

[Sh. Atal Bihari Vajpayee]

accepted that if the committee is of the conclusion that the time should be extended, then it can be done.

SHRI S. B. CHAVAN: Time and again I have said that if the Committee would emphasize that a particular Bill should be passed in the current session, it would be done. If the Committee feels that it is impossible to report on some points of the Bill in the current Session in such a situation they can present the facts before the House and we can go accordingly.

SHRI S. B. CHAVAN: Sir, at 5.30 p.m. I will give you the revised names.

MR. CHAIRMAN: This discussion is postponed till 5.30 p. m.

(Interruptions)

SHRI BASUDEB ACHARIA (BANKURA): When is the Minister going to make a statement?

MR. CHAIRMAN: The Home Minister is going to make a statement at 3.45 on police firing in Calcutta.

SHRI SOMNATH CHATTERJEE (BOLPUR): What about the statement on Election Commission?.....*(Interruptions)*

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): We are meeting with the hon. Speaker at 4.30 p.m. today. I am ready with my statement. But I thought it is better we discuss and then I make it...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: Once you announced that the statement will be made at 3.30 p.m. then you should make it...*(Interruptions)*

SHRI H.R. BHARDWAJ: I have already given a notice. I am ready with my statement...*(Interruptions)*

SHRI BASUDEB ACHARIA: Then you make that statement.

SHRI H.R. BHARDWAJ: I have got a message from the hon. Speaker that we have to meet at 4.30 p.m with the leaders of the Opposition. I will make the statement after that...*(Interruptions)*

SHRI SOMNATH CHATTERJEE: You should have informed about this to the House.

SHRI H.R. BHARDWAJ: I am just informing the House.

SHRI SOMNATH CHATTERJEE: It is only after our prodding, you are informing to the House.

SHRI H.R. BHARDWAJ: The statement is ready. I am prepared to make this statement even now. But the Speaker...*(Interruptions)*

SHRI CHANDRA JEET YADAV (AZAMGARH): It is all right. The Speaker has called for a meeting at 4.30 p.m. I hope, it will be made today.

DELHI MUNICIPAL CORPORATION
(AMENDMENT) BILL

[*Translation*]

SHRI MOHAN SINGH (Deoria): Mr. Chairman, Sir, we are discussing the Delhi Municipal Corporation (Amendment) Bill. Last time, when I was speaking on this Bill I had welcome the provisions of reservation for Scheduled Castes and Women in the Bill. But alongwith it, I would also like to suggest that provisions of reservation has been made for most backward communities in the local bodies through a constitutional amendment but it is a matter of surprise as to why the Government has not made provision of

reservation for backward and most backward communities in this Bill. The Government has an excuse that caste-wise figures of census has he not been finalised so far. I would like to submit that the Government should make arrangements in this regard as soon as possible and at least prepare a complete list of people belonging to backward and most backward communities for territory of Delhi and make provision of reservation for them. On page 4, in clause 8 the Bill states:

"The superintendence, direction and control of the preparation of electoral rolls for, and the conduct of, all elections to the Corporation shall be vested in the Election Commission of the National Capital Territory of Delhi consisting of an Election Commissioner to be appointed by the Administrator."

We are against this provision of the Bill because there will be doubts about impartiality and objectivity of the Election Commissioner appointed by the Administrator. At present, there is lot of controversy the structure and role of the Election Commission. But it will not be good to form an opinion about the entire Election Commission on the basis of acts of one person. Therefore, in my opinion, the Election Commissioner of National Capital Territory of Delhi should be appointed by the Chief Justice of Delhi High Court or with his recommendation, by the Chief Election Commissioner. This practice is also followed in the States. A high official is appointed by the Election Commission for the superintendence, direction and making arrangement for the Assembly elections in each State. It is a fact that the State Government makes recommendations for his appointment but the Chief Secretary of any State never appoints an Election Commissioner in any State. He is appointed by the Chief Election Commissioner alone. I

would like that similar provision should also be made for Election Commissioner of Delhi Municipal Corporation. He should not be appointed by or with the recommendations of the administrator. I have objection to it.

Another praiseworthy provision in this Bill is made on page 8, in clause 32 A of the Bill:

"Every councillor shall, not later than thirty days after making and subscribing the oath or affirmation under Sub-Section (1) of Section 32 and before the last day of the same month in each succeeding year, file with the Mayor a declaration in such form as may be prescribed by rules by the Central Government, of all the assets owned by him and members of his family and such declaration shall form part of the records of the Corporation."

Today, when charges of corruption are being levelled against people's representatives, it is good that a provision has been made where everything will be on record and the Councillors will have to file a declaration about their property and assets annually. It has been further stated in the Bill that....

"A person shall be disqualified for being a councillor if he fails to file a declaration referred to in Sub-Section (1)"

A Councillor will be disqualified if he fails to give details of his assets but which authority will disqualify, inquire and supervise it? Will the Mayor have a right to appoint an authority to take action against those councillors who fail to give details of their assets and of their family or their relatives within a stipulated period? There should certainly be a provision for it in the Bill. I would like to submit to you that t provision should be made in the Bill to disqualify a councillor who fails to give details of his assets in consultation with the Judge of Delhi High Court.

