

COMMITTEE ON PETITIONS

(TENTH LOK SABHA)

THIRD REPORT



[Presented to Lok Sabha on 29.4.92]

**LOK SABHA SECRETARIAT
NEW DELHI**

April, 1992

Price : Rs. 23.00

C O N T E N T S

	PAGE
COMPOSITION OF THE COMMITTEE ON PETITIONS	(iii)
INTRODUCTION	(v)
REPORT	
I. Petition No. 2 <i>re</i> : need for holding early elections to the Municipal Corporation of Delhi and the Delhi Metropolitan Council.	1
II. Petition Nos. 7 to 10 <i>re</i> . inclusion of (i) Pardhi-Pardhan; (ii) Budgajangam; (iii) Vaddera; and (iv) Kurma/Kurma Golla tribal communities of Andhra Pradesh in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in the part relating to the State of Andhra Pradesh.	3
III. Petition No. 14 regarding Finance Bill, 1992.	6

A P P E N D I C E S

I. Petition No. 2 regarding need for holding early elections to the Municipal Corporation of Delhi and the Delhi Metropolitan Council.	7
II. Petition No. 7 regarding inclusion of Pardhi-Pardhan tribal community of Andhra Pradesh in the Constitution (Scheduled Tribes) Order, 1950.	10
III. Petition No. 8 regarding inclusion of Budgajangam tribal community of Andhra Pradesh in the Constitution (Scheduled Tribes) Order, 1950.	12
IV. Petition No. 9 regarding inclusion of Vaddera tribal community of Andhra Pradesh in the Constitution (Scheduled Tribes) Order, 1950.	14
V. Petition No. 10 regarding inclusion of Kurma/Kurma Golla tribal community of Andhra Pradesh in the Constitution (Scheduled Tribes) Order, 1950.	15
VI. Petition No. 14 regarding Finance Bill, 1992	16

COMPOSITION OF THE COMMITTEE ON PETITIONS
(1991-92)

Shri P.G. Narayanan — *Chairman*

- 2. Shri L. Adaikalaraj**
- 3. Shri Naresh Kumar Baliyan**
- 4. Shri Prataprao B. Bhosale**
- 5. Shri Lokanath Choudhury**
- 6. Prof. Sudhir Giri**
- 7. Dr. B.G. Jawali**
- 8. Shri Lalit Oraon**
- 9. Shri Sarat Chandra Pattanayak**
- 10. Shri Prabhulal Rawat**
- 11. Shri Muhi Ram Saikia**
- 12. Shri Gabhaji Mangaji Thakore**
- 13. Shri Ramesh Chand Tomar**
- 14. Shri Arjun Singh Yadav**
- 15. Shri Satya Pal Singh Yadav**

SECRETARIAT

Shri G.L. Batra — *Additional Secretary*

Shri S.C. Gupta — *Joint Secretary*

Shri R.K. Chatterjee — *Deputy Secretary*

Shri T.D. Dhingra — *Under Secretary*

**THIRD REPORT OF THE COMMITTEE ON PETITIONS
(TENTH LOK SABHA)**

I N T R O D U C T I O N

I, the Chairman of the Committee on Petitions, having been authorised by the Committee to present the Report on their behalf, present this Third Report of the Committee to the House on the following matters:—

- (i) Petition No. 2 regarding need for holding early elections to the Municipal Corporation of Delhi and the Delhi Metropolitan Council.
- (ii) Petitions Nos. 7 to 10 regarding inclusion of (i) Pardhi-Pardhan; (ii) Budgajangam; (iii) Vaddera; and (iv) Kurma/Kurma Golla tribal communities of Andhra Pradesh in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in the part relating to the State of Andhra Pradesh.
- (iii) Petition No. 14 regarding Finance Bill, 1992.

2. The Committee considered the Draft Report at their sitting held on 27 April, 1992 and adopted it.

3. The observations/recommendations of the Committee on the above matters have been included in this Report.

NEW DELHI;

Dated: 27 April, 1992.

P.G. NARAYANAN

*Chairman,
Committee on Petitions.*

PETITION NO. 2 *RE.* NEED FOR HOLDING EARLY ELECTIONS TO THE MUNICIPAL CORPORATION OF DELHI AND THE DELHI METROPOLITAN COUNCIL.

