

courage, should be bold enough, to take steps against such an officer. It is not fair that the hon. Finance Minister comes here and makes a statement and tries to just shove away the whole affair in a simple way.

Mr. Vice-Chairman, I shall very humbly request you that it is not a question of protecting one officer; it is a question of protecting this parliamentary democracy. If people come to know that one crore of rupees can be wasted by one officer and the hon. Finance Minister who enjoys the confidence of the Congress Party, the ruling party, to which I belong, supports that particular officer by a simple statement prepared by those very bureaucrats in the Ministry of Finance, what will they say? Therefore these things should not be allowed and cannot be allowed. I appeal to you, Mr. Vice-Chairman, that you must take firm steps. I also appeal to the Congress Party and to the Leader of the House, Mr. M. C. Chagla, that such things should not be allowed, whosoever the officer may be and whosoever the Minister may be.

SHRI B. K. P. SINHA : Sir, I hope by now the hon. Finance Minister must have sensed the mood of this House. I find that two extreme views are being taken. On the one hand it is being suggested that the officer should be suspended forthwith and on the other the Finance Minister takes the line that it is unfair to draw any conclusion so long as the Government do not give their comments on the P.A.C. Report, and the issues are judged on the basis of those comments. At this stage I would like to know from the Finance Minister if he is prepared even now to assure the House, to give this minimum assurance that pending enquiry this officer shall not be given any higher assignment. Assume he is sent to Brussels as our Ambassador and assume, Mr. Vice-Chairman, that after a proper enquiry Parliament takes the view that the officer is guilty, will it heighten the prestige of this country or of this Government or even of the officer concerned, if after this adverse report he is called back to this country? What face shall we have before the world? What face shall that officer have before the world? In the circumstances I appeal to the Finance Minister at least to give this assurance that pending this en-

quiry this officer shall not be promoted to an ambassadorial assignment.

THE MINISTER OF EDUCATION (SHRI M. C. CHAGLA) : Sir, I have been here since this discussion started. I have noticed the feeling of the House, a very strong feeling of the House. May I say this that neither my friend, the Finance Minister, nor I can give the assurance which my friend, Mr. Sinha, has sought from us? But I will give this assurance that I will immediately convey to the Prime Minister the feeling of this House. It is after all for the Government as a whole to decide what action to take. Neither my friend, the Finance Minister, nor I can individually take action. But I can give this assurance that I will immediately convey to the Prime Minister the strong feeling of this House and I am sure the Prime Minister will take that into consideration and will take a decision which will satisfy the House.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I think with that assurance we go back to the Delhi Administration Bill.

(Interruptions)

SHRI DAHYABHAI V. PATEL (Gujarat) : Sir, you have ignored this side. Will you not allow us to say a word at least?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I have allowed it.

SHRI DAHYABHAI V. PATEL : I have asked this question and the Minister was not attentive. Have I no opportunity to repeat this question?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : If the Government takes that action, you will have other opportunities to have your say. So, with that assurance we go back to the legislative business. Mr. Hathi.

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SHRI JAISUKHLAL HATHI : Sir, was mentioning that Shantaben referred to

[Shri Jaisukhlal Hathi.]

various questions. They have been discussed earlier. With regard to financial powers, let her not judge us from a particular angle or with anger. I was sincere about it. A deputation of three Members came and discussed it with me. I went to the Attorney-General to find out if it was possible within the framework of the Constitution to give financial powers but really it is not possible. Even the Home Minister was equally sincere. Therefore to say that we have been driven to this by intrigues, foulplay and something else, I think that is not proper. There is no foulplay, no intrigue and no pressure. The Attorney-General also gave that opinion. Then we are told that Shri Motilal Setalvad was of the view which the Members held. He was called as a witness before the Joint Committee and he gave evidence. To say that he gave his opinion on the briefs or speeches of some people is also not correct. Constitutional lawyers do not give opinions merely on briefs and speeches. When they find out whether any financial power could be given or not, our speeches are not material for it.

Then so far as Shri Gujral is concerned, I am thankful to him for clearing so many points that have been raised and would have been raised. He asked a few questions. I may again say that the Government is guilty of weakness, if you say that. But it was again with the idea of accommodating the wishes of Brahm Prakashji and others that the original idea of giving more powers to the Corporation, certain more subjects, was abandoned. Otherwise that was the idea. Then there was another idea that there should be a Cabinet type Executive also along with the Corporation.

KUMARI SHANTA VASISHT : May I take it that you are not proposing to bring another Bill giving executive powers to the Mayor-in-Council ?

SHRI JAISUKHLAL HATHI : The other idea was that the Corporation should also have the power to recommend legislation, limited to recommendation only. For that also we drew up a scheme. But we were told that that was not possible. Ultimately it was this scheme which has come after all the consultations at which Brahm Prakashji and others were present.

Even the present scheme was brought before the Advisory Committee and it was accepted subject to these three changes. So far as financial powers are concerned, I still maintain that we said that we shall look into it. We have looked into it. It is unfortunate that it is not possible to do it, but let it not be said that it was because of intrigues. She gave the advice that leaders should be generous. Well, I am not a leader and that advice does not apply to me.

KUMARI SHANTA VASISHT : The advice applies to the Home Ministry all right.

SHRI JAISUKHLAL HATHI : I would only request her that she should be generous. Let it not be said that it is the Secretaries who make these schemes and that we blindly follow them. It is not so. I have read every word of the scheme. I have gone through all the papers. I have discussed it with everybody—with you also, with Brahm Prakashji, with Mr. Gujral, with Mr. Mehr Chand Khanna, and the members of the Advisory Committee, for four or five hours and I had nearly eighteen meetings with the representatives. It is wrong to say that we have been simply guided or we blindly follow what the Secretaries tell us. It is not correct.

KUMARI SHANTA VASISHT : I only said that for every inch we had to fight a very severe battle, tooth and nail.

SHRI JAISUKHLAL HATHI : It is wrong. There is no question of any battle. I do not think so. What is the battle for. The battle is we want some change in the set-up of Delhi, a better set-up, if possible. If it was a battle to find a better set-up, I agree with her. We also battled, but not battled in the other sense. I told that to Brahm Prakashji. It was a battle to find a way out of the situation. That battle we did. If you had used the word 'battle' in that sense, I agree, but if you say 'battle' in the other sense, then I do not agree.

Then, Sir, Chordiaji said that there will be four different Governments in this. That is not correct. If you take any city, for example, Bombay or Madras or Calcutta, is there not a separate electricity board ? Is there not a corporation to attend to the

Civic needs of the people? Is there not a transport corporation? You cannot have one administration to deal with everything. The electricity board has to be there. The transport corporation has to be there. The municipal corporation has to be there. These are all different functions and there may be other autonomous bodies also. Therefore, it is not that four government will be there. The functions will be performed by the electricity board, by the transport corporation, etc. Now, they suggested the examples of DTU and the water sewage board. Now, if the allegation is that they are under the Central Government, they are not running them. It is, again, wrong. These are under the Corporation. They are not under the Centre. Now, if it said both ways. If the Centre wants to take power, they say, give to the people. If, in some States, the people's representatives are there, as in the case of Punjab or Orissa, they say: Let the Centre take them over under the President's Rule. You cannot speak both ways. Either you have people's representatives or you have President's Rule. When we talk of President's Rule, you say it must be a democratic set-up. Here there is no question of giving a democratic set-up or giving anything under the guise of a democratic set-up. We have made our position absolutely clear. Shri Gujral has quoted from the SRC Report to show what is the position in other countries. In respect of the capital there cannot be a duality of Government. There cannot be dual control. That is not possible. Therefore, it is a very clear-cut idea that this will be an Executive Council. Now, Mr. Chordia said that we are replacing the Commissioner or the Administrator by a Council. It is not replacing. It is assisting them. The only novel thing which we are bringing in is the participation of the people's representatives in the administration of the Union Territory. So far as the relationship between the Metropolitan Council and the Executive Council is concerned, as was pointed out by Mr. Sapru, they will have power to recommend about legislation, about what Acts to be applied, about the development of Delhi, etc. All that will be in their power to recommend. Now, it was said that these recommendations should be mandatory. That is not possible. For example, the people of Delhi might say: Give us a powerhouse worth Rs. 5 crores. Now, it is not possible for us

to implement and execute it. But I can assure you that all their recommendations will be considered with care and they will be given attention. That is the only assurance I can give.

Now, Chordiaji said about the language. He said that this Bill has not been given in the Hindi version. I might say that the Hindi version of the Bill, as introduced, has already been circulated.

SHRI G. MURAHARI: But the Bill as passed by the Lok Sabha has not been circulated in the Hindi version.

SHRI JAISUKHLAL HATHI: As I said, there are only four changes. One is instead of 49 the number will be 56. As you know, it was only done yesterday. So, it could not be translated into Hindi.

SHRI G. MURAHARI: Why this hurry?

SHRI JAISUKHLAL HATHI: Hurry I have explained to you. I thank you for giving me this extra time. I do not think I should take more time of the House, because I have covered almost all the points which have been raised by Members. At the Second Reading stage if there are any points, I shall be very happy to clear them.

Thank you.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

"That the Bill to provide for the administration of the Union territory of Delhi and for matters connected therewith, as passed by the Lok Sabha, be taken into consideration."

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We shall now take up the clause by clause consideration of the Bill. Clause 2, there are two amendments.

#### *Clause 2—Definitions*

SHRI ATAL BIHARI VAJPAYEE: Sir, I move:

2. "That in clause 2 for the words 'Metropolitan Council' wherever it

occurs, the words 'Paur Sabha' be substituted."

3. "That in clause 2, sub-clause (h) be deleted."

(The amendments also stood in the names of Sri V. M. Chordia, Sri Sundar Singh Bhandari and Sri Niranjana Varma.)

The questions were proposed.

**श्री अटल बिहारी वाजपेयी :** उपसभाध्यक्ष महोदय, मेरा संशोधन है कि मेट्रोपोलिटन कौंसिल को "पौर सभा" कहा जाय।

**श्री जयसुख लाल हाथी :** राजधानी परिषद्।

**श्री अटल बिहारी वाजपेयी :** अगर कलकत्ते में मेट्रोपोलिटन कौंसिल बन रही है तो उसका नाम अलग हो। अगर बम्बई में मेट्रोपोलिटन कौंसिल बनेगी तो वहां भी राजधानी परिषद् कहलायेगी। कलकत्ते में मेट्रोपोलिटन कौंसिल बनना जरूरी है। मेरा कहना है कि मेट्रोपोलिटन कौंसिल का संबंध केवल राजधानी से नहीं है, किसी भी बड़े नगर में बन सकती है। अगर आपको नाम रखना है तो अच्छा नाम रखिये। और सभा अच्छा नाम है और राजधानी परिषद् मेरी समझ में नहीं आता।

SHRI S. S. MARISWAMY (Madras) : "Rajdhani" in Madras is understood as a "Province" for a long time. Now, we have got very good Tamil words.

**श्री अटल बिहारी वाजपेयी :** मेरी आपत्ति यह है कि हिन्दी नाम क्यों नहीं रखा गया है। यह मेट्रोपोलिटन कौंसिल जबड़ा तोड़ने वाला नाम है। आम आदमी के लिए सड़क पर चलने वाले के लिये उसका नाम उच्चारण करने में कठिनाई होती है। जैसे हमने हाउस आफ दो पीपुल्स के लिये 'लोक सभा' : . .

**श्री जयसुख लाल हाथी :** हिन्दुस्तान के रहने वाले संस्कृत जानते हैं और राजधानी शब्द भी है।

**श्री अटल बिहारी वाजपेयी :** राजधानी शब्द से मुझे आपत्ति नहीं है।

**श्री जयसुख लाल हाथी :** आप तो बोल सकते हैं।

**श्री अटल बिहारी वाजपेयी :** मेरे बोलने का सवाल नहीं है। हाउस आफ दो पीपुल्स को "लोक सभा" कहते हैं और कौंसिल आफ स्टेट को "राज्य सभा" कहते हैं और विभिन्न राज्यों में विधान सभाएं हैं। तो हिन्दी का नाम रखने के लिये आप "मेट्रोपोलिटन कौंसिल" क्यों रखना चाहते हैं। मैं इस बात पर विवाद नहीं करना चाहता हूं कि आप "पौर सभा" रखें या "राजधानी सभा", लेकिन इतना अवश्य कहना चाहता हूं कि "मेट्रोपोलिटन कौंसिल" को निकाल देना चाहिये। अगर माननीय मंत्री महोदय मान लेते हैं तो मैं अपना सुझाव भी वापस लेने के लिये तैयार हूं और वे राजधानी परिषद् रखें।

SHRI JAISUKHLAL HATHI : The Bill here is in English. Therefore, the English words will be "Metropolitan Council". In Hindi it will be "Rajdhani Parishad".

**श्री विमलकुमार भग्नलालजी चौरङ्गिया :** इसमें मुझे एक आपत्ति है क्योंकि "भारत इलैक्ट्रॉनिक" का नाम इण्डियन इलैक्ट्रॉनिक रख दिया गया है और इस बारे में उस रोज बड़ा झगड़ा हुआ। इसलिये मैं चाहता हूं कि जब हमने नाम रखना है तो मूल शब्द हिन्दी का ही होना चाहिये। अगर हम अंग्रेजी का शब्द रखते हैं तो हिन्दी में उसका नाम रखने में उलट-पुलट शब्द रखने पड़ जाते हैं, इसलिये मेरा सुझाव यह है कि मूल शब्द जो भी हो वह हिन्दी का ही रखना चाहिये। इसलिए "मेट्रोपोलिटन कौंसिल" की जगह "पौर सभा" या "राजधानी सभा" जैसा मंत्री महोदय उचित समझे वैसा

करे। लेकिन जैसा मैंने कहा कि नाम के बारे में एक दफा झगड़ा हो गया है और उस समय यह कहा गया कि "भारतीय इलेक्ट्रोनिक्स" मीन्स "इंडियन इलेक्ट्रोनिक्स"। तो इस तरह की जो बात है वह झगड़े की है और यह न्यायसंगत नहीं है। जब हम हिन्दी को महत्व देने जा रहे हैं तो हमें हिन्दी के ही शब्द रखने चाहियें। जब हम सर्कुलर हिन्दी में निकालते हैं हमारा काम हिन्दी में होने जा रहा है, तो क्यों नहीं हम मूल शब्द हिन्दी का ही रखते? इसलिये मेरा निवेदन यह है कि हिन्दी के मामले में हमें छीछालेदार करने की आवश्यकता नहीं है। वे भी भावना से सहमत हैं, इसलिये इसको स्वीकार करने का कष्ट करे। यह "पौर सभा" ठीक नहीं समझते हो तो "राजधानी परिषद्" कर दे, हम को उसमें कोई आपत्ति नहीं है। जब हम झुकने को तैयार हैं तो वे भी थोड़ा झुके, हमारे लिये नहीं तो कम से कम हिन्दी के लिये थोड़ा झुकने का कष्ट करे।

उपसभाध्यक्ष महोदय, यह जो दूसरा अमेन्डमेंट है :

"That in clause 2, sub-clause (h) be deleted."

इसको डिलीट करने का कारण यह है कि यहाँ पर दिल्ली, नई दिल्ली और पुरानी दिल्ली की एक बीमारी है। अब जब हम एक व्यवस्था करना चाहते हैं तो हम इन सब को एक सूत्र में बाँधे, तो वह ज्यादा अच्छा होगा, बजाय इसके कि नई दिल्ली का हिसाब अलग, पुरानी दिल्ली का हिसाब अलग, नई दिल्ली के लिये एन० डी० एम० सी० अलग काम करे और पुरानी दिल्ली के लिये कारपोरेशन अलग काम करे। मैं यह चाहता हूँ कि "पौर सभा" या "राजधानी परिषद्" या जो भी आप व्यवस्था करे उसमें नई दिल्ली, पुरानी दिल्ली और आसपास के जो क्षेत्र सम्मिलित होना चाहे उनको ले कर यदि आप एक व्यवस्था करे तो वह ज्यादा अच्छा रहेगा। हमें इस बात की आवश्यकता

नहीं है कि नई दिल्ली के लिये हम अलग व्यवस्था करे और पुरानी दिल्ली के लिये हम अलग व्यवस्था करे। इसलिए चाहे वह नई दिल्ली हो, चाहे पुरानी दिल्ली हो, चाहे चिराग वाली दिल्ली हो, चाहे बिला चिराग वाली दिल्ली हो, सब के लिये हमें एक व्यवस्था करनी चाहिये और वही ज्यादा अच्छा रहेगा।

श्री अटल बिहारी वाजपेयी : महोदय, नई दिल्ली के सम्बन्ध में मैं एक मूल बात कहना चाहता हूँ। आपने दिल्ली की जनता को विधान सभा इसलिये दी कि दिल्ली भारत की राजधानी है और मैं और मेरा दल इस बात से सहमत है कि यहाँ विधान सभा नहीं होनी चाहिये। लेकिन एक बार जब आपने दिल्ली की जनता को विधान सभा से वंचित कर दिया तो उसी दिल्ली में से नई दिल्ली का एक हिस्सा बिल्कुल जनप्रतिनिधित्व से अलग करना ठीक नहीं है। अभी नई दिल्ली म्युनिसिपल कमेट्री, सरकारी नामजद सदस्यों की म्युनिसिपल कमेट्री है और उसमें जनता का प्रतिनिधित्व नहीं है। जो इलेक्टोरल कालेज के लिये नई दिल्ली से सदस्य चुने गये थे उनको भी नई दिल्ली म्युनिसिपल कमेट्री में शामिल नहीं किया गया। मैं यह जानना चाहता हूँ कि नई दिल्ली को अलग रखने का क्या औचित्य है? क्या मैं यह समझूँ कि मेट्रोपोलिटन कौंसिल बनने के बाद नई दिल्ली की जनता को इस बात का अधिकार होगा कि वे अपने प्रतिनिधियों को चुन सकें और मेट्रोपोलिटन कौंसिल को या राजधानी परिषद् को अपने क्षेत्र के अन्तर्गत नई दिल्ली को भी लेने का अधिकार होगा जो विधेयक की व्यवस्था है उसके अन्तर्गत नई दिल्ली अलग रखी गई है और मैं इसका कोई औचित्य नहीं समझता। जब आप विधान सभा नहीं बनाने जा रहे हैं और सारी सत्ता अपने हाथ में रखना चाहते हैं तो फिर दिल्ली और नई दिल्ली का भेद करने की कोई आवश्यकता नहीं है।

**SHRI JAISUKHLAL HATHI :** There is no point that we are going to have something for Delhi and something for New Delhi that way. There are various other sections dealing with New Delhi also, and in New Delhi the members in the Metropolitan Council also will be from New Delhi; the whole parliamentary constituency as we say will be delimited accordingly, and people from New Delhi also will be in the Metropolitan Council. But in other clauses mention of New Delhi is made. Therefore, we have to define what New Delhi is.

**SHRI ATAL BIHARI VAJPAYEE :** Members of the Metropolitan Council will be elected from New Delhi also. What about the New Delhi Municipal Committee? Will it be an elected body or a nominated body?

**SHRI JAISUKHLAL HATHI :** Partially nominated, partially elected.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

2. "That in clause 2 for the words 'Metropolitan Council' wherever it occurs, the words 'Paur Sabha' be substituted."

*The question was proposed.*

**SHRI ATAL BIHARI VAJPAYEE :** Sir, I beg leave to withdraw my amendment No. 3.

*\*Amendment No. 3 was, by leave, withdrawn.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 2 stand part of the Bill."

*The motion was adopted.*

*Clause 2 was added to the Bill.*

<sup>1</sup>For text of amendment, vide col. 2019 *supra*.

### Clause 3—Constitution of Metropolitan Council

**SHRI V. M. CHORDIA :** Sir, I move :

4. "That in clause 3, sub-clause (3) be deleted."

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma.)*

उपसभाध्यक्ष महोदय, इसमें राजधानी परिषद् के गठन करने के बारे में व्यवस्था की गई है और सब-क्लाज (3) में यह बताया है :

"The Central Government may nominate not more than five persons not being persons in the service of Government to be members of the Metropolitan Council."

अब एक ओर तो हम इस बात के हामी हैं कि प्रजातंत्र के सिद्धान्तों के अनुसार हम किसी प्रकार का नामांकन न करें और सारी व्यवस्था निर्वाचन के आधार पर हो और दूसरी ओर हमारी सरकार इसमें अपने अधिकार ले रही है। इसमें शब्द "मे" का प्रयोग किया गया है, चाहे नामिनेट करें, चाहे न करें, परन्तु यह अधिकार भी हम देने को तैयार नहीं हैं और यह प्रजातंत्र के सिद्धान्तों के विपरीत पड़ता है। इस दृष्टि से यह जो नामिनेशन करने का इसमें प्रावधान किया गया है, इसका मैं विरोध करता हूँ और यही विरोध करने की दृष्टि से मैंने यह अमेंडमेंट दिया है। हमारे माननीय मंत्री जी प्रजातंत्र के बड़े पोषक हैं, इसलिये मैं आशा करता हूँ कि वे यह नामांकन की व्यवस्था नहीं रहने देंगे और हमारे संशोधन को स्वीकार करने का कष्ट करेंगे।

*The question was proposed.*

**श्री गोडे मुराहरि :** मेरा भी वही संशोधन है। My amendment No. 41 is that at pages 2 and 3 clause 3 be deleted.

मेरा विरोध इसका इसलिये है कि जैसा मैंने पहले भी कहा कि यह सारा बिल नामिनेशन

को ले कर के बनाया गया है। इसमें जो तीसरा सब-क्लाज है

"The Central Government may nominate not more than five persons not being persons in the service of Government to be members of the Metropolitan Council"

इसकी मेरे खयाल से कोई जरूरत नहीं है और सारी जो भी सीट्स मेट्रोपोलिटन काउंसिल में हैं उन सब का चुनाव होना चाहिये। साथ-साथ इसमें यहाँ पर एक रिजर्वेशन की बात कही गई है और उसमें सिर्फ शैड्यूल्ड कास्ट्स के लिये है। मैं यह चाहता हूँ कि न सिर्फ शैड्यूल्ड कास्ट्स के लिये रिजर्वेशन हो बल्कि बैकवर्ड कास्ट्स के लिये और माइनारिटीज के लिये भी हो। इन रिजर्वेशन के साथ-साथ यह जो काउंसिल बन रही है, यह अगर इलेक्टेड होती और इसको कुछ अधिकार भी होते तो अच्छा होता। लेकिन इस प्रकार की मेट्रोपोलिटन काउंसिल से कुछ नहीं बनता है। इसलिये मेरा सुझाव है कि इसको बिल्कुल निकाल दिया जाय।

SHRI JAISUKHLAL HATHI : Sir, so far as this question of democratic election and all that is concerned, as Mr Chordia has said, I may point out that this is not a provision only incorporated in this Bill. Even in the Union Territories Act where there is a Legislative Assembly there is a provision for nominating three persons

श्री गोडे मुराहरि वह भी गलत है।

SHRI JAISUKHLAL HATHI It is not wrong. It means that certain interests may not be represented and they have to be given representation. It is not that there will be all the five nominated members. It may be that no one may be nominated. The provision is an enabling provision to appoint not more than five. It may be one, it may be two, it may not be anybody. In case there are some sections, be ladies or women or some backward classes, if they do not get elected, then it is the duty of the Government to see that they do not go unrepresented. It is, therefore, that this is made. Therefore, I oppose it.

