should be provided to it so that it may provide facilities to the 1 crore people.

I also demand that the procedure relating to House tax should be simplified as the people are facing difficulties on this account. The Municipal Corporation should function under Assembly instead of the Central Corporation should function under Assembly instead of the Central Government like in other states. The building bye-laws should also be simplified. The condition of the areas under the corporation is very miserable at present. Recently, during heavy rains the entire drainage as well as sewerage system failed and water started stagnating on the streets. The people were unable to come out from their houses. There is colony called Sidharth Basti in Nabi Karim. The entire area faced water logging for 12 days and 12 persons died during one months period, sewerage is choked but no step has been taken in this regard. While I was coming here I again received a call today about water logging but as I was to come here I asked the officers to do the needful in this regard. 12 persons have died but Municipal Corporation has not paid any attention towards it. This is trauma being faced by the Delhites. Therefore merely passing this amendment

[Sh. Kalka Das]

is not sufficient. I would request the Home Minister to declare the date for holding elections in Delhi. When will the Delhites get their political rights to be able to get some relief from their provisions with these words, I conclude.

SHRI VIJOY KUMAR YADAV (Nalanda): Mr. Deputy speaker, Sir, the Delhi Municipal Corporation Amendment Bill has been brought forward in order to insert the provisions made recently by the Parliament through the constitution amendment Bill to regulate the functioning of Municipalities on all India basis. But the principles behind working of Corporations and Gram Panchayats is the principle of decentralisation and give opportunity to maximum number of citizens to take part in the administration directly in the democratic set up of India. Just now, the hon. Members while speaking on the Bill have said that the power which should have been given to the Corporation have been retained by the Central Government. If the Central Government, instead of giving important powers to the Corporation, retains them it will go against the spirit of decentralisation. In this manner, it will cause hinderance in transferring of power to the public to rule the Corporation area. It seems to us that the Congress Government has been under the impression that Delhi will never come under its rule. Maybe I am wrong, but the curtailment in the powers of Corporation is not justified. There cannot any other objective than achieving political mileage from it. It has been repeatedly said and the Congress too has been endorsing that recognition would be given to the outcome of the elections to such lower level units where people get opportunity to take part in the administration directly. Provision for nomination of 10 persons including experts has also been made but the work can be undertaken by officers without introducing nomination system. The system of

nomination should be discontinued. Though they have no voting right, efforts are generally made to mobilise majority by reporting to the system of nomination. It does not apply here because they will have no right to vote.

Mr. Deputy Speaker, a meeting of all parties was held before bringing forward this Bill. The Communist Party had taken part in it, and many good suggestions were given by it. But the Government, overlooking these suggestions, has introduced the same original Bill.

Several good points have been included in it and we welcome them. In the Constitution Amendment Bill, it has been mentioned that during first year, the Mayor will be a woman and in the third year, the post will be filled by a person belonging to Scheduled Castes. Also one third of the total strength would constitute lady members. We had also welcomed these provisions in our party meeting. We have welcomed setting up of Ward Committees also but the strength of 134 members is not sufficient. This city has a population of one crore. There are big problems. The members would not be able to discharge their responsibilities properly if big wards are constituted. Therefore, there is a need to increase the number of members to 210.

Similarly, there is a provision under which a chance would be given to M.Ps and M.L.As to work there at least for one year. I think it is not proper these people will dominate their functioning. Therefore, difficulty will arise in carrying out their responsibilities.

SHRI PAWAN KUMAR BANSAL (Chandigarh): Why did not your party oppose it and send dissenting note to the Select Committee?

SHRI VIJOY KUMAR YADAV: I am not aware of the Select Committees be on behalf of our party farooq Saheb had put

these suggestions in the all party meeting.
(Interruptions)

15.00 hrs.

Therefore, the provision regarding inclusion of M.Ps and M.L.As in it should be removed and freedom the elected members should be allowed to function freely. I apprehend that the powers of the Mayor given in the Delhi Municipal Corporation Act of 1957 will not be given to the Mayor now. These will be merely on paper. Powers given should again be entrusted to the Mayor. For example, powers relating to electricity and transport are important powers and these should have been conferred to the present Mayor. It seems as if the Central Government has no confidence in public representatives and it thinks that only the Central Government can do maximum and better work. It is the duty of the Central Government to provide financial assistance and other assistance which comes under technical heads, etc. to the Corporation. But the power to function must be given to them. It should not be curtailed. The important responsibilities should remain with the Delhi Municipal Corporation. It will be wrong if sub rules are framed by the Central Government because it is the duty of the concerned corporation all over the country to frame sub rules for themselves. Who will suspend the corporation? The Central Government will do it. But when legislative assembly is going to be constituted, this provision should be kept under its jurisdiction. Why are you so apprehensive. This power should be vested in the Delhi Government instead of the Central Government. It has been mentioned in the amendment of the Constitution that reservation should be made for the most backward classes. I think that their members should be included in it. With these words I conclude.

SHRI TARA CHAND KHANDELWAL
(Chandni Chowk): Mr. Deputy Speaker, Sir,

I express my gratitude for giving me opportunity to speak in the monsoon session for the first time. I have not got any other opportunity to speak on the Bill relating to Delhi. The Bill relating to Delhi has been brought forward in the monsoon session. That is why, I would like to say a few words in regard to monsoon. What had happened to Delhi after the monsoons set in.

15.03 hrs.

[SHRI NITISH KUMAR *in the Chair*]

The Corporation was exposed and the entire system was collapsed. There was a blockage of drainage and sewerage system. The transport system came to a standstill and supply of electricity failed. The Government was also likely to go but some how it survived. Everybody was surprised as to how the Government had survived. Everything appeared in the news papers. I do not want to say anything in this regard. Renowned poet Kaka Hathrasi had once said in his poem that if you are arrested in taking bribe, get yourself freed by offering bribe. This beautiful line was written 15 years ago. The Congress Party is bent upon institutionalising the system of bribery.

Mr. Chairman, Sir, the Minister of Home Affairs has played an ugly joke with the citizens of Delhi by bringing forward this Delhi Municipal Corporation Amendment Bill. The Government has not only done injustice to the citizens of Delhi, it has humiliated them also. It has no confidence in them. That is why the Centre has retained all powers with itself. It is injustice as well as insult to the citizens of Delhi. The citizens of Delhi will not tolerate it and as and when an opportunity comes, they will teach the Central government a lesson and show them what it means to insult the public.

Elections have not been held in Delhi for the last 10 years. The citizens of Delhi have

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been deprived of their fundamental right of electing their representatives because the Congress Party know that if elections are held in Delhi, it cannot come to power. One crore people of Delhi have been deprived of their fundamental right because of the vested interest of the Congress Party. It is my allegation.

The people have been waiting for the last four years for this Bill to be introduced. The people had tolerated it with a fond hope that the delayed Bill will bring a better future for Delhi.

It will provide so many rights to the Municipal Corporation of Delhi. But this Bill has been introduced after a gap of four years. As someone rightly said just now, how long would the mother's prayer save her kid. They have chosen a calf and extracted all of its meat and have served Delhites a skinny corpse in the form of this Bill. You might be aware that in big hotels...

MR. CHAIRMAN: You are a vegetarian. Why do not you talk vegetarian.

SHRI TARA CHAND KHANDELWAL: Chicken clear soup is served in big hotels. The tiny pieces of the chicken are boiled and taken out. The remaining water is called chicken clear soup and the meat.

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): It seems you have a lot of information on this subject.

