

in as much as it is dependent upon the constitution (Seventy-fourth Amendment) Bill, 1991."

MR. SPEAKER: The question is:

"That this House do suspend the proviso to rule 66 of the Rules of Procedure and Conduct of Business in Lok Sabha in its application to the motions for taking into consideration and passing of the Government of National Capital Territory Bill, 1991, in as much as it is dependent upon the constitution (Seventy-fourth Amendment) Bill, 1991."

*The motion was adopted*

19.66 hrs

GOVERNMENT OF NATIONAL CAPITAL  
TERRITORY BILL

[English]

THE MINISTER OF HOME AFFAIRS  
(SHRI S.B. CHAVAN): Sir, I beg to move:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Minister for the National Capital Territory and for matters connected therewith or incidental thereto, be taken into consideration."

In pursuance of the provisions of the Constitution (Seventy Fourth Amendment) Bill, 1991, the present Bill seeks to give effect to the amendments approved by this House to the Constitution. All the provisions of this Bill are for giving effect to or supplementing the provisions contained in the amendments made to the Constitution and for matters incidental or consequential thereto.

I do not think I should trouble the hon. Members with the details of this Bill at this stage.

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

MR. SPEAKER: Motion moved:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Minister for the National Capital Territory and for matters connected therewith or incidental thereto, be taken into consideration."

There is an amendment to the motion for consideration. Shri Mohan Singh is not present. Shri Manoranjan Bhakta.

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): Sir, I beg to move:

"That the Bill to supplement the provisions of the Constitution relating to the legislative Assembly and a Council of Ministers for the National Capital Territory and for matters connected therewith or incidental thereto, be referred to a Joint Committee of the Houses consisting of 15 members, 10 from this House, namely:-

- (1) Shri Abraham Charles
- (2) Shri Digvijaya Singh
- (3) Shri Srikanta Jena
- (4) Prof. (Smt.) Savithiri Lakshmanan
- (5) Shri Hannan Mollah
- (6) Shri Vilas Muttemwar
- (7) Shri Sriballaw Panigrahi
- (8) Shri Ramlal Rahi

[Sh. Manoranjan Bhakta]

- (9) Shri P.M. Sayeed
- (10) Shri Manoranjan Bhakta and 5 from Rajya Sabha:

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee.

That the Committee shall make a report to this House by the first day of the next Session;

That in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make;

and

That this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and Communicate to this House the names of 5 members to be appointed by Rajya Sabha to the Joint Committee." (6)

[Translation]

SHRI MADAN LAL KHURANA (South Delhi): Mr. Speaker, Sir, Delhi will be getting an elected body after a long struggle. The democratic rights which were snatched away from Delhites are being restored. For that, we support the Bill. But we are supporting the Bill half-heartedly, because, under the proposed structure, limited rights are being provided. A handicapped assembly with many restrictions is being provided. We have many apprehensions regarding it. I don't know how for the expectations of Delhites would be fulfilled. If I may in one sentence, I would say that we are supporting the Bill under protest and half-heartedly. Last time, the elections to Metropolitan Council of Delhi

and Municipal Corporation of Delhi were held on 5th February, 1983. The term for the Municipal Corporation of Delhi and Metropolitan Council was four and five years respectively. The elections which were due to be held during February, 1987 had been postponed for one year on the plea of holding combined elections of Metropolitan Council and Municipal Corporation of Delhi. But after one year, when only five days were left to announce the holding of elections in Meghalaya and Delhi, an announcement was made that a Government Committee would be constituted to finalise the proposed structure of Delhi and on this plea the elections were postponed. In the beginning it was said that a new structure of Delhi would be provided within six months. But the report of the Committee was not presented for two years. The Congress Government went out of power and a new Government of National Front Party came to power under the leadership of Shri V.P. Singh. At that time, the report of the Committee was presented to the House. Shri V.P. Singh had assured us to give statehood to Delhi, but in vain. That is why we say that Congress regime as well as V.P. Singh's Government have betrayed the people of Delhi.

Mr. Speaker, Sir, Today there is rule of Bureaucracy in Delhi. The situation of Delhi is becoming bad to worse. The reason is that the bureaucrats who rule Delhi, are not responsible to Delhi. They do not have any attachment to Delhi. Those who don't know the geographical conditions of Delhi, are ruling Delhi. Today, Delhi is an orphan and without protector. Whom should the people of Delhi approach for redressal of their grievances and problems as there is no political structure. I want to cite some examples. You will be surprised to know that Rs. 9034.36 crores have been allocated to Delhi for Five Year Plan. Out of it only Rs. 2596.03 crores, i.e. 28 per cent would be spent on new schemes and the remaining 72 per cent would be utilised on pending schemes of Delhi. During the next year's proposed budget, i.e. 1992-93 only Rs 138.23 crores out of Rs. 1259.18 crores, i.e.

11 per cent of the total amount would be spent on new schemes, whereas the remaining amount would be spent on pending schemes.

19.13 hrs.

[MR. DEPUTY-SPEAKER *in the Chair*]

Mr. Deputy-Speaker, Sir, there were 5500 D.T.C. buses including private buses in Delhi three years back. But today their number is 4800-4900. So about 700 buses have gone out of order.

An. Hon. Member: How much loss has DTC incurred?

SHRI MADAN LAL KHURANA: Who is responsible for it? You are responsible.

SHRI MURLI DEORA (Bombay South): You will have no hassles if you travel in Bombay.

SHRI MADAN LAL KHURANA: I am talking about Delhi. I am not referring to Bombay. Mr. Deputy-Speaker Sir, I was submitting that the population of Delhi has increased to 15 lakhs during the last three years but 700 buses have become short and today the number of certified buses on the road is much less. Shri Tytler made an announcement to provide 3000 buses for Delhi about four months back. But that assurance has not been fulfilled so far. What would happen to traffic in Delhi of 3000 additional buses run on roads here. A scheme called the Rapid Transport System was formulated. But the system has not been introduced so far. Unless this system is introduced Delhi can't benefit.

Mr. Deputy-Speaker Sir, you will be surprised to know that this scheme was first formulated in 1949. The estimated expenditure at that time was Rs. 15 crores whereas it is Rs. 5000 crores today.

[*English*]

SHRI MURLI DEORA (Bombay South): Let him check the figures. (*Interruptions*) I am not against your dreams.

[*Translation*]

SHRI MADAN LAL KHURANA: When you don't know about Delhi, you please sit down.

SHRI MURLI DEORA: You may see dreams but you should given correct figures. (*Interruptions*)

SHRI MADAN LAL KHURANA: Mr. Deputy Speaker Sir, I would like to say that he is not aware of the conditions in Delhi. He talks of Delhi while sitting in air-conditioned rooms of Bombay. I am sorry to say that Delhi is being ruled by those who don't know even basics of Delhi... (*Interruptions*)

THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYTLER): Why do you look up w... speaking? You should speak to us and look in front.

SHRI MADAN LAL KHURANA: Your face is so beautiful that... (*Interruptions*) Mr. Deputy-Speaker Sir, there is a scheme for Metro Railway in Delhi for which Rs. 5000 crores have been allocated in the Eighth Plan. During the Fifth Plan, Rs. 200 crores had been earmarked for the purpose and it was said that land would be purchased. We have still to acquire land and it may take even five years. After that, the cost would escalate from Rs. 5000 to Rs. 10,000 crores. A similar project was launched in Calcutta in 1967 and more than half has already been completed and people are using it also. But in Delhi, only schemes are being formulated because Delhi is an orphan and without protector. I mean to say that only survey is being conducted here. The Central Government has assured us to provide full employment by 2000 A D. But what did the bureaucrats of Delhi do? You will be surprised to

[Sh. Madan Lal Khurana]

know that Rs. one crore has been earmarked in 1991-92 budget. Not even a single paisa has been spent from the amount of Rs. one crore during last 8 months. The Central Government claims that it will provide employment to all upto 2000 A.D. but Delhi Administration has not even spent a single paisa during 8 months, out of Rs. one crore earmarked for providing employment opportunities. D.D.A. has been totally failure in providing housing. They themselves accept the need of 5-6 lakhs houses. Last year 8000 flats were constructed but in the current year even a single house has not been constructed. As a result, unauthorised colonies and clusters are cropping up. The position of water supply is also deteriorating. Nobody is concerned about raw-water for Delhi and no agreement has been made in this regard. If it continues, administration will have to start rationing of water for the citizens of Delhi in the coming one or two years. Our requirement of electricity is of 1437 MW's but the supply is only 1310 megawatts. There is a shortage of 127 MW's Upto 1997 it will be 2532 MW's but nobody seems to be concerned about it.

Mr. Deputy-Speaker, Sir; at present 60 per cent people in Delhi are deprived of Sewer facility. There are 675 jhuggi-jhonpri clusters in Delhi and 15 lakh people live in those but no even a single sweeper has been deployed there. Today the total population of Delhi is 95 lakhs and out of that 70 lakh people are living in sub-standard conditions. There are the figures given by the Government. Delhi as a Capital has been divided into two parts. One of its part consists of jhuggi-jhonpri clusters, Rehabilitation colonies, urbanised villages, unauthorised colonies and urban slum areas. On the other hand, there is an area like Cannaught place near Parliament, on the other hand you will see another face of Delhi in trans-Yamuna area and West Delhi areas. The hon. Home Minister has given 200 names of the people who died in 'Sura' incident. But I challenge that more than 300 people died

and more than 50 have become blind due to that 'Sura'. They do not discuss about it. There is no proper forum where we could raise the problems of Delhi. Sir, I do not want to present more examples but I would like to say in one sentence that Delhi should have been provided a unified authority, a full-ledged body to solve these problems effectively. People of Delhi were dreaming about an unified, powerful and effective system. But I want to say that this proposed Bill has shattered the dreams of the people of Delhi. As I have said earlier that there is multiplicity of authorities in Delhi i.e. D.D.A. D.T.C., D.M.S. and many other departments. They do not owe responsibility to anybody. The problem may be related to D.T.C. but it will be solved by the Central Government and Shri Tytler will not talk to the people of Delhi. People of Delhi have to suffer due to the loss in D.M.S. with no fault of theirs. The Government will not talk to anyone from Delhi about it.

In its recommendations about Delhi, Sarkaria Committee has said that the elected members of Delhi should be consulted in regard to the solution of problems of Water Supply and Sewage Disposal, Electricity Board, Transport Corporation by constituting autonomous Boards, for these. Through you, I would like to inform the hon. Home Minister that this Bill is silent about these things. There is no mention that under which body these boards will be functioning? Who will be responsible for Delhi's problems? Who will come forward to solve these problems. The Bill is silent whether these will be solved in the Assembly of Delhi or not.

I would like to remind you that in 1965-66 when Delhi Administration Act was enacted, Shri S.B. Chavan assured that Delhi Metropolitan Council would be treated at par with Assembly and it was practiced in several matters such as the Executive Councilors were invited in Chief Minister's Conference. In the same manner I would like to urge that hon. Home Minister should make some declarations in this regard in the House because our doubts are increasing. You

have stated that Sarkaria Committee Report would be implemented and this Report has recommended to make all these authorities as autonomous bodies which will be controlled by the Central Government. We have doubts about these things. I urge you to remove our doubts by making a clarification in your speech.

Now I would like to talk about this proposed Bill for Union Territory of Delhi which has many loopholes. First is that it does not clarify law and order situation, Police and land rights. There can be a detailed discussion on this controversy. I do not want to indulge in it. At least you should provide full authority in the hands of Chief Minister who will be an elected head of Delhi. Law and order situation is a main problem of Delhi. If he will have no power then he can not take any effective steps. How will he solved these problem if he does not have this department under his control. As I have given you the example that many people die because of 'Sura' but who will take decision about it?

The second problem is related to the land. After all what type of the assembly is going to be constituted? I, therefore, request you to clarify other issues also. If there is any difference of opinion between Lieutenant Governor of Delhi and Delhi State Government regarding any issue, the issue will be referred to the Central Government for its final decision. It is not clear here whether the decision of the Lieutenant Governor of Delhi will be valid till the decision of the Central Government is not received. I want to say that some provisions in this are not appropriate.

My first request is that the Cabinet of Delhi State Government should be given the right to decisions on all those matters which fall under its jurisdiction. If there is anything to be decided in that connection, the Minister should be empowered for it and if the concerned Minister is present, the ruling of the Chief Minister who will be elected head of the State should be observed. Therefore, I

request you to make provisions for all these things in a democratic manner.

Thirdly, I object to the provision in the Bill that the proposed Delhi Legislative Assembly has the right to make laws on certain issues like N.G.O. s but these issues fall in the jurisdiction of the Central Government also and thus, it can also make laws regarding them. It implies that the Central Government will have the upper hand in the formulation of laws. The people of Delhi will not be able to take decisions. This is also undemocratic. It means that the Central Government does not have faith in the people of Delhi.

There is provision in the Bill that the President can direct the Delhi Cabinet. The Delhi Cabinet will be obliged to follow it. Every Cabinet Minister like the hon. Minister who is present here and his predecessor Shri Rajesh Pilot directed to ply three thousand buses here but it could not be done and was refused by Shri Jag Pravesh Chandra of the Congress only. Therefore, I want to say that this provision should not be included in this bill because any Central Minister can dictate the terms to the Delhi State Government through the hon. President.

The Central Government should have the rights concerned with budget. In the Vidhan Sabha, no Bill having financial provisions can be passed without the recommendation of the Lieutenant-Governor. Every Bill is supposed to have certain shortcomings. Therefore, prior to passing the Bill, the sanction of the Lieutenant Government will be obligatory for almost every Bill of Delhi State Assembly. This is not proper, because the President gives the final clearance. So, we have objections in this regard.

