

Title: Discussion on the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Bill, 2001.(Bill passed)

14.06 hours

*The Lok Sabha re-assembled after Lunch at six minutes
past Fourteen of the Clock.*

(Shrimati Margaret Alva *in the Chair*)

MR. CHAIRMAN: The House shall now take up Item 10 of the Revised List of Business – taking into consideration of the Bill further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991. The time allotted for this is one hour.

1406 hours

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYASAGAR RAO): Madam, I beg to move.*1

"That the Bill further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991 be taken into consideration."

Madam, Chairperson, the Bill seeks to amend the Government of Union Territories Act, 1963 in relation to Pondicherry; and the Government of National Capital Territory of Delhi Act, 1991 in relation to the National Capital Territory of Delhi; to provide that the two Union Territories having Legislative Assemblies may be given the power and authority to borrow from market to give guarantees upon the security of the Consolidated Fund of the Union Territory concerned. The reason is that the said two Union Territories have their own Consolidated Funds of India but they do not have the power to borrow from the market. The Lieutenant Governors of these two Union Territories would also be allowed to exercise the

* Moved with the recommendation of the President.

power of the Government of India in this regard. In addition, provisions are being made for having their separate public accounts as well as their own cash balances with the Reserve Bank of India. This arrangement is envisaged to enable the Reserve Bank of India to monitor the ways and means position of these two Union Territories on day-to-day basis and bring them within the normal discipline relating to limitations and regulations of overdrafts already applicable in respect of these Governments. This will also enable the two Union Territories to operate their finances on their own in real terms and will encourage them to observe strong financial discipline. With this, Madam, I commend this Bill to the approval of this august House.

MR. CHAIRMAN: Motion moved:

"That the Bill further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi

Act, 1991 be taken into consideration."

श्री गिरधारी लाल भार्गव (जयपुर) : सभापति महोदया, मंत्री जी ठीक बिल लाए हैं। 1963 के बिल में संशोधन करने के लिए यह विधेयक यहां लाया गया है। पांडिचेरी और दिल्ली दोनों संघ से सम्बन्धित राज्य क्षेत्र हैं। इसके द्वारा वे अपनी संचित निधि के विपरीत बाजार में जाकर रुपया उधार ले सकेंगे और रिजर्व बैंक में जमा कराएंगे। रिजर्व बैंक उनके खातों पर बराबर अपनी निगाह रखेगा। दिल्ली या पांडिचेरी के किसी विशेष अधिकारी को यह पैसा निकालने का अधिकार होगा। वह उसमें ठीक प्रकार से विचार-विमर्श कर सकेगा। मेरा निवेदन करना यह है कि इसके द्वारा दिल्ली और पांडिचेरी की सरकारें शिक्षा के क्षेत्र के लिए बांड निकाल सकती

हैं। वे लाटरी भी निकाल सकती हैं और उसके आधार पर पैसा इकट्ठा कर सकती हैं। यदि कहीं पर कोई विकास करना हो, तो दिल्ली और पांडिचेरी की सरकारें विकास के नाम पर कुछ पैसा लाटरी के नाम पर इकट्ठा कर सकती हैं।

मैं चाहता हूँ और इस संबंध में भी आप विचार करें कि राज्य सरकारें भी कई बार अच्छा ब्याज देने का प्रयास करती हैं। लक्ष्मी योजना और कई अन्य योजनाएं जो डाक-तार विभाग द्वारा निकाली जाती हैं उसमें जो आदमी पांच हजार या दस हजार जमा कराएगा, उसको सोने और चांदी के सिक्के देने की भी उन्होंने घोषणा की है। साथ ही एक लाख रूपए पर एक हजार रुपया एकमुश्त रकम छोड़ने की भी उन्होंने घोषणा की है। इस प्रकार से आप शिक्षा के नाम पर, विकास के नाम पर अच्छा ब्याज और आर्काक योजनाएं हों तो निश्चित रूप से दिल्ली और पांडिचेरी की सरकारों के पास पैसा इकट्ठा हो सकेगा। बॉण्ड जारी करने की आपकी शक्ति हो लेकिन केन्द्रीय सरकार तो दूसरे दल की है और दिल्ली और पांडिचेरी में सरकारें दूसरी हैं तो उनको भुगतान करने की गारंटी कौन लेगा? या तो केन्द्रीय सरकार गारंटी लेगी या राज्य सरकार गारंटी लेगी। लेकिन अगर सरकारों में आपस में तालमेल नहीं होगा तो किस प्रकार से लोगों का पैसा वापस किया जाएगा, इस संबंध में भी आप निश्चित रूप से विचार करेंगे, यही मेरी आपसे प्रार्थना है। बॉण्ड, लाटरी और आर्काक योजनाओं के द्वारा आप पैसा इकट्ठा कर सकते हैं और आपने यह ठीक प्रकार की व्यवस्था की है। दिल्ली और पांडिचेरी के पास धन का अभाव है और उनको आपने शक्ति दी है जिससे वे अपनी सिक्वोरिटी के आधार पर रिजर्व बैंक के पास जो जमा है, उसके आधार पर पब्लिक से भी पैसा ले सकते हैं। मैं इस बिल का स्वागत करता हूँ।

