

and 20 members from the Lok Sabha;

that in order to constitute a meeting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that in other respects, the Rules of Procedure of this House relating to Select Committees shall apply with such variations and modifications as the Chairman may make;

that the Committee shall make a report to this House by the first day of the next session; and

that this House recommends to the Lok Sabha that the Lok Sabha do join in the said Joint Committee and communicate to this House the names of members to be appointed by the Lok Sabha to the Joint Committee."

The motion was adopted.

THE DEPUTY CHAIRMAN: The House stands adjourned till 2.30 P.M.

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

The House reassembled after lunch at half-past two of the clock, THE VICE CHAIRMAN (SHRI AKBAR ALI KHAN) in the Chair.

**THE DELHI MUNICIPAL CORPORA-  
TION (AMENDMENT) BILL, 1961**

SHRI V. V. SARWATE (Madhya Pradesh): Sir, I move:

"That the Bill to amend the Delhi Municipal Corporation Act, 1957, be taken into consideration."

Sir, this Bill was introduced a year back in this House. My Bill envisages amendments to the Delhi Municipal Corporation Act. The amendments are of two categories. The first one deals with investing the

Mayor of the Corporation with certain emergency powers which from my long experience in the field of municipal institutions I have found to be very necessary and helpful. I shall come to a detailed discussion of this later on.

The second amendment which my Bill seeks to introduce is regarding the creation of a separate statutory body within the Corporation itself, namely, the Appeal Committee, which provides for a cheap and expeditious decision or relief to the taxpayers. At present the position is that against the orders of the Municipal Commissioner, if a person is aggrieved by that order, the only remedy he has to approach the civil courts and get his matter decided there. That takes a long time and involves a good deal of cost. The provision of an Appeal Committee which is in force in the Act prevailing in my State provides a cheap and expeditious relief. The history of the origin, growth and development of local self-governing institutions in this country is rather peculiar. It has no parallel in the countries of the occident or the western world. There the local self-governing institutions are complete units by themselves. They are complete units of local administration, sometimes including police management also. What happened in our country is, when we were under the domination of the British rulers they never wanted to part with power, but with the spread of education in the country and when awareness began to grow that they were lacking in their individual powers and privileges even in the running of local self-governing institutions they began to clamour for their rights and when the voice of the people grew large enough, so that it could not be stifled with impunity, the British rulers began throwing some reforms, a slice here and a slice there and sought to pacify this demand with the sort of local self-governing institutions in this country. But it was only an apologia

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or a farce so to say. The real local self-government never came into existence in our country and as the matter stood wherever the voice of the people was strong more rights and more privileges were conferred and wherever the voice was weak or the rulers were strong enough to subdue that voice, the matters remained stationary. I am evolving this theme with a view to distinguishing between the situations that were obtaining in our country after independence in the Part A States and in the Part B States. Part A States consisted of those provinces which were then Presidencies, like Madras, Bombay and Bengal, which were under the direct rule and control of the British Government and almost all the important officers were Europeans and rarely Indians. Part B States came into existence by the merger of the former Indian States. In those Indian States wherever a State was fortunate enough to have a good, able and progressive Chief Minister, the administration was better, the laws were more progressive and reforms were being brought in more speedily, and wherever the Chief Minister was not so able, the laws were less progressive. But after the creation of these Part B States the matter of having one unified law for every subject for these States came up. What happened was this. I can say from my experience because I belong to a Part B State, Madhya Bharat which was formed of two principal States of Holkar and Gwalior and various other smaller States of Central India. What happened was, we looked for the most progressive law on the subject in the whole country and adapted it for our State so that every Part B State which started from a scratch came to have the most progressive laws in the country, whereas in the Part A States because geographically they did not change much, their laws also did not require any change except substitutions of Indian Government *mutatis mutandis* and their laws remained stationary. The result was

that the laws of Part A States were less progressive than those of Part B States and this we can find from the glaring example of the municipal laws. Therefore this is an illustration of the theme I was trying to develop.

Now, in the municipal law of my State, right from the time when it was only Holkar State, not even Madhya Bharat, there was a provision for this Appeal Committee and we have found from long experience that this provision of Appeal Committee consisting of the Councillors themselves to hear appeals against the orders of the Municipal Commissioner provides a very much cheaper and quicker relief to the tax-payer. Over and above that, if the tax-payer is aggrieved or dissatisfied with the decision of the Appeal Committee he has again that right or remedy to go to the civil court. It is not lost to him, so that he has a double forum. Without wasting his time he can seek the forum of the Appeal Committee and if he is dissatisfied with it he can have recourse to the courts of law. But this provision is not found in any of the Part A States.

Now, as long back as 1959—this Conference of Mayors of the Municipal Corporations is held every year under the aegis of the Union Ministry of Health and the Minister of Health himself is the Chairman of the Conference—the first of such a Conference was held at Ootacamund under the Chairmanship of Shri D. P. Karmarkar, the then Health Minister. In that conference I had proposed this very provision, namely, investing the Mayors with certain emergency powers and the creation of Appeal Committees. All the Mayors present there unanimously agreed and they thought this to be very healthy and desirable. The Chairman also agreed and a resolution was passed unanimously. That is Resolution No. 15; it is given on page 59 of the Proceedings of the All-India Mayors' Conference held in Ootacamund on the 19th and 20th June, 1959. It runs as follows:

"This Conference is of the opinion that the Corporation statutes should be so amended as to enable the elected representatives of the Corporations to exercise effective control and check on the executive. This Conference, therefore, resolves that the Mayors should have the following powers:—

(i) The Mayors should be given emergency powers as enuciated in Section 25(2) of the Madhya Bharat Municipal Corporation Act, 1956.

(ii) That all communications between the Corporation and the State and Central Governments should pass through the Mayor as in Madras and Trivandrum Corporations.

(iii) The Mayor shall have administrative control over the affairs of the Corporation, including powers of appointments, punishment etc. of the Corporation employees.

That the different Corporation Acts be suitably amended as the case may be on the above lines, immediately."

Then again in the Conference of Mayors held at Bombay on the 31st January and 1st February, 1961, again under the Chairmanship of Shri D. P. Karmarkar, the same Resolution was reiterated. I need not repeat it. In this way it will be seen that all the municipal corporations agree that this is a very desirable position and that it would be of benefit to the municipal corporation administration and the tax-payer as well. The Government's reaction is known. When in the last session I asked a question about the implementation of the various recommendations in the Mayors' Conference resolutions, the reply to this particular question of the Government was that it was not considered desirable to invest the Mayors with any executive powers, as the Government were of opinion that the executive and delibe-

rative wings of the corporation should always be kept apart. As regards the appeal committee, they did not say a word. So, I presume at least their indifference about it, if not opposed to it. Otherwise, they would have said something about that also. As regards investing the mayors with the powers, the apprehension of the Government is not quite correct. The Mayor is not being sought to be invested with the powers of the executive, but only certain emergency powers. The first clause of my Bill says:—

"The Mayor shall have administrative control over the office of the Corporation and its staff."

This means that only the office of the Corporation and its staff—not the whole municipality—shall be under the direct administrative control of the Mayor. What is wrong therein? In all the various conferences of Presiding Officers of Indian legislatures—I was a Deputy Speaker once and, therefore, I had occasion to attend so many conferences—the late Mr. Mavalankar tried to establish and did succeed in establishing the convention, that the Speaker shall always have administrative control over the Speaker's office, that is the Legislative Assembly's office, whatever it is, and that every State should emulate that example. He had a talk and discussion with our Prime Minister and this convention was accepted by the Government, with the result that every State now has adopted the convention that the offices of the Assemblies are under the direct administrative control of the Speaker. The Government is not to interfere with it. If this position and this principle are accepted at the top, why should it not be so accepted at the last rung of the ladder? The local self-government institutions are supposed to be the first rung of the ladder of any democratic setup. I do not see any reason why there should be such a discrimination, that the same thing is good at the top, while it is not considered so healthy at the start of the ladder.

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The next provision in clause 2 of my amending Bill deals with investing the Mayors with the powers. It says:—

“The Mayor, or in his absence the Deputy Mayor, may, in cases of emergency, direct the execution or stoppage of any work or any act, the immediate execution or stoppage of which, in his opinion, is necessary for the purposes of this Act.”

It has been found from experience that such a power is necessary. Many a time, it so happens that there is not enough time to approach through the regular machinery of application to the Commissioner, then reports are called for and so on and then only action is taken. There is not enough time. The Mayor being a local man, the tax-payer has an easier access and approach to the Mayor. He can convince him easily and the Mayor, if he is convinced about the emergency of the situation, can pass any orders. But then the Mayor being a human being is likely to err. In order that this power may not be abused, a safeguard is also provided. The proviso reads:—

“(i) he shall not act under this sub-section in contravention of any order or decision of the Corporation prohibiting the execution or stoppage of any particular work or act;”

If the Council has already taken a decision in the matter, the Mayor shall not pass any order contrary to that decision. He is not considered to be above the Council itself. The second safeguard is:—

“(ii) he shall report the action taken under this sub-section and the reasons therefor to the Corporation at its next meeting and the decision of the Corporation thereon shall be final.”

This is very important. He has the anxiety to see that whatever orders he passes under the emergency powers, he must get them ratified in the next meeting of the Corporation. If he begins to abuse his powers, the Corporation naturally might feel shy about confirming his orders and if they do not confirm his orders, that would be a sort of vote of no confidence in him. Therefore, he is not likely to abuse these powers. So, these safeguards are enough to guarantee that there shall be no misuse of these powers. From my experience it has been found that there has been no misuse of these powers.

Then, I would also state that I could not touch the various Acts of the other municipal corporations. Delhi being a Union territory administered by the Central Government, as a Member of Parliament I could touch the law regarding this Corporation only. Therefore, I have brought forward this amending Bill. I was anxious to obtain the views of the Delhi Corporation for whose benefit I was doing it and I am doing it. I wanted to know their reaction. I requested them also to let me know their opinions on my proposal. With the then Mayor, Mr. Sham Nath, who happens to be a Deputy Minister now, I had a discussion. And there was a meeting of the Mayors' Council held in the early part of this year at Delhi, which I had also the privilege to attend. In that meeting this question again cropped up. And then the Mayor, Mr. Sham Nath, let us know that the Corporation was in agreement with my proposed amendment. They were preparing a set of rules. I have already provided them with a copy of the rules in force in my place and probably—I do not know for certain—they might have conveyed their views to the Government of India also. So, I expect that they support this amendment. In this connection, I shall quote from newspaper cuttings some of the remarks of the leading members of the Corporation. One is:—

"Mr. Des Raj Chaudhury, leader of the Congress Party in the Delhi Municipal Corporation, said here today that his party would shortly move a resolution in the municipal body demanding an amendment of the Corporation Act with the aim of vesting executive powers in the deliberative wing.