Why this language has been used that the President will appoint the Chief Minister. Such sentence creates doubts in the mind. Therefore, like other States the language here should be that the leader of the majority party will be appointed the Chief Minister. It has happened so in the past also. When the Metropolitan Council was constituted, the

[Sh. Madan Lal Khurana]

appointed Councilor, belonged to other than the party in majority.

SHRI S.B. CHAVAN: Have you studied it properly?

SHRI MADAN LAL KHURANA: Yes Sir.

SHRI S.B. CHAVAN: Then it is alright.

SHRI MADAN LAL KHURANA: You should appoint the leader of the majority party as Chief Minister...*(Interruptions)*... In the meeting that day the Government had admitted to dissolve the assembly. In this regard, it was decided for the period of three years. But now it has been amended that the concurrence of the Parliament is not necessary for first year. For its extension for next two years, the proposal must be submitted before the Parliament. It will be better to extent it on half yearly basis.

If these flaws are removed, this Bill regarding Assembly would be effective to settle the problems of the Delhi ites.

Since there is no setup of elective representatives in Delhi, the bureaucrats are ruling Delhi. Therefore, elections in Delhi is our priority. The elections in Delhi should be held immediately, so that the elected representatives of Delhi can solve the problems of the Delhites. For the purpose only we are supporting this Bill regarding powerless assembly. Our ultimate goal is to have a full statehood under whose umbrella, all of our Department should be covered and the Delhi ites should take their own decisions. Unless, our goal is achieved, our struggle will continue and till then we support the Bill which reinstates the democratic rights of Delhi. This should be passed today only and the Government should fulfil its commitment by holding elections in Delhi within 6 months.

SHRI SAJJAN KUMAR (Outer Delhi): Mr. Deputy-Speaker, Sir, SIR, it is a historic day for the people of Delhi today. A few

hours ago we decided to give the Legislative Assembly alongwith a Council of Ministers to Delhi by amending the Constitution. It was a long standing demand of Delhites. They are not only thanking the hon. Prime Minister and the Congress but also praising them.

SHRI RAM NAIK (Bombay North): The Congress and the Prime Minister are different. *(Interruptions)*

SHRI SAJJAN KUMAR: As far as I remember, Delhi had ben given a Legislative Assembly and the Council of Ministers in 1952 by late Pandit Jawahar Lal Nehru. At that time the members of Bharatiya Janata Party, then known by the name of Janasangh called the Legislative Assembly a white elephant in this very House. This is on record.

After Pt. Jawahar Lal Nehru in 1952, Shri P.V. Narasimha Rao in 1991 not only fulfilled the commitments of the Election manifesto by giving the Legislative Assembly with the Council of Ministers, but Shri Rajiv Gandhi in 1988...*(Interruptions)* Please wait for a while. He Also fulfilled the dreams of Shri Rajiv Gandhi when he brought about a change in the administrative set up of Delhi. The Metropolitan Council was constituted by dissolve the Legislative Assembly on the ground that it will fulfil the expectations of the Delhites. But when Shri Rajiv Gandhi observed that the Metropolitan Council has failed to give the required facilities to the Delhites, he appointed a Committee for providing a new and effective set up for Delhi. By giving the Legislative Assembly to Delhi the Congress not only fulfilled the expectations of Delhites, and the commitment made in the election manifesto but also fulfilled the dreams of late Shri Rajiv Gandhi. Just now Shri Khurana said that a committee was constituted for providing a new set up for Delhi only five days before the elections to the Metropolitan Council and Municipal Corporation. Shri Khurana, at that time you were leader of Bharatiya Janata Party in the Metropolitan Council and if your party had any objection you should have resigned from

the Metropolitan Council but you were continuously...*(Interruptions)* Your party had been in the Metropolitan Council and in the Municipal Corporation for two years and did not raise this issue because you agreed with this decision.

Bala Krishnan Committee submitted its report in 1989. Had your intentions been clear, you could have given Legislative Assembly to Delhi if you so desired. I would like to go back to 1977 when Shri Morarji Desai was the Prime Minister and Shri Advani was in his cabinet. At that time also a Bill was introduced. Shri Khurana do you know why that Bill was not passed? It was because the members of your party were not present in the House. There was no quorum. Your party did not want to give Legislative Assembly to Delhi.

[English]

THE MINISTER OF STATE IN THE  
MINISTRY OF SURFACE TRANSPORT  
SHRI JAGDISH TYTLER: I am so glad that Sajjan is exposing them. They should be exposed.

[Translation]

SHRI SAJJAN KUMAR: You supported Shri V.P. Singh's Government in 1989.

SHRI MADAN LAL KHURANA: Who did not give a Legislative Assembly to Delhi for the last 30 years?

SHRI SAJJAN KUMAR: You were associated with Shri V.P. Singh's Government. He used to take decision after consulting you. Shri Khurana, you are calling them fraud but the Delhites are calling you a fraud because you did not want to give them a Legislative Assembly. *(Interruptions)*

You have only been trying to gain political mileage and misleading the people of Delhi by talking about Legislative Assembly.

Shri Khurana, I would like to remind you

about that discussion which was held in a closed room, when the Minister of Home Affairs called a meeting of the Members of Parliament of Delhi. Shri Jagdish Tytler, you and I were also present there. *(Interruptions)* Please listen attentively. At that time you said that at least you should hold the elections to the Metropolitan Council and the Municipal Corporation. On behalf of our party Shri Jagdish Tytler and I said that it would be a breach of trust with departed soul of Shri Rajiv Gandhi and with election manifesto of the Congress, if the Legislative Assembly is not given to Delhi. You talk of Metropolitan Council in the closed room and out of the room you say that you want statehood for Delhi. Your party does not want Statehood, otherwise you could have done it during the rule of Shri V.P. Singh. Narsimha Rao Government not only fulfilled the promise of giving Legislative Assembly to Delhi but also fulfilled all the promises made in election manifesto.

Today, we are discussing all issues of Delhi. I would not like to go into the detail but when our Government took over the reins of power, uncertainty and instability was prevailing there. The economic condition was in doldrums and was known to all. During the last six months of its rule the Congress Government strengthened the country, politically and economically. Today many countries of the world want to restore their trade links with us. The situation was so deplorable that we had to mortgage gold to pay off debts, but within six months we have got back the gold, and alongwith this, today we have thousands of crore worth foreign exchange with us. The recent by elections have cleared the situation. The mandate of the people is known to all of us. It is evident from the history of the last 40 years the ruling party often loses the by elections. It is the first time in the history that people have given their mandate in favour of Shri Narsimha Rao... *(Interruptions)* I would like to congratulate the hon. Minister that he has removed the discrepancies left over in Bill by making an amendment in the Constitution.

[Sh. Sajjan Kumar]

Hon. Khurana, you had been discussing the daily problems of milk distribution DTC and DESU. You have mentioned specially that the number of DTC buses have been reduced but you have not referred to the heavy losses being borne by the Central Government for many years in this regard....(Interruptions).... I would like to draw your attention to the fact that Delhi people are getting bus services at cheaper rates no comparison to the people of Uttar Pradesh and Bihar who have to pay more for it in their respective states. We have provided many facilities to the people of Delhi. You have proposed to grant statehood to Delhi but the people do not want to bear heavy financial burden...(Interruptions)... If Delhi had been granted statehood they would have to bear heavy financial burden. All the foreign Embassies are located in Delhi. V. I. Ps and foreigners often use to visit Delhi. Then all Central Government Offices are situated in Delhi. That's why Congress Government had submitted that Delhi, if granted statehood, must have its own Legislative Assembly and Council of Ministers. We welcome such arrangements made by the hon. Home Minister.

How I would like to draw the attention of the Home Minister to certain other issues. Previously three elected members of Delhi Metropolitan Council were nominated in Delhi Development Authority, that system should be restored. Similarly the members of the Legislative Assembly who are the representatives of the people, should also be kept in the autonomous bodies, like DDA, DTC, DMS and DESU. We want this assurance from the Hon. Home Minister so that the problems of the people of Delhi can be solved. I would like to submit that I do not agree with the report submitted by Shri Balakrishnan which proposes to constitute nine corporations in place of Delhi Municipal Corporation. It had been established in 1958 and given more powers to provide more economic facilities. I am of the opinion that our Zonal Committees should be given more

powers on the lines of statutory bodies but the Municipal Corporation should not be disturbed. Welcoming the proposal of constitution of a Legislative Assembly in place of Metropolitan Council, I would like to request the hon. Home Minister that the election of the legislative assembly should be held at the earliest. The delimitation work of both the Legislative Assembly and the Delhi Metropolitan Council should go on simultaneously and the elections for both these bodies should be held as early as possible so that we may be able to provide a democratic Government to the people of Delhi and may provide more and more benefits to them...(Interruptions)

I am going to conclude in a few minutes. BJP people are dreaming to rule over Delhi; but Delhites know both the Congress party and the BJP. BJP lost the elections in Andhra Pradesh and Karnataka and after losing the elections there BJP lost the election of Metropolitan Council and D.M.C. in Delhi also in 1983. Even today on behalf of the people of Delhi I would like to submit that people would again elect us.... (Interruptions)... because they have faith in us. They know our contribution towards the developments made in Delhi.

We have spent much more amount for the development of Delhi during the last seven years and I promise that we will make Delhi more developed in future. With these words, I once again thank you.

SHRI TARA CHAND KHANDELWAL (Chandni Chowk): Mr. Deputy-Speaker Sir, we the Members of Parliament elected from Delhi to Lok Sabha are here to look after the interests of Delhi people and we are not supposed to make allegations and counter allegations. Mr. Sajjan Kumar has expressed his personal views but he has not done justice to the people of Delhi. I would like to submit a few points in favour of this Bill. Shri Khurana has rightly pointed out that elections have not been held in Delhi since 1983 and even for the last 3-4 years the Delhi Metropolitan Council and Delhi Municipal



Corporation are not in existence. In the absence of a democratic set up in Delhi, the Central Government cannot realise the extent of difficulties of the people of Delhi which have increased to lot during the last three to four years only. Only the people of Delhi can realise the problems being faced by them.

That was the main reason behind their demand for statehood to Delhi. People of Delhi specially Bhartiya Janata Party have fought for this during the last three to four years. The party launched agitations and staged dharnas. As a result the Central Government have been forced to introduce this Bill. People know as to why the Congress Government does not want to hold the elections in Delhi. It is because it knows well that it would not come to power if the elections are held. But how long can they postpone it. This Bill has been introduced as result of strong demand made by the people of Delhi. The people expected that Delhi would be granted full statehood. It would have its Legislative Assembly in consonance with people's expectations with full powers. This Bill is incomplete. It is just like a toy. The Delhiites have been cheated. It is just like the case when a father puts Rs. 12 lakh in a coffer and informs his son that he has put the coffer in the latter's room but he would continue to keep the key with him. Though Delhi has been given an Assembly, all powers have been retained by the Centre. It proves that the Congress Party and the Central Government did not want that the powers they are enjoying should be transferred to the people of Delhi.

Mr. Deputy Speaker, Sir, I find one more conspiracy in it. Elections to Delhi State Assembly and Municipal Corporation of Delhi would be held simultaneously. I thought that the Government would be wise enough to make amendments in the Delhi Municipal Corporation Act, which has become pretty old, alongwith this Bill. When the hon. Home Minister announced that elections in Delhi would be held within 6 months, it is certain that action for delimitation of constituencies would also be taken. Delhi Assembly will

have 70 seats. Delhi Municipal Corporation should have 140-150 seats accordingly. How will it be done without necessary amendment? That Bill would perhaps, be brought forward in the next session. Till such time no delimitation could take place. In this way several months will pass again. I again doubt it. They have fulfilled their promise by bringing forward a Bill. I am apprehensive that this Bill will be able to achieve its objective because there is a serious lacuna in it. So far as development of Delhi is concerned, D.D.A. is the backbone of Delhi. Such an important body should be put under the control of Delhi Administration, I would like to cite an example in this regard. The first Master plan of Delhi was prepared in October 1961 and it was completed in 1981. The second plan should have started in 1982. But it is a black chapter in the history of Delhi that the second master plan could not be prepared from 1981 to 1990. Even now plans for 15 zones have not yet been finalised. Perhaps it will take 3 more years. It is a joke with Delhiites. It is ironic that DDA, which constructs bridges, roads and undertakes other developmental activities in Delhi, is not being put under Delhi Administration. In this way the people of Delhi have been deprived of their rights to express their views through their elected representatives. What can be more unjust that the Second Master plan of Delhi could not be prepared from 1981 to 1990. No action has been taken in this regard. Mr. Deputy Speaker, Sir, the same is the position with law and order situation. It is deteriorating day by day. According to list I and II of the VII Schedule of the Constitution Law and Order is a State subject. The Lt. Governor of Arunachal Pradesh has been given this power by an amendment in article 371 of the Constitution. Why this power cannot be given to the Lt. Governor of Delhi? He is a representative of the Central Government. By authorising the Lt. Governor to exercise these powers, the Central Government would have retained its respectful position and rights. The Chief Minister and Home Minister of Delhi would have been answerable to the people of Delhi. A common man today does not know whether

[Sh. Tara Chand Kahandelwal]

law and order is the subject of the Union or its Home Minister. Whenever the situation will deteriorate, though it is Central Government's responsibility, the Chief Minister and the Home Minister of Delhi will be blamed. So I request the hon. Home Minister to put DDA, Law and order and utility services under Delhi Administration. There is still time. It is very important.