Shri Madan Lal Khurana, M.P., on 10 September, 1991, presented to Lok Sabha petition No. 2 signed by Shri Om Prakash Kohli, President, Delhi Pradesh Bhartiya Janata Party and others (*See Appendix I*) regarding need for holding early elections to the Municipal Corporation of Delhi and the Delhi Metropolitan Council. In the petition, the petitioners *Inter alia* stated that 95 lakhs of people of Delhi are facing lot of problems in the absence of popularly elected local bodies viz. Delhi Metropolitan Council and the Municipal Corporation of Delhi.

The petitioners prayed that the democratic process be restored in Delhi immediately and elections to the Municipal Corporation and the Delhi Metropolitan Council be declared early.

1.2 The petition was referred to the Ministry of Home Affairs for their factual comments on 13.9.1991. The Ministry of Home Affairs in their communication dated 24 October, 1991 have stated as follows:

"The thrust of the petition is that in the absence of the local bodies, the problems of Delhi are worsening and the people of Delhi are at the mercy of the bureaucracy. The petition urges for the early holding of elections to the Municipal Corporation of Delhi and the Metropolitan Council. The petition also refers to the Demand for a Legislative Assembly in Delhi.

After considering the recommendations of the Committee set up under the Chairmanship of Justice R.S. Sarkaria, Government introduced in the Lok Sabha 72nd (Amendment) Bill, 1990 which was intended to convert the Union Territory of Delhi into the "Capital State of Delhi". The Bill was moved for consideration on 6.9.1990. With the dissolution of the Lok Sabha, the Bill lapsed.

As regards elections to the Municipal Corporation of Delhi and the Metropolitan Council, these bodies are under dissolution/suspension since 13.1.1990 and 6.1.1990 respectively. The dissolution of the Metropolitan Council has been extended from time to time and the present extended period expires on 12.12.1991. Likewise, supersession of Municipal Corporation of Delhi has been extended from time to time and the present period of

supersession expires on 15.12.1991. No decision has yet been taken to hold elections to these bodies.

For considering the problems concerning various utility and civic services of Delhi, meetings are being held at the level of the Cabinet Secretary, Principal Secretary to Prime Minister and the Secretaries of the various Ministries administratively concerned with the problems of Delhi. The problems especially relating to supply of water, public health and sanitation, unified transport system to meet the needs of daily commutation, public distribution system, essential commodities, unified approach to encroachments and unauthorised constructions, etc. are also being considered at the level of the concerned Ministries for devising corrective and remedial measures."

1.3 The Ministry of Home Affairs were requested to furnish latest position regarding holding of elections to the Municipal Corporation of Delhi and Delhi Metropolitan Council on 2 January, 1992. The Ministry of Home Affairs in their communication dated 24 January, 1992 have drawn committee's attention to the statement made by the Minister of Home Affairs in Lok Sabha on 5.12.91 :—

"Every effort will be made to hold election to the new legislative body in about 6-8 months after the enactment of necessary legislation and on the basis of fresh delimitation of constituencies."

1.4 Ministry have also stated that:—

"Relevant enactment *i.e.* the Constitution (69th Amendment Act, 1991) and the Government of National Capital Territory of Delhi Act, 1991 have been published in the Gazette of India on 21 December, 1991 and 3 January, 1992 respectively."

Observation of the Committee

1.5 The Committee note that the Minister of Home Affairs has given an assurance to the Lok Sabha on 5.12.91 that every effort will be made to hold elections to the new Legislative Assembly in Delhi in about 6-8 months after the enactment of the necessary legislation and on the basis of fresh delimitation of constituencies. Relevant enactment *i.e.* Constitution (69th Amendment Act, 1991) and the Government of National Capital Territory of Delhi Act, 1991 have also been published in the Gazette of India on 21 December, 1991 and 3 January, 1992 respectively. The Committee hope that steps would be taken to ensure that the work relating to fresh delimitation of constituencies is completed on priority basis and elections to the new legislative body of Delhi are held within 6-8 months of the enactment of the legislation.

II

PETITION NOS. 7 TO 10 REGARDING INCLUSION OF (i) PARDHI-PARDHAN (ii) BUDGAJANGAM; (iii) VADDERA; AND (iv) KURMA/KURMA GOLLA TRIBAL COMMUNITIES OF ANDHRA PRADESH IN THE SCHEDULE TO THE CONSTITUTION (SCHEDULED TRIBES) ORDER, 1950 IN THE PART RELATING TO THE STATE OF ANDHRA PRADESH.

