same fate as the earlier ones. As part of the policy of the erstwhile Minister, hundreds of vindictive transfers made during 1982 have not so far been cancelled. At the same time, the mismanagement by the Authority as is evident from the delay suffered by the public mail since the cancellation of all Sorting Sections in the running trains, is rampant in the P & T service today. To cover up their deficiencies the authorities are trying to transfer the blame on the employees through imposition of various punitive measures mentioned above.

Sir, under these circumstances, the Unions are left with no other alternative except to go on fast for an indefinite period from 21st March, 1983. Therefore, I urge upon the Government to intervene in the matter and see that the services, already disturbed by the unimaginative actions of the Authorities, do not suffer any further.

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1. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE DELHI ADMINISTRATION (AMENDMENT) ORDINANCE, 1983

2. THE DELHI ADMINISTRATION (AMENDMENT) BILL, 1983

3. STATUTORY RESOLUTION SEEKING DISAPPROVAL OF THE DELHI MUNICIPAL CORPORATION (AMENDMENT) ORDINANCE, 1983

4. THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1983

MR. DEPUTY CHAIRMAN: Now, we will take up the Resolution. You will move it, Mr. Advani?

SHRI LAL K. ADVANI (Madhya Pradesh): No, Sir. Mr. Mathur will do it. But, through you, Sir, I would like to make a submission to the Home Minister here because the Leader of the House had assured this House that there would be a statement on the stoppage of sale of certain publications. And tomorrow is the last day of this Session. So, we must have a statement on that particular subject by tomorrow as assured by the Leader of the House.

Secondly, Sir, the situation in Punjab continues to be very serious. And this morning there is news of the killing of the person who was an approver in the Nirankari Baba murder case. Just as you apprised Parliament of the Assam situation, I would think that the Government would be doing its duty if it apprised Parliament of the situation in Punjab also tomorrow before this House adjourns and tell us whether there has been any development in respect of the talks, the tripartite talks, that had been held earlier, and whether there has been any informal dialogue with the Akali leaders. We would like to know what is the latest position about this matter. This is what I would like to stress.

MR. DEPUTY CHAIRMAN: Yes, Mr. Mathur, you can move the Resolution.

SHRI JAGISH PRASAD MATHUR (Uttar Pradesh): Sir, I move:

> "That this House disapproves the Delhi Administration (Amendment) Ordinance, 1983 (No. 1 of 1983) promulgated by the President on the 2nd January, 1983."

MR. DEPUTY CHAIRMAN: Yes, you may speak now.

SHRI SHRIDHAR WASUDEO DHABE (Maharashtra): Sir, are they not being taken together?

MR. DEPUTY CHAIRMAN: Yes, since he is the Mover, he will speak first.

श्री जगदीश प्रसाद माथुर : श्रीमन्, यद्यपि यह सवाल केवल किताबी रह गया है क्योंकि जो कुछ करना था वह तो आर्डिनेंस जारी करके कर लिया गया।

[श्री जगदीश प्रसाद माथुर]

आर्डिनेंस का मुख्य उद्देश्य यह था कि नई मतदाता सूचियां न बनाई जायें और पुरानी लिस्ट पर चुनाव कराये जायें। यह ईमानदारी की बात नहीं थी। आपको पुरानी लिस्ट पर चुनाव कराना था। पर्याप्त समय था चुनाव अधिकारी के पास उनको संशोधित करने का और यह चुनाव 1979 की लिस्ट पर किये गये हैं। हर साल उसका संशोधन किया जाना चाहिये। निर्वाचन आयोग भी अपनी जिम्मेदारी को पूरा नहीं कर सका क्योंकि उसे मालूम था कि यह सुपर-सेशन खत्म हो रहा है, कब चुनाव कराये जाने चाहियें। उसकी जिम्मेदारी थी कि मतदाता सूचियों का वह संशोधन करता लेकिन उसने नहीं किया। इससे लगता है कि सरकार ने चुनाव अधिकारी को निर्वाचन अधिकारी को अन्धकार में रखा कि वह कब क्या चाहते हैं, वास्तव में आवश्यकता इस बात की थी कि आसाम के बारे में तो यह कहा गया कि हमारी कांस्टीट्यूशनल ओब्लीगेशन है और निर्वाचन आयोग ने अपनी जिम्मेदारी को टाल दिया लेकिन यहां तो बात बिल्कुल साफ थी। निर्वाचन आयोग को कहना चाहिये था कि 1979 की पुरानी मतदाता सूचियां हैं, इनके आधार पर चुनाव नहीं हो सकते। लेकिन लगता है कि चुनाव आयोग को सरकार ने दबाया है और उससे अकस्मात चुनाव कराए हैं। इससे गड़बड़ क्या हुई है? गड़बड़ यह हुई कि 1979 के बाद सन् 1983 की जनवरी के बाद हजारों ऐसे जवान हैं जोकि 18 साल की उम्र प्राप्त हो गये और उनको निर्वाचन में भाग लेने का अधिकार होना चाहिये था उससे उनको वंचित रखा गया। इतना ही नहीं चुनाव आयोग को यह भी मौका नहीं दिया या उसने खुद नहीं लिया जो नाम सूचियों में गलत जोड़े गये हैं, उनको ठीक करें। ऐसे हजारों नाम थे जिनका पता तक नहीं था। आप मतदाता सूचियों को देखिये। उनमें ऐसे हजारों नाम हैं, लिखे हुए हैं, न झुग्गी का नम्बर है और न झुग्गी का पता है, केवल नाम, पिता का नाम, लिख कर मतदाता सूची के अन्दर शामिल कर दिया गया है। जब लोगों ने ओब्जेक्शन किया उन ओब्जेक्शन को सुना नहीं गया, क्योंकि सरकार के यह आदेश थे कि शायद किसी प्रकार की जो गड़बड़ है, उसको सुना नहीं जाएगा।

दूसरा यह है कि सबको मालूम है कि यह चुनाव कैसे हुए। ऐसे कम से कम 6-7 केसेज हैं जहां पर चुनाव अधिकारी ने यह घोषणा कर दी कि बी०जे पी० का केण्डीडेट जीत गया है लेकिन इस सदन के एक सदस्य और कांग्रेस (आई) के नेता खड़े हो गये जिन्होंने छुरा लेकर के चुनाव अधिकारी को छुरा दिखाया और कहा कि यहां पर तुम यह घोषणा मत करो उनके पेटीशन्स आ रहे हैं। श्रीमन्, आप जानते हैं कि पेटीशन्स तो साल, दो साल या तीन साल जब तक आधा समय निकल जाता है तब आती है। यह गुण्डागर्दी करने का इरादा सरकार का था इसलिये चुनाव आयोग को समय नहीं दिया।

श्रीमन् मैं एक प्रश्न और करना चाहता हूं। दूसरे सदन में जब यह प्रश्न आया तो गृह मंत्री की तरफ से यह कहा गया था कि वह दिल्ली में मैट्रोपोलिटन कौंसिल की जगह पर असेम्बली बनाने के प्रश्न पर विचार कर रहे हैं। जब जनता पार्टी की सरकार थी उस समय बिल आया था बिल इन्ट्रोड्यूस भी किया गया था लेकिन वह पारित नहीं हो सका। क्योंकि सरकार गिर गई। मैं इनसे यह आश्वासन चाहता

हूं यदि वह यहां पर असेम्बली देना चाहते हैं तो क्या उनका इरादा बेईमानी से झूठी मतदाता सूचियों के आधार पर निर्वाचित इस मैट्रोपोलिटन कौंसिल को ही असेम्बली घोषित करने का है अथवा नहीं है ?

मेरी मांग यह है कि यदि वह असेम्बली बनाते हैं तो इस वर्तमान मैट्रोपोलिटन काऊंसिल को भंग करके नये चुनाव करायें और नई सूची के आधार पर करायें । अतः आप इस चीज को भी स्पष्ट करें ।

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. VENKATASUBBAIAH): Sir, I beg to move:

"That the Bill to amend the Delhi Administration Act, 1966, as passed by the Lok Sabha, be taken into consideration."