सभापति महोदय : लाटरी तो दिल्ली में बैन हुआ है।

श्री गिरधारी लाल मार्गव : लाटरी पर बैन पूर्ण रूप से हुआ नहीं है और कई स्टेटों में लाटरी निकल रही है।

डॉ. रघुवंश प्रसाद सिंह (वैशाली) : सभापति महोदय, केन्द्र-राज्य और राष्ट्रीय राजधानी, दो विधेयकों में संशोधन एक साथ माननीय मंत्री जी लाए हैं। पहले दो प्रकार का कानून था। एक केन्द्रीय टैरिरी से संबंधित और दूसरा 1991 वाला राष्ट्रीय राजधानी से संबंधित। दोनों में एक साथ संशोधन ये लाए हैं। दिल्ली और पांडिचेरी में विधान सभाएं हैं। दोनों में मांग हो रही है कि इनको राज्य का दर्जा दिया जाए, तो क्यों नहीं इनको राज्य का दर्जा दे रहे हैं? ये बिल लाए हैं कि संचित निधि है, विधान सभा है लेकिन उन्हें बाजार से कर्ज लेने का अधिकार नहीं है। इसलिए कानून के द्वारा कर्जा लेने का अधिकार देने का बिल लाए हैं। कर्जा लेने की शक्ति अपने कंसोलिडेटेड फंड पर नहीं थी, ये चाहते हैं कि यह शक्ति उसको मिले। दिल्ली पर 5 हजार 46 करोड़ कर्जा है और 1570 करोड़ उसको वार्षिक ब्याज देना पड़ता है। कर्ज के बोझ से तो दिल्ली पहले ही दबी पड़ी है और ये कहते हैं कि हम उसको बाजार से कर्ज लेने की क्षमता दे रहे हैं। इसलिए संविधान के अनुच्छेद के हिसाब से ये चाहते हैं कि उन्हें कर्जा लेने का अधिकार दिया जाए।

दिल्ली में समस्या क्या है। दिल्ली 1911 में देश की राजधानी बनी। उस समय इसकी आबादी चार लाख थी जो अब बढ़कर 1 करोड़ 46 लाख हो गयी है,

लेकिन पीने के पानी की क्या स्थिति है? यहां दिल्ली में 5 मिलियन लीटर पानी प्रतिदिन चाहिये लेकिन उपलब्धता केवल 3 मिलियन लीटर प्रतिदिन है। सन् 2011 तक यह आवश्यकता 7 मिलियन लीटर हो जायेगी। आज देश की राजधानी की क्या स्थिति है? यहां पानी और बिजली का संकट है।

सभापति महोदय, मैं कल तिमारपुर गया था जहां अनुसूचित जाति के लोगों की झुग्गी-झोंपड़ियां हैं। सी.पी.डब्लू.डी. के लोगों ने उनका रास्ता बंद कर दिया था। हज़ारों लोग गिरफ्तारी के लिये तैयार थे। इधर 15 अगस्त को पुलिस आतंकवादियों के मुकाबले में थी लेकिन उधर रास्ता बंद कर दिया गया था। मैं माननीय गृह मंत्री जी से जानना चाहता हूँ कि उन हज़ारों लोगों के बच्चे कहां पढ़ने के लिये जायेंगे। वे कैसे बाज़ार जायेंगे, कैसे काम करेंगे? मैं जब थाना में गया तो पुलिस ने उन लोगों के खिलाफ केस बनाने के लिये कहा लेकिन मैंने घेरा तोड़ने के लिये कहा कि मैं ही हुकूमत हूँ। मेरे जोर देने पर उन लोगों को छोड़ देने के लिये कहा गया।