Mr. Deputy Speaker, Sir, Delhi has been given 70 seats. Its population is 1 crore. In this way 1 lakh 35 thousand people will have one representative. Even if we go by the Sarkaria Commission Report there should have been 84 seats, though this number is also not sufficient. I cannot understand why the rights of the people of Delhi are being infringed? The Government does not wish to provide various facilities to the people thereby making the elected representatives answerable to the people of Delhi.

Mr. Deputy Speaker, Sir, other points will come up for discussion at the time of clause by clause consideration. Now I can say only this much that I do not agree to this Bill. We had made a promise to the people of Delhi to compel the Central Government to hold elections in Delhi after reaching Parliament. We are happy that we have fulfilled our promise. May God help them fulfil their promises they have made to hold elections in Delhi within 6 months.

[English]

**THE MINISTER OF STATE OF THE MINISTRY OF SURFACE TRANSPORT (SHRI JAGDISH TYLER):** Mr. Deputy Speaker, Sir, I whole-heartedly support the Bill introduced by the hon. Home Minister. The proposed Bill will undoubtedly go a long way in fulfilling the aspirations of the people of Delhi and in proving that it is only the Congress (I) which can live upto its promises for realising the dreams of the people of this city and of this country.

I am glad that my colleague Shri Sajjan Kumar has mentioned that it was a promise which was made in our manifesto by Shri Rajiv Gandhi, our late Prime Minister and that promise has now been fulfilled by our Prime Minister and the Home Minister and we want to thank them for this.

Sir, Delhi is not only the capital of modern India, but it is also a unique city which has dominated the political fortunes of this country for as long as we know the history of this country. The great monuments of this city bear testimony to the fact that the history of the city and its role in national politics is steeped into the antiquities of history, and old as the purana Qila and as recent as this very Parliament House. Everyone will agree with me when I say that Delhi not only has a history of its own, but also a culture of its own. This culture and history of Delhi has evolved over centuries and contains a generous mixture of all the great cultures that have formed the history of India. It is a crucible of history which has made Delhi today a modern city with ancient heritage, a vibrant trading centre, an educational centre of excellence and most of all a sample of India's secularism, with people from diverse regions, diverse religions and different cultures living in the city in a unified Indian personality.

It is my plea that any Bill which seeks to grant a new political form of organisation to the city must take into consideration that it is this culture which we have to preserve. It is this culture, heritage, traditions and secularism that we have to preserve. At the same time, we have to give it a form of administration which will allow for the orderly and brisk development of this City State. This development must take into consideration all areas of Delhi; it is after all the need of all portions of Delhi; whether old or new, whether congested or otherwise; to receive due attention of the Government which will be formed in Delhi.

20.00 hrs

I, therefore, hold that just as at present

each Lok Sabha constituency in Delhi has been given equal representation, and the new Assembly should also contain an equal number of representatives from each Lok Sabha constituency. Sir, this will only ensure fair representation of all people from all States who have come and settled in this Delhi and equal chance for development of all areas of Delhi and this will be the only method by which we shall be able to maintain the culture of Delhi, its heritage and its tradition.

There are a number of problems facing Delhi. These include law and order, supply of water about which any friend and colleague, Shri Sajjan Kumar mentioned, Shri Madan Lal Khuranaji also mentioned, electricity, organisation of civil amenities, development of the city, rampant industrialisation and consequent pollution etc. The primary need for ensuring peaceful co-existence and whole-hearted attention to development is the requirement of maintaining law and order and to design administrative systems which can deliver goods to the people of Delhi. I would, therefore, urge that there should be a complete review of the law and order machinery in the Capital and if so required, a review of the Police Commissioner system itself. The law and order machinery must be made more effective so that peaceful development can take place in this city. Delhi has been the victim of turmoil a number of times in history, so much so that its name has been changed at least seven times. However, each time any turmoil has affected Delhi, it had a far-reaching effect on the political fortunes of this country. We, therefore, must take all measures to preserve law and order effectively in this growing and buzzing metropolitan city.

I would like to place certain suggestions for the views of the Members of this august House. This Bill gives a very detached concept by constantly missing out the name of Delhi, but instead mentioning only the 'National capital territory' for which my friend, Shri Sajjan Kumar is already bringing out an amendment. Sir, as I have been repeatedly

stressing this national capital territory has been associated very long with the concept of the name called 'Delhi' and which denotes volumes in terms of culture, in terms of tradition and in terms of history. Therefore, the name 'Delhi' must not be singularly missed out whenever mention of the national capital territory is made. I know, Sir, that you are doing it, for which we are all thankful to you. By advancing a form of political and administrative organisation which will be based on the basic tenets of democracy it will reflect, through its members, the hopes, aspirations, needs and urgent demands of the people of Delhi. It is, therefore, necessary that all decisions taken, as envisaged in Section 41, Clause 3, should take into consideration the views of the Chief Minister, and therefore, it must be stipulated that before taking any decision, L.G. should discuss the matter with the Chief Minister. Third, it should be a part of the legislation that three representatives, like Shri Sajjan Kumar hand mentioned, of the Legislative Assembly of Delhi, who are so elected by the Members of the assembly from among themselves by the method of proportional representation, should be allowed to be Members of the Delhi Development Authority, in order to ensure that land utilisation in this city State is done in a well coordinated manner reflective of the requirements of the people.

Lastly, every State has State Planning Board and various other forms of organisation for coordinating the activities of local authorities, autonomous bodies and other official organisations which play a role in the governance of the State. Delhi will be a city State with its own peculiar problems of urbanisation. It may, therefore, be desirable to add a new Section that if the local bodies are not going to the Assembly, then there should be a coordinating board under the Chairmanship of the Chief Minister, which shall include Chief Executive of all local authorities, autonomous bodies and various Ministries, as may be considered necessary on the Board. To remind you, of only a few local authorities and autonomous bodies in Delhi, we have a Delhi Development Authority,

[Sh. Jagdish Tytler]

Municipal Corporation, New Delhi Municipal Committee, Delhi Water Supply and Sewerage Disposal Undertaking, Delhi Electricity Supply Undertaking, Delhi Transport Corporation, Delhi Contonment Board, Delhi Milk Scheme, Delhi Police, Delhi Urban Arts Commission and Mother Dairy. Besides these, there are also the various Ministers and their own wings, like the Land Development Office.

Sir, financial powers should be given to the Assembly, especially in those cases which do not require PIB approval. The Assembly should also be given power to create Plan and Non-Plan posts upto the level of additional Secretary. This will help in giving adequate promotional avenues to the technical personnel. All development begins with capital works. Therefore, Delhi should have its own Public Works Department, Just as Arunachal Pradesh had one when it was a Union Territory. This will also help in expeditious completion of projects. *(Interruptions)*

I do not want to get into any argument. Please do not spoil a beautiful Bill which the Delhi people were wanting for a very long time by getting into a very different kind of argument.

Sir, I would like to tell in the end that Delhi has beautiful people and they come from the beautiful country. We want peace and we want this Bill to be passed. With these words, I support this Bill.

**SHRI CHINNASWAMY SRINIVASAN** (Dindigul): Mr. Deputy Speaker, Sir, I wish to say a few words on behalf of AIADMK on the Bill which seeks to provide a Legislative Assembly for the Union Territory of Delhi.

Sir, we believe in democracy. We are realising the dreams of Mahatma Gandhi and Nehru in strengthening our democratic bodies. That is why the Government has come out with this Bill.

The BJP which banked upon Janata Dal could not get Statehood for Delhi from Shri V.P. Singh, because Shri V.P. Singh does not believe in democracy and deprived Delhi of a democratic institution. That is why people rejected Shri V.P. Singh just like people rejected Shri Karunanidhi in Tamil Nadu. He also did not believe in democracy. Therefore, all of us in the House must unanimously support the Bill which provides for a democratic institution in Delhi.

Delhi is the capital of India. In the capital, if we do not have democratically elected body, how can we claim that India is a democratic country? Therefore, this Bill has to be urgently enacted. In the Constitution (Amendment) Bill, it is mentioned that it will come into effect from a date the Central Government would appoint. I request that the Government, in the interest of democracy, to specify a date so that the people are not in doubt that the provisions of the Bill will not be implemented.

Delhi has so far been ruled by officials. The people of Delhi has the misfortune of running from pillar to post for getting small things done. There is no forum where the people's rights could be supported. It is the officials who matter and who pull the strings. It is the officials raj. With this Bill, the officials raj will go. I thank the Prime Minister for bringing in the legislation with balanced provisions. Delhi is fast expanding territory with varied activities. The Constitution Bill limits the Council of Ministers to one-tenth of the total membership of the Assembly. That means there can be only seven Ministers. Seven Ministers will not be able to look after the vast Delhi territory. This ceiling should be removed. Instead of this novel provision, the Government should introduce a very progressive provision of reserving 10 per cent of the seats for women. In this capital territory, if such a reservation for women is given in the Legislative Assembly, it would go a long way in achieving our social objectives.

In the last Lok Sabha, an hon. Member

tabled a Bill for reservation of seats for women in Legislatures. But that Bill has lapsed. A country's progress is known by the status of women. Tamil Nadu has progressed so well that it is now having a woman as the Chief Minister. This is a matter of pride for the Tamils Likewise the capitals should also be proud be reserving sets for women in the Assembly. This would boost our image abroad. A Constitution amendment Bill should be brought forward for reserving 10 per cent of seats for women in Parliament and State Legislatures.

With this appeal, I conclude my speech by supporting this Bill.

SHRI E. AHAMED (Manjeri): Mr. Deputy-Speaker, Sir, on behalf of my Party, Indian Union Muslim League, I welcome the Bill moved by the hon. Home Minister. Today will remain a red letter day in the annals of Delhi if the august House gives approval to this Bill which provides Delhi an elected legislative body.

The decision of this Government is not only laudable but also a unique one. Normally a Bill like this would have been referred to as Joint Committee to make it more perfect one. But that process has been dispensed with so as to have the people of Delhi an elected body as early as possible.

May I just submit to the hon. Home Minister, through you, two matters. Firstly, I would request the Home Minister that when there will be delimitation of the constituency as provided in the Bill, the Government should ensure that the delimitation should be very much scientific taking into account all the aspects. I do not want to elaborate on this.

Secondly, there is a sizeable population in Delhi whose mother-tongue is Urdu. Their language, Urdu should be respected by the future administration of Delhi. The Government should also endeavour to give Urdu its right place in Delhi educational institutions.

Delhi has a rich cultural heritage. Delhi's

cultural heritage is the national heritage. That cultural heritage of Delhi which is as strong as Red Fort, as tall as Qutab Minar will always enshrine and enrich the Indian culture.

Once again, I welcome this Bill whole heartedly.

[Translation]

SHRI LAL K. ADVANI (Gandhi Nagar): Mr. Deputy-Speaker, Sir, I rise to support this Bill. Over the year, all the political parties have given various assurances in their election manifestos about the status of Delhi. One might have assured to grant it the status of a full fledged-State, while the other might have assured to provide to it a Legislative Assembly only. But the greater common denomination is for a Legislative Assembly. But in spite of there being a greatest common denomination, Shri Sajjan Kumar is right when he says that the election manifesto of his party was prepared in 1980 and today in 1991 the greatest common denomination factor is being accepted by Parliament. The main reason for it is that some of us have all along been firm on our stand and exerted pressure to get this work done. When the Government announced to bring forward some Bills in the House in the beginning of this session, there was no proposal or Bill regarding the provision of a Legislative Assembly for Delhi. Soon after the session commenced, I along with my colleagues and M.P.s. from Delhi called on the Prime Minister and pointed out to him that we have difference of opinion on this issue. Our party is of the view that Delhi should be given the status of a full-fledged State but it has been the opinion of their party for years that only the Legislative Assembly will be sufficient here. Even the former Chief Executive Councillor of Delhi wanted Delhi to remain a union territory from financial point of view. He held that if Delhi continued to remain as union territory, he will be getting finance but after Delhi to made a State he will not be able to create finances from his own resources required for the development of Delhi. Hence,

[Sh. Lal K. Advani]

only a Legislative Assembly will be more beneficial to Delhi. He has always been saying so and it has been his opinion and his opinion has its own weightage. I would like to submit in brief why are we in favour of granting Delhi a statehood. But we placed it before the Prime Minister that if a minor difference of opinion leads to postponement of elections in Delhi since 1983 and if the responsibility of 125 or 150 Members comes to our Seven Lok Sabha Members to look after the day to day problems of water and sanitation, it will be an injustice to the business of Parliament as well as to the citizens of Delhi. We, therefore, demand the Government to hold elections here immediately, or if the Government thinks it reasonable to give anything to the citizens of Delhi, if nothing more than the Legislative Assembly, it should be given to the citizens of Delhi and the issue settled. With these demands we met him and the very first day he held our demands justified and assured us of the consideration of our demand by the Government. Moreover, you know that we and especially my colleagues from Delhi constituencies have been continuously raising this issue and putting pressure. When a working day was lost due to demise of one of our colleagues, a problem arose yesterday. We agreed even to pass the Constitution (Amendment) Bill without discussing it. I admit that the population of Delhi has become very large i.e. about 85 lakh. Just now our colleague was emphasising to give proper attention to Urdu also in Delhi. I would like to submit that Delhi is a mini India and the Government of Delhi will have to pay attention to all the languages of India. Schools for the studies of languages like Tamil Telugu, Kannad, Malayalam, Bengali, Orissa, Assamese have already been opened here. At least it should be felt that Delhi belongs to all who live here and there should no be discrimination on the basis of language. It is all right that the population of Delhi is a floating population because most of the people are Government servants. Still people from a all over India have settled here permanently. It

could be that the population of Delhi has increased after partition. Once it appeared the population growth has stopped but now it is not so. Sometimes it seems that people from Bihar are dominating in some parts of Delhi. Whichever Government comes to power, it will have to keep in mind that Delhi is India in its miniature. Delhi is mini India. In spite of that if the Government ruling the entire country rules over Delhi it will neglect in its duties as a national Government and will do injustice to the people. Delhi has mostly been under the direct control of the Central Government. If the Central Government again puts it under its control it is the bureaucracy which will govern Delhi instead of people's representatives. This is the position of Delhi as on date. We have been making demands for holding the elections for changing that situation. But I do not think that there will be any major change in the situation after passing this Bill. Of course, there will be some change. Therefore, my friend said that he is supporting the Bill under protest.