Shri Bandaru Dattatraya, M.P., on 4 December, 1991, presented four petitions (Petitions Nos. 7 to 10*) to Lok Sabha, signed by Sarvashri S. Kishore Raj, Troop Bazar, Hyderabad, N. Babu Rao, Bharat Nagar, Hyderabad, G. Sathaiah, O.U. Campus, Hyderabad and Y. Birappa, Vikas Nagar, Hyderabad, praying for inclusion of (i) Pardhi-Pardhan; (ii) Budgajangam; (iii) Vaddera; and (iv) Kurma/Kurma Golla tribal communities of Andhra Pradesh in the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in the part relating to the State of Andhra Pradesh.

2.2 The Petitions were referred to the Ministry of Welfare for furnishing their factual comments. The Ministry of Welfare in their communication dated 20 December, 1991 stated as follows:

“According to the Constitution (Scheduled Tribes) Order, 1950 amended upto date, Pardhan community has been included in the list of Scheduled Tribes in the State of Andhra Pradesh. Pardhi community has been included in the list of OBC in the State of Andhra Pradesh. Pardhi and Pardhan are two separate communities.

As regards Budgajangam community, it is stated that this community has been included in the list of Scheduled Castes along with Beda Jangam community in the State of Andhra Pradesh. Further, there is no proposal from the Government of Andhra Pradesh for transfer of Budgajangam community from the list of Scheduled Castes to that of Scheduled Tribes.

As regards inclusion of Vaddera and Kurma/Kurma Golla communities in the list of Scheduled Tribes in the State of Andhra Pradesh, it is stated that Government of Andhra Pradesh have not sent any proposal for inclusion of the above communities in the list of Scheduled Tribes in Andhra Pradesh.”

2.3 The Ministry of Welfare were requested on 2 January, 1992 to furnish additional information/clarification on certain points raised in the Petitions. The Ministry of Welfare in their communication dated 19 February, 1992 have stated *inter alia* as follows:—

“The criteria for inclusion of any community in the existing lists of Scheduled Castes and Scheduled Tribes are as follows:—

Scheduled Castes

Extreme social, educational and economic backwardness arising out of the traditional practice of untouchability.

Scheduled Tribes

Indications of primitive traits, distinctive culture, geographical isolation, shyness of contact with the community at large and backwardness.

All the communities that fulfilled the criteria mentioned above were included in the list of Scheduled Castes and Scheduled Tribes in all States/Union Territories. Further, we do not know on what grounds the community Pardhi has been included in the list of OBC in Andhra Pradesh as the list of OBC is maintained by the concerned State Government/U.T. Administration.

As required under Articles 341 and 342 of the Constitution due recommendation of the concerned State Government/U.T. Administration for inclusion of any community in the existing list of Scheduled Castes and Scheduled Tribes, transfer of communities from SC list to that of ST list, etc. Keeping in view the above, we have invited proposal from all the State Governments/U.T. Administration for inclusion of communities etc. in the context of proposed comprehensive revision of the list of Scheduled Castes and Scheduled Tribes. The Government of Andhra Pradesh while furnishing their proposals have not recommended the inclusion of Vaddera and Kurma/Kurma Golla communities in the list of Scheduled Tribes in Andhra Pradesh. Inclusion of above communities can be examined only after receipt of proposals from the Government of Andhra Pradesh.....”

Observations of the Committee

2.4 The Committee note that according to the Constitution (Scheduled Tribes) Order, 1950, amended upto date, Pardhan community has been included in the list of Scheduled Tribes in the State of Andhra Pradesh. Pardhi community has been included in the list of OBC in the State of Andhra Pradesh. Pardhi and Pardhan are two separate communities. As regards Budgajangam, this community has been included in the list of Scheduled Castes along with Beda Jangam community in the State of Andhra Pradesh and that there is no proposal from the Government of

Andhra Pradesh for transfer of Budga Jangam from the list of Scheduled Castes to that of Scheduled Tribes. In regard to inclusion of Vaddera and Kurma/Kurma Golla communities in the list of Scheduled Tribes in the State of Andhra Pradesh, the Committee note that the Government of Andhra Pradesh have not sent any proposal for inclusion of these communities in the list of Scheduled Tribes in Andhra Pradesh.

