

[27 August, 2001] RAJYA SABHA

**THE GOVERNMENT OF UNION TERRITORIES AND
THE GOVERNMENT OF NATIONAL CAPITAL TERRITORY
OF DELHI (AMENDMENT) BILL, 2001**

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI CHENNAMANENI VIDYA SAGAR RAO): Sir, I move:-

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

It is a very simple Bill, Sir. Both the Union Territories, the National Capital Territory of Delhi and the Union Territory of Pondicherry, have separate legislatures. They have their Consolidated Fund also. But both the legislatures do not have the power to borrow from the market upon the Consolidated Funds of their respective Union Territories. Secondly, provisions are being provided here to have public account. They do not have any public account. Provisions are being made by virtue of this amendment to enable them to have separate public accounts.

Sir, 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 for giving the two Union Territories having legislative assemblies the power and authority to borrow from market and to give guarantees upon the security of the Consolidated Fund of the Union Territory concerned. The reason is that the two Union Territories have their own Consolidated Funds but they do not have the power to borrow from the market. The Lt. Governors of these two Union Territories would also be allowed to exercise the powers 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 revised arrangement is envisaged to enable the Reserve Bank of India to monitor the ways and means position of these two Union Territories on a day-to-day basis, and bring them within the normal discipline relating to the limitations and regulations of overdraft, which is already applicable in respect of the State Governments. This will also enable the two Union Territories to operate their finances on their own, in real terms, and encourage them to observe strict financial discipline. With these words, Sir, I commend this Bill to this august House for approval.

The question was proposed.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): I have two names before me. Each speaker has two minutes. I want to make this very clear, at the very outset, that on this Bill, we don't want an extended debate on the situation in Tamil Nadu. So, the first speaker is Shri S. Viduthalai Virumbi. You have two minutes.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Sir, I will finish in two minutes. Sir, the Bill which has been brought before the House is, actually, an enabling provision. Sir, after the Bill is passed, the Union Territories will have the powers to borrow. That is the main provision of this Bill. Sir, in this connection, I want to quote two-three sentences from the Estimates Committee Report of 1996. In 1996, the Estimates Committee had given a report which, *inter-alia* had said, "That the elected representatives of the Union Territories must be given more powers to see that it is really a democratic Government, the people's Government." Sir, that observation was made by the Estimates Committee in 1996. I think, this Bill is a consequence of that report.

Sir, through this Bill, the borrowing power is being given to the Union Territories. But, only borrowing power is not going to make any difference. I think, this is an incomprehensive one, because there is a difference between the power of the Council of Ministers in the States and the Council of Ministers in the Union Territories. The real executive power, in the Union Territories, lies with the Lieutenant Governor, not with the Council of Ministers. The Governor acts according to the advice of the Council of Ministers, except in regard to appointment and dismissal of the Government. But, here, suppose in one particular area, the decision taken by the Council of Ministers is in conflict with the decision taken by the Lieutenant Governor, the decision of the Lieutenant Governor will prevail over the decision taken by the Council of Ministers. So, the real spirit of democracy dies there. Therefore, Sir, we welcome the Bill which he has brought before this House. But I would like to say that this Bill is not enough. I want to see that the powers enjoyed by the Council of Ministers in other States should be enjoyed by the Council of Ministers of the Union Territories also. If it is done, then that will be the real democracy. I request the hon. Minister to make the necessary changes in the Constitution, as early as possible. Then only the real power will be enjoyed by the people. There is a difference between the British Constitution and our Constitution. The British Constitution is an unwritten one. In Britain, the powers flow from the Crown

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to the Lords and then to the common people. But, here, from 15th August, 1947, the sovereign power lies with the people. The people have given the power to their representatives. But the main concept is being blocked because of this situation. Sir, through you, I request the hon. Minister to see to it that the real power is vested with the Council of Ministers, and not with an individual appointed by the Central Government. With these words, I support this Bill. I hope the necessary changes would be brought about in such a way that the aspirations of the people of Pondicherry would be fulfilled. With these words, I conclude.