SHRI TARA CHAND KHANDELWAL: I will tell you how I got this information. The meat which is taken out of the soup is served as *boneless chicken gravy*. Mr. Chairman, Sir, you said that I was speaking non-vegetarian. I am not a vegetarian and I am talking like this for the first time. I am a conscious citizen of Delhi. Conscious of my

surroundings. I feel I will have to make the Government understand in the language that they understand. Therefore, I gave this example. For instance we bid 'namshkar' to a Hindu 'Adab' to a Muslim and 'Sat Sri Akal' to a 'Sikh' and 'good morning' to a Christian. 'Idriyase' to a Russian and 'Aatravu' to a 'French'. I am, therefore, speaking in the language that the Government understands.

While speaking on this Bill my colleague Shri Sajjan Kumar bestowed encomiums on the hon. Minister of Home Affairs. I do not know how an hon. Member of Parliament from Delhi, suppressed the voice of his conscience and congratulated the hon. Minister on this Bill. It is height of sycophancy. But when one wants to express the voice of his conscience and enumerate the flaws of Bill in one's speech, as is done by all parties add also by Shri Sajjan Kumar there is a contradiction. Similarly, Shri Bansal said in his speech that the Government is strengthening democracy by importing this Bill. But virtually they are subverting democracy and gagging the voice of democracy. The citizens of Delhi have been deprived of their democratic rights for the last four years. The MPs of Delhi.

[English]

"You have reduced him to be only a councillor."

[Translation]

Today we the Members of Parliament cannot render our duties. We have to discharge the functions of the Councillor and look after small problems pertaining to sewage drainage and drinking water problems. The Government should be ashamed that

[English]

"The Lok Sabha Members have been reduced to the councillors in Delhi."

[Translation]

Just now an hon. friend said:

AN HON. MEMBER: The Corporation is like a thief.

SHRI TARA CHAND KHANDELWAL: No, it appears that you do not live in Delhi. The Delhites call it "Karo Pareshan" i.e. it is made to harass the people. This is the condition here. The Government has its headquarters in New Delhi. It does not know anything about slum-clusters, dirty streets, seeping sewage and pot holed roads. The roads are so bad that if a pregnant woman has to go to hospital on a rickshaw she delivers the child on way to hospital. Do you call it the pride of Delhi? Delhi is the capital of India. Barring new Delhi the rest of Delhi is shell. It is a shame for us. Therefore, I would like to request that for God's sake Delhi should be provided such a Corporation which would glorify and construct a city which would really be the pride of nation. Be it the Congress or the B.J.P. or any other party which may come to power in Delhi, though time will decide it—there should be development in Delhi.

It is known to not only him but everybody else.

AN HON. MEMBER: Enough is enough.

SHRI TARA CHAND KHANDELWAL: It is an introduction only.

MR. CHAIRMAN: Please address the Chair and do not derail.

SHRI TARA CHAND KHANDELWAL: I am addressing you. The Bill introduced for Delhi has deprived Delhites of all the powers and we are ashamed to call it Municipal Corporation of Delhi Bill. If it is adopted in this very form, it should be called 'Delhi Scavenging Bill' as it does not deal with any

issue of the Corporation at all. It is a ghost House which the hon. Minister of Home Affairs wants to present as a gift to people of Delhi. It does not provide any powers to Delhi at all.

I would like to ask the hon. Minister of Home Affairs whether he considers Delhites as worthless and foolish and they do not know how to run their own administration. If this is the assumption then I would like to say that this Bill is derogatory to the citizens of Delhi. I would like to request you to give a thought to this Bill in bed on a starry night and think whether it is justified to give such a treatment to the people of Delhi.

MR. CHAIRMAN: Today he will not get an opportunity to sleep in the open as it will rain today.

SHRI TARA CHAND KHANDELWAL: This Bill is meaningless. The duly elected Government and the elected representatives of people are entrusted with fulfilling the aspirations of the people who have elected them. It is the sacred duty of politics also to respect the honour and dignity of people. The members draw their power from people and it is because of them that they attained this position. But these representatives do not discharge their duty faithfully.

Sir, I want to point out certain other things in brief. This Bill provides for 134 members in the Corporation. Just now by hon. colleague has suggested to have 201 members therein. The reason is that the smaller the size of the constituency the more effectively will it be served by the elected representatives. The people also will contribute to the uplift of the constituency. Be it England or Japan, in many countries there are even ten to twelve thousand constituencies. Today when we are moving towards liberalisation and inviting foreign investment we should also accept the good features of

[Sh. Tara Chand Khandelwal]

foreign countries in other fields. In some countries there are even 12 thousand Constituencies. Therefore, we also should at least have 201 constituencies here. It is my earliest request that the Government should pay special attention to it. Just now it was suggested that 10 candidates should be nominated here. It is also an insult to the citizens of Delhi. I would like to suggest to increase the number from 10 to 15 and the people should also elect them. It will be a democratic method.

I would suggest that as a everybody cannot fight an election, therefore, among those 15 representatives, seats should be reserved for a person from literary field, one artist, one journalist and two representatives from among traders as Delhi is a commercial Centre. The Government proposes to set up separate Boards for power generation water and sewage disposal. What will be the function of the Corporation then? The function of the Corporation is to provide Civic amenities and other day to day amenities. I am not against creation of Boards for providing these facilities, but, they distribution should be under the Corporation. The Corporators who would be elected would be aware of local problems. They know problems of almost every street and 'mohalla'.

[English]

Let them serve the people. You are denying the right of the corporators to serve the people. This is my charge. If the power is vested in the councillors, they can serve the people of Delhi in a better way.

[Translation]

I, therefore, would like to request that so far as the work of distribution and maintenance of water, electricity and sewage disposal is concerned it should be entrusted to

the Corporation. Today the condition of these facilities is so poor that only a councillor can set them right. He know the problems of every street of Delhi. He knows where the sewer gets blocked: where the fifth is too much and where the new water pipe lines are required. Therefore these works should be entrusted to him.

Similarly, about fire brigade also. Mr. Chairman, Sir, I would not like to take much time of the august House. I will conclude within two or three minutes only. The most significant thing is that nowhere in the world there is any corporation which does not formulate building by-laws. almost everywhere such work is entrusted with the Corporation. The work of building by-laws like the map of the building, space utilisation and the rules to be followed, should be entrusted with the Corporation. If a foreigner is told that the Central Government is looking after the work of building by-laws in our country he will ridicule at us.

So far as the matter of hospitals is concerned, it would be appropriate to keep big hospitals under the charge of Delhi Administration, however, the charge of small dispensaries or hospitals having the capacity of 5-10 or 20 beds should be given to the corporation. Because the majority of the patients who come to these dispensaries are poor and it would be easy for them to inform their councillor about the non-availability of doctor, medicines etc. in a particular dispensary. Therefore, small dispensaries should be kept under the charge of Corporation only, this is my suggestion and I hope that the hon. Minister would accept it.

One more important thing I would like to submit is that Malhotra Committee constituted with regard building bye-laws has submitted its report to the Government. My opinion is that since the committee was formed officially with the consent of all the political parties, the Government should

accept its report.

A commissioner has been accepted as the executive head in the Bill whereas all these powers should have been given to the Mayor. Recently a conflict arose between the Election Commissioner and the Government, the Government should learn a lesson from it and give all the powers to the Mayor, so that the entire functioning may take place smoothly.

Issuing birth and death certificates and maintaining the record should also be the responsibility of the Corporation, it makes the entire procedure convenient for the people.

So far as the reservation for women is concerned — I would like to criticise the Government, rather I would congratulate them for keeping 30 per cent of the total seats for women and 30 per cent for scheduled castes and scheduled tribes. Though I welcome the provision of keeping 30 per cent seats reserved for women, yet I would like that the seats for women should be identified otherwise there would always be the possibility of chaos. Therefore, the Government should make the provision in the Bill to make the reserved constituencies for women as also the basis on which those constituencies are made reserved constituencies. Because scheduled castes and scheduled tribes can easily be identified. Wherever they are in large number, those seats can be reserved for them. But nothing has been specified with regard to the rotation system to be adopted in case of women. As a matter of fact I have already appreciated the good start.