2.5 In this Connection, the committee further note that under Articles 341 and 342 of the Constitution due recommendation of the concerned State Government/U.T. Administrations is necessary for inclusion of any community in the existing list of Scheduled Castes and Scheduled Tribes, transfer of communities from SC list to ST list, etc., and keeping in view this position, the Government have already invited proposals from all the State Governments/U.T. Administrations for inclusion of communities etc. in the proposed comprehensive revision of the list of Scheduled Castes and Scheduled Tribes. The Government of Andhra Pradesh, while furnishing their proposals, have not recommended the inclusion of Vaddera and Kurma/Kurma Golla communities in the list of Scheduled Tribes in Andhra Pradesh. Inclusion of above communities can be examined only after receipt of proposals from the Government of Andhra Pradesh.

2.6 In view of the above position, the Committee feel that unless the Government of Andhra Pradesh recommend the inclusion of the relevant communities in the list of Scheduled Tribes, the Central Government cannot decide such matters on its own. The Committee, therefore, are of the opinion that no intervention is required on their part in the matter.

III

PETITION NO. 14 REGARDING FINANCE BILL, 1992

- 3.1 Petition No. 14 regarding Finance Bill, 1992, (See Appendix-VI) was presented to Lok Sabha by Shri Ram Kapse, M.P. on 2 April, 1992.
- 3.2 The Committee considered the Petition at their sitting held on 9 April, 1992.
- 3.3 Since the petition relates to Finance Bill, 1992, which is pending before the House, the Committee recommend that the petition be circulated* *in extenso* to all members of Lok Sabha under Rule 307 of the Rules of Procedure and Conduct of Business in Lok Sabha.

NEW DELHI;
Dated 27 April, 1992.

P.G. NARAYANAN,
Chairman,
Committee on Petitions.

* The petition was circulated *in extenso* to all members of Lok Sabha on 9 April, 1992.

APPENDIX I
PETITION NO. 2

[Presented to Lok Sabha on 10.9.1991]

To

LOK SABHA

NEW DELHI

The humble petition of Shri Om Prakash Kohli, President, Delhi Pradesh BJP and others.

SHEWETH

We want to draw your attention to the sufferings of 95 lakhs of people of Delhi in the absence of popularly elected local bodies in the capital. We had written a letter to the Prime Minister of the Government of India Shri P.V. Narasimha Rao on August 3, 1991 drawing his attention to the constantly worsening problems of Delhi in the absence of the popularly elected Metropolitan Council and the Municipal Corporation of Delhi and demanded that it was possible to remedy these problems only by holding immediate elections to both these local bodies of Delhi.

After independence, different administrative set ups have been put to trial in Delhi. The tenure of the C-Grade Legislative Assembly in independent India was put an end to in 1957 and by combining different municipalities, the first election to the Municipal Corporation was held in 1958. The people of Delhi were mercilessly deprived of the powerful administrative set up. Not only that, even the ineffective administrative machinery of the Metropolitan Council could be provided for the people of Delhi nine years after that, *i.e.* in 1967. Since then, the people of Delhi have been constantly demanding that in view of the increasing population and for all-round and planned development of Delhi it is quite essential to provide a potent administrative set up in Delhi. All the political parties, including the Congress(I), have been making promises in their election manifestos from time to time that a powerful administrative set up would be created and full-fledged Legislative Assembly would be provided in Delhi, but after the elections the Congress(I) and the Janata Dal and other constituents of the National Front, always betrayed the people of Delhi.

It may be mentioned here that elections to the Metropolitan Council and the Municipal Corporation of Delhi were held eight year ago, *i.e.*, in February, 1983. The tenure of the M.C.D. was four years and that of the Metropolitan Council Five Years. On the pretext of Sarkaria Committee constituted in the name of creating a new administrative set up for Delhi,

the tenure of the M.C.D. was extended by three years and that of the Metropolitan Council for two years and in January, 1990, after the dissolution of both these bodies, no effective steps have been taken so far for holding elections to these bodies. What an irony it is that the Central Government is so anxious to restore democracy in the Punjab which is soaked with the blood of innocent people, but the people of Delhi are being deprived of their democratic rights to elect their representatives.