SHRI ATAL BIHARI VAJPAYEE : It should be left to the political parties to set up their candidates in such manner that all interests and all sections of society are represented. But the Government cannot be given this power to nominate persons belonging to the ruling Party by the back-door.

SHRI JAISUKHLAL HATHI Even here we have 12 nominated Members.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) The question is :

4 "That in clause 3, sub clause (3) be deleted"

(After taking a count)

I think the Noes have it

The motion was negatived

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) The question is :

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 3 was added to the Bill

Clause 4—Delimitation of constituencies

SHRI V M CHORDIA Sir, I move :

5 "That in sub clause (3) of clause 4, for the words, 'shall associate with itself all the members of the House of the People representing Delhi' the words 'shall associate with itself any three members of the Interim Paur Sabha' be substituted"

(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjana Verna)

उपसभाध्यक्ष महोदय, यह जो चौथा खंड है वह इसलिए है कि निर्वाचन क्षेत्रों का परि-सीमन कैसे किया जाय और निर्वाचन क्षेत्रों का परिसीमन करने के लिए जो व्यवस्था की गई है उसमें हमारी सरकार ने यह चाहा है धारा 3 कि अन्तर्गत के हाउस आफ पीपुल के लोगों को उसमें प्रतिनिधित्व दिया जाय।

मेरा यह नम्र निवेदन है कि इसको जब हम ज्यादा प्रजातांत्रिक बनाने वाले हैं—मैं यह नहीं कहता कि हाउस आफ पीपुल के लोग चुने हुए नहीं होते—मगर हम चाहते हैं कि इस विधेयक की धारा 32 के अनुसार जो प्रोवीजन रखा है—इंटेरिम मेट्रोपोलिटन कौंसिल—हम जो इंटेरिम मेट्रोपोलिटन कौंसिल बना रहे हैं उसमें चुनाव के आधार पर लोगों को स्थान देने वाले हैं, क्यों न हम उसमें से मेम्बरों को लें और जो निर्वाचन क्षेत्रों का परिसीमन करना हो उसी के आधार पर करें। इस दृष्टि से यह संशोधन दिया है। इसमें कोई आपत्ति दीखती नहीं, मंत्री जी कोई आपत्ति लगा दें तो मैं नहीं कह सकता। हाउस आफ पीपुल का करने की अपेक्षा जिन लोगों को उसमें दिलचस्पी है, जो क्षेत्रों का निर्धारण करवाना चाहते हैं, उन क्षेत्रों से लड़ने वाले हैं, उन क्षेत्रों का प्रतिनिधित्व करने वाले हैं उनको अगर अधिकार दें तो ज्यादा अच्छा होगा कि वे अपने सारे मामले को जिस तरह से लोक सभा का या विधान सभा परिसीमन करवाते हैं चुनाव की दृष्टि से, उसमें हमारी विधान सभा के भी प्रतिनिधि रहते हैं, लोक सभा के भी प्रतिनिधि रहते हैं और वे सब मिलकर डिलिमिटेशन कमीशन के साथ जाकर तय करते हैं, उसी तरह से इन क्षेत्रों का मेट्रोपोलिटन क्षेत्र बनाने के लिए अगर हम लोक सभा के सदस्यों की अपेक्षा अंतरिम मेट्रोपोलिटन कौंसिल के सदस्यों का प्रतिनिधित्व करवायेंगे तो उससे ज्यादा अच्छे परिणाम की अपेक्षा कर सकते हैं। इस दृष्टि से यह संशोधन दिया है। आशा है मंत्री महोदय स्वीकार करेंगे।

SHRI G. MURAHARI : Sir, I move :

42. "That at page 4,—

(i) at the end of line 7, the word 'and' be deleted; and

(ii) after line 7, the following proviso be inserted, namely :—

'Provided that sixty per cent of the seats in the Metropolitan Council shall be reserved for backward clas-

ses, women, scheduled tribes and other minorities besides the reservations made for the scheduled castes.'

सबको मालूम है कि जो सोसायटी है, समाज है उसके कुछ ऐसे सेक्शन्स हैं जैसे कि पिछड़े वर्ग, औरत और कुछ माइनारिटीज के लोग जो आजकल की परिस्थिति में किसी भी कौंसिल में या असेम्बली में आ नहीं पाते। हमारे समाज की कुछ ऐसी व्यवस्था बन गई है कास्ट सिस्टम की वजह से कि उनको बहुत कठिनाई होती है। जब तक हम ऐसी नीति नहीं अपनाते जिससे कि जो पिछड़ा वर्ग है उसको मौका मिले और उनका अवसर सुरक्षित हो तब तक उनको इस तरह की कौंसिलों में आना मुश्किल रहेगा। इसलिए मेरा सुझाव है कि 60 प्रतिशत स्थान उनके लिए रिजर्व रखे जायें। वे भी जनतांत्रिक ढंग से आम चुनाव में चुने जाये, लेकिन कम से कम 60 प्रतिशत स्थान उनके लिए रिजर्व रहें। इसी तरह मैं चाहता था कि बैकवर्ड क्लास, औरत और कुछ माइनारिटीज के लोगों के लिए सुरक्षित हो। अगर इसकी गणना की गई तो आपको पता चलेगा कि 80 प्रतिशत तो यही लोग हैं, लेकिन 60 प्रतिशत की मांग है।

कुमारी शांता वशिष्ठ : आप लोगों के लिए भी करना चाहिए, बड़े बैकवर्ड हैं आप लोग।

श्री गोडे मुराहरि : औरतों को मैं बैकवर्ड नहीं कहता—इस गलतफहमी में न रहिएगा। उनको मौका नहीं मिलता क्योंकि मर्द लोग इतने तेज होते हैं कि औरतों को मौका नहीं देते। इसलिए मैं चाहता था कि उनके लिए सुरक्षित हो।

श्री अकबर अली खान : किस जमाने की बात कर रहे हैं ?

श्री गोडे मुराहरि : इसी जमाने की बात हो रही है। इस सदन में कितनी औरतें आप लाए हैं। क्या यह कहें कि औरतों को बहुत



मौका मिल रहा है, औरतें आ रही हैं क्योंकि एक प्रधान मंत्री बन गई हैं ?

श्री अटल बिहारी वाजपेयी : मुख्य मंत्री भी हैं, और घर में भी उनका राज है ।

श्री गोडे मुराहरि : उनको मौका मिलना चाहिए । इसलिए मैं चाहता था कि 60 प्रतिशत उनके लिए सुरक्षित रहे । ऐसी नीति अपनायेंगे, तभी लोगों को पूरा मौका मिल सकता है और तभी हजारों बरस की जो परम्परा चली आ रही है उसे तोड़ सकते हैं ।

*The questions were proposed.*

SHRI M. N. GOVINDAN NAIR : It is very interesting to hear both Shri Murahari and Shri Atal Bihari Vajpayee pleading for women.

SHRI JAISUKHLAL HATHI : Sir, the representation of 60 per cent. of the seats for the backward classes, women, scheduled tribes and other minorities is perhaps too much.

SHRI G. MURAHARI : They are more than 80 per cent. of the population.

SHRI JAISUKHLAL HATHI : Secondly, it will be difficult, again, to describe the backward classes, women and other minorities. Then, perhaps 40 per cent. will cling to be in a minority if 60 per cent. of them are given representation. I think 60 per cent. is too much.

SHRI G. MURAHARI : Women are almost 50 per cent. of the population.

SHRI JAISUKHLAL HATHI : Then Shri Chordia's suggestion is that there should be three members there. Now, so far as the Members of Parliament are concerned, they are to be associated now. They are the direct representatives of the people of Delhi and the Interim Metropolitan Council will be elected by the present electoral college. Therefore, it is better. At first we thought of it. But the Joint Committee, after discussion though that rather than have indirectly elected members to be associated with the

delimitation of constituencies, it is better that the directly elected representatives of the people may be there because they know what is to be done. I think he would not press his amendment.

SHRI V. M. CHORDIA : I withdraw my amendment.

*\* Amendment No. 5 was, by leave withdrawn.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

42. "That at page 4,—

(i) at the end of line 7, the word 'and' be deleted; and

(ii) after line 7, the following proviso be inserted, namely :—

'Provided that sixty per cent. of the seats in the Metropolitan Council shall be reserved for backward classes, women, scheduled tribes and other minorities besides the reservations made for the scheduled castes'."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 4 stand part of the Bill."

*The motion was adopted.*

*Clause 4 was added to the Bill.*

*Clauses 5 to 9 were added to the Bill.*

*Clause 10—Duration of Metropolitan Council*

SHRI V. M. CHORDIA : Sir, I move :

6. "That in the proviso to clause 10, for the words 'not exceeding one year' the words 'not exceeding six months' be substituted."

*\* For text of the amendment, vide col. 2026 supra.*

[Shri V. M. Chordia.]

7. "That in the proviso to clause 10, for the words 'six months' the words 'three months' be substituted"

(The amendments also stood in the name of *Servashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma.*)

*The questions were proposed.*

श्री विमलकुमार मन्नालालजी चौरड़िया : उप-सभाध्यक्ष महोदय, अमेंडमेंट बिलकुल साफ है। जो 12 महीने की व्यवस्था है कि एमर-जेंसी के कारण चाहें तो प्रेसिडेंट 12 महीने तक उसकी अवधि बढ़ा सकते हैं, उसकी अवधि समाप्त होने के बाद भी, यह ठीक लगता नहीं। अगर बढ़ानी है तो छः महीने की अवधि होनी चाहिए। मेरे ख्याल में प्रोक्लेशन भी 6 महीने तक चल सकता है। फिर अगर बढ़ानी हो तो पार्लियामेंट की स्वीकृति लेनी पड़ती है। मैं नहीं कहता कि बिलकुल न रखें, लेकिन शुरू से ही 12 महीने बढ़ाने का प्रावजन रखना ठीक लगता नहीं। इसलिए हमने यह संशोधन दिया है कि जो इमरजेंसी की जरूरत पड़ने पर, प्रोक्लेशन की जरूरत पड़ने पर, बढ़ाने की व्यवस्था है उसको केवल 6 महीने रखें। फिर अगर आवश्यक समझें तो और बढ़ा सकते हैं। इसमें किसी को आपत्ति नहीं हो सकती। और जैसा कि उस समय सदन परिस्थिति के अनुसार ठीक समझेगा करेगा, छः महीने तक बढ़ाया जायगा। उसमें कोई आपत्ति नहीं। इसलिये मैं प्रार्थना करूंगा माननीय मंत्री जी से कि यह प्रजातंत्र के सिद्धान्तों के आधार पर ही है। अगर एक साल तक अपना प्रोक्लेशन कर के जनतांत्रिक व्यवस्था न चलने दें, जैसा कि म्युनिसिपल कमिटी के बारे में और दूसरे चुनावों के बारे में देखते हैं तो इस प्रकार के अधिकारों का कहीं-कहीं इतना दुरुपयोग होता है कि चुनाव नहीं होता है। इतना एक-साल तक बढ़ा सकते हैं इसको ले कर बढ़ाते-बढ़ाते ऐसा हो जाता है कि चुनाव नहीं हो पाते। पंचायतों के चुनाव के बारे में हम देखते हैं, मध्य प्रदेश में कई वर्षों से 1947 से या 1948

से चुनाव नहीं हो पाया, ऐसे कई उदाहरण हैं कि इन नियमों का, इन धाराओं का दुरुपयोग किया जाता है। इसलिये प्रार्थना करता हूं कि आप 12 महीने के बजाय 6 महीने करने का कष्ट करें।

दूसरा संशोधन भी इसी आशय का है कि तीन महीने तक ऐसे चल सकता है। यह भी उसी आशय से है। तो मैं मन्त्री जी से प्रार्थना करूंगा कि इसके बारे में जरा कूल माइंड से सोच कर के इन संशोधनों को स्वीकार करें तो उचित होगा।

श्री जयसुख लाल हाथी : जब-जब भी श्री चौरड़िया जी बोलते हैं तब-तब मैं बिलकुल कूल माइंड से विचार करता हूं...

श्री ब्रजकिशोर प्रसाद सिंह : और जब वाजपेयी जी बोलते हैं तब।

श्री जयसुख लाल हाथी : तब मान के साथ, आदर के साथ।

तो इसके बारे में हमने सोचा था कि छः महीना रखें या एक साल रखें लेकिन सोचा कि मेट्रोपोलिटन काउंसिल का कोई लेजिस्लेटिव फंक्शन है नहीं इसलिये यह जो एक साल और छः महीना यहां रखा है वह ठीक है।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Are you pressing to vote?

SHRI V. M. CHORDIA : Yes, Sir. सिद्धांत से वह सहमत है, खाली इज्जत का मामला पड़ गया है।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

6. "That in the proviso to clause 10, for the words 'not exceeding one year' the words 'not exceeding six months' be substituted."

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

7. "That in the proviso to clause 10, for the words 'six months', the words 'three months' be substituted."

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 10 stand part of the Bill."

*The motion was adopted.*

*Clause 10 was added to the Bill.*

*Clause 11—Sessions of Metropolitan Council prorogation and dissolution.*

**SHRI G. MURAHARI :** Sir, I move :

43. "That at page 5, lines 22 to 25 be deleted."

श्रीमान् मेरा जो अमेंडमेंट है वह इसलिये है कि इस क्लॉज में एडमिनिस्ट्रेटर के लिये यह कहा गया है :

"(2) The Administrator may, from time to time,—

(a) prorogue the Metropolitan Council;

(b) with the approval of the President, dissolve the Metropolitan Council."

यानी एडमिनिस्ट्रेटर अपनी मर्जी से जब चाहे तब इसको खत्म कर सकता है। तो एक तरफ तो हमारे मंत्री महोदय अभी सुबह से यही भाषण देते रहे कि हमारी कोशिश यह है कि इसमें कुछ डेमोक्रेटिक कंटेन्ट दें और तरह-तरह की दलीलें उन्होंने हमारे सामने पेश की हैं लेकिन यह जो क्लॉज है इसके चलते तो एडमिनिस्ट्रेटर के ऊपर निर्भर रहता है कि मेट्रोपोलिटन कौंसिल कितने दिन तक चले, कब तक चले और जब वह चाहें तो उसको

डिसमिस कर सकते हैं, डिजाल्व कर सकते हैं।

और यह सारा कौंसिल जो है वह तो एक एडवाइजरी बाडी है, उसको कोई अधिकार नहीं कि अपनी मर्जी से कोई काम करवा सके लेकिन फिर भी जो एडवाइजरी कौंसिल है उसको भी एक एडमिनिस्ट्रेटर के हाथ में दे कर के, उसके सारे अधिकार एडमिनिस्ट्रेटर को दिये गये हैं कि जब चाहे उसको प्रोरोग कर सके, जब चाहे उसको डिजाल्व कर सके, तो मेरे खयाल में यह बिल्कुल गलत है। और इसमें कोई अवधि की बात ही नहीं है। मैं समझता हूं कि जो इसकी एडवाइजरी कैपेसिटी है उसको भी खत्म करने की बात इसमें कर रहे हैं क्योंकि एक तो यह एडवाइजरी कौंसिल है जो कि वैसे भी खराब है लेकिन अगर वह इस तरह से एडवाइज देने लगती है कि एडमिनिस्ट्रेटर कभी यह महसूस करने लगे कि इसकी एडवाइस अब जरूरत से बहुत ज्यादा हो गई है तो फिर वह उसको डिजाल्व करने को भी तैयार हो जायगा।

इसलिये मेरा इसका विरोध है और मैं चाहता हूं कि यह डिलीट किया जाय।

*The question was proposed.*

**SHRI JAISUKHLAL HATHI :** The point is that Mr. Murahari wants the lines 22 to 25 to be deleted. He wants that :

"(2) The Administrator may, from time to time,—

(a) prorogue the Metropolitan Council;

(b) with the approval of the President, dissolve the Metropolitan Council."

be deleted. Suppose I accept the amendment. Now if the Council has to be prorogued, who will do it ?

SHRI G. MURAHARI : But when will it be prorogued ? जब आप बिल बना रहे थे तभी आपको यह देखना चाहिये था ।

SHRI JAISUKHLAL HATHI : ऐसा हमने देख कर रखा है The Administrator should prorogue. Otherwise, supposing the Council has to be prorogued. If I accept your amendment, there is no body to prorogue.

SHRI G. MURAHARI : What are the circumstances ?

SHRI AKBAR ALI KHAN : It is an enabling provision.

SHRI JAISUKHLAL HATHI : It is there in the Constitution also, article 174.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Are you pressing ?

SHRI G. MURAHARI : Yes, Sir.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

43. "That at page 5, lines 22 to 25 be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That Clause 11 stand part of the Bill."

*The motion was adopted.*

*Clause 11 was added to the Bill.*

*Clause 12 was added to the Bill.*

*Clause 13—Chairman not to preside while a resolution for his removal from office is under consideration*

KUMARI SHANTA VASISHT : I think this House accepted the point about hav-

ing a Deputy Chairman. So it need not be moved.

SHRI JAISUKHLAL HATHI : If it is in the Bill, how did you put an amendment ?

KUMARI SHANTA VASISHT : The Bill came only this morning and it was sent earlier. Sir, I do not move.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 13 stand part of the Bill."

*The motion was adopted.*

*Clause 13 was added to the Bill.*

*Clause 14 was added to the Bill.*

*Clause 15—Rights of members of Executive Council as respects Metropolitan Council*

SHRI ATAL BIHARI VAJPAYEE : Sir, I move :

10. "That in clause 15, the words 'but shall not by virtue of this section be entitled to vote' be deleted."

*(The amendment also stood in the names of Sarvashri V. M. Chordia, Sundar Singh Bhandari and Niranjan Varma).*

महोदय, इस संशोधन के द्वारा मेने यह मांग की है कि एग्जीक्युटिव कौंसिलर्स को वोट देने का भी अधिकार होना चाहिये। मैं यह समझने में असमर्थ हूँ कि उन्हें वोट देने के अधिकार से क्यों वंचित किया जा रहा है। क्या सरकार का इरादा यह है कि नामिनेटेड मेम्बर्स में से वह एग्जीक्युटिव कौंसिलर्स बनायेगी। यदि नहीं तो जो जनता द्वारा चुने गये हैं और निर्वाचन के बाद राजधानी परिषद् के सदस्य बने हैं, परिषद् की बैठक में भाग लेते हैं या परिषद् की विभिन्न समितियों की कार्यवाही में भाग लेते हैं तो फिर उन्हें मताधिकार क्यों नहीं होना चाहिये। मुझे ऐसा

बनाता है कि जो मेट्रोपॉलिटन काउंसिल बनाई जा रही है उसमें कोई भी स्वाभिमानी व्यक्ति जाना नहीं चाहता और एग्जीक्यूटिव काउंसिलर तो कोई भी बनना नहीं चाहेगा। एडमिनिस्ट्रेटर का एक तरह का अधिकार दे दिये गये हैं कि कोई भी जनता का प्रतिनिधि उसके साथ व्यवहार करना पसन्द नहीं करेगा और आप यहाँ एग्जीक्यूटिव काउंसिलर का मत देना अधिकार में भी वचित कर रहे हैं। उस एग्जीक्यूटिव काउंसिलर की क्या स्थिति होगी। जनता के सामने किस रूप में वह अपने को उपस्थित करेगा अगर वह बात इसे का भी अधिकारी नहीं रहेगा। तो फिर वह एडमिनिस्ट्रेटर के इशारे पर चलने वाला एक पुर्जा होगा जिसकी न तो परिपक्वता कोई आवाज होगा और न जिसका जन-जीवन में कोई सम्मान होगा। मेरी समझ में नहीं आता कि ऐसी मेट्रोपॉलिटन काउंसिल क्यों बनाई गई है, इस तरह के एग्जीक्यूटिव काउंसिलर क्यों बनाये जा रहे हैं।

*The question was proposed*

**SHRI JAISUKHLAL HATHI** Sir, this is a new clause which was suggested by the Joint Committee. The reason is very clear. If a member of the Executive Council is not a member of the Committee, he cannot vote. Supposing in a select committee I am a member, but my colleague, Mr Naskar, is not a member. He can speak but he has no right to vote.

**SHRI ATAL BIHARI VAJPAYEE** : What about the Councillor? Under this clause, the Executive Councillors will not be entitled.

**SHRI JAISUKHLAL HATHI** . If he is a member he can vote. But in a committee, if he is not a member he cannot vote. Supposing I am on a committee, I can vote, but I am not there and my colleague, Mr Naskar, goes, he may attend the committee but he cannot vote.

**PANDIT S S N TANKHA** (Uttar Pradesh) That I understand. But I think the wordings of the section are not clear and they, on the point, are capable of

another interpretation since the wordings of the clause are

Every member of the Executive Council shall have the right to speak in and otherwise to take part in the proceedings of the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be named a member but shall not by virtue of this section be entitled to vote.

...

**SHRI JAISUKHLAL HATHI** There is the other point also. Both the points I shall mention. The first one I have already mentioned. The other is that for six months even though he is not elected and is not a member he can remain as Minister. But since he is not a member he cannot vote. For example I can go to the other House and I can speak but because I am not a Member there I cannot vote. So also he may be a Minister for six months without being elected and without being a member. Therefore he cannot take part in the voting, just as I have no right to vote in the other House. I hope I am clear.

**SHRI ATAL BIHARI VAJPAYEE** Even if he is elected he will not be entitled to vote? Is that the position?

**SHRI JAISUKHLAL HATHI** That is not the position. You please read the clause again.

**SHRI ATAL BIHARI VAJPAYEE** The language is not clear.

**SHRI JAISUKHLAL HATHI** I will explain. The position is very clear. The clause says

"Every member of the Executive Council shall have the right to speak in and otherwise to take part in the proceedings of, the Metropolitan Council, and any Committee of the Metropolitan Council of which he may be named a member but shall not by virtue of this section be entitled to vote."

It says clearly that he can take part but by virtue of this section he cannot vote.

**SHRI ATAL BIHARI VAJPAYEE :** Otherwise he is entitled to vote ?

**SHRI JAISUKHLAL HATHI :** Yes. If it is only by virtue of this section he will not have the right of voting, but if he is a member he has the right.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** Because the words "by virtue of this section" are there.

**PANDIT S. S. N. TANKHA :** But the opening words are :

"Every member of the Executive Council shall have the right".

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** Yes, then you have the words "by virtue of this section" are also there. Are you pressing your amendment No. 10, Mr. Vajpayee ?

**SHRI ATAL BIHARI VAJPAYEE :** No, Sir. I would like to withdraw it.

*\*Amendment No. 10 was, by leave, withdrawn.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 15 stand part of the Bill."