मैं सरकार से जानना चाहता हूँ कि झुग्गी-झोंपड़ियों में रहने वाले हज़ारों लोग मेहनतकश मजदूर हैं, कारखाने में काम करते हैं और जिन्होंने दिल्ली बसाई है, उन्हें उजाड़ने का काम क्यों किया जा रहा है। ऐसे लाखों-लाख लोग दिल्ली में बाहर से यहां काम करने के लिये आये हुये हैं। पं. जवाहर लाल नेहरू के समय दिल्ली के लिये एक मास्टर प्लान बनाया गया था। दिल्ली के लिये दुबारा एक मास्टर प्लान बना जिसमें पर्यावरण के नाम पर छोटी इंडस्ट्रीज को बंद करके उन्हे उत्तर प्रदेश, हरियाणा में फैला देने के लिये कहा गया। उन छोटे उद्योगों में काम करने वाले लाखों मजदूर बेरोज़गार हो गये। सरकार ने कहा था कि झुग्गी झोंपड़ी में रहने वालों को बिना विकल्प नहीं उजाड़ा जायेगा लेकिन उन्हें उजाड़ा जा रहा है। यह दृश्य हमने स्वयं देखा है। श्री वी.पी. सिंह ने दिसम्बर, 2000 में धरना, आन्दोलन करके रोक लगवाई। उनके बाल बच्चे सड़क पर पड़े हुये हैं और वे अपना कलेजा पीट रहे हैं। सरकार के पास विकल्प नहीं है। यह सरकार गरीबों को देखने वाली नहीं है। बड़े आदमी सैनिक फार्मा में दखल किये हुये हैं और उन गरीबों के पास जाने के लिए किसी के पास फुरसत नहीं है। एम.सी.डी. डी.डी.ए., एन.डी.एम.सी. न जाने कितने रावण रूप में 10-20 मुंह वाले राक्षस पड़े हुये हैं, विभिन्न नामों से कई संस्थायें पड़ी हुई हैं जो गरीबों पर हमला कर उन्हें उजाड़ रही हैं। उन गरीबों को नरेला में बसाया गया जहां इन के लिए न पीने के लिये पानी है, न बिजली है, न सफाई की व्यवस्था है और न ही पढ़ाई के लिये स्कूल हैं। जब राजधानी में इस तरह से गरीबों पर जुल्म-अत्याय और अत्याचार होगा, उद्योग-धंधे बंद किये जायेंगे तब अन्य स्थानों के बारे में क्या कहा जा सकता है। शहरी विकास मंत्री श्री जगमोहन हैं। गुजरात में लोग तबाह हुये भूकम्प से और दिल्ली में लोग तबाह हुये जगमोहन के हड़कम्प से।

सभापति महोदय, माननीय अध्यक्ष महोदय के साथ एक बैठक हुई थी जिसमें कहा गया था कि हम लोग तो सुप्रीम कोर्ट के कर्मचारी हैं और सुप्रीम कोर्ट ने हमें यह निर्देश दिया है। मैं सरकार से कहना चाहता हूँ कि यह सरकार नहीं है, कर्मचारी राज है। सरकार का मतलब है कि उसकी जनता कैसे, कहां और किस ढंग से रह रही है? कहीं लोगों की तबाही है, कहीं लोग कट में हैं। यह सब दिल्ली का संकट है।

प्रो. रासा सिंह रावत (अजमेर) : सभापति जी, राष्ट्रीय राजधानी क्षेत्र दिल्ली में तो कांग्रेस की सरकार है।

डॉ. रघुवंश प्रसाद सिंह : सभापति जी, कांग्रेस की तो निचली सरकार है लेकिन उसे कर्जा दिलाने के अधिकार का विधेयक यह सरकार लाई है,

लेकिन वह सरकार कर्ज में डूबी हुई है। 5046 करोड़ रुपया दिल्ली की राज्य सरकार पर कर्जा है और 1500 करोड़ रुपया उसे सालाना ब्याज का देना पड़ता है। आप देखें कि उस सरकार की क्या हालत होगी। आप कहते हैं कि कांग्रेस का राज है। वहां चाहे किसी का भी राज हो, लेकिन आज दिल्ली की क्या हालत है। इसलिए यह कर्ज के अधिकार दिलाने वाला विधेयक लाये हैं। हम देख रहे हैं कि दिल्ली की हालत खराब है।

सभापति महोदय, देश भर के सभी महानगरों में उतनी गाड़ियां नहीं हैं, जितनी गाड़ियां यहां हो गई हैं। हम रोज टी.वी. पर देखते हैं कि दिल्ली में सल्फर डाइआक्साइड की मात्रा सबसे ज्यादा है। दमा करने वाली गैस की मात्रा सबसे ज्यादा दिल्ली में हैं। पीने के पानी की कठिनाई दिल्ली में सबसे ज्यादा है। यह देश को क्या चलायेंगे। दिल्ली ठीक नहीं है।

