

RAJYA SABHA

***SUPPLEMENT TO SYNOPSIS OF DEBATE**

(Proceedings other than Questions and Answers)

Wednesday, March 24, 2021 / Chaitra 03, 1943 (Saka)

GOVERNMENT BILLS

1. The Finance Bill, 2021 - *Contd.*

SHRI NEERAJ DANGI: The economic system in the country should be for all sections whether they are poor, farmers, labourers, middle class, salaried, capitalists and industrialists. It becomes the responsibility of the government to put in place such a system for all sections of the country. But, the entire economy of the country will surely be in a shambles due to this budget. Banks, ports, railways and government companies will be sold to capitalists at throw-away prices. In the insurance sector, the stake of a profitable company like LIC is being divested. In such a situation, when the economic activity of the country goes into the hands of the capitalists, then definitely an attempt will also be made to abolish the reservation. The government will monetize large properties lying idle. If we talk about the first quarter of 2020, India's economy had shrunk very badly. The impact of this decline is visible in all the eight segments that determine the GDP of the country. It had a very bad effect during the Corona period. The economy continued to shrink during the second and third quarters in the

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Corona period. A large number of people lost their jobs. The unemployment rate in the country reached 24 per cent in April 2020. Between the months of September and December of 2020, 9 trillion people lost their jobs. No concrete steps have been taken in this Bill to get rid of the current fiscal deficit. No relief has been provided for the salaried class. No change was made in the income tax slab and its rates etc.. As per the budget, seniors aged 75 years or above will be provided relaxation in filing the income tax return. Such people, whose pension is deposited in the same bank, will not have to file income tax returns. But if a senior citizen has more than one bank account, he will not get this concession. All his deposits i.e. pension and all other income should be in the same bank. If pension, other income and interest are coming in to the same bank, then the senior citizen will have to give an affidavit, for which he will have to do a lot of paperwork. How would it be possible at the age of 75? In such circumstances the utility of the concession given by the Finance Bill will prove to be negligible. Regarding the faceless scheme, I would like to say that the appeal process of any case will now be online. It seems that the Faceless system is being implemented in a hurry. It also seems that the faceless income tax assessment system is not able to meet the current challenges. At present, there is a lack of infrastructure, competence and coordination etc. for this scheme. In this system, the tax return of a taxpayer can be checked by any returning officer in the country. It lacks transparency due to not being given a chance for hearing. Similarly, the Settlement Commission has been abolished and the time limit for return review and belated return filing has been reduced. Settlement Commission has been replaced by Interim Board which would create confusion and would be disadvantageous. Restriction on issuing of 'c' form would affect capital investors adversely. Principle of mutuality has been overridden. The proposal to do away with tax exemption on premium of more than 2.5 lacs would have adverse affect on Insurance industry. The proposal that there is no decline of goodwill in business acquisition is wrong. This would prove to be detrimental to merger and acquisitions . Increase in basic customs duty on screws, nuts, bolts etc would result in increase in production cost in manufacturing units. There is 6 per cent equalization levy on online advertisement. If foreign companies have to pay tax on online advertisement income, then Indian technical startup business would be

affected. More non-tax legislations and proposals have been included in finance bill. Amendments in Foreign Portfolio Investors Act go against the concept of 'Self-reliant India'. Government is bringing initial IPO offering in LIC. LIC is government's biggest investor. Lessening of government's share in LIC would be harmful for policyholders. There is lack of homogeneity in Agriculture and Developmental Cess. Government is responsible for farmers' plight. Farmers are demanding that they should get right price for their produce. Government is handing over the farmers' future in private hands. Government should accede to farmers' demands. Farmers are not getting adequate insurance for their crops under Prime Minister Crop Insurance Scheme.

***DR. SANTANU SEN: (Spoke in Bangla.)**

SHRI ABDUL WAHAB: India's rising inequality should be a matter of concern. Government must consider reducing the Central tax on petrol and diesel. There should be tax relaxation to NRIs on MSMEs for, at least, one year. There is no policy in this Bill to address the grave income inequality between India's rich and the poor. India's tax system is regressive with heavy dependence on indirect tax. India's current GST with its highest slab rate of 28 per cent is the second highest among 115 countries. The Government is not controlling the price of petrol, diesel and LPG. Government is requested to consider tax exemption for Gulf returnee NRIs who are setting up MSME. Government is requested to allocate some funds for Aligarh Muslim University in Malappuram District. A Central School is required in Ponnani Constituency.

SHRI KANKAMEDALA RAVINDRA KUMAR: Since the formation of Andhra Pradesh, demand is being made to implement the provisions of the AP Reorganisation Act, 2014. The main demand from the State of AP is to grant Special Category Status to the State of AP. I request the Central Government to grant Special Category Status to the State of AP. After bifurcation, the AP Government decided to construct a capital at Amaravati and Centre released Rs.1,500 crores. Now

* Synopsis of speech delivered by hon'ble Member in Bangla will be published separately as supplement.

the Chief Minister of the AP brought three capitals concept. The State abandoned Amaravati though the then Government invested huge public funds. I request you that the problems of the farmers should be looked into. Another issue is about privatisation of Vizag Steel Plant. POSCO has evinced interest to set up a steel plant at the Visakhapatnam. Due to non-persuasion of the State Government, it is kept aside and there is no progress. There are several other problems with regard to the educational institutions, etc. No allocations were made in the Budget. The financial status of Andhra Pradesh is in a mess. The Central Government should come to the rescue of Andhra Pradesh.