*The motion was adopted.*

*Clause 15 was added to the Bill.*

*Clauses 16 and 17 were added to the Bill*

*Clause 18—Vacation of seats*

**SHRI V. M. CHORDIA :** Sir, I beg to move :

11. "That in clause 18, for sub-clause (1), the following be substituted, namely :—

'18(1) No person shall be a member both of Parliament and of the

Metropolitan Council, and if a person is so chosen, then, at the expiration of fourteen days from the date of publication in the Gazette of India or in the Official Gazette, whichever is later, that he has been so chosen, that person's seat in Parliament shall become vacant unless he has previously resigned his seat in the Metropolitan Council.' "

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma.)*

उपमभाध्यक्ष महोदय, जो वर्तमान विधेयक है इसमें दो बातें चाही गई हैं। एक तो जो संसद् के सदस्य हैं वे या तो संसद् सदस्य रह सकते हैं या राजधानी परिषद् के सदस्य रह सकते हैं और दूसरे इसमें यह चाहा गया है कि या तो दिल्ली म्यूनिसिपल कारपोरेशन के सदस्य रह सकते हैं या मेट्रोपोलिटन काउन्सिल के सदस्य रह सकते हैं। अब जहां तक कि संसद् के सदस्य और मेट्रोपोलिटन काउन्सिल का सवाल है उसमें "आइदर या और" करे तो भी कुछ ठीक बात लगती है मगर कारपोरेशन का सदस्य होने के नाते उनको अगर मेट्रोपोलिटन काउन्सिल में आने का अधिकार नहीं दिया जाय तो उचित नहीं लगता। कारण यह है कि दोनों के फंक्शन अलग-अलग हैं और यहां तो मेट्रोपोलिटन काउन्सिल केवल रायबहादुरों की जमात है, वहां पर म्यूनिसिपल कारपोरेशन में रहकर नागरिकों की असली हालत को जान कर कि कारपोरेशन द्वारा क्या काम हो रहा है क्या नहीं हो रहा है इत्यादि सारी स्थिति के आंकड़े, फॅक्ट्स एन्ड फिगर्स के साथ मेट्रोपोलिटन काउन्सिल में प्रस्तुत कर सकेंगे और वहां लोगो को बता सकेंगे कि दिल्ली कारपोरेशन की यह स्थिति है और आप यह प्रस्ताव पास कर रहे हैं उससे इसका मेल नहीं बैठेगा, ताल-मेल ठीक नहीं है। इस दृष्टि से यह अत्यंत आवश्यक है कि उन्हें सुझाव देना चाहिये कि बजट में क्या कमी होनी चाहिये और सारी बातें बतानी चाहिये। इसलिये मैं प्रार्थना करूंगा कि संसद्-सदस्यों को चाहे हम न रखे मगर दिल्ली

\* For text of the amendment, vide col 2036 *Supra*.

म्यूनिसिपल कारपोरेशन के सदस्यों को इस में सम्मिलित किया जाय, उनको अधिकार दिया जाय कि वे चाहे दोनों के सदस्य रह सकते हैं। उसमें किसी प्रकार की आपत्ति नहीं होनी चाहिये, कठिनाई नहीं होनी चाहिये। आशा है मंत्री महोदय इस संशोधन को स्वीकार करेंगे।

*The question was proposed.*

**SHRI JAISUKHLAL HATHI :** Shri Chordiaji has already accepted the principle of this clause, namely that a person should not be a member of two institutions, namely, of Parliament and of the Metropolitan Council. Similarly we do not want that he should be a member of both bodies, because his attention would be diverted. We, therefore want that he should choose to be a member of either the Corporation or of the Metropolitan Council. It should not happen that they are members of both the Corporation and of the Metropolitan Council. Therefore, we want them to be members of one such body only, not of both.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** Are you pressing your amendment Mr. Chordia?

**SHRI V. M. CHORDIA :** No, Sir. I would like to withdraw it.

*\*Amendment No. 11 was, by leave, withdrawn.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is—

“That clause 18 stand part of the Bill.”

*The motion was adopted.*

*Clause 18 was added to the Bill.*

*Clauses 19 to 21 were added to the Bill.*

\*For text of the amendment, vide cols. 2039-2040 *supra*.

#### *Clause 22—Functions of Metropolitan Council*

**श्री गोडे मुराहरि :** क्लॉज 22 के बारे में मेरा एक प्वाइन्ट आफ ऑर्डर है। बिल के क्लॉज 22(1) (a) में कहा गया है :

“(a) proposals for undertaking legislation with respect to any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution in so far as any such matter is applicable in relation to Union territories (hereafter referred to as the State List and the Concurrent List);”

अब स्थिति इस प्रकार है कि स्टेट लिस्ट में दिल्ली का तो नाम नहीं है। जहाँ तक कांस्टीट्यूशन की व्यवस्था मुझे मालूम है आर्टिकल 239(9) आफ दी कांस्टीट्यूशन में दिल्ली का कहीं नाम नहीं है। इसलिये मैं समझता हूँ कि आप इस बिल को पास करेंगे तो वह दिल्ली का नाम न होने की वजह से आपका सारा बिल नाकाम रहेगा और यह बिल अप्लीकेबल नहीं होगा। इसलिये जब तक कि कांस्टीट्यूशन को आप अमेन्ड नहीं करते और कांस्टीट्यूशन में दिल्ली को आप नहीं जोड़ते तब तक यह जो आपका क्लॉज 22 है यह तो बिलकुल नाकाम होगा और उसके मातहत यह बिल भी नाकाम होगा। इसलिये मैं चाहता हूँ कि पहले सरकार की तरफ से कांस्टीट्यूशन अमेन्डमेंट बिल हमारे सामने आये जिसमें दिल्ली का नाम भी उसमें जोड़ा जाय, उसके बाद यह बिल यहाँ पर लाया जाय।

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** There is no point of order because the term “State” as defined in the Constitution means the Union territory also, under the General Clauses Act.

**SHRI JAISUKHLAL HATHI :** And may I clarify it a little further? I may add here that there are three Lists. The List which gives power to Parliament is the Union List and that is in the Seventh Schedule. For those subjects Parliament add here that there are three Lists. The second is the State List. That does not

[Shri Jaisukhlal Hathi]

mean the State of Delhi. There are three Lists, i.e., the Union List, the State List and the Concurrent List. 'State' here does not mean the State of Delhi. It means the State List. So there is no need to make Delhi a State. It only refers to the Union List and the State List.

श्री गोडे मुराहरि : मैं यह जानना चाहूंगा कि दिल्ली क्या चीज है ?

श्री जयसुख लाल हाथी : दिल्ली यूनियन टेरीटरी है।

श्री अटल बिहारी वाजपेयी : दिल्ली एक अजीब चीज है।

श्री गोडे मुराहरि : अजीब चीजें बन रही हैं। वैसे सेक्शन 22 का कोई मानी भी नहीं रहता क्योंकि इसमें जो भी काम करने वाले हैं सब रिकमन्डटरी हैं।

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That is a different matter.

SHRI JAISUKHLAL HATHI : I will explain. The point is about legislation. If there is any proposal to apply any legislation from the State List or the Concurrent List, that will be before the Council. If there is something concerning the Union List, then it should come before Parliament. Therefore, it is not a question of naming Delhi a State. There are three Lists, the Union List, the State List and the Concurrent List. Here what is said is that if there is a proposal for legislation with respect to

"any of the matters enumerated in the State List or the Concurrent List in the Seventh Schedule to the Constitution"

Here the term "State List" does not mean the List of Delhi. It only means the heading "State List".

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : There is no point of order and we now come to the amendments.

SHRI ATAL BIHARI VAJPAYEE.  
Sir, I beg to move.

12. "That in sub-clause (1) of clause 22, for the words 'to discuss and make recommendations' the words 'to take decisions subject to the safeguards as notified by the President' be substituted."

Sir, I also move :

14 "That for sub-clause (2) of clause 22, the following be substituted, namely :—

"The recommendations of the Metropolitan Council shall be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council."

(The amendments also stood in the names of Sarvashri V. M. Chordia, Sundar Singh Bhandari and Niranjan Varma.)

यह संशोधन इस बात से संबंध रखता है कि हम राजधानी परिषद् का क्या स्वरूप बनाना चाहते हैं ? हमने राजधानी परिषद् का निर्माण किया और कुछ मामलों में, कुछ विषयों में उसको हमने अधिकार दिया। लेकिन अधिकार दिया केवल चर्चा करने का, बहस करने का, वाद-विवाद करने का। किसी भी मामले में राजधानी परिषद् को निर्णय करने का अधिकार नहीं होगा। यहां फिर मैं वही सवाल उपस्थित करना चाहूंगा कि इस प्रकार की राजधानी परिषद् बनाने की आवश्यकता क्या है ? आप राजधानी परिषद् बना रहे हैं तो कम से कम जो सीमित विषय हैं, उनमें तो उनको विवाद करने का, निर्णय लेने का अवसर देना चाहिये। आपने एडमिनिस्ट्रेटर को, प्रशासक को सारे असाधारण अधिकार दे रखे हैं, लेकिन आप कौंसिल को सभी अधिकारों से वंचित रखना चाहते हैं। यह स्थिति मैं समझ नहीं सकता और मुझे ऐसा लगता है कि अगर सरकार इस मैट्रोपोलिटन कौंसिल को बनाना चाहती है तो इससे अच्छा यह होता कि दिल्ली म्युनिसिपल कौंसिल का ज्यादा



अधिकार दे दिये जाते। यह राजधानी परिषद् दिल्ली म्युनिसिपल कार्पोरेशन में भी गई चीनी हो गई है। वहां पर सदस्य केवल मिलेंगे, चर्चा होगी, वहम मुबाहिंसा करेंगे और फिर अपने-अपने घर चले जायेंगे। वह केवल मिफार्मिशन कर सकते हैं, किसी मामले में फैसला नहीं कर सकते हैं। यह स्थिति ठीक नहीं है। माननीय मंत्री महोदय को इस बारे में पुनर्विचार करना चाहिये, लेकिन मैं जानता हूँ कि वे पुनर्विचार करने के लिए तैयार नहीं हैं। वे जल्दी में यह विधेयक बना रहे हैं और चाहते हैं कि यह आज शाम तक पास हो जाय। इसलिए इस पर जो मार्ग विवाद हो रहा है वह नकली विवाद होगा। जब सरकार अपना दिमाग बद करके आती है तो उस पर क्या वहस हो सकती है। कुछ ऐसा लगता है कि हम सचमुच में अपना समय बर्बाद कर रहे हैं और माननीय मंत्री जी को भी तकलीफ दे रहे हैं। इसलिए इससे अच्छा यह है कि हम मदन से उठकर चले जायें और जो भी सरकार पास करना चाहती है वह पास कर ले।

उप-सभाध्यक्ष जी, कल लोक-सभा में कहा गया कि अगर लोक-सभा यह बिल पास नहीं करेगी तो कल राज्य-सभा की जो बैठक होगी वह उसमें क्या करेगी? हमारी बैठक का होना तय हो गया और इसीलिए यह बिल वहां से भेज दिया गया। मगर माननीय मंत्री जी यह तय करके आये हैं कि अगर संशोधन मान लिया जायेगा तो यह बिल फिर लोक-सभा में जायेगा, इसलिए कोई चीज नहीं मानेंगे।

श्री जयसुख लाल हाथी : मानने में कोई आपत्ति नहीं है।

श्री अटल बिहारी वाजपेयी : जग नमूने के लिए मानकर देखिये।

KUMARI SHANTA VASISHT : Sir, I move :

13. "That in clause 22, for item (d)

of sub-clause (1) the following be substituted, namely :—

"(d) the estimated receipt and expenditure pertaining to Delhi Electricity Board, Delhi Transport Board and Delhi Development Authority;"

(The amendment also stood in the name of Shri Santokh Singh.)

Actually the first two are under the Corporation now and the Corporation has the right to discuss their Budgets and so on. Certain things connected with Transport are with the Delhi Administration. If this is put under the Metropolitan Council, the rights that are exercised by the Corporation today over the Electricity Board—the budgetary right, the scrutiny of expenditure and all that—will be taken away and that will be depriving the representatives of the people of the authority that they already have. Therefore I feel that this should be substituted. So also the D.D.A. also makes its own budget; it also exercises its own control and inspection and it has other rights and privileges. So to put that under this body is wrong. It would be taking away certain rights which are already there with the representatives. So I feel that they should have all these rights and powers of control etc. So I move this amendment.

The questions were proposed.

श्री विमलकुमार मन्नालालजी चौरङ्गिया :

उप-सभाध्यक्ष जी, जो संशोधन सदस्या महोदय ने रखा है, मैं उसका समर्थन करता हूँ। जैसा मैंने निवेदन किया कि हमारा इस तरह का प्रयत्न होना चाहिये कि दिल्ली की जो प्रशासनिक व्यवस्था है वह यूनीफाइड हो जाय और उन सब व्यवस्थाओं में आपस में कोऑर्डिनेशन हो जाय। इसलिए यह आवश्यक है कि इस तरह की व्यवस्था करने के लिए हमें मेट्रोपोलिटन कौंसिल को इस तरह के अधिकार देने चाहिये थे ताकि वह स्वतंत्र प्रशासक के रूप में काम कर सके। आप सब लोगों को मालूम ही है कि यहाँ पर भिन्न भिन्न प्रकार की व्यवस्थाएँ हैं। आप यहाँ पर डी० डी० ए० पायेंगे, दिल्ली इलेक्ट्रिसिटी बोर्ड पायेंगे, डी० टी० य० पायेंगे, दिल्ली मिल्क

[श्री विमलकुमार मन्नालालजी चौरड़िया]  
स्कीम पायेंगे। इस तरह से यहाँ पर कई  
संस्थाएँ अलग से काम कर रही हैं और उन्हें  
एक सूत्र में बांधने की आवश्यकता है। हम  
यह चाहते हैं कि ये सारी संस्थाएँ मैट्रोपोलिटन  
कौंसिल के अन्तर्गत आ जायें ताकि दिल्ली  
प्रशासन का काम अच्छी तरह से चले और इसी  
लिए इस कौंसिल को इस तरह के अधिकार  
दिये जाने के लिए यह संशोधन रखा है और  
आशा है कि माननीय मंत्री जी इसको स्वीकार  
करेंगे।

साथ ही संशोधन नंबर 14 में यह चाहा  
गया है :

"The recommendations of the Metro-  
politan Council shall be forwarded by  
the Administrator to the Central Gov-  
ernment with the views, if any, expressed  
thereon by the Executive Council."

हमारी सरकार के दिमाग में यह पहले से ही  
था कि इस मैट्रोपोलिटन कौंसिल को ज्यादा  
अधिकार नहीं दिये जाने चाहिये। इसीलिए  
इसमें यह कहा गया है :

"The recommendations of the Metro-  
politan Council, after having been duly  
considered by the Executive Coun-  
cil . . ."

इसलिए सरकार तो मैट्रोपोलिटन कौंसिल में  
सिर्फ अपने राय बहादुरों को ही भेजना चाहती  
है और उनकी फौज बनाना चाहती है। वहाँ  
पर जो भी राय एग्जीक्यूटिव कौंसिल के पास  
भेजी जायेगी उस पर वह क्या करेगी, उसके  
बारे में यह बतलाया गया है

" . . . after having been duly con-  
sidered by the Executive Council, shall,  
wherever necessary . . ."

मैट्रोपोलिटन कौंसिल जो भी राय भेजेगी  
उसको एग्जीक्यूटिव कौंसिल काट छांट कर  
देगी और उस पर अपनी राय लगा देगी ताकि  
उसके हिसाब से सब बातें मेल खा जायें।  
इस तरह का तमाशा इस विधेयक में बना रखा

है। इस तरह से इस विधेयक में लम्बी चौड़ी  
बात कही गई है कि यह होगा, वह होगा, लेकिन  
जनता को कोई भी अधिकार इसमें नहीं दिये  
गये हैं। इस तरह की कौंसिल जनता के ऊपर  
एक व्यर्थ का भार है और ट्रेजरी के लिए भी  
एक भार है क्योंकि इस मैट्रोपोलिटन कौंसिल  
द्वारा जनता की इच्छा कार्यान्वित होने वाली  
नहीं है। इस विधेयक में उसकी इच्छाओं का  
कहीं भी प्रदर्शन नहीं किया गया है। वैसे तो  
दिल्ली के बारे में प्रश्न होते रहते हैं, लोक सभा  
में भी होते हैं, राज्य सभा में भी होते हैं।  
दिल्ली के बारे में चर्चा होती रहती है, स्थानीय  
कर्मचारियों के बारे में होती है, दिल्ली कार-  
पोरेशन के बारे में होती है। लेकिन हम इस  
विधेयक में इस तरह की कोई व्यवस्था नहीं  
कर रहे हैं जिससे जनता की इच्छाओं की पूर्ति  
हो जाय। अगर किसी ने चांद मांगा तो चांच  
में चांद को दिखा दिया कि लो कितना सुन्दर  
चांद है। इसी तरह से यह विधेयक भी हमारी  
सरकार ने हमारे सामने और दिल्ली की जनता  
के सामने रखा है कि कितना सुन्दर विधेयक  
लाया गया है जिसे संसद को मान लेना चाहिये।  
लेकिन जैसा कि मैंने निवेदन किया है मैट्रोपो-  
लिटन कौंसिल जो भी राय देगी उसको  
एडमिनिस्ट्रेटर अपनी राय से सेन्ट्रल गवर्नमेंट  
के पास भेज देगा अगर एग्जीक्यूटिव कौंसिल  
ने कोई अपनी राय दी हो। इसलिए मैं यह  
कहना चाहता हूँ कि आप इस तरह का दोहरा  
शासन क्यों करने जा रहे हैं इससे तो जनता के  
ऊपर भार ही पड़ेगा जबकि मैट्रोपोलिटन  
कौंसिल की कोई राय आप मानने के लिए  
तैयार नहीं है तो फिर आप इस तरह की कौंसिल  
क्यों रखना चाहते हैं? जब आप एग्जी-  
क्यूटिव कौंसिल को ही सब अधिकार दे रहे  
हैं तो इस तरह का तमाशा क्यों करने जा  
रहे हैं। आप इस बिल द्वारा इस मैट्रोपोलिटन  
कौंसिल की छाछालीदर करने जा रहे हैं।  
अगर आप यह नहीं चाहते हैं कि यह मैट्रो-  
पोलिटन कौंसिल कुछ काम करे तो आप इस  
बिल को वापस ले लें। अगर आप सचमुच में  
ही इस विधेयक द्वारा जनता की इच्छाओं और

आकांक्षाओं को पूरा करना चाहते हैं तो जो संशोधन दिये गये हैं उन्हें आपको मान लेना चाहिये। आपने तो इस कौंसिल को पंचायत से भी कम अधिकार दे रखे हैं। पंचायत को तो यह अधिकार है कि वह कहीं पर लाइट लगा सकती है और कहीं पर भी बंद कर सकती है। लेकिन मेट्रोपोलिटन कौंसिल को इस तरह का कोई अधिकार नहीं है कि वह कहीं लाइट की दे इजाजत दे सके या उसको बंद करा सके। आप उनको किसी तरह का अधिकार नहीं दे रहे हैं बल्कि अपने रायबहादुरों की फौज ही बढ़ा रहे हैं। जबतक आप इस तरह की बात मानकर चलेंगे तबतक इस कौंसिल का कोई उपयोग होने वाला नहीं है।

SHRI SANTOKH SINGH : Instead of vesting the Council with financial powers, it appears that the Delhi Municipal Corporation is being divested of the powers which they already have and so I support the amendment that has been moved.

श्री जयसुख लाल हाथी : पहली बात चोर-डिया जी ने कही है रायबहादुर की। मेट्रो-पोलिटन कौंसिल में लोग आनेवाले हैं उनको सरकार नियुक्त नहीं करेगी...

श्री अटल बिहारी वाजपेयी : यानी वे अपनी राब देंगे ?

श्री बिमलकुमार मन्नालालजी चौरडिया : उनका काम खाली राय बहादुर का है, काम बहादुर का नहीं है।

श्री जयसुख लाल हाथी : मैंने कहा कि आप राय बहादुर इस लिये कहते हैं...

श्री अटल बिहारी वाजपेयी : इस लिये नहीं, वे राय बहादुर की नई व्याख्या कर रहे हैं।

श्री जयसुख लाल हाथी : तो फिर मेरी गलती है। दूसरी बात यह है कि क्लॉज 22 में यह कहा गया है।

It says that they will forward to the Central Government where necessary. There may be certain subjects where the recommendations need not be sent to the Central Government. The Executive Council itself can implement them.

Then Kumari Shanta Vasisht has suggested one amendment. But it has already been accepted. She has not perhaps read the Bill. Now there are three things which she wants, Delhi Electricity Board, Delhi Transport Board and the D.D.A. Now the Delhi Electricity Board is not in existence; it will come into existence when the necessary measure is passed. The Transport Board also will come later. But the D.D.A. is there. I have already accepted that the budget of the D.D.A. will be discussed before the Metropolitan Council. It has already been accepted in the Lok Sabha. Perhaps she did not know it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

12. "That in sub-clause (1) of clause 22, for the words 'to discuss and make recommendations' the words 'to take decisions subject to the safeguards as notified by the President' be substituted."

*The motion was negatived.*

KUMARI SHANTA VASISHT : Sir, I beg leave to withdraw my amendment.

\* Amendment No. 13 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

14. "That for sub-clause (2) of clause 22, the following be substituted, namely :—

"The recommendations of the Metropolitan Council shall be forwarded by the Administrator to the Central Government with the views, if any, expressed thereon by the Executive Council."

*The motion was negatived.*

\* For text of the amendment, vide cols. 2045-2046 *supra*.

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) : The question is

That clause 22 stand part of the Bill

The motion was adopted

Clause 22 was added to the Bill

Note : Clauses 22A, 22B, 22C, 22D and 22E

KUMARI SHANIA VASISHT : Sir, I move

That after the existing clause 22 the following new clauses be inserted namely —

22A (1) The Administration of Delhi shall in respect of each financial year cause to be laid before the Metropolitan Council with the previous approval of the President, a statement of the estimated receipts and expenditure of Delhi for that year

(2) The estimates of expenditure shall show separately —

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Fund of the Union territory of Delhi; and

(b) the sums required to meet other expenditure proposed to be met from the Fund of the Union territory of Delhi and shall distinguish expenditure on revenue account from other expenditure

(3) The following expenditure shall be charged on the Fund of the Union territory of Delhi —

(a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order,

(b) the charges payable in respect of loans advanced to Delhi from the Consolidated Fund of India

including interest, sinking fund charges and redemption charges and other expenditure connected therewith

(c) the salaries and allowances of the Chairman and the Deputy Chairman of the Metropolitan Council

(d) any sums required to satisfy any judgment decree or award of any court or arbitral tribunal,

(e) expenditure incurred by the Administrator in the discharge of his special responsibilities, and

(f) any other expenditure declared by the Constitution or by law made by Parliament to be so charged

22B (1) So much of the estimates as relate to expenditure charged upon the Fund of the Union territory of Delhi shall not be submitted to the vote of the Metropolitan Council but nothing in this sub-section shall be construed as preventing the discussion in the Metropolitan Council of any of those estimates.

(2) So much of the said estimates as relates to other expenditure shall be submitted for grant to the Metropolitan Council and the Council shall have power to assent, or to refuse assent or to assent subject to a reduction of the amount specified therein

22C As from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf Government of India shall form one fund to be entitled 'the Fund of the Union territory of Delhi'. And such sum may be transferred to it from the Consolidated Fund of India as the Parliament may appropriate from time to time

22D The custody of the Fund of Union territory of Delhi, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters, shall be

regulated by Rules made by the Administrator with the approval of the President.

22E. The reports of the Public Accounts Committee and the Estimates Committee of the Parliament of India relating to the accounts and affairs of various Departments, Authorities and Boards functioning in the Union territory of Delhi for any period subsequent to the date after establishment of Metropolitan Council shall be submitted to the Chairman who shall cause them to be laid before the Metropolitan Council."