The problems of Delhi are getting more and more complicated in the absence of the elected representatives. No work has so far been started to execute the projects included in the Second Master Plan-2001. The capital has become a city of problems and deprivations. The housing problem is assuming alarming proportions in Delhi. Nearly 1.25 lakh people who got their names registered for getting houses with the D.D.A. around ten years ago, are still in the waiting list. Delhi is short of about five lakh dwelling units at present in view of the increasing population and the D.D.A. is totally incapable of meeting this shortage. The transport problem is constantly deteriorating. Instead of increasing its fleet of buses according to the increasing population, the D.T.C. fleet has depleted by 500 buses this year and there is no agency or body to look into the question of providing adequate transport facilities to the people from any other sources. The people of Delhi are greatly suffering due to the deepening crisis of potable water.

69 lakh people of Delhi living in the rural areas, urbanised villages, unauthorised colonies, resettlement colonies, jhuggi-jhonpuri clusters, kataras, notified slum areas and on footpaths are compelled to lead a life of hell as a result of inaction and inefficiency of the administration. The funds earmarked for providing basic civic amenities to these sections of the people remain only partially spent. On the one hand the people living in the said areas are becoming victims of Cholera after drinking contaminated water and on the other hand, out of the funds earmarked for bringing about improvements in the said areas during the Seventh Five Year Plan and in 1990-91, more than Rs. 50 crore have been put in fixed deposit in the banks. The scheme of providing cheap dwelling units to the Scheduled Caste people in the Bharat Ratna Dr. B.R. Ambedkar Centenary Year was widely propagated, but not even a single poor and scheduled caste person was allotted a house under that scheme.

Some political parties are causing obstruction in the holding of local elections in Delhi on the pretext of delimitation of constituencies. There is no doubt that in the delimited constituencies of Lok Sabha, Metropolitan Council and the M.C.D. on the basis of 1971 Census, in view of the electorate, great changes have taken place. In East Delhi and Outer Delhi Lok Sabha Constituencies, the number of electorate is approximately 16-17 lakhs each, whereas in South Delhi there are 10 lakh voters, in Sadar, there are about 6 lakh, in Karol Bagh 5 lakh, in New Delhi 5¼ lakh and in Chandni Chowk there are about 4 lakh voters. In spite of such a wide

difference in the number of voters, Lok Sabha elections were held because according to the Constitution determination of constituencies could not be done till 2001 A.D. Even in regard to the constituencies of the Delhi Metropolitan Council and the M.C.D. the same provision of the Constitution applies. There is no doubt about it that the constituencies of Delhi can be delimited only after amending Article 32 of the Constitution. And in view of the minority character of the Government at the Centre it does not seem to be possible to amend the Constitution. Therefore, the argument regarding delimitation although being reasonable, it is not possible to amend the Constitution. Hence, it is not justifiable to postpone election to the local bodies in Delhi on the basis of argument of delimitation.

We demand that the democratic process be restored in Delhi immediately and elections to the Metropolitan Council and the M.C.D. be declared early.

We appeal, through you, to all the Members of Parliament, the Supreme institution of the country, to extend their full support in freeing the people of Delhi from the clutches of unbridled bureaucracy, in solving their burning civic problems in safeguarding their interests by immediately restoring their democratic right to elect their representatives.

And your petitioners as in duty bound shall ever pray.

Name of the petitioner	Address	Signature or Thumb impression
Shri O.P. Kohli President, Bhartiya Janata Party, Delhi Pradesh and others	14, Pant Marg New Delhi-1	Sd/-

Countersigned by Shri Madan Lal Khurana, MP
Division No. 447

APPENDIX II

PETITION NO. 7

[Presented to Lok Sabha on 4.12.1991]

To

**LOK SABHA
NEW DELHI**

The humble petition of Shri S. Kishore Raj of Troop Bazar, Hyderabad (A.P.) and others.

SHEWETH

The Pardhi-Pardhan Tribal Community of Andhra Pradesh are semi-nomadic tribes. Pardhi Tribe is game snarers and fowlers they are engaged chiefly as Fruit-sellers and bird-snarers. They belong to the great predatory Bewari Tribe of Gujarat, scattered under different appellations all over India. They take out their livelihood by selling fruits, vegetables and flowers. The community has separate tribal languages, culture and customs. The people of the PARDHI-PARDHAN Tribal Community of Andhra Pradesh are socially, economically and educationally very backward. None of their children are sent to schools due to acute poverty. They deserve to be included in the list of Scheduled Tribes for their over all development and upliftment of the community. Pardhi Tribe is spread over the neighbouring states like Gujarat, Karnataka, Madhya Pradesh and Maharashtra where they are listed in the list of Scheduled Tribes.