In the end I would like to submit that I am aware that there must have been some bitterness in my words, but those words were an expression of the accumulated frustration and the pain of Delhities, otherwise I am not habitual of speaking such

harsh words. Since I live in Delhi and witness the difficulties and problems faced by the residents of Chandni Chowk. I feel very sorry for them. Therefore, the hon. Minister should not take my anger seriously. My only submission is, rather I am confident that the hon. Minister would give due consideration to 13-14 suggestions given by me and would certainly accept whichever could be accepted. With these words, I am thankful to the hon. Chairman for giving me an opportunity to speak.

SHRI S.M. LALJAN BASHA (Guntur): Mr. Chairman, Sir, the Government has done an appreciable work by introducing a Bill with regard to Municipal Corporation of Delhi. It is the duty of the Government to provide facilities to the residents of Delhi, and not to just sympathise. The Government should understand the sentiments of Delhites and hold elections for the national capital territory of Delhi. The elected representatives will definitely work for the betterment of Delhi.

At present, the Government has adopted only one practice. It invites the foreign delegates, shows the VIP areas and gets the loan from them. What happens in the remaining part of Delhi is not the concern of the Government. I would like to give an example in this regard. Today, it rained and the water is logging in Jamia Milia area which falls in the constituency of Shri Madan Lal Khurana. The residents could not get out of their homes, because there is no drainage system, no drinking water is available, power is also not available there. However, Jamia Milia is not the only such area, there are thousands of areas in Delhi where people face similar difficulties. Nowhere in the world disease are spreading so rapidly as in Delhi due to the lack of proper sewerage facilities etc.

Mr. Chairman, Sir, Delhi is our capital city, maximum number of Government em-

[Sh. S.M. Laljan Basha]

ployees live there, but the condition of their quarters is not good. The Ministers are also aware of this fact. About one crore people in total live in Delhi, out of which about 30 lakhs are homeless, they live on road sides.

Sir, just now, Shri Kalka Das was speaking. He has pointed out that even the Government of Shri Chandra Shekhar and the leftist did nothing for the poor people. The Government under the leadership of Shri Vishwanath Pratap Singh tried to take some initiatives with regard to Mandal Commission but did not succeed. After the gap of two years the Government has introduced this Bill, it is good, but it should be got passed at the earliest.

There are about five thousand hotels in Delhi but none of them has licence, due to which Delhi has been suffering a loss of about Rs.25-30 crores of revenue. The officers and police personnel have been taking undue advantage of the situation and causing a lot of inconvenience for the tourists. It is true that maximum corruption prevails in Delhi. The fact that not even a single out of five thousand hotels possesses licence is a matter of shame. Delhi is a city full of problems like those of power, water, drainage, transport etc. Therefore, elections should be held at the earliest to solve all these problems. With these words I welcome the Bill.

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir I oppose this Bill. I know that it might embrace the opposition that I am opposing the whole Bill. But this Bill is a mockery with the ideas and principles to which we are attached and the people like us who want the Democracy in this country to take a certain shape, I also feel that this is a great injustice to the Dehliites. Just now, Shri Tarachand ji ex-

pressed his anguish on this Bill in the piteous words, he repeatedly said that the new elected councillors will have and a right of brooming. He commented it or did not feel it proper to say but there are certain provisions in it through which this job of brooming will also be withdrawn from the Municipal Corporation and will go into the hands of the Central Government.

Clause 97 on the 22nd page of this Bill.

[English]

Clause 97.

In section 298 of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:-

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the Central Government may, by notification, direct that all or any of the functions of the Corporation or the Commissioner, in respect of public streets under this Act shall be performed by such authority as may be specified therein."

[Translation]

Through this Bill you have even withdrawn the job of cleaning from the Municipal Corporation. You have already refused to entrust municipal Corporation with the transport system. The Delhi Transport Corporation is directly in the hands of the Government of Delhi, in fact it should have been given to the Corporation. You have devised this Bill in such fashion that it will also withdraw the jobs of water, electricity and transport from the Municipality as and when Delhi gets the status of a State. You have even withdraw the job of cleaning from the Municipality. You did not even content with it and went ahead by taking the power to dissolve the Municipal Corporation in your own hands. One day, you will even put a question to its existence.

[English]

"For section 490 of the principal Act, the following section shall be substituted, namely:-

"490. (i) if, in the opinion of the Central Government, the Corporation is persistently making default in the performance of, the duties imposed on it by or under this Act or exceeds or abuses its powers, the Central Government may by an order published, together with a statement of reasons therefor, in the Official Gazette, dissolve the Corporation: Provided that the Corporation shall be given a reasonable opportunity of being heard before its dissolution.

[Translation]

Even its English is wrong but as you know it is not our language, therefore, we commit mistakes off and on. You will be given a chance and no show cause notice will be issued. There is only a provision in this Bill stipulating a simple condition that the Corporation will be given an opportunity of being heard before its dissolution.

[English]

You will be given a reasonable opportunity of being heard.

[Translation]

You may put your point. Then most intelligent persons sitting in the centre will decide that you should be heard. You will take away all powers by forming different committees in this regard. Shri Tarachand Ji mentioned about building and construction, I do not see may propriety in it. The power regarding building and construction should go to the Municipal Corporation. The Central Government has taken it into its hand. What does it mean?

Once upon a time an I.C.S. officer used to be the Municipal Commissioner of Bombay Municipal Corporation, later on I.A.S. officers replaced him. If I remember correctly, there had been 3 or 5 and may be 5 Additional Commissioner. In order to accommodate large number of I.A.S. Officers, a number of them were appointed there as Additional Municipal Commissioner. The funniest thing in it is that an I.A.S. officer from Delhi will be the Municipal Commissioner. It may also be possible that there may be a plan to accommodate more I.A.S. officers there and those I.A.S. officers will work under the guidance of I.A.S. officers sitting in the Centre and if the officers in the Centre are not pleased than they will try to dissolve the corporation. No anomaly can be greater than it. The Centre always considers itself wisest. Therefore, it has kept the power to dissolve the State Governments. Similarly, the State Governments also consider themselves as the wisest ones. Therefore, they consider it their right to spin the Municipal Corporations and District boards. At the same time we also talk about Democracy. But if you behave in such a dictatorial way then you do not have a right to talk about Democracy. Then why do you ridicule the people. Therefore, there is nothing which we can say in support of this Bill and we outrightly reject it.

We want only one clarification from the Government whether this Bill was a brain child of the bureaucracy or was a result of political leadership or political wisdom. If it has been prepared by the bureaucracy then it does not matter. You have witnessed the rule of the centre, the State as well as the working of the Commissioners of Municipal Corporations.

One of my colleagues from Karnataka is present here. The I.A.S. officers have even made base in the District Boards there. The District Boards were dissolved. Such activities are going on in the whole of the country.

[Sh. George Fernandes]

On the one hand the bureaucrats will try to get move powers by pressurising their officers and on the other the State authorities will try to keep powers with them and in this way they will try to kill democracy. When the District Boards are working towards entrusting powers to the bureaucracy then why are we trying to make fool of people by passing such Bills. Therefore, I do not think that this Bill will provide Delhites their political rights.