सभापति महोदय, उस समय लुटियन नाम के इंजीनियर ने नक्शा बनाया था कि कौन सी सड़क पर कौन से पेड़ लगेंगे। इसमें एक तरफ इमली और एक तरफ नीम के पेड़ हैं। रायसीना पर्वत पर क्या कलाकृति उसने बनाई, उसके क्या सपने थे, लेकिन आज क्या दुर्दशा है। आज दिल्ली में रहने का संकट है, स्वास्थ्य का संकट है। दिल्ली के गरीब, कमजोर लोग, मेहनतकश मजदूरों ने दिल्ली को बनाया - दिल्ली को किन्होंने बनाया, दिल्ली को मेहनत करने वाले, कारखाना चलाने वाले, उद्योग-धंधे चलाने वाले, फ़ैक्टरी चलाने वाले और पसीना बहाने वाले लोगों ने बनाया - पॉश कालोनी में रहने वाले बड़े लोगों, एयरकंडीशंड घरों में रहने वाले लोगों ने दिल्ली नहीं बनाई। दिल्ली पसीना बहाने वाले मेहनतकश मजदूरों ने बनाई। लेकिन इन बीते वाँ में दिल्ली की क्या दुर्दशा हुई। इसलिए राटकवि दिनकर ने कहा है - होश करो

दिल्ली के देवों, अब जनता बर्दाश्त करने वाली नहीं है। मैं सरकार को सावधान करना चाहता हूँ कि राष्ट्रीय राजधानी दिल्ली को पूर्ण राज्य का दर्जा दिया जाए। इसके साथ पांडिचेरी को भी पूर्ण राज्य का दर्जा दिया जाए। केवल विधान सभा दे देने से और कर्ज लेने का अधिकार दे देने से इन्हें सहूलियत मिलने वाली नहीं है। इनकी कठिनाई हल होने वाली नहीं है।

श्री (व्यवधान)

श्री अशोक प्रधान (खुर्जा) : बिहार की तरह बर्बादी नहीं हो रही हैं।

सभापति महोदय : आप क्यों बोल रहे हैं, क्या आप और लम्बा भाग चाहते हैं।

डॉ. रघुवंश प्रसाद सिंह : बर्बाद करने वाले लोग उधर बैठे हुए हैं। अब इनसे देश को बचाना है। इसलिए हम लोगों को बोल-बोल कर जगा रहे हैं कि इनसे देश को बचाया जाए, ये लोग देश को बर्बादी कर तरफ ले जा रहे हैं। कहा गया है - मुझको बर्बादी का कोई गम नहीं, गम है बर्बादी का चर्चा क्यों हुआ। जैसा ये लोग चाहते हैं, वैसा होने वाला नहीं है।

जनता के दबे हुए करोड़ों, मेहनतकश लोगों के सवाल को यहां उठाया जाता रहेगा। हैन्डिल आप लोगों के हाथों में हैं। देश की गाड़ी चलाने वाले उधर बैठे हैं। हम लोग गाड़ी में पीछे बैठे हैं, हम बार-बार बोल रहे हैं कि दाहिनी ओर खाई का खतरा है, उधर मत जाओ। हैन्डिल आपके हाथ में हैं, चाहे तो आप गाड़ी को चकनाचूर कर दें। हम लोगों को केवल बोलने का अधिकार है। इसलिए मैं सरकार को सावधान करना चाहता हूँ कि दिल्ली में पीने के पानी का संकट, बिजली का संकट और सफाई का संकट है। यमुना सूख गई है इसलिए भी बिजली और पानी का संकट बना हुआ है। श्री (व्यवधान) ये इसी बात से प्रसन्न होंगे, लेकिन बाढ़ के बाद क्या होगा। गंगा और यमुना के साफ करने की व्यवस्था ठीक नहीं है। अभी बरसात में प्रथम बार पानी हो गया है, लेकिन जब वार न होगी तब आपका भांडा फूटेगा और जहां-जहां पर बारिश नहीं हुई है, वहां-वहां आपकी भांडा फूटा है। बाकी और जगहों पर भी आपकी भांडा फूटेगा। इसलिए दिल्ली के सभी गरीबों और पसीने बहाने वाले लोगों के कल्याण के लिए इसे पास होना चाहिए। इतना कहकर मैं अपनी बात समाप्त करता हूँ।

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SHRI PAWAN KUMAR BANSAL (CHANDIGARH): Madam Chairperson, as far as this Bill seeks to confer authority on the Union Territories of Delhi and Pondicherry to borrow upon the security of the Consolidated Fund and also to provide for separate public accounts, it is a welcome measure.

For very long now, there has been a persistent demand that Pondicherry should be conferred Statehood. I do hope that this is one step in that direction but going by what the Government has been doing over these years, one finds that the Government of the day is not at all concerned about the democratic aspirations of the people of the Union Territories. It was after a long drawn-out struggle that Delhi got the status of National Capital Territory with a Legislative Assembly. It was expected, thereafter, that as time passes, more and more powers would be vested in the Government of Delhi so that they could really serve the people of the UT. Unfortunately, what we find at every step is that the present Government is out to create obstacles in the way of the working of the Government of Delhi. Maybe, they have not yet reconciled the fact that they have lost Delhi after misgovernance during their earlier period. There is always an effort on the part of the Government to pass the buck, to pass on the responsibility, for all its failures in Delhi, on the Government of Delhi.