Alongwith it, on page 30, section 511 (A) states:

"Notwithstanding the commencement of the Delhi Municipal Corporation (Amendment) Act 1992, all the provisions existing in the principal Act before such commencement relating to-(a) water supply, drainage and sewage disposal; (b) electric supply and (c) prevention and extinguishing of fire and matters connected therewith or incidental thereto shall be deemed to continue in operation till such date as the Central Government may, by notification in the official Gazette, specify and different dates may be specified by the Central Government for any of the afore mentioned different matters. It clearly shows what the Central Government is going to take over all those rights and snatching all these rights from Municipal Corporation, It is going to give the rights to an independent institution or an institution decided by it or to the Assembly of the State. I think that if electric supply, extinguishing of fires, water supply, drainage, sewage disposal etc and other matters are taken away from the jurisdiction of Municipal Corporation and if its only responsibility is stierped to keeping the city clean, then it is a deliberate attempt on the part of the Government to hit the spirit of strengthening of autonomous institutions. I would like, that the autonomous institutions of the country should be strengthened so that they are capable of serving people.

It is often heard that many areas of Delhi are submerged in water. There are a number of Houses constructed by D.D.A. in the territory of Delhi which are on the verge of collapse. There is no arrangement of shelter for the poor and people coming here from other places. The responsibility to make all these arrangements should be given to Municipal Corporation so that is is made capable of serving people.

Besides these few suggestions, I would

like to give one last suggestion.. That is if election to the Corporation is not held soon, our claim of rendering service to the people will got defeated. Thus in the end, I would emphatically submit to the Government that besides passing this bill election to Corporation should also be held as soon as possible so that the elected representatives may shoulder the responsibility of serving the people of the city. With these words, I conclude.

[English]

MR. CHAIRMAN (SHRI SHARAD DIGHE): Now Shri S. B.Chavan to make a statement regarding the police firing in Calcutta on 21.7.1993.

SHRI BASUDEB ACHARIA (BANKURA): Sir, I am on a point of order.

When this matter was raised on Friday, while responding to this, the Home Minister said, and I quote:

"I got in touch with the hon. Chief Minster of West Bengal to find out what the facts are; and I was also given to understand that it was not only the gherao of the Writers Building, but in other areas also, there are large number of people who have been arrested. He said that he would be able to supply me the information. If I get the information in time, it is all right, but otherwise, I am definitely thinking of going to Calcutta..."

(Interruptions)

I want to know whether he had received any information from the honourable Chief linistger, Government of West Bengal, when he had he received it and when he decided to visit Calcutta because very categorically the statement was made but the Minister of Friday.

THE MINISTER OF HOME AFFAIRS

(SHRI S. B. CHAVAN): Sir, before I had left for Calcutta no such information was made available by the West Bengal Government. Actually when I reached Calcutta, after discussing everything with the Chief Minister, that evening I got a report from the Government and I have incorporated certainly a part of it in my Statement also.

SHRI BASUDEB ACHARIA: The day you told us, next morning you went to Calcutta.

SHRI S. B. CHAVAN: Yes, but I did not receive anything.

SHRI BASUDEB ACHARIA: How much time did you need to receive that information? (*Interruptions*)

15.51 hrs.

STATEMENT BY MINISTER -CONTD

Firing In Calcutta On 21st July, 1993

THE MINISTER OF HOME-AFFAIRS
(SHRI S. B. CHAVAN): Sir,

The West Bengal Yuva Congress gave a protest call for laying siege on the Writers Building, the headquarters of the State Government, on 21.7.1993 against the alleged misdoings of the West Bengal Government, attacks on political workers by the CPM cadres, post Panchayat poll violence, deteriorating law and order situation and increasing corruption in Government.

2. According to the information received from the Government of West Bengal, on 21st July, 1993, large numbers of persons assembled at various places and tried to move towards Central Business District, commonly known as Dalhousie House, most of which was covered by prohibitory orders under Section 144 Cr. P. C. promulgated by the Commissioner of Police, Calcutta. The protestors and the police clashed at many

places. Police resorted to use of force, including the bursting of teargas shells and firing, to deal with the situation. The State Government's version is that there was damage to both private and public property in many places and that the policemen were injured in the mob attacks and hence police had to use force to deal with the situation.

3. In all, 12 persons died in police firing, another 65 were admitted to the city hospitals. Out of these, 12 persons had bullet injuries, 19 persons were injured by bomb splinters, one person by pellets and the rest by brickbats. 88 policemen were injured, including 21 officers. 38 policemen were hospitalised. The police fired 119 rounds from rifles, muskets and revolvers and also burst 341 teargas shells.

This version of the State Government is strongly refuted by the organisers of the protest. In their view, the police has used excessive force without any provocation. There were no barricades to stop people from moving towards the Writers Building. It is further alleged that force was used without giving adequate warning to the protestors.

In our democratic set-up resort to protest marches, rallies and agitations, to press for demands, is commonly adopted by various groups.

I visited Calcutta on 31st July, 1993. During the visit, I met cross sections of the people and also visited the injured persons in three hospitals. There is considerable resentment on the excessive use of force by the police.

I also met Shri Jyoti Basu, Chief Minister of West Bengal, and urged him to provide relief to the families of the deceased and those injured. I advised him to direct judicial inquiry into the incidents in view of the large number of persons injured and killed as a result of the police firing on 21st July, 1993.