Prior to independence, Pardhi Tribal Community was declared to be Criminal tribe in erstwhile Hyderabad State and in the neighbouring States.

Pardhi Tribe counterparts namely (1) suganlis (Lambadies/Lambadas), (2) Yerukalas and Yenadies who are also declared to be Ex. Criminal tribes, have been included in the list of Scheduled Tribes.

Accordingly, your petitioners pray that:—

The PARDHI-PARDHAN Tribal Community of Andhra Pradesh be included in the Scheduled Tribes taking into consideration, the acute poverty, the backwardness of the community people and also the tribal culture and language of the community and the nomadic nature of the community.

And your petitioners as in duty bound shall ever pray.

Name of the Petitioner	Address	Signature or Thumb impression
Shri S. Kishore Raj and others	5-1-595/2, Troop Bazar Hyderabad, Andhra Pradesh.	Sd/-

Countersigned by Shri Bandaru Dattatraya, M.P.
Division No. 500.

APPENDIX III

LOK SABHA

PETITION NO. 8

[Presented to Lok Sabha on 4.12.1991]

To

LOK SABHA
NEW DELHI

The humble petition of Shri N. Babu Rao of Bharat Nagar, Hyderabad.
SHEWETH

The Budgajangam community of Andhra Pradesh is very backward socially, culturally, educationally and economically. The community is a nomadic tribe. They live by hunting Rats and begging alms. The Budabukkala community have a separate language of their own, which does not have a script. The males among the community wear a small piece of cloth called "Gochi" and the women folk wear a small cloth around their body while upper parts are not covered. The community people live in the small villages in the hilly slopes and the hilly tracts and valleys in Andhra Pradesh. It is totally a virgin community unexposed to the civilisation.

The community does not have any education and hence continuously backward and continue to live like un-noticed tribals. The dress they wear, the practice of making livelihood by hunting Rats and Mice and begging for alms, the cultural practices all prove to show that the community is far from the modern civilisation and deserves to be brought in to the cultural and social main stream of civilisation and up-liftment of the community.

Accordingly your petitioners pray that—

The Budgajangam community of Andhra Pradesh be included in the list of Scheduled Tribes for their over all development taking into consideration, their acute poverty, their living conditions, the habitat and their culture.

And Your petitioners as in duty bound shall ever pray.

Name of the Petitioner	Address	Signature or Thumb impression
Shri N. Babu Rao	17-2-5781, Bharat Nagar, Kurmaguda, Hyderabad.	Sd/-

* Countersigned by Shri Bandaru Dattatraya, M.P.
Division No. 500.

APPENDIX IV
LOK SABHA
PETITION NO. 9
[Presented to Lok Sabha on 4.12.1991]

To

LOK SABHA
NEW DELHI

The humble petition of Shri G. Sathaiah of Shri Manikeswari Nagar, O.U. Campus, Hyderabad.

SHEWETH

The Vaddera community in Andhra Pradesh makes out living and livelihood on "stone cutting". They work in the quarries and normally live in the hilly areas. They move from place to place for their livelihood and work a few months and a year at one place move out where the quarrying and stone cutting work is in progress. The women folk of the Vaddera community live on "Eka Vastra" i.e. with a single saree piece and the upper part of the body will be un-covered. They live in small round huts made of bamboo sticks. The Vaddera community is a nomadic community and their children are never made to go to school due to acute poverty even the children are made to work hard in boulder cutting and to assist their parents in the stone cutting work.

Accordingly, your petitioners pray that—

The Vaddera community of Andhra Pradesh be included in the Schedule of Tribes taking into consideration the acute poverty, the backwardness in social, cultural and educational spheres.

And your petitioners as in duty bound shall ever pray.

Name of the Petitioner	Address	Signature or Thumb impression
1. Shri G. Sathaiah	Sri Manikeswari Nagar O.U. Campus, Hyderabad	Sd/-
2. Shri V. Narsihmma	—do—	Sd/-

Countersigned by Shri Bandaru Dattatraya, M.P.
Division No. 500.