(The amendment also stood in the name of Shri Santokh Singh.)

The hon. Minister should examine the whole question again, if possible. If necessary, they may take the opinion of the Supreme Court. There are some conflicting opinions which we have received from various people. Some are under the impression that this can be done. Anyway, I strongly recommend that even if the Constitution has to be changed, these powers should be given. After all the Constitution is coming before the Houses for amendment and one more line can be inserted here giving them financial powers and control over receipts and expenditure. This should be done because in the various States also—Himachal Pradesh and others—all budget estimates and other things get the prior approval of the Government of India and Union Territories and every legislation is placed before those Assemblies, etc. with the prior approval of the Government of India. So I do not see what difficulty can be there. I suggest this matter may be examined by them and this amendment may be incorporated, because this is a body which has no financial powers and we will be spending such a huge amount over this Metropolitan Council without its being able to serve any constructive or substantial purpose for the people of Delhi. It is no use having all this paraphernalia with only debating powers. So, I suggest that the Government may examine it at the highest level possible and as far as possible it should give financial powers to it. This is just like giving somebody the keys of the

house but saying "Do not touch anything at all." That is the position of this Council.

SHRI SANTOKH SINGH : Through this amendment No. 15 I would like to take this opportunity, the last opportunity, of appealing to the Home Minister to kindly see that financial powers are given to this body.

*The question was proposed.*

श्री विमलकुमार मन्नालालजी चौरड़िया : श्रीमान्, यह छोटी सी बात है, कोई बड़ी भारी बात है नहीं।

श्री जयसुखलाल हाथी : पैम की बात है।

श्री विमलकुमार मन्नालालजी चौरड़िया : पैम का अधिकार उनको देना चाहिये। अगर प्रजातन्त्र पर विश्वास नहीं करेंगे तो फिर आप पर विश्वास नहीं होगा, मज पर विश्वास नहीं होगा, पंचायतों पर विश्वास नहीं होगा, नगरपालिकाओं पर विश्वास नहीं होगा। इसलिए हमको थोड़ा इस मामले में पुनर्विचार करना चाहिये। जब हम जन प्रतिनिधियों को चुन कर भेजते हैं तो वे जिनके प्रतिनिधि हो कर जाते हैं उनके ऊपर जो कर लगाया जाता है उसकी ठीक व्यवस्था करने का उनको अधिकार होना चाहिये। हमारे यहाँ नहीं लेकिन कई देशों में जहाँ ऐसी व्यवस्था नहीं थी वहाँ बहुत-से झगड़े हुये और वहाँ के एकतन्त्रीय शासन समाप्त किये गये। तो जिनको जन प्रतिनिधि चुन कर भेजा जाता है वे यह चाहते हैं कि जिनके प्रतिनिधि बन कर हम गये हैं उनके धन का सदुपयोग हो। इसी दृष्टि से यह सारा मंशोधन रखा गया है कि उनको यह अधिकार दिया जाय ताकि जिनके धन को टैक्स के रूप में वसूल किया जाता है उनकी भावनाओं के अनुरूप वह उनके कामों पर खर्च किया जाय। इसलिए मैं मंत्री महोदय से प्रार्थना करूँगा कि वहन शान्त वशिष्ठ ने जो मंशोधन दिये हैं उनको वे स्वीकार करने का कण्ट करें।

**श्री अटल बिहारी वाजपेयी :** उपसभाध्यक्ष, जी, प्रश्न यह है कि सचमुच में क्या संविधान राजधानी परिषद् को वित्तीय अधिकार देने के मार्ग में बाधक है ?

**श्री ब्रजकिशोर प्रसाद सिंह :** नहीं ।

**श्री अटल बिहारी वाजपेयी :** यदि बाधक है तो संविधान में संशोधन हो सकता है । यदि बाधक नहीं है तो फिर शासन को वित्तीय अधिकार देने में आपत्ति नहीं होनी चाहिये । संवैधानिक स्थिति क्या है, इस सम्बन्ध में अलग-अलग मत प्रगट किये गये हैं । मेरे मित्र श्री सिन्हा कह रहे हैं कि संविधान बाधक नहीं है और राजधानी परिषद् को वित्तीय अधिकार मिल सकते हैं । लेकिन जो गवाही आई संयुक्त प्रवर समिति के सामने उसमें शायद इस विषय पर मतभेद प्रगट किया गया है । लेकिन क्या मंत्री महोदय से मैं यह जान सकता हूँ कि आप संविधान में संशोधन नहीं करना चाहते, इसी लिये वित्तीय अधिकार नहीं दे रहे हैं ? अगर आप सचमुच में मेट्रोपोलिटन कौंसिल को कुछ देना ही नहीं चाहते और दिल्ली की जनता के हाथ में एक खिलौना देना चाहते हैं . . .

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :** शुनश्नुना ।

**श्री अटल बिहारी वाजपेयी :** . . और इसलिये आप अधिकार नहीं दे रहे हैं, तो बात और है । वैसे हम कई बार संविधान में संशोधन कर चुके हैं और आवश्यकता होगी तो संविधान में और संशोधन किये जायेंगे । संविधान में संशोधन किये बिना ही अगर कोई मार्ग निकल सकता हो वित्तीय अधिकार देने का, तो शासन को उसके अनुसार कार्य करना चाहिए ।

**SHRI JAISUKHLAL HATHI :** Well, Sir, as I have explained in the beginning, this matter was discussed and we sincerely tried if within the framework of the Constitution it was possible to give financial

powers. I discussed with them and Shri M. C. Setalvad also. His opinion also is there in the evidence. It is really not possible under the Constitution to give financial powers, because financial power means power of taxation and to withdraw money. Kumari Vasisht mentioned about the other Assemblies. But that is a different matter. Here we are not giving the Assembly. If we are prepared to give the Assembly, then everything is all right. That can be done. As the House knows, the Appropriation Bill is passed by the Lok Sabha and money has to be withdrawn from the Consolidated Fund of India only after the passing of the Appropriation Bill. If we give the Assembly, then there is no difficulty at all. Therefore, Sir, this is not possible.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

15.—“That after the existing clause 22, the following new clauses be inserted, namely :—

‘22A. (1) The Administration of Delhi shall in respect of each financial year cause to be laid before the Metropolitan Council, with the previous approval of the President, a statement of the estimated receipts and expenditure of Delhi for that year

(2) The estimates of expenditure shall show separately :—

(a) the sums required to meet expenditure described by this Act as expenditure charged upon the Fund of the Union territory of Delhi; and

(b) the sums required to meet other expenditure proposed to be met from the Fund of the Union territory of Delhi and shall distinguish expenditure on revenue account from other expenditure.

(3) The following expenditure shall be charged on the Fund of the Union territory of Delhi :—

(a) the emoluments and allowances of the Administrator and other expenditure relating to his office as determined by the President by general or special order;

(b) the charges payable in respect of loans advanced to Delhi from the Consolidated Fund of India including interest, sinking fund charges and redemption charges and other expenditure connected therewith;

(c) the salaries and allowances of the Chairman and the Deputy Chairman of the Metropolitan Council,

(d) any sums required to satisfy any judgment, decree or award of any court or arbitral tribunal;

(e) expenditure incurred by the Administrator in the discharge of his special responsibilities; and

(f) any other expenditure declared by the Constitution or by law made by Parliament to be so charged.

22B. (1) So much of the estimates as relate to expenditure charged upon the Fund of the Union territory of Delhi shall not be submitted to the vote of the Metropolitan Council but nothing in this sub-section shall be construed as preventing the discussion in the Metropolitan Council of any of these estimates.

(2) So much of the said estimates as relate to other expenditure shall be submitted for grant to the Metropolitan Council and the Council shall have power to assent, or to refuse assent or to assent subject to a reduction of the amount specified therein.

22C. As from such date as the Central Government may, by notification in the official Gazette, appoint in this behalf, Government of India shall form one fund to be entitled "the Fund of the Union territory of Delhi" and such sum may be transferred to it from the Consolidated Fund of India as the Parliament may appropriate from time to time.

22D. The custody of the Fund of Union territory of Delhi, the payment of moneys into such Fund, the withdrawal of moneys therefrom and all other matters connected with or ancillary to those matters shall be regulated by Rules made by the Administrator, with the approval of the President.

22E. The reports of the Public Accounts Committee and the Estimates Committee of the Parliament of India relating to the accounts and affairs of various Departments, Authorities and Boards functioning in the Union territory of Delhi for any period subsequent to the date after establishment of Metropolitan Council shall be submitted to the Chairman who shall cause them to be laid before the Metropolitan Council."

(After taking a count)

I think the 'Noes' have it.

The motion was negatived.

Clause 23 was added to the Bill.

Clause 24—Rules of procedure

SHRI V. M. CHORDIA : Sir, I move :

16. "That in the proviso to sub-clause (1) of clause 24, the words 'and, if and in so far as any rule so made by the Administrator is inconsistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail' be deleted."

(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma.)

SHRI G. MURAHARI : Sir, I move :

44. "That at page 10, after line 29, the following be inserted, namely :—

'(3) All proceedings in the Metropolitan Council shall be in Hindi, Urdu, Punjabi or any other Indian language.'

The questions were proposed.

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**

उप सभाध्यक्ष महोदय, कितनी तानाशाही चलाने चाहते हैं हमारे माननीय मंत्री इस विधेयक के द्वारा एडमिनिस्ट्रेटर की—जैसे कि मल्लनन होनी नवाबों की और उनकी पावर होती है। उस विधेयक की धारा 24 के द्वारा हमारी सरकार ने उस एडमिनिस्ट्रेटर को यह अधिकार दिया है। अगर मेट्रोपोलिटन कौंसिल कोई नियम बना दे और उस पर एडमिनिस्ट्रेटर भी नियम बना दे और दोनों में इनकॉन्सिस्टेंसी हो, विरोधाभास हो तो वहाँ पर मेट्रोपोलिटन कौंसिल का नियम काम नहीं करेगा, हमारे एडमिनिस्ट्रेटर का काम करेगा। मेट्रोपोलिटन कौंसिल जनता के चुने हुए प्रतिनिधियों की है, मगर एक एडमिनिस्ट्रेटर के सामने कुछ नहीं है। जैसा कहा जाता है—‘खुदा की खुदाई एक तरह की’, वैसे ही इस एडमिनिस्ट्रेटर को

**एक माननीय सदस्य :** पूरा कह दो।

**श्री अटल बिहारी वाजपेयी :** और इस बिल का एडमिनिस्ट्रेटर एक तरह का।

**श्री विमलकुमार मन्नालालजी चौरङ्गिया :**

सारा दिल्ली की चुनी हुई परिषद् एक तरफ और हमारी सरकार का नियुक्त किया हुआ एडमिनिस्ट्रेटर एक तरफ। नौकरशाही के हाथ में अधिकार कितना व्यापक है। जनता के चुने हुए प्रतिनिधि नियम बनाए तो हमारी सरकार एडमिनिस्ट्रेटर को अधिकार दे देती है कि तुम्हारा कहना चलेगा, जनता के चुने हुए प्रतिनिधियों ने कोई नियम बनाया तो उसको इनकॉन्सिस्टेंट करार दे दो। मेट्रोपोलिटन कौंसिल के नियम किस काम के? अगर सरकार चाहती है, एडमिनिस्ट्रेटर चाहता है—यदि किसी आदमी को इच्छा के अनुकूल काम नहीं हुआ है—तो वह ऐसा रूल बना सकता है जिसमें मेट्रोपोलिटन कौंसिल के बनाए गए नियमों के अन्तर्गत जो उसकी लाभ या हानि होने वाली है उसकी वचत हो। तो यह आप करप्शन को ग्राउन्ड देने वाली व्यवस्था

कर रहे हैं। हम नहीं चाहते कि जनता के चुने हुए प्रतिनिधियों की जो मेट्रोपोलिटन कौंसिल बनने वाली है उसका अधिकार कम करे। इसलिए इस दृष्टि से यह संशोधन रखा है कि इसमें जो रखा गया है कि जहाँ इस तरह की इनकॉन्सिस्टेंसी हो वहाँ मेट्रोपोलिटन कौंसिल के नियम नहीं चलेगे, इसे हटा दिया जाय। हाथी साहब का स्वभाव तो यह दिखता नहीं, न शासन के अनुकूल है।

**श्री जयसुखलाल हाथी :** किसी के अनुकूल नहीं है।

**श्री गोडे मुराहरि :** मेरा संशोधन यह है कि इसमें एक नया क्लॉज जोड़ा जाय। वैसे चौरङ्गिया जी ने जो कहा है उसमें मैं पूरा सहमत हूँ। जो बिल यहाँ हमारे सामने है उसका पूरा साराश इस 24 में है कि एडमिनिस्ट्रेटर सर्वोच्च होगा, जो चाहे कर सकता है, अगर मेट्रोपोलिटन कौंसिल कोई ऐसी बात करेगी या कहेगी जिसको एडमिनिस्ट्रेटर पसन्द नहीं करता हो तो उसे पूरा अधिकार दिया जाता है इस क्लॉज के जरिए कि अपनी मन-मानी चलाए। यह है इस बिल का साराश। मेरा खयाल है कि इस क्लॉज को पास करने का मतलब यह होगा कि एक ब्यूरोक्रेट को दिल्ली के एडमिनिस्ट्रेशन का सारा अधिकार दे दिया जाय और जो मेट्रोपोलिटन कौंसिल बनेगी वह सिर्फ एक अलबत्ता के रूप में होगी। उसका कोई मतलब नहीं रहेगा क्योंकि हर चीज में जहाँ पर एडमिनिस्ट्रेटर और मेट्रोपोलिटन कौंसिल में मतभेद होगा, एडमिनिस्ट्रेटर की बात मानी जायगी—“and, if and in so far as any rule so made by the Administrator is consistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail”. एडमिनिस्ट्रेटर को इस तरह फाइनल पावर दी गई है। मैं इसका सख्त विरोध करता हूँ।

भाथ ही साथ मेरा संशोधन यह है कि यहले इस बिल, मे आरिजिनल बिल मे कहा गया था



कि हिन्दी में बड़ा पर कामकाज होगा, लेकिन बाद में उसको हटाया गया। मैं तो चाहूंगा कि उसमें यह जोड़ दिया जाय कि मेट्रोपोलिटन कौंसिल का जो भी कामकाज होगा वह हिन्दी में या उर्दू में या पंजाबी में या किसी भी भारतीय भाषा में होगा, लेकिन अंग्रेजी में नहीं। यह चीज आपकी सारी भाषा नीति में जुड़ी हुई है। एक तरफ हम संविधान में कहते हैं कि हिन्दी इस देश की राष्ट्र भाषा होगी, साथ ही साथ सरकार ने भी माना है कि हिन्दी को प्रधानता देनी चाहिए, लेकिन जब ऐसा बोल लाते हैं तो उसमें यह प्रावीजन नहीं पाते। उसमें जो प्रावीजन पहले था उसको निकाल कर हम इसी का सबूत दे रहे हैं कि हम अपनी भाषा नीति को बिगाड़ना चाहते हैं और ऐसी नीति अपनाना चाहते हैं जो हिन्दुस्तान जनसाधारण के खिलाफ जायगी। मैं इसलिए यह चाहूंगा कि यह संशोधन उसमें हो और यह साफ किया जाय कि यहाँ का जो भी प्रशासन होगा और जो कामकाज मेट्रोपोलिटन कौंसिल का होगा, वह अपनी भाषा में होगा। मैं इस झगड़े में नहीं पड़ना चाहता हूँ कि वह हिन्दी हो या पंजाबी हो या उर्दू हो या कोई और भारतीय भाषा हो। अगर कोई आदमी अपनी ज़बान में बोलना चाहे तो उसको पूरा अधिकार होना चाहिए। मैं अपने बारे में कहूँगा। मेरी मातृभाषा तेलुगू है। जब यहाँ राज्य सभा में बोलना चाहता हूँ तो—हिन्दी में भाषण दे लेता हूँ—दिक्कत होती है। यहाँ गिवाज बन गया है कि अगर कोई अपनी भाषा में बोलना चाहता है तो उसे पहले से ट्रांसलेशन देना पड़ता है। इसलिए दिक्कत होती है जब कोई अपनी भाषा में बोल नहीं पाता है और इसलिए मजबूर होकर अंग्रेजी में बोलना पड़ता है।

**SHRI MULKA GOVINDA REDDY:** All the fourteen languages are national languages.

**श्री गोडे मुराहरि :** लेकिन उसको महत्व नहीं दिया जाता इस पार्लियामेंट में और इस देश में देशी भाषाओं को हम नेगलेक्ट करके

प्रशासन चलायेंगे जिसमें अंग्रेजी का महत्व हो और देशी भाषाओं का न हो तो फिर कामकाज ठीक से नहीं चल पाएगा। जो लोग मेट्रोपोलिटन कौंसिल के लिए अपना मत देगे और काम चलायेंगे उनको अगर कुछ समझ में नहीं आता तो फिर क्या फायदा है इस तरह की मेट्रोपोलिटन कौंसिल बनाने में। मैं तो कहता हूँ कि जो जनसाधारण हैं

में कामकाज हो जिससे वे समझें

आम जनता के लोग हैं उनकी समझ में आना चाहिए कि यह लोग हमारे क्षेत्र में आ रहे हैं, किस तरह से काम कर रहे हैं, समझने के लिए अगर उनकी भाषा में काम नहीं चलता और विदेशी भाषा में काम चलेगा तो फिर क्या समझ में आएगा। जनसाधारण से अलग करके मेट्रोपोलिटन कौंसिल को क्या जू पीस, चिडियाघर बनाकर दुनिया को दिखाना चाहते हैं कि अंग्रेजी में हम जू ही मार रहे हैं? फिर मेरी समझ में आप अपने लोगों से अलग हो रहे हैं, अपनी जगह हो रहे हैं।

इस तरह की मेट्रोपोलिटन कौंसिल अगर बनेगी तो फिर आगे जा कर के प्रशासन और जनता में इतनी बड़ी एक खाई पैदा होगी कि उससे हिन्दुस्तान में जो प्रशासन करने वाले हैं उनमें और लोगों में इस तरह का अलगाव होगा जो कि ठीक नहीं होगा।

इसलिए मैं चाहूँगा कि जो यह चौबीसवाँ क्लॉज है इसको पूरा का पूरा गिरा दिया जाय और उसकी जगह पर यह नया क्लॉज रखा जाय कि वहाँ पर जो भी कामकाज होगा वह देशी भाषा में होगा।

**SHRI JAISUKHLAL HATHI:** So far as Chordiaji is concerned, I think he has not correctly interpreted clause 24. It is not that the Administrator shall have the right to make his own rules and that the rules that he will make will prevail and the rules of the Metropolitan Council will not remain. That is not so

[Shri Jaisukhlal Hathi]

'The Metropolitan Council may make rules for regulating, subject to the provisions of this Act, its procedure and the conduct of its business :'

They have got the right. The Administrator will have the right to make rules, and that too after consultation with the Chairman and with the approval of the President, with regard to certain matters only. After all questions could be asked, and law and order are reserved subjects. Only on the question of what subjects could be discussed and what questions could be asked, on that he will make rules, and that too in consultation with the Chairman and with the approval of the President. If any of these rules contravenes this, then only this will prevail.

SHRI V. M. CHORDIA : It is clear that the Administrator's rules will be final

SHRI JAISUKHLAL HATHI : It says:

"Provided that the Administrator shall, after consultation with the Chairman of the Metropolitan Council and with the approval of the President, make rules for prohibiting the discussion of, or regulating the asking of questions on, any matter etc.

So it is only these two matters. It is not correct to say that the Administrator's decision will prevail. Secondly, it is not again the Administrator's decision but it will have to be done with the approval of the President. So it will have the seal of the President, the sanction of the President.

SHRI V. M. CHORDIA . The seal will be of the Chairman only and not of the Council.

SHRI JAISUKHLAL HATHI . It will have the seal of the President. So far as Shri Murahari's amendment is concerned, we do not say whether it will be in English or Hindi. We have left it to the Metropolitan Council. Here we give them power to decide on whatever language they like. They can have Hindi, they can have English, they can have Punjabi or Urdu.

But we have left it to them to have whatever language they decide. We do not want to impose it from here

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

16 "That in the proviso to sub-clause (1) of clause 24, the words 'and, if and in so far as any rule so made by the Administrator is inconsistent with any rule made by the Metropolitan Council, the rule made by the Administrator shall prevail' be deleted"

*The motion was negatived*

SHRI VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

44 That at page 10, after line 29, the following be inserted, namely :—

(3) All proceedings in the Metropolitan Council shall be in Hindi, Urdu, Punjabi or any other Indian language "

*The motion was negatived.*

THE VICE CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 24 stand part of the Bill

*The motion was adopted*

*Clause 24 was added to the Bill.*

SHRI G. MURAHARI : Sir, I had asked for a division on my amendment.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : You were late.

SHRI G. MURAHARI : I was not late, but I am sorry when I wanted a division, you just missed it or probably you did not hear me properly. But I would still request you to have a division

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : We have passed the clause

SHRI G MURAHARI : Then I must say that it is deliberate.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : No reflections against the Chair.

*Clauses 25 and 26 were added to the Bill.*

*Clause 27—Executive Council*

SHRI V M. CHORDIA : Sir, I move :

17. "That in sub-clause (1) of clause 27, for the words 'one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist' the words 'with the Chief Executive Councillor as the Chairman, to aid' be substituted."

18. "That in clause 27, the provisos to sub-clause (1) be deleted."

19. "That in sub-clause (2) of clause 27, for the word 'Administrator' the words 'Chief Executive Councillor' be substituted."

20. "That in sub-clause (2) of clause 27, for the words 'the Chief Executive Councillor' the words 'anyone of the members of the Executive Council specially chosen for the purpose' be substituted."

21. "That in sub-clause (4) of clause 27, for the word 'Administrator' the word 'President' be substituted."

22. "That in sub-clause (5) of clause 27, for the word 'Administrator' the word 'President' be substituted."

23. "That in clause 27, sub-clause (6) be deleted."