This Bill also includes one interesting provision that the elected corporations will have to declare their properties within a period of one month. It is a good beginning but why such provision is not being made for Parliament as well as for Assemblies, why it is being imposed only on corporation. It is simply tooliganom. You are doing this in order to dislute them as and when you wish to do so. You should also apply it on Members of Parliament, you can do it through bringing an ordinance tomorrow itself, the something can be done in case of Assembly Members and enforce this rule earnestly and honestly. But you did not find anybody else for declaring his assets except the Corporators.

On one hand the Members of Parliament are the instruments in the dealings involving crores of rupees and on the other you want declaration of assets by the Corporators. I fail to understand what sort of supreme House it is. We may be indolent but our activities are being watched through out the World. What happened here last week was witnessed by the whole world. You may go through any international magazine like TIME and FOREIGN ECONOMIC REVIEW. These magazines carry all details about horse trading. You have over looked all these facts. The Prime Minister as well as the Home Minister are sitting here and you are demanding a property declaration from the

Corporators on the very first day. you may ask for a declaration, I do not oppose this idea. If you want to begin a new tradition in any field of the public life, you must do it but you should also ensure that from now onwards, there will be no horse trading and a law in this respect will be made otherwise we are unable to support this Bill. The Bill should be circulated among the people so that they can very well understand it. The election can be held after 6 months but I do not think the Delhites are going to accept this Bill with this compulsion.

I can very well understand the helplessness of the Members of the Parliament from Delhi but even then if we believe in some principles, some values and ideas of decentralization, some programmes then we can say that this Bill is one step enough for us. But through this Bill they are playing with the democratic system of the country and they intend to make bureaucracy more powerful and a more strong centre. But they are nurturing this wrong impression that perhaps they are going to rule the Central Government for the next 100 years.

They do not know that this is their last chance. they are under wrong impression and it is just due to that misconception that they have introduced this Bill. But even then they should have applied some common sense. they should have been cautious that whenever another party comes to power, that would be in difficulty. It is not good on the part of any individual to fulfil one's own motive while doing politics. rather politics should be related to the people, their development, their future and their life. I do not find anything to the effect of public welfare in this Bill. Therefore, I strongly oppose this Bill.

[English]

THE MINISTER OF HOME AFFAIRS
(SHRI S.B. CHAVAN): I should express my

gratitude to all the hon. members, including my friend Shri George Fernandes, for participating in the debate and giving very valuable suggestions.

SHRI GEORGE FERNANDES: I thought you were saying, 'excepting Shri George Fernandes'!

SHRI S.B. CHAVAN: Sometimes, I am really amazed that some hon. members have a tremendous capacity of interpreting the fact in such a manner that *prima facie* those who do not go into the details feel, here is a man, who can defend anything and who can oppose anything. Once he make up his mind that has to oppose he will see to it that there is nothing in the Bill, which is nothing but a *jhadoo lagao* Bill. Even that has been taken away.

I think that I will request him to kindly go through the Bill. I now that his speech was very much politically motivated. He wanted to take advantage of certain evils which had taken place, and that was the reason why he wanted to participate in the discussion. He had nothing to do with the Bill.

SHRI TARA CHAND KHANDELWAL: There was nothing political.

SHRI S.B. CHAVAN: It was of course, political. I am sorry, Shri Khandelwal, you have been giving very concrete suggestions so far but in today's speech you were totally led away by other considerations. I do not know why. Anyway, that is a matter entirely for those who participate in the discussion. I cannot possibly dictate as to on what lines one should speak.

I think in the initial stage itself, when I gave my preliminary remarks, I pointed out the specific issues on which we have taken basic decisions. I am sure that most of the hon. members will appreciate that there are a large number of provisions which we have

included in this Bill. In fact, it is not a separate Bill, it is an amending Bill. It is not that for the first time we are trying to introduce some kind of a Bill for the Municipal Corporation of Delhi. There is an existing Act and on the basis of certain experiences, that people have got, we thought that some corrections were necessary and that is why this Bill has been brought about.

I would not like to go into the details but some hon. members wanted this Bill to be circulated for public opinion. Even Shri George Fernandes said that it did not matter even if it took six or eight months more, but that it should be circulated for public opinion.

SHRI MADAN LAL KHURANA: We are not for that.

SHRI S.B. CHAVAN: Are you not? Anyway, I would not like to go into that aspect of it. The important thing that we have to bear in mind is that we have been discussing the main features of this Bill right from the beginning. The Sarkar Committee was appointed, thereafter the Balakrishnan Committee was appointed, the report was submitted to the Government in 1989, and it was placed on the Table of the House. All-party meetings were taken. All questions have been discussed thread bare I had also discussed it twice with the hon. member of this House from Delhi and we had come to certain understanding. I am sure that the hon. members who had participated in the discussions will definitely remember it.

[Translation]

SHRI KALKA DAS: The suggestions we gave in the meeting called by the hon. Minister have not been included in the Bill.

SHRI TARACHAND KHANDELWAL: We have proposed a number of amendments and I am confident that at least some of them would certainly be accepted by you.

[*English*]

SHRI S.B. CHAVAN: The important feature which I would like to emphasise and which I feel, to a considerable extent has been provided for, is decentralisation that we believe. With the passage of time we felt that some more powers are definitely required for implementing the objectives that we have an view about the zonal committees or the ward committees as they have been recently known.

If after experience we feel that more powers need to be given to these committees, our idea is absolutely clear. We would like to see that these Ward Committees become more effective. Now we have given them powers up to Rs. one crore. If our experience shows that this is becoming more effective and more powers need to be given, certainly we would not hesitate even to come before this House for amending the Bill because I can tell you without any hesitation that Government is interested in decentralisation of the power. And when I say decentralisation of the power, this could not only mean from the Centre to the Delhi capital Region state, not only up to Corporation and Mayor, but also to the Ward Committees which we have appointed.

Hon. Members will definitely agree with me that we should try to have more experience in this and if more powers are required, certainly we shall try to give them.

15.51 Hrs.

(SHRI PETER G. MARBANIANG *in the Chair*)

A point which was emphasised by most of the hon. Members was about the Alderman, which has been in existence and which has now been given up. In the existing Act, there is a provision for six Alderman to be elected

on a system of proportional representation by single transferable vote and they had the right to vote. They were people who were having special knowledge about municipal administration. After the Seventy-fourth Constitution Amending Act, now we have come to a stage where certain limitations have been imposed on what we have to do in this matter. I have no objection if you call them Aldermen and have the same kind of proportional representation for the elections, but the Constitution Amending Act does not give you the power of voting. Barring voting, all other powers which they are getting as a nominated member, there is not going to be much of a difference and that is why fifteen people are now going to be nominated instead of being elected by the electoral college, as it was the system. That is only because of the fact... (*Interruptions*).

SHRI MADAN LAL KHURANA: At the mercy of the Government.

[*Translation*]

If the Members are elected, they would elect the person of their choice and in this case the Government would nominate the person of its choice.

[*English*]

SHRI S.B. CHAVAN: That is what exactly I am saying. If these people who have special knowledge of municipal administration, have to be elected, certainly we are not opposed to the idea, but they will not get the voting right. The Constitution Amendment prohibits any such member being given the voting right. That is the position. (*Interruptions*)

[*Translation*]

SHRI MOHAN SINGH (Deoria): Nothing to this effect is in the Bill, this is something different.

SHRI S.B. CHAVAN: I am explaining to the hon. Member as to why it is not so. Had the provision to that effect been made in the Bill, they would have been deprived of the right to vote as per the 74 amendment made in the constitution. If the hon. Members want them to be elected without having right to vote, we have no objection. We do not find any utility in adopting the whole process to elect the Members if they are not to get right to vote.

[English]

That is why we are now nominating these people.