Sir, the Delhi Metropolitan Council was dissolved by the President on 21st March 1980. The period of operation of Presidential Order made in this behalf was extended from time to time and the last such extension was to expire on 20th March 1983. Alternatives available to the Government were either to hold elections to Metropolitan Council before 20th March 1983 or to extend the period of operation of Presidential Order further. In the interests of restoring democratic set up in Delhi at the earliest opportunity, the Government preferred the first alternative. However, as a provision of the Delhi Administration Act, 1966 stood, it was obligatory to delimit the Metropolitan Council constituencies afresh and to determine the number of seats to be reserved for Scheduled Castes in the Council on the basis of population figures ascertained in the 1981 Census As the hon. Members are aware, through amendment made by the Constitution (Forty-second) Amendment Act, it was provided that elections to State Assemblies and the House of the people and the reservations of seats for Scheduled Castes and Scheduled Tribes in those bodies would continue to be on the basis of population ascertained at the 1971 Census till the first Census is taken after the year 2000 A.D. A similar amendment was not, however, made in the Delhi Administration Act, 1966. If the Metropolitan Council constituencies were to be delimited afresh and the number of seats to be reserved for the Scheduled Castes in the Council were to be redetermined on the basis of population ascertained at the 1981 census, it would not have been possible to hold elections to the Metropolitan Council for another five to seven months. It was, therefore, decided to amend the Delhi Administration Act, 1966 to bring it in line with the provisions of the Constitution and enable the holding of elections to the Metropolitan Council on the basis of population figures ascertained at the 1971 census or in other words on the basis of the constituencies delimited after the 1971 census. Accordingly, the necessary amendments were made by promulgating the Delhi Administration (Amendment) Ordinance, 1983. This Bill seeks to replace the Ordinance.

Sir, what we have done in respect of Delhi is what the Constitution provides in the case of legislative assemblies of the States and the Lok Sabha.

So, Sir, I commend this Bill to the House for its consideration and acceptance. Sir, the hon. Member has raised some points while moving his Resolution. I would like to have your ruling in the matter whether I should reply to Mr. Mathur's point.

MR. DEPUTY CHAIRMAN: You may reply later. Next Resolution by Shri Joshi.

श्री जगन्नाथराव जोशी (दिल्ली) : उपसभापति महोदय, मैं आपकी अनुमति से निम्नलिखित संकल्प पेश करता हूं कि : "यह सभा राष्ट्रपति द्वारा दो जनवरी 1983 को प्रख्यापित दिल्ली नगर निगम (संशोधन) अध्यादेश, (1983 का सं० 2) का निरनुमोदन करती है" ।

[श्री जगन्नाथ राव जोशी]

उपसभापति महोदय, मेरे साथी श्री जगदीश प्रसाद माथुर जी ने अभी पहले अध्यादेश का निरनुमोदन करते हुए कुछ बातें सामने रखी हैं । किंतु जो बातें उन्होंने दिल्ली महानगर परिषद के लिए कहीं वे बातें नगर निगम के लिए लागू नहीं होती हैं । उन्होंने कहा कि यदि मतदाता क्षेत्र का पुनर्गठन किया जाता तो पांच सात महीने लगते और इस लिये जल्दी आध्यादेश जारी करके किया गया । किन्तु जहां तक नगर निगम का सवाल है यह नगर निगम के चुनाव थोड़ी देरी से भी होते तो कौन सा आसमान टूटने वाला था, यह मेरी समझ में नहीं आता है । क्योंकि 1980 में अधिकार के आने के उपरांत जब सरकार ने दिल्ली नगर निगम भंग किया और मुझे तो लगता है कि जो देश के नगर निगम है या स्थानिक प्रशासन जिसे कहते हैं वे एक अनाथ बच्चे के समान बने हैं । वास्तव में उनको संवैधानिक अधिकार होना चाहिए था, या तो चार-पांच साल रहे । जहां संवैधानिक अधिकार मिला, वहां भी खिलवाड़ होता है, और जहां अधिकार ही नहीं, वहां ऊपर वाला भी उनका साथ नहीं देता ।

जहां तक इन्होंने दिल्ली की बात की, मैं जानना चाहता हूं कि आपात स्थिति में बंगलौर नगर निगम जो भंग हुआ, वह आज तक भंग है, इतने साल हो गये धारवार, हुबली नगर निगम जो भंग हुआ, वहां अभी तक चुनाव नहीं हुआ है, कोई पूछने वाला ही नहीं है ।

आन्ध्र मे पिछले साल दो जगह चुनाव हुए, विजयवाड़ा और विशाखापतनम, दोनों जगहों में बहुमत सत्तारूढ़ दल को नहीं मिला । इस बात को लेकर, डर के मारे हैदराबाद में जो बाद में चुनाव होने वाले थे नगर निगम के, वह नहीं हुए, आज भी नहीं हुए । अब बदलती हुई सरकार में इसमें कुछ होंगे, तो होंग । आन्ध्र, और कर्नाटक चुनाव के नतीजे आते ही वास्तव में इसी मार्च के अंदर बंबई महानगर के जो चुनाव होने वाले थे, उसके लिए जो तैयारियां होरही थीं, उसके लिए जो नौकर वर्ग लिया गया था, उसको फिर एक साल के लिये टाल गये ।

तो यह जो दलील दी जाती है कि इसके लिए है, उसके लिए है, यह कोई इसके लिए लागू नहीं पड़ती है । उसको देखने के लिए कोई नहीं है । मैं यह जानना चाहता हूं कि आजादी के उपरांत 34–35 साल होने के बाद कम से कम कुछ नियमानुसार काम हो, कुछ स्वस्थ परम्परा डाली जाए, जिसको संवैधानिक अधिकार नहीं है, उसको एक परम्परागत यहां पर अधिकार मिल जाए, किसी के हाथ में कोई अधिकार आए, तो अच्छी चलने वाली चीज को बिगाड़ना नहीं चाहिए । यह कोई जरूरी नहीं था कि महानगर परिषद् के साथ ही नगर निगम के चुनाव भी हों, । 1971 में महानगर परिषद् के चुनाव लोक सभा के चुनाव के साथ हो गये थे किन्तु 1972 में नगर निगम के चुनाव हुए यह कोई जरूरी नहीं है कि दोनों साथ-साथ हो जायें ।

जहां तक डिलिमिटेशन का सवाल है, इतने लोग दिल्ली में आए हुए हैं, लाखों की तादाद में, तो ऐसी स्थिति में उनको अधिकार से वंचित रखना, यह कहां तक उचित है ? जहां तक डिलिमिटेशन का सवाल आता है, तो 42वें संशोधन भले ही असेम्बली पर लागू हों, किन्तु नगर निगम पर लागू नहीं होता तो समयाभाव के कारण हमने किया, यह बात तो बिलकुल गले से नीचे नहीं उतरती । नान-एलाइंड कानफ्रेंस के बाद भी लिया जा सकता था ।

जहां तक रिविजन आफ रोल्स इका सवाल है, मैं मंत्री महोदय का ध्यान ध आकृष्ट करना चाहता हूं। 1980 के बा

दिल्ली में रोल्स रिवाइज नहीं हुए, यहां तक कि मैं दिल्ली से चुना हुआ प्रतिनिधि हूं, मेरा नाम रोल्स में नहीं था । मेरा घर 27, फिरोज़शाह रोड पर है, बिलकुल रास्ते में है। कोठी कैसे छूट गई ? मेरे घर के बगल में जो सर्वेन्ट क्वार्टर्ज़ हैं, उसमें हरेक का नाम है, मेरा नाम नहीं है, मेरे घर वालों का नाम नहीं है । जब खुद मुझको मत देने से वंचित रखा गया, तो और ऐसे कितने हजारों, लाखों लोग हैं, मैं नहीं जानता । तो ऐसी स्थिति में जो इधर-उधर से दिल्ली में जो काम के लिए लोग आए, उन की संख्या बहुत बढ़ गई । और अगर हिन्दुस्तान के मैट्रोपोलिटन सिटीज़ की संख्या जो अनगिनत बढ़ गई है, उसको देखें तो शायद दिल्ली का नम्बर पहला लगेगा । इतने लोग आए, तो लोकतंत्र का यह तकाज़ा है कि ऐसे लोगों को चुनाव का अधिकार मिले, अपने प्रतिनिधि चुनने का अधिकार मिले । तो जहां तक रिवाइज्ड रोल्स का भी सवाल है, चुनाव कमिश्नर का दायित्व होता है, पर लगता है कि उन्होंने भी अपना दायित्व पूर्णरूपेण स्वीकार नहीं किया है ।