He said that the present Act had reduced the councillors to 'helpless spectators' of people's hardships. Even the Mayor and chairman of committees did not have an effective voice in getting things done for the people.

He said: 'Under the Act, the Mayor has no power to order anything. His notes are treated no better than mere suggestions or requests to officers. It depends on the latter's sweet will to carry them out or not.'

Lastly he said that in the absence of 'popular control' over the exercise of powers by these officials, people had no remedy against injustice and harassment."

"That was his view. Then:—

"The Mayor, Mr. Sham Nath, said on Thursday . . ."

This is a cutting dated 7-1-1961:—

" . . . that he favoured giving more powers to the Mayor and chairmen of the statutory bodies of the Delhi Corporation for the effective running of the civic administration.

He added that the Mayor, or the deliberative wing of the Corporation, should have powers to hear appeals against the orders of the Commissioner."

Then, there was the All-India Conference of Municipalities held in Bombay at the end of January and beginning of February in the year 1961. The Union Minister, Mr. S. K. Patil was presiding over the func-

tion. The inaugurating speech was made by Mr. D. P. Karmarkar. Mr. Karmarkar then expressed the hope that the delegates would welcome the policy of democratic decentralisation, accepted by the Union and State Governments, under which wider powers would or should now be delegated to all local bodies, including municipalities. And my Bill seeking to amend the Delhi Municipal Corporation Act is a step towards democratic decentralisation of the powers of the municipal bodies. Then this is Mr. S. K. Patil's view:

"The Union Minister for Food and Agriculture, Mr. S. K. Patil, suggested to representatives of municipal corporations and borough municipalities in India on Tuesday to urge the Union Government to apply the doctrine of democratic decentralisation to local bodies in cities and towns as was being done in the case of village panchayats.

He said that what the local bodies in the urban areas needed was not more grants-in-aid from the Government but more powers and responsibilities. It would amount to putting the cart before the horse, if the principle of democratic decentralisation was not applied to local bodies in urban areas while it was being applied to those in the rural areas.

Mr. Patil felt that local bodies in the urban areas should be broad-based, their constitution liberalised, their powers and functions enlarged and they must be provided with adequate financial resources of their own."

So, from whatever sources and from whatever persons competent to pronounce their views on this subject one may get them, I feel convinced that the amendment which my Bill seeks to provide is welcome to them. I have brought this Bill in pursuance of a resolution which was passed by a Conference presided over by the Health Minister. I do not know if

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it would find support from the Government also, but I have my apprehensions that I shall not be fortunate to have that support.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Why do you prejudice?

SHRI V. V. SARWATE: I shall be happy to find myself wrong.

Then, Sir, I would quote one more opinion, that of Mr. Homi J. Tale-yarkhan, who is now a Minister in the Bombay Government. He was not a Minister then. He had come to Indore once and since he was interested in the local self-government institutions, he visited our municipality, studied its constitution and working, and after returning to Bombay he wrote a long article in the "Times of India" eulogising and praising the system of an Appeal Committee prevailing there. He remarked that it was a unique feature of the Holkar State Municipal Act and commended its emulation by other municipal bodies. My apprehension is that the Government might fight shy of introducing this amendment because after all a human being is but a conservative animal. He is apathetic to adopt changes however healthy or desirable they may be, and Governments constituted as they are and as they are obtaining today also follow the same pattern. They are slow to adopt changes. Whatever they possess, they do not, of course, wish to lose them or to get them shortened. The Government may have its control, the Government should have its control over the local self-government bodies, but not so much as to make them decrepits and invalids. In this regard the Taxation Enquiry Commission of which the late Dr. John Mathai was the Chairman had aptly remarked that the role of the Government vis-a-vis the local bodies should not be negative and for control only, but should be positive, and the Government should be a friend, philosopher and guide. So the Government should divest itself of some

of its control and should part with some of its powers and vest them in the elected wing of the local bodies. My emphasis is on the elected wing. The Commissioner is, of course, their nominee, and, therefore whatever powers are vested in the Commissioner it is the powers of the Government exercised through one of their own men. But my attempt is to divest some of the powers of that executive officer, who belongs one hundred per cent. to the Government, and vest them in the elected wing which has a non-official as the head of the Corporation.

As regards the independence of the executive wing of the local bodies from their deliberative wing, it is a well established and accepted principle that decentralisation does not mean regimentation and that the independence of the executive should never mean its separation. This principle has been enunciated by so many experts on the subject of local self-government. My submission is that this Bill has been brought up not lightly, and if I may plead being guilty of self-praise, I am emboldened to say that I have brought forward this Amendment Bill after a great deal of experience in this field and after sounding the views of many of my colleagues working in this field. So I hope that the Government will support it.

The question was proposed

KUMARI SHANTA VASISHT (Delhi): Mr. Vice-Chairman, I was not sure that this Bill would come up today, because I thought that the other Marine Insurance Bill might continue for a long time. Now this is a subject which has been exercising the minds of the people of Delhi, specially the people concerned with the working of the Corporation very much. I think it is very difficult at this point to support this Bill, because it is not at all comprehensive. It only deals with one particular matter concerning the power of the Mayor and also the Committee to hear

appeals and so on. But the Bill is so terribly limited that it will not even touch the fringe of the problem if it goes forward as it is in this shape.

Mr. Vice-Chairman, the Delhi Corporation and the Congress Party and also the other political parties in the Corporation, in the last Corporation as well as in the present one, appointed one Committee from the Corporation consisting of all the parties which was to consider and decide what amendments they wanted in the Municipal Corporation Act. In the present Corporation also a similar Committee is there which has been examining the desirability of introducing new legislation to amend and improve the functioning of the present Corporation. That Committee is deciding and considering this issue, and its proposals and suggestions will be sent to the Home Ministry very shortly. The Home Ministry is also very anxious that various amendments should be brought forward and that the Act should be improved so as to make the Corporation very effective and efficient. The Home Ministry have asked for suggestions and proposals from this Committee, and the Committee is also anxious about it. That being the case, I think that this Bill may be postponed pending the consideration of all the suggestions which will come not only from this Committee but from the Home Ministry. The Home Ministry themselves have quite a few proposals in view to introduce, so as to take care of the various lacunae that are there. Also this Committee of the Corporation and the Congress Party in Delhi as well as other political parties in Delhi are anxious to make their suggestions. All those suggestions from all the parties and this Corporation Committee have to be examined in detail by the Home Ministry as well as the other departments concerned. And there could be suggestions by the Ministry itself. So, when all those proposals come, then I think the whole Bill should be taken up and one complete, comprehensive Bill should be introduced to

take care of all the difficulties and shortcomings and defects that there are in the Corporation Act.

I may only briefly touch some of the difficulties that we have been facing for a very long time. I think the Ministry is very particular that the power should be kept in the hands of the executive—the result is this that the elected members there are totally helpless. All the Chairmen are also absolutely helpless so much so that this is a very common talk among the members in the Corporation, among the members of the Congress Party, who have to run some of the show of the Corporation. That is, the Chairman cannot even call for a file concerning the particular department of which he is the Chairman, whether it is the Water and Sewage Board or the Transport Authority or the Medical Committee or the Health Committee or the Education Committee. None of these elected Chairmen who are there have the power or the authority to call for a file and examine the papers. A conversation was going on among the members concerning this problem, as to how to handle the affairs of their departments if they could not look at a file or examine it. One suggestion made was that the Mayor might call for the file and the Chairman might go to his office and look at the file and then the Mayor might return the file. I think it is a very ridiculous situation where you have all the 80 people sitting in that Corporation Hall with no powers at all. When the Bill was passed and the Corporation was established, I am very sorry to say, it was a very nice toy given to the people of Delhi with which they might strike their heads, over which they might quarrel and fight and deteriorate the whole business.

SHRI SHEEL BHADRA YAJEE  
(Bihar): And for nothing.

KUMARI SHANTA VASISHT: It is because they have nothing to do, they have no powers. They have nothing at all to do. And then as our

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experience goes to show, the machinery of the Government is generally not so cooperative. The Government are not at all interested in seeing that the Corporation's function should be successful or efficient or that the Corporation should succeed. By and large, and very unfortunately, they rarely want that this whole show should be doing well. They just as well want to enjoy the failures of the Corporation and laugh over them and even propagate the failures everywhere in public and in private, here and there. It is very discouraging, very bad, for the morale of the administration and the public at large. Unfortunately, it is like that. It is a fact to reckon with. It is a situation to be faced. Resolutions have been passed by the Corporation for so many years, for three years, four years and so on. But I think half of the resolutions have not been implemented. Provision has been made in the budgets for various things, but the money has not been used. The machinery of the Corporation is not bothered about it or is not serious enough or concerned about implementing the resolutions passed by the Corporation. The resolutions passed by the Corporation have certainly to be taken very seriously and implemented faithfully. There is no faithful implementation. The elected members can do nothing about it and it is becoming a bit of a farce, rather it is a very big farce.

Then, the officials there also, unfortunately, do not always give a very honest picture to the members of the Corporation. There is much politics and lots of groups within the Corporation officials who are interested in benefitting the various people of their own and helping them. Without having any regard to the rules and regulations or the advice of the U.P.S.C., they make appointments and they promote people so that the man who was getting a salary of Rs. 400 per month, three or four years ago is getting Rs. 1,100 a month now. I hope that the Ministry will kindly

examine as to how this gentleman, from a salary of Rs. 400 or Rs. 500, had jumped at Rs. 1,100 within the last three years or so or how he manipulated it, or what he had done.

There are various other difficulties also well known to the public at large. They are read by our Members also because these things come out in the newspapers. It is the duty of the official machinery to prepare proposals and schemes honestly and sincerely and place them before the members of the Corporation. The members of the Corporation are supposed to be laymen, they are not supposed to be experts. The officials are supposed to be experts and they are supposed to place the proposals before the House for consideration and decision. But the officials are not honest enough to give them all the facts and place all the material before the House and they try to manipulate things here and there, with the result that half the time they by-pass the U.P.S.C. completely. They do not bother, they do not follow any rules of seniority of officials either. They take decisions about various things and they do not intimate as to what decisions have been taken about seniority or appointment or other things.