*(The amendments also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjana Varma.)*

*The questions were proposed.*

श्री धिमलकुमार मन्नालालजी चौरडिया : श्रीमान्, क्लोज 27 में मैंने जो संशोधन प्रस्तुत

किये हैं उनमें से पहले संशोधन में केवल शाब्दिक परिवर्तन है और इससे कोई विशेष फर्क विधेयक में पड़ जाता हो ऐसा भी नहीं होने वाला है, केवल शब्दों की व्यवस्था ठीक हो इस दृष्टि से इस संशोधन को रखा है। माननीय मंत्री जी इसको स्वीकार करेंगे तो अच्छा है और अगर नहीं करेंगे तो भी मुझे कोई खाम कठिनाई नहीं है।

दूसरा संशोधन सब-क्लोज (1) के प्राविजो को डिलीट करने के लिये है। सब-क्लोज (1) का जो प्राविजो है उसके पढ़ने में पता चलेगा कि एडमिनिस्ट्रेटर को कितने व्यापक अधिकार दिये जा रहे हैं। उसके ऊपर जरा सीमा बांधना आवश्यक है और मैट्रोपालिटन कौंसिल पर भी यह छोड़ना चाहिये कि कुछ वह करे। पहला प्राविजो यह है :

"Provided that, in case of difference of opinion between the Administrator and the members of the Executive Council on any matter, other than a matter in respect of which he is required by or under this Act to act in his discretion, the Administrator shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision, it shall be competent for the Administrator in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary :"

तो यह मारा अधिकार दिया है। हमारी सरकार चाहती है कि एकजीक्यूटिव कौंसिल के भी जो अधिकार हैं उसमें भी अगर हमारे एडमिनिस्ट्रेटर साहब को मतभेद है तो प्रेसिडेंट साहब के पास भेजेंगे कि हमारा मतभेद है आपका क्या निर्णय होता है, मगर एडमिनिस्ट्रेटर को इतना अधिकार भी दे दिया है कि एकजीक्यूटिव कौंसिल के विचारों की परवाह न करते हुये, प्रेसिडेंट साहब के निर्णय की भी राह न देखते हुये, वह इमरजेंसी का

[श्री विमलकुमार मन्नालाल चौगडिया]  
लेबिल लगा कर के कोई भी कार्य धड़ले से कर सकते हैं। मेरी समझ में नहीं आता कि जब इतने अधिक अधिकार एडमिनिस्ट्रेटर को दे रहे हैं तो यह अधिकार क्यों नहीं देने कि इस तरह से करें कि अगर मामला अर्जेंट समझते हैं तो जैसा कौंसिल ने कहा है वैसा अभी कर दिया जाए और जब प्रेसिडेंट साहब का डिमीशन होगा तब फिर उसमें परिवर्तन कर लेंगे। यह जो एडमिनिस्ट्रेटर को अधिकार दिया है वह मैट्रोपालिटन कौंसिल को देते तो कोई कठिनाई नहीं। तो एडमिनिस्ट्रेटर को सारे अधिकार देकर जो सारी अव्यवस्था करवाना चाहते हैं यह न्यायसंगत नहीं है और इस दृष्टि में मैं इस पहले प्राविजो का विरोध करता हूँ।

अब दूसरा प्राविजो यह है : —

"Provided further that every decision taken by a member of the Executive Council or by the Executive Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Administrator, and nothing in this sub-section shall be construed as preventing the Administrator in case of any difference of opinion between him and the members of the Executive Council from taking any action in respect of the administration of New Delhi as he, in his discretion, considers necessary."

अब, सारा का सारा पहले एक्जीक्यूटिव कौंसिल, मैट्रोपालिटन कौंसिल के अधिकार में किया है, एक्जीक्यूटिव कौंसिल भी वह जो कि सरकार द्वारा नामिनेटड है, लेकिन उसके भी अधिकार को खत्म कर के एडमिनिस्ट्रेटर को पूरी पावर दी जाती है। तो उपसभाध्यक्ष, महोदय, ये दोनों प्राविजो समाप्त किये जाने चाहिये।

तीसरा अमेंडमेंट जो है उसके लिये आगे चलें। मैंने यह कहा है :

"That in sub-clause (2) of clause 27, for the word 'Administrator' the words

'Chief Executive Councillor' be substituted."

Here it is said :

"The Administrator shall preside at every meeting of the Executive Council, but if he is obliged to absent himself from any meeting of the Council owing to illness or any other cause, the Chief Executive Councillor shall preside at the meeting of the Council."

अब, सारा का सारा अधिकार एडमिनिस्ट्रेटर को ही वहां बैठने का है लेकिन अगर चीफ एक्जीक्यूटिव कौंसिलर हम बना रहे हैं तो एक्जीक्यूटिव कौंसिल को प्रेसाइड करने का अधिकार चीफ एक्जीक्यूटिव कौंसिलर को देना चाहिये, एडमिनिस्ट्रेटर को उससे अलग रख कर के काम चलाना चाहिये और उसके बाद कौंसिल में कोई गड़बड़ होती है तो एडमिनिस्ट्रेटर को अधिकार देते। तो इस दृष्टि से वहां पर इसके लिये चीफ एक्जीक्यूटिव कौंसिलर को अधिकार दिया जाना चाहिये।

मेरा जो संशोधन नम्बर 20 है उसमें चीफ एक्जीक्यूटिव काउन्सिलर को नामिनेट करने की अपेक्षा है। उनका अधिकार देकर, उनके ही तत्वावधान में सारा काम चलाना चाहिये। उसके आगे अमेंडमेंट नम्बर 21 में यह कहा गया है :

"That in sub-clause (4) of clause 27, for the word 'Administrator' the word 'President' be substituted."

यह भी कुछ तमाशा सा लगता है उपसभाध्यक्ष महोदय कि हम प्रजातन्त्र में शोड़ा विश्वास करते हैं, अगर मनतन्त्र में विश्वास करते तो कोई बात नहीं श्री, क्योंकि क्लॉज 27 (4) में दिया है कि :

"If any question arises as to whether any matter is or is not a matter as respects which the Administrator is by or under this Act required to act in his discretion, the decision of the Administrator thereon shall be final."

पार्टी कौन ? एडमिनिस्ट्रेटर। शिकायत किमके खिलाफ ? एडमिनिस्ट्रेटर के ---।

यानी एडमिनिस्ट्रेटर के डिस्क्रेशन के खिलाफ किसी ने शिकायत की तो निर्णय देने वाला भी एडमिनिस्ट्रेटर । ऐसा ज्यूरिस्पूडेन्स का सिद्धान्त मैंने इसी में देखा । हम चाहते हैं कि इस बारे में प्रेसीडेंट को अधिकार दिया जाये, प्रेसीडेंट इसके बारे में निर्णय करे कि इसका विचार किया गया या इसकी कार्य करने की क्षमता थी या नहीं, इसका निर्णय लेना उचित था या नहीं । इसको निर्णय करने का अधिकार प्रेसीडेंट को दिया जाना चाहिये न कि एडमिनिस्ट्रेटर को जिसके खिलाफ स्वयं पार्टी है । अगर यह नया सिद्धान्त ज्यूरिस्पूडेन्स का गृह मन्त्रालय चलाना चाहता है तो यह उद्देश्य यह के विपरीत है । इसलिये मेरे संशोधन में इसका विरोध किया गया है और सब क्लॉज ( 4 ) की दूसरी लाइन में एडमिनिस्ट्रेटर की जगह प्रेसीडेंट रखा जाय यह चाहा गया है ।

इसी तरह सब क्लॉज ( 5 ) में लिखा गया है :

"If any question arises as to whether any matter is or is not a matter as respects which the Administrator is required by or under any law to exercise any judicial or quasi-judicial functions, the decision of the Administrator thereon shall be final."

अगर किसी एडमिनिस्ट्रेटर ने जुडीशल और क्वासी जुडीशल फंक्शन्स कानून के विपरीत किये और किसी आदमी को शिकायत है तो शिकायत किसके पास जायेगी ? एडमिनिस्ट्रेटर के पास ही जायेगी कि एडमिनिस्ट्रेटर महोदय आप निर्णय दीजिए कि अपने जुडीशल या क्वासी जुडीशल निर्णय जो दिया है वह उचित है या अनुचित, तो एडमिनिस्ट्रेटर कब अपने खिलाफ निर्णय देने वाला है ? इसकी कल्पना हाथी साहब को है तो होगी, मुझ नहीं है । अगर एडमिनिस्ट्रेटर क्वासी जुडीशल काम करता है और उसकी शिकायत की जाय तो उस पर निर्णय देने के लिये हम चाहते हैं कि एडमिनिस्ट्रेटर

की बजाय प्रेसीडेंट को अधिकार देना चाहिये, कि उनके पास शिकायत जाय और वे जैसा भी निर्णय दें कि यह उचित है या अनुचित है और अगर गलत है तो उसके सम्बन्ध में कार्यवाही की जाय, और अगर ठीक है तो उसकी कान्फरेंस दी जाय इसी दृष्टि से मैंने संशोधन नम्बर 22 रखा है ।

अपने संशोधन नम्बर 23 में मैंने चाहा है कि :

"That in clause 27, sub-clause (6) be deleted."

सब क्लॉज ( 6 ) इस प्रकार है :

"If any question arises as to whether any matter is or is not a matter concerning New Delhi, the decision of the Administrator thereon shall be final."

और मामलों में एडमिनिस्ट्रेटर ही कंता धर्ता और तारने वाला, सब कुछ करने वाला है, जो कुछ भी है निर्माण करेगा । इस दृष्टि से जो यह एडमिनिस्ट्रेटर को अत्यधिक पावरस दिये गये हैं, उसके कार्यों पर अगर किसी को शंका हो, तो स्वयं के बारे में उसको निर्णय देने का अधिकार भी है तो हम चाहते हैं कि प्रेसीडेंट को अधिकार दिये जायें इसी आशय से यह सब संशोधन प्रस्तुत किये हैं ।

SHRI JAISUKHLAL HATHI : May I make this provision clear? This clause says :

"There shall be an Executive Council, consisting of not more than four members one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist and advise . . ."

Now, the theme is that there will be an Administrator. In constitutional phraseology, it is the Administrator; it may be the Lieutenant-Governor actually. Now, the Lieutenant-Governor, the Chief Execu-

[Shri Jaisukhlal Hathi]

tive Councillor and again, the Chairman—I do not know—how they will fit in. One is the Chief Executive Councillor. Now, the Administrator is going to be the Lieutenant-Governor. Now, you cannot expect that, when there is a meeting of the Lieutenant-Governor and the Councillors, the Chief Executive Councillor should be the Chairman; the Lieutenant-Governor should be the Chairman—in fact, he is the man there. Therefore, the hon. Member has not properly understood this, perhaps. The Administrator is going to be of the rank of Lieutenant-Governor and he will be the man. It is felt that all powers are given to him. But then there will be a complete demarcation. There are certain subjects reserved for the Lieutenant-Governor or the Administrator, in the constitutional phraseology. Really the Administrator will be the Lieutenant-Governor. Those subjects which are kept for the Administrator or the Lieutenant-Governor will be his subjects and he will be free to work on those subjects.

**श्री विमलकुमार मन्नालालजी चौरड़िया :** जिस सबजेक्ट में उसका ज्युरिसडिक्शन है उस ज्युरिसडिक्शन में उसने काम ठीक तरह से किया या नहीं या वास्तव में ज्युरिसडिक्शन था या नहीं इस बात का निर्णय देने वाला कौन रहेगा, यह मेरा प्रश्न है।

**SHRI JAISUKHLAL HATHI :** If there is any difference of opinion between the Executive Councillors and the Lieutenant-Governor, the matter will be referred to the President.

**SHRI V. M. CHORDIA :** The decision of the Administrator will be final.

**SHRI JAISUKHLAL HATHI :** Not in those subjects which are not allotted to him. Those subjects which come to the Executive Councillors are defined; they are clear. There may be subjects which the Executive Councillors may say that they are not their spheres, they are the Lieutenant-Governor's spheres. In such a case, the decision of the Lieutenant-Governor will be final. That is the proposition.

Therefore I do not accept the amendments.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

17. 'That in sub-clause (1) of clause 27, for the words 'one of whom shall be designated as the Chief Executive Councillor and others as the Executive Councillors, to assist' the words 'with the Chief Executive Councillor as the Chairman, to aid' be substituted."

*The motion was negated.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

18 "That in clause 27, the provisos to sub-clause (1) be deleted"

*The motion was negated.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

19 "That in sub-clause (2) of clause 27, for the word 'Administrator' the words 'Chief Executive Councillor' be substituted."

*The motion was negated.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

20. "That in sub-clause (2) of clause 27, for the words 'the Chief Executive Councillor' the words 'any one of the members of the Executive Council specially chosen for the purpose' be substituted"

*The motion was negated.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

21. "That in sub-clause (4) of clause 27, for the word 'Administrator' the word 'President' be substituted."

*The motion was negated.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

22. "That in sub-clause (5) of clause 27, for the word 'Administrator' the word 'President' be substituted."

*The motion was negated.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

23. "That in clause 27, sub-clause (6) be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 27 stand part of the Bill."

*The motion was adopted.*

*Clause 27 was added to the Bill.*

Clause 28—Other provisions as to members of Executive Council

SHRI V. M. CHORDIA : Sir, I move :

24. "That in clause 28, for sub-clause (1), the following be substituted, namely :—

'(1) The Chief Executive Councillor shall be appointed by the President and other members, of the Executive Council shall be appointed by the President on the advice of the Chief Executive Councillor.'

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma.)*

श्रीमन्, क्लॉज 28 के मूल में यह चाहा गया है : "The Members of the Executive Council shall be appointed by the President" एकजीक्यूटिव काउन्सिल के मेंबर्स का, सब का, एपॉइन्टमेन्ट यहाँ पर बताया गया है प्रेसीडेंट के द्वारा हो और "The members of the Executive Council shall hold office during the pleasure of the President." सारी बातें हैं। तो इसमें सबसे बड़ी दिक्कत यह होने वाली है कि यदि एक मत की एकजीक्यूटिव काउन्सिल नहीं हुई या कई प्रकार के मत वाले एकजीक्यूटिव काउन्सिल से मिले तो किसी डिंक्शन पर शीघ्र आ सकें और ठीक तरह से काम कर सकें यह सम्भव नहीं। आज कांग्रेस दल में ही कितनी एकता प्रदर्शित की जाती है, उसमें भी आपस में

कितनी खींचातानी होती है यह साफ है। ऐसी स्थिति में यह एक दल से आने वाले लोग भी, एक मेनीफेस्टो से आने वाले लोग भी, एक सिद्धान्त का प्रतिपादन करने वाले लोग भी जब आपस में खींचातानी करते हैं तो प्रेसीडेंट द्वारा नियुक्त लोग—और प्रेसीडेंट न जाने किस प्रकार के लोगों को अपनी इच्छा से एकजीक्यूटिव काउन्सिल में नियुक्त करेंगे—यदि बहुमत के आधार पर किसी ठीक निर्णय पर नहीं पहुँचते तो उसमें कितनी कठिनाई होगी इसकी कल्पना श्रीमान् भी कर सकते हैं अपने कांग्रेस दल के आपस के झगड़ों को देखकर। इसलिये मैं सुझाव देना चाहता हूँ कि "The Chief Executive Councillor shall be appointed by the President." उसको आप प्रेसीडेंट के द्वारा एपॉइन्ट कर दें। दूसरे लोगों का अगर नामिनेशन करवाना है और हमारी सरकार नामिनेशन करना ही चाहती है तो मैं चाहता हूँ कि चीफ एकजीक्यूटिव काउन्सिलर चाहे प्रेसीडेंट नियुक्त कर दें लेकिन बाकी सदस्यों की नियुक्ति उनकी सलाह से, चीफ एकजीक्यूटिव काउन्सिलर की सलाह से, राष्ट्रपति के द्वारा की जाय, यह हमारा निवेदन है। इस दृष्टि से यह संशोधन चाहा गया है। बाकी बातों में हमारा कोई मतभेद नहीं है केवल नियुक्ति के बारे में संशोधन दिया है, आशा है श्रीमान् उसको स्वीकार करेंगे।

5 P.M.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : It is 5 o'clock. I hope the House has no objection to sitting a little longer.

SHRI JAISUKHLAL HATHI : Shall we sit up to six ?

SHRI M. N. GOVINDAN NAIR : After going through the clauses, it should be convincing to everybody that this Bill is going to serve no useful purpose. Why should we unnecessarily sit longer ? So, I would request you to adjourn the House. We will consider this Bill later.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I am entirely in the hands of the House. That is why I put this proposition. When I put it to the House, nobody said anything.

SHRI G. MURAHARI : I think we should adjourn now.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I will put your motion to vote. The proposal has been made that the House be adjourned.

*Many hon. Members dissented.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The House will sit longer.

SHRI B. K. P. SINHA : May I make another suggestion, Sir ?

SHRI G. MURAHARI : Sir, on many occasions we have been by passed.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : If you want division, I have no objection.

SHRI CHANDRA SHEKHAR (Uttar Pradesh) : Mr. Vice-Chairman, I have to say one word. Yesterday, when the House was sought to be extended for a day, the Opposition was taken into confidence. They were consulted and they agreed. They specifically knew that the House would be extended to pass this Bill . . .

SOME HON. MEMBERS : No, no.

SHRI DAHYABHAI V. PATEL : To consider this Bill.

SHRI CHANDRA SHEKHAR : . . . There is no purpose in saying now that the House should not sit longer.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : I think let us go ahead with the Bill.

SHRI JAISUKHLAL HATHI : I do not think the Opposition has opposed this. I do not think that there is any difficulty. They have all co-operated and they will co-operate, I am sure. We shall sit and we shall get the Bill through. There is no opposition.

SHRI ATAL BIHARI VAJPAYEE : Let the hon. Minister explain what is the urgency about this Bill.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : That was explained.

SHRI ATAL BIHARI VAJPAYEE : When was it explained, Sir ?

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Yesterday.

SHRI ATAL BIHARI VAJPAYEE : Yesterday also we wanted to know why the House should be made to sit for a day longer. There was no explanation from the Government. We may adjourn now. We are going to meet in the month of July and then this Bill may be passed. Where is the hurry ?

SHRI B. K. P. SINHA : Since everybody has been allowed to make a suggestion, let me also make a small suggestion. This Bill, according to them, neither does any good nor any harm, in that case, may I suggest, let us decide to finish the business by 5-30 P.M. by combining two methods, the Kangaroo method and the method of guillotine. At 5.30 we finish the business.

SOME HON. MEMBERS : No, no.

KUMARI SHANTA VASISHT : Sir, I move :

25. "That in clause 28, for sub-clause (1), the following be substituted, namely :—

'(1) The Chief Executive Councillor shall be appointed by the President and the other Executive Councillors shall be appointed by the President on the advice of the Chief Executive Councillor.'

26. "That in clause 28, after sub-clause (1), the following sub-clause be inserted, namely :—

'(1A) The Executive Council shall be collectively responsible to the Metropolitan Council.'

(The amendments also stood in the name of Shri Santokh Singh.)



Mr. Vice-Chairman, Sir, yesterday in the Lok Sabha very much rush was there and the last two amendments were guillotined with the result that they could not be examined in detail and justice could not be done to the Bill. I think it is unfair. It should not be done because this is an important Bill.

I am very sorry that the Minister very often says that Parliament, the Lok Sabha and the Rajya Sabha, will be looking after the affairs of the Union territories. Even when an important Bill like this comes, only three hours were given in the Lok Sabha for giving to Delhi a new set-up. More time is given even to a Bill like the Benaras Hindu University Bill and such other Bills which are not so much important. And how much time was given? There were 22 Members at one time, 26 Members at another time present in the House out of nearly 400 Members of the Lok Sabha even from our own party . . .

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** Let us come to the amendments.

**KUMARI SHANTA VASISHT :** I think much injustice is done to local affairs. This is very wrong that time is being cut down even here.

My amendment is this :

"The Chief Executive Councillor shall be appointed by the President and the other Executive Councillors shall be appointed by the President on the advice of the Chief Executive Councillor."

I am also putting along amendment No. 26, that :

"The Executive Council shall be collectively responsible to the Metropolitan Council."

Sir, the thing is that the person, the leader of the majority party in the Metropolitan Council, should be the Chief Executive Councillor so that the party will be responsible to this man and he will be responsible to the whole House in that manner. If four different people are selected, they will all go in different directions and

they will all have different opinions. Sir, it should be a joint responsibility. There should be cohesion in the set-up, if at all a set-up must come, useless as it is. There must be cohesion. There must be a united and purposeful working of this whole Council. Otherwise, even whatever little is there, or is not there, even that purpose will be defeated. If the four people have to be dealt with by the Administrator, he will have four different Councillors. The Home Ministry will have to deal with four different people, in four different ways. And the four different people will function independently, in contradiction to each other. I think, this will create a good deal of chaos and confusion which will bring to the Council a very bad name. Therefore, I think, some unity of purpose, some unity of approach is necessary in this matter. There should be a sense of responsibility in the Council towards this. Therefore, I press that one person, who is the Chief Executive Councillor, should be responsible.

I am glad the Home Minister has agreed to have a Chief Executive Councillor. But he should be the leader of the majority party. Sir, we should have faith in democracy. If we have really faith in democracy, we should believe that we would have a good government and that the people will support us. And if we do not have a good Government, the people will not support us. If the ruling party can be removed, I am sure other parties will come to power. And if they also do not work properly, they can also be removed and then the Congress will come back. But we must have faith in the people. The people will support a good government.

Sir, I feel that this amendment is very necessary even to make the working of this Metropolitan Council constructive, useful and effective; otherwise, as I have already said, like the two Chairmen who are there on these two Committees at present in the Delhi Administration, they will experience various difficulties, various embarrassments. The position will be undermined very much. Simply because they are nominated, sometimes they will work against each other and the whole effectiveness of the Council is undone.

[Kumari Shanta Visisht.]

Similarly, this number 4 of Executive Councillors has been in the minds of the various people, one from this group, two from that group and one somebody else's nominee and so on. They will have their favourites and choices which will be difficult. Therefore, there will be more of clashes and vacillation and a bad picture will be presented. I think this principle should be accepted.

*The questions were proposed.*

SHRI JAISUKHLAL HATHI : Sir, this is the real reason why we have said that they shall be nominated and they will not be appointed on the advice of any one individual. The reasons have been very correctly stated by Kumari Shanta Visisht because she knows Delhi. If the Chief Executive Councillor is allowed to nominate three members, it may be that he might nominate his own group men, and then internal clashes will be there. In Delhi we do not want this thing. Therefore, it should be an impartial assessment by the President. He should nominate because here the other thing is, as I have explained in the very beginning, that we are not having a responsible, democratic party Government; it is not there. In that case we could have a Legislative Assembly and the leader of the majority party would nominate, and they would become Ministers. That is exactly why this provision has been made.

KUMARI SHANTA VASISHT : Even now two are nominated by the Home Ministry and they have a lot of clash.

SHRI V. M. CHORDIA : Sir, I beg to move :

27. "That in clause 28, after sub-clause (2), the following sub-clause be inserted, namely :— . . ."

श्री जयसुख लाल हाथी : मैने जवाब दे दिया ।

श्री विमलकुमार मन्नालालजी चौरडिया : मैने पेश ही नहीं किया ।

श्री अटल बिहारी वाजपेयी : बिना पेश किये ही आपने जवाब दे दिया ।

SHRI V. M. CHORDIA : My amendment No. 27 reads as follows :

"That in clause 28, after sub-clause (2), the following sub-clause be inserted, namely :—

'2(A) The members of the Executive Council shall be collectively responsible to Paur Sabha.'"

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjana Varma.)*

उपसभाध्यक्ष महोदय, काम करने वाले पर कुछ न कुछ जिम्मेदारी डाली जानी चाहिये और इस दृष्टि से एक्जिक्यूटिव कौंसिल किसी की जिम्मेदार रहे . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : On which are you talking ?

SHRI V. M. CHORDIA : On my amendment No. 27.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Amendments Nos. 26 and 27 are the same. The hon. Minister has replied to amendment No. 26 and so it means amendment No. 27 also has been replied to. 'You can now move and speak on your amendment No. 28.

SHRI V. M. CHORDIA : No vote has been taken and up to the time of taking vote I can speak.

SHRI ATAL BIHARI VAJPAYEE : The Minister has replied to amendment No. 25.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : To amendment No. 26 also.

SHRI JAISUKHLAL HATHI : Yes, to both I have replied.

SHRI ATAL BIHARI VAJPAYEE : That there should be no joint responsibility ?