We know that Delhi has a strange predicament in the sense that the local Government has no control over the DDA and no control over the Police. In the name of governing the Territory which constitutes the National Capital, this Government is working with a closed mind as far as the genuine aspirations and demands of the people of Delhi are concerned.

Only the other day, we found that when it was primarily the failure of the Government of India to supply CNG in adequate quantity to Delhi, the blame was sought to be passed on to the Government of Delhi which has nothing to do with the matter. I should not really refer to it because it is dealt with by a different Ministry. But why I do take up this matter is just to expose and give a glimpse of the mindset of this Government. We have former Chief Ministers of Delhi - in fact, three of them, who changed hands very swiftly during the BJP period - now adorning this House as well as the other House. But we do not just find them giving any time to come together, to try to see as to what can be done for the people of Delhi.

As I said, these are two good provisions, but then I would agree with Dr. Raghuvansh Prasad Singh when he said that these are not enough. You have to come up further and have to have regular meetings with those people.

Now, what about other UTs? I would just say that as far as other smaller UTs are concerned, the Government just couldn't care less for them. The UTs have been handed over, in a way, to bureaucracy. It was after a great struggle that, in those days, we were able to extend the provisions of two important Constitutional Amendments, the 73rd and 74th Constitution Amendments, to the UTs. But what has happened thereafter? No powers whatever have ever been really transferred to the people by the administration. There is a provision in the Constitution as also in the respective laws about the setting up of the State Finance Commissions which would apportion the State finances, or, in that case, finances between the administration of the UTs and the local bodies working in the UTs. Nothing of that sort has been done. The local bodies, that is, the Municipal Corporations, the *Panchayat Samities* and *Zila Parishads* are starved of funds. The only thing that they have been repeatedly told by the Government and the officers in Delhi is that they must impose more and more taxes on the people.

Coming to my own Union Territory of Chandigarh, I would like to say that it is a revenue surplus U.T. Chandigarh contributes more to the kitty of Government of India than even the adjoining Ludhiana circle, as far as income tax is concerned. Then the land there is acquired at a nominal rate. Without any substantial and tangible developmental work -- though I agree that some development work is carried out -- those plots are auctioned at skyrocketing prices. When people ask about the development work that should have been done before they are auctioned, they just would not bother.

The same is the case with the *Panchayat Samiti* and *Zilla Parishad*. Elections have not been held for *Panchayat Samiti* and elections for *Zilla Parishad* were held after we fought for that for years together. The results were notified after a gap of three years and none of the 29 items have really been transferred by the Administration to the *panchayati raj* institutions. Similar is the predicament of all the Union Territories. We want their status to be retained as Union Territories because we want the Government of India to take care of those Union Territories which are not able to do because of lack of resources. The Union Government also wants those to remain Union Territories because it wants to retain the control over them. The officers sitting here would like to go to those places and to be treated as if they are the monarchs of the day. What are they doing for the people? That question was taken up very actively by the Estimates Committee once. Detailed recommendations were made on every aspect concerning the administration of Union Territories. But none of the recommendations were accepted. Let the hon. Minister stand up and say that they have accepted even one recommendation. Not even one recommendation was accepted. Now, Pondicherry clamours for Statehood and people of Delhi want more power, not just for the sake of enjoying the power, but to effectively serve the people to ensure that their aspirations are met. But this Government is unmoved. I do hope that these provisions would set the ball rolling as far as the future of the Union Territories is concerned.

Coming back to the small Union Territories which have no Assembly on their own, is it not imperative to make those people feel that democracy works at the grassroots level, particularly when you talk of the democracy at the national and State level? You have set up Municipal Committees. The power that you give with one hand, you withdraw with the other hand. The elected representatives have no role whatsoever to play but to attend the mandatory meeting every month. There again, officers play politics because the ultimate power vests with them.

I would like to bring to the notice of the House some facts which have already been brought to the notice of the Government regarding Chandigarh. When the Municipal Corporation was created, the employees who were transferred *en masse* from the Administration to the Corporation demanded that they should be treated to have been on deputation for all purposes. It is because they found that they would not enjoy certain benefits and certain service conditions which are being enjoyed by their colleagues in the Administration, if they were to be treated as employees of the Municipal Corporation. I learnt that the Government had accepted this proposal over a year back, but nothing has been done in that regard. This is the pace at which the Government works. So far nothing has been done to bring an amendment in the Act. All that the Government has done is to confer the membership of the Corporation on the elected Member of Parliament from the Union Territory. Was that the necessity? Was that the need? The need is to make the Corporation a veritable vehicle of carrying forward people's aspirations and needs so that even in its limited domain, the Corporation could play a meaningful role.

That is not being done. The other thing which has still not been done is this. I know of my Union Territory. But, perhaps, that is the position everywhere.