यह शासन किस नियम से काम करता है, यह तो मुझे पता नहीं, लेकिन मैं जानना चाहता हूं आन्ध्र, कर्नाटक के चुनाव भी पांच तारीख को हुए, यह सेटरडे या संडे नहीं था, छुट्टी का दिन नहीं था, यहां भी पांच फरवरी को हुए, वह भी छुट्टी का दिन नहीं था । यह जो शादी का जैसे मुहुर्त निकालते हैं जैसे पंचांग, ज्योतिषी जी को पूछ कर निकालते हैं, यह कहां से आते हैं, यानी छुट्टी को चुनाव होते तो सब को सहूलियत होती । मैं जानता हूं कि केरल में संडे जान-बूझ कर कम्युनिस्टों ने बदलवाया था । उसका कारण था कि संडे के दिन कनग्रे गेशन के नाम पर सब को इकट्ठा करके सीधे पोलिंग बूथ पर ले जाया करते थे, इसलिए केरल के चुनाव संडे को नहीं होते, केरल के चुनाव मंडे या और किसी दिन को होतेहैं, ऐसी तो यहां बात नहीं थी । तो यह जो पांच-पांच आ गया, यह क्या पांच है, यानी यह क्यों लिया गया, इसका कुछ तर्क तो हमको दे दें, हमको समझ में आएगा । सबको जिस में सहूलियत होती है, छुट्टी सब को होती है, यह कोई शादी और विवाह का मुहुर्त थोड़े ही है कि देखकर करें कि उत्तरायण, दक्षिणायण या शुक्ल पक्ष या कृष्णपक्ष है । तो सब विरोधी दल भी जो होता है, उनको भी विश्वास में लेकर, काम करना चाहते हैं, तो छिपा कर रखने की कोई बात नहीं थी ।

नगर निगम के बारे में जो दलील और तर्क उन्होंने दिया है, इससे यही लगता है कि मनमाने ढंग से काम करने का तरीका जो शुरू हो गया है, मैं चाहता हूं कि कम से कम इसके बाद तो बंद हो, और निश्चिंतता से नियमानुसार लोकतंत्र का काम हो, ताकि उसमें सब का भला हो । धन्यवाद ।

SHRI P. VENKATASUBBAIAH: Sir, I beg to move:

> "That the Bill further to amend the Delhi Municipal Corporation Act, 1957, as passed by the Lok Sabha, be taken into consideration."

Sir, the Delhi Municipal Corporation was superseded for a period of one year by the Central Government under section 490(1) of the Delhi Municipal Corporation Act, 1957, with effect from 11th April, 1980, because in the opinion of the Central Government the Corporation had persistently made default in the performance of its duties, had abused its powers and was not competent to perform the duties imposed on it. The period of supersession was extended from time to time and the last such extension was due to expire on 10th April 1983. Sir, while moving that the Delhi Administration (Amendment) Bill, 1983, as passed by the Lok Sabha, be taken into consideration, a short while ago, I had given detailed reasons which prevailed with the

[Shri P. Venketasubbaiah]

Government in promulgating the Delhi Administration (Amendment) Ordinance 1983. The same reasons apply to the promulgation of the Delhi Municipal Corporation (Amendment) Ordinance 1983 which this Bill now seeks to replace.

About the several points raised, while giving a reply I will answer all those points, but I would like to say in reply to what our friend has pointed out, that we do not believe in astrology or some such things. As a matter of fact, the results have shown that the BJP astrology has gone wrong so far as the Municipal Corporation and Metropolitan Council elections are concerned. Whatever it may be, I would like to give my reply in detail to the points raised by the hon. Member.

The question were proposed.

MR. DEPUTY CHAIRMAN: The Resolutions and the Bills for consideration are now open for discussion, and they will all be taken together. Shri Surendra Mohan, not there. Shri Shiva Chandra Jha, not there. Shrimati Kanak Mukherjee.

SHRIMATI KANAK MUKHERJEE (West Bengal): Sir, today we are discussing Delhi, the national capital of our great country, which has drawn attention of the entire civil world due to various reasons, but unfortunately, unlike the most of the capitals of civil world, our capital is administered differently from other parts of the country. The long-standing demand of the people for the proper Statehood, unified authority and democratic decentralisation of administration for which members of all parties including the ruling party advocated even during the last election, is pushed back by the autocratic hands of the Government to suit their own interest against that of the people.

Sir, not to speak of considering the question of status of a full-fledged Statehood of Delhi or even introducing a comprehensive bill for a democratic administration, the Government has introduced the amendments in the form of these two Bills, namely the Delhi Administration (Amendment), Bill, 1983 and the Delhi Municipal Corporation (Amendment) Bill, 1983, which are really retrograde measures and hence most disappointing. The hotch-potch administration of Delhi under many masters like the DMC, DDA, Municipal Corporation, Cantonment Board, NDMC, etc. besides the Central Government having some of the powers and our poor Delhi does not know which master's voice to echo. This divided responsibility only brings more and more confusion, delay and more and more useless expenditure and overlapping authority. The Commissioner is all in all. The mayor and the deputy mayor are merely figure-heads, ornamental. The legacy of colonialism is obvious here. Now, Sir, let us come to the actual amendments to the Acts. The Statement of Objects and Reasons very rightly says: "Delhi shall be divided into single-member wards in such manner that the population of each of the wards shall, so far as practicable, be the same throughout Delhi". It also provides for the delimitation of the constituencies and reservation of seats for the Scheduled Castes. What prevented the Government to do delimitation and reservation? The reason given is that it is a time-consuming process. The 1981 census was out long before and these elections took place in February last. Government and not get time for delimitation and reservation of seats for the scheduled castes. As per the statement of the hon. Minister himself in the other House, the number of scheduled castes, most of whom belong to the labour class, has increased by more than 2 million. According to his statement, the population of Delhi in 1971 was 40,65,698 and in 1981 it was 62,20,406. The percentage of scheduled castes increased from 15.64 to 18.03. The number of voters varied much disproportionately from the constituencies and wards of the resettlement colonies to those of the city. Somewhere it is more than 1

lakh and in the city it is between 25,000 to 30,000. Now see the disparity in the population ratio. What is the reason? There must be some political game behind it. Maybe it suits the ruling party. Maybe it is easier for them to get the votes of people and to deceive those who live in more backward areas than to deceive the more enlightened city people who enjoy more facilities than those who live in resettlement colonies or belong to scheduled castes and labour class.

Another political game is quite obvious. That is regarding the selection of time, about which my hon. friend has already mentioned. Since long the demand for holding elections in Delhi was being raised in this House. Many times we discussed this. I remember it myself. But the Government did not pay any heed to that demand. But suddenly it found the time suitable. Why? It reminds me of the famous line of great poet Shelley: "if winter comes, can spring be far behind?" For the ruling party, this winter was not an icy cold winter. It was a harbinger of good time. Asiad brought them success in the elections—i.e. the spring—and it was followed by NAM. That must be the reason why they suddenly found it possible to have the elections which they did not find possible for the last so many years. In fact, the Delhi Municipal Corporation and the Delhi Metropolitan Council remained suspended for three years. And suddenly the elections were found possible. And now this Amendment Bill is being introduced to repeal the Ordinance. This amendment is not for the betterment or more democratisation of the Acts. This amendment is retrogressive, to push back any improvement upto 2000 A.D. For 17 years now we have to wait to set right the imbalance. Look at this crocodile speed of our country in the age of Sputnik. That is actually the political game behind this.

Sir, this is an absolutely autocratic act of the Government to bring forward this amendment to push back the situation and to exert autocracy over the democratic will of the people. Instead of considering the demand of the people for conferring the status of Statehood on the national capital, the ruling party's Government has brought this retrograde amendment. But the people cannot be put in the dark for long. The democratic people of Delhi along with all other democratic people of our country will surely come forward to get rid of this autocracy, this deception and to live in a property, democratically elected State. So I hope the Government will pay heed to this popular demand and consider bringing forward a comprehensive Bill for introducing a unified authority in Delhi and giving it the status of Statehood which is a long-standing demand of the people and of all the parties, including the ruling party itself which advocated this demand in their election propaganda many times before. Thank you, Sir.

1 P.M.

MR. DEPUTY CHAIRMAN: This debate will continue after lunch. But, before we adjourn for lunch, I would like to inform hon. Members that the statement by the Minister about the DTC strike, etc., will be made in this House after the discussion on NAM is over, say, at about 6.30, because the Minister is making the statement in that House at 4.00. At that time we shall be midway . . .

SHRI LAL K. ADVANI: We can have it at 2 o'clock here.

MR. DEPUTY CHAIRMAN: That is not possible, perhaps.

SHRI LAL K. ADVANI: Why not? He can do it here at 2 o'clock, the moment we meet. Then this debate can continue.