Another thing which is a complete contrast to our experience in the Delhi State Assembly is this. If we were to buy even stationery worth Rs. 5, that proposal, in those days, had to go to the Government of India and be approved by the Finance Department, etc. and then it had to come back to the Delhi State Government. And then only could any purchases be made. This was when the Part C States Act was there and any item of expenditure or any appointment, even the proposal for the creation of the post of a chaprasi or a clerk, had to come up to the Government of India to be approved by them and then it had to go back to the Part C State and then only would they be allowed to create the post of a clerk or of a chaprasi. But here what is



happening in the Corporation? The officials here so manipulate things ignoring the Home Ministry as well as all the rules and regulations guiding general recruitment, appointments and promotions that they create a post at, say, Rs. 1,800 a month without consulting anybody. The U.P. S.C. does not come into the picture at all. I think that recruitments to all the Class I and Class II posts should be made by the U.P.S.C. and promotions, etc. should be guided by the rules and regulations laid down by the U.P.S.C. and other Government departments. The Corporation members are kept completely ignorant by them regarding rules and the officials manage things as they like. It is the duty of the officials to acquaint them with the rules and regulations. It is their duty to see that the rules are followed and carried out. They themselves manipulate things and keep the members in dark, so that nobody really gets to know what is happening. They upgrade the post of, say, a superintendent of a hospital without upgrading the post of the person who is to be in charge of the hospital. The Commissioner does not know very much as to what is happening in the Corporation. Unfortunately, he is rather ignorant of what is going on in the Corporation. In various meetings, we see his working and so on. For example, take the Delhi Development Authority where we have meetings every month, or take its sub-committees. The Commissioner is always there. *Ex-officio*, he is one of the members of the Delhi Development Authority. Most of the agenda consists of about 60 or 70 or 80 items per meeting. Most of it—I should say 60 or 70 or 80 per cent. of it—concerns the Corporations. But the Commissioner never has a single word to say about these 40 or 50 or 60 items out of the 80 items. How can there be an official from the Corporation who has not one word to say about them, when all the other members have something to say for or against them? They may give their facts, they may give their opinions, contradictory, support-

ing or non-supporting. But the Commissioner has not a word to contribute in giving any clarification or supporting a proposal or opposing it or in giving any material, as if he is not concerned with them. Very often, of course, he goes to sleep also. So also, the representative of the Home Ministry who is sent to every single meeting as a member of the Delhi Development Authority goes to sleep. Then these people sit down and they ridicule the working of the non-officials, this person or that person and they themselves go to sleep. It is a very serious and complicated matter, involving sometimes sums of lakhs and lakhs and lakhs. The Delhi Development Authority deals in crores of rupees in its properties, leases, conversions of use of lands, preparing the Master Plan for Delhi and so on and so forth. But these officials could not care less. It does not concern them. They do not understand even what is happening. People cannot work like this because Delhi is a very important place. It is the Capital city. It is visited by people from all over the world. The various services have to be maintained well. The members are frustrated and are ineffective. I think this has been under great criticism also, about which I feel deeply sorry because we have found the situation in Delhi very difficult. On the one hand, there is a great frustration among the public at large and on the other, the machinery is terribly careless and callous and it is not bothering to improve things. If the entire power is given to the executive, then I think it should be responsible to deliver the goods. The power is not given to the deliberative wing, but the entire firing comes to the non-officials and the elected members there. The public at large faces these elected members who have no power at all. This is a very contradictory and a very difficult position though actually public is under the impression that they are supposed to deliver the goods.

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The Corporation passes resolutions; but they are not implemented. Some roads have been opened in Delhi and for years now they remain unfinished, and nobody is bothered to finish them. Had that particular road been in front of the Parliament House, that matter would have been taken care of within twenty-four hours, but as far as the Old Delhi roads are concerned, they are in a deplorable state. I would really suggest to many Members of our House, specially to our Home Minister, to kindly go round those areas, the areas of Naya Bazar and Fatehpuri, for instance, and they will see that cars cannot easily be driven there—there is such a congestion and so on and so forth. But the department does not bother. There is one department—the Buildings Department. Now we have set up a Committee to see that the people's building plans are passed without undue delay and very quickly, and some sort of prototypes are prepared so that everybody can use it for a two-roomed house or a three-roomed house or a four-roomed house, so as to simplify the building plans and so on. Now the result is that the official says: "This is my power and my authority. You cannot do anything in this." So the poor members cannot do anything there. The Chairman of this Committee sits there on that chair. They have got lovely offices in that "Link" building but they cannot touch the file because it is the authority of certain officials. So this matter stays there. There is complete sort of a deadlock as far as the working of this Buildings Committee goes. They do not pass plans for years and years and years. They pass a plan only when everybody has been well pleased by the applicant, when everybody has been taken care of. Now that is a very big problem because it brings a bad name to the Government and consequently to the Congress. But who is to improve this state of affairs? If you have simplified plans you make a dead-

line and say that the plan of a building will have to be passed within so many months, two months or one month. But they are now pending for one year and two years. Every three weeks or four weeks the officials will say, "No, this is the defect." After one month they point out another defect, then a third defect, then a fourth defect, and so on, so that a chain of letters goes on for months and years with the result that people find it absolutely frustrating. I think even one of the Judges of a High Court had a very difficult time to get his plan passed. That is the experience even of High Court Judges and big people. But those people who can cater to and please the staff here and there, well, they have it done. So also is the case with the demolition staff, the lower staff. They ask people to put up their *jhuggis* and *jhonpris* their houses and so on, and they go on charging money from them for having constructed unauthorised things, and they do not generally issue notices to them because they have been getting money from them. Finally what happens is, some official or somebody sees that an unauthorised construction has cropped up and then notice is taken, and then, of course, a whole lot of politics starts there. This is one of the very big problems in Delhi that a large section of unauthorised construction goes on, which cannot be checked, which is not controlled. But the same thing does not happen in the Cantonment area, because there the authorities are very strict and would not allow any unauthorised construction. But in the Corporation area it can go on. The New Delhi Municipal Committee is a little more effective in that respect, but by and large the Corporation officials do not do and the elected members cannot help it either, because they have not much of a say. I do not know what were the fears of the Government of India when they very clearly, definitely and very specifically wanted all the powers to lie with the executive authorities. Well,

I have no objection if they want to give all the power to the executive authorities. Then I think they must also, as the Central Government, in their position as such, see that the executive authority does deliver the goods. It is no use giving the entire power to the executive wing and then to see that it cannot and will not deliver the goods. Even if they want to, they will not deliver the goods. Now who is to blame in that, and who is going to be responsible for that? I think somebody has to take care to see that. Your 80 members who are sitting there go there with some ideas and hopes of doing things and improving their areas, having better roads and better hospitals and better schools and better buildings and so on. Recently there was a meeting of the Delhi Administration where all the Budgets for 1961-62 were discussed, as to how far there had been implementation and where we had fallen short of the targets. Well, it was found that the Delhi Corporation had implemented its Budget only to the tune of about 62 per cent, and unfortunately I may also point out—the House would be interested in knowing that—that the New Delhi Municipal Committee, which is a nominated body, had used their Budget only to the tune of 33 per cent. That means that the rest of it, almost two-thirds of the Budget of the New Delhi Municipal Committee, was lapsing, and that almost one-third of the Budget of the Delhi Corporation had lapsed. Fortunately the Delhi Administration had done better and they had used their Budget up to about 81 per cent. But this shows how callous, how defective it is and it needs seriously to be improved. As to how it will be done, what methods are to be followed, how it will be managed, I think the rules and regulations should be clear-cut, and the method of recruitment, promotions, etc. should also be clear-cut. You have to have very good officials. An army of officials has been created in the Corporation in the last few years. Wherever they want one per-

son they will appoint four people and there has been very indiscriminate expansion—not in the technical services like doctors or teachers, where I can understand that you open more schools and hospitals and so you recruit more teachers and doctors and nurses and so on—but the expansion has been only in the administration so much so that it has become a fairly top heavy administration with an army of officials. I think it has more officials now than ever the Delhi State Ministry had. It is more expensive now than it was then. I think then the Delhi State Budget was of about Rs 3 crores or Rs 4 crores for a year, and the total Budget at that time was of about Rs 10 crores including everything, the Water and Sewage Board, the Electricity department, the Transport department, the Delhi Ministry and all the other things concerned, and the committees also—and roughly the total was about Rs 10 crores per year, but now, I think, the Corporation itself has a Budget which is very much bigger than that of the then Ministry without any adequate or proportionate benefit to the people at large. You can spend any amount of money, after all money is for public, for people and for their benefit, but if from that money no benefit is accruing to people at large, naturally the people are highly dissatisfied and very frustrated and they do not know what to do, and with this large expenditure on so much staff there is not at all a proportionate amount of efficiency in the administration, or even order there.

As far as discipline is concerned, there is no discipline in the Corporation and will not be at this rate. A Chaprasi starts threatening some official or the other. He carries his transfer orders from one to the other, to a third and fourth official, and the official, a Class II officer or a Class I officer, instead of giving those orders to his other colleague who is a Class I officer, will hand it over to a clerk or a Chaprasi, and that gentle-

[Kumari Shanta Vasisht.]

man waves that transfer order to everybody showing whether his transfer is cancelled or is going to be effective, which depends on his sweet will, of course, not on the official in charge of the department. That can never bring about discipline. Two, three, four, five institutions under the Corporation recently had strikes of the labour people. Nobody bothered to handle them well. Some of the officials went away on leave including perhaps the Commissioner of the Corporation. When a very big strike is going on, the officials should be concerned about it and should see to it that they handled the strike properly and they do something about it. But the strike spreads from one hospital to a second hospital, then to a third hospital and a fourth hospital, and the Class IV staff demanded that they would not serve meals in a certain ward. Well, that is a very discouraging state of affairs, because if the staff behave like this, that the patients in the ward will not be served their meals, how will you ever run a hospital like that, how will you ever run a Government like that? But this is happening. Nobody is exercised about it. Discipline is going down absolutely and there is no effort made to keep the discipline in the services and outside. There is politics in every department, in every branch—cliques and so on. Officials are more interested in playing the councillors against one another, in befooling somebody here and somebody there rather than doing their job. There are many more things to narrate. So I would request our Minister to put things right, and I suppose and I am sure he is anxious to put things right. This is only a very brief idea of what actually is happening. When I pointed out last time to our hon. Minister that files are not traceable, he did not feel happy about this statement; but unfortunately, a few days after that a statement came out in the press for everybody to read, that 1800 files of one particular department were not

traceable—1800 files of one department—and if you examine other departments, there also the files must not be traceable—in hundreds, not in tens or twenties. And, therefore, the morale of the people goes down and they begin to disapprove of such administration, they begin to look down upon it. They have no faith in it.