I also agree that this movement will continue further. How many Union Territories were there in India?

[English]

Goa was a Union Territory; Arunachal Pradesh was a Union Territory; Mizoram was a Union Territory and Meghalaya was a Union Territory.

[Translation]

All these including Mizoram, Meghalay etc. which were Union Territories earlier had a population of hardly 5 lakhs, 6 lakhs, 10 lakhs, 11 lakhs or 12 lakhs and Goa had a population, of 15-20 lakhs at the maximum  
(Interruptions)

So far I can remember, Sikkim was a state from the very beginning. It was already a state at the time of its merger. Gradually, it was decided that all the Union Territories should become States and should not re-

main as Union Territories. The reason is that as long as they were Union Territories their elected representatives did not have the feeling that they were governing. Though they adorned the posts and were provided cars with red lights and important decisions were passed by the Legislative Assemblies, no decision could be implemented if the officers of the Central Government sitting at Delhi said 'no' to it. The matter thus virtually ended there. This resulted in a continuous right between them and the centre. The agitation in Goa and other places had been going on for the same reason. Pondicherry is also demanding statehood. I can foresee that the time is not far behind when Shri Chavan will agree to grant statehood to Pondicherry and Delhi also.

**SHRI MANORANJAN BHAKTA** (Andaman and Nicobar Islands): You have forgotten about rest of the Union Territories, Mr. Leader of Opposition, you have forgotten the case of our Territory. How will it do?

**SHRI LAL K. ADVANI**: The position of Chandigarh is the same as that yours. I am talking of all those places where there is no elected Government. I think that the population of Chandigarh is more than that of Lakshdweep, which was once the population of Nagaland. It could be that the population increased in 1991. Therefore this tendency was always there and the tendency of handing over the Government to the people by reposing trust on them is decreasing. It is said that this Bill is based on the recommendations of Balkrishanan Committee and roughly speaking it based on the recommendation of the above committee only. When he analysed the problems of Delhi, he wrote a full chapter on it.

[English]

"Drawbacks and Deficiencies in the Existing set up."

[Translation]

He drew a list of such drawbacks. The

first and foremost among them is the absence of a nodal authority. It is the authority which takes decisions. In the absence of that authority there are disturbances in Delhi. He gave top priority to nodal authority and he was absolutely right in making this assessment. He said that...

[English]

"The administration of Delhi functions through the Administrator in some matters and through the various union Ministries in some others".

[Translation]

The administration of Delhi functions like an Administrator in some matters and in others through the various union Ministries, for example. Education Ministry, Transport Ministry, Health Ministry etc. All the Ministries have their interference in the administration of Delhi and the Administrator too. Along with the Administrator there is an Executive Council. It commanded:

[English]

"The Administrator also acts in this discretion in some matters and with the assistance and advice of the Executive Council in some other matters. As a consequence of all this, the authority of Government in Delhi is depressed and there is no single nodal authority to deal with all affairs relating to the administration of Delhi.

[Translation]

This has been attributed as a major reason. I would like to know from the hon. Home Minister whether this Bill brings forth any solution to the present main problem. The answer is 'No'. I think there will be no change in the circumstances. The Ministries' interference will continue to go on. Then Lieutenant Governor would interfere in the administration of Delhi. Then there is Council of Ministers to make interference in place of Executive Council. Now there is one

[Sh. Lal K. Advani]

difference which is noteworthy. Metropolitan Council had not been empowered to enact any law, it used to pass the Bills only.

Since 1966, when the Delhi Metropolitan Council came into existence, I have been associated with it as its member. Then after its formal constitution I had been its Chairman, President of three years from 1967 before being elected to Parliament. That is why I know all of its nooks and corners. All the formalities were used to be exercised for passing the Bills as in being exercised in Lok Sabha, but these Bills, never took the form of enactments. They were sent to parliament for approval. It is a long story to tell how many Bills had been passed by Delhi Metropolitan Council and how many of them actually got the shape of law. Now after the constitution of Legislative Assembly the situation will be somewhat different. I would like to raise an objection as to why the subjects of Police, Public order and land have been excluded from the jurisdiction of the Legislative Assembly when everywhere in the advanced world like New York and London these departments are being entrusted to the Corporation.

[English]

The police is looked after not by Central Government. In New York, it is looked after not by the State Government there, it is looked after by the Corporations.

[Translation]

The police force is looked after by the Mayor. But here in India since the period of British rule an impression has been developed that the elected representatives are not capable to control the police force etc. and they will definitely make mess of the things. Everyone whosoever is in control of the centre, thinks in the same term. I consider it the inherent shortcomings of the whole system. No one is prepared to believe on the public. This is the question of Delhi

but I go a step further that the Over Centralisation has created disturbances even in the Centre-State relations. As they have mentioned two things—one is 'absence of nodal authority' and the second one is 'confusion as to jurisdiction'. This is the result of the same. I will not read the whole thing. From the headings only, I will try to point out the shortcomings of the present set up. Common-man cannot understand the term "confusion to jurisdiction". Thirdly they have mentioned 'over-centralisation'. Over-Centralisation is not only the issue of Centre-Delhi relations but it is the issue of Centre-State-relations also. Centre does not have faith in the abilities of States. Centre believes that it would not be able to tackle this problem efficiently. Therefore, a Central authority should monitor it. Therefore, the Centre itself should keep these rights, exclusively.

The fourth factor is the "lack of adequate financial powers". I do not find any remedy to these four maladies in the Bill. Therefore I understand that the Government should ponder over it afresh and now it can think over it freely since we have accepted the greatest common denominator concept and we have accepted it because it appeared that there would be no election if we did not accept it. Perhaps some parties may not be interested in the elections in Delhi. There may be some personal reasons behind it but those who are interested, think that there should be elections once in Delhi so that the elected representatives may come. That is why I rise to express few words and I hope that Delhi will benefit from it to some extent.

The present disorder will be removed to some extent. Although our ambitions and expectations have not been fulfilled fully, we welcome the extent to which these ambitions have been fulfilled.

I would like to sum up with these words that I am not clear about one thing because the Bill has, however, been passed but a condition of delimitation has been attached with it. On what basis the delimitation will be



done? It is mentioned in the Bill that it will be done on the basis of the provisional report of the 1991 census. Those who have gone through the provisional report comment that there is nothing in it which can be the basis of delimitation. The most important thing for delimitation is that it should be known as how many Schedule Caste people and how many non-Schedule Caste people are there in each and every constituency. Unless it is known how will you go for delimitation in constituency. The total population of Delhi, at present, is 86 or 84 lakh, which has nothing to do with delimitation.

I would like to ask the next question in this context. If there are 15 Lok Sabha seats in each State in the country, 6 Assembly seats are under one Lok Sabha seat. There is only one multiple in the whole country. If there are 8 in one State, there are 6 in the other. There are 17 in Himachal Pradesh, 8 in Rajasthan, 5 in Uttar Pradesh and 8 in Madhya Pradesh. What is here? Today there are number of anomalies in 7 Lok Sabha seats here. The constituency of Sajjan Kumarji and B.L. Sharma was the biggest. On the contrary, the seat I represented in the previous Lok Sabha and from where I have been elected again, i.e. the New Delhi seat, has total strength of voters is a little more than four lakh. Shri Tara Chand Khandelwal's constituency has even lesser number of voters and Shri Tytler's constituency has five to five and a half lakh voters but the South Delhi constituency is big. The East Delhi and Outer Delhi are bigger than all these seats. When such a variation is there, what will be our approach? What have we thought about it? When we have said that the total Assembly seats will be 70, then each Lok Sabha seat will be having 10 Assembly seats under it. It means that the Chandni Chowk seat, New Delhi seat and Sadar seat will be small but the seat of Outer Delhi will be big. I would like that if the Government has made up its mind about it, then we should be informed.

On this occasion, I would like to say this also that last year a Bill was introduced in

Our Parliament through which the Government had decided that all the Lok Sabha and Assembly seats of India, whose delimitation was done on the basis of 1977 census and whose delimitation has not been done even after 20 years resulting in smaller and bigger constituencies, the delimitation of those constituencies should be done and for that an amendment in the Constitution is necessary which should be made. Even if we stick to what we have said that by the year 2000 we will not increase the numbers of voters in the Lok Sabha or Assembly seats yet the delimitation in the remaining constituency is a must. Not only this, there is a provision in that Bill that the seats reserved for Schedule Caste should be rotated and if a general candidate has been elected for years on a particular seat and if a Schedule Caste candidate does not get opportunity on a reserved seat or if a reserved candidate continued to be elected for 40 years and the others did not get a chance then he will get a chance by rotation. Therefore the principle of rotation should be accepted.

I would like the Government to make up its mind and bring such Bill in the beginning of the next session, set up a Delimitation Commission and decide about it.

Mr. Deputy Speaker, Sir, with these two submission I would like to thank you for giving me an opportunity.

[English]

MR. DEPUTY-SPEAKER: There is happy announcement.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGALAM): Sir, dinner for the Members is available in Room No. 70 and for the Lok Sabha staff in Room No. 73. I would be obliged if the Members who feel a little hungry, go and have their dinner in turns. (Interruptions)

**SHRI P.M. SAYEED (Lakshadweep):** Has it been arranged for the Lok Sabha staff?

**SHRI RANGARAJAN KUMARAMANGALAM:** Yes, it is in Room No. 73.

[*Translation*]

**SHRI MANORANJAN BHAKTA:** Mr. Deputy Speaker, Sir, it is not the last day of this Lok Sabha Session but it is historical day on which we are discussing this Bill. I rise to extend my support to the National Capital Territory Bill, Today, the Congress party and the Central Government and the hon. Home Minister under the leadership of Shri Narashima Rao have proved that the Indian democracy has an important place in the world.

Let us take for instance the case of Washington D.C. which has till date not been given statehood. However, with regard to Delhi, the Central Government after due consideration, deliberate discussion and going into the reports of various committees have reached at the conclusion that the democratic aspirations of the people of this country living in any part should be fulfilled. The Bill placed before the House is a step forward in this direction and we all support this Bill.

I am distressed to say that the left parties and the Janata Dal who create furores in the House in the name of democracy and plead for people's cause have left the House at a time when a Bill to give democratic rights to the people of Delhi and to fulfil their long standing aspirations has been brought before this august House. Mr. Deputy Speaker, Sir, they have proved that they only talk about democracy but in practice they do not have faith in it. The august House should understand it. I say this thing only for the reason that when the Government has taken a decision to grant a Legislative Assembly to Delhi and fulfil the democratic aspirations of the people.... What was the issue behind it. A short while ago Shri Advaniji said that the

Government fulfilled the aspirations of the people of Mizoram and Arunachal Pradesh by making necessary amendments in the constitution and granting them statehood. Today, through this Bill the Government is going to fulfil the aspirations of the people of Delhi also. However, I am sorry to point out that the Union Territories of Andaman and Nicobar, Lakshadweep, Dadra-Nagar Haveli, Chandigarh and Daman-Diu do not have legislatures. Though Chandigarh has a legislature yet the people cannot raise their voice in it. We expect excellent administration from the Central Government in respect of these places but do we really get it? On the contrary, the bureaucrats dominate on the people and dishearten them by their style of functioning. The people of this small area do not have faith in such system.

The hon. Home Minister is present in this august House and I would like to say something. He should look into as to what is happening in states like Nagaland and Mizoram and the circumstances under which they were granted statehood. He should also pay attention to the sorrows and sufferings of the people living in the farflung and small areas. In addition to this, I would also like to point out that as in the case of Union territories the Central Government allocates huge funds for the overall development of these areas also and wants people live happily. But unless the representatives of the people are involved in the administration the allocated funds cannot be utilised fully. At certain places this fund has also been misused. As such it is necessary to start the democratic process in such areas for the overall development of the people. I would like to say that the people of Delhi are well placed since Delhi is at the Centre. But people living in the farflung and small areas are devoid of the facilities provided by the Lok Sabha. In thickly populated areas, people raise a lot of hue and cry and get their work done. On the contrary people living in farflung areas who do not make much furore and try to get their work done with folded hands cannot have it done. This creates a feeling of helplessness in them and they harbour a

felling that when they will resort to violence, set Government buildings afire and kill people by taking the law and order into their hands, the central Government would invite them for talks. By the time a decision is taken through negotiations the issue takes a serious turn. It is necessary to consider their long standing demands at the very outset in the larger national interest. A solution should be found which will make the nation strong. The people living the backward areas will feel assured that their problems are being considered sympathetically and they too have as many rights as people living in other areas of the country.