MR. DEPUTY CHAIRMAN: That is not feasible for the Government because they said they will make the statement there at 4 o'clock.

SHRI LAL K. ADVANI: After NAM it will be very late.

MR. DEPUTY CHAIRMAN: We cannot take up the statement in between the discussion. If he agrees we

can take it up at 4 o'clock but that will disturb the discussion.

SHRI LAL K. ADVANI: I am not suggesting that. Immediately after lunch or at 2.30 . . .

MR. DEPUTY CHAIRMAN: Perhaps the statement may not be ready by that time.

SHRI JAGDISH PRASAD MATHUR: You said they are making it there at 4 o'clock. It can be done here at 2.30 or 3.00.

SHRI LAL K. ADVANI: It can be suggested. In these matters . . .

MR. DEPUTY CHAIRMAN: They made it clear they could not do it earlier her. They said they want to make it at 4 o'clock . . .

SHRI LAL K. ADVANI: Even now the request of the House can be conveyed to them.

श्री उपसभापति : अब सदन की कार्यवाही दो बजे तक के लिए स्थगित की जाती है ।

The House then adjourned for lunch at two minutes past one of the clock.

The House reassembled after lunch at four minutes past two of the clock, **The Vice-Chairman [Dr. (Shrimati) Najma Heptulla]** in the Chair.

THE VICE-CHAIRMAN [DR. (SHRIMATI) NAJMA HEPTULLA]: I have to make an announcement, that the Prime Minister would like to make a Statement in the Rajya Sabha regarding the setting up of a Commission for Centre-State relations at 5.15 P.M. today.

We will now continue our deliberation on the Bills. श्री शिवचन्द्र झा आप बोलिये ।

श्री शिव चन्द्र झा (बिहार) : मैं किस पर बोलूं ?

उपसभाध्यक्ष [डा० (श्रीमती) नाजमा हेपतुल्ला] : आप दिल्ली एडमिनिस्ट्रेशन और दिल्ली कारपोरेशन के बारे में दोनों बिलों पर बोलिये ।

श्री शिव चन्द्र झा : उपसभाध्यक्ष महोदया, आज सदन में दिल्ली एडमिनिस्ट्रेशन बिल और दिल्ली कारपोरेशन बिल, इन दोनों पर बहस हो रही है । सरकार ने दिल्ली में चुनाव कराने के लिए एक आर्डिनेन्स निकाला क्योंकि दिल्ली में चुनाव कराने की मांग की जा रही थी । चूंकि कांस्टिट्यूएन्सी का डिलिमिटेशन सन् 1981 की सेन्सस के मुताबिक करने में कुछ वक्त लगता, इसलिए आर्डिनेन्स जारी कर दिया गया ताकि दिल्ली में जल्दी से चुनाव हो जाये । चुनावों की हम लोग भी बहुत दिनों से मांग कर रहे थे । आप जानते हैं कि हम लोग चुनाव कराने के संबंध में मांग करते रहते हैं । असाम में चुनाव हो गये । आज भी हम मांग करते हैं कि आसाम में फिर से चुनाव कराये जायें और वहां की वर्तमान एसेम्बली को भंग किया जाय । हमने सदा यह मांग की है कि चुनाव निष्पक्ष होने चाहिए । इस संबंध में यदि मैं इतिहास के बारे में कुछ कह दूं तो अच्छा रहेगा । इमरजेन्सी के वक्त में चुनावों का सिलसिला खत्म हो गया था । इमरजेन्सी में हम सब लोग बंद थे । उस वक्त देश में जनतंत्र खत्म हो गया था । हिन्दुस्तान के हजारों नवजवान जेलों में बंद कर दिये गये । डेढ़ साल तक यानी 18 महीनों तक हम लोग जलों में रहे । हमारी यह मांग रही है कि चुनावों का सिलसिला देश में चला रहना चाहिए । इस संबंध में लोक नायक जयप्रकाश जी के नेतृत्व में हम लोगों ने आन्दोलन किया । मैं यह कहना चाहता हूं कि अगर सरकार को गलतफहमी हो कि हम लोग चुनावों के खिलाफ हैं तो यह सरकार की ना-समझी है । हमारा पूरा विश्वास है कि हमारे देश में चुनाव का ढांचा, जनतंत्र का ढांचा, सदा बना रहना चाहिए । हो सकता है कि चुनावों के ढांचे में कुछ खामियां हों, लेकिन चुनाव

ही एकमात्र रास्ता है जिसके माध्यम से जनतंत्र को आगे बढ़ाया जा सकता है । हमारे देश में ही नहीं, इंगलैंड, अमेरिका आदि देशों में भी इसमें कुछ खामियां हैं, कमियां हैं । लेकिन सभी लोग यह मानते हैं कि चुनाव और जनतंत्र ही इस वक्त एक ऐसा तरीका है जिसके माध्यम से समस्याओं को निपटाया जा सकता है। इसलिए मैं यह कहना चाहता हूं कि हम लोग दिल्ली में मैट्रोपोलिटन कौंसिल और कारपोरेशन के चुनाव कराने के खिलाफ नहीं हैं । लेकिन जिस तरीके से आर्डिनेन्स जारी करके झपट में ये चुनाव कराये गये हैं और जिस गलत नीयत से ये चुनाव कराये गये, उसके हम खिलाफ हैं। यह ठीक है कि कांस्टिट्यूएन्सी का डिलिमिटेशन करने में कुछ वक्त लग सकता था और सन 1981 की सेन्सस के मुताबिक उनका निर्धारण करने में देरी हो सकती थी । लेकिन इस सरकार की नीयत दूसरी थी । इसने 1981 की सेन्सस के मुताबिक कांस्टिट्यूएन्सीज का निर्धारण नहीं करवाया । ये चाहते थे कि जल्दी से चुनाव करा दिये जाये । इसका एक बहुत बड़ा कारण यह था कि दक्षिण से एक तूफान आ चुका था । कर्नाटक और आन्ध्र प्रदेश में इनकी पार्टी का सफाया हो चुका था । इसलिए ये चाहते थे कि दिल्ली में भी अविलम्ब चुनाव हो जायें तो शायद कुछ फायदा हो जाय । इसलिए इन्होंने आर्डिनेन्स जारी कर दिया । जैसा मैं कह चुका हूं, मैं चुनाव के खिलाफ नहीं हूं । लेकिन जिस झपटे में ये चुनाव कराये गये, उसके हम खिलाफ हैं । इसलिए मैं सबसे पहले माननीय मंत्री जी से यह मांग करता हूं कि आप दिल्ली के चुनावों की एक निष्पक्ष जांच करवायें जो इस बात को देखे कि दिल्ली में चुनावों के सिलसिले में सरकारी मशीनरी का दुरुपयोग हुआ है या नहीं । मैं समझता हूं कि दिल्ली में चुनावों के सिलसिले में सरकारी मशीनरी का दुरुपयोग हुआ है । चूंकि दिल्ली में सारी सत्ता कांग्रस के हाथ में थी, इसलिए सरकारी मशीनरी का दुरुपयोग किया गया । जैसा मैंने कहा, अमेरिका में भी और इंगलैंड में भी, चुनावों में कुछ कमियां हैं, लेकिन हमें जनतंत्री ढांचे में रहते हुए इन खामियों को दूर करना होगा । हो सकता है, इसमें कुछ वक्त लग सकता है । लेकिन सरकारी मशीनरी, सरकारी साधनों का उपयोग करना आपके लिये जनतंत्र के आदर्श के अनुकूल नहीं था । लेकिन दिल्ली में हुआ है । मैं पहाड़गंज जा रहा था । मालूम हुआ कि प्रधानमंत्री की मीटिंग थी । मैं गया था वहां मीटिंग करने के लिये । उस वक्त प्रधानमंत्री आ रही थीं पहाड़गंज में मीटिंग करने के लिये । अच्छी भी बात है और खराब भी बात है ।

उपसभाध्यक्ष डा० (श्रीमती) नाजमा हेपतूल्ला) : खराब कैसे थी ?