The other important provision incorporated in the Constitution was to set up the District Planning Boards. That has not been done. An integrated plan had to be prepared by the Panchayati Raj Institutions as also the Corporations. As far as these Union Territories are concerned, the Government of India has taken no steps. Further, there is a provision to have, what you call, the Home Minister's Advisory Committee for each of the Union Territories. I know that for the last two years since we have been in this Parliament that Committee has not been constituted. Only God knows when the Committee would be constituted. Maybe, only one or two meetings in the entire tenure of the Lok Sabha would be held. Even the local Advisory Council, which you have for the Administrator, does not meet frequently as it should. We had decided to have at least a meeting once in three months so that matters concerning the people could be taken up there. But, for months together, we do not find those meetings taking place.

There are hosts of problems which the people of these Union Territories face. So, I would request the hon. Minister to convene a meeting of the representatives of the Union Territories, Members of Parliament representing the various Union Territories, representatives of the local bodies there. Even, other important representatives of the public can be associated to really understand, to have a grasp of what those people feel like and what are their problems. For many years, the residents of the Housing Board flats in Chandigarh have been raising their voice against the total non-workability of the building bye-laws. Mr. Minister, you had extended the scheme of conversion of lease-hold rights into free-hold proprietary rights. But, along with that, you added a number of such clauses which makes it extremely difficult for any person even to apply for that. The scheme has remained a non-starter.

Have you gone into all those questions? When we have to raise a Question in Parliament, 20 days' notice is to be given. After twenty days of notice, all that we get is the answer that the information is being sought and would be laid on the Table of the House. There is nothing to govern; nothing to goad this Government to say when that information would be laid on the Table of the House. When we refer to that Question again, we would get the same kind of information. Therefore, this is an opportunity for us to really voice our concern about the total lack of concern of the Government of India today about the welfare of the Union Territories.

The Government should rise to its responsibility and see that the Union Territories are not neglected.

With this I conclude.

MR. CHAIRMAN : Shri Prakash Yashwant Ambedkar. You were not there when I called you. Please do it quickly.

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): I am sorry. I would just finish within five minutes.
...(Interruptions)

SHRI PRIYA RANJAN DASMUNSI (RAIGANJ): Obviously, I think we need more time than the allotted time of one hour if the hon. Minister has to reply.....(Interruptions)

MR. CHAIRMAN: Yes, more time would be required.

SHRI PRIYA RANJAN DASMUNSI : The hon. Minister may not reply. It is up to you....(Interruptions)

SHRI PRAKASH YASHWANT AMBEDKAR (AKOLA): When the National Capital Territory Bill was introduced, I was in the other House. I had opposed the idea of having a National Capital Assembly. The reason was that if Statehood was going to be given for Delhi, then would the people, who come from other States, feel that this is a National Capital of theirs? If Delhi gets Statehood, it is totally a different issue. Even then, I raised my concern that if the Government was going to link the Union Territories to the National Capital Territory of Delhi, there would be financial problems. I think we are facing this problem today.

About this Bill, which has been introduced, I would say that there is total confusion in the sense that as far as financial matters are concerned, they are with the Government of India. We have an Assembly which is controlling all the taxes that have been collected by the National Assembly. Now, the situation has arisen where the National Capital needs funds for its further development. How to process that? The Government of India has been kind enough to provide capital for the development of the National Capital. But the other States have started taking objection to this. Therefore, I think, the Government has come forward with this Bill.

This Bill, in fact, is a replica of articles 292 and 293, wherein the Constitution of India allows the Government of India to borrow and it allows the State Governments also to borrow. The Government is in a fix as far as the powers are concerned.

Madam, I will read page 2, chapter II, article 48A in the Bill:

"The executive power of the Union extends to borrowing upon the security of the Consolidated Fund of the Union Territory within such limits, if any, as may, from time to time be fixed by the Parliament by law;"

The Parliament today has not fixed any law as to what should be the limit of borrowing as far as the Government of India is concerned.

May I take this opportunity to ask the hon. Minister that at least after 50 years of our Independence, are they going to come out with a Bill in the Parliament limiting the borrowing capacity of the Government of India? It has already been introduced long ago, but I do not think that it will come up. That introduction is totally different from what is envisaged in the Constitution. That is totally a different Bill. That does not fall according to article 292 because that is only for borrowing and there the borrowing, which has been defined in the Bill is totally different.

Madam, in the Assemblies and in some of the Union Territories as far as borrowing is concerned, it is an Executive act. But what amount should be borrowed, what should be the quantum of borrowing, that is the power, which the Assemblies will have to decide. As I pointed out this section, he has given these powers to the Parliament to fix it up. The proviso to it is that:

"Provided that the powers exercisable by the Government of India under this sub-section shall also be

exercisable by the Administrator subject to such conditions, if any, as the Government of India may think fit to impose."