श्री शीलभद्र याजी : एक दो शब्द बिल पर भी कहिये ।

KUMARI SHANTA VASISHT: All these difficulties are to be taken care of and only amendments can help to remove these defects. The Bill will only touch one thing, that the Mayor may have power to do this or to do that or there may be summary trial of some of these

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Here we are concerned with this Bill. But I understand that the hon. Member wants a more comprehensive Bill in view of the difficulties that she has enumerated. Here we are concerned with the Bill.

KUMARI SHANTA VASISHT: Therefore, my suggestion is that this Bill may be postponed so as to include all the suggestions that will be made by the Home Ministry as well as the Corporation of Delhi or this Bill may not be taken up now. Instead, a new and comprehensive Bill may be brought forward which will take care of all those defects which are at present obtaining in the Delhi Municipal Corporation. The questions of efficiency, better administration and quick disposal of cases and so on, have to be taken care of. A Committee for appeals will not do because many issues are guided and decided by the provisions of civil law etc. The questions of acquisition of land or demolition of buildings constructed unauthorisedly or issue of licences etc. cannot be taken away from the purview of the general laws that we have. These cannot be delegated to this particular authority. You have to find out a machinery whereby the

Mayor or the Deputy Mayor and all these people should be able to function efficiently, effectively and honestly, or you may give all the powers, as you have given at the moment, to the executive wing, but see that they do service by the people and keep a good administration. The present sort of a mix-up is not working satisfactorily and requires modification of a very urgent and serious nature.

Thank you.

SHRI N. B. MAITI (West Bengal): Mr. Vice-Chairman, after hearing the previous speaker and also the mover of the Bill I support the Bill as it is, unless the Home Minister assures that he is willing to bring forward a comprehensive Bill removing the defects that are being felt now by the working of the present Act.

Sir, the Bill has only two clauses. One clause invests the Mayor with power to control the administrative wing. The other clause prescribes the remedy against the errors of the Commissioner by appointing an "Appeal Committee" appointed by the Corporation consisting of five persons including the Mayor.

So far as the first part investing the Mayor, or in his absence, the Deputy Mayor with power to have administrative control over the office of the Corporation and its staff is concerned, the Mayor, or in his absence, the Deputy Mayor may, in cases of emergency, direct the execution or stoppage of any work or any act, the immediate execution or stoppage of which, in his opinion, is necessary for the purposes of this Act. Now, these two clauses, namely, that the Mayor shall have administrative control over the office of the Corporation and its staff, are very reasonable and should be the essence of any legislation which tries to give control to local bodies.

Sir, it has been very unfortunate that during recent years we have been finding that municipalities and corporations in which Government

have a certain hand have got two wings, namely, the deliberative and the executive. The deliberative wing is always responsible to the people, because the members of that body are elected by the people and they come from among the people; they are answerable to the people. But so far as the executive wing is concerned, they have nothing to do with any responsibility. They are responsible neither to the people nor to the deliberative wing, the head of which is Mayor or the Chairman. This is a very sad state of affairs. The hon. lady Member who preceded me catalogued a long list of grievances and difficulties of the people and, therefore, she was quite right in requesting for a Bill having amendments to remove all these defects. But if the Home Ministry does not come forward with such a Bill, what should be done? In that case I would venture to say that this two-clause Bill, even though scrapping, even though not going the whole hog, should be taken up and insisted on because it is an unbearable position for elected members to have no say over the execution of things that are necessary. It is rather a state of *Swaraj* for the officers and a state of helplessness and frustration for the members headed by the so-called Mayor. That state of things should be removed. If we have democratic decentralisation in case of villages in a rural area, even something more should be done in case of an organisation of this nature, as Shri Patil suggested. Here you have given all the paraphernalia of election, etc. but you have not given any power. This is, if I may venture to say, rather a *tamasha* of self-government.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Let the hon. Member be more restrained in using such expressions.

SHRI N. B. MAITI: Sir, I have very great respect for the hon. Minister but even then I should say that I should speak out my mind.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But in a restrained manner.

SHRI B. N. DATAR: That is all I want.

SHRI N. B. MAITI: That is why I say it is a *tamasha*. I think the word is not unparliamentary. Is it so?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): "Tamasha" may not be strictly unparliamentary but, if possible, it should be avoided.

SHRI B. N. DATAR: It is highly undignified, whatever it is.

SHRI N. M. LINGAM (Madras): I submit Mr. Vice-Chairman, it is not unrestrained language.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): That is all right. I have suggested to the hon. Member to use better words.

SHRI P. A. SOLOMON (Kerala): The entire affair is a *tamasha*. Why can the words not be used?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): I think *tamasha* is a word which gives a sort of very undignified attitude to the whole speech. Therefore, I am requesting the hon. Member not to use it.

SHRI N. B. MAITI: I am thankful to you. I withdraw the expression. But I insist that the elective wing—the Mayor and the members—should be given some more power. How can a dignitary, being a Mayor, without having any power, function?

SHRI SHEEL BHADRA YAJEE: he is Shobhapati.

SHRI N. B. MAITI: Shobhapati is a term—well, I will not describe it because that will be objected to if I

say what I feel. What I say is that the Mayor should have some administrative control over the affairs of the Corporation. There is no doubt about it. He should have power over the Commissioner. Between the two dignitaries, I must say that the Mayor is more respected, more honoured and because he is elected by the people and elected by the members, therefore, he is more highly placed and he has more responsibility than the Commissioner. Therefore, he should have administrative control over the affairs of the Corporation and the staff.

The second thing is that the Mayor or in his absence, the Deputy Mayor, should have power to get some things done or to get some things undone because in cases of emergencies, that power he must have. Supposing there is flood or something else happens, should he have no power? He will have to go out and find out somebody and he may have to request him to take some measures that are of an emergent nature. It is a rather difficult position. Therefore, I completely support the second portion of this Bill. Then there are some provisions that he may not misuse his power and that he will have to report at the next meeting of the Corporation, so that if the Members do not like it, they may bring a vote of no-confidence against him if they want to go to that extent or he may rescind his orders but that power he should have.

Regarding appeals against the orders or notices, etc. by the Commissioner, I was rather doubtful in my mind about this clause, but after hearing the previous speaker I think this provision of appointment of a Committee which will work as an appeal committee is rather welcome. Unless the Home Ministry brings forward a Bill to do away with these things, there is no other option but to support this appeal clause. That will be of some help to the people who will be affected by the orders of the Commissioner.

With these words I support this Bill as it is, unless of course the Minister of State for Home Affairs be pleased to give an assurance that he would bring forward a more comprehensive Bill in which case, of course we shall be glad and thankful

**श्री शीलभद्र याजो** उपसभाध्यक्ष महोदय, यद्यपि श्री सरवटे जी का जो विधेयक है उस में न कोई मौलिक परिवर्तन है और न ही वह क्रांतिकारी है, फिर भी मैं उसका समर्थन करता हूँ। अभी शाता बहिन जी ने दिल्ली कारपोरेशन की इस समय जो हालत है उस पर रोशनी डालते हुए यह बतलाने की चेष्टा की कि वहाँ पर जनता के जो चुने हुए सदस्य हैं और मेयर हैं उनकी क्या हालत है। हमने अपने देश में समाजवादी समाज की स्थापना करने का लक्ष्य मान लिया है और जब हम पुराने जमाने की ओर देखते हैं, अशोक के जमाने की तरफ देखते हैं तो हमें दिखलाई देता है कि उस समय में पाटलिपुत्र में जो म्युनिसिपैलिटी थी और जो स्वायत्त शासन था तथा जो भी सस्था थी, उनको बहुत पावर और शक्तियाँ थी। दिल्ली में पहले मिनिस्ट्री थी, असेम्बली थी, मंत्रीमंडल था और एक राज्य था। लेकिन इन सब चीजों के हटाने के बाद अब कारपोरेशन हो गया। हम पार्लियामेंट के सदस्य दिल्ली में रहते हैं और हमें उस के मेम्बर और मेयर की जो दायिबाही हालत है उसको देख कर तरस आता है। जनता के चुने हुए प्रतिनिधियों और मेयर साहब के क्या हक होने चाहिये और इस समय उनकी जो हालत है उसको देख कर हम सब लोगों को तरस आता है। जैसा कि अभी बहिन जी ने फरमाया कि जल्दी एक बहुत लम्बा-चौड़ा बिल आने वाला है और जनता के जो चुने हुए नुमाइन्दे हैं, मेयर साहब हैं, उस में उनकी पावर देने की व्यवस्था की जायेगी। लेकिन बिल आयेगा या नहीं आयेगा, इस में हमको शक मालूम पड़ता है। यदि बिल आने की बात होती तो हमारे सरवटे जी को इस तरह का अन्देशा नहीं रहता।

उन्होंने बिल में कुछ एडमिनिस्ट्रेटिव पावर और अपील सुनने की बात कही है और उन्हें डर है कि सरकार इस बात को भी नहीं मानेगी। जब शुरू में ही किसी चीज का श्रीगणेश किया जाता है और उस में ही डर मालूम हो जाता है तो काम्प्रेहेसिव बिल कब आयेगा, इस में हम लोगों को शक होता है। इसलिए कोई बिल आने की बात नहीं है। दिल्ली से मिनिस्ट्री भी चली गई, असेम्बली भी चली गई और यहाँ जनता के प्रतिनिधियों को इतना भी हक न मिले, यह उचित मालूम नहीं देता है। चाहे मणिपुर की जनता हो, हिमाचल प्रदेश की जनता हो, दिल्ली की जनता हो, त्रिपुरा की जनता हो, उनके प्रतिनिधियों को अवश्य कुछ न कुछ हक मिलने चाहिये। वहाँ की टैरिटोरियल कमिशन या कारपोरेशन को अवश्य पावर मिलनी चाहिये। यह कहा जा रहा है कि इसी तरह का बिल आने वाला है, इसलिए इस समय इस बिल को वापस ले लेना चाहिये। लेकिन मेरा कहना यह है कि जब बिल आयेगा तो उसके लिए एग्जीक्यूटिव कमेटी बनेगी या कोई दूसरी कमेटी बनेगी, लेकिन इस बिल में तो हम जनता के प्रतिनिधियों को और उसके मेयर को अधिकार देने की बात कह रहे हैं। अगर हम स्वायत्त शासन सस्थाओं या म्युनिसिपैलिटियों के चुने हुए प्रतिनिधियों को पावर नहीं देंगे तो हम आगे किस तरह से कहेंगे कि हम पंचायतों को ताकत देंगे? जब हम एक छोटे से गाँव, जिस की आबादी पाँच हजार के करीब है, उसके प्रतिनिधियों को सब तरह का अधिकार देने जा रहे हैं, हम पावर का विवेन्डीकरण करने जा रहे हैं और पंचायतों को सब ताकत देने जा रहे हैं, यहाँ तक कि वे मुकदमा तक सुनेगी तो, २७ लाख आबादी वाले शहर के प्रतिनिधियों को इस तरह की ताकत से हम वंचित कर रहे हैं। २६ लाख आदमियों के जो प्रतिनिधि हैं, आफिस के पदाधिकारी हैं, उन को हम एडमिनिस्ट्रेटिव पावर नहीं दे सके, यह उचित बात मालूम नहीं देती है। हमें इन लोगों की जनता की अपील सुनने का अधिकार देना चाहिये श्री शाता जी ने अभी वहाँ का जो चित्रण किया