I would like to cite an example to the hon. Home Minister. I had sent a point to be included in the agenda for the meeting of the Consultative Committee of the Home Ministry. Subsequently, I received a letter from the Home Ministry that the matter related to the Urban Development Ministry and not the Home Ministry. Just one week before, the hon. Minister had replied to my Unstarred Question on the same matter and later I referred it to the Consultative Committee of his Ministry. Now I am told that this matter be referred to the Urban Development Ministry. The hon. Minister is present here and I request him to examine the working of the bureaucracy in his Ministry because the needs of people living in backward areas must also be looked into.

There is a matter regarding loans given by the Agricultural and other Departments in Andaman and Nicobar Islands during the last 20-25 years. No demand was sent in the last 20-25 years and now, all of a sudden a notice has been sent that the loan plus interest be paid immediately failing which the land and other assets of the farmers would be attached.

I request the hon. Home Minister to stop this type of action from being taken and save the farmers. In conclusion, I would like to appreciate the steps taken for the city of Delhi. Similar steps should be taken for other Union Territories like Andaman and

Nicobar, Lakshadweep etc. in fulfilment of democratic aspirations.

I would like that a Committee be formed to go into the needs of all Union Territories and submit a report on it. With these words I support the Bill and conclude.

SHRI B.L. SHARMA PREM (East Delhi): Sir, I consider the proposed structure for Delhi, a cruel joke on residents of Delhi. The proposed Assembly for Delhi, having very limited rights, will fail to satisfy the political and democratic aspirations of the residents of Delhi. The Assembly will also fail to solve the socio-economic problems of the city. Therefore, I repeat my demand for a full statehood for Delhi and also a full-fledged Assembly. We have struggled for a statehood for Delhi.

All the subjects mentioned in State List of the Constitution should come within the purview of the proposed Legislative Assembly. The right to enact legislation on the subjects in Entry Nos. 1, 2, and 18 of the State List should be provided to the proposed Legislative Assembly.

The right to enact legislation in the subjects of the State List should be provided to the proposed Legislative Assembly as are enjoyed by the Legislative Assemblies of other States. The subjects on which the Parliament enacts the law, and, the Legislative Assembly also enacts the law, the law passed by the Parliament would prevail. In this way, the Legislative Assembly will only remain a plaything.

Mr. Deputy Speaker, Sir, I criticise the unlimited rights being given to the Lt. Governor. It is not appropriate to provide limited rights to the elected Legislative Assembly. Provision of extraordinary rights to Lt. Governor is an insult to basic concept of democracy. I would like to emphasise to contain the rights given to the Lt. Governor. Lt. Governor should generally act on the advice of the Council of Ministers. He should exercise his

[Sh. B.L. Sharma Prem]

discretionary powers only under specific circumstances.

Mr. Deputy-Speaker, Sir, all the subjects relating to electricity, water, sewerage, transport improvement should come under the purview of Legislative assembly and excessive existing number of authorities should be abolished. If the public facilities don't fall under the jurisdiction of Legislative Assembly, then how can an elected representative be made accountable to the subjects relating to a common man. I would like to inform the House the evil effects of not holding elections in Delhi has been that during the last 11 years the land worth Rs. 7 billions has been traded. Had it been decided earlier, the welfare schemes prepared by the Government would have been implemented.

With these words, I would like to reiterate that the promise made to hold elections within 6 months may be fulfilled. In response to the submission made by Shri Sajjan Kumar just now that as and when elections are conducted Congress (I) will emerge victorious, I would like to submit that

\* Ab Hawain Karengi Roshni Ka Faisla,

Jis Diye Mein Jan Hogi, Vah Diya Reh Jayega".

[English]

SHRI FRANK ANTHONY (Nominated Anglo-Indian): Mr. Deputy-Speaker Sir, I thank you for giving me an opportunity to make a brief speech. I usually wait for the leader of the Opposition to make his speech and from that I usually derive what I am going to say. All that I can make out is that for the first time he sounded a universal thing for the whole of his party. He has suggested that in the name of democracy, all small places should have the right to vote, right to have full Ministers and right to have full ministerial

power in a formal way. With great respect, I say this that in doing so, he has overdone what has been happening in the past two years. We have seen an agonising period of two years, two years of political splintering based on vote banks dividing one Indian from another and that too, particularly on caste basis. What he has suggested would mean only asking for the splintering of this country.

Delhi is not an ordinary city. It does not denote only the capital of India. It denotes the capital of the Sub-continent. That is why, the Home Minister was bound to strike a balance and I feel that he has struck a very good balance indeed. We cannot have further splintering as suggested by Mr. Advani. If you have a full democracy, as suggested by him, where everybody will vote and all of them will be in the Council of Ministers, each Minister in charge of a separate ministry, then you will not have a capital and you will have further splintering and further destruction of India as a nation. As it is, Delhi is sui-generis. It is not a capital of ordinary nature. It is a capital of sub-continent, which unfortunately has been splintered man-by-man. We have seen what has happened in Uttar Pradesh. We had a civil war between the so called upper classes and backward classes. We do not want that civil war to be extended in Delhi. And if what Mr. Advani has said is carried to its logical conclusion-you may give vote to every voter but if you give a series of ministers and each minister is a law unto himself and they do not concentrate on certain crucial factors-then you will be asking for the destruction of the unity of our sub-continent.

As is pointed out by Mr. Tytler, Delhi is unique in the sense that it has attracted persons from ever, every linguistic and every religious group. Somebody talked of Hindustani. Whatever language one may speak, whatever ethos one may have he has a right, especially under Article 30, to have his own school.

In one paper I read that one of these

ministers will be in charge of education. I only hope that he will not be a person who has been returned by some special ethnic or religious group who will impose his predilection on these policies. I have fought a great deal for secondary education to be put in the concurrent list because I feel that it is very necessary for the Centre to have a decisive say in formulating the education policy for the whole country if they are to have a semblance of unity. That is what we are seeing today.

In the last two years we have seen that there is an excess of ethnic chauvinism and linguistic chauvinism. We do not want it to happen in the sub-continent, which has all the pull in enormous directions. What I am also afraid of is, if the Centre does not have the power that has been there then you may have the legal conflicts and you may have the Chief Ministers questioning to the President of India.

What will be the reaction of the apex court? I raised it the other day. The apex court, I say with great regard, has arrogated the power of the Speaker. When I mentioned, it, the Speaker said that he is the lynchpin of sovereignty in person. He is not subject to any kind of jurisdiction even by the apex court. But what will happen if internally, for instance, the person in charge of education questions the authority of the education Ministry at the Centre? He questions the authority of the Education Ministry. Can he go to the Supreme Court and ask for a legislation in this pattern?

I was paying tribute to the late Chief Justice of the Delhi High Court and said, as the front rank leader of criminal law side, I had also become a front rank leader with regard to the rights of minorities in education. It is because I had argued probably more petitions under Article 30 than any other Supreme Court Lawyer. Because, we did not want the Apex Court to come and arrogate to itself the right, for instance, to supersede the Speaker whether it is the Speaker at the Centre or in the States. It

means that the country will then be overruled by the judiciary and you will have judicial legislation. That is what has happened in the only case that I have lost out of the thirty cases, recently. But they have set aside what was passed unanimously by both the Houses of Parliament.

I am asked as an expert to give my opinion. I said, that it was a legal exercise of power by two judges. In the recent case that I had argued, six judges have said that those minority who sets up, under Article 30, his own institution, the institution must be of his choice. The dominant words are "his choice". Provided, if it acts within the reasonable rules, then no Court can interfere. No Government authority can interfere with his internal management. That is where, I want to sound a warning. I want to thank the Home Minister for having given his hostages to democracy, but he has also given his hostages to stability to Delhi which is historical sui generis. I want to thank him for I consider that he struck a very good balance.

21.00 hrs.

SHRI P.M. SAYEED (Lakshadweep):  
Sir, I want to speak in Kannada.

SHRI RAM NAIK: When he was occupying the Chair, he did not give any prior intimation.

MR. DEPUTY-SPEAKER: He has given the intimation. I have given him the permission. He has informed us well in advance. All right, you speak after five or ten minutes. Shri Ram Naik.

[Translation]

SHRI RAM NAIK (Bombay North): Mr. Deputy-Speaker, Sir, I am a member of this august House for the last two years. Whenever the issue of Delhi was discussed in the House, all the political parties especially the BJP used to submit that India is the largest democracy in the World, but as it is true that 'Diya Tale Andhera Hota Hai', similarly there

[Sh. Ram Naik]

is no democratic set up in Delhi. This was the thinking of the people. With the introduction of this Bill an initiative has been taken to redress all such complaints. Therefore, I take this opportunity to congratulate the Delhiites that they would get now a democratic set up in Delhi. Bombay is the commercial and trade capital of India, while New Delhi is the administrative capital of India. So I would like to congratulate the people of Delhi as representative of the commercial capital of India.

I would like to draw the attention of the hon. Minister of Home Affairs and the august House towards this fact that we are talking of creating a Legislative Assembly for Delhi but no attention has been paid to conduct elections to the Municipal Corporation which has not been held for the last 7-8 years. I would like to submit that elections for the Legislative Assembly and the Municipal Corporation be simultaneously got conducted. In this way the people will have their representatives at the corporation as well as at the Assembly for running the Government. A three tier system is necessary for every city and that should have been given to Delhi too. I would like to submit that justice should be done to the people of Delhi by holding simultaneous elections to the Municipal Corporation and the Legislative Assembly. Only then I think the rightful justice will be done to the people of Delhi.

Mr. Deputy-Speaker, Sir, Shri Advani raised the matter of delimitation of constituencies. I would like to go a step further and submit that a provision for 70 Legislative Assembly Constituencies has been made. Thus 10 Assembly Constituencies will fall under one Lok Sabha Constituencies. As has been mentioned by Shri Advani ji that this provision for having 10 Legislative Assembly Constituencies under one Lok Sabha Constituency will disturb the proportional representation because Chandni Chowk, Lok Sabha Constituency is very small. So this provision will not be in conformity to the

principle of proportional representation. Therefore, I would like to submit that delimitation of constituencies should be done on the basis of the principle of population proportion. Shri Murlidhar Deora, an hon. Member from Bombay is not present here now. After a few days, elections to the Bombay Municipal Corporation are going to be held. Recently on the basis of 1981 census, delimitation of constituencies was completed in Bombay. However my party's demand was for delimitation on the basis of 1991 census. If final figures are not yet available, it could be done on the basis of provisional data. But the Government of Maharashtra is not prepared to undertake the exercise on the basis of provisional statistics. I would not understand as to why it is not doing so? A copy of the letter addressed to the Director of Census is with me, wherein it is mentioned that the detailed information in regard to circle of census is not yet fully prepared. I would like to urge the hon. Minister of Home Affairs to get the provisional figures prepared at the earliest. Similar steps can be taken in case of Delhi. If all this is completed, the voters will get the true representation in proportion to population.

Sir, suburban areas of Delhi are expanding fast and so the population of Delhi also, will increase. Therefore, I would like to suggest that delimitation of constituencies should be undertaken keeping in view the population growth. Further I would like to submit one point as that same has not been discussed in the House. Both the Congress and the BJP, in their manifesto have promised to reserve 30 percent of seats for women in elected bodies. Nobody has referred to it so far and that is why I would like to submit that in the 70 constituencies proposed to be created, 30 percent seats should be reserved for women. Sajjan Kumarji, do you agree to it? But at the same time, the population figures being provided by different members vary—some say that the present population of Delhi is 85 lakhs while others say that it is 95 lakhs. As per the information, I have gathered the total population of Delhi is 95 lakhs and it is on the basis of this

information that I have given my suggestion.

I would also like to point out that the present number of seats in Delhi Corporation is based on earlier population. Now, when the population has increased to 95 lakhs, the number of seats should also be increased. The Corporation Act will have to be amended for this purpose.

SHRI JAGDISH TYTLER: That will be increased and Corporation Act will also be amended.

SHRI RAM NAIK: At the same time, I would suggest to hold elections. The number of seats should also be increased from 100 to 150 or 160. It would be better to hold elections for the purpose. I would like to submit to you that earlier in Bombay Corporation, there were only 170 wards which were later on increased to 221 on the basis of increase in population. Similar policy should be adopted in regard to Delhi Corporation.

The Government should give status of state to all the Union Territories like Lakshadweep, Andaman and empower them to form their own Assemblies and Government and I think that the entire House will extend its support if the hon. Minister of Home Affairs takes a decision in this regard. At least, we shall certainly support. With these words, Mr. Deputy Speaker, Sir, I thank you.

\*SHRI P.M. SAYEED (Lakshadweep): Mr. Deputy Speaker Sir, under your stewardship, I would prefer to speak in Kannada though it is not my mother tongue. You are in the Chair now and let me proceed with the hope that you are there to correct my expressions in Kannada if it is found wanting or goes wrong.

[English]

SHRI S.B. CHAVAN: In that case, let me give my reply in Marathi.

[Translation]

\*SHRI P.M. SAYEED: Sir, he is trying to scare me away. I was living in his home state Maharashtra. Tough I have not picked up enough Marathi to speak fluently, I can comprehend what is said in Marathi. I would like to inform this to hon. Minister Mr. Naik. I would also like to inform you that I address this august House in Kannada not for the first time now. While at the time of renaming the then Mysore State as Karnataka State, a Bill to that effect was introduced in this House and I was fortunate enough to speak in this House on that historic Bill and that too in Kannada. That was way back in 1973 when I was still young then. This is the second time that I get an opportunity to speak in Kannada. These two speeches are likely to have vast difference. In between all these years I have lost touch with my Kannada brethren and my language may not be that perfect. Hence, I dare not give an extensive speech. However, you are in the Chair now and that is an inspiration to me to speak in Kannada.