श्री शिव चन्द्र झा : खराब इसलिये थी कि पंडित जवाहर लाल नेहरू जी कभी भी असेम्बली के बाई-इलेक्शन में भी नहीं गये । इंदिरा गांधी केवल कांग्रेस प्रेसीडेंट ही नहीं है बल्कि अभी थोड़ी देर के लिये प्रधानमंत्री ही कहना पड़ेगा। उस पोस्ट के लिये, उस पद की गरिमा को देखते हुए उनके लिये यह शोभा की बात नहीं थी कि वे म्युनिस्पैलिटी और म्युनिस्पल कारपोरेशन के बाई-इलेक्शन में जायें । आंध्र प्रदेश और कर्नाटक में मेरे पास सब तारीखों का हिसाब हैं । वे 18 दिसम्बर को यहां से निकली और 3 जनवरी को आई, जहां तक मेरा ख्याल है । पूरे 18-19 दिन आंध्र प्रदेश, कर्नाटक और त्रिपुरा का दौरा करके आई । हैलीकाप्टर पर हैलीकाप्टर का इस्तेमाल, जहाई जहाजों का इस्तेमाल सब हुआ, बाई-इलेक्शन में । असेम्बली के

[श्री शिव चन्द झा]

बाई-इलेक्शन में पंडित जवाहर लाल नेहरू नहीं जाते थे । लेकिन ये गई । और वह तो असेम्बली का चुनाव था । लेकिन यहां म्युनिस्पैलटी का चुनाव था, जाने की जरूरत भी नहीं थी । लेकिन वह गई क्योंकि प्रधानमंत्री या मुख्य मंत्री के जाने से जरा सा ओ हो जाता है, बैलेंस उनकी तरफ हो जाता है । इसलिये खराब है कि यहां पर इंदिरा गांधी एज सच नहीं गई । वह अगर कांग्रेस अध्यक्ष रहती तो जाना चाहिए था लेकिन जो वह प्रधानमंत्री के नाते गईं वह खराब था । अच्छा यह था कि 10 आदमियों ने दर्शन किये । बाजार वाले जो दर्शन करने के लिये लालायित रहे होंगे उन्होंने दर्शन किये । उनके लिये अच्छी बात थी। उपसभाध्यक्ष महोदय, यहां सरकारी साधनों का दुरुपयोग हुआ । मैं मांग करता हूं कि एक संसदीय जांच कमेटी बनाई जाय, जनतंत्र को स्वच्छ और बिल्कुल साफ बनाने के लिये यह जरूरी हो जाता है । पहले तो पैसे का जो खेता होता है, अमेरिका में जब चुनाव होता है, दिखाने के लिये जनतंत्र है लेकिन वहां पर जब स्टीवेंशन और आइजनहावर का चुनाव था तो उस वक्त मैं वहां था हजारों रुपये की प्लेट वहां बिकती है, उस पार्टी में, उसके कन्वेन्शन में अगर हजारों डालरों का टिकट खरीदें तो आप जा सकते हैं, ऐसे ही लोग वहां इकट्ठे होते हैं । वाल स्ट्रीट में दो बिग है रिपब्लिक और डेमोक्रेटिक और चुनाव में तीसरी पार्टी की हिम्मत ही नहीं होती । नार्मन थामस भी लड़े थे, बैठ गये । तीसरा कैन्डीडेट दस स्टेप जाने के बाद बैठ जाता है । इंग्लैंड में भी वही बात है । वहां का तफरका, आर्थिक तफरका, आर्थिक विषमता उसकी बात हम लोग बराबर करते हैं । हैराल्ड लास्की ने अपनी किताब में लिखा है; ग्रामर आफ पोलिटिक्स में कि अमेरिकन डेमोक्रेसी और इंगलैण्ड की डेमोक्रेसी किताबों में है, वहां पोलिटिकल डेमोक्रेसी है, सही डेमोक्रेसी नहीं है । सिडनी एंड ब्रिटिश ने बहुत मोटी मोटी किताबें लिखीं, तमाम इस तरह की किताबें वहां हैं । हमारे समाज को इन बुराइयों पर चोट करनी होगी । लेकिन इसमें वक्त लगेगा । लेकिन जब तक यह नहीं होता तब तक कम से कम सरकारी मशीनरी का दुरुपयोग आप रोक सकते हैं। यह जो आपका अपना घूमना है, यह तो आप रोक सकते हैं । इस सब पर रोक नहीं लगाई और चुनाव का जो रूप था वह दूषित कर दिया । इसके बहुत से उदाहरण है कि किस कांस्टिटुयेंसी में, किस वार्ड में किस इलाके में किस रूप में हुआ, लेकिन यह बात पिटी पिटाई बात है जो और क्षेत्रों में भी होती है । इसलिये मंत्री महोदय आप दिल्ली में जिस रूप में कर रहे हैं, हम उसका इस्तकबाल करते हैं लेकिन जिस रूप में आर्डिनेंस के जरिये किया है उसकी हम पूरी मुखालिफत करते हैं । चुनाव से अगर आपको मुहब्बत है तो हम चैलेंज करते हैं कि आप असम में आ जायें, असम में एल्लीमिनेट ही नहीं, मैं उसे सरकार कहूंगा, शब्द अनपार्लियामेन्टरी नहीं होगा, असम की असेम्बली है वहां की सरकार है, उसको आप बरखास्त करें। वहां पर आप तत्काल चुनाव कराएं ताकि उसमें जो आन्दोलनकारी हैं वे भी भाग ले सकें । उसी तरह से जहां कहीं भी बाई इलैक्शन हों आप रोक लगा सकते हैं । यह सरकार कर सकती है, मैं मानता हूं । मैं यह भी मानता हूं कि चाहे हमारे लोग हों, उसका दुरुपयोग होता हो, जनता पार्टी के लोग हों, चाहे आपके लोग हों दुरुपयोग होगा, होता, यह अच्छी

*Expunged as ordered by the Chair.

बात है । इसलिए मैं यह कह रहा हूं कि आपको इसके लिए एक कोड आफ कंडक्ट बनाना चाहिये जो सरकार में लोग हैं वह कितनी दूर तक इस्तेमाल कर सकते हैं, कितनी दूर तक नहीं कर सकते हैं । विरोध पक्ष वालों को भी आप बैठा लीजिये । लेकिन यदि आप सरकारी साधनों का इस्तेमाल करते हैं तो विरोधियों को भी रेडियो में क्यों नहीं आने देते हैं । आप तो इस्तेमाल करते है आप विरोधियों को नहीं करने देते है इसका आप ख्याल रखें । चाहे दिल्ली का चुनाव हो, चाहे दिल्ली का मैट्रोपोलिटन कौंसिल का चुनाव हो या हिन्दुस्तान के किसी भी इलाके मे चुनाव हो वह जितना ज्यादा स्वच्छ और उसमें सरकारी अफसरशाही का दखल न हो हम उसको पसंद करेंगे । लेकिन याद रखिये एक चुनाव कराने से काम नहीं चलता है । नौजवान को वोट देने का जो हक है उसको वह देना होगा, वोट देने का अधिकार 18 वर्ष के युवकों को देना होगा, इसके लिए आपको संविधान में संशोधन करना चाहिये । साथ ही साथ आपको कांस्टीट्यूंसी-वाइज और सुधार करने होंगे । लेकिन आप सरकारी मशीनरी का दुरुपयोग करने के लिए वातावरण को विशियेट करने के लिए ही करेंगे ताकि जीत हमारी हो । आज आपने आसाम में चुनाव थोप दिया है लेकिन 1983-84-85 में आपको वहीं देखना पड़ेगा जो 1977 में आपने देखा था (समय की घंटी) इन्हीं शब्दों के साथ आपने घंटी बजा दी है, इस आर्डिनेंस का मैं विरोध करता हूं आप यह जवाब दें कि जिस तरीके से सरकारी मशीनरी का दुरुपयोग हुआ और भावी चुनाव में कोई एक कोड आफ कंडक्ट बनाएंगे आपस में बैठ कर विचार करेंगे ताकि इसका दुरुपयोग न हो और साथ ही साथ जो मांग हो रही है जो असम की इल्लेजिटीमेंट सरकार है उसको आप तत्काल बर्खास्त करें ताकि हमें आपका यह सबूत मिल जाए कि आप चुनाव में विश्वास करते है । इन्हीं शब्दों के साथ इन दोनों आर्डिनेंस का मैं विरोध करता हूं ।

SHRI SHRIDHAR WASUDEO DHABE: Madam Vice-Chairman, I oppose the process of Ordinance-making for holding elections. It is neither proper nor equitable. This is abuse of power under the Constitution. I would however, fully support the demand for State hood for Delhi. This practice of linking the two elections—the Metropolitan Council elections and the Municipal Corporation elections—should be done away with. They should be delinked and the importance of civic elections—to the Delhi Municipal Corporation—should be realised and understood by the Minister. Delhi Municipal elections are meant for improving the civic amenities and not in the sense of a political institution as the Assembly or the Metropolitan Council. In that context, there was no basis why delimitation has not been done. They could have extended the period for holding the elections. Now the result is in one constituency in municipal elections the number of voters is one lakh, equal to an Assembly seat. Bombay has 140 constituencies whereas here it is only 100. If delimitation had been done, there would have been a larger representation and so many voters would have been added. Therefore, delimitation prior to the Municipal election is very important from the point of view of civic amenities in any corporation. These municipal elections are treated as a political institution and Government interferes from time to time. Out of 45 municipal corporations, more than 20 corporations are superseded. Elections in some States like Andhra Pradesh and Madhya Pradesh, to the corporations, were not held for more than ten years.