APPENDIX V

LOK SABHA

PETITION NO. 10

[Presented to Lok Sabha on 4.12.1991]

To

LOK SABHA
NEW DELHI

The humble petition of Shri Y. Birappa of Vikasnagar, Dilsukhnagar, Hyderabad.

SHEWETH

The Kurma/Kurma Golla community of Andhra Pradesh is a semi-nomadic tribe. They live in hilly areas and small hamlets and villages abutting the rivers and valleys. The community people are very innocent and have a very simple living. The people of the community do not have proper education nor they have any employment avenues. The community is socially, culturally and educationally backward. They have very poor economic status in the Society. The culture of the Kurma/Kurma Golla community of Andhra Pradesh is very primitive. They worship stone gods and goddesses. They practice the animal sacrifice during the festivities. They have wholly a tribal culture. The Kurma/Kurma Golla community of Andhra Pradesh make out their living by rearing sheep and goats. They make woollen blankets and sell in the nearby villages and towns far off.

Accordingly, your petitioners pray that—

The Kurma/Kurma Golla community of Andhra Pradesh be included in the list of Scheduled Tribes taking into consideration the backwardness of the community in social, cultural and educational fields as well as the poor economic condition of the community.

And your petitioners as in duty bound shall ever pray.

Name of the Petitioner	Address	Signature or Thumb impression
Shri Y. Birappa	4-86, Vikasnagar, Dilsukhnagar, Hyderabad.	Sd/-

Countersigned by Shri Bandaru Dattatraya, Division No. 500.

APPENDIX VI

(See para 2.1 of the Report)

LOK SABHA

PETITION NO. 14

[Presented to Lok Sabha by Shri Ram Kapse, M.P., on 2.4.1992]

[Considered by the Committee on Petitions, Lok Sabha at their sitting held on 9 April, 1992 and circulated in pursuance of the Committee's direction under Rule 307 of the Rules of Procedure and Conduct of Business in Lok Sabha].

To

**LOK SABHA
NEW DELHI**

The humble petition of Shri Sudhir Anant Barwe, Thane (Maharashtra) and others.

SHEWETH

(On the face of it the Budget proposals for the financial year 1992-93 appear to be very good, progressive, providing some help, concession, incentive to everybody, and so on. But when one tries to study the various proposals in the Finance Bill, 1992, it is found that it has very systematically made the middle class, or to be more precise, the "Fixed Income Group of middle class" (salary/wage earners) as the helpless target.

Though everybody is happy including the petitioners about the proposal to raise the NIL income-tax limit from Rs. 22,000/- to Rs. 28,000/- as this has helped to some extent, the people in the lower income group, we sincerely feel, that this is quite inadequate, and this limit needs to be raised further in view of the unabated inflation over the years.

By across the broad reduction in income-tax rates by 10% for all slabs, the highest rate being 40% instead of 50% as at present, coupled with sweeping concessions (such as raising the non-taxable limit to Rs. 15 lacs, and reducing the tax rate to 1% excluding shares etc. from wealth etc. in wealth tax), the Honourable Finance Minister has done a great service to the wealthy class.

The worst sufferers or the duped victims of these proposals are the middle class persons, particularly so because of :

(1) Inadequate raising of the limit for non-taxable income, (2) deletion of Section 80L and (3) amendments suggested to Section 80 CCA, 80 CCB and 71 of Income Tax Act, by the Honourable Finance Minister.

We, therefore, submit below our views and suggestions for the kind consideration and suitable favourable action :—

- (A) *Proposal to increase the non-taxable limit of income from Rs. 22,000/- to Rs. 28,000/-*

The consumer price index (base year 1960) which was 390 in the year 1980, has zoomed to 1046 in the year 1991. In view of this astronomical rise of about 168% in the consumer price index, this raise in NIL tax limit is absolutely inadequate and needs to be suitably raised further.

- (B) *Proposal to delete Section 80L of Income Tax Act*

Under the provisions of Section 80L of Income Tax Act income earned by an individual:

- (1) As-interest upto Rs. 7000 on (i) Government Securities, (ii) Bank deposits, (iii) National Savings Certificates etc.
- (2) As Dividends/interest upto Rs. 3000/- on various investments made with UTI.
- (3) As dividend upto Rs. 3000/- from investments in shares of various companies is not taxable. Thus a sum not exceeding Rs. 13,000/- can be tax-free under Section 80L of Income Tax Act.