Madam, this is a contradiction. In the above para 48(a) (1), the amendment which provides "that the power to fix the limit is given to the Parliament". By the same additional proviso, it is said, "this power is given to the Administrator through the Government of India."

This decision, now borrowing as I said, is an administrative decision. But what should be the quantum of borrowing? The quantum of borrowing is to be decided by the Parliament or by the Assemblies.

May I ask the hon. Minister, if there is a conflict between the Assembly, the Parliament and the Administrator, who is going to decide the matter? Because Parliament has not fixed it, the Assembly in its own wisdom might fix a limit, and the Administrator, in his own wisdom might fix the limit. Through these Acts, they have given powers to all the three persons. May I know, in a conflict, who is going to be the final authority as far as this limit of borrowing is concerned?

The other contradiction, which has come up in this Bill is this. They say "that the borrowing will be on the Consolidated Fund of India". If the Union Territory's borrowings are going to be on the Consolidated Fund of India, then what happens to the National Capital Fund, which we have under the National Capital Act and what happens to the Union Territory Fund, which we have under the Union Territory Act of 1963? These are the three clarifications which I would like to have from the hon. Minister.

SHRI TRILOCHAN KANUNGO (JAGATSINGHPUR): Madam, I support the Government of Union Territories and the Government of National Capital Territory of Delhi (Amendment) Bill, 2001.

It is a welcome attempt. I have only a few suggestions. I do not want to make a long speech on that. So I will finish in less than five minutes, which you have given me.

There are three aspects. Firstly, the borrowing power has been extended to two Union Territories out of seven Union Territories, where there are Legislative Assemblies. One is the National Capital Territory of Delhi and the other is Pondicherry, where the elected Legislative Assemblies are there. The borrowing power has been extended to them. Secondly, Public Account has been created like that of the Consolidated Fund. Some more power has been given to the Administrator or the Lieutenant Governor. These are the three main aspects of this Amendment Bill for two Union Territories.

The National Capital Territory of Delhi has got a special status. Delhi's population is more than any of the Special Category States including Uttaranchal. Among the 12 Special Category States, Delhi's population is high.

So far as the Constitution of India is concerned, article 112 refers to the Consolidated Fund of India and article 202 refers to the Consolidated Fund of the States. The Constitution recognises these two Funds, namely the Consolidated Fund of India and the Consolidated Fund of the States.

Madam, the Consolidated Fund of the National Capital Territory of Delhi has been created through a Central Act. Public Act has been created by a Central Act, not under the Constitution, and it is in line with articles 292 and 293.

They should have the borrowing power and they should borrow it. Instead of taking it from the Government of India, the Government of India will borrow upon the security of the Consolidated Fund of the Union Territory in case of Pondicherry and in case of Delhi, it is upon the security of the Consolidated Fund of the National Capital Territory of Delhi.

The second part, which is most important and which has been pointed out by Shri Prakash Ambedkar, is the limit. Madam, articles 292 and 293 of the Constitution have provided this particular part, which is also here in the Central Act. It says: "Such limit, if any, has been made from time to time to be fixed by Parliament by law." This has not yet been done. The limit for borrowing has neither been fixed for the nation as a whole on the Consolidated Fund of India, nor any State has also framed that law. As a result, the debt burden of India has gone to a staggering height, and in some States, it has reached an alarming height. Now, they are in the debt trap. I can point out three States – Orissa, Uttar Pradesh and Bihar. In the case of Orissa, 93 per cent of its revenue has been spent on paying back interest and capital repayment and it is being done perpetually and continuously. Orissa has been declared as a deficit State. In these three States, the debt burden has gone to a staggering height. Therefore, I suggest that as soon as this Bill is passed, the Government should limit the borrowing power of both the National Capital Territory of Delhi and also that of Pondicherry. This has to be done positively. Otherwise, they will land in the same difficulty as some of the States like Orissa, Uttar Pradesh and Bihar have landed.

The second thing is about Public Accounts. It is a good thing. But I want to make one suggestion. I do not understand when money is going from the Consolidated Fund of India for national highway construction, why it is not going

to the Consolidated Fund of States directly. It goes to the Public Accounts. Why? I do not know. The C&AG should be consulted, and this would go to the Consolidated Fund of the States instead of crediting it to the Public Accounts of the States. Similarly, in the States, similar attempts should be made.

...(Interruptions)

MR. CHAIRMAN : Shri Mani Shankar Aiyar, there are so many speakers who want to speak now. If I call you, I will have to call the whole round again.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Madam, from our side, only one Member spoke.

MR. CHAIRMAN: I know. That is why, I gave more time to him.

SHRI MANI SHANKAR AIYAR : I want two minutes' time only.

MR. CHAIRMAN: All right.