Government of National Territory Bill has been introduced in this House, the Supreme Body to enact laws, providing the people of Delhi with certain powers that a democratic set-up can ensure. Our hearty congratulations are due to our hon. Prime Minister and hon. Home Minister. It is true that it was our pledge in our Election Manifesto and we have fulfilled our promise. On this auspicious occasion I also congratulate the people of Delhi. We have done what we said. People will now realise that we simply do not stop with giving assurances but stick to our words and fulfil promises, and it is for all to see that we are implementing it. It becomes a reality now. We do not belong to

[Sh. P.M. Sayeed]

those who say something and do a different thing.

As regards the Bill, I need not dwell at length for it is a clear, comprehensive Bill. Many hon. Members who have already spoken on this Bill have analysed vividly the salient features of this Bill. This is important to point out the promise made by the Janata Government as early as in 1977. They were in power for two full years and four months that followed. Their Government fell but while in power they failed to fulfil the aspirations of the people of Delhi. This needs to be understood not only by the people of Delhi but also by the veteran leaders in the Opposition benches. The same group brought Mr. V.P. Singh as the Prime Minister. He was in power for 11 months but he too failed miserably to give shape to the ambitions of Delhiis. That fact has to be borne in mind by one and all.

Through our Election Manifesto, we gave a solemn promise to the people of Delhi. And now, our Government has given what people of Delhi wanted. Accordingly, our Government has now introduced the Bill.

Twenty-five years ago, when I entered this House as a novice, elderly leaders used to call me 'Mari' Baby. Barrister Nath Rai was very fond of me and would call me 'Mari'. I have now gained 25 years of experience in this highest forum of our country. Right from the beginning I have been demanding the Centre to give more of democratic powers to my Constituency Lakshadweep. The then Home Minister and the other senior leaders used to raise a question as to how a democratic set-up could be established in a tiny territory with a small population of about 25,000 people, then. I was rather compelled by the attitude of the Ministry of Home Affairs to take a stand and I was to lead a campaign to obtain more of democratic rights to the people of Lakshadweep. Now, the population in the Union Territory of Lakshadweep has doubled and it has increased from 25,000

to 50,000 people. When compared to the Pan-Indian population, Lakshadweep's population is less than a per cent.

Day before yesterday during Zero Hour, I was showing my protest sitting in front of you here. I was raising a point against the apathy of the officials towards the Island. These bureaucrats behave in their own way. As soon as they cross the sea they think they are emperors. The same is the treatment meted out to the people of Andaman & Nicobar Islands. If officials continue to be high-handed and apathetic towards us, how can we have the democratic rights extended to us? This afternoon, I expressed my view about this Bill. I do not ask the Centre to give us immediately a legislative body. If not a full-fledged legislative body, the Home Minister should at least contemplate providing us with some forum to exercise our democratic rights. Let it be in any name or form. Their aspirations have to be given due respect and we must try our best to fulfil their ambitions.

Hence, I humbly request the hon. Home Minister to give us some assurance in his reply, to provide some opportunity to the people of Lakshadweep to exercise and enjoy certain democratic rights at least in the present setup.

Sir, I thank you again for having given me this opportunity to speak on this Bill. With this, I conclude my speech. (*Interruptions*)

[*English*]

SHRI E. AHAMED (Manjeri): Mr. Deputy Speaker, Sir, may I make a submission? Hon. Member Shri Sayeed's mother tongue is Malayalam. Malayalees are well disposed towards all the languages. Now he has spoken in Kannada also. I submit that Shri Sayeed should be given an opportunity to speak on the Third Reading of the Bill and to speak, preferably, in Tamil. (*Interruptions*)

SHRI P.M. SAYEED: Sir, Hon. Member



Shri Ahamed's mother tongue is Malayalam. I will speak in Malayalam.

SHRI E. AHAMED: No, Sir. Hon Member Shri Sayeed should speak in Tamil because Malayalees are always much ahead and well disposed towards all languages. He should speak in Tamil. (*Interruptions*)

MR. DEPUTY-SPEAKER: Well, that is the speciality of the scholars. Now Shri P.C. Thomas.

✓ SHRI P.C. THOMAS (Muvattupuzha): In Kannada, Sir? (*Interruptions*)

MR. DEPUTY-SPEAKER: Nobody can prevent you if you want to speak in Kannada or in any other language you choose. (*Interruptions*)

SHRI P.C. THOMAS (Muvattupuzha): MR. Deputy Speaker, Sir, I support the Bill and I commend it. I welcome this Bill. I congratulate the hon. Home Minister and this Government for bringing up this Bill. I am happy that Delhi is going to get a democratic set up. I am sure that the representatives who come, will take up the responsibility to take full advantage of the democratic set up that is going to come.

It is now seen that elections will be conducted in Delhi as soon as the delimitation is over. Delhi is a place where the whole of India is represented in one way or the other. I am sure that this cosmopolitan city, where all languages are spoken by all sections of the society will be represented and in this way almost all the territories of India will also be represented—is going to get a great legislative assembly.

In this connection I would submit that before the elections are conducted, the Election commission may take all possible steps to make the voters' list upto date in a proper manner. There is a complaint that many persons in Delhi who were entitled to vote are not listed in the voters' list. I think one of the reasons why they are not in the

voters' list is the fact that many of them do not have any ration card and sufficient proof to show that they are entitled to be voters in the city.

They are, therefore, not in a position to exercise their franchise. I suggest that the evidence that is sought for this purpose should be made in a much more lenient manner so that all the persons who are genuine residents of Delhi or who are liable to be entered in the voters' list do not miss their chance to be in the list. I would also suggest at this stage that the voters' list should be prepared taking into account the fact that many persons do not have the facility to show the evidence of being the residents because many of them are tenants and the owners do not allow them to show the real evidence of being the residents because many of the tenants are not in a position to show their real evidence of tenancy. It also goes against them whenever they want to be enlisted in the voters' list. So, I think this is a matter to be taken into consideration very seriously at the time when elections take place in Delhi.

I once again commend this Bill and I congratulate the hon. Minister and the Government for bringing this measure.

SHRI ANBARASU ERA (Madras Central): Sir, I support the Bill. While supporting this, I would like to draw the attention of the hon. House.....

AN. HON. MEMBER: Please speak in Tamil.

SHRI ANBARASU ERA: There is no interpreter here.

Sir, the population of Delhi is 85 lakhs. Out of 85 lakhs, about 20 per cent constitute linguistic minorities and people migrated from all parts of the country who are living here. Therefore, while framing the Bill, I do not know how this aspect has been ignored completely in this Bill. There should have

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been a clause to protect the interest of these linguistic minorities.

Shri Advaniji has very rightly pointed out that this Delhi is not only the Capital, but also a metropolitan city and the proposed Assembly should be a miniature of Parliament. It should reflect the nation's culture, the Indian culture, and therefore, Sir, what I would like to suggest is that if it is possible, even now it is not too late, we should add a clause that this Parliament should be empowered to nominate at least two Assembly Members with all the powers of voting, to represent the Assembly or the President of India should be empowered to nominate at least two Members or not less than two Members to represent these different linguistic minorities to protect their interests. This is an important point, Sir.

Another thing is that those people who are coming here are suffering without a proper place to live in Especially the young boys and girls who come to Delhi in search of employment, get the employment, but they could not get accommodation facility and therefore, for such persons there should be a provision for allocation of land for the purpose of construction of hostels or boarding houses, especially for those people who are coming and settling down here.

Not only this. In schools, colleges and other educational institutions they do not have a say. Those people who migrate from other parts of the country find it very difficult to get admission for their children in schools like Delhi Tamil School, Kannada school, Telugu school and so on, and therefore, all such people start their own schools because they do not have adequate facilities here. Therefore, to cater to to all these things, something should be done. Shri Khuranaji was mentioning the organisations like DDA, NDMC, and DTC where we do not find any people from those who migrated from other parts of India. The majority people should not bulldoze the linguistic minorities in Delhi.

Therefore, Sir, I request the hon. Home Minister to consider adding a clause here to protect the interests of the linguistic minorities and also either the President or the Parliament should be empowered to nominate at least two Members to protect the interests of the minorities.

With this, I conclude.

SHRI S.B. CHAVAN: Mr. Deputy Speaker, Sir, I must express my gratitude to all the hon. Members for expressing their views on different aspects of the growth of Delhi city. After passing the Constitution (Amendment) Bill, there was hardly any scope for such a lengthy discussion on this Bill. But every hon. Member wanted to express all the ideas that he must be having about the future set-up of Delhi and that is why I must welcome the suggestions which have been made by different hon. Members. I must first refer to the points made by the hon. Leader of the Opposition. He has referred to Sarkaria Committee and Balakrishnan Committee's report and he referred three aspects. The first was about a nodal Ministry.

SHRI LAL K. ADVANI: It is not a nodal Ministry, but a nodal agency. There should be one authority responsible.

SHRI S. B. CHAVAN: The nodal authority, in fact, is supposed to coordinate the activities of all the different agencies of Delhi. So also, a point was made about the over-centralisation. Balakrishnan Committee has referred to that aspect also. I am sure, in the same report if you have to go still further, there is a definite reference about the advantages and the disadvantages of having a Statehood being given to Delhi. If the hon. Members were to go through it, they will be more than convinced that we have to look to two aspects which I have stated in my speech which I gave this morning. One is the legitimate aspirations of the Delhi people that they should get representation and have a democratic set-up and another is the responsibility to be discharged by the Government being the National Capital. Delhi is not

a small area to be administered by the representatives of Delhi. Ultimately, we cannot possibly forget that this is a National Capital and that is why, irrespective of the resources, why is it that the Government of India is spending huge amount of money on different aspects of the development of Delhi? That is because of the fact that after all, this is a National Capital and all the amenities which have been provided for the Delhi city will have to be of a standard, then people are bound to feel happy by comparing the development that is obtaining in different capitals in different countries. So, from that point of view, while all the arrangements have to be made for a democratic set-up, there should be no inhibition because of the resources.

The Central Government will have to intervene in the matter to see that all the amenities are provided in such a manner that not only the people of Delhi city, but all those who come from different parts of India and also from abroad, should be able to feel happy by comparing the city of Delhi with any other city having comparable population in their areas. That is why, it has become absolutely necessary that we have to reconcile the two aspects. As a result powers which are, in fact, necessary to be given, have been given to the Assembly. I think, if I am allowed to say so, the pressure on me was to go in for Metropolitan Council elections. Elections for the Metropolitan Council was a demand of those who came to see me and they were pressing only for the election to the Metropolitan Council. But, when I pointed out to them that I am now at the advanced stage of consideration of Bala-krishnan Committee's report for giving Assembly instead of going for elections to the Metropolitan Council, they agreed. Everybody agreed that this is the best solution under the Constitution. That is why, I would request the hon. Members, not to think in terms of carrying on a kind of agitation for getting full statehood, I must bring to your notice that ultimately you will benefit by having Delhi with the Union Territory character with the wishes of people being reflected in the representative capacity that we have given

in the shape of the Assembly and the Ministry. Unless we agree to this kind of set up, it would be rather difficult for the Government also to go ahead with the kind of plans that we have in view for the capital.

A number of hon. Members have made the points. Mr. M.L. Khurana was in the Metropolitan Council. I am sure, he was the leader of the opposition there. All of us have worked in the State Assembly. We know how much is being provided for continuing scheme and how much is being provided for new scheme. If you have any idea of the budget of the different State Governments, I can tell for the information of the hon. Members that almost 80 to 85 per cent is being provided only for continuing schemes because they are at the advanced stage of completion. If you have to starve those schemes and provide for new schemes which some of the State Governments are doing—the main reason why deficit is increasing is because of the fact that we starve a large number of schemes and do not complete any scheme at all. We do not get the benefit of investment that has already been made. That is why, it becomes absolutely necessary to complete the scheme. For completion of a scheme, whatever funds are required, you first provide funds for the same and thereafter think in terms of starting new scheme. It can create problems, I can well understand that the politicians are interested in new schemes. Whenever he is elected, he is interested in starting something new in his own area. It is perfectly understandable. But in order to accommodate that also, there is a provision for what percentage of new schemes you can take. That kind of provision has been made in the five Year Plan and we try to see that most of the schemes are able to reach completing and a number of schemes are being allowed for which token provision has to be provided.

If Rs. one crores has been given for a scheme, I must say, they have given substantial money. I can cite a large number of schemes wherein token provisions are being provided so that during the course of the

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year, if there is any saving in any department, it might be diverted for starting the new scheme and that is how it is done. I do not think that it is a very apt example to say that since very small amount has been provided, for a scheme the Hon. Member has hardly any attraction for having this kind of set up, that is the kind of conclusion to which the hon. Member has come. I do not think there is any aspect of this legislation which can make you feel that ultimately you are not going to get anything. That kind of feeling should be removed from the minds of the hon. Members.

Mr. Khurana was also pleased to say about certain things, suppose there is a conflict between the Council of Ministers and the Lt. Governor, the matter should be left to the Chief Minister of Delhi. That was his point. Actually the point is, if there is a conflict between the council of Ministers and the Lt. Governor, the provision is that the matter will be referred to the President. Ultimately it is the President who has the ultimate responsibility so far as the Union Territories are concerned. But it may take some time for the President to take a final decision in the matter. In the interim period, which is the authority which should be entrusted with this kind of responsibility is a very limited point. The point is, whether it is the Lt. governor or the Government of India. This point will be taken care of in the rules of business which every Ministry has and they will have to provide for this.