SHRIMATI PRIYANKA CHATURVEDI: We all know that it has been a tough year and the Finance Minister has tried to do a good balancing act. However, some problems exist. Urban Female Labour Participation consistently falling in the country. The total job losses which occurred in the country due to Covid lock-down, 49 percent of the women lost their jobs. It is being stated that approximately 7.5 crores of people fallen below the poverty line during Covid lockdown time. It is, somehow the result of our economy and policies. The victims are housewives, farmers and the poorest of the poor. Another issue is about the pollution. Delhi has been nominated as the most polluted capital of the world. In our country there are 13 cities out of 20 cities in the world, which are the most polluted in the world. Another issue is about the increasing price of the petrol, diesel and LPG. I hope the Finance Minister will look into this aspect.

SHRI DEREK O'BRIEN: I am a little disturbed about a most distasteful statement was made about a woman. It should be condemned. There are various issues like Centrally Sponsored Schemes, there is big reduction in Central share of money for the States. The States are not getting the benefits of the devolution. Next point is on LPG. It's an important issue. The cess is imposed on petrol and diesel and the entire amount thereof goes to the Central Government. Central Government share with regard to Cess is increasing whereas the state's share from Central Government is reducing, which is anti-federalism. Another issue is related to the schemes Like Beti-Bachao-Beti-Padhao. Major part of the scheme's money is being spent of advertisement, it should be stopped. Another

issue is about the declining percentage of the CAG reports. It is not a good thing.

SHRI JAIRAM RAMESH: The Finance Bill, 2021, not only deals with tax rates, as it should, but also brings about very substantial and very significant amendments in a very large number of laws, passed by Parliament after debate and discussion. When the Government is not having majority in the Rajya Sabha, then this route is adopted to pass the bill. The Supreme Court rejected the amendments made in the Finance Act of 2017. So, I would say that this convoluted way should be avoided. Now the issue of the LIC Act. No scrutiny by Standing Committee! No scrutiny by a Select Committee! The LIC was set up in 1956. There was a certain social logic to the nationalisation of the Life Insurance Corporation. I request you, the hon. Finance Minister, that with these Amendments, please ensure that the basic social obligation nature of the LIC does not change in any way, that the capability of the Government to use the LIC for infrastructure and social welfare is not weakened. LIC is going to be a listed company, so that the ability of the LIC to meet the infrastructure needs, the ability of the LIC to meet the social welfare needs, and the ability of the LIC to fulfill the aspirations should not be compromised. Why don't you make it mandatory? Why don't you ensure that 10 per cent of the IPO is reserved for LIC policy holders? Of all the amendments that you have proposed in this Bill, the most far-reaching is the amendment to the LIC Act. India requires many LICs. But I think the public sector nature should not be disturbed.

THE MINISTER OF FINANCE; AND THE MINISTER OF CORPORATE AFFAIRS (SHRIMATI NIRMALA SITHARAMAN), replying to the discussion, said: I am grateful to all the Members, who have been given us their views on the Finance Bill. This Finance Bill does not envisage any increase in taxation, particularly, in the direct tax and income-tax. The approach is similar when I am dealing with customs and indirect taxes. The emphasis on the Direct Taxes has been to reduce the compliance burden, not to increase the rates and also to make sure that 'ease of doing business' is kept in mind. So, the approach taken in this Finance Bill is, essentially, rationalize, bring in systems, simplify the process, make compliances easier, and ultimately, bring the rates down. The agricultural infrastructure development cess has become a matter of concern. But

the incidence of the cess will be far lesser than what the importer was paying through the basic customs duty that existed. It will not be, in any one case, more than what they were paying earlier. So, that is the clear justification as to why we brought it. All those projects which existed prior to Covid are now being extended by one more year, up to March, 2022. 'Faceless' has to be given a lot more emphasis. It is better and efficient use of time and technology, cost reduction and so on. When higher capital expenditure is undertaken, particularly by the Government, it will have such multiplier effect that every aspect of the economy will have a positive bearing. It is not just an incremental addition. It is a huge increase in building social infrastructure. Regarding '*vanchit, shoshit*', enough thought has been given. Immediately after the lockdown the Prime Minister announced Pradhan Mantri Garib Kalyan Yojana where 80 crore people for full eight months were given free foodgrains. 40 crore people had been given money directly into their accounts. Trains were arranged for migrant labourers so that they could go back to their respective villages. The allocation for the Mahatma Gandhi National Rural Employment Guarantee Scheme (MNREGA) was raised from Rs.64,000 crores, to more than Rs.1 lakh crores. Under the SVANidhi Scheme for street vendors, there was direct transfer of cash for women Jan Dhan Account holders. Money was also being given for divyang. Money was being given for Kisan Samman Nidhi, which goes directly into the accounts. India was one of the fragile five economies but it became one of the fastest growing economies, and that is entirely to the credit of Arun Jaitleyji and hon. Pradhan Mantriiji. Between 2014 till today, economy's inflation has never crossed six per cent or beyond. There is no policy paralysis. Corona vaccine has been handled. We are handling the economy. We are also having consultation with people and industry. Between 2014 and today, there is one sharp distinction. Prime Minister has led a corruption-free Government. As per Government's comprehensive strategy of Recognition, Resolution, Recapitalization and Reforms, the NPAs have since declined to 8,99,617 crores of rupees as of March, 2020. I want to underline the fact that things were in a mess; the economy was mismanaged. I would want people to kindly look at actual data before commenting on the economy. The threat of being downgraded by credit rating agencies was taken care of. Through the SEBI, there is a very humane approach for businesses to