**SHRI JAISUKHLAL HATHI :** Yes, As I have said we are not going to have party government, representative government with the leader of the majority party having his own team. That is not conceived of at all. That is what I said

**SHRI ATAL BIHARI VAJPAYEE :** They want the Executive Council members to fight among themselves.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** You may speak on your amendment No. 28 now.

**SHRI V. M. CHORDIA :** Sir, I move :

28. "That in sub-clause (4) of clause 28, for the word 'six' the word 'three' be substituted."

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjana Varma).*

श्रीमान्, यह छोटा सा अमेंडमेंट है, मगर श्रीमान् मंजूर इस लिये नहीं करेंगे कि बिल पास करना है। यह क्लोज इस प्रकार है :

"A member of the Executive Council who for any period of six consecutive months is not a member of the Metropolitan Council shall, at the expiration of that period, cease to be a member of the Executive Council."

यह इस विधेयक द्वारा व्यवस्था की गई है कि यदि कोई एक्जिक्यूटिव कौंसिल का मेम्बर हो और वह मेट्रोपोलिटन कौंसिल का मेम्बर नहीं रहता है तो छः महीने की अवधि तक वह एक्जिक्यूटिव कौंसिल का मेम्बर बना रह सकता है और छः महीने बाद अपने आप ही उसकी सदस्यता समाप्त होती है। जब हम एक्जिक्यूटिव कौंसिल के सदस्यों को मेट्रोपोलिटन कौंसिल के मेम्बर्स के रूप में वहां से लेते हैं तब यह अत्यन्त आवश्यक है कि वहां की सदस्यता उसकी हो तब हम उसके बारे में विचार करें। हमारे यहां पर छः महीने की व्यवस्था दूसरी जगह भी है मगर वह ऊपरी

हाउस के लिये है। ऐसी स्थिति में यह छोटे काम के लिये, मेट्रोपोलिटन कौंसिल के लिये, यह छः महीने की व्यवस्था का बन्धन रखे, यह कुछ न्यायसंगत प्रतीत नहीं होता। अगर वह मेम्बर नहीं रहता है, तो तीन महीने के अन्दर-अन्दर हटा दिया जाना चाहिये। खुद भी चुन कर नहीं आये और दूसरे सदस्य जो चुन कर आना चाहें, उनके भी मार्ग में छः महीने तक बाधक बने, यह ठीक लगता नहीं। इस दृष्टि से आशा है कि यह जो मैंने तीन महीने का सुझाव दिया है, इसको मंत्री महोदय स्वीकार करेंगे।

**SHRI G. MURAHARI :** I beg to move

45. "That at page 12, for lines 20 to 23, the following be substituted, namely :—

'28(1) The members of the Executive Council shall be elected by the Metropolitan Council.

(2) The members of the Executive Council shall hold office as long as they enjoy the confidence of the Metropolitan Council.' "

महोदय, इसका मतलब तो साफ है कि एक्जिक्यूटिव कौंसिल के जो नामिनेशन के क्लोजेज हैं उनका मैं सख्त विरोधी हूं क्योंकि पूरा जो ढांचा बन रहा है दिल्ली के लिये उसमें नामिनेशन एक इनडाइरेक्ट तरीके से प्रेसिडेंट रूल का ढांचा है। एक्जिक्यूटिव कौंसिल प्रेसिडेंट द्वारा नियुक्त होगी और प्रेसिडेंट के जरिये नियुक्त की गई एक्जिक्यूटिव कौंसिल के जिम्मे सारा कामकाज होगा। इससे अच्छा यह है कि वहां की एक्जिक्यूटिव कौंसिल को मेट्रोपोलिटन कौंसिल खुद इलेक्ट करे और जो भी कामकाज हो उसमें एक्जिक्यूटिव कौंसिल उस मेट्रोपोलिटन कौंसिल के प्रति रेस्पॉन्सिबिल हो इस लिये मेरा यह सुझाव है और मिनिस्टर साहब इसको मंजूर कर लें ताकि एक जनतांत्रिक ढांचा तैयार हो सके। और जो लिमिटेड पावर्स मेट्रोपोलिटन कौंसिल की हैं और जो कैपेसिटी उसकी है उसमें भी एक

[Shri G Murahari.]

इस तरह की नामिनेटेड एक्जिक्यूटिव कौंसिल की जरूरत क्या पड़ती है, यह मुझे समझ में नहीं आता। मैं चाहता हूँ कि यह पूरी एक इलेक्टड बाडी हो और जो थोड़े बहुत काम वह करे वह कम से कम जो जनतांत्रिक ढंग है, उस ढंग से हो। यह नहीं हो कि प्रेसिडेंट द्वारा नामिनेटेड बाडी से यह काम कराया जाय। यह मेट्रोपोलिटन कौंसिल, यह एक्जिक्यूटिव कौंसिल, इसका ऐडमिनिस्ट्रेटर, यह सारी चीज ऐसी लग रही है जैसे कोई ब्योरो-क्रेसी, तैयार की जा रही हो। इस तरह की एक्जिक्यूटिव कौंसिल बनाने से कुछ ब्योरो-क्रेट्स और बढ़ जायेंगे और उससे कोई मामला हल होने वाला नहीं है। इस लिये मैं चाहता हूँ कि इस मेट्रोपोलिटन कौंसिल को ऐसा अधिकार हो कि वह खुद एक्जिक्यूटिव कौंसिल इलेक्ट करे।

*The questions were proposed.*

SHRI JAISUKHLAL HATHI: Sir, so far as Chordiaji's amendment is concerned, he wants three months to be put in instead of six months. I cannot understand his logic. If a Minister here can remain a Minister for six months . . .

श्री विमलकुमार मन्नालालजी चौरड़िया :  
यह बड़ा काम है।

SHRI JAISUKHLAL HATHI: For a *bada kam* he can remain for six months, for a smaller work you will not allow him to remain there for six months? For the bigger responsibility you allow the man to remain here for six months without being elected and yet for a smaller thing you want to reduce the period to three months? Where is the harm in allowing him to remain for six months, I fail to see. Secondly, as I have already explained, it is not as if we are thinking of responsible government. It is not as if we think that it is the responsibility of the Metropolitan Council. It is really the President's responsibility, I mean the administration of Delhi is the responsibility of the President. He is responsible for

the administration. He is administering through the Lieutenant-Governor. Therefore, the responsibility is that of the President and it is not the responsibility of the Metropolitan Council. So this does not fit in with this scheme.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is:

24. "That in clause 28, for sub-clause (1), the following be substituted, namely:—

'(1) The Chief Executive Councillor shall be appointed by the President and other members of the Executive Council shall be appointed by the President on the advice of the Chief Executive Councillor.'

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): We have disposed of amendment No. 24 and that disposes of amendment No. 25 also. It is barred. The question is:

26. "That in clause 28, after sub-clause (1), the following sub-clause be inserted, namely:—

'(1A) The Executive Council shall be collectively responsible to the Metropolitan Council.'

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): When we have disposed of amendment No. 26 that disposes of amendment No. 27 also. It is barred.

Are you pressing your amendment No. 28, Mr. Chordia?

SHRI V. M. CHORDIA: No Sir. I would like to withdraw it.

*\*Amendment No. 28 was, by leave, withdrawn.*

\*For text of the amendment, *vide vol. 2081 supra.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is :

45. "That at page 12, for lines 20 to 23, the following be substituted, namely :—

'28(1) The members of the Executive Council shall be elected by the Metropolitan Council.

(2) The members of the Executive Council shall hold office as long as they enjoy the confidence of the Metropolitan Council."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA): The question is :

"That clause 28 stand part of the Bill."

*The motion was adopted.*

*Clause 28 was added to the Bill.*

*Clauses 29 and 30 were added to the Bill.*

*Clause 31—Provision in case of failure of constitutional machinery*

SHRI V. M. CHORDIA : Sir, I beg to move :

29. "That in clause 31, for the words 'for such period as he thinks fit' the words 'for a period not more than six months' be substituted."

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sundar Singh Bhandari and Niranjan Varma).*

श्रीमान इसमें यह बताया गया है :

"If the President, on receipt of a report from the Administrator or otherwise, is satisfied . . ."

इसमें यह जरूर है कि "अदरवाइज" लगा दिया वरना सब काम एडमिनिस्ट्रेटर के जिम्मे था।

"(a) that a situation has arisen in which the administration of Delhi cannot be carried on in accordance with the provisions of this Act; or

(b) that for the proper administration of Delhi it is necessary or expedient so to do,

the President may, by order, suspend the operation of all or any of the provisions of this Act for such period as he thinks fit and make such incidental and consequential provisions as may appear to him to be necessary or expedient for administering Delhi in accordance with the provisions of article 239."

यह सारा फिर-घूम फिर कर एडमिनिस्ट्रेटर के जिम्मे आता है। अगर केरल के शासन में कुछ गड़बड़ हो जाय तो वहां भी राष्ट्रपति केवल छः महीने के लिये अपना रूल कायम करते हैं और फिर वहां से कान्फ्रेंस लेकर उसका पीरियड एक्सटेंड करते हैं। पर यहां पर हमने इतना व्यापक अधिकार दे दिया है कि किसी प्रकार के बन्धन की आवश्यकता ही नहीं है वह एक महीना भी हो सकता है, एक वर्ष भी हो सकता है और दस वर्ष भी हो सकता है क्योंकि इसमें यह लिखा है "as he thinks fit" उनके डिस्क्रिशन पर यदि बिलकुल छोड़ दिया गया और होम मिनिस्ट्री में कुछ गड़बड़ हुआ तो बड़ी मुश्किल हो जायगी। इस दृष्टि से हम यह चाहते हैं कि हम इसमें 6 महीने का प्रावधान रख दें। अगर वह अधिक नहीं चल सकता, कानून के अनुसार उसकी व्यवस्था नहीं कर सकते, हमारे एडमिनिस्ट्रेटर साहब मेट्रोपालिटन कौंसिल से नाराज हो गए हों और उनकी इच्छा के अनुसार मेट्रोपालिटन कौंसिल के लोग काम नहीं कर रहे हों, सारे प्रशासन में गड़बड़ हो जाय, उनकी रिपोर्ट के मुताबिक दिल्ली का एडमिनिस्ट्रेशन ठीक न चल सके, तब प्रेसिडेंट महोदय स्थगित करना चाहें तो 6 महीने के लिए डिक्लेरेशन करना चाहिए। यह हमारा निवेदन है। क्योंकि सारा काम एडमिनिस्ट्रेटर को मिलने वाला है, अगर

[Shri V. M. Chordia.]

एडमिनिस्ट्रेटर चाहता है कि मैं बिना आबजेक्शन के, बिना एतराज के सल्तनत का वादशाह बना रहा हूँ तो आर्टिकल 239 के अन्तर्गत प्रेसिडेंट महोदय किसी एडमिनिस्ट्रेटर को अपाइन्ट करेंगे और वही एडमिनिस्ट्रेटर, जो शिकायत करने वाला है, जिसकी रिपोर्ट पर सारा सस्पेंड होने वाला है, मालिक बनेगा। शिकायत करने वाला भी वही, शासनकर्ता भी वही। जो शिकायत करेगा वही मालिक भी बनेगा। इसलिए हम चाहते हैं कि अगर रखना है तो 6 महीने के लिए प्रावधान रखा जाय। इस दृष्टि से संशोधन दिया है

*The question was proposed.*

SHRI JAISUKHLAL HATHI : Shri Chordiaji has been a Member of this House and two or three years back we had passed this very clause. There was a similar clause.

श्री विमलकुमार मन्नालालजी चौरडिया : पहले किया तो अब भी करें, यह तो ठीक नहीं।

SHRI JAISUKHLAL HATHI : He was here in this House. There was a similar clause in the Government of Union Territories Act, 1963 and we have taken this from that Act. There it says that if the President, on receipt of a report from the Administrator of a Union Territory or otherwise is satisfied that a situation has arisen etc. etc. and it says that the President may suspend the operation of the Act for such period as he thinks fit. So, we have taken that same thing here.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : So there is his implied consent.

SHRI JAISUKHLAL HATHI : I will explain further. The object behind this is that the responsibility is ultimately of the President. In other States the responsibility is that of the Governor, the State legislature and all that but here the President is directly responsible for the Union Territory

of Delhi and, therefore, he takes away with him that power. There is nothing wrong in that.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

29. "That in clause 31, for the words 'for such period as he think fit' the words 'for a period not more than six months' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 31 stand part of the Bill."

*The motion was adopted.*

*Clause 31 was added to the Bill.*

Clause 32—Provisions as to Interim Metropolitan Council

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : Amendment No. 30 is a negative amendment but she can speak on the clause if she wants to.

KUMARI SHANTA VASISHT : My amendment is that this clause be deleted. The Government proposes to set up an interim Metropolitan Council. I think the general elections are due within less than one year; I should say in about eight months if the newspaper report is correct. I am sure the Minister is very anxious to send this Bill straightway to the President for his assent after it is passed today. Practically they must be having everything ready for sending the papers to get the signature of the President. But even if they are anxious, as they probably are, to bring it into force very soon, I do not think that even a Ministry or a Metropolitan Council of giants . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The Home Ministry does not send it for President's assent.

KUMARI SHANTA VASISHT : Whoever is responsible to do that, I am sure they are itching to do so. They will have a sigh of relief and they will sleep properly only after that, and even those people who

have a feeling about it will get some rest. I think setting up an interim Metropolitan Council at this time when due to the so-called emergency even the normal elections and other things have been suspended, setting up a new sort of a thing with no powers at all—it is an empty sort of a structure that is going to be set up—and to give it a trial of six months will create difficulties. No matter how brilliant the people are and I doubt whether there are so many brilliant people; there may be very agreeable lot of people, I can see that but how far they will be effective in really carrying through the message of the Government and in helping and serving the people of Delhi and what their fate will be can be best imagined by the Home Minister. And how will they fare in the general elections in early February ?

**SHRI JAISUKHLAL HATHI :** Why do you worry ?

**KUMARI SHANTA VASISHT :** I very much worry about it because that is generally our normal function to look after that part of it. I am sure the Home Minister will not come and fight our elections nor will his Secretaries and officers. They advise him on one side but as far as the consequences are concerned, these people are least concerned with the consequences. Therefore I feel this should be deleted. Let the people go and fight the elections and go straightway into this body if they want to go in there but I do not think many people will be anxious to go into it, though—I am not sure of it—for the lure of it certain people may be there but the body is not worth all the trouble. Let them go and fight the general election and they will then have a period of five years to show their worth and serve the people of Delhi. Then they can be judged from the merit of their work during that period. They will have the opportunity of a reasonable period of five years to show how they manage the affairs but to bring about a body with people nominated into it with such a proportion of this group and that group and so on is not good. After all some leaders and people are very anxious to acquire respectability as a dissident group which they did not have except for some of the rigmorale which came up in the last two months, when they wanted to

acquire the respectability of a dissident group. It is very unfortunate and unfair. These people who are very anxious to come into this body might as well fight the elections. For the ruling party itself to get the verdict of the voters and the electorate after their six months' performance would be a very risky affair. And the Government of India have many fears, particularly the Home Ministry, as to what will happen to the capital city etc. I want to ask them, when you have a Metropolitan Council for hardly five or six months, what would happen to the capital city ? Let him think about it. The Home Ministry may examine the possibility if it is not better to have a body elected by the people at large so that they can show their worth and do whatever services they want to do. This is just foisting your people whom you want to oblige or help or assist or for whatever reasons best known to the people concerned. It is not going to help at all; it will create a lot of difficulties, a lot of embarrassment and there will be a lot of questions to be answered during the coming elections with which we are very much concerned and with which I think the Home Ministry is not at all concerned. Therefore, I want them to think twice before they take such a step and that is why I want this clause to be deleted.

**SHRI JAISUKHLAL HATHI :** So far as this clause is concerned, I have not only considered it once but I have considered it several times and I find there will be no difficulty at all. It is not as if we are going to have general elections now. The electoral college already exists. The people are there and we have to take from them only nine people.

**KUMARI SHANTA VASISHT :** I am sorry the Home Minister twists the words and says whatever he wants to say. He always puts his own meaning and . . .

**SHRI JAISUKHLAL HATHI :** What I am saying is that these people will come from the electoral college.

**KUMARI SHANTA VASISHT :** Why can't the Government wait for the elections ?

**SHRI JAISUKHLAL HATHI :** There is no question of general elections.

**KUMARI SHANTA VASISHT :** Elections are due now, is it not ?

**SHRI JAISUKHLAL HATHI :** Elections are due all right but we are not going to have elections now. Elected people are already there and they have to elect these people. We are quite sure there will be no difficulty and those who come will do well.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 32 stand part of the Bill."

*The motion was adopted.*

*Clause 32 was added to the Bill.*

*Clause 33—Interim Executive Council*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** There are two amendments. Amendment No. 35 is a negative amendment. So it cannot be moved.

**SHRI V. M. CHORDIA :** Sir, I move—

36. "That in clause 33, for sub-clause (1), the following be substituted, namely :—

'(1) The Interim Executive Council shall be constituted as laid down in Part III.' "

*(The amendment also stood in the names of Sarvashri Atal Bihari Vajpayee, Sunder Singh Bhandari and Niranjan Varma.)*

*The question was proposed.*

**KUMARI SHANTA VASISHT :** Sir, here again it is the same argument which I put forward in respect of clause 32 because this is connected with clause 32. Still I say that the Interim Metropolitan Council is not going to help at all and I think, therefore, this should also be deleted.

श्री विमलकुमार मन्नालालजी चौरड़ियाः श्रीमान्, सदन का अधिक समय न ले कर के केवल यह निवेदन कर देना चाहता हूं कि नामिनेशन की, प्रेसिडेंट द्वारा एपाइंट करने की जो व्यवस्था है वह विधेयक के पार्ट III में

खंड 27 और 28 में वर्णित है, जब ऐसी व्यवस्था वर्णित है तो उसकी परवाह न करके सीधे नामिनेशन कर देना न्यायसंगत प्रतीत नहीं होता और इसको मैं जनतन्त्र के सिद्धान्तों के विपरीत समझता हूं। इस दृष्टि से मैंने यह संशोधन दिया है और आशा है कि श्री हाथी इसको स्वीकार करेंगे।

**SHRI JAISUKHLAL HATHI :** Sir, the Interim Executive Council has to be nominated from the members of this Interim Metropolitan Council. I do not think there is any difficulty with regard to it.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

36. "That in clause 33, for sub-clause (1), the following be substituted, namely :—

'(1) The Interim Executive Council shall be constituted as laid down in Part III.' "

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 33 stand part of the Bill."

*The motion was adopted.*

*Clause 33 was added to the Bill.*

*Clauses 34 and 35 were added to the Bill.*

*Clause 36—Amendment of Act 61 of 1957*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** There are three amendments—Nos. 37, 38 and 39.

No. 37 is a negative amendment.

**KUMARI SHANTA VASISHT :** Sir, I move :

38. "That in clause 36, in the proposed clause (f) of sub-section (3) of section 3 of the Delhi Development Act, 1957, the words 'and until that Council is constituted, three representatives of the Interim Metropolitan Council to be elected by the members of the Interim



Metropolitan Council from among themselves;" be deleted."

39. That for the existing clause 36, the following be substituted, namely :—

"36. In the Delhi Development Act, 1957, in section 3—

(i) for clause (f) of sub-section 3, the following clauses shall be substituted, namely :—

'(f) as and when the Metropolitan Council for the Union territory of Delhi is constituted, three representatives of that Council to be elected by the members of the Council from among themselves;

(ff) two representatives from the Parliament elected from among the members of the Lok Sabha from Delhi;';

(ii) in sub-section (6), the words, brackets, letter and figure 'and the three representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof, ' shall be omitted;

(iii) after sub-section (6), the following sub-section shall be inserted, namely :—

'(6A) the representatives from the Parliament referred to in clause (ff) of sub-section (3) shall hold office for so long as they continue to be members thereof.'

(iv) for sub-sections (7) and (8), the following sub-section shall be substituted, namely :—

'(7) An elected member shall hold office for a term of five years from the date of his election to the Authority and shall be eligible for re-election :

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.'

(The amendments also stood in the name of Shri Santokh Singh.)

The questions were proposed.

KUMARI SHANTA VASISHT : Sir, as far as my amendment No. 38 is concerned, I do not think this Interim Council will serve any purpose. Three members being on this D.D.A., that is not going to serve any purpose and, therefore, this also should be scrapped.

As for my Amendment No. 39, I might say that from the Advisory Council the members are represented on the D.D.A. and Members of Parliament are there and I think they should be there. As I said earlier, the D.D.A. is a fairly powerful body. The Government has given the D.D.A. more powers than it has taken the trouble to give to this Metropolitan Council. It is very important because the D.D.A. has a revolving fund of quite a few crores of rupees. It deals with every scheme which can be passed up to Rs. 50 lakhs within a minute. They recruit very high officials, town-planners, architects and so on through their own Selection Board. It is dealing with so much patronage in terms of passing layouts and passing other plans, deciding land use. So much patronage is involved in it. It is very important in a small place like Delhi which has only this very defunct type of Metropolitan Council with no power and no authority. The Corporation I hope will get some powers gradually and will have positively effective and powerful set-up. I hope the Home Minister will bring that legislation soon before the next elections are due so that it may also go hand in hand with this particular Council and to a certain extent make up what it is expected to make up in the new set-up. Generally the State Governments take care of most of the major issues but here it is not so. Therefore, considering all the power and patronage it has, the D.D.A., it is very necessary that some Members of Parliament should be there. (Interruption) They are now elected by the Home Minister's Advisory Council—two members from Lok Sabha and one from the Rajya Sabha and some member from the Corporation. As I said earlier also, we have a Government which believes in checks and balances. Lakhs and lakhs of rupees can change hands in this particular body and I,

[Kumari Shanta Vasisht.]  
therefore feel that it should not only be under the Minister concerned because they also have their own pulls and pressures. People come to them, various contractors and various important people who are interested in the layouts, in cinema sanctions and such other sanctions. I think this body should have people who can take care of such a situation and who can take care of the officers also. When a very junior person comes, he is overawed by the hon. Minister and sometimes he finds it very difficult to fight some of the bureaucrats there. Fortunately some people are there who are relatively honest and who work sincerely. The D.D.A. generally functions with honesty and objectivity. I have been there for nearly six years and I think, by and large, they function honestly. If there is any corruption, it is generally at a very low level or clerical level. But that body is an aptonomous body, a statutory body and has great potentialities. They say whoever becomes a member of the D.D.A. can make tons of money. And in fact the two Ministers were fighting to get this body because it has so much patronage. Also some members were anxious to be there because this is something in which they are interested. Therefore, a body of this nature must have certain balancing factors of the bureaucrats, of the influence of Ministers and others. When all these four or five divergent interests are there, I am sure they pull in all directions and maintain a certain balance. If it is under the grip of one or two people who are very authoritarian, they will bully half-a-dozen people into saying 'yes' by all sorts of means and I think that will make this body into an extremely corrupt body sanctioning all sorts of plans and layouts to suit certain people and certain interests. In that case I think after some years, Mr. Vice-Chairman, you may be sitting there to examine what all went wrong in this body and so on and so forth. Therefore, to keep the character of this body somewhat reasonable, I think, Members of Parliament should be there. By this amendment which was brought in by the Select Committee they have taken the trouble and they have planned in such a way that Members of Parliament should not be there because they would know how to manage with them. To suit their own convenience they have removed the Members of Parliament to bring in the Metro-

politan members. I think this should not be allowed.