We will have to have some kind of an instruction wherein Lieutenant Governor is vested with authority but provision may be made that while exercising his authority, he will have to consult the Government of India so that we have all aspects of the question also before he takes a very quick decision and an interim decision in the matter because, after all, it is the President who has to take a decision finally. But if it is inevitable then only this matter is going to come to the

Lieutenant Governor or, for that matter, to Government of India. So, I do not think that there is any thing to be afraid of in this aspect.

Law and order and all other matters in fact, almost all the Departments were with the President. Now it is only three subjects which have been left with the President. Rest of the subjects have been given to the Govt. of Delhi and, I am sure, we have to build up a convention on the basis of what is there in the Constitution or what is there in the Bill. So far as I am concerned, I feel that most of the things can be done if a healthy convention is built up and, I am sure, that the Delhi Assembly should be able to set an example for all other Assemblies to follow, and claim that we have been able to build a very healthy convention in Delhi, though it is not a very big Assembly, having all the powers. with the conventions you may be building, it would be much better than other Assemblies which have all the powers. But I do not want to say anything about what is going on there.

The power of giving directions is also not limited to Union Territory alone. In the Constitution, the power of giving direction to the State Government is also there which the Government of India has never invoked. The power is there but unfortunately those directions, if they are violated, then in the Home Ministry we have hardly any other option than to invoke article 356. It will be considered as the Government not being able to run according to the provisions of the Constitution and which ultimately will lead to the break-down of the administration. We are certainly not interested in invoking powers under Article 356. That is why, we have not used this power by giving directions because there also there are certain issues only, on which certain instructions can be given. It is not as if on any matter, the directions can be given by the Government of India.

The next point is about the appointment of Ministers. I was also not able to quite understand. In our democratic set up. in the

kind of parliamentary democracy that we have accepted for this country, the Leader of the majority party forms the Government. There the Leader is being chosen from all the Members of the Assembly. This is alien to the parliamentary system that we have adopted. According to our system, whichever party is in power or a majority party, they will elect their own leader and thereafter it will be automatically the responsibility of the Lieutenant Governor or the President to appoint him as the Chief Minister and all other Ministers are being appointed on the recommendation of the Chief Minister.

21.44 hrs.

[SHRE P.M. SAYEED *in the Chair*]

There is another point about which I would like to say. In fact, I had made a reference in my speech in the morning and that was about the Corporation or part I of Balakrishnan report. In fact, we have proposed to take up this issue on expeditious basis and, if possible, we will come before this Parliament with a legislation so that the set up of the different kinds of Corporations that we are going to have and also the NDMC and Delhi Municipal Corporation, all these Corporations and also the Power Corporation, Water Corporation, all other Corporations that we have, will be decided. What is going to be the relationship between the Members of the Assembly and the different corporations? They are definitely autonomous but at the same time, whether it is proper or improper to give representation to assembly Members is a point which will have to be considered by Government and thereafter the entire matter is going to come up before this House. so, there should be nothing to worry on that score.

A point was made about the delimitation. If the provisional population figures of 1991 are available and if details are not available, how are you going to have the delimitation is a point. A very valid point which has been raised. Certainly we will have to find out a method. As far as possible,

we will go by the figures. If we try to go by the 1981 figures of 1971 figures, can we count the growth of population on that basis? On that basis, can we count what will be the population of 1991? I do not think that that that will be a very correct method of doing it. But if the figures are not available, whichever be the latest figures of population which are available we will have to go by those figures. But the delimitation will have to be done on a very scientific basis. In fact, I would not like to give any kind of scope for any kind of misconception in the mind of anyone. We will go by the total population divided by the number of seats, whether it is from this parliamentary constituency or that Parliamentary constituency. That matter can be taken up later on. But the entire population will have to deduct the floating population from that. The permanent population, if their names are there on the electoral rolls, then, of course, we will have to go by that method. I am sure that it should not be difficult to find out as to how much population will be represented in every assembly constituency. certainly that will be a point which definitely the delimitation Commission will take into account.

I was very happy when Advani-ji mentioned this point, which was correctly reflected in different kinds of languages when the hon. Members spoke here. In a nutshell the representative character of this Delhi City should be maintained is the point. In Delhi, there are not only these two or three languages but there are also a number of languages spoken. Shri Anbarasu Era asked me to give two seats to be reserved for the linguistic minorities. There are a large number of minorities. I do not think that it will be a correct proposition to reserve any seats for any linguistic minorities. It will be the responsibility of all the political parties, whether it is the Congress Party, the BJP Party, the CPM Party the CPI Party or all other Political parties, not they will have to see that these people get proper representation and nobody gets a feeling that he has been totally left out. If not in the assembly, in the Corporation we should be in a position to give them

[Sh. S.B. Chavan]

representation. But in the name of giving representation if we once accept the principle of nominating Members, then, of course, there is no end to it. That is why I do not think that it will be a correct proposition to do this.

Shri Manoranjan Bhakta and Shri P.M. Sayeed were very quick in demanding such a set up in the morning and also earlier during the debate. There is a long list of people. He is in the Chair now. I have to look to him. Being in the Chair, I have hardly any option. But whether this kind of a democratic set up is going to fit in in some small areas is a point on which we will have to give some thought. But I am in favour of giving some kind of a mechanism by which the local people will get some kind of a representation. (*Interruptions*) In what form and what shape it will come is a matter which hon. Members will allow us some time to ponder over it. If necessary we will discuss with some experts so that we should be able to decide as we have done in the case of Delhi.

Shri Frank Anthony expressed some kind of apprehension about the schools started by some minorities. I do not think that there is any scope for having that kind of a misapprehension. So long as article 30 is existing in the Constitution you need not worry about it. Shichever party comes to power, I do not think anybody can violate the provisions of the Constitution. So I can assure the hon. Members that all schools, colleges and institutions started by linguistic minorities, they need not have any kind of apprehension in their minds. They will definitely be given equal kind of treatment as is being given to any other institutions, so that let every section of the society get a kind of confidence that after all they are also part and parcel of Delhi, and are not being treated separately. That kind of confidence will have to be created in the minds of everybody concerned.

These are the points which the hon. Members have said. I have tried my level

best to explain the different implications of different points. I am sure that the hon. Members will unanimously support this Bill.

MR. CHAIRMAN: Now amendment No. 6 moved by Shri Manoranjan Bhakta to the motion for consideration.

SHRI MANORAJAN BHAKTA: I would like to say a few words and then withdraw my amendment. The Home Minister has assured to consider this territory. The second point is that Shri Khurana has said that this is a *Lula-Langra* Assembly this amendment might be acceptable to him. If he does not accept that and if he amends his words, I would like to withdraw my amendment.

I seek the leave of the House to withdraw my amendment.

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw this amendment?

SOME MEMBERS: Yes, yes.

*The amendment was by leave withdrawn.*

MR. CHAIRMAN: The question is:

"That the Bill to supplement the provisions of the Constitution relating to the Legislative Assembly and a Council of Minister for the National Capital Territory and for matters connected therewith or incidental thereto, be taken into consideration".

MR. CHAIRMAN: Now the House shall take up clause by clause consideration of the the Bill.

#### Clause 2—Definitions

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

Page 2, line 4, —

for "National capital Territory"

*substitute "National Capital Delhi Territory"*  
(8)

SHRI E. AHAMED (Manjeri): Sir, I beg to move:

Page 2,—

*after line 8, insert—*

- (ee) "Lieutenant Governor" means, the Lieutenant Governor of the National Capital Territory appointed by the President of India.

SHRI SAJJAN KUMAR (Outer Delhi): I am not moving my amendment Nos. 13, 14, 15 and 16. I am moving other amendments. Sir, I beg to move:

Page 2 line 4,—

*for "National Capital Territory"*

*substitute "National Capital Territory of Delhi." (22)*

Page 2, Line 8, —

*for "National Capital Territory"*

*Substitute "National Capital Territory of Delhi." (23)*

SHRI E. AHAMED: Mr. Chairman, Sir, as I said earlier, these amendment are with respect to the definitions of Clause 2 wherein, in this Bill, the definition has been given to all functionaries, including the definition of article, definition for Assembly, Constituency, Election Commission, Legislative Assembly. But the very important functionary in this Bill is Lieutenant Governor. There is no definition of Lt. Governor. Of course, the Constitution has provided a definition to Lt. Governor. But the Constitution has also provided for the definition to Legislative Assembly, Election Commission and Assembly Constituency. When the Constitution has given

the definition to all these things, the Lt. Governor may also be defined.

SHRI S. B. CHAVAN: I will refer to article 239 wherein the President has full powers to appoint all the functionaries and give them the definition. Under that article the Lt. Governor is also covered.

SHRI E. AHAMED: In the light of the Home Minister's reply I would like to withdraw my amendment.

SHRI CHAIRMAN: I shall now put amendment No. 8 moved by Shri Madan Lal Khurana to the vote of the House.

*Amendment No. 8 was put and negatived*

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

SOME HON. MEMBERS: Yes, Yes.

*Amendment No. 9 was, by leave, withdrawn.*

SHRI S. B. CHAVAN: I accept the amendments moved by Shri Sajjan Kumar because these are consequential.

MR. CHAIRMAN: The question is:

"Page 2, Line 4,—"

*for "National Capital Territory"*

*substitute "National Capital Territory of Delhi." (22)*

"Page 2, Line 8,—

*for "National Capital Territory"*

*substitute "National Capital Territory of Delhi." (23)*

*The motion was adopted*

MR. CHAIRMAN: I shall now put clause 2, as , to the vote of the House.

The question is:

*"That clause 2, as amended, stand part of the Bill."*

*The motion was adopted"*

*Clause 2, as amended, was added to the Bill*

Clause 3 Legislative Assembly and its composition

MR. CHAIRMAN: There are some amendments to this clause.

Shri Yaima Singh is not present.

SHRI ANBARASU ERA (Madras Central): I beg to move:

"Page 2,—

*after line 28,— insert—*

"(4) The President may nominate not less than two Members to the Legislative Assembly, enjoying all the powers of the elected Members including the power of voting, in order to protect the interests of the linguistic minorities who are the permanent settlers in Delhi." (2)

SHRI TARACHAND KHANDELWAL (Chandni Chowk): I beg to move:

"Page 2, line 17,—

*for "seventy" substitute—*

*"eighty-four"*

SHRI E. AHAMED: I am not moving my amendment. (4)

22. 00 hrs.

SHRI ANBARASU ERA: Sir, the amendment that I moved requests that the President may nominate two Members to the Legislative Assembly, enjoying all the powers of the elected Members including the power of voting, in order to protect the interests of the linguistic minorities who are the permanent settlers in Delhi.

Of course, the Home Minister has given an assurance that the interests of the minorities will be taken care of by the political party leaders. But, I have my own apprehension that if a person like the Chief Minister of Karnataka takes over as the Chief Minister of Delhi, then.....

THE MINISTER OF HEALTH AND FAMILY WELFARE (SHRI M.L. FOTEDAR): No, you cannot say like that.

SHRI ANBARASU ERA: I am sorry, Sir. I am withdrawing my word. If a man with chauvinistic approach takes over as the Chief Minister of Delhi, then it is very difficult to protect the interests of the linguistic minorities. Therefore, I wanted an assurance from the Home Minister.

SHRI S.B.CHAVAN: I have already given that assurance.

SHRI ANBARASU ERA: Sir, in the light of the assurance given, I seek leave of the House to withdraw my amendment.

MR. CHAIRMAN: Has the hon. Member leave to the House to withdraw his amendment?

SEVERAL HON MEMBERS: Yes.

*Amendment No. 2 was, by leave, withdrawn.*

Clause 3

SHRI LAL K. ADVANI (Gandhi Nagar): Sir, Clause 3 is the one which relates to



provisional census of 1991. I just heard the Home Minister accepting the validity of the point that I had raised and further saying that he will see to it that if there is no provisional census available, then on the basis of the latest figure that is available, the delimitation will take place. But, frankly speaking, the Bill says,

"Provided that where such figures have not been published, then for the purposes of elections for the constitution of the first Legislative Assembly under this Act, the provisional figures of the population of the Capital as published in relation to the 1991 census shall be deemed to be the population of the Capital".

SHRI S.B.CHAVAN: I have said both the things. We will see that the provisional figures are made available and they are published so that everybody knows it.

SHRI LAL K. ADVANI: What I would like to point out is that you have assured the House that within six to eight months, elections to Delhi would take place and there would be a duly constituted representative body in Delhi. I want to stress on holding it within six to eight months. I would like to emphasize that failure to see delimitations, should never be made an excuse for putting off the elections. So, within six to eight months elections must be held. This is what I would like to emphasise.

On the basis of it this gives a firm scope to put off the elections. Therefore, I for one, would be willing even to accept an ordinance which changes 1991 census to 1981 census in order to ensure that elections do take place within six to eight months.

SHRI S.B.CHAVAN: As an alternative, we will certainly like to try if the latest figures are available, which have been considered as provisional. If that does not become a reality, then only that point will arise. At that stage, we can consider it

MR. CHAIRMAN: Shri Khandelwal, are you withdrawing your amendment?

[Translation]

SHRI TARA CHAND KHANDELWAL: Mr. Chairman, Sir, I have moved an amendment according to which Legislative Assembly will have 70 seats. Population of Delhi has been increasing rapidly. It has already reached 95 lakhs and till the Legislative Assembly is formed, the population will increase to about one crore. My submission is that as already suggested by several committees the number of seats should be increased to 84 in order to give proper representation. I would like the hon. Minister of Home Affairs to kindly accept my suggestion.