survive and not to be downgraded for one year or one-and-a-half years. About India's rating, India enjoys an investment grade rating. Rating Agency Fitch has recently upgraded our growth projection. Economists across the world are of the opinion that the Governments need to spend to put economies back. One Member has spoken about cess and its utilization as pointed out in CAG's Report. Expenditure allotted to different Sectors is higher than the cess collection. Cess is one amount but a far higher amount is being allotted to those very two categories under which cess is collected. It is asked why we have made the SEBI part of Finance Bill. REITs and InviT are business trusts. These are such instruments which channelize the fund flow from capital markets into infrastructure and in real estate. These have been tax exemptions. These will be used for monetizing public assets and for generating revenues for the Government. In some cases Government is a major player in alternative investment funds like National Infrastructure Fund to provide equity and debt support. So it is a part of Finance bill.

One Member spoke about GST on Tirumala Tirupati Devasthanam. It is not happened after the GST regime came in. Any service provided by way of accommodation where rent for a day is more than Rs.1000/- attracts GST. It is for all kinds of institutions. Cheap accommodations are exempted from this. It was also in pre-GST regime in the form of Service tax. Incentives are being given to those States who have enforced population control measures. 15th Finance Commission has provided a weightage of 12.5% for demographic performance. As per this criteria the States having lower fertility rate will get higher amount. In this way Andhra Pradesh is getting higher share. One Member raised issues relating to senior citizens above 75 years. It was told about ease of doing business for elder citizens. Government employees constitute only one per cent of population who pay more than 2.5 lakh get an assured return of eight per cent and above and get tax concession. Regarding GST compensation issue, it has already been paid to States and UTs for 2017-18 and there is nothing pending. So is the case for the year 2018-19, nothing is pending for that year. So is for the year 2019-20. Prior to Covid 19, every compensation due to States has been cleared. Unused compensation for the years 2017-18 and 2018-19 has been carried forward and utilized in the year 2019-20 and 2020-21. So far as the GST Compensation for the year 2020 to January 2021 is concerned, the amount of 2,17,844 crore is due from

April 2020 to January, 2021. Loans of Rs. 1,10,208 crores have been released in instalments to States to meet compensation shortfall. So compensation is released from compensation fund. Compensation likely to be due to States and UTs in the year 2020-21 is Rs. 77,636 crores. There is no discretion in GST. There is a formula and as per formula every State gets its due every month. One Member told that company tax rate is very different and they have been reduced whereas partnership tax rates have not been reduced. In this connection it is to inform that when the income of a company is distributed among shareholders then shareholders have to pay tax on dividend income in addition to the tax that the company paid on the income. However the partner in the partnership firm receives money from capital account in partnership, it is not taxable. Hence two tax rates cannot be compared. One Member raised the issue of custom duty on screw, nuts and bolts etc. It is submitted that the custom duty increase on these items was done on two principles. The items produced in India by MSMEs, we have to encourage them. We do not need to import them therefore the tax is levied on these items. Over the years taxes have been levied on these items, their quality is poor and they do not comply with many Indian Standards. Everywhere where the duties have been increased, such duties are not increased on raw material or on intermediary goods. Duties are increased on final products only. Regarding Cess, it is to inform that the amount of Cess is being used for Health and Education. So far as Central Schemes are concerned, till the end of 13th Finance Commission, the States and Centre had the share of 32 and 68. But after 14th Finance Commission, States will get 42 and the Centre will get 58 as their share. This is based on tax collection. Any change in tax collection can lead to a change in tax devolution. The Central Government is giving money for health, for farmers and for the poor. It is wrong to say that the Centre is not giving the money. Regarding Petrol and diesel taxation, every truth was told in the House. Opposition were putting false allegations which is absolutely unacceptable.

The motion for consideration of the Bill, was adopted.

Clauses etc., were adopted.

The Bill, was returned.

2. The Government of National Capital Territory of Delhi (Amendment) Bill, 2021 - *Contd.*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI G. KISHAN REDDY), moving the motion for consideration of the Bill, said: In support of this Bill, I want to say that this is not a constitutional amendment. The Act is being discussed continuously in different fora. The Act, which was passed by the Parliament in 1991, has some ambiguities, this amendment Bill has been brought to remove the same. I would also like to point out that these amendments are neither unconstitutional nor undemocratic. The Government of India is a democratically run Government. According to the Constitution, Delhi is a union territory and its rights are limited. The proposed amendments are in conformity with the decisions given by the Court. This will improve the administrative system of Delhi. I am ready to answer every question of the Hon'ble Members.