[श्री शीलभद्र याजी]

है, कि किस तरह से वहां के मेम्बरों और मेयर की इज्जत होती है, उस से हम होम-मिनिस्टर साहब से निवेदन करेंगे कि वहां के पदाधिकारियों को और मेयर को कुछ न कुछ शक्ति मिलनी चाहिये, ताकि वे अपील सुन सकें। इस से ज्यादा इस बिल में नहीं मांगा गया है। अगर गवर्नमेंट से इस प्रकार का आश्वासन मिल जाता है तो काफी है और इतना ही इस बिल में मांगा गया है और इस बिल का मकसद इस से पूरा हो जाता है। जब श्री मैती जी भाषण दे रहे थे तब मैं ने मजाक में कहा था कि वहां के जो मेयर है वह "सभापति" नहीं है, बल्कि "शोभापति" है और इस रूप में हमें उन्हें देखना चाहिये। इसलिए जो एक छोटी सी मांग उन्होंने की है, उसको हमें स्वीकार करना चाहिये और हम लोग जो समाजवाद के रास्ते पर चलने वाले हैं, हमको ऐसी जनता की चुनी हुई संस्थाओं को कुछ शक्ति देनी चाहिये। ऐसी सूरत में जो सरवटे जी का बिल है कि मेयर को ऐडमिनिस्ट्रेटिव पावर मिल जाने के बाद कुछ अपील वगैरह सुनने की गुंजाइश होनी चाहिये। उसको हमें स्वीकार कर लेना चाहिये और इस बिल पर कोई लम्बी चौड़ी तकरीर करने की आवश्यकता नहीं है। अभी यह बिल बहुत छोटा है। जब काम्प्रिहेंसिव बिल आयेगा, तब हम उस पर अपनी और राय देंगे। यह एक निर्दोष बिल है और इस में जैसा कि मैंने पहले कहा न कोई मौलिक परिवर्तन है, न कोई क्रांतिकारी परिवर्तन है और न कोई बड़ी चीज है। इसलिए इन शब्दों के साथ मैं इस बिल का समर्थन करता हूं और मैं उम्मीद करता हूं कि इस बिल को इस रूप में न मान कर के, इसकी जो मंशा है उसको माननीय होम-मिनिस्टर स्वीकार करेंगे और साथ ही साथ जो बहन जी ने रौना गाया, उस के लिए आश्वासन देंगे।

कुमारी शांता वशिष्ठ : रोना गाया ?

श्री शीलभद्र याजी : जी हां, यह कोई अनपार्लियामेन्टरी शब्द नहीं है।

The VICE-CHAIRMAN (Shri Akbar Ali Khan): It was a record of some grievances.

श्री शीलभद्र याजी : यह विशुद्ध हिन्दुस्तानी है। इसलिए इनकी जो तकलीफ है, जिसका चित्रण उन्होंने हाउस के समक्ष किया, मैं समझता हूँ कि उसकी भी पूर्ति हो सकेगी।

इन शब्दों के साथ सरवटे जी का जो विधेयक है, उसका मैं समर्थन करता हूँ।

श्री दयाल दास कुर्र (मध्य प्रदेश) : माननीय उपसभाध्यक्ष महोदय, प्रस्तावक महोदय का जो यह संशोधन बिल हमारे सामने आया है, उसका मैं स्वागत करने के लिए खड़ा हुआ हूँ।

इस पर एक दो शब्द बोलने के पहले मैं यह कह दूँ कि कवियों ने, लेखकों ने जो एक बात कही है कि दिया तले अन्धेरा वह कुछ सत्य मालूम पड़ता है। जैसी कि अभी कुमारी शांता वशिष्ठ जी की स्पीच सुनने को मिली और कुछ चित्रण सरवटे महोदय ने किया। तो इस कथानक को हमें दूर करना है और उसमें कुछ सुधार लाने की आवश्यकता है। इसकी झांकी प्रस्तावक महोदय ने जरूर देखी होगी, जैसा कि उन्होंने अपने प्रस्ताव की भूमिका में बहुत सुन्दर ढंग से उसका चित्रण किया जो उनके पुराने अनुभव पर आधारित था। उनका पड़ोसी होने के नाते उनके अनुभव का मुझे भी कुछ आभास हो गया है। इन्दौर में कारपोरेशन वगैरह की बात चली है, उसके लिए वे कुछ कर भी रहे हैं और काफी अच्छा उनको अनुभव है। उसके आधार पर उन्होंने जो बातें बताई, मालूम पड़ता है कि उनकी आवश्यकता है। अपने दैनिक जीवन में जो बातें वे



अनुभव करते जा रहे हैं उनमें वे कोई कमी सुझाव करते हैं। वे जब इन्दौर से दिल्ली आते हैं तो वे इतने बड़े शहर में कोई कमी अनुभव करते हैं। दिल्ली आज संसार का एक बड़ा शहर होने जा रहा है। संसार के हर भाग के लोगों को हम यहां पाते हैं। दिल्ली से दिल्ली के नाम पर नहीं बल्कि पंडित जवाहरलाल नेहरू के नाम पर, जिनकी छाया में यह दिल्ली बसी हुई है, लोग यहां की हर एक चीज को आदर्श के रूप में लेकर संसार के विभिन्न भागों में वापस जाते हैं। इसलिए भारत-वासी होने के नाते हमें दिल्ली को इस दृष्टि से बनाना चाहिये कि जो चीज यहां से विश्व के हर कोने में जाये वह एक आदर्श के रूप में जाये। लेकिन आज अगर कोई व्यक्ति यहां से कोई चीज लेकर जाता होगा, उसमें हमें कुछ कमी मालूम पड़ती है। जैसा कि अभी कुमारी शांता वशिष्ठ ने बताया कि कुछ गलियां दिल्ली शहर की ऐसी हैं जहां आप अपनी कार नहीं ले जा सकते और इसके लिए उन्होंने माननीय गृह-मंत्री से निवेदन किया कि आप कम से कम घंटे दो घंटे का समय निकालिये और अपनी कार ले करके चलिये और उन गलियों को देखिये कि उनकी स्थिति क्या है। जब यह स्थिति है तो हम यह खुद महसूस करते हैं कि लोग जो बाहर से आते हैं वे हमारे यहां की चीजों की कौन सी छाप ले करके अपने स्थान को आते होंगे? तो इसका अनुभव प्रस्तावक महोदय ने खुद अपने कार्यक्षेत्र में किया और यह महसूस किया कि मेयर को किन किन बातों में सुविधाएं होनी चाहियें और उसकी शक्ति कितनी सबल होनी चाहिये, ताकि वह अपने कार्य को सफल रूप में आगे खींच कर ले जा सके। जैसा कि एक स्पीच में बताया गया, अभी यहां यह हो रहा है कि बजट की एक तिहाई रकम खर्च हो जाती है और दो तिहाई रकम लैप्स हो जाती है।

**कुमारी शांता वशिष्ठ :** दो तिहाई खर्च हुई और एक तिहाई रह गई।

**श्री बयाल दास कुर्रे :** तो ठीक है, दिल्ली जैसे बड़े अशहर में जो एक अव्यवस्था आ गई है, उसको उन्होंने अनुभव किया और इसीलिए यहविल उन्होंने हमारे सामने रखा है। इसमें सचमुच में, जैसा कि याजी जी ने बताया, उन्होंने कोई बड़ी बात की मांग नहीं की है। उन्होंने केवल यह मांग की है कि मेयर को अपने आफिस की व्यवस्था की पूरी सुविधा दी जाये और अपील सुनने का उनको अधिकार दिया जाये जिससे वे अपने कार्य का ठीक तरह से संचालन कर सकें।

इस विधेयक के सम्बन्ध में मेरे पूर्व वक्ता महोदय ने यह बताया कि चूंकि यह संशोधन विधेयक अपूर्ण है और इससे इसके उद्देश्य की पूर्ति नहीं हो पा रही है, इसलिए कोई और संशोधन विधेयक आना चाहिये, मैं इससे थोड़ा अपने विचार अलग रखता हूं। कारपोरेशन के सिलसिले में यदि हम जड़ को मजबूत बनाते हैं, तो उसमें जितनी शाखाएं आगे अव्यवस्था लाने वाली हैं, वे अपने आप ठीक हो जायेंगी। यदि मेयर की पावर्स बढ़ जाती हैं, तो कमिश्नर चाहे जितनी विघ्न-बाधाएं डालें, उनके आफिसर चाहे जितनी गलतियां करें और उनके नीचे के फर्स्ट क्लास और सैकंड क्लास आफिसर जिस प्रकार अक्सर ट्रांसफर आर्डर ले करके फिरते हैं और ऐसी जितनी बातें कही गईं, वे सारी की सारी चीजें ठीक हो जायेंगी। इसलिए मैं समझता हूं कि अपने अनुभव के आधार पर सरवटे जी ने जो मेयर की पावर बढ़ाने की बात सदन के सामने रखी है वह बहुत ही अच्छी है और इस बिल के द्वारा जो उन्होंने मेयर को बल-शाली बनाने की मांग की है, उसका मैं तहे दिल से समर्थन करता हूं और अपने दो शब्दों के आधार पर, जो मैंने कहे, इस विधेयक — दिल से स्वागत करता हूं।

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): As there is no other Member who would like to speak . . .

SHRI N. M. LINGAM: May I make a few observations?

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Five minutes.

SHRI N. M. LINGAM: Then I do not propose to speak, Sir.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): But I think we have time.

SHRI N. M. LINGAM: Yes, we have time up to five o'clock.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): All right. Mr. Lingam.

SHRI N. M. LINGAM: Mr. Vice-Chairman, I did not intend to take part in this debate, but from the tenor of the discussions I thought I might be able to add my voice to the general feeling expressed in this House with regard to the principle of this Bill.

Mr. Vice-Chairman, there is another reason for my venturing to speak on this occasion. This Bill, however small a piece of legislation it may appear to be, seeks to improve the administration in the capital city of the country, and of late we have been hearing that all is not well with the various aspects of the Corporation's administration.