Some of the Members made suggestions about nominating some eminent people who are famous either in journalism or are good dramatists or are well-versed in other walks of life. Similarly, an hon. Member suggested that those who have come from U.P., Bihar or some other areas and have been permanently here, on the basis of their presence here, all things being equal, if they were not to contest and if they were to qualify themselves otherwise, there can be every justification while nominating the members that this aspect may also be considered. Of course, if they contest the election and they have been defeated, they cannot be nominated as members.

I cannot possibly say as to how exactly it will be; but certainly Government will have to keep this aspect in view, that these people can also qualify for being nominated in this respect.

[Translation]

SHRI NITISH KUMAR (Barh): Mr. Chairman, Sir, under the 74th Amendment a provision has been made for the reservation of seats for SC, ST and women, however, there is also a provision to provide reservation for backward classes, if necessary. It

is a matter related to Delhi, why the Government has not made the provision in this regard?

SHRI S.B. CHAVAN: It would have been better if the hon. Member had taken the upper seat, it is inconvenient to come down.

[English]

Anyway, I would like to react to what the hon. Member has raised. Another hon. Member also has raised the same point that why is it that we have not made any provision for the backward classes. According to the Mandal Commission, there are 82 communities which have been declared as backward communities. According to 1921-1931 census, there are only 45 communities who qualify themselves as backward classes. This is as per the census of 1921 and 1931. The elections are being held on the basis of 1931 census. On that basis, we will have to revive the entire thing and bring them up-to-date. Not only 45 but all the 82 communities will have to be brought up-to-date whatever be their population. If reservation is to be given, the basis will have to be their population. Unless we have the latest population figures with us, it will be very difficult to provide any kind of reservation for all the backward classes. Otherwise we have accepted it and there is no reason why it should not be translated into action. This was the only difficulty. Otherwise, in fact, there was no reason as to why they should not have been provided for. It is the only explanation I can possibly give you.

Another important point which has been made was about different boards which are being constituted. Firstly I would like to react to what hon. Member Shri George Fernandes has said. Government has taken to itself certain powers. I would like to read out that Section 490(A).

"The Central Government may, by a

[Sh. S.B. Chavan]

notification in the official gazette, direct that any power exercisable by it under the Act shall subject to such conditions if any, as may be specified in the notification, be exercisable by Government or any of the officers or the Commissioner or any other authority".

That is the only interpretation if we have to read this properly, and of course not in a manner which is totally not called for or not the intention of the Government. There are certain arterial roads which are very important. All roads are to be maintained by the M.C.D. There are a number of National Highways which are going through Delhi. There are a number of important roads, which according to us will have to be maintained at a particular standard. If Government comes to this conclusion - that these are the roads to be maintained in such a way and notification will have to be issued to take over the responsibility and as the Government of the National Capital Territory of Delhi to take over this responsibility, it will be done. Or if we come to the conclusion that for any reason if they do not have sufficient funds, the Central Government itself should intervene in the matter; provide funds to them and see that the roads are maintained at a particular standard.

There are a number of other things which the Corporation, because of its financial position, may not be in a position to take up. But, for Delhi we will have to provide a number of amenities. If Government feels that certain amenities are to be straightaway provided but because of lack of funds they are not able to do it, might be that the State Government will be asked or in certain respects on an item the Government itself will have to take up the responsibility, it will be done. There are number of things which we will have to discuss with them and take a decision. Delhi being the capital city, we cannot possibly leave everything to the

Corporation or the Delhi Government.

16:00 hrs.

Certain responsibilities will have to be handled by the Government and that is why we have specially made the provision for delegation of powers. As I have read Section 490A, similarly delegation of powers has also been provided for under the Act.

SHRI TARACHAND KHANDELWAL: The difficulty is that this government... (*Interruptions*). It has become immune.

SHRI S.B. CHAVAN: I think you will allow me to speak. (*Interruptions*). I will request you not to interrupt me. Let me complete, and thereafter, if you have any question, certainly I will try to reply to your point.

The point which I was making was, I have no doubt in my mind so far as the Delhi Electric Supply Undertaking is concerned. DESU has been making tremendous losses. If I have to give the figure to the honourable House, Rs. 1640 crore is the total loss which the Delhi Municipal Corporation have to pay to Bhadarpur Thermal Power Station. If we are to add Rs. 300 crore cash loss every year — and Rs. 907 crore of accrued interest — if the whole thing is added, it comes to almost Rs. 3000 crore. If Rs. 3000 crore is a small amount and if we can carry on this luxury, I do not think that any of the Corporations can possibly legitimately claim that 'we have been running this Delhi Electric Supply Undertaking in a every efficient manner. Generation is restored and the transmission losses are of the order of 22 per cent. Twenty-two per cent are transmission losses. (*Interruptions*). Over and above that, you will find that there is theft, pilferage, illegal and unauthorised tapping of power directly from transmission lines. This has been going on for a number of years and I do not think that this is going to possibly continue in the manner in which this has been

done so far.

SHRI CHETAN P.S. CHAAUHAN (AMROHA): This is going on all over the country.

SHRI S.B. CHAVAN: So, it should continue? Very nice, very good idea. So, I do not think we can ever think in terms of continuing this kind of Electric Supply Undertaking. The Corporation will have to take over this or even prepared to say that....

SHRISRIKANTA JENA (CUTTACK): Are you taking over the liabilities of DESU also?

SHRI S.B. CHAVAN: These are matters, accepted liabilities that have to be taken over: on what line it has to be, it has to be discussed and thereafter it has to be taken over. So, necessary action will have to be taken and we will have to see that by 1995 the deficit is reduced to zero. That is the directive that we have given to them; on how they can do it, we will have to explore the possibilities and see that this electric Supply Undertaking is run on proper lines.

Sir, about the water supply, you know that Delhi has been having its own water supply scheme. They have to depend on the neighbouring States to release water and thereafter they let the drinking water here. It is a very unsatisfactory kind of solution. So, we will have to have another autonomous body created which will not be only in charge of procurement of water, treatment of water, but thereafter distribution of water also. But distribution of water and a number of other things which the hon. Member has stated, we can definitely consider under this power which the Central Government has taken to issue the Notification, to delegate this power to the Delhi Government and through the Delhi Government to the Corporation.

SHRI MADAN LAL KHURANA: What about sewerage?

SHRI S.B. CHAVAN: Sewerage also. These are matters, though they have been kept, but they can be assigned as an agency of execution. But this is a procedure that we have laid down so that nobody will be in a position to exploit the situation in such a manner that they can get away with anything. That sort of thing we will not allow you to contrive.

Sir, birth and death certificates and registers are to be maintained under the Birth and Death Certificates Act.

SHRI KALKADAS: What about the DMS? You have not said anything about that.

SHRI S.B. CHAVAN: I am not in-charge of that and so, I will not be able to say anything about that. You have to discuss that part of it with the authorities concerned.

Sir, I was saying that the birth and death certificates will be maintained under the Birth and Death Certificates Act. So, according to the Act, the Corporation has all the powers, though it might not have been provided here. The Fire Services also can be with the Corporation. So, most of the powers which they have been enjoying, excepting where they have been making huge losses, will be given to the Corporation. That is what our thinking is. It has to be done by delegation of powers. If it is not possible, then certainly we will have to think as to how best we will be able to do it. Sir, now I will come to the Building Bylaws. I think the hon. Members will be able to appreciate that the Building bylaws are being prepared by the Commissioner of the Corporation. He will publish those Building Bylaws and get objections. And together with the views of the corporators and also the Commissioner it will go to the Administrator. Unfortunately, this word 'Administrator' has been misunderstood by most of the hon. Members. When this word is used here, it means the Lieutenant Governor of Delhi. Administra-

[Sh. S.B. Chavan]

ter' does not mean tht when the Corporation comes into existence a person will be appointed and he will be the 'Administrator'. So, this word 'Administrator' has not been used in that sense. So, through the Corporation, it will come to the Commissioner, from the Commissioner it will go the Lieutenant Governor and then, it will come to the Central Government. Ultimately, the Central Government will not exercise the power, but it will try to see, as far as possible, that it is left with the Lieutenant Governor.