SHRI BHUPENDER YADAV: While supporting this Bill, I would like to say that we have come up with this Bill to remove the anomaly that has been pointed in the judgement of the Supreme Court. According to the constitutional system in our country, the Head of the Union is the President, the Head of the State is governor and the UT Head is Lieutenant Governor, we have to comply, that's why we have brought this bill. We have come up with a federal system where relations between the States, the Centre and the Union Territory should be harmonious. There are two grounds for running any kind of system: first, good governance and secondly, smooth functioning of the Government. In the amendments that have come here, we have said that the rules of the Delhi Legislative Assembly should be in accordance with that of the Lok Sabha. Delhi is a Union Territory and, therefore, the rules of the Lok Sabha and Delhi Legislative Assembly should be similar. The Standing Committees that we have, they never interfere in the day-to-day administration. While in Delhi, they have made rules and empowered the Committee to investigate. Already, there are three subjects under the bill- public order, police and land. These three subjects were always under center, everyone accepts it. We are not taking away any right of the Delhi government and its legislators. For the good governance and smooth government functioning to run the government, it was very necessary to bring this amendment in view of

the special status of Delhi. I would like to say that Article 239 of the Constitution is for all Union Territories, so the administrators of Union Territories cannot be divided into two special classes, there is a need to have equality among them. Before this amendment came in the year 1987, the report of the Balakrishnan Committee, had three main points. The first was that the entire country has the right over Delhi as it is the national capital. Secondly, there should be uniformity and equality in terms of national security and national interest in Delhi. Thirdly, these arrangements have been validated in all the federal structures of the world in which capitals are subject. Sir, I would like to say that there is a need to coordinate between Parliament and Rashtrapati Bhavan, the matter related to 'Foreign Missions' and 'Strategic Controls' and critical services in Delhi. According to Article 153 Executive head of the state is Governor and therefore as per Article 239 Lieutenant Governor would be the head of the Union territories. We have brought the amendment as per the sense of the constitution. If the committee of Legislative Assembly will start doing day to day administration work then where will be the uniformity in judiciary, legislature and executive? Therefore we have brought the absolutely right amendment that the rules of committee should be according to the rules of the Lok Sabha. Delhi is the capital of India so there is a responsibility of the Central government also in any kind of administration and governance of the Delhi. In Union territory executive government means Lieutenant Governor. When we have placed the Union, State and Union territories in the system of constitution then the Executive heads should be according to the constitution. When Delhi was given the status of Union territory, the Delhi Legislative Assembly has not been given the authority on public order, police and land. Delhi is the symbol of federal structure of India so Government of Delhi is definitely a government elected by the people but the Lieutenant Governor is the head of the Government of people. Article 239AA was specifically brought in to empower the Delhi Legislative Assembly but its Executive head is Lieutenant Governor and this amendment has been brought so that Lieutenant Government could take the decision at right time in a right manner in the interest of the Citizen of Delhi by which they can get good governance. The Act which came in 1991, has a few discrepancies. In particular, we have tried to bring in clarity in the matter of division in the light of the decision of the Supreme Court. I

have to request the honourable Members of our opposition that anything which is in line with the constitution, we should stop seeing politics or conspiracy in that. This bill is a step taken to take the administration of Delhi in the right direction. It is the duty of the government to maintain the spirit of the constitution and therefore, the government has come up with this law, which we all should pass together.

DR. ABHISHEK MANU SINGHVI: This is the most pernicious, most unconstitutional Bill which this House has ever received. Remember, 'federalism' is the one word that has not been used anywhere in the Indian Constitution. And, yet, it has been held to be a part of the basic structure of our Constitution. Delhi was created by a separate Article. Article 239AA, created for Delhi alone, stated that all the provisions, which shall apply to a State, shall apply except 1, 2 and 18 - public order, police and land. In the Supreme Court's NCT judgment, there are many paras, out of which three paras i.e. para 222, 224 and one more para have been blown to smithereens by the Government. You would read in a provision of this bill that one should take the permission of hon'ble L.G. before taking any executive action. In its decision, the Supreme court had made an astrological prediction in a way- "The ideas of pragmatic federalism and collaborative federalism will fall to the ground if we are to say that the Union has overriding executive powers even in respect of matters for which the Delhi Legislative Assembly has legislative powers. I hold this prediction as a very strong one which is coming true today in a different way. There is one more para, which says, "The Lieutenant Governor has not been entrusted with any independent decision making power." I was thinking yesterday that if the Delhi Legislative Assembly cannot inquire or talk about the day-to-day administration of the capital, will it talk about Tamil Nadu or the Assam Legislative Assembly? It is a special class of law that the bill passed by you is above the Constitution, above the Seventh Schedule, above Article 39! Clause 5 states that add another proviso. Today those people who have brought this proposal, this bill, they think that what they write will be constitutional, so I am predicting today that there is not even an iota of doubt that it will be declared void on constitutional criterion. This is Lieutenant Governor dependent government, not a self-reliant government. Delhi is unfortunate that it has to see that whether every

provision matches with the Lok Sabha rules or not. There are many rules in your house also which do not match with the rules of Lok Sabha. Today this order is being given not by constitutional amendment but by a law, that you should reconsider every rule and the rule which does not match with the Lok Sabha will be repealed. This bill says that everybody will be responsible only to the Lieutenant Governor and the Lieutenant Governor shall be responsible to nobody, except Mr. Modi. Therefore, federalism has now become a remarkable vehicle for managing diversities and pluralities. I believe that we have become more and more federal in actual practice. First is linguistic federalism. Second is prompt judicial review. The third is Panchayati Raj and Municipal decentralization by the 73rd and 74th Amendments. Fourth is regional parties and regionalism. Then comes economic liberalization. Last one is fiscal federalism. Government is killing the federal structure in the name of federal structure.