We have the spectacle of a city not only growing rapidly on account of the growth in population, but also because of the expansion of official activity, tempo in economic activity in this city. So, it becomes very necessary, Mr. Vice-Chairman, that we envisage for the governance of the Corporation a measure which will not only meet the requirements of the citizens with regard to the essential services, but also take into account the growing needs of the city for the next decade or two. It

is true we have a Master Plan for the development of the capital but this is all on the planning side. We have the Master Plan; we have a perspective plan in the economic field also but we must create a machinery for the implementation of this plan. That is the most vital aspect of planning here as in the country at large. I do not claim to have studied very carefully the scheme of the Delhi Corporation Act. It came into being in 1957 only but from what has been happening in the capital city with regard to the vital services, it is perhaps permissible to infer that all is not well with the scheme of the Act or with the implementation of it. Hon. Members who preceded me and who have been closely associated with the municipal administration of Delhi in one capacity or another have told the House that the real fault lies in the inadequacy of the machinery, in the administration. That is to say, the scheme of the Act itself is not so designed as to enable the elected members to play an active part in the administration of the Corporation.

Mr. Vice-Chairman, we have in the country, a large and grand scheme of devolution of power called democratic decentralisation or the Panchayati Raj. This scheme is going to extend throughout the country before the end of the Third Five Year Plan and this is claimed to be the greatest single revolutionary step in the process of rural regeneration in India. A great deal has been talked and written on the subject. Our Prime Minister has gone to the extent of saying, "Let the village folk commit blunders. They may make a mess of things in the beginning but let us give them the reality of power". Unless we entrust them with these powers, democracy has no content and depth and does not certainly consist in two hundred million people going to the polls once in five years. In the first place, let us see if the scheme of the Delhi Corporation Act is in harmony with

the spirit of decentralisation which we are trying to foster in the country. On the face of it we see that it is not. I am unable to appreciate this dichotomy in Government's thinking—and perhaps the hon. Minister will tell us something more about it—that when we do not entrust highly sophisticated and enlightened citizens of a capital city with power, we dare to entrust the ignorant villagers with the reality of power in that sphere. And here we have the added reason. In big corporations, they have to attend to a great many services in the day to day life of the people. Communications, drainage, water supply, health are services which have got to be kept at a very high standard of efficiency in the metropolitan city. In the capital city, what with several foreign missions permanently located here and dignitaries from all over the world visiting the place, these services have to be at the highest pitch of efficiency. I do not know if Government have studied the scheme of administration in capital cities in foreign countries. I do not myself claim to know all about the functioning of corporations in places like London, Paris or New York, but I do know enough to say that these corporations enjoy greater power and freedom than what is conferred on the Delhi Municipal Corporation by the Government. Mr. Vice-Chairman, this cry for more power for non-officials is not confined to the Delhi Corporation alone. As far as I know, most of the elected bodies in our principal cities have this grievance that they are not vested with the reality of power. I happened to be present at a Conference of Mayors of the cities of India and the burden of their song was that they were not endowed with enough power, that they should be entrusted with greater responsibility and power if the corporations were to function effectively. This is the same story with regard to the smaller municipalities. At any rate, in my State of Madras, we have the same system of the non-officials being reduced to purely a deliberative body and real

power being vested with a Commissioner. So, this cry is all over the country where the officials are entrusted with greater responsibility and power and the non-official body is reduced to that of a purely advisory wing in the municipal administration. Quite apart from the wider question of laying down a policy for the devolution of power in municipalities or corporations, there is a special responsibility cast on the Government for the administration of Delhi and the Home Minister is keenly aware of it. So, Mr. Vice-Chairman, it seems to be necessary that this problem of the administration of Delhi has to be gone into in very great detail and the sphere of responsibility and power earmarked very carefully between the official side and the non-official side by the Government, if necessary by a very thorough enquiry. My friend, Miss Vasisht, told the House that Government is already seized of the matter, that Government itself in the Home Ministry has several ideas about it, that the Congress Party and other political parties have submitted proposals to the Government and that the various bodies of the Corporation have made suggestions for the improvement of the administration. I believe these proposals have provoked a lot of thought and study on the part of the Government and that they are going to make the administration more democratic, more responsive to the peoples' needs and more alert to the redressal of their grievances and the hon. Minister is going to certainly assure the House that such a measure is envisaged by the Government for the administration of the Corporation. In that context it is perhaps wise not to proceed with this small Bill, welcome though it is as a beginning in the process of reform of the Delhi Municipal Corporation Act. It does not go far enough. I entirely agree with my friends who preceded me that this does not even touch the fringe of the problem. So I would request the hon. mover of this Bill not to press it. But I would like at the same time to impress on the hon. Home Minister the need for making the administration of

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the capital city a model one not only for the country but for the whole world. Delhi has become a place of pilgrimage for not only statesmen and politicians from all over the world but also thinkers, writers, scholars and artists. More and more people are going to join this pilgrimage in the future. And as I said earlier the population itself is rising at an enormous pace and it behoves this House and the Government to explore all avenues to make the administration of this city really efficient and a model for corporations in the country as well as outside. It is not necessary, as Prof. Mahalanobis said in his thesis on planning, that we should aim only at the best of services. For instance, we need not surface our roads with rubber as they do in Japan to make an ideal city but it is up to us, it is within our capability to make the city perfectly clean, to regulate the traffic properly, to see that the transport services run punctually and to the satisfaction of all, to see that there is no crime, to see that there is no breakdown in power or in water supply. The provision of these amenities and services do not require an outlay of millions of rupees. I know how the City of New York is administered but its budget is equal to the budget of the whole of our country. Nor is it possible for us to spend so much for the administration of a city like Delhi but it is within our capacity, within our resources to make Delhi a clean, healthy and well-administered corporation. I think the hon. Minister will carry with him the sense of this House and announce before the House adjourns that the Government is thinking precisely on these lines.

Thank you.

SHRI B. N. DATAR: Mr. Vice-Chairman, Sir, while the present Bill is a very small one in extent, it purports to introduce two fundamental principles that depart from the scheme of the Delhi Municipal Corporation Act of

1957. The Delhi Municipal Corporation Act was based on the model of the Bombay Municipal Corporation Act and to a certain extent on the Madras Municipal Corporation Act and the Calcutta Municipal Corporation Act also. The best provisions in all these Acts were taken in the Delhi Municipal Corporation Act. It was considered that inasmuch as Bombay happens in this respect to be the most progressive town and the Bombay Municipal Corporation had succeeded very eminently, so far as civic administration was concerned, that the model should be that of Bombay. Bombay had a tradition extending over 60 or 70 years of a highly successful municipal administration beginning with Ferozshah Mehta. They had very great Mayors in the Bombay Municipal Corporation and before I proceed further I might point out that the conditions under which the Mayor in Delhi and the Delhi Municipal Corporation are working are exactly on the same model as Bombay, Madras and Calcutta. I shall deal with the point so far as the fundamental changes sought to be introduced by the hon. Member are concerned later.

Before that I shall deal with some preliminary points to which reference was made by the hon. lady Member from Delhi. She pointed out that this question of amendment of the Delhi Municipal Corporation Act was under the consideration of the Delhi Municipal Corporation itself and it would be very interesting for this House to know what they had in view when they thought of having an enquiry made into this question before any recommendations were made to the Central Government. The Delhi Municipal Corporation Act was passed in 1957 and the Delhi Municipal Corporation was established early in 1958. After two years' experience the Delhi Municipal Corporation appointed a Committee and gave special terms of reference to that Committee. One is to suggest ways and means of improving the relationship between the executive and the deliberative wings of the Corporation. It might be under

stood very clearly that these two wings were there and they thought that perhaps the relations were not as they ought to be. And you will kindly understand that the Delhi Municipal Corporation did not want to scrap this fundamental difference between the two wings altogether.

The second point was to explore the possibilities of offering relief in taxes to the people. It is perfectly understandable and the third was to recommend such amendments in the Delhi Municipal Corporation Act as might be considered necessary for better and more efficient working of the Corporation. Now, this Committee submitted a report and ultimately wanted to submit a supplementary report also. In the meanwhile, when the first report was before the Corporation, they considered it on the 29th May, 1962 and they decided to set up an *ad hoc* Committee of nine members with the Mayor as the Chairman to go into the question of amending the Delhi Municipal Corporation Act and referred the report of the earlier Committee to that. This report has not yet been submitted by the Sub-Committee of the Municipal Corporation, nor has the Municipal Corporation thought over the whole matter. Under these circumstances, as suggested by the hon. lady Member, it would be better to wait for some time before taking action in this respect.

We have got one more circumstance to note. The Delhi Municipal Corporation has been in existence since 1958. They have gathered some experience and the report of this Sub-Committee and the views of the Delhi Municipal Corporation will, in due course, come to the Government of India and I assure hon. Members that if there are any recommendations therein that require immediate implementation, Government will certainly give their best thought to them. This is so far as the principle is concerned.

Now, it is only five years that this Act has been in operation. Under these circumstances, we have to consider whether this is a sufficiently

long period for finding out how far the Delhi Municipal Corporation Act has or has not been successful, and if it has not been successful, the reasons why it could not be successful. Though it is on the same model as the Bombay Municipal Corporation and the other corporations in India, why is it that the Bombay Municipal Corporation has succeeded and the others have also fairly succeeded, while it has not succeeded in Delhi? That is also a matter which the Government will have to take fully into consideration. Therefore, I would make a promise of a limited nature that when the Delhi Municipal Corporation submit their recommendations to us, they will receive the fullest and sympathetic consideration so far as their legitimate difficulties are concerned. Government are anxious and as I shall be pointing out subsequently Government have been giving lakhs of rupees to the Corporation for the purpose of making it a highly successful Municipal Corporation in India. That is the reason why all of us are interested in seeing that the civic affairs in Delhi are managed very efficiently and the people of Delhi get the best amenities so far as the civic affairs are concerned.

Before I deal with the main question, I should like to make a short reference to some other points that were raised by certain hon. Members. The hon. lady Member from Delhi, Kumari Shanta Vasisht, is an experienced social worker and, therefore, I always hear her views with great respect, but with due deference to her, sometimes she overdraws the picture and sometimes she brings in matters which are not relevant here. So far as the conditions in the Delhi Municipal Corporation are concerned, it is our duty, as well as theirs, and before the Government of India can, according to the provisions of the Delhi Municipal Corporation Act, interfere in certain matters the Municipal Corporation is the proper forum for approaching and for having all their grievances duly and fully enquired into. Now, what dis-

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tressed me, with due deference to the lady Member, was this. I know that she has spoken in a thoroughly *bona fide* manner, but unfortunately in the course of her remarks she brought in all the servants of the Delhi Municipal Corporation. Now, this is not the forum for criticising the so-called sins of omission and commission of the employees of the Delhi Municipal Corporation. Secondly, I am prepared to request the Delhi Municipal Corporation and the Commissioner also to look into all these grievances, provided some material is placed at my disposal or at the disposal of the Mayor and the Commissioner of the Delhi Municipal Corporation. It is not proper, without sufficient material, to say that the municipal employees are either reckless or careless, and perhaps stronger attributes might have been used. But I do not like it. It is not proper . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It was a general reference.