SHRI MANI SHANKAR AIYAR (MAYILADUTURAI): Madam, I sought the floor as an act of goodwill towards my neighbouring State of Pondicherry whose elected representative has been unable to come here. My own constituency abuts it.

All I want to say is that it is an extremely welcome step that the Government of Pondicherry is being invested with additional powers in terms of this Bill and, therefore, we welcome it. The fact is that Pondicherry has earned its right to be a full-fledged State. If a State like Arunachal Pradesh could become a full-fledged State as long ago as 14 years, there is no reason why Pondicherry, which acquired an identity in independent India, in 1954 cannot after all these years, 47 years, nearly half a century, be given that right. So, I would plead with the hon. Minister to kindly ensure that by the time Pondicherry celebrates the 50th anniversary of its joining the Indian Union, they work towards giving them full State-hood. In this regard, I would also plead with the hon. Minister not to pit the Union Government against the State Government as has happened from time to time, notably, in the area of education. There needs to be an atmosphere of good Centre-UT relations as well, not merely good Centre-State relations.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CH. VIDYASAGAR RAO): Madam, I am thankful to all the hon. Members who have supported this Bill. I am also thankful to hon. Member, Dr. Raghuvansh Prasad Singh who has opposed the Bill but at the same time he has given valid suggestions.

I fully agree with the concern about the poor people living in the National Capital Territory of Delhi.

Madam, it is for the kind information of the House. This is a Bill only to seek to give authority to both the Lieutenant Governors of the National Capital Territory of Delhi and also Pondicherry by amending the Acts of 1963 and 1991. It is only to authorise them to borrow the amounts upon the Consolidated Fund of the respective Union Territories. It is not that both the Union Territories have got their own Consolidated Funds. I would like to mention that Delhi is having the Consolidated Fund of the National Capital Territory of Delhi. It had an amount of Rs.7239.59 crore in the year 2000-01. It has an amount of Rs.7,575 crore in the year 2001-02. So far as Pondicherry is concerned, the Consolidated Fund had an amount of Rs.1,106 crore in the year 2000-01, and in the year 2002-02, it has an amount of Rs.1,151 crore. So, by these two amendments, we are authorising both the Lieutenant Governors to borrow securities upon this Consolidated Fund by both the Union Territories.

As Dr. Raghuvansh Prasad Singh has rightly said that a number of welfare schemes have to be taken up and this was supported by the lady Member from the State of Rajasthan. They are also raising money by way of bonds and

lotteries. Of course, lotteries are banned now. By borrowing the money, they are entering into many agreements and by that they are catering to the needs of the poor people. Like that, in Delhi also, by virtue of this authorisation, they can have their own welfare programmes as far as development programme is concerned. There is no contradiction so far as the provisions are concerned. I

t is related only to the Consolidated Fund of the Union Territories and not to the Consolidated Fund of India.

So far as the Finance Commissions, as raised by Shri Pawan Kumar Bansal, are concerned, the earlier Finance Commission was set up in the year 1995 and the next one is likely to be set up. The Report of the earlier Commission is being implemented.

So far as the *panchayati raj* system is concerned, it is being effectively implemented in the Union Territories to make these Union Territories self-reliant and self-ruled.

So far as giving Statehood for the National Capital Territory of Delhi is concerned, the views of the Government of the National Capital Territory of Delhi on the proposal to grant full Statehood have been sought. Further action would be taken on receipt of the views from the Government of the National Capital Territory of Delhi.

So far as Pondicherry is concerned, already the Pondicherry Legislative Assembly has passed a Resolution with a request to grant Statehood but with a special status. The proposal for grant of statehood with a special status to Pondicherry has not been agreed to by the Planning Commission. The Government of Pondicherry was asked to send a special report, justification for this special status, which is awaited. After getting both these reports from both these Union Territories, it would be taken up.

This is a very simple Bill. It is intended only to give certain powers to both the Lieutenant-Governors and to open a public account to have a financial discipline to provide ways and means to the two Union Territories to realise their capacity to undertake schemes. Therefore, I request hon. Members to support this Bill.

MR. CHAIRMAN : The question is:

"That the Bill further to amend the Government of Union Territories Act, 1963 and the Government of National Capital Territory of Delhi Act, 1991, be taken into consideration."

The motion was adopted.

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

The question is:

"That clauses 2 to 9 stand part of the Bill."

The motion was adopted.

Clauses 2 to 9 were added to the Bill.

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

SHRI CH. VIDYASAGAR RAO: I beg to move:

"That the Bill be passed."

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

श्री राजो सिंह (बेगूसराय) : ट्रेजरी बैंचिज वाले कहते हैं कि हम कोआपरेट नहीं करते हैं जबकि हम कोआपरेट करते हैं। आज हमने यह बिल बहुत जल्दी पास करवा दिया।

सभापति महोदय : बहुत-बहुत धन्यवाद।