SHRI DEREK O'BRIEN: I have left an election campaign to come here because this is important. Many of our MLAs in West Bengal are now in BJP. Till last month, they were Trinamool MLAs. This regime wants to destroy every institution brick by brick. Look at the farm Bills. What did this Government do? After that, they want to put the Bills on hold. They are trying to destroy another institution. I appeal to those gentlemen who are now running the institution, let the elections be neutral. The elections are conducted by the Election Commission. It is a federal contract with a constitutional sanction. When it came to CAA, in one and a half years we haven't got the rules because that is a cheat on the people of Assam, Bengal and everybody else. They did this for the vote. This Constitution is at stake. Different people can have different views.

SHRI PRASANNA ACHARYA: This is a very important Bill. In our opinion, before bringing this Bill before the House, the Government should have made wider consultations with all the stakeholders. It is going to have its impact over our whole parliamentary system. Therefore, my party has decided not to become a party to passing of this Bill, because this Bill undermines the authority and the powers of an elected Government of an elected Assembly. Without lowering the dignity of the House, with full respect to the

House, we are peacefully staging a walkout and are not participating in the discussion.

SHRI P. WILSON: Today is the black day in the annals of Rajya Sabha. This Bill is a blot on the face of Constitution. Hence, by tabling and debating the Bill, the House is committing flagrant violation of the Constitution. Therefore, this is a violation of Article 368(2). The rights of about two crore Delhiites are being taken away. This Bill is ultra vires of the Constitution. So far as NCT is concerned. When it has been constitutionally resolved to have a democratic/representative form of Government for NCT, the present Bill destroys the democratic form of Government. This Bill is attempting to nullify the orders of the Supreme Court, for which we do not have power. The Court has said that any decision taken by the Council of Ministers shall be informed to the Lieutenant Governor and there is no requirement for the Government to get a prior concurrence of the Lieutenant Governor. The Lt. Governor need not refer every matter to the President of India if there is a difference of opinion. Now, as per this Bill, the Lt. Governor is called as a Government. The representatives are elected by the people and the will of the people has to prevail, not that of Executive. DMK is opposed to this Bill. I would request that this Bill be sent to a Select Committee.

SHRI V. VIJAYASAI REDDY: The LG cannot be given absolute powers. There is no provision in the Constitution that LG can exercise the powers which are not vested with LG by virtue of the Constitution. Even if the Bill is enacted now it will not stand for the judicial scrutiny. It will be struck down by the Supreme Court because it is anti-constitutional. It is the Lieutenant Governor tomorrow, they would delete the word 'Lieutenant' and it would be made applicable to even the Governors of all the States. Council of Ministers is collectively responsible to the Legislative Assembly. The Bill, therefore, violates article 239AA(6). LG is Government according to the Bill -- what will the Legislature do if they can't keep the Executive in check. I would like ask the if he is part of the Government, will the LG come to the Assembly and answer the questions raised by Members. The proposed amendments require the Government to obtain the opinion of LG before any action is taken. The above Amendment thus violates Clause 7 and clause 239AA. Article 239AB provides for President's Rule in Delhi

When the administration of the Territory cannot be carried on in accordance with the provisions of article 239A, who will recommend it to the President of India. If the powers are vested with the LG, it would mean that all 365 days and all 12 months of the year, there would be only President's Rule and not the rule of an elected Government. In other words, the powers of the Chief Minister of Delhi would be relegated to the status of the Mayor of Delhi. We oppose this Bill.

SHRI VISHAMBHAR PRASAD NISHAD: The Government of Delhi was empowered under Article 239 of the Constitution. It is a completely anti-constitutional law. It should have brought constitutional amendment, it should not have brought this bill. This Bill is completely anti-constitutional. The Supreme Court has said that the elected government is the supreme one and only the cabinet has real power. The Delhi government is elected on the basis of a majority. The Central Government wants to abolish the Constitution made by Baba Saheb Ambedkar. This government wants to abolish the reservation of Scheduled Castes, Scheduled Tribes and Other Backward Classes. Today there is no employment. Public sector undertakings are being privatized. Elections for panchayats have not been conducted in Uttar Pradesh yet. The government in Uttar Pradesh is giving protection to anti-social elements. Today boats are being broken in the Naini area in Allahabad. The BJP works to form its government through the back door. This Bill should be referred to the Select Committee. We oppose this Bill

SHRIMATI JHARNA DAS BAIDYA: I oppose this Bill. Delhi was given a fully elected Legislative Assembly and a responsible Government through an Amendment in the Constitution in 1991. In 2018 Constitution Bench of the Supreme Court had settled the constitutional issues relating to the relationship between the Delhi Government and the Union Government. This Bill completely gives extra-constitutional power to the Lieutenant Governor. It will disable the elected Government of Delhi. It enormously erodes the power of the democratically elected Government of Delhi. I urge upon the government to refer this Bill to the Select Committee.