SHRI MADAN LAL KHURANA (SOUTH DELHI): You said that it will go from the Lieutenant Governor to the Central Government. But, there is no Government in Delhi, there is no Corporation and there is no Commissioner. And it will go from the Commissioner only, not the Mayor.

SHRI S.B. CHAVAN: Of course, you have to understand that distinction. The Commissioner will be publishing the Building Bylaws and invite objections. Those objections and the view of the corporators will be informed to the Commissioner and through the Commissioner, it will come to the Government of India. But, as far as possible, the Government of India will have to exercise the powers according to the views which have been expressed by different people. *(Interruptions)* We will have to see how best these powers are delegated to the Corporation, but at the same time, we have to see that the kind of malpractices that have been in Delhi are avoided. Hundreds of thousands of acres of land have been unauthorisedly occupied and the Central Government is moving in a phased manner to evict those people. That is the only consideration. Certainly, we would not like to continue with that kind of a system. Otherwise, the Central Government has no charm in having these powers which, according to me, will be impossible for us to exercise. We

do not know all the details. It is the Commissioner and the Corporation who will be knowing all these details or at best, the Delhi Government. But, we will have to keep these lands to ourselves, because these are very valuable lands and the way they are being frittered away, definitely it calls for some kind of action. So, if the people have this kind of a feeling that the Central Government can intervene in the matter, then they will really be more careful in this respect. That is the only point which I thought I should make here.

Translation]

SHRI TARA CHAND KHANDELWAL: Even if a minor amendment is to be made in the Building-by-laws, the process will be the same. It will have to go through the Commissioner to the Lt. Governor and from the L.G. to the Central Government. Will it be proper to go through such a long process which would take even two years.

SHRI S.B. CHAVAN: The Central Government cannot retain this power as it will have to be exercised through some authority.

But before doing so, I would like to inform the people that land worth crores was lying vacant on which there has been unauthorised construction on a large scale in the capital and by exercising this power. The Central Government can intervene and ban the construction. I would like to say categorically that if the Central Government is empowered in this regard, it will be effective and we want to undertake it as an experiment.

[English]

There is only one point which I would like to mention, that is about the recruitment power. Class B and Class C employees are going to be appointed through either the Commissioner or some other authority.

which will be created for the purpose. But while issuing the appointment order, the appointment order in certain cases will have to be through the Commissioner. That is the only point. That is because of the fact that these officers who are being appointed there should not come directly or indirectly under the influence of the elected corporators. That is the only view that we have. That is why, this provision has been made.

Rest of the points I have noted down but I do not think, it is proper on my part to dilate any more on this issue.

I request the House to pass the Bill.

[Translation]

SHRI MADANLAL KHURANA: Mr. Chairman, Sir, it depends on the Government whether to accept the suggestions expressed in the discussion today because the Government enjoys majority. Last time an assurance was given in this august House that both these Bills will be introduced in November 1991 and elections will be held in August, 1992. But now the Assembly Bill has been passed and the Corporation Bill will also be passed today. Therefore, it is all upon the Government now because the delimitation will take at least a month or two. I therefore, would like to request the Government to assure the citizens of Delhi that the elections of Delhi Legislative Assembly and the Municipal Corporation of Delhi should be held simultaneously with the elections to be held in the four States in the month of November, thereby restoring the rights to Delhites of which they had been deprived for last ten and a half years. Through you, I would like to know from the hon. Minister of Home Affairs whether the assurance will be given.

SHRI MOHAN SINGH (Deoria): I also want to ask whether the hon. Minister will

assure that after this Bill is passed, the State Election Commission will be set up and elections will be held in the month of November. If it is so, I can consider to withdraw my amendment. It will be better if the hon. Minister gives assurance to the question raised regarding the unauthorised construction and also ~~delimitation~~ delimitation of constituencies.

SHRI KALKA DAS: I also had stated that power should be given to the representative of people i.e. Mayor and not to the Commissioner. It is because the Commissioner sometimes oversides whatever is passed by the Corporation. Thus the sentiments of a representatives of people are hurt. The hon. Minister of Home Affairs should give an assurance that the people of Delhi will get relief from it. Moreover, an announcement should be made that the elections to Delhi Legislative Assembly should be held along with the elections of the Legislative Assemblies of the States in November, otherwise it will be meaningless.

[English]

SHRI E. AHAMED (MANJERI): I would like to put a question to the hon. Home Minister. It is broadly connected with the elections. I am given to understand that enumerators have denied a lakh or one and half lakhs of people to get themselves registered as voters on the assumption that they belong to some other countries. In spite of the fact that they are Indians, and they have been living in this country and they have every right to be the voters, they have been denied the right. (Interruptions) What BJP member say are they views have my view. Why are you angry about it? (Interruptions). I can very well appreciate that BJP want everybody among majority to be disqualified. I know. But I hold a different view.

[*Translation*]

SHRI MADAN LAL KHURANA: You bring more persons from Pakistan here.... (*Interruptions*). How can you consider the foreigners as Indians? Would you like to make the foreigners voters ?

[*English*]

MR. CHAIRMAN: You must respect other's views.

[*Translation*]

SHRI MADAN LAL KHURANA: He is speaking unconstitutional. Under the Constitution the citizens of India only entitled to exercise there franchies and not the foreigners.

[*English*]

MR. CHAIRMAN: He has every right.

SHRI E. AHAMED: I want an assurance from the hon. Home Minister. I want to know whether the Government will consider and examine whether the rights have been denied and whether to those people who are allowed to get themselves enumerated as voters. Will the hon. Home Minister look into it and do justice to the people?

SHRI S.B. CHAVAN: So far as the Indian citizens are concerned, if they have been denied the voters' right, I will certainly look into the matter and see that their rights are restroed.

About the points which have been made, I do not know whehter I should agree or disagree. But there is one thing about which I would like to clarify. In fact, the hon. Member, Shri Kalka Das, has not been able to appreciate the kind of model that is accepted. Your suggstion is totally against the model that you hae suggested. Accord-

ing to the model that we have taken, please give the power of deliberations to the Corporation. The Mayor is a deliberative head while the executive head happens to be the Commissioner. You have to made a distinction. This model definitely contemplates that all executive powers are not with the Mayor. They are with the Commissioner. You have to understand this.

SHRI MADAN LAL KHURANA: Is that the executive norm?

SHRI S.B. CHAVAN: If that is against the form which you have accepted, if you do not agree, then you have to make a total change. Otherwise, this kind of patchwork is not going to help.

About the elctions, in fact, I cannot make possibly any promise. But I can assure you that after delimitation work is over. It will be my effort to see that they are held by the end of this year. But this will also be subject to the approval of the Cabinet that the elections will be held by the end of this year.

MR. CHAIRMAN: Now consideration of the Bill. There is an amendment moved by Shri Mohan Singh. That is Amendment No. 1 on a motion for consideration. Another Amendment No. 27 is moved by Shri Anna Joshi.

[*Translation*]

SHRIMOCHAN SINGH (Deoria): Mr. Chairman, Sir, as the hon. Minister has given assurance to hold elections by the end of the year, I would like to withdraw my amendment with the permission of the House.

[*English*]

MR. CHAIRMAN: Is it the pleasure of the House that the amendment moved by Shri Mohan Singh be withdrawn?