SHRI B. N. DATAR: But such general references needlessly demoralise our Services. That is my difficulty. If for example there are any defects on the part of our employees, either at the level of Government employees or municipal employees, then we owe it to Parliament to look into them and to see that if any wrong act has been done, it is properly proceeded against and the person who has done it is properly punished also, because that is the essence of a democratic constitution.

SHRI SHEEL BHADRA YAJEE: Power to tax, not to rule.

SHRI B. N. DATAR: If for example in a general manner these complaints are made, it becomes very difficult to attend to them. Therefore, I would again request in all sincerity the lady Member to give us instances and we shall look into them as early as possible. If there is anything wrong, we

shall request the Municipal Corporation to take action and if for example under the Act the Government of India have powers, they will certainly go into them.

Then, the next question that was raised may also be noted. Incidentally, she said that the Delhi Municipal Corporation was a toy. That was the expression that she used. I am not prepared to say that it is unparliamentary, but whether it is a toy at all is a matter that I am entitled to place before the House. The Bombay Municipal Corporation is not a toy, in the first instance.

KUMARI SHANTA VASISHT: Toy for striking against the head.

SHRI B. N. DATAR: I shall explain. The Bombay Municipal Corporation has been successful and it has been admitted by all. It is not a toy at all. If then we have an organisation which is built up on the same model, it cannot be called a toy at all. Then, secondly, I should like to point out what the functions of the Municipal Corporation are. I am making a brief reference to certain provisions of the Delhi Municipal Corporation Act. Now, you will find that the Corporation should function according to section 41. And then in section 42 a number of subjects have been mentioned which have to be compulsorily administered by the Delhi Municipal Corporation. There are other subjects which it is open to them to take in hand or not take in hand. That shows that they have got large powers so far as this matter is concerned. But it should be understood very clearly that the scheme is based upon the acceptance of certain principles, namely, that we have a deliberative wing consisting of the hon. Members of the municipal corporation, with the Mayor as the head. Now, my hon. friend used the expression perhaps in a derisive way. But I should point out to you that the Mayor of the Delhi Municipal Corporation is both a "Sabhapati" and

"Shobhapati". "Shobha" means dignity. "Shobha" does not mean show at all. He is the first citizen of Delhi. He is the Mayor and he is considered as one of the highest dignitaries so far as Delhi is concerned. Therefore, it would not be proper to say that. What the hon. Member possibly meant by the word "Shobhapati" was that he was a titular head, but he is not a titular head at all. He can influence the whole administration as Ferozshah Mehta, as Sardar Vallabhbhai Patel, the first Home Minister of India. He was the Chairman of the Ahmedabad Municipality. There also they worked under similar provisions and they invited the appreciation even of the then British Government, so far as the successful tenure of office as the head of the civic administration was concerned. Now, the deliberative wing is there naturally in all the important municipal corporations. This has been kept here. We have got the deliberative wing and the head of the deliberative wing is the Mayor of the Municipal Corporation.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): And he lays down the policy.

SHRI B. N. DATAR: He lays down the policy. Secondly, they deal with the taxes. They find out money. They have to deal with a number of other matters in addition to these. I am pointing out that they have got certain powers which have been specified in the Act itself. Now, in respect of the Delhi Municipal Corporation there is a distinction which has been deliberately laid down between the deliberative wing on the one hand and the executive or the administrative wing on the other. That has been made clear in section 59 of the Delhi Municipal Corporation Act itself:—

"Save as otherwise provided in this Act, the entire executive power for the purpose of carrying out the provisions of this Act other than

those pertaining to the Delhi Electric Supply Undertaking or the Delhi Transport Undertaking or of any other Act for the time being in force which confers the powers or imposes any duty on the Corporation, shall vest in the Commissioner who shall also exercise certain more powers."

So, this is the main scheme and this fundamental principle was fully discussed. It is not that this point has been brought before the House for the first time by the hon. mover. This question was discussed at great length and it was felt that in view of the experience that certain Municipal Corporations had, it was advisable in the interests of the proper working and smooth working of the Municipal Corporation Acts themselves that these two wings should be separated. When there was a discussion before Parliament, this very question was raised and had to be answered by the then hon. Home Minister, Pantji. I shall point out some very important observations he made then. They are important even today and they are entirely relevant to the point that has been raised by the hon. Member but they have been missed here. They are:

"The great merit of the Corporation system lies in the separation of the executive part of the work from the policy-making, supervision, guidance and control part of it. The Mayors and members of the Corporation will have to shape the future of Delhi. They will evolve a sound policy, give direction and so on, and determine the rate of taxes and all the other matters which will touch the life of the people. It will be the duty of the Commissioner to carry out these policies and to give effect to those directions. It is in the interests of efficient administration that the executive function should be entrusted to one who is in a position to carry out the orders and the policies of the Corporation and who has no other interest in discharging the difficult and delicate duties."

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So, it is this principle that should be followed. Then, Sir, he very picturesquely but effectively pointed out the evils of a combination of the two:

"There were some suggestions about the executive and the deliberative functions being combined together."

The next sentence is interesting:

"If one were to take a step in order to make the working of this Corporation unwieldy and ineffective, then one could not have thought of a better device for if you combine the two, then enormous and formidable difficulties will have to be faced from day to day, and the ultimate result will be complete deadlock within the Corporation or the local body concerned."

This is one thing. Secondly, as you are aware, before the Municipal Corporation Act came into being, there were as many as thirteen different local government bodies in Delhi, the Delhi Municipal Committee, the Notified Areas Committee, and others. Now all these have been merged into the Delhi Municipal Corporation. The President of the then Delhi Municipal Committee was examined before the Joint Select Committee on the Bill, and I may invite the lady Member's attention to what he stated then—he was an elected member and it was also an elected body:

"The Chairman of the Delhi Municipal Committee who appeared before the Select Committee and gave us the benefit of his advice was very emphatic about it and he said that the two should be kept apart, should be kept separate, that the Corporation as such should not directly deal with matters of an executive character, that its functions should be primarily deliberative, and that the executive—that is the Commissioner—should not be entrusted with these embarrassing duties. He was very definitely of the

opinion and he said that even over very petty matters it has been difficult for him to manage the affairs because of the combination of the two functions."

He was possibly a victim of this combination. So, if the Corporation is to function smoothly and if the members are not to be overburdened with the administration of such detailed and petty matters as are bound to affect individuals and as are bound to create embarrassing positions for them, then the separation of the executive from the deliberative part is essential, and we have followed that principle.

Thereafter the hon. m'ber made a reference to the resolutions passed at the Mayor's Conference. There was a higher body also called the Central Council on Local Self-Government. They also dealt with this matter and they were definitely against the combination of the deliberative and the executive wings so far as the Municipal Corporations were concerned. They put it very clearly as follows:

"The Central Council on Local Self-Government considered this matter in October 1959 but took the view that it would not be appropriate to vest the Mayor with administrative control over the affairs of the Corporation as recommended by the Conference of Mayors."

Then the Council also recommended that it was neither necessary nor desirable . . .

SHRI V. V. SARWATE: Sir, I rise on a point of order. Up till now I was waiting to be convinced whether the hon. Minister was supporting my Bill or opposing it. From his latest quotation of the view of the Central Council on Local Self-Government, he seems to be of the view that this Bill is not desirable. That means that he is opposed to it.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): What is your point of order?



SHRI V. V. SARWATE: I am saying it just now. I could not raise it earlier. The point of order is that according to our Constitution—article 75(3)—the Ministers of the Government are jointly and collectively responsible to the House. Now the principle underlying the Bill which I am seeking to introduce for consideration here has been agreed to and passed at a Conference under the Chairmanship of one Minister of the Central Government. Since it has been passed unanimously and since he has also agreed to it, another Minister of the Government is opposing this Bill. This is not joint and collective responsibility. Therefore, my point of order is that he is debarred from opposing my Bill.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): When Ministers speak in conferences, that does not bind them and does not work against their joint responsibility.

SHRI B. N. DATAR: There they might express their personal opinion. Secondly, let the hon. Member understand that the Central Council on Local Self-Government consists of all the State Ministers in charge of Local Self-Government.

PROF. M. B. LAL (Uttar Pradesh): The point is that the Central Minister was present. When there was unanimous agreement, it means that the Central Minister concerned agreed with it. It is just possible that he might have spoken there or given his consent with certain reservations or without consulting his colleagues.

SHRI B. N. DATAR: Or he might have spoken on that occasion without being called upon to do so perhaps in a personal or informal capacity. Here we are directly and formally dealing with this matter. Therefore, the opinion that I am expressing is the opinion of the Government of India. Therefore, I would point out to the hon. Member . . .

PROF. M. B. LAL: He has raised a very important issue. In a conference if a Minister expresses his opinion, is it only his personal opinion? If this attitude is adopted, it will mean that any agreement arrived at in the conference will be binding on none.

SHRI B. N. DATAR: I have never gone to that extent.

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It depends upon the nature of the conference and the capacity in which the Minister is there.

SHRI B. N. DATAR: After all there is a difference between occasions and occasions. Sometimes we can be informal. Sometimes we can talk so far as personal . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): It depends upon the nature of the conference.

SHRI V. V. SARWATE: I wish to inform the House that it was not in his personal capacity that he was there. The Minister was there only because he was a Minister and he presided over the conference because he happened to be the Minister of Health. It was no question of personal capacity, it was one hundred per cent. official capacity.

SHRI B. N. DATAR: My friend has brought in the Minister. So far as this question is concerned it has to be considered. I was dealing with this question from the point of view of a principle and there can be no question of an estoppel, let the hon. Member understand that. Now I was pointing out that there were certain important conferences and certain observations by persons who were fully experienced in this respect.

There is also one more point which I may place before you. My hon. friend stated that at the Mayors' Conference, the then Health Minister presided. Now, the Central Health

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Minister is also the Chairman of the Council on Local Self-Government. That also may be noted, and I would point out that . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): So, he is presiding over one conference in one way and at another conference in another way.

SHRI B. N. DATAR: In any case, these personal matters should not be brought in. What I would submit is this. We have to take a considered view of the principles governing such things and they cannot be brushed aside by airing the views of one man or the other. Now, I am pointing out this . . .

THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN): Besides, the Minister exercises his discretion when there is a difference of opinion; otherwise, if there is a general opinion, he need not exercise it.

SHRI B. N. DATAR: There is no occasion for expressing a deliberate view. That is not the occasion. (*Interruption.*) Therefore, in due deference to my friend, he cannot shut my mouth on that ground.

Therefore, this question has to be considered more carefully. I may also point out that subject to this fundamental difference between the deliberative wing and the executive wing, there are a number of sections of the Delhi Municipal Corporation Act which give certain powers, as they have been explained there. That was what I was trying to point out. I explained that under section 59, the entire executive power has to vest in the Commissioner. Then, the Municipal Corporation and the Mayor have specific powers. They might be seen in sections 69 and 70. My hon. friend stated that papers could not be called for at all. That is not correct. I would invite attention to section 69 which says:—

"The Corporation may at any time call for any extract of any proceedings of a number of Committees and every such requisition shall be complied with by any such Committee or Sub-Committee without any unreasonable delay."

Then we have got section 70 which reads—

"The Corporation may at any time require the Commissioner. . ."

The wording should be noted.

".....to produce any record, to furnish any return, to furnish any report...." etc.

A number of functions he has got.

One of the hon. Members raised the question of the appointment of municipal employees. So far as that is concerned, except the Municipal Commissioner, all the appointments are under the Municipal Corporation itself, and for that purpose, I invite your attention to section 89. There are also rules about very high appointments like the Municipal Chief Accountant, Municipal Secretary and a number of others. Section 92 makes it clear that the power to appoint vests in the Corporation in the case of all other municipal officers and employees. In the earlier part, they mention as to how appointments are to be made in respect of certain statutory Committees. Lastly, in this respect you will note that whenever such appointments are to be made, in certain cases they have to be made on the recommendations of the UPSC as is done in the case of Government servants, and even the Municipal Commissioner can continue there only so long as he carries the confidence of the Municipal Corporation, because certain provisions have been made there according to which it shall be the duty of the Central Government to take him back or to terminate his services, provided a certain majority of the members of the Municipal Corporation is against

him. Under these circumstances, if all these matters are taken into consideration, you will find that, subject to the permanent principle that I have pointed out, they are in a position to influence substantially the executive side and get the work done.

So far as the manner in which the Central Government is dealing with the Delhi Municipal Corporation is concerned, may I point out that it is our desire to see to it that the Delhi Municipal Corporation works efficiently and successfully in the interests of the people of Delhi? For that purpose, I shall point out how much help we have been giving to the Corporation. Government have done their best to give all help to it to carry on its work. During 1961-62, we have given them Rs. 291.67 lakhs as grants plus assigned taxes of Rs. 253.7 lakhs, that is, a total of Rs. 5½ crores. During the current year, we have so far given them Rs. 362 lakhs, that is Rs. 165.66 lakhs as grants plus Rs. 195.6 lakhs as assigned taxes. Therefore, you will find that we have every desire to help the Municipal Corporation to the fullest extent possible. This is so far as the main point is concerned.

I would point out certain difficulties which may arise if the two wings are combined together. That is the reason why we have to oppose this Bill because the hon. Member's Bill starts with this proposition which cannot be acceptable in view of the position that I have explained. You will kindly see that in clause 2 he wants to add a new section 36A, which reads—

(1) The Mayor shall have administrative control over the office of the Corporation and its staff."

Now, these words are absolute in principle. But in the Statement of Objects and Reasons the hon. mover has stated that these powers are to

be used in an emergency. That is not correct so far as the wording of the Bill is concerned.

"The Mayor shall have administrative control over the office of the Corporation and its staff."

That means that he will have absolute control in respect of all matters. That should be understood clearly. I do not know whether the hon. Member intended it to that extent, but the clause as it is worded is very clear and gives him complete powers in respect of administrative matters. But in sub-clause (2), he says:—

"The Mayor, or in his absence the Deputy Mayor, may, in cases of emergency, direct the execution or stoppage of any work. . ." etc.

This is exactly the function that is to be discharged by the Corporation Commissioner. Under the Act, it has been made very clear. Under these circumstances one further difficulty should be noted, namely, that of conflict of authorities or overlapping of authorities. The point is, if these powers are to be given to the Mayor without taking them away from the Corporation Commissioner, then there would be two authorities who are likely to come in conflict with each other. This factor should also be noted.

Then, so far as appeals are concerned, the hon. Member desires to insert new sections 478A, 478B and 478C. Now he says:—

"Any person, aggrieved by order passed by an officer subordinate to the Commissioner under this Act, or under any rule or bye-law, may appeal to the Commissioner. . ."

And thereafter he wants a statutory appellate authority so far as the other matters are concerned. In respect of taxes, etc., there are certain provisions in the Delhi Municipal Corporation Act which allow the aggrieved person to approach even a district court. Under these circum-

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stances, the question arises whether there ought to be an appellate authority like this at all. Now, the power to give the right of appeal also goes with the extent of the executive authority and no such difficulty has been faced in any of the other principal municipal corporations. And so far as the general powers are concerned, it is always open to the Municipal Commissioner to deal with the matter, and to correct the mistakes if there are any. So far as other matters are concerned, they are naturally within the purview of the Municipal Corporation itself. Therefore, Sir, these powers have been fully thought of and provided for. Now the question arises whether it will be advisable in the interest of the smooth administration of the Municipal Corporation itself to have what is called an appellate authority consisting of the Mayor and certain other matters. As the hon. Member has suggested, there are small and petty matters. If they are so, they can be disposed of at the lowest or perhaps the lower level. It is not necessary for the Mayor or for the members of the Municipal Corporation to trouble themselves with such matters. Under these circumstances, Sir, I feel that the hon. Member's move is, well, to a certain extent misconceived. I have understood it very clearly to mean that there were certain difficulties. But the question is whether there has been a right approach so far as the municipal corporations are concerned, to the Acts by which they are governed. If, for example, there is the desire to work, there is the proper approach, the desire to serve the people by making the best use of the Act as it exists, then certainly these difficulties would not arise—as generally they have not so far as the other Corporations are concerned. All the same I am prepared to look into this matter provided the fundamental principle is accepted and also provided there are any genuine cases of hardship which have to be provided against by bringing forward an amending Bill. We shall look into the

recommendations of the Delhi Municipal Corporation and I assure you that all respectful and sympathetic attention will be given to the matter. As another hon. Member, Shri Lingam, rightly suggested, when there are such very important questions, what can be called questions of principle, it would not be proper, it would not do justice to the principle that the hon. mover himself has in view, to deal with such matters in a piecemeal way, and after the Delhi Municipal Corporation's views are received, I am prepared to request the hon. Member to look into them and to give us his views in that respect, and all the views and all the complaints will be fully looked into.

Lastly, Sir, I would again point out to the hon. lady Member from Delhi that if there are any specific cases of complaint, then certainly it is the duty of the Municipal Corporation and perhaps ourselves also to see that all these difficulties are removed as early as possible. We are not merely a responsive Government but we are a responsible Government also. The only thing is that we should approach the right authorities or the right channels. I am confident that with this assurance the hon. Member will not press this Bill.

SHRI V. V. SARWATE: I shall take only about five minutes. Mr. Vice-Chairman, I am afraid that my colleagues or the hon. Members who do not see eye to eye with me in respect of this Bill have missed the real point behind it. It is not a piecemeal legislation. From experience and without any fear of contradiction I assert that it is a Bill envisaging fundamental changes in the constitution of the Corporation, and that has been aptly and correctly taken note of by the Home Minister in the beginning of his speech. The powers that my Bill seeks to introduce and to vest them in the Mayor, and the constitution of the Appeal Committee have been found by long experience to wield effective control over the executive. Sir, I have been an active instrument in establishing

the principle of the separation of the independence of the executive and the deliberative wings of the local self-governing institutions, but as I said in my earlier speech, the independence of the executive wing of the local bodies as distinct from that of their deliberative wing, that decentralisation, does not mean regimentation, and that independence of the executive should never mean its separation. They should not be two separate wings totally unconnected with each other. Otherwise they do not justify their existence in one institution. There should be co-ordination and harmony between the two. It does not mean a combination also as the hon. Home Minister tried to make out. It is not a combination. I am not trying to vest the whole of the executive powers in the deliberative wing but to give to its head, the Mayor, certain emergency powers.

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** But the Delhi Corporation itself has appointed a Committee which is considering over the matter.

**SHRI V. V. SARWATE:** I am coming to that, Sir. It has been our experience even of the Delhi Municipal Corporation Bill, which was enacted as the Delhi Municipal Corporation Act, 1957, that it took such an inordinately long time. So to prepare a comprehensive Bill, to get the report of that Committee, to get the views of the Government and so on will take perhaps another few years when probably most of us will not be here. Therefore, Sir, the amendments which I seek to bring here and now are very necessary.

As regards the approach to the principles I may submit—well, how shall I put it without being offensive and without being not nice—that from experience and knowledge also I claim that I have a better knowledge than the whole of the Ministry put together. It is a very tall claim and very ungentlemanly also to say so; I concede that, but I know that even the Mayors of Bombay, Madras and Calcutta, the work

of whom the hon. Home Minister eulogised so much, were present in those conferences, and they unanimously, without being silent, actively supported these provisions, and they also thought that these were very necessary. It was only in Bombay—the history of the Bombay Corporation will show—that there was the convention established in old days whereby as between the Mayor and the executive wing the wishes of the Mayor should be regarded as law and should never be disrespected, and therefore, there was no conflict between the two. In our case there was an occasion for a conflict, when we warned the Commissioner that if he did not respect the wishes of the Corporation, though the Corporation had no power to drive him out, he would have to quit, and then there was no conflict between the two. (*Interruption.*) The Corporation says he is a subordinate officer, though he is the chief executive officer, and he must bow to the wishes of the Corporation.

Now, Sir, I accept the assurance of the Home Minister that he will really and sincerely and seriously consider these problems. I appreciate the wishes and the sentiments expressed by him in the matter though I would say, "Please do not wait for the recommendations of the Committee of the Delhi Corporation or its report; move on with this." Let us deliberate, let us put our heads together, let us pool our experience and find out if we cannot improve things without waiting for others or without waiting for the initiative of those whom we wish to improve. With these words, Sir, and thanking all those who have supported my Bill I beg leave of the House to withdraw my Bill.

*The Bill was, by leave, withdrawn.*

**THE VICE-CHAIRMAN (SHRI AKBAR ALI KHAN):** The House stands adjourned till 11 A.M. on Monday, the 20th August, 1962.

The House then adjourned at fifty minutes past four of the clock till eleven of the clock on Monday, the 20th August 1962.