SHRI JAISUKHLAL HATHI : So far as amendment No. 38 is concerned, she wanted it because she feels that the Interim Metropolitan Council will not be useful and, therefore, their representative also will be useless. But now when we have agreed that there should be the Interim Council, that question does not arise.

So far as amendment No. 39 is concerned, Members of Parliament as such are not on this body; they are elected by the Home Ministry's Advisory Council but our scheme is that when there is a Metropolitan Council who are directly elected by the people, we are giving representation to three of them. Today these three are actually persons nominated by the Home Ministry's Advisory Council. The Advisory Committee is nominated; it is not elected.

KUMARI SHANTA VASISHT : Members are elected. That is why they are Members. Otherwise they would not be Members.

SHRI JAISUKHLAL HATHI : The Advisory Committee will not be there; it will be abolished and in that place we are giving three Members who are elected by the people of Delhi. We think that their representation should be there.

KUMARI SHANTA VASISHT : I might further explain that the Members of the Lok Sabha are also elected by the people of Delhi. It would be better if you give thought to this and examine the suggestion and have the members on this body.

SHRI I. K. GUJRAL : In this connection I would suggest that the Government might consider the possibility of putting all the Members of Parliament from Delhi into the D.D.A. so that that area can be covered.

SHRI JAISUKHLAL HATHI : That we can examine later.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

38. "That in clause 36, in the proposed clause (f) of sub-section (3) of section 3

of the Delhi Development Act, 1957, the words 'and until that Council is constituted, three representatives of the Interim Metropolitan Council to be elected by the members of the Interim Metropolitan Council from among themselves;' be deleted."

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

39. That for the existing clause 36, the following be substituted, namely :—

"36. In the Delhi Development Act, 1957, in section 3,—

(i) for clause (f) of sub-section 3, the following clauses shall be substituted, namely :—

'(f) as and when the Metropolitan Council for the Union territory of Delhi is constituted, three representatives of that Council to be elected by the members of the Council from among themselves.

(ff) two representatives from the Parliament elected from among the members of the Lok Sabha from Delhi;';

(ii) in sub-section (6), the words, brackets, letter and figure 'and the three representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof' shall be omitted;

(iii) after sub-section (6), the following sub-section shall be inserted, namely :—

'(6A) the representatives from the Parliament referred to in clause (ff) of sub-section (3) shall hold office for so long as they continue to be members thereof.'

(iv) for sub-section (7) and (8), the following sub-section shall be substituted, namely :—

'(7) An elected member shall hold office for a term of five years

from the date of his election to the Authority and shall be eligible for re-election :

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected."

*The motion was negatived.*

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

"That clause 36 stand part of the Bill."

*The motion was adopted.*

*Clause 36 was added to the Bill.*

*Clause 37 was added to the Bill.*

*Clause 38—Powers of President to remove difficulties.*

**KUMARI SHANTA VASISHT :** Sir, I move :

40. "That in sub-clause (1) of clause 38, the words 'in particular in relation to the constitution of the Interim Metropolitan Council' be deleted."

*(The amendment also stood in the name of Shri Santokh Singh.)*

This may again be deleted. That is what I have suggested.

*The question was proposed.*

**SHRI JAISUKHLAL HATHI :** I am not accepting it, Sir.

**THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) :** The question is :

40. "That in sub-clause (1) of clause 38, the words 'in particular in relation to the constitution of the Interim Metropolitan Council' be deleted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"That clause 38 stand part of the Bill."

*The motion was adopted.*

*Clause 38 was added to the Bill.*

*The Schedule was added to the Bill.*

*Clause 1—Short title and commencement*

KUMARI SHANTA VASISHT : Sir, I move :

1. "That in sub-clause (1) of clause 1, for the words 'Delhi Administration Act', the words 'Government of Delhi Act' be substituted."

*(The amendment also stood in the name of Shri Santokh Singh.)*

I think the body is bad as it is. At least give it a nice name. Nothing is lost thereby. At least the name should be a good one. After all, Delhi is a very dignified place where people talk about it.

SHRI ATAL BIHARI VAJPAYEE : What is there in a name ?

KUMARI SHANTA VASISHT : There is nothing in a name, but I think here the name at least should be a good one.

*The question was proposed.*

SHRI JAISUKHLAL HATHI : I am sorry it is not possible to accommodate, because if she looks into the constitutional aspect, the administration of Delhi has to be done by the President through an Administrator. It is not the Government of Delhi, but the Delhi Administration. Therefore, I do not accept it.

SHRI G. MURAHARI : She is more correct in her name, because actually it is the Government of India that is going to rule it.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

1. "That in sub-clause (1) of clause 1, for the words 'Delhi Administration

Act', the words 'Government of Delhi Act' be substituted."

*The motion was negatived.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

"Clause 1 stand part of the Bill."

*The motion was adopted.*

*Clause 1 was added to the Bill.*

*The Enacting Formula and the Title were added to the Bill.*

SHRI JAISUKHLAL HATHI : Sir, I move :

"That the Bill be passed."

*The question was proposed.*

श्री अटल बिहारी वाजपेयी : उपसभाध्यक्ष महोदय, मैं विधेयक का विरोध करने के लिये खड़ा हुआ हूँ। मुझे खेद है कि प्रातःकाल जब मन्त्री महोदय ने यह विधेयक विचार के लिये प्रस्तुत किया था तब मैं सदन में उपस्थित नहीं था लेकिन अभी जो संशोधन रखे गये और उन संशोधनों को जिन आधार पर अस्वीकृत कर दिया गया उससे एक बात स्पष्ट हो गई, कि शासन इस विधेयक में किसी प्रकार का संशोधन मानने के लिये तैयार नहीं है। क्या शासन के लिये यह सम्भव नहीं था कि इस विधेयक में ऐसा परिवर्तन या परिवर्धन स्वीकार करती जिससे यह विधेयक जन भावनाओं के अधिक अनुकूल होता ? इस विधेयक के द्वारा सरकार किस को संतुष्ट करना चाहती है ? जो दिल्ली में विधान सभा की मांग कर रहे हैं वे इससे संतुष्ट नहीं हैं और जो दिल्ली में विधान सभा का विरोध करते हैं, लेकिन यह मांग करते हैं कि दिल्ली की जनता को उसका अपना राज-काज चलाने का एक ठोस अधिकार मिलना चाहिये, वे भी इस विधेयक से संतुष्ट नहीं हैं।

उपसभाध्यक्ष महोदय, मैं और मेरा दल प्रारम्भ से ही इस बात का विरोध करते रहे हैं कि दिल्ली में विधान सभा नहीं होनी

चाहिये, इसलिये नहीं कि हम जनता को उसके जनतांत्रिक अधिकार नहीं देना चाहते, लेकिन इसलिये कि दिल्ली भारत की राजधानी है और यहां दो समानान्तर सत्ताएं चलें, उनमें टकराव पैदा हो, एक दोहरा प्रबन्ध हो, तो यह देश के लिये ठीक नहीं होगा। इससे दिल्ली की जनता के भी व्यापक हितों की रक्षा नहीं होगी। लेकिन हम यह जरूर चाहते हैं कि दिल्ली की जनता को उसका अपना प्रबन्ध चलाने में पूरा हिस्सा मिले। वर्तमान नगर निगम दिल्ली की जनता की समस्याएं हल नहीं कर सका क्योंकि सत्ता बंटी हुई है, अनेक स्वायत्त संस्थाएं उस सत्ता में भागीदार, हैं, सत्ता का केन्द्रीयकरण नहीं है, प्रशासन एक जगह पर इकट्ठा नहीं है, वह एक निर्देश में नहीं चल सकता और परिणाम यह है कि दिल्ली की हालत बिगड़ रही है। भारत की राजधानी होने के नाते जहां हम दिल्ली को संवारना चाहते हैं, सुधारना चाहते हैं, सजाना चाहते हैं, वहां स्थिति यह है कि दिल्ली और दिल्ली की जनता वर्तमान प्रबन्ध से संतुष्ट नहीं है। होना तो यह चाहिये था कि दिल्ली कारपोरेशन के अधिकार बढ़ाए जाते। जो क्षेत्र आज कारपोरेशन की परिधि से बाहर रख दिये गये हैं उन क्षेत्रों को भी कारपोरेशन में लाया जाता और जिन्हें 'सिविक अफेयर्स' कहा जाता है, जन जीवन के साथ जिनका गहरा सम्बन्ध है, बिजली का, पानी का या दिल्ली के विकास का प्रबन्ध है, उसे पूरी तरह से नगर निगम के अन्तर्गत लाकर जनता के प्रति उत्तरदायित्व बनाया जाना चाहिये था लेकिन उस न्यायोचित बात को स्वीकार करने की बजाय यह विधेयक सदन के सामने, दिल्ली की जनता के सामने, रख दिया गया है। एक राजधानी परिषद् बनायी जा रही है। वह किस मर्ज की दवा होगी, वह क्या करेगी, यह सफेद हाथी किसके लिये खड़ा किया जा रहा है? वह न तो जनता की राजनैतिक आकांक्षाओं को पूरा करेगा, न जनता की कठिनाई को दूर करने में सहायता देगा। एक नई संस्था, एक नयी सभा, खोली जा रही है। कार-

पोरेशन मौजूद रहेगा, अब राजधानी परिषद् बनेगी। केन्द्र प्रशासित क्षेत्र होने के नाते संसद को दिल्ली के मामले में बोलने का अधिकार होगा और फिर आपस में संघर्ष होगा। फिर विवाद खड़े होंगे, फिर दिल्ली की जनता की समस्याओं की उपेक्षा होगी और फिर नयी मांगें खड़ी होगी। मुझे ऐसा लगता है कि सत्तारूढ़ दल के एक विशेष गुट को संतुष्ट करने के लिये यह मेट्रोपोलिटन काउन्सिल बनायी जा रही है जो गुट विधान सभा मांगता है, मगर जो उसके संतुष्टीकरण के लिये यह राजधानी परिषद् बनायी जा रही है, दिल्ली की जनता ऐसी राजधानी परिषद् नहीं चाहती। भारतीय जन संघ भी इस राजधानी परिषद् के हक में नहीं। अगर राजधानी परिषद् आप बना रहे हैं, तो उसे एक अधिकार दीजिए। उसे दिल्ली की जनता की तकदीर का फैसला करने में कुछ आवाज दीजिए, उसे लोकतंत्र के ढंग से चलने दीजिए। आपने प्रशासक को सर्वाधिकार सौंप दिये और अब राजधानी परिषद् एक खिलौना मात्र बन कर रह जायेगी। हां, जो उसमें चुन कर जाना चाहें, राजधानी परिषद् के सदस्य कहलवाना चाहें, उसमें कुछ गौरव का अनुभव करना चाहे, या भत्ता लेना चाहें, उनके लिये राजधानी परिषद् समय बिताने का एक अच्छा साधन हो सकती है। लेकिन दिल्ली की समस्याएं, इस राजधानी परिषद् के निर्माण से हल नहीं होंगी। मुझे कभी-कभी लगता है कि इस विधेयक के ऊपर एक व्यक्ति की या किसी गुट की छाया दिखाई दे रहा है।

श्री ब्रज किशोर प्रसाद सिंह: कौन सा गुट ?

श्री अटल बिहारी वाजपेयी : बुद्धिमान के लिए इशारा काफी है। अगर सत्तारूढ़ दल में ऐसे व्यक्ति हों जो स्वार्थी हैं, जो भ्रष्ट हैं, जो सत्ता लोलुप हैं, जो एक बार सत्ता का दुरुपयोग कर चुके हैं, भविष्य में भी जिनके हाथ में अगर सत्ता रख दी गई तो उसका दुरुपयोग करेंगे, जिन्होंने दिल्ली में आर्थिक

[ श्री अटल बिहारी वाजपेयी ]

साम्राज्य खड़े किये हैं, जो गुड़ से लेकर सीमेंट तक के मामले में घोटाले के दोषी हैं, क्या उनके लिये दिल्ली की जनता को सत्ता दी जा रही है ? सत्तारूढ़ दल या केन्द्रीय सरकार यह विचार कर सकती है कि दिल्ली में अगर राजधानी परिषद् को अधिक अधिकार दे दिये गये तो क्या उसके दुरुपयोग की आशंका है। यह बात सच है कि यहाँ विधान सभा बनी थी, यहाँ मंत्रिमंडल कायम किया गया था, लेकिन उसका अनुभव अच्छा नहीं है। दोष संस्थाओं का था या इन संस्थाओं को जो व्यक्ति परिचालित करते थे उनका था, इसका शासन को विचार करना चाहिये। लेकिन अगर शासन यह समझता है कि सत्ता का दुरुपयोग न हो, भ्रष्ट व्यक्ति सत्तारूढ़ न हों, शासनतंत्र किसी गुट के हाथ में खिलौना न बने, तो फिर मैट्रोपोलिटन कौंसिल बनाने की भी जरूरत नहीं थी। यह मैट्रोपोलिटन कौंसिल उन लोगों को खुश करने के लिए बनाई गई है, लेकिन यह न उनको खुश करती है न हमको खुश करती है, न यह इधर है न उधर है, न तीतर है न बटेर है—यह क्या है, इसकी व्याख्या करना मेरे लिए मुश्किल है। यह क्या रूप बनाया जा रहा है और यह मैट्रोपोलिटन कौंसिल क्या करेगी ? जो जनता के प्रतिनिधि चुन कर जायेंगे वे जनता को क्या मुंह दिखायेंगे। वे कौंसिल में बैठकर जनता की कठिनाइयों को हल नहीं कर सकते हैं। यह मैट्रोपोलिटन कौंसिल नगर निगम के भरोसे काम करेगी तो क्या नगर निगम की सत्ता घट जायेगी, नगर निगम का सम्मान घट जायेगा ? मैट्रोपोलिटन कौंसिल में जाने के बजाय कोई भी आदमी नगर निगम में जाना पसन्द करेगा। फिर इस मैट्रोपोलिटन कौंसिल की जरूरत क्या है ? माननीय मंत्री महोदय यही जवाब देंगे कि लोग विधान सभा चाहते थे, हम विधान सभा को नहीं दे सकते थे, मगर हमने कुछ दे दिया। इससे उनको संतोष नहीं होगा, इससे दिल्ली की जनता के साथ न्याय नहीं होगा। मैं समझता था कि दिल्ली की कांग्रेस

कुछ करके दिखलायेगी क्योंकि बड़ी धमकियां सुनी थीं कि इस्तीफे दिये जा रहे हैं, तख्ता पलटा जायेगा, मगर इस्तीफे अखबार में ही आये, इस्तीफे व्यवहार में नहीं आये। जरा रंग जमता जब दिल्ली की कांग्रेस कुछ बगावत का झंडा खड़ा करती। जनसंघ अगर हृदय से यह बात स्वीकार करता कि दिल्ली में विधान सभा होनी चाहिये तो हम जरूर लड़ते, हम जरूर संघर्ष करते। मगर दिल्ली में इस बात की सम्भावना होते हुए भी कि कभी जन संघ का बहुमत हो जायेगा, हमने कहा कि यहां विधान सभा की आवश्यकता नहीं है। हम दल, गुट और स्वार्थ की दृष्टि से नहीं सोचते हैं, हम तो देश के व्यापक हितों का विचार करके चलते हैं। अगर दिल्ली के कुछ कांग्रेसी ईमानदारी से सोचते कि विधान सभा चाहिये और कुछ कहते हैं कि फाइने-शियल पावर दे दीजिये तो वह पांडव के पांच गांव की तरह से है कि अगर पांच गांव नहीं मिले तो महाभारत हो जायेगा। दिल्ली में महाभारत की पुरानी परम्परा है और कांग्रेस के अन्दर महाभारत चल रहा है। इसमें मतभेद हो सकता है कि दुर्योधन कौन है और पांडव कौन है ?

श्री प्रकाश नारायण सप्रू : दुर्योधन आप हैं।

श्री अटल बिहारी वाजपेयी : लेकिन हमारे सप्रू जी श्रीकृष्ण जैसी हालत बनाये बैठे हैं।

मेरा निवेदन है कि राजधानी परिषद् बनने के बाद भी संसद् को दिल्ली के प्रति न्याय करना होगा। दिल्ली में विधान सभा नहीं है और संसद् दिल्ली की देखभाल करेगी ? मगर संसद् के सामने इतने काम हैं, इतने विषय हैं, इतने कानून हैं, इतनी समस्याएं हैं, कि केन्द्र प्रशासित दिल्ली के साथ संसद् न्याय नहीं कर सकती है। फिर दिल्ली का दुःख कहां प्रकट होगा ? दिल्ली के दर्द को कौन वाणी देगा और दिल्ली की जनता की आकांक्षा कैसे पूरी होगी। इसीलिए हमने कहा कि अगर

विधान सभा नहीं दे रहे हैं तो मत दीजिये, विधान सभा की आवश्यकता नहीं है। मगर राजधानी परिषद् को कुछ अधिक अधिकार दीजिये। आप वे अधिकार भी देना नहीं चाहते हैं तो फिर दिल्ली की जनता के साथ किस तरह से न्याय होगा, इसके बारे में गृह मंत्री विचार करें।

मैं इस मुझाव को दोहराना चाहता हूँ कि केन्द्र में एक मंत्री होना चाहिये जो दिल्ली प्रशासन के लिए सीधा जिम्मेदार हो। नौकरशाही के भरोसे दिल्ली की जनता को नहीं छोड़ा जा सकता है। नौकरशाही की शक्ति बढ़ रही है और सभी दलों के लिए जो जनतंत्र पर विश्वास रखने वाले हैं उनके लिए यह एक गम्भीर बात है। नौकरशाही को राजनीतिक नेतृत्व पर हावी नहीं होने दिया जा सकता है। वह राजनीतिक नेतृत्व चाहे केन्द्र में हो, या प्रदेश में हो, या नगर निगम में हो, मगर जनता के चुने हुए प्रतिनिधियों की राय निर्णायक होनी चाहिये और इसमें दो राय नहीं हो सकती हैं।

महोदय, मैं दिल्ली के सम्बन्ध में बहुत कुछ कहना चाहता था। दिल्ली के नागरिक किन कठिनाइयों में रह रहे हैं, उसकी शायद संसद के सदस्यों को कभी अनुभूति होती होगी जब उन्हें दूध नहीं मिलता या राशन प्राप्त करने में कठिनाई होती है। लेकिन दिल्ली के पास ऐसी संस्था नहीं है जहाँ दिल्ली की जनता राजनीतिक परिवर्तनों के लिए आवाज उठा सके। नगर निगम यह काम पूरा नहीं कर सकता है।

**श्री ब्रजकिशोर प्रसाद सिंह :** वाजपेयी जी इतना जानते हैं कि जो विट्ठलभाई हाउस में रहते हैं उनको दिल्ली के स्लम्स में रहने वालों से ज्यादा अनुभूति हो रही है कि यहाँ का रहन सहन का स्तर कैसा होता है।

**श्री अटल बिहारी वाजपेयी :** अगर दिल्ली के विट्ठलभाई हाउस के रहनेवालों का यही

हाल है तो सचमुच में जो स्लम्स में रहते हैं, गन्दी बस्तियों में रहते हैं, उनका क्या हाल होगा। लेकिन उनकी दशा सुधारने के लिए कौन लड़ेगा, कौन संघर्ष करेगा, वह अपना दुखड़ा कहां रोयेंगे, इसकी कोई व्यवस्था नहीं की गई है। मैं माननीय मंत्री जी को चेतावनी देना चाहता हूँ कि यह विधेयक पास करने मात्र से समस्या हल नहीं होगी। अगर दिल्ली की हालत इसी तरह से बिगड़ती गई और दिल्ली का शासन जनता की भावनाओं के अनुकूल न चला तो ऐसी स्थिति आ सकती है कि जो दिल्ली में विधान सभा का विरोध कर रहे हैं वे भी दिल्ली विधान सभा की कायम करने के हक में हो जायेंगे। आप उन्हें मजबूर न करिये और समय रहते ऐसी व्यवस्था निकालिये, ऐसा ढंग निकालिये, परामर्श के और सलाह के ऐसे तरीके अपनाइये कि दिल्ली में दोहरा प्रबन्ध न चले और दिल्ली के प्रशासन में जनता की आवाज को पूरा स्थान मिल जाय। मनुष्य की बुद्धि के लिए, हमारे संविधान निर्माताओं के लिए, विधायकों के लिए ऐसी व्यवस्था निकालना कठिन नहीं होना चाहिये। मगर यह विधेयक इस आवश्यकता की पूर्ति नहीं करता है और इसलिए मैं इसका विरोध करता हूँ।

6 P.M.

**श्री गोडे मुराहरि :** यह दिल्ली ऐडमिनिस्ट्रेशन बिल के बारे में जो भी चर्चा इस सदन में हुई उससे यह साफ हो गया कि सरकार अपने दिमाग को पहले बना कर आई है और इसमें वह न सदन की कोई राय लेना चाहती थी और न कोई संशोधन मानना चाहती थी क्योंकि जितने भी संशोधन पेश किये गये उनमें से एक भी संशोधन सरकार ने मंजूर नहीं किया और ऐसा बिल हमारे सामने रख दिया पास करने के लिये जिसका कोई भी जो जनतंत्र में विश्वास करता है, समर्थन नहीं कर सकता। दिल्ली के ऐडमिनिस्ट्रेशन को अगर ठीक करना था तो वह एक मेट्रोपोलिटन कौंसिल बना कर के नहीं हो सकता था। मैं

[ श्री गोड़े मुराहरि ]

जाणता हूँ कि दिल्ली के लोगों को जिन कठिनाइयों का सामना करना पड़ रहा है, उनमें कई चीजें हैं और कुछ तो केन्द्रीय सरकार के मातहत हैं जैसे रेलवे प्रशासन है। दिल्ली के चारों तरफ जो बस्तियां बनी हैं, जैसे गाजियाबाद वगैरह वहां के सैकड़ों लोग रोज दिल्ली आते हैं और, उनके लिये कोई ठीक सुविधा नहीं है। वहां से न ट्रेन्स ठीक तरह से चलती हैं और न ट्रेन्स के टाइमिंग में ठीक तरह से परिवर्तन किया गया है उसका नतीजा यह होता है कि हजारों लोग जो दिल्ली के चारों ओर रहते हैं उनको यहां आने में कठिनाई होती है और वे ठीक समय पर दफ्तर नहीं पहुंच पाते हैं। इस तरह की कई दिक्कतें दिल्ली के लोगों को हैं। दिल्ली और उसके आस पास के जो भी एरियाज हैं उन सब को लेकर कोई ऐसी व्यवस्था हमारे सामने रखी गई होती जिसके मातहत इन सब चीजों को दूर करने का प्रयास हो सकता था, लेकिन मुझे अफसोस के साथ यह कहना पड़ता है कि हमारे सामने जो बिल है उससे कोई भी चीज हल होने वाली नहीं है। इसलिये हमसे यह कहना कि इस बिल को पास करो, मैं समझता हूँ कि यह बहुत ही गलत होगा अगर हम इस के हक में अपना वोट देंगे।

**KUMARI SHANTA VASISHT :** Sir, we have some idea about it . . .

**AN HON. MEMBER :** This is the end of our journey.

**KUMARI SHANTA VASISHT :** I am sorry that so many flaws are still left in this and the Bill may be reconsidered and the necessary changes and amendments may be made. I think that the multiple authorities will still continue—there will be the New Delhi Municipal Committee separately, the Municipal Corporation separately and the Delhi Development Authority, the Delhi Milk Scheme and this Metropolitan Council, etc. etc. will also be there. And this would create the same confusion as to who is responsible for

which work, which authority should deal with which things and so on, and this will create confusion to avoid which we are anxious that there should be a unified sort of set-up.