SEVERAL HON. MEMBERS: Yes, the amendment No.1 was by leave, withdrawn.

MR. CHAIRMAN: I shall now put Amendment No. 27 moved by Shri Anna Joshi to the Vote of the House.

The amendment No. 27 was put and negatived.

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Delhi Municipal Corporation Act, 1957, be taken into consideration."

The motion was adopted

MR. CHAIRMAN: The House will now take up clause consideration of the Bill.

MR. CHAIRMAN: There is no amendment to clause 2.

The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 WAS ADDED TO THE BILL.

Clause 3 - AMENDMENT OF SECTION 3

MR. CHAIRMAN: We have amendment numbers 2, 3 and 4 moved by Shri Madan Lal Khuranga. Are you moving?

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, I would like to say that the provision of two seats made in the Bill should be substituted by three seats and with these words....

Sir, I beg to move -

Page 3, line 26 —

for "one hundred and thirty-four" substitute "two hundred and one"

Page 3 —

for lines 12 to 14. substitute —

"(ii) in sub-section (4) for the words "and alderman shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves." the words "and alderman to be chosen from among persons who are qualified to be councillors but are not Councillors themselves. to be elected at a meeting of Councillors in accordance with the system of proportional representation by means of single transferrable vote. immediately after the publication of the general election" shall be substituted."

Page 3. —

after line 41 insert —

"after line 41 insert —

"(7) The total number of aldermen shall be fifteen."

[*English*]

SHRI S.B. CHAVAN: Sir, it is too unwidely. That is why I cannot accept it.

MR. CHAIRMAN: We have amendment numbers 17, 18 and 19 moved by Shri Mohan Singh. Are you moving ?

SHRI MOHAN SINGH (Deoria): I am not moving my amendments.

MR. CHAIRMAN: We have amendment numbers 22, 23 and 24 by Shri Rajendra Agni hotri. He is not present.

We have amendment number 29 by Shri Anna Joshi - not there.

SHRI TARA CHAND KHANDELWAL (CHANDNI CHOWK): I beg to move:

after line 41 insert —

“(7) The total number of alderman shall be fifteen.”

“Provided that out of these 15 aldermen, one each shall represent the field of art, culture and literature respectively and two shall represent the trade commerce.”

MR. CHAIRMAN: I shall now put the amendment numbers 2, 3 and 4 moved by Shri Madan Lal Khurana to the vote of the House.

THE AMENDMENTS NO. 2, 3, AND 4 WERE PUT AND NEGATIVED.

MR. CHAIRMAN: I shall now put the amendment number 48 moved by Shri Tara Chand Khandelwal to the vote of the House.

THE AMENDMENT NO. 48 WAS PUT AND NEGATIVED

MR. CHAIRMAN: The question is:

“The Clause 3 stand part of the Bill.”

The motion was adopted

Clause 3 WAS ADDED TO THE BILL

Clause 4 INSERTION ON NEW SECTION 3A

[*Translation*]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, I beg to move.

Page 4, —
after line 22 insert —

“Provided that the process of formation of zones shall be taken up after the delimitation on the basis of 1991 census is complete.”

Mr. Chairman, Sir, the existing rules are based on the old census, of the Government continues to follow the norms of delimitation of Assembly on the basis of 1991 census, some of the ones norms of delimitation of Assembly seats. So, the delimitation should be done on the basis of 1991 census. If the Government passes this Bill in the present form, it will face a lot of difficulties because the Zones have been form on the basis of 1986 census:

[*English*]

THE MINISTER OF HOME AFFAIRS (S.B. Chavan): I will look into it.

MR. CHAIRMAN: Now I put amendment number 5 moved by Shri Madan Lal Khurana to the vote of the House.

The Amendment No 5 was put and negatived

MR. CHAIRMAN: The question is:

“The motion was adopted

Clause 4 was added to the Bill

Clause -substitution of new section for section 4

[*Translation*]

SHRI SAJJAN KUMAR (Centre Delhi):

“Page 4,-
Omit lines 28 to 31”

[*English*]

SHRI S B CHAVAN: I accept the amendment.

MR CHAIRMAN :

The question is:

"Page 4,-

omit lines 28 to 31."

(59)

The motion was adopted

MR CHAIRMAN : The question is:

"That Clause 5, as amended, stand part of the bill."

The motion was adopted

Clause 5, as amended, was added to the Bill

MR. CHAIRMAN: The question is:

"That Clauses 6 to 35 stand part of the Bill.

The motion was adopted

Clauses 6 to 35 were added to the Bill

[Translation]

Clause -36 -Amendment of sections 42

SHRI MADAN LAL KHURANA (South Delhi): Mr. Chairman, Sir, I beg to move:

Page 11.

Omit lines 39 and 40

(6)

Page 11, line 46.-

add at the end-

"and also construction and maintenance of fifty bed hospital."(7)

Page 11 after line 46 insert-

"(v) after clause (W) the following clause shall be inserted. namely: -(wa) the electricity generation and water production (treatment) the distribution of both the power and water for the public as well as individual purposes and maintenance work."(8)

I move. I have simply said that the distribution of electricity and maintenance of sewerage system should be entrusted to corporation. otherwise scavenging will remain with corporation, while maintenance of sewerage will be under the Board. Maintenance of sewerage system should, therefore, remain with the department which looks after scavenging also.

SHRI S.B. CHAVAN : That will be covered under deligation of powers.

[English]

MR. CHAIRMAN : Now, I will put amendment Nos. 6.7 and 8, moved by Shri Madan Lal Khurana to the vote of the House.

Amendments No.6.7. and 8 were put and negated.

MR. CHAIRMAN: The question is:

"That Clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

MR. CHAIRMAN : The question is:

"That Clause 37 stand part of the Bill."

The motion was adopted.

Clause 37 was added to the Bill.

Clause 38 -Substitution of Section 44-

[Translation]

SHRI MADAN LAL KHURANA: I beg to move:

Page 12, line 15,-

for "Commissioner" Substitute- (9)

"Mayor"

I move that wherever the word "Commissioner" figures, the same may be substituted by the word 'Mayor'

[English]

MR. CHAIRMAN: Now, I will put amendment No. 9 moved by Shri Madan Lal Khurana to the vote of the House.

Amendment No.9 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 38 stand part of the Bill."

The motion was adopted.

Clause 38 was added to the Bill.

MR. CHAIRMAN: The question is:

"That clauses 39 to 68 stand part of the Bill.

The motion was adopted.

Clauses 39 to 68 were added to the Bill.

[Translation]

Clause -69 Insertions of New Section 92

A

SHRI MADAN LAL KHURANA: I beg to

move:

Page 18, line 4.-

for "Government" Substitute - "Corporation" (10)

I move that wherever the word 'Government' figures, the same may be substituted by the word 'Corporation' to enable Corporation to take decisions on its own.

[English]

MR. CHAIRMAN: Now, I will put amendment No. 10, moved by Shri Madan Lal Khurana to the vote of the House.

Amendment No 10 was put and negatived.

MR. CHAIRMAN: The question is:

"That Clause 69 stand part of the Bill."

The motion was adopted.

Clause 69 was added to the Bill.

MR. CHAIRMAN: The question is:

"That clauses 70 to 80 stand part of the Bill.

The motion was adopted.

Clauses 70 to 80 were added to the Bill.

Clause 81 - Amendment of section

114

[Translation]

SHRI MADAN LAL KHURANA: I beg to move:

Page, 20.-

after line 40 insert-

in clause (d) after the second proviso the following provisos shall be inserted, namely:-

"Provided further that the general tax on the lands and buildings used for residential purpose shall not be more than twenty per cent of the reteable value of such lands or buildings within the urban area," (11)

I move. It has been laid down in the clause 81 that the tax shall not exceed 25 per cent of the proportional value of lands coming under Corporation.