[English]

THE MINISTER OF HOME AFFAIRS (SHRI S.B. CHAVAN): I do not accept this proposal.

MR. CHAIRMAN: I shall now put amendment No. 4 to clause 3 to the vote of the House.

*Amendment No. 4 was put and negatived.*

MR. CHAIRMAN: I shall now put clause 3 to the vote of the House.

The question is:

"That clauses 3 stand part of the Bill."

*The motion was adopted.*

*Clauses 3 was added to the Bill.*

MR. CHAIRMAN: There are no amendments to clauses 4 to 37.

The question is:

"That the Clauses 4 to 37 stand part of the Bill"

*The motion was adopted*

*Clauses 4 to 37 were added to the Bill.*

MR. CHAIRMAN: Clause 38.

SHRI ANBARASU ERA: I am not moving my amendment.

MR. CHAIRMAN: The question is:

"The clause 38 stand part of the Bill."

*The motion was adopted.*

*Clause 38 was added to the Bill.*

MR. CHAIRMAN: There are no amendments from clauses 39 to 44.

The question is:

"That clauses 39 to 44 stand part of the Bill."

*The motion was adopted.*

*Clauses 39 to 44 were added to the Bill.*

MR. CHAIRMAN: Clause 45. There is an amendment by Shri Sajjan Kumar.

SHRI SAJJAN KUMAR: I am not moving.

MR. CHAIRMAN: The question is:

"That clause 45 stand part of the Bill."

*The motion was adopted.*

*Clause 45 was added to the Bill.*

*Clause 45 - Consolidated fund of the capital*

SHRI SAJJAN KUMAR: Sir, beg to move :

*Page 16, line 39, -*

for "National Capital Territory "

substitute "National Capital Territory of Delhi." (24).

SHRI S.B. CHAVAN: I accept this amendment.

MR. CHAIRMAN: The question is:

Page 16, line 39, -

for "National Capital Territory"

substitute "National Capital Territory of Delhi". (24)

*The motion was adopted.*

MR. CHAIRMAN: I shall now put clause 46, as amended, to the vote of the House.

The question is.

"That the clause 46, as amended stand part of the Bill.

*The motion was adopted.*

*Clause 46, as amended, was added to the Bill.*

Clause 47 Contingency fund of the capital

MR. CHAIRMAN: The House will now take up Amendment No. 25 under Clause 47. Mr. Sajjan Kumar, are you moving?

SHRI SAJJAN KUMAR: I beg to move:

*Page 17, line 8, -*

for "National Capital Territory"

substitute "National Capital Territory of Delhi". (25)

SHRI S.B. CHAVAN: I accept it.

MR. CHAIRMAN: The question is:

"Page 17, line 8,-

for "National Capital Territory"

substitute "National Capital Territory of Delhi".(25)

*The motion was adopted.*

MR. CHAIRMAN: Now, the question is:

"That Clause 47, as amended, stand part of the Bill."

*The motion was adopted*

Clause 47, as amended, was added to the Bill.

Period of order made under artical 239AB and approval thereof by Parliament

"49A. (1) Every order made by the President under articale 239AB shall expire at the end of one year from the date of issue of the order and the provisions of clauses (2) and (3) of article 356 shall, so far as may be, apply to such order as they apply to a Proclamation issued under claus (1) of article 356.

(2) Notwithstanding anything contained in sub-section (1) the President may extend the duration of the aforesaid order for a further period not exceeding two years from the date of expiry of the order under sub-section (1) subject to the condition that every extension of the said order for any period beyond the expiration of one year shall be approved by resolutions by both Houses of Parliament." ( 27)

MR. CHAIRMAN: As this is a new Clause, have you got anything to say on this, .Mr.Advani?

SHRI LAL K. ADVANI: We have already said what we wanted to say because this is prescribing the time limit. It was not prescribed earlier and this was one of our basic objections. I wish that even the first stage, when the assembly is dissolved or suspended, should come to the House as in the case of any State which has not been ec-

MR. CHAIRMAN: There were no amendments to clause 48 to 49.

The question is:

"That Clauses 48 and 49 stand part of the Bill."

*The motion was adopted.*

Clauses 48 and 49 were added to the Bill.

New clause 49A

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

"Page 17,-

after line 28, insert-

cepted by the Government. They have said that after one year, if there is extension, it would come to the House. We differ on that. Otherwise, I have nothing to say.

MR. CHAIRMAN (Shri P.M. Sayeed)  
The question is:

Page 17,-

after line 28, insert-

Period of order made under article 239AB and approval thereof by Parliament.

"49A. (1) Every order made by the President under article 239AB shall expire at the end of one year from the date of issue of the order and the provision of clauses (2) and (3) of article 356 shall, so far as may be, apply to such order as they apply to a Proclamation issued under clause (1) of article 356.

(2) Notwithstanding anything contained in subsection (1), the President may extend the duration of the aforesaid order for a further period not exceeding two years from the date of expiry of the order under sub-section (1) subject to the condition that every extension of the said order for any period beyond the expiration of one year shall be approved by resolutions by both House of Parliament."

(27)

*The motion was adopted.*

*substitute "National Capital Territory of Delhi".(26)*

MR. CHAIRMAN: The question is :

SHRI S. B. CHAVAN: I accept it.

"That new clause 49A be added to the Bill."

MR. CHAIRMAN: The question is:

*The motion was adopted.*

"Page 18, lines 19 and 20,—

*for "National Capital Territory"*

New Clause 49A was added to the Bill.

*substitute "National Capital Territory of Delhi". (26)*

MR. CHAIRMAN: There are no amendments to Clauses 50 to 53.

*The motion was adopted.*

The question is :

MR. CHAIRMAN : Now I shall put Clause 54, as amended, to the vote of the House.

"That Clauses 50 to 53 stand part of the Bill."

The question is:

*The motion was adopted.*

*"That Clause 54, as amended, stand part of the Bill."*

*Clauses 50 to 53 were added to the Bill.*

*The motion was adopted.*

*Clause 54- Amendment of section 27A of Act 437/1950*

*Clause 54, as amended was added to the Bill.*

MR. CHAIRMAN : Now we take up Amendment No.26 under Clause 54.

MR. CHAIRMAN: There are no amendment to clause 55.

SHRI SAJJAN KUMAR: I beg to move:

"Page 18, lines 19 and 20.

The question is:

*for "National Capital Territory"*

*"That Clause 55 stand part of the Bill.*

*The motion was adopted.*

*Clause 55 was added to the Bill.*

MR. CHAIRMAN: The question is:

"That the schedule stand part of the Bill.

*The motion was adopted.*

*The Schedule was added to the Bill.*

Clause 1

MR. CHAIRMAN: There are three amendments Nos. 7, 12 and 21 to be moved by Shri Khurana and Shri Sajjan Kumar. Are you moving?

SHRI MADAN LAL KHURANA: Yes Sir. I beg to move:

Page I, lines 5 and 6,-

for "National Capital Territory "

substitute "Government of Delhi Territory" (7)

SHRI SAJJAN KUMAR : I beg to move:

Page I lines 5 and 6,-

for "Government of National Capital Territory Act, 1991"

substitute "Government of Delhi Act, 1991" (12)

Page I, lines 5 and 6,-

for "National Capital Territory"

substitute "National Capital Territory of Delhi". (21)

MR. CHAIRMAN : I shall now put Amendment No. 7 moved by Shri Madan Lal Khurana to the vote of the house.

*Amendment No. 7 was put and negatived.*

SHRI SAJJAN KUMAR: I seek leave of the House to withdraw my amndment No. 12 to Clause 1.

MR. CHAIRMAN: Has the hon. Member leave of the House to withdraw his amendment?

SEVERAL HON MEMBERS: Yes, yes.

*Amendment No. 12 was, by leave, withdrawn.*

SHRI S.B. CHAWAN: I am accepting Amendment No. 21 to Clause 1.

MR. CHAIRMAN (Shri P.M. Sayeed): The question is:

Page I, lines 5 and 6,-

for "National Capital Territory"

substitute "National Capital Territory of Delhi" (21)

*The motion was adopted.*

MR. CHAIRMAN: The question is:

"That Clause I, as amended, stand part of the Bill."

*The motion was adopted.*

*Clause I as amended, was added to the Bill.*

MR. CHAIRMAN: The question is:

"That the enacting Formula Stand part of the Bill.

*The motion was adopted.*

*The Enacting Formula was added to the Bill.*

Long Title

MR. CHAIRMAN: There are two amendments, Nos. 11 and 12 to the Title. Are you moving.

SHRI SAJJAN KUMAR: I am not moving Amendment 11. But I am moving Amendment No. 20. I beg to move:

‘That in the Long Title,-

for “National Capital Territory”

substitute “National Capital Territory of Delhi.” (20)

SHIR S.B. CHAVAN: I am accepting it.

MR. CHAIRMAN: The question is:

‘That in the Long Title,-

for “National Capital Territory”

substitute “National Capital Territory of Delhi.”

*The motion was adopted.*

MR. CHAIRMAN: The question is:

‘That the long Title, as amended, stand part of the Bill.’

*The motion was adopted.*

*The long Title, as amended, was added to the Bill.*

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

‘That the Bill, as amended, be passed.’

MR. CHAIRMAN: Motion moved:

‘That the Bill, as amended, be passed.’

SHRI LAL K. ADVANI: Sir, in the third reading I have just one point to make which I did not refer earlier because that was not part of this Bill.

But I had pointed out to the Home Minister that this Bill is supposed to be based on

the Balkrishnan Committee's Report and one of the recommendations made by the Balakrishnan Committee was that though this should be a Union Territory, there should be a Legislative Assembly for Delhi and that Members of the Legislative Assembly should be part of the Electoral College which elects the President under Article 54 of the Constitution.

I am happy to say that the Home Minister's response to this point that I had raised with him and I raised with him personally and at the all-Party Meeting also his response was positive. He said that I think that it is a valid recommendation and I would be willing to accept it. But then it was pointed out to him and he pointed out to me that Article 368 of the Constitution provides that if Article 54 is to be amended- Article 54 deals with the Electoral College electing the President - then it would need ratification by half the States. Therefore, he said that though I am positively responding to your suggestion but if I incorporate this particular recommendation of the Balkrishnan Committee in this Bill or in the Constitution, it would entail ratification by half the State and it would entail Delhi itself. Therefore, I did not press this point and gave no amendment on this point. It is because the Government gave us an indication that they were not adverse to this and not only Delhi but even Pondicherry which is today outside the Electoral College, both of them would be included in the Electoral College, by a suitable legislation later on. I would plead with him to bring this necessary legislation at the earliest so that it will be ratified in course of time.

THE MINISTER OF HOME (SHRI S.B. CHAVAN): I am in full agreement. The only point is that we should try to avoid delay for the delimitation to the constituencies. That is why I am in full agreement with both, for Delhi as well as Pondicherry. For that, we will have to bring a separate legislation so that Electoral Colleges will have to be there and we will be able to elect the President.

SHRI CHANDULAL CHANDRAKAR

(Durg): Sir, I have three questions to ask.

Firstly, we have passed this Delhi Bill but who will be responsible to build a National Library in Delhi and also a National Theatre? Without these two things, it will look like a village.

Secondly, when our country got its independence in 1947, the population of this town was hardly three-and-a-half lakhs or so. Quite a number of people from various parts of India came to the Capital. But what I say is that the culture, tradition and all those things which Delhi people had carried, they feel that they have been submerged and their voice not been heard. I want to bring to the notice of the Central Government and at the same time, the Delhi Bill which is being passed, that their sentiments, their traditions, their cultures, certainly should be maintained. The third question is this. There is a lacuna here in the earthquake affected area, a large number of people had been killed and the Government of India has given enough money to the Government of Uttar Pradesh for providing shelter like winter blankets and other things to the affected people. But that has not been properly utilised. The House should have discussed this subject. These people are living in a very bad condition. The Government of Uttar Pradesh is not giving shelter to them. This Parliament should have discussed this subject and we should have condemned them for not providing shelter to the affected people.

SHRI S.B. CHAVAN: With regard to his first two questions, I would be in a position to reply. His third question is not relevant to the Bill at all. And that is why, I will reply to his first two questions.

His first question is about a National Library and a National Theatre. I will have to explore the possibilities in this regard. I will find out as to whether it should be done by the Central Government or we can as well leave it to the new Assembly to come. Since he has used the words 'National Theatre'

and 'National Library', my *prima facie* reaction is that - with subject to examination I am saying this - normally it is the Central Government which will have to do it.

With regard to his second question, I would say that it will be a matter of history as to who are these three-and-a-half lakh people who had original culture, which needs to be preserved. It will be another matter of research. I am not an authority in that. We will consult the necessary expert in this field and whichever might be the authority, we will try to get help from them.

SHRI MANORANJAN BHAKTA (Andaman & Nicobar Islands): Mr. Chairman, Sir, in this House today when this historic Bill is being passed, on the other side only there are sixteen Members present and it is the Congress Party which has got the dedication to do it. And that is why, we are in a position to pass this Bill today... (*Interruptions*)

MR. CHAIRMAN: The question is:

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

*The motion was adopted.*

22.28 hrs.

FAMILY COURTS (AMENDMENT) BILL—  
*Contd.*

[*English*]

MR. CHAIRMAN: Now we will take up the Family Courts (Amendment) Bill. The hon. Minister.

THE MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI RANGARAJAN KUMARAMANGLAM): Mr. Chairman, Sir firstly I must thank all the people who partici-