And then what is the yardstick in our democracy? Do we go by the State units of the ruling party? Are they supposed to represent public opinion or are they supposed to know the pulse of the people? Do we go by the elected Members of Parliament who are elected by the people at large. At least they are in self interest supposed to know the pulse of the people. After all in a democracy, the Ministers or the Government as such or the executive wing of it or even the Cabinet does not know every person. It does not know or it does not suppose to know them either. Of course, this particular Bill will be passed and our opinion may be ignored. But what is the guiding principle and the yardstick in our democracy? What is it? Are the Members of Parliament only the rubber-stamps that they may go on saying, 'yes', for everything done here? Or are we just to put our thumb impressions? Are we here to guide the Ministry and the Government by expressing opinions about people from the different areas, about people whom we know, whose affairs we know and about the situations that we understand to the best of our ability? But I think ignoring the opinion of the State unit is also not right? You may say that the State unit of the ruling party does not represent the entire mass opinion of the people. Here, all the political parties have rejected this Bill, whether it is the Jan Sangh Party or the Communist Party or the other parties. They have all rejected this Bill. Then what is the fun of having this Bill which has been totally rejected by every political party, by the ruling party itself and by the majority of the elected members from this territory? And I am sorry that the Government is so indifferent towards it, towards this particular issue. But I do want that in future they should give some weight to the people from the different States and from the different areas because they are supposed to have some idea as to what is happening in their States and in their constituencies, at least so far as the Lok Sabha is concerned. That is the point.



The Interim Council will be difficult. The Minister of State has a very light-hearted attitude about it and he says, we are sure that very good results will be there, I know, at one time the Cabinet Minister in the Home Ministry went to Kerala. He said, I will give an opportunity to the people of Kerala to disown the Communist Party. And what was the result? They were themselves disowned very much, unfortunately. The Communists and particularly left-Communists won. Their assessment cannot be correct; they are not on the spot; they are not supposed to understand what is happening because they are preoccupied by various other matters. They are concerned with policy matters, they are concerned with broad issues. But what about the various other things which they do not know or which they are not supposed to know either? Therefore, their assessment of the situation can go as wrong as it went at one time in the matter of Kerala when the last elections were held and when they did not want even a Ministry to come into being, and the whole matter went out. This is unfortunately the situation. You forget about Delhi because they are advised by certain people that Delhi should have this or that Delhi should not have this. But I feel that as a guiding principle for our functioning, the people's opinion, whether reflected by Members of Parliament or by other organised public opinion or organised public bodies—whether the ruling party or any other political party—should be given weight in future. I do not say it only about Delhi, take any other matter or any other State or any issue. Public opinion cannot be ignored like this. But here people are ignored. Shri Atal Bihari Vajpayee has also referred to certain individuals. He cannot get out of it—to him Delhi means only one or two people. He has falsely levelled certain charges against those people that they have been clamouring for this, etc. I am very sorry. I do not know whether he has been briefed by some people with whom the Home Ministry is very pleased these days. I know that some of those people with whom the Home Ministry is pleased these days have been in the habit in the past of giving a lot of material to our hon. friends on the opposite side. They would meet, they would like to have material, they would be sending letters. They would

meet them personally, the Members of the Opposition . . .

SHRI JAISUKHLAL HATHI : Whom do you suggest? I am sorry.

KUMARI SHANTA VASISHT : To the Members of the Opposition.

SHRI JAISUKHLAL HATHI : I am sorry. I do not think that we have given any paper to any of those Members.

KUMARI SHANTA VASISHT : I know that you are not giving. How can you?

*If you start giving, the whole country will collapse.*

SHRI DAHYABHAI V. PATEL : Our complaint is that you do not give us enough.

KUMARI SHANTA VASISHT : What I was saying was that the criticism of Shri Atal Bihari Vajpayee about the revolt concerns only one or two individuals. If something is to be given . . .

SHRI JAISUKHLAL HATHI : I want to ask sincerely. You said that some papers are given by the Ministry.

KUMARI SHANTA VASISHT : No, by those people with whom you are particularly pleased at the moment.

SHRI JAISUKHLAL HATHI : Not from the Ministry?

KUMARI SHANTA VASISHT : No, Sir, not from the Ministry.

SHRI JAISUKHLAL HATHI : I want to know sincerely . . .

KUMARI SHANTA VASISHT : Not by you but by those people who might have briefed those Members that some charges should be made about certain people and some attack should be made about certain people from Delhi, some Congressmen from Delhi, some Congress leaders from Delhi because I know that those very people with whom the Home Ministry is at the moment on very good terms, they have been in the habit in the past of

[Kumari Shanta Vasisht.]

giving hon. Members on the opposite side material against these particular Congress leaders. They have been talking to them, meeting them, briefing them and giving them material and they work greatly in collaboration with them, to undermine the leadership in the Delhi Congress. And I am not surprised that today also he made this charge and I wonder whether he was not again briefed by somebody or the other from the other group.

Further, I would like to say this. When the Corporation Bill was brought forward, I do not know whether these people were really happy but they too might have got some shops in Ramakrishna Puram; they might have been pleased about it. These aspects of the picture they do not like to see. I would like them to examine these matters and broaden their outlook a little more. This is how the world is going on.

I will say a few words about the Corporation. When the Corporation was coming into existence, our people had definitely said that this Corporation would not work. We even wanted that it should not be there. They think that Delhi is a sort of a guinea pig where you can try all sorts of experiments every two or three or five years and public opinion need not be consulted at all. You feel, let us have the experiment by way of diversion from the general Bills that come to the House. But this is not fair. This Bill has been brought to bring in a new set-up for purposes of experiment. We are already saying that this will not work. Still it is being imposed. When the Corporation was given, we said it would not work. The Government said, 'Go ahead.' And it did not work. They are now wanting to revise it. I hope, before it is too long, before the general elections come, as promised by the Home Ministry and the Government of India, they will bring in soon the new Mayor-in-Council and a power Corporation, with some executive powers so that they may be able to do some service. They have promised that again and again. I would like them to say so on the floor of this House, that that Bill would come. And I assure you, when we again sit down with the Home Minister and have negotiations, I will sit down with a stamped

paper, have all the negotiations, put everything in black and white, because we are very inexperienced people and they are very clever people. As I said, this I.N.T.U.C. gives very thorough grounding to their people and they know all the tricks of the trade. Therefore, the hon'ble Home Minister, Mr. Nanda, has all the background of the I.N.T.U.C. He has gone through all this while negotiating for labour. He has learned the technique of negotiating which, unfortunately, I do not have. I was a poor social worker, who did not always see through what was happening. Next time, I assure you, when I go and sit with him, I will sit with a stamped paper and put everything that is happening in black and white.

PANDIT S. S. N. TANKHA : Tape record it.

KUMARI SHANTA VASISHT : Two independent witnesses will testify our things. So this is the state of affairs.

Coming to this Bill, when the power was given to raise the status of the Chief Commissioner to that of a Lieutenant-Governor, in our very first or second meeting it came up. Within five minutes the officials and the Minister agreed. But when it comes to the Metropolitan Council, then, of course, not a full-stop or comma can be changed. In this House we sat for the whole day but not a single word could be changed. But when power to the bureaucracy has to be given, Ministers show much less resistance to delegating power to the bureaucracy. The officials, of course, welcomed it and at once agreed to it. As far as the rights to the people are concerned, there will be a good deal of resistance and even dilution about that. Dilatory tactics are there. I think this is not a very good way of thinking. I think that the power of the so-called Metropolitan Council should be mandatory, and it should be binding on the Government.

The Home Minister and, privately, the Prime Minister also suggested something of the kind, that they would make a convention that all the decisions of the Metropolitan Council will be mandatory. I hope the hon'ble Minister will be good enough to say a few words about that because

they are taking as stiff an attitude as they possibly can take, that they are capable of. Let them assure us that they are going to bring in the Mayor-in-Council Bill very soon for final consideration, discussion and thrashing and that it will be passed also.

Secondly, let them assure that these conventions will be established which will give it, in all substance, a sort of financial power. I know that they will not do it. They said that after some time they would do it and that at the present moment they cannot do it. But I can appreciate that much. If the leaders want to do such things, let them do. But the power should be mandatory, and I hope the hon'ble Minister will be kind enough to say it here that the convention would be built up and the decision of the Council will be mandatory. Financial matters should be discussed and Bills made and so on. By and large, there may be some sort of agreement between the Central Government and the Metropolitan Council.

So also, I am very sorry to say, they look upon this very unholy thing, called the States Reorganisation Commission report . . .

SHRI JAISUKHLAL HATHI : Unholy?

KUMARI SHANTA VASISHT : It is unholy because it is non-objective, it was so biased. One person out of three gave a dissenting vote particularly about Delhi.

As far as the other proposals are concerned, of course, our leaders take them as Geeta. They hug to it. They quote the S.R.C. report which has been set aside for Maharashtra, which is going to be set aside again for the Punjabi Suba and for various other things. Hon'ble Members also are very fond of quoting it.

Sir, the Members are fond of saying that the Assembly did very bad work. Well, forget about the Assembly. But the then Minister of Home Affairs, Shri Lal Bahadur Shastri, when this debate was going on at that time, even he paid glowing tributes that the Delhi Assembly had done very good work.

Sir, I repudiate any suggestion that good work was not done by the Assembly. Honest work was done. A large number

of legislations covering every aspect of Delhi life, were passed at that time. Our Ministers, by and large, all of them were honest, whether from our group or from the dissident group. I can say with all sense of authority and responsibility that the Ministry was as honest as you can expect a Ministry anywhere else in India or at the Central level. They were honest, hard-working and sincere. They were not sitting at homes and playing cards like some Ministers. They were serving the people of Delhi. I would like the Government of India to make enquiries as to what was done, have a report study of what they did, how much legislation was passed.

SHRI B. K. P. SINHA : Serious charge. Playing cards.

KUMARI SHANTA VASISHT : Yes, Sir. Whereas our people were working and serving the people of Delhi, a large number of Ministers, I know, play cards because they have enough time at their hands. They do not know what to do with it. Therefore, I repudiate all that is said about the Ministry then with all the authority at my command that this is absolutely baseless and wrong. It is very mischievous in its content to go on repeating what has been disproved again and again. If they want to see, let them also see the bright record of the Delhi Assembly. I feel very bad when they make all sorts of allegations.

They say that somebody wants to be a Deputy Minister as if in this life there is nothing like being a Minister or a Deputy Minister. I know the lot of Ministers and Deputy Ministers also. I think that is a very sad lot; it is not a happy lot. I know what an unhappy position you have or the Ministers have because this is nothing. Our democracy is so young in experience and so on that the Ministers have to face a good deal of harassment and problems and so on. It is not good to insinuate always that somebody wants to be the Chief Minister or somebody wants to be a Deputy Minister. My goodness, who would want to be so? It is a pain in the neck for no rhyme or reason.

Then, you, Mr. Hathi, do you think that those who want a Corporation or this

[Kumari Shanta Vasisht]

Council, are going there for loaves and fishes? According to your logic, Mr Hathi, through you, Sir, is it the idea that those who want an Assembly, they must be wanting to become Ministers and Deputy Ministers. Naturally, then those who want the Metropolitan Council, they want to become the Chief Executive Councillor and Executive Councillors. So this insinuation is not becoming coming as it does from the Home Minister. As it is, I do not feel happy about it. We must understand that those who come here must have some objectivity in them. They must have some principles also. They must be able to fight for some idea. We do not fight for offices. Are offices so important? I think it is very undesirable to say like that and I do not feel happy about it.

The hon Minister said a word about what Panditji said then. He need not tell us what Panditji told us, what Panditji said because we were present at that time. The best thing is to see the record of all that he said. He said in his own way. It was a very nice and very affectionate way, very kindly way about Mr. Nehru. I do not want the hon'ble Minister to misunderstand me or misquote me all the time and misrepresent me, keeping half of the truth and giving out the other half in a distorted form.

Panditji asked us not to worry about Manipur, Tripura and other places. He said he wanted to give us a very good set-up, a very superior set-up. Superior does not mean, technically, superior, that is, better than a Council or better than an Assembly. It only means a very suitable system for this place which may be very satisfactory where people can be served. Please read the speech of Mr Nehru at that time the great leader, or even the Home Minister. Why put your own interpretation? Are you trying to say that Panditji gave out very fantastic promises here? Are you insinuating that he said something which is not possible under the Constitution because under the Constitution there is no such set-up which is better than the Councils and the Assemblies? Therefore, it is distorting the speech of Mr Nehru and trying to foist another

meaning on it, distorting the spirit of that great man. What he said was in an affectionate and kindly way. He was saying that they would give us a set-up for the capital. He would give us something nice, he said. That should not be distorted by the Minister. These things are very important and I wish the Minister as well as Members, when they talk about these matters, take a somewhat more objective view than they are likely to do sometimes.

I may also clarify that

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) You have already taken twenty minutes

KUMARI SHANTA VASISHT: I will end in a few more seconds. There was the question of misrepresentation about our meeting late Lal Bahadur Shastri. I hope this country and the people will be generous enough and will always pay tribute whether it is the Shastri era or the Nehru era or this era, and we should not fight shy. I say to fear even to mention the name of late Shastri, would be unfair. I was not close to late Lal Bahadur Shastri. We did not have much contact with him and I personally had little contact with him. But there is a very useless tendency, a stupid tendency, only to sing the Nehru songs when he was here or to sing the Shastri songs when he was here or now when Indira is here, to sing her songs. This is not the attitude of a great people or a great country. It should not be the attitude of a mature people. And then you either gloss over the great work of Nehru or gloss over whatever was done by Shastriji. That should not be the yardstick that we use.

AN HON MEMBER Is there any difference between the three?

KUMARI SHANTA VASISHT: There is a tremendous amount of difference, unfortunately. And when we had gone there all our friends were present. Mr. Khanna was also there. And we had gone there with the idea that this Metropolitan Council Bill would be rejected because it was not going to be helpful and we felt this Council could not work. To say that we

had gone there to ask for a Joint Select Committee is an absolutely wrong and incorrect statement of the facts, as the hon. Member tried to do who wants to put everything in a different light by misquoting and misrepresenting things. We had gone there only with that idea because the Pradesh Congress Committee had decided that way. Even Mr. Khanna said, "If you want rejection of the Metropolitan Council then I am with you. I do not want any Select Committee." Therefore, it was agreed that the idea of the Metropolitan Council Bill would be buried beautifully because it was decided by the Pradesh Congress Committee. So to say that when we went to late Lal Bahadur Shastri we had gone there only for the Joint Select Committee . . .

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) How is the House interested in all these things ?

KUMARI SHANTA VASISHT : I know the House may not be interested. But such wrong statements should not be made here. It was a question of rejection and they wanted time to examine this question. That is why I brought these things here.

These are some of the points and I hope the hon. Minister will be good enough to give us an assurance as to how soon he will bring the effective Bill he referred to and what are the conventions he proposes to set up, if any, or whether he has changed his mind in the meantime. I may say now that this is a very defective Bill and I think they should if possible, revise it as much as it can be revised, or they should withdraw it.

SHRI SANTOKH SINGH : It would be good enough to give me a couple of minutes. I would like to say a few words which the House would certainly be interested to hear. We are paying the price in Delhi for making research work in Delhi on various types of government. Some time back we thought of giving a Municipal Corporation to Delhi. That was done and we found afterwards that it was almost a useless body. Similarly, I would like to predict today that this Bill by which we are going to put a load on the taxpayers of Delhi, is going to serve no

purpose. Therefore, in my last attempt I would request the Government .

AN HON. MEMBER : Say your first attempt.

SHRI SANTOKH SINGH : I would request the Government to see that this Bill is withdrawn, if possible, even at this stage.

SHRI JAISUKHLAL HATHI : Sir, I fully appreciate the feelings of my hon. friends Kumari Shanta Vasisht and Shri Santokh Singh. But I may assure them that whatever the Government has done has been done with the object of moving a step forward from the present conditions and circumstances prevailing in Delhi with regard to the administration of the Union territory of Delhi. If we have got this measure it was after being fully convinced by the results of the various schemes that had been worked out, firstly, of giving more powers to the Corporation, then of adding some more subjects, then of having the Executive Council, advisers and so on. After all, it was a process of evolution and having been able to find out that there was agreement with the scheme as a whole, we have brought this measure and I will say that this is done with the honest and sincere motive that the people of Delhi may be associated in the administration of the Union territory. That is why we have taken this step. Let it not be said that it was because we did not want to give anything that we brought this thing which means nothing to some hon. Members who have participated in the debate.

I may also assure my hon. friend Kumari Shanta Vasisht that so far as the S.R.C. report is concerned, when I quoted it I had quoted it only for the purpose of saying or expressing an opinion which they expressed and others had expressed, that in the national capital there cannot be two governments or dual control. I never said a word and it is not for me and not my habit to say anything against any individual or any personality. Nor did I say whether they were able to function properly or not function properly when the Ministry was there in Delhi. I try always to avoid any sort of bitterness whatsoever. I have never done so. Similarly, when I was mentioning about members being in

[Shri Jaisukhlal Hathi.]  
the Legislative Assembly or being Ministers or Deputy Ministers, I had never any idea that I was aiming at people trying to get power or money. It was a question of having a responsibility, of fulfilling their obligations, discharging their duties as citizens in the Union territory, and everybody would like to play a part, play a noble part, whether it be as member of the Legislative Assembly or as Deputy Minister or as Minister. That is what we all do. I do not think anybody on these benches thinks that when we come here we simply look upon Ministership or Deputy Ministership as a position of power or a position of money. I was sincerely meaning that they want really to play an important part as citizens and when I said that there was nothing new in it. So, I would only say this. Let it not be said that I meant anything against any of those who went into the Legislative Assembly, that they were trying or fighting for power or for position or for money. Far from that. It has never been my attitude, nor shall I adopt that attitude. I only meant and I sincerely meant it, that everybody has an ambition to play a role, to do something for the people in some capacity or the other. Though there is not the Legislative Assembly, there is now the opportunity of being a member of the Metropolitan Council.

It has been asked : "What is this Metropolitan Council going to do? It has no financial powers or the power of taking decisions." Well, I may point out and ask : Is financial power the only power which anybody can have? Is that a power without which the body cannot function? Here one question put to the Government can do so much. We have seen it this afternoon. There was no question of any financial power. The hon. Member Shri Chandra Shekhar asked a question. He merely put a question. By that question put to the Government he was able to get a sort of assurance from the Government that at least the Leader of the House will convey the sentiments of the House to the Prime Minister. Now, is that not power? It means that how you function is what matters. If you function as this House functions, with one voice, if you function in a way which is reasonable, which has strength and which has force

behind it then I think even a question can do a lot.

SHRI G. MURAHARI : He is paraphrasing.

SHRI JAISUKHLAL HATHI : What my hon. friend is doing is reasonable. I say if there is something which requires a kind of interpellation then one interpellation is likely to create a stir in the whole administrative machinery. Have we not seen this in our own experience here from day to day? A discussion on a subject will cultivate public opinion and would show what the people of Delhi feel. Therefore, I say that the Metropolitan Council with elected representatives of the people is not merely nothing. It is something, something substantial, something very effective, a very effective weapon in the hands of the people of Delhi. They can use it and I am sure they will be able to use it. Moreover it is not as if it is going to be a deliberative body. Out of these fifty-six members four will be in charge of the various Departments and they will be actually administering the various Departments of the Government.

One thing more; in any Government, as I have stated this morning, there are bound to be certain departments, certain bodies; they may be autonomous bodies, they may be statutory bodies. Take any State anywhere; you do not expect one man, one Government to do everything. The civic functions have to be performed by the municipality; you do not expect the Administration to do that. There may be a member in-charge of the local bodies. That will be there in Delhi also, and that will be one unified body. So far as electricity is concerned, there will be an Electricity Board. You cannot expect in the present time anywhere that there will be just one Administration for everything. There have to be different branches, different bodies, may be autonomous may be statutory. The Electricity Board should be there; the Municipal Corporation should be there; there may be one body for Transport; there may be a Financial Corporation; there may be an Industrial Corporation. You cannot have all these things done by one Executive Council or one Administration.

Then, with regard to the criticism about some negotiations, I am really pained. Whenever there was a negotiation it was with a view to finding a solution; it was not as if what they said we understood in one way and acted in another way. Right from the beginning—if she has not in writing I have got everything in writing—we can say from stage to stage how we have progressed. Still I say that so far as financial powers are concerned, it was their demand. I do not say, no. I admit it, I have admitted it and I shall admit it every time that we had given an assurance that if it is possible we shall try to find out. I have myself tried and it has not been possible and therefore that question does not arise. The question is, only if we have mutual trust and confidence, only if we feel that we are working for the same objective, same goal, we can succeed, but if we find that in every little thing somebody does there is suspicion, if we suspect that material has been supplied by some people who are very close to the Home Ministry, then I do not think that we can work together in that atmosphere of suspicion—and I would therefore request . . .

KUMARI SHANTA VASISHT : But that is a fact.

SHRI JAISUKHLAL HATHI : I do not want that atmosphere of suspicion. For my part I am prepared to sit with her and discuss it. Let her give the names of those whom she suspects and I am prepared to look into this. I do not want to be a party to all this dirty politics, whatever they are. I want to say that this Bill is being passed by this House not because there is one party here or one party there; after all the party to which we all belong has greater traditions, nobler traditions and let us not do anything that is liable to tar that tradition.

SHRI B. K. P. SINHA : In respect of the material supplied, the real issue is not whether it has been supplied or not; the real issue is whether the contents of the materials are genuine or spurious, whether the contents are right or wrong.

SHRI JAISUKHLAL HATHI : If there are so many pamphlets and so many re-

ports, they might have got from anywhere. But you say that some people from the Home Ministry or close to the Home Ministry supplied them; I am prepared to look into that.

KUMARI SHANTA VASISHT : Let us forget it because even if you look into that nothing will happen.

SHRI JAISUKHLAL HATHI : All right. So far as the Corporation Bill is concerned, we are at it and as soon as we finish drafting, naturally we shall show it to the members, to you, and we shall bring it. That assurance she wanted.

Sir, I am thankful . . .

KUMARI SHANTA VASISHT : Conventions ?

SHRI JAISUKHLAL HATHI : Conventions can be built up. I cannot say today there is a convention; it will have to be built up and naturally we shall build them. But I may say that we shall give the most careful consideration to the recommendations. We shall try to build up the convention that they should be implemented subject, of course, to certain exceptions. If they are something which cannot be done, whose implications, financial or otherwise, are such that it cannot be done, naturally it has to be kept in mind. Suppose you want a power house for Rs. 50 crores and if you send such a recommendation, it may not be possible to implement it. So subject to feasibility of implementation we shall do it.

I am very thankful to the House for co-operating in getting this Bill through.

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The question is :

“That the Bill be passed.”

*The motion was adopted.*

THE VICE-CHAIRMAN (SHRI M. P. BHARGAVA) : The House stands adjourned *sine die*.

The House then adjourned *sine die* at thirtyseven minutes past six of the clock.