Corporations belonging to the opposition parties were superseded and Administrators were appointed. The time has come to amend the Act

[Shri Shridhr Wasudeo Dhabe]

so as to take away the power of appointing Administrators. In the Bombay Municipal Corporation Act there is no provision for that. The Government extends the life of the Corporation, if no election is held, with the same Mayor and Deputy Mayor continuing in office. The same municipal councillors continue. There must be continuity for purposes of civic representation of the people in the Municipal Corporations. The practice of appointing Administrators after superseding the Corporation should be seriously reviewed. In Nagpur there was no election for three years. I would request the Home Minister to examine all the Municipal Corporation Acts some of which are very old. They must be examined and the power to appoint Administrators and to supersede the Corporation should be removed so that the same civic representatives could continue.

As regards the nature of elections held here, I do not want to say anything because other Members have already spoken about it. But I would say that this method of having election by ordinance has created more problems than solving them. The Government should not interfere in the process of election because that will introduce an element of uncertainty. I support the Resolutions and oppose the Bills.

THE VICE-CHAIRMAN DR. (SHRIMATI) NAJMA HEPTULLA: Mr. Jha has used the word*. Please check up if it is unparliamentary and if so we will remove it from the proceedings.

SHRI GHULAM RASOOL MATTO (Jammu and Kashmir): I rise to support this Bill because it is a *fait accompli*. The term of the Delhi Municipal Corporation ends on 10-4-1983. May I ask the hon. Minister why instead of an Ordinance, he did not come out with a proper Bill so that the life of the Corporation could be extended?

*Expunged as ordered by the Chair.

While supporting this Bill, I have only to observe that this could have been easily done by an Act of Parliament which he should have done in time.

The elections have been held on the basis of certain electoral roll. That is all right. But by this amendment he wants to freeze it upto 2,000 and beyond. I would request the Minisbeyond. I would request the Minis-

The population of Delhi when this Municipal Corporation Act was enacted in 1956, was 25 lakhs. On the basis of 100 seats in the Corporation, each councillor's constituency consisted of 25,000 people. In the year 2,000 it is likely that Delhi's population will be 100 crores. If the number of seats is to remain 100, then each councillor will have to look after one lakh of people. As my friend has just pointed out, he will not be able to visit his entire constituency. He has to go to every mohalla, every street and see that basic civic amenities are provided. While I support the Bill I would request the Minister to reconsider this and bring forward a proper Bill later on so that the time is not fixed at 2,000 years and beyond. That is too much. It is understandable that the present election is held on the basis of the present electoral roll. By these two Bills he is freezing this upto 2,000 years. This is gross injustice to the people of Delhi.

I would request him to consider this afresh and see to it that this injustice done to the people of Delhi is undone and that delimitation is done after, say, one year or two years or three years or four years on the basis of the revised roll so that atleast in the Municipal Corporation sufficient number of people are there and the people of Delhi are properly represented. Thank you very much, Sir.

श्री जगदीश प्रसाद माथुर : महोदया, मैं ज्यादा समय नहीं लूंगा। मैं केवल गृह मंत्री महोदय का आश्वासन

चाहूंगा इस बात पर कि वह दिल्ली को पूरे एक मंत्रिमंडल कहिए अथवा राज्य का स्टेटस देना चाहते हैं, हम लोग भी उसके समर्थक रहे हैं और चाहते हैं । लेकिन ईमानदारी का तकाजा यह है कि अगर वह स्टेटस दें इसे असेम्बली का, तो मैट्रोपोलिटन कौंसिल भंग करके दुबारा चुनाव किया जाना चाहिए । इस बात का वह स्पष्टीकरण करें कि वास्तव में उनका इरादा क्या है ?

SHRI P. VENKATASUBBAIAH: Please repeat what you have said. I could not follow it.

SHRI JAGDISH PRASAD MATHUR: In the other House, I believe, the Home Minister has said that a full State Assembly for Delhi is under consideration. If you want to have it, I want one clarification and I want to know whether you will transform the present Metropolitan Council into a State Assembly—if you want to have a State Assembly; we also want it—or you will do what we want. I want that this should be abolished and fresh elections must be held.

इस बात को क्लैरिफाई करें कि उन्होंने कहा है कि अगर कंस्टीट्युएंसी को बदलते हुए समय लगता है, अगर तीन साल तक आपने बिना कारण मैट्रोपोलिटन कौंसिल भंग करने के बाद चुनाव नहीं कराया, चलाते रहे, तो अकस्मात् चुनाव कराने का इरादा क्यों किया ? फिर चुनाव आयोग से अगर इरादा था, तो दिसम्बर–जनवरी से ही पहले अक्तूबर–नवम्बर में क्यों नहीं कहा कि आप वोटर लिस्ट परिवर्तित करिए, संशोधित करें, 1979 के हिसाब से आपने चुनाव क्यों कराए ? इन दो बातों पर मैं क्लैरिफिकेशन चाहूंगा ।

श्री जगन्नाथ राव जोशी : उपसभाध्यक्ष महोदया, माननीय मंत्री जी ने जो वक्तव्य दिया है, वह तो समाधानकारक नहीं है क्योंकि मैंने पहले ही बता दिया था कि महानगर परिषद् के साथ नगर निगम को जोड़ना नहीं चाहिए, यह मामला बिलकुल अलग है । लगभग दो साल यदि चुनाव थे नहीं, तो एकदम अध्यादेश जारी करके चुनाव कराने का तुक क्या था ? इसका साफ स्पष्टीकरण यह सरकार दे ।

मुझे तो बड़े दुःख के साथ ऐसा कहना पड़ता है कि अपनी सरकार स्वदेशी सरकार बनने के बजाए यह अध्यादेशी सरकार बनती जा रही है । यह सरकार तो हर बात के लिए अध्यादेश के आधार पर अपना काम चलाना चाहती है । जब मैंने बराबर इसी सदन में आवाज उठाई थी कि चुनाव क्यों टाले जा रहे हैं कौनसी ऐसी परिस्थिति है कि दिल्ली महानगर परिषद के अन्दर चुनाव नहीं करा सकते, तो हर बार यह कहा गया, अध्यादेश महामहिम राष्ट्रपति महोदय से निकलवा कर कि अभी छह महीने तक चुनाव नहीं हो सकता है । यदि सरकार चुनाव कराना चाहती है, तो किस हाल में चुनाव कराती है, यह असम में दुर्भाग्यपूर्ण नमूना आपने देश के सामने रखा है, यानी संविधान की पूर्ति करने की दृष्टि से किस हद तक आप जा सकते हैं, जब हम देखते हैं असम में जो हो रहा है, किंतु दिल्ली में 1980 में महानगर परिषद् और नगर निगम भंग करने के उपरांत जो आप लोगों ने चुनाव नहीं कराया, यह केवल समय देखते बैठते हैं, यानी जनता के हित को देखने की की बजाए खुद का हित और दल का हित देखना, यह किसी दृष्टि से भी सर्वथा अशोभनीय है ।

जहां तक नगर निगम का सवाल है, वहां जो मतदाता का क्षेत्र होता है, कंस्टीट्युएंसी उसका पुनर्गठन यह भी हो सकता है क्योंकि आखिर जो भी चुन

[श्री जगन्नाथ राव जोशी]