SHRI P.G. NARAYANAN (Tamil Nadu): Sir, 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 separate public accounts. It is a welcome step. For the past several years, there has been a persistent demand that Pondicherry should be conferred with Statehood. As far as our party is concerned, we had all along supported this demand. Our leader has also made it clear that Pondicherry should be conferred with Statehood. I believe, this amendment is a step forward in that direction. But I am sorry to say that the Government of India is not at all concerned about the democratic aspirations of the people of the Union Territories. It was after a long struggle that Delhi got the status of National Capital Territory, with a Legislative Assembly. More and more powers should be vested in the Union Territories so that they could really serve the people in full. The Government of India has to take care, because the Union Territories,, are not able to implement the welfare measures because of lack of adequate resources.

I would like to stress on another aspect. The Government of India should not create obstacles in the way of the working of the Governments of Union Territories. To make the Union Territories self-sufficient, self-reliant and self-ruled, the Panchayat Raj system should be implemented effectively in the Union Territories.

Sir, I again urge upon the Government to consider seriously the demand that Pondicherry be conferred with Statehood, as soon as possible.

With these words, I support the Bill.

DR. A.R. KIDWAI (Delhi): Sir, I would like to take this opportunity to suggest that both Pondicherry and Delhi, be declared as full fledged States. Without the status of a full-fledged State, they can't function efficiently and properly. There is duplication of administration; there are

conflicting ideas; there are administrative delays and difficulties. In view of these, while I support the Bill, I suggest, as soon as possible, both Delhi and Pondicherry should be given full Statehood. Thank you.

SHRI OSCAR FERNANDES (Karnataka) Sir, I support my colleagues who have demanded conferring Statehood upon Delhi and Pondicherry.

Thank you for the opportunity.

SHRI CHENNAMANENI VIDYA SAGAR RAO: Sir, I am thankful to the hon. Members who have supported this Bill. There was only one important demand made: conferring Statehood on Delhi and Pondicherry Union Territories. Sir, as far as the demand of Delhi's Statehood is concerned, on the demand of the Government of the National Capital Territory for the grant of full Statehood, further action would be taken after taking all views into consideration.

So far as Pondicherry is concerned, the Pondicherry Government has already passed a Resolution in their Assembly. The Resolution asks for a special status. The Planning Commission has not agreed to the provision for grant of special status for Pondicherry. The Government of Pondicherry was asked to send a special report on this special status, which was sought by the Pondicherry Legislative Assembly. After getting their views, a decision would be taken.

I, therefore, request that the Bill be passed.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): Now 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, as passed by the Lok Sabha, be taken into consideration".

The motion was adopted.

THE VICE-CHAIRMAN (SHRI NILOTPAL BASU): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 9 were added to the Bill.

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

SHRI CHENNAMANENI VIDYA SAGAR RAO: Sir, I move:

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"That the Bill be passed"

The question was put and the motion was adopted.

THE ENERGY CONSERVATION BILL, 2001

THE MINISTER OF POWER (SHRI SURESH PRABHU): Sir, I move:

"That the Bill to provide for efficient use of energy and its conservation and for matters connected therewith or incidental thereto, as passed by the Lok Sabha, be taken into consideration."

Sir, you will recall that in this very House only a few weeks ago, there was a question which the hon. Members, my colleagues, in the House had raised about the need for resorting to demand side management to meet our growing energy requirement. It was a general prevailing mood of the House that while we need to enhance the capacity by creating more and more green-field power projects in the country, we should not overlook the importance of energy conservation because while we generate power, we need to invest more. We also use our natural resources to generate more energy. But at the same time, if energy generated is not properly utilised, then we are wasting a very precious resource and also we are not optimising the investment that has gone into that. With that view in mind, the Government has come out with a legislative proposal before the House which seeks to create a legal framework for conservation of energy. This new legislation seeks to provide a framework in which agriculture, manufacturing sector, household users as well as services would be required to use energy in the most efficient manner. The bulk users of energy are designated as designated users of the energy, then they will be obliged to resort to energy audit, and that energy audit will bring out various ways by which energy can be conserved. Those measures will have to be implemented by the respective designated users. Sir, this is intended to bring about a potential which is there in the energy conservation sector which is as high as, maybe, 40 per cent. That can really be unleashed through the legislative measures that are sought to be introduced before the Parliament. Sir, there have been a number of measures which we can take about this provision of law. First of all, agricultural pumps are very critical and use a lot of energy, but because in many States the use of electricity is not charged as well as the agricultural pumps are not