PROF. MANOJ KUMAR JHA: I oppose the Bill on the grounds of constitutional parameter and the moral principles. The monarchical expansionary character has no place in democracy.

According to this Bill, the Government means the Lieutenant Governor. You should respect the will of the public. This is the voice of democracy. If there is an element of autocracy in democracy, then its downfall begins. You can see the expression of Clause 6 of 239 AA. to see what his soul says. You are killing its soul. The independent investigation of the Assembly has a power. There are different States of the country. We also wanted 'Sonar Bihar'. We also wanted 'Sonar' Uttar Pradesh.

SHRIMATI PRIYANKA CHATURVEDI: The tendency of the Bharatiya Janata Party to subvert democracy and Constitutional norms for their hunger for absolute and unchecked power has been seen at earlier occasions too. We have seen this tendency in Arunachal Pradesh, Goa, Madhya Pradesh, Uttarakhand and West Bengal and in Maharashtra also. Whether we look at the sliding Press Freedom index, whether we look at the liberal use of sedition charges against students and journalists and they being arrested, you will see that BJP is tilting this nation towards authoritarianism. Unfortunately, this Bill takes us back to the British era and disempowers an elected Government which has been voted in by the people of Delhi. This move of the Government of India totally negates the concept of cooperative federalism. The Supreme Court had also noted that if this Bill is passed in the current form, it will sow the seeds of absolutism. This Bill stipulates that the Government of Delhi will mean the Lieutenant Governor. It also goes one step ahead and says that the LG does not require acting on the advice of the Council of Ministers. The Bill also makes it incumbent on the Delhi Government to take the opinion of LG before taking any executive action. Let us not forget that the LG is now a political appointee of the Union Government. So, crux of any governance is in the process of implementation of the legislation, and without the power to implement laws, any Government will be reduced to a paper tiger. It is for this reason that the law has clearly established that where there is legislative power, there has to be executive power. If this Bill is passed, the sufferers will ultimately be the residents of Delhi. Hence I urge that this Bill is sent to a select committee for a wide-ranging consultation with various stakeholders.

SHRI SANJAY SINGH: One member just said that this law is against the judgment of the Supreme Court, against the Constitution of the country, against the democracy of the country and against an elected government. The Constitution clearly states that the Council of Ministers of Delhi will be responsible to the Legislative Assembly of Delhi. You amended the Constitution without bringing any Constitution Amendment Bill. The Kejriwal government built air-conditioned rooms for children in Delhi schools, set up mohalla clinics in which people are treated free of cost. The Kejriwal government made bus travel free for women, doubled the pension of the elderly, doubled the pension of widows, doubled the pension of the disabled, doubled the salary of guest teachers. This government has acted in the public interest. Despite this, this democratically elected government is being overturned. The Bharatiya Janata Party, in many of its manifestos, always advocated giving full statehood to Delhi. Since you lost the election from 1998 till today, because of this you want to overturn an elected government. Today, if free electricity scheme is stopped in Delhi, will people approach the LG or to the Chief Minister? Who did the people vote for, Delhi's government or LG? You have stated that the government means the LG. The Supreme Court said that barring three subjects, all other subjects will be with the elected government of Delhi. But you do not abide by the decision of the Supreme Court. You are removing an elected government today, so the people of the country will not forgive you for this crime in the coming days. The biggest reason for removing the government in Delhi is that you asked for 9 stadiums to put the farmers in jail in Delhi, then Kejriwal ji said that we cannot put the farmers in jail. You have brought in this unconstitutional, undemocratic Bill to abolish the schemes for free electricity, education, water, Mohalla clinics in Delhi and to take away the rights of the people of Delhi. Therefore, we oppose this Bill and it should be withdrawn.

SHRI NARESH GUJRAL: I oppose this Bill because this Bill will weaken the federal structure of this nation. Our Anandpur Sahib Resolution way back in 1973 talked of giving more powers to the States, especially fiscal powers. We believe that in a large country like ours which has diverse cultures, languages, religions, this diversity has to be celebrated. We have seen that whenever the Centre usurps too many powers, it is the States which suffer and it is the people in the

States who suffer. There were times where Central Government belonged to one party and the State Government belonged to another party in Delhi. But the basis was tolerance. It is sad today that we are becoming intolerant. Today, there are two crore people. Aspirations have grown and this voice came from the ground that the people of Delhi want their voice to be heard. Your manifesto mentioned that Delhi should be given full Statehood but what are they doing with this Bill? They are taking away what was given to Delhi. I can have my differences with Aam Aadmi Party or the ruling party at the Centre but do not deny the citizens of Delhi their right. When they voted, it was not just pressing a button. They voted to elect people to govern them and today you are denying them that right to be governed. So, that is why, my Party strongly opposes it.