Sir, every person is required to save something for his/her future requirements, needs. The reasons are known to all, children's education, children's marriage, medical emergencies and above all one's old age (non-earning period). Presuming the average rate of interest @ 12% this means that income from an investment of a little more than Rs. 1,00,000 would be tax free, as it was supposed to be reasonable, nay, necessary, essential provision to meet such eventualities as listed above. And this is what an average middle class fixed income persons can have in savings of various types. The middle class people save because they have to save, and not because they get some tax free income out of it.

And now all of a sudden, this proposal to delete section 80L has come as a stab in back, a bolt from blue for them, perhaps because they are utterly helpless.

Another impact and quite adverse—of deletion of 80L would be on such persons who are retired, and sustain themselves on income from various investments they have made.

As of now income up to Rs. 35,000 (Rs. 22,000 nil tax limit plus Rs. 13,000 under 80L) was available as tax free to these persons. But because of deletion of 80L this would come down to Rs. 28,000 and the persons would be required to pay Rs. 1400 as income tax.

(C) Amendment to Section 71 of Income Tax Act

Until now whenever any person builds a house or acquires a flat with the help of housing loan, the interest paid/accrued was treated as loss on house-property and was allowed to be offset against his taxable income.

Now under the garb of "rationalisation" (a very convenient but confusing words) the Honourable Finance Minister has proposed one sub-section (4) to be added to section 71 whereby such loss on house property would not be adjusted/set off against income under any other head.

In other words it means that if the person is having more than one house, then he can set off his loss on one house against the income from other houses. But any unfortunate person like us who has to acquire his only house/flat with the help of housing loan, he cannot get any rebate in income tax, why? because he does not have any other house, hence any income under the head income from house property, and because of the proposed amendment, his loss in house property cannot be adjusted/set off against income under other head, *i.e.* 'salary'. Thus if you are rich you benefit, but if you are not, try god, but the Finance Minister will not help you.

Furthermore, because of the deletion of section 80L, we would be required to pay tax on interest we earn on our savings, but when we pay interest we are denied the benefit. It is a very crafty way of Honourable Finance Minister telling the middle class fixed income group "Heads I win, tails you lose."

(D) Amendment to Section 80 CCA & Section 80 CCB of Income Tax Act

These two sections give specific tax exemptions (rather postponement) to specific types of investments. Again, this facility is availed mainly by middle class people, who are mainly having fixed incomes and a limited earning period (*i.e.* till superannuation). Since it is only postponement of tax liability, the same is availed mainly to bring down the income slab, or in cases when ones income jumps all of a sudden because of payment of arrears due to backdated wage revision etc. But here again the beneficiaries mainly being the helpless middle class this consolation too is proposed to be withdrawn.

And accordingly your petitioners pray that :

1. The Nil tax income limit be raised to Rs. 40,000/-
2. A. The proposed amendment to Section 71 of Income Tax Act be withdrawn, *i.e.* clause 37 and clause 38 of the Finance Bill, 1992 be deleted.

OR

- B. In clause 37 of the Finance Bill, 1992, at the end of the proposed sub-section (4 after the words, "against income under the other head", the words "except under the head" 'salary' be added).
3. The proposal to amend section 80 CCA and section 80 CCB of Income Tax Act be withdrawn *i.e.* clause 42 and clause 43 of the Finance Bill, 1992 be deleted.
4. The proposal to omit section 80L of Income Tax Act be withdrawn *i.e.* clause 48 of the Finance Bill, 1992 be deleted.

And your petitioners as in duty bound shall ever pray.

Name of the petitioner	Address	Signature or Thumb impression
1. Shri Sudhir Anant Barwe	16, Noble Society, Near Ganesh Cinema, Edalji Road, Charai, Thane-400601.	Sd/-
2. Shri S.G. Gupta	18/21, J.P.M. Cooperative Housing Society, Sant Ramdas Road, Mulund (East) Bombay-400081.	Sd/-
3. Shri V.W. Pradhan and others	Nanna Vihar, Dr. Moos Road, Thane	Sd/-

Countersigned by Shri Ram Kapse, M.P.
Devison No. 474