कर प्रतिनिधि आता है, जनता की सुख-सुविधा की दृष्टि से काम करना होता है । यदि क्षेत्र विस्तृत होगा, व्यापक होगा, बड़ा होगा, तो ईमानदारी के साथ वह न्याय नहीं कर सकता अपने क्षेत्र के साथ—इस दृष्टि से दिल्ली का पुनर्गठन होकर इसमें ज्यादा यदि प्रतिनिधित्व मिलता, विशेषकर जो अनुसूचित जातियों की दृष्टि से मिलना चाहिए था, इन्होंने खुद उस सदन में जिक्र किया कि उस दृष्टि से पूर्णरूपेण जितनी संख्या में, अनुपात में आना चाहिए था वह नहीं आया है। मतलब अन्याय कितना भी हो अन्याय होता है । तो नगर निगम के लिये यह करने की जरूरत नहीं थी । लेकिन यह अध्यादेशी सरकार एक उस्तरे से सबकी हजामत करती है । सिर अलग-अलग होते हैं, उस्तरा भी अलग होना चाहिये । हेयर कटिंग सैलून सिनौरा के लिये एक अलग और सिनौर के लिये अलग होते हैं, महिलाओं के लिये अलग और पुरुषों के लिये अलग होते हैं । हेयर कटिंग का मतलब यह नहीं कि पुरुष हो जायेंगे मुंडवाने के लिये ।

उपसभाध्यक्ष [डा० (श्रीमती) **नाजमा हेपतुल्ला**] : पुराने जमाने में तो महिलायें ही ज्यादा सिर मुंडवाती थीं ।

श्री जगन्नाथ राव जोशी : आजकल ब्यूटी पारलर होता है । नगर निगम के सवाल अलग होते हैं । जैसा धाबे जी ने बताया, कारपोरेशन अलग-अलग होने के कारण अलग-अलग नियम बने हुए हैं । कई कारपोरेशन भंग हो गये हैं, जैसे हैदराबाद कारपोरेशन भंग है, हुगली धारवाड़ कारपोरेशन भंग है । ऐसी स्थिति में जनता के जो भी अधिकार हैं उनसे उसको वंचित नहीं रखना चाहिये । 34 साल के बाद कुछ नियम के अनुसार, परम्परा के अनुसार लोगों के हित को ध्यान में रखकर सरकार काम करने की कोशिश करे । इसलिये जो उन्होंने वक्तव्य दिया वह समाधानकारक नहीं है ।

उपसभाध्यक्ष डा० (श्रीमती) [**नाजमा हेपतुल्ला**]: झा साहब, इसके पहले कि मैं मिनिस्टर साहब को कहूं जवाब देने के लिये, मैं आपसे यह कहना चाहूंगी कि आपने अपनी तकरीर के दौरान जो अल्फाज इस्तेमाल किये वह इस सदन के लिये शोभनीय नहीं हैं, आप आइन्दा इस बात का ध्यान रखें ।

श्री शिव चन्द्र झा : मैंने कहा था कि यदि अनपार्लियामेंटरी नहीं है तो मैं कह रहा हूं । अनपार्लियामेंटरी है तो हटा दीजिये । लेकिन एक बात, मैडम...

उपसभाध्यक्ष [**डा० (श्रीमती) नाजमा हेपतुल्ला**] : मेरी बात सुन लीजिये । आप इतने सम्मानित सदस्य हैं, इस हाऊस के, आप ऐसे अल्फाज का इस्तेमाल न करें, जिससे मुझे यह कहने की जरूरत पड़े ।

श्री शिव चन्द्र झा: मैंने कहा था कि यदि अनपार्लियामेंटरी नहीं है तो मैं इस्तेमाल कर रहा हूं । आप हाउस आफ कामन्स का रिकार्ड जा कर देख लें ।

उपसभाध्यक्ष [डा० (श्रीमती) **नाजमा हेपतुल्ला**] हम अपनी परम्परा खुद बनाते हैं, हम दूसरों की परम्पराओं पर नहीं चलते ।

SHRI P. VENKATASUBBAIAH: Madam, Vice-Chairman, I would like to thank all the hon. Members who have participated in this discussion. The following points have emerged in their speeches. One, the Government had no business to hold the elections by bringing an Ordinance. Two, by holding these elections many eligible voters have been deprived of their franchise. Three, the constituencies should have been delimited to give adequate representation to the Scheduled Castes in proportion to their population increase. Four, the Corporation elections and Council elections should have been de-linked because the problems are different.

Madam, I have already said that the elections could not have been indefinitely postponed in deference to the demands made in this House and outside.

SHRI JAGDISH PRASAD MATHUR: Immediately.

SHRI P. VENKATASUBBAIAH: But the elections have not indefinitely been postponed. Sir, the Presidential Order superseding the Metropolitan Council would have ended by March 10th and Government did not want to extend the time further. Same is the case with the Municipal Corporation. Madam, in all the democracies it is prerogative of the ruling party to time the elections. We cannot wait till the Opposition parties are ensured of their victory in the elections. We are not prepared to oblige the Opposition parties. Two, because of the exigencies of circumstances...

SHRI JAGDISH PRASAD MATHUR: It is an indirect admission... (*Interruptions*) They were held to suit your convenience. I appreciate your honesty. (*Interruptions*)

SHRI P. VENKATASUBBAIAH: They were sure of their victory, perhaps, in the Metropolitan Council and the Corporation and so they did not make any protest when the elections were announced. And they also participated in the elections. And, of course, the Party to which my friend, Mr. Shiva Chandra Jha, belongs, the reckoning they have made in the elections is known to everybody. Perhaps, he is unhappy that the elections are held in the Metropolitan Council and the Corporation. Madam, I wish again to reiterate that through the Forty-Second Amendment, population as the basis for delimitation of constituencies has been freezed till the year 2,000 A.D. The constituencies have been delimited on the basis of 1971 Census. What has been done in this case is that this principle has been extended to the Metropolitan Council also. The State Assemblies and the Parliament are being governed by the Forty-Second Amendment where the delimitation has been made on the basis of 1971 Census and the position has been freezed till 2,000 A.D. Whatever has been applied to the State Assemblies and Parliament has been applied to the Metroplitan Council.

Secondly, Madam, about the depriving of eligible voters...

SHRI JAGANNATHRAO JOSHI: The question is whether that Forty-Second Amendment applies to the Corporation also.

SHRI P. VENKATASUBBAIAH: Mr. Joshi, please hear me. I am coming to that point. If you interrupt me, I will not be able to answer. I will come to that point also.

Madam, with regard to the point of depriving of many eligible voters from exercising their franchise, it is not correct to say by my hon. friends opposite that many eligible voters have been deprived. As a matter of fact, the voters' list is revised from time to time. Intensive revision of the voters list in Delhi took place in 1979, and thereafter... (*Interruption*) Please hear me. And thereafter summary revisions have been made in 1980, 1981 and 1982, taking the 1st January of each year as the reference date for the purpose of registration of voters. So, the question does not arise that many voters have been deprived...

SHRI JAGANNATHRAO JOSHI: That is what I am telling. Even my name was not there in the voters list. And how the revision took place? That is what I wanted to know.

SHRI NIRMAL CHATTERJEE (West Bengal): You are speaking of the procedure. But what is the actual fact? And whether this has happened or not is what you have to say.

SHRI P. VENKATASUBBAIAH: You must have patience to listen to me. If you have got any points to make, you please take the permission of the Chair. And after completion, if you ask me, I am prepared to say. This sort of running commentary will not help you or me or the debate. What I said was that the latest revision has taken place in 1982...

AN HON. MEMBER: What month?

SHRI P. VENKATASUBBAIAH: According to the hon. Member's contention, the revision should have taken place. I said that the elections have to be held because the last date of supersession will end by 10th March. And another factor was that the Administration of Delhi had to be geared up to engage themselves with regard to the arrangements to be made for the Non-Aligned Summit. We, the Government, thought it fit in a democratic manner that these elections should be held as early as possible, keeping in view the last date of expiry of supersession and also in deference to the wish of the large number of people and also keeping in view the allegation that elections in the Metropolitan Council are being indefinitely postponed because the ruling party is under the apprehension that they will lose the elections. So, Madam, with these requisites, we have conducted the elections. And about the delinking of the Corporation which my friend has raised, Madam, it is only that we have done because the last date of supersession of this Corporation will end by April.

That was one compelling reason for the Government—to have prompted the Government—to conduct the elections.

About the circumstances which made the Government to conduct the elections alongwith the Metropolitan Council, it was to gear up the administration, and the important consideration was, that we did not want the people of Delhi to undergo the possibility of participating in two elections on different periods of time. In these elections, elections for the Metropolitan Council and the Corporation, have been held giving the voter the chance of simultaneously voting for the Council as well as for the Corporation. That was also one requirement, one facility, which we wanted to provide to the people.

SHRI SHRIDHAR WASUDEO DHABE: Are you not delinking Lok Sabha elections?

SHRI P. VENKATASUBBAIAH: That is completely different.