SHRI KANAKAMEDALA RAVINDRA KUMAR: In the Statement of Objects and Reasons of the Bill, two reasons for this are mentioned. First is, the Constitution Bench of the hon. Supreme Court, in its judgment and Division Bench of the hon. Supreme Court, in its judgment, has interpreted the provisions of article 239AA of the Constitution relating to the structure of governance in National Capital Territory of Delhi. In order to give effect to the interpretation made by hon. Supreme Court in the aforesaid judgments, this Bill is brought forward in this House. I don't know whether it is in order to give effect or not to give effect to the judgment. A clarification is required. However, Supreme Court categorically stated in its judgment that the opinions and decisions of the Legislative Assembly of GNCTD representing the views of the elected representatives have to be respected in all cases except where LG decides to make reference to the President. The power given to LG in proviso of sub-clause 4 is to be exercised by LG on valid reasons after due considerations when it becomes necessary to safeguard the interest of the Union Territory. The intention of the Government in bringing forward this Bill has already been safeguarded by virtue of the judgment of the hon. Supreme Court. The constitutional scheme does not suggest that the decision by the Council of Ministers require any concurrence of the LG. The communication of all decisions to the LG is necessary so as to enable him to exercise the powers conceded to him under the proviso sub-section Clause 4. As long as this Clause is in existence, it does not require any further amendment. They cannot take away the rights of the

elected Government by introducing this Bill. The only real remedy is that they have to make suitable Amendments in the Constitution. Even if the Bill is passed, it cannot override the effects of the constitutional provisions. This is an indirect method adopted by the Government by introducing this Bill. Therefore, this Bill cannot serve the purpose.

DR. FAUZIA KHAN: I strongly oppose the this Bill. If it is passed, I think, this will be called a black day in the history of constitutional democracy. The public is the owner and must remain the owner. No nominated person can take away the ownership of the public. This is totally unconstitutional, so I think this Bill should be outrightly rejected, repealed. After all, why are we causing a confrontation between the governor and the states? All I want that democracy should exist and continue.

THE MINISTER OF STATE IN THE MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT (SHRI RAMDAS ATHAWALE): We do not want to take away the authority of the government, but to give authority to the Lieutenant Governor. This Bill is very important and is meant to strengthen the constitution of Babasaheb Ambedkar. The rights of the government will remain with the government and the rest of the rights will remain with the Lieutenant Governor. This Bill has been brought to show the right direction to the government, to develop Delhi, to strengthen the economy of Delhi and that is why I support this Bill.

SHRI RAKESH SINHA: The provision of the Constitution which was considered dead letter in the Constituent Assembly was Article 356. Wrong assumptions lead to wrong conclusions. We are House of Elders and the entire nation expects us to rise at least 25 per cent from party limits and talk about the constitution, talk of enriching parliamentary democracy. No one knows whose government will be in Delhi after 25 years. In democracy no one can predict. This country will remain, the constitution of Baba Saheb Ambedkar will remain there. Wherever there is a federal system all over the world, all those countries have capitals. We divide the capitals of all these countries into two parts, one federal district and the other national capital territory. Delhi has not been called a state, rather a sub-state. For cooperative federalism, more important than both constitutional morality and democratic morality is jurisdictional

morality. Different governments are formed in different states at different times, this is the uniqueness of democracy. It is our duty to gladly accept the coming mandate with tolerance. Buildings of Government schools in Delhi are in dilapidated condition. The Delhi Government has spent Rs 511 crore on advertisements during last five years. With this amount 2,666 school rooms could be built. The condition of the Delhi Jal Board has become miserable. Employees and teachers of the colleges fully-aided by Delhi Government were not paid salaries for months during the lockdown. The National Capital, Delhi is a symbol of the country's pride. People from all states and almost all parts of the world come here. We are neither snatching nor curtailing the authority of Delhi Government. The system of the Union Territory of Delhi is being formalized by eliminating the violation being committed in jurisdictional morality.

The hon'ble Minister, replying to the discussion, said: I thank the hon'ble Members of this House for expressing their views during the discussion on this Bill. Delhi is a Union Territory with Legislative Assembly, having limited legislative powers. It is not a full-fledged State. It is administered by the Lt. Governor appointed by the President of India under Article 239AA of the Constitution. Executive powers of the Lt. Governor are different from the powers of the Governor of States. Lt. Governor can refer matters wherever he disagrees with the views of the Council of Ministers to the President of India. Delhi Assembly can make laws on all subjects in the State List and the Concurrent List except public order, police and lands. Powers of the Government in the NCT of Delhi have been provided in the Constitution of India and in the GNCTD Act, 1991. Nothing is being attempted through this Bill which is not as per the Constitution. The proposed Bill does not curtail in any manner any of the powers enjoyed by the Government of NCT of Delhi which is already provided in the Constitution of India. The Bill is not provisioning any amendment to the Constitution of India. The proposed amendments are in tune with the Supreme Court judgments. Nothing is being added in the GNCTD Act which is contrary to the Constitutional framework of the governance. The Bill proposes four amendments in the GNCTD Act. Amendment to Section 21 aims to clarify that the term 'Government' wherever it appears in the law made by the Legislative Assembly, shall mean the 'Lieutenant Governor'. The Bill, passed by the Legislative