[English]

MR. CHAIRMAN: Now, I will put amendment No. 11, moved by Shri Madan Lal Khurana to the vote of the House.

MR. CHAIRMAN: The question is:

"That Clause 81 stand part of the Bill".

The motion was adopted

Clause 81 was added to the Bill.

MR. CHAIRMAN: The question is:

"That Clause 82 stand part of the Bill".

The motion was adopted

Clause 82 was added to the Bill.

Clause -83 - Amendment of Section 116.

MR. CHAIRMAN: There are two amendments No. 12 and 13 in the name of Shri

Madan Lal Khurana. Are you moving the amendments, Shri Khurana?

[Translation]

SHRI MADAN LAL KHURANA: I beg to move:

Page 21, line 3,-

after "sub-section (1)

Insert—

'(i) in clause (a) for the words, "ten percent," the words, "twenty per cent" shall be substituted." (12)

page 21,—

after line 7, insert—

"(ii) for sub-section (2) the following sub-section shall be substituted, namely:-

'(2) The reteable value of any land or building assessable to property tax may be on the basis of-

(i) the original cost of land and the cost of construction: or

(ii) on the basis of the actual rent received; or

(iii) the carpet area of the building and a sum equal of twenty per cent of the said annual reteable value be reduced in lieu of maintenance of the land and building."

(13)

The issue of House Tax in Delhi has been pending for the last five years. People

[Sh. Madan Lal Khurana]

Omit "Central" (14)

in Delhi are getting bills for lakhs of rupees. The recommendations given in the Malhotra Committee Report that have already been accepted by Delhi Administration and Corporation should be accepted by the Government.

MR. CHAIRMAN : Now I will put amendments No. 12 and 13 moved by Shri Khurana to the vote of the House.

Amendment No. 12 and 13 were put and negatived

MR. CHAIRMAN : The question is:

"That Clause 83 stand part of the Bill"

The motion was adopted

Clause 83 was added to the Bill

MR. CHAIRMAN: The question is:

"That clauses 84 to 98 stand part of the Bill"

The motion was adopted

Clauses 84 to 98 were added to the Bill.

**Clause -99 - Insertion of New Section
349-A**

MR. CHAIRMAN : There is an amendment in the name of Shri Madan Lal Khurana. Are you moving to amendment. Shri Khurana?

[Translation]

SHRI MADAN LAL KHURANA : I beg to move:

Page 27, line 11.—

The word 'Central' may be omitted because power regarding building by laws rests with the Centre.

[English]

MR. CHAIRMAN: There is another amendment in the name of Shri Tara Chand Khandelwal. Are you moving, Shri Khandhwal?

SHRI TARA CHAND KHANDWAL (Chandni Chowk) : I beg to move:

"Page 23 line 11,—

for "Central Government" substitute-

"Delhi Municipal Corporation" (58)

MR. CHAIRMAN : Now I will put the amendment moved by Shri Khurana to the vote of the House

Amendment No. 14 was put and negatived.

MR. CHAIRMAN: Now I put the amendment moved by Shri Khandelwal to the vote of the House.

Amendment No.58 was put and negatived.

MR. CHAIRMAN : The question is:

"That clause 99 stand part of the Bill"

The motion was adopted

Clause 99 was added to the Bill.

MR. CHAIRMAN : The question is:

"That Clause 100 to 121 stand part of

the Bill"

The motion was adopted

Clause 100 to 121 were added to the Bill.

**Clause 122- Amendment of Section 485
and 486**

[Translation]

SHRI MADAN LAL KHURANA : I beg to
move:

page 28.—

for clause 122 Substitute -

"(d) 122 in section 485 and 486 of the
Principal Act, for the words "Central
Government" The words "The Govern-
ment shall be substituted." (15)

It has been mentioned in clause 122
that the power enjoyed by the Central Gov-
ernment in this regard should be transferred
to the Government of Delhi. The words
'Central Government' should be substituted
by the words "Government of Delhi".

[English]

MR. CHAIRMAN : I shall now put Amend-
ment No. 15 moved by Shri Khurana to vote.

*Amendment No. 15 was put and nega-
tived:*

MR. CHAIRMAN: The question is:

"That Clause 122 stand part of the
Bill."

The motion was adopted

Clause 122 was added to the Bill.

MR. CHAIRMAN : The question is:

"That clauses 123 to 132 stand
part of the Bill".

The motion was adopted.

*Clauses 123 to 132 were added to the
Bill.*

**Clause 133- Insertion of new Sections
311 A and 511 B**

SHRI MADAN LAL KHURANA : I beg to
move:

page 31,—

after line 15, insert -

"(dd) all Central Government /
Government Loans/ debts as pay-
able by the Municipal Corporation
of Delhi immediately before the
commencement of Delhi Municipal
Corporation (Amendment) Act,
1993 shall stand waived off." (16)

[Translation]

Mr. Chairman. Sir, under clause 133, I
would like to submit that all the Government
and other loan should be waived off after
Delhi Municipal Corporation Act. 1993 is
enacted so that a new beginning may be
made with the formation of new State. I
have the experience of 1980 when Corpora-
tion was dissolved, there was an allegation
that it was heavily indebted. I would like to
say that this will be helpful. If there is a rule
of different party in the Centre, it will be
convenient to dissolve the corporation on
the plea that the Corporation is having loans.
It will not be that easy if earlier loans remain
to be paid by the corporation.

I would, therefore, like to submit that
there should be no dues against the Corpo-
ration when a new set up is being given to
Delhi. Therefore, the amendments I have
moved should be accepted.

MR. CHAIRMAN : I shall now put Amendment No. 16 moved by Shri Khurana to vote.

16.45hrs.

BETWA RIVER BOARD (AMENDMENT)
BILL

Amendment No. 16 was put and negatived.

[English]

MR. CHAIRMAN : The question is :

"That Clause 133 stand part of the Bill."

The motion was adopted

THE MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P.K. THUNGON) : Sir, I beg to move:

Clause 133 was added to the Bill.

"That the Bill further to amend the Betwa River Board Act, 1976, be taken into consideration."

MR. CHAIRMAN : The question is

"That clauses 134 to 136 stand part of the Bill.

The motion was adopted

I also move that on page 1, line 1 of the Bill, 'Forty Second' may be substituted as 'Forty fourth' and on page 1, line 4, '1991' may be substituted as '1993'

Clauses 134 to 136 were added to the Bill.

The Betwa River Board Act, 1976 was enacted for the establishment of a Board for the creation of a reservoir at Rajghat by construction of a dam on the Betwa river and for the regulation of such reservoir. The reservoir thus constructed was named as Rajghat Reservoir. However, there is a tradition of naming the reservoirs and projects after great national leaders and having regard to the fact that Rajghat dam Project is located near Jhansi, it is felt that it would be appropriate to rename the said reservoir after the great nationalist warrior Maharani Laxmibai. The proposal has the concurrence of the State Government of Uttar Pradesh and Madhya Pradesh. To rename of Rajghat Reservoir as "Rani Laxmibai Sagar", it is necessary to amend the Betwa River Board Act, 1976.

MR. CHAIRMAN: The question is:

"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 S.B. CHAVAN : I beg to move :

"That the Bill, as amended, be passed."

MR. CHAIRMAN : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

The Bill seeks to achieve the above object by amending the Sections 3 (g) and 12 (2) (b) of the Betwa River Board Act, 1976 by substituting the words 'Rajghat Reservoir' by the words 'Rani Laxmibai Sagar'.