These are the points which prompted the Government. Unfortunately, the Opposition parties are smarting under the feeling of a defeat and rout in the elections, and it is but natural that they should raise these sorts of objections which are not valid at this particular point of time, because elections have been held: Ordinances had been issued for conducting the elections, and Bills are being introduced to replace those Ordinances. This is only a Constitutional requirement that the Government is bringing forward these Bills.

About the Statehood, many Members have pointed out. They have demanded Statehood or the Legislative Assembly...

SHRIMATI KANAK MUKHERJEE: It was known to the Government as to the time of expiry of the Ordinance. Why was the delimitation not done?

SHRI P. VENKATASUBBAIAH: I will explain. It was a time-consuming factor. Election Commission is charged with the work of conducting

elections so far as Metropolitan Council is concerned. And I have already replied to a question that has been put with regard to conferment of Statehood or providing Legislative Assembly. This matter has been gone into several times. A demand has been made for providing legislature to the metropolitan city of Delhi. I can only say at this juncture, because there were several historical events that led to, ultimately, the Government taking a decision in accordance with the recommendations made by the S.R.C. that a Union Territory be constituted for Delhi; but again there are several demands made by our party and by the Opposition parties to reconsider whether there is a possibility of providing Legislative Assembly to the Union Territory of Delhi. I have already said, and I reiterate, that consideration of such demands requires further study in all its implications. We are certainly considering this point.

Mr. Mathur raised another point—if I could follow him correctly—that if at all the Government takes a decision, whether they are contemplating to convert the Metropolitan Council into Assembly. Those things will come up at the time of consideration by the Government. For the present, I am not in a position to say anything on this subject.

SHRI JAGDISH PRASAD MATHUR: That is a possibility under consideration.

SHRI P. VENKATASUBBAIAH: About deprivation of Scheduled Castes...

SHRIMATI KANAK MUKHERJEE: Is it not a fact that the ruling party also advocated for the Legislative Assembly at the time of last election?

SHRI P. VENKATASUBBAIAH: I have said it; perhaps you have not followed. About reservation of seats for Scheduled Castes in the Metropolitan Council, I may inform the hon. House that according to 1971 Census the population of Delhi was 40,65,698 the percentage of the Scheduled Castes was 15.64. In 1981, as against the population of 62,20,406, the Scheduled Caste population was 11,21,643. Even in the 1971 census though the number of seats according to the population of the Scheduled Castes is only a little higher than 8 seats, the Government then thought it fit to provide 9 seats to the Scheduled Castes. Now, according to the latest increase in the population figures of the Scheduled Castes they are entitled to less than one additional seat. So, there is not much of a variation and I am sure that the hon. Members will appreciate that no injustice has been done so far as the question of reservation for the Scheduled Castes is concerned.

The same thing applies, more or less, in the case of the Municipal Corporation, So, the allegation made that the Government is not sympathetic towards the genuine and legitimate demands of the Scheduled Castes is not borne out by facts.

Then, Mr. Shiva Chandra Jha has said that the official machinery has been misused. I refute it and say that it has not been misused. If it has been misused, I request Shri Jha to take it up with the Election Commission. If there are any irregularities that have been committed, the proper forum and the proper course for them would be that they should approach the Election Commission to inquire into this matter. There is no proposal before the Government to appoint a Parliamentary Committee to go into these allegations. The proper forum is the Election Commission and I would advise my friend to seek the help of the Election Commission.

Madam Vice-Chairman, in conclusion I would like to say that I know that the hon. Members in opposition have attached great importance to the Metropolitan Council and the Municipal Corporation before the elections were held. Now they say that Municipal Corporation and

(Shri P. Venkatasubbaiah)

Metropolitan Council elections are of no consequence. But I may tell you that it is rather our good fortune that in Delhi, which is a miniature India, where people from all parts of the country live, that Congress (I) won the elections and whatever is reflected in Delhi is the reflection of the country as a whole. I am glad to say, Madam, that the people of Delhi have reposed their confidence in the leadership of Shrimati Indira Gandhi and the Congress Party has won a resounding victory. Perhaps that is not to the liking of the Opposition parties, but cannot help it.

With these words, Madam, I commend that these two Bills be passed.

SHRI JAGANNATHRAO JOSHI: Madam, I want to seek a clarification. Madam, I asked the Minister what was the sanctity of holding the elections on the 5th of a month. I can understand position if elections were held simultaneously on the 5th of January for the people of Delhi also. I would like to know from the hon. Minister what was the convenience involved in holding elections on the 5th January in Karnataka and on 5th February in Delhi. It was also not a Sunday. When I asked whether it was done on the basis of any astrological calculations, he did not say anything and he did not refute it. Now I would like to know whether there was any question of convenience.

SHRI P. VENKATASUBBAIAH: If hon. Member depends on astrology, I am not responsible for it.

SHRI JAGANNATHRAO JOSHI: I am specially asking about the sanctity of date fifth. He will have to reply, Madam

THE VICE-CHANRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): It may have been a coincidence.

SHRI JAGANNATHRAO JOSHI: Then, is that the practice governing the holding of elections?

THE VICE-CHANRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): Like that any date can be fixed.

SHRI JAGANNATHRAO JOSHI: Then today they may be held in daytime and tomorrow they may be held at dead of night also.

SHRI SHRIDHAR WASUDEO DHABE: Sir, it is good that elections have been held in Delhi. But so many municipal corporations remain superseded in the country. I would like to know whether the Central Government will advise the State Governments that elections to these municipal corporations should be held immediately like Delhi.

SHRI P. VENKATASUBBAIAH: I wanted to reply to Mr. Dhabe But I thought it not proper to answer, to give a reply, because he himself is a Constitutional expert and he knows the functions of the State Governments and the Centre municipal corporations are under the State Governments. How can we advise the State Governments to take action on this which is completely in their purview?

श्री शिव चन्द्र झा : : मेरे प्रश्न का जवाब नहीं दिया है । वोट देने की उम्र 21 साल से घटाकर 18 साल आप कब करने जा रहे हैं ? आपने इसका जवाब नहीं दिया है ।

SHRIMATI KANAK MUKHERJEE: I would disagree with the hon. Minister when he said that Delhi is the mirror of India. I would ask him to scan the States one by one.

THE VICE-CHANRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): I would now put the Resolution moved by Shri J. P. Mathur to vote. The question is:

"That this House disapproves the Delhi Administration (Amendment) Ordinance, 1983 (No. 1 of 1983)

promulgated by the President on the 2nd January, 1983."

The motion was negatived.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): I shall now put the Bill to moved by Shri Venkatasubbaiah to vote. The question is:

"That the Bill to amend the Delhi Administration Act, 1966, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHANRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 to 4 were added to the Bill.

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

SHRI P. VENKATASUBBAIAH: Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): I shall now put the Resolution moved by Shri Jagannathrao Joshi to vote. The question is:

"That this House disapproves the Delhi Municipal Corporation (Amendment) Ordinance, 1983 (No. 2 of 1983) promulgated by the President on the 2nd January, 1983."

The motion was negatived.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): I shall now put the Bill moved by Shri P. Venkatasubbaiah to vote. The question is:

"That the Bill further to amend the Delhi Municipal Corporation Act, 1957, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

THE VICE-CHAIRMAN (DR. (SHRIMATI) NAJMA HEPTULLA): We shall now take up the clause-by-clause consideration of the Bill.

Clauses 2 and 3 were added to the Bill

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

SHRI P. VENKATASUBBAIAH: Madam, I beg to move:

"That the Bill be passed."

The question was put and the motion was adopted.

STATEMENT BY MINISTER

Sstrike by the workers of the Delhi Trnsport Corportion on the 23rd March, 1983

THE VICE-CHAIRMAN [DR. (SHRIMATI) NAJMA HEPTULLA]: The Deputy Chairman had announced that after the discussion on NAM, the Minister of State in the Ministry of Shipping and Transport will make a statement on the DTC strike. Since the Minister is here and since there is some five minutes, he will make the statement now.

THE MINISTER OF STATE IN THE MINISTRY OF SHIPPING AND TRANSPORT (SHRI Z. R. ANSARI): Madam Vice-Chairman, DTC Mazdoor Congress had presented a 26 Point Charter of Demands to the Management on 6th December, 1982. The Management had given its reply to the demand charter on 14th January, 1983, indicating the position in respect of various demands This was followed up by further negotiations between the Management of the DTC and the Union at various levels on different occasions. The Mazdoor Congress had also promised to supply further details pertaining to some of its demands. On 7th March, 1983, DTC management