Assembly in the National Capital Territory of Delhi on 24th June, 2015, that is, The Delhi Netaji Subhas Technology University of Technology Bill, 2015 - says, 'Government' means the Lieutenant Governor of the National Capital Territory of Delhi appointed by the President under Article 239 designated as such under Article 239 AA of the Constitution. It was not brought by the Modi government. It had been brought by the Congress party. We consider Constitution our first book. And the Constitution itself says, "State Government shall mean, in a State, the Governor, and in a Union territory, the Central Government." It has not been created by the Bharatiya Janata Party government. This had been brought by the Congress party. Police and public order comes under the jurisdiction of Central Government. GNCTD Act, 1991 was passed by the Parliament. The proposed amendments in the Act shall create a sound governance mechanism in the NCT of Delhi, which will improve equity and inclusiveness. The amendment proposals will bring transparency and clarity in the governance of the NCT of Delhi and will, thus, enhance public accountability. Many things about democracy have been said by the opposition. When opposition was in power, emergency was invoked and a number of people arrested under the MISA. Now they are teaching us the meaning of democracy. For Last seven years we are in the power, but we never toppled any government by using Article-356. This is our conviction for democracy. I want to convince that the government has full faith in democracy. We have not come to create any problem for the Government of Delhi. This Bill has been brought in only to remove the ambiguities in the Act. It should be passed.

The motion for consideration of the Bill was adopted.

Clauses etc., were adopted.

The Bill, was passed.

SPECIAL MENTIONS

1. Demand for Better Upkeep of Hermitage of Durvasa Rishi near Kanpur through ASI

CH. SUKHRAM SINGH YADAV: In Kanpur Rural, near Gauriyapur, there is an ashram on the Sengur river. According to the mythological beliefs, this is the Tapobhumi of the sage Durvasa. Durvasa ji was a great saint. His life was spent in an ashram situated on the bank of Sengur river, which flows between Akbarpur tehsil and Bhognipur tehsil of Kanpur. This place is known as Durvasa Ashram. Every year, a huge fair is organised here. I demand from the government that it should be rejuvenated by taking it under the Archaeological Survey of India.

2. Demand to include Shepherd Community Under Scheduled Tribes List

DR. VIKAS MAHATME: Recently, a padayatra and a huge rally were organised by the Shepherd community in Bengaluru. Millions of people participated in it. Similarly, a rally was also held in Tamil Nadu. In this, the Shepherd community was demanded to be given reservation under the Scheduled Tribes. The Shepherd community is known by different names throughout the country. This society is very backward. This issue is very sensitive for the shepherd community across the country. I appeal to the government that steps should be taken to redress the problems of the Shepherd community.

3. Demand for Afforestation by Establishing District Forest Area in Each District

DR. ASHOK BAJPAI: Except the hilly areas in the country, the cover of forests in the remaining part is much lower than the standard, due to which serious environmental problems are arising. Not only urban areas, rural areas are also being affected by this. Water and air, both useful for life, are getting polluted, which are causing various diseases. The ozone layer is also being affected. Plantation works are done from time to time. If there is land lying in every district, large tracts of riverside, which cannot be used in agricultural work, if such afforestation is done in such public places, then there can be protection and maintenance of forests. Just as 'One District, One Product' is

envisaged for industrial development, in the same way afforestation on public lands in every district of the country should be named as 'Zila Van'. I request the government to fill the gap of green cover by establishing a district forest in each district.

4. Demand to Fill up Vacant Posts in Paramilitary Forces

SHRI SHAKTISINH GOHIL: The successful candidates, who had passed the Computer Based Examination, Physical Examination and Medical Examination in the Constable (General Duty) examination conducted by the Staff Selection Commission in the year 2018, have been dropped from the last selection. There are 1,11,000 vacancies in the paramilitary forces. There are many youths who are fully qualified, eager to work in the paramilitary forces all over the country. I demand from the Government that they must be appointed immediately on the said vacant posts.

5. Demand for a Policy to Regulate Crypto currency

SHRI MAHESH PODDAR: The emergence of the concept of cryptocurrencies majorly threatens the present status quo in the financial world. Innovated primarily to break free of regulatory oversight, cryptocurrencies like Bitcoin, Dogecoin, etc., and their rising popularity holds vast potential for a booming alternate economy, something that the governments all over the world would have no oversight of. As far as India is concerned, the legality or lack thereof is shrouded in uncertainty as there is no concrete policy position on the same. While the RBI had banned banks from facilitating cryptocurrency exchanges in 2018, it was subsequently reversed by the Supreme Court. Therefore, it is of utmost importance that given the value of this market and the rate at which it is growing, a policy position regarding the same be arrived at as soon as possible. Possibilities of using its block chain technology be also explored for other purposes.

Desh Deepak Verma,
Secretary-General.

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**ERRATA TO THE SUPPLEMENT TO SYNOPSIS OF DEBATE
DATED 23rd MARCH, 2021**

AND

SYNOPSIS OF DEBATE DATED 24th MARCH, 2021

Page No.	Line No.	Correction
522	7	Add 'The Budget' before '(Union Territory of Jammu and Kashmir), 2021-22'.
522	7-8	Add 'The Budget' before '(Union Territory of Puducherry)'.
541	10	Add 'Act' after 'Income Tax'.