

SHRI BHUPESH GUPTA: In this House, Sir, I said, when certain things were said by the Finance Minister, that I do not go to an astrologer to consult whether I shall be the Prime Minister of India. This is missing from the proceedings. Under what rule has it been omitted? It is tampering with the proceedings.

MR. DEPUTY CHAIRMAN: You write to me pointing out what has been tampered with and pointing out what has been omitted. I will look into it.

SHRI BHUPESH GUPTA: It has been deleted. Under what rule was that done?

MR. DEPUTY CHAIRMAN: You are making a very serious allegation.

SHRI BHUPESH GUPTA: Yes, I am making a serious allegation. The tape recording is there.

MR. DEPUTY CHAIRMAN: You cannot make that without my going into it. If there is anything wrong. I will look into it.

SHRI BHUPESH GUPTA: Did you order any expunction? You have not.

MR. DEPUTY CHAIRMAN: I have not.

SHRI BHUPESH GUPTA: I know you have not. How is it that it is not in the proceedings?

MR. DEPUTY CHAIRMAN: I do not know what you are referring to.

SHRI BHUPESH GUPTA: I made certain remarks on that day. You did not expunge them either before or after. If they were expunged there should have been some asterisks but there are no asterisks and yet the proceedings do not contain these remarks.

MR. DEPUTY CHAIRMAN: You write to me as to what particular things are not there. I will look into it surely.

SHRI BHUPESH GUPTA: I am writing about it. I say that it should be restored. Strange happenings in the House. I demand an investigation also into this.

THE DELHI MUNICIPAL CORPORATION (AMENDMENT) BILL, 1961

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, I beg to move:

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

Sir, this is not a very contentious Bill. Now, the need for this Bill arose because Parliament took a decision that all double-member constituencies should be split up. Till now, we had a double-member constituency with two seats, one general seat and the other reserved for a Scheduled Caste or Scheduled Tribe. Now, it was considered, after full deliberation by Parliament that all double-member constituencies should be immediately split up. Now, that was done by recourse to amendments in certain other Acts by Parliament. Now, a question arose as to whether in respect of elections to the Delhi Municipal Corporation, the same principle should or should not be followed and, naturally, Sir, on a parity of understanding, it is essential that the same position should be restored even so far as elections to the Delhi Municipal Corporation are concerned. You will also find, Sir, that we have got in Delhi a general electoral roll for election to the Lok Sabha. Now, advantage was taken of the same and certain constituencies were split up for purposes of election to the Delhi Municipal Corporation. There are today 80 elected

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seats and elections take place through 12 three-member constituencies and 22 two-member constituencies. When this question of splitting up arose, naturally we had to split up not only the two-member constituencies but the three-member constituencies also so that for all the 80 seats in the Delhi Municipal Corporation, there would be direct election for each of these seats. Therefore, Sir, Government considered it necessary that all the two-member and three-member constituencies should be split up. The natural question arose as to what was to be done so far as the Scheduled Castes were concerned. It has now been decided that in respect of the twelve three-member constituencies, they would be split up and two of the seats would be general seats and one would be for the Scheduled Caste according to the measure of high concentration of the Scheduled Castes in the particular ward. That is the reason why this Bill had to be brought forward immediately and I am obliged to you, Sir, for having allowed us the opportunity to get this Bill passed through Parliament during this Session. Now, Sir, the reason is obvious. Elections are going to be held to the Delhi Municipal Corporation also in say, about March, 1962, and the constituencies will have to be de-limited on the basis of the principle that I have just now pointed out and that is the reason why we had to bring forward this Bill which has been accepted by the other House with an amendment which was moved by an hon. Member and ultimately accepted by Government. I shall be making a reference to it very briefly subsequently. So far as the main principle of this Bill is concerned, as I pointed out, it was the splitting up of these constituencies. Incidentally when a Bill is to be brought forward for the purpose of making amendments, advantage also has been taken to set right a certain position in respect of which either a technical view was taken or a view which required reconsideration and for that purpose in addition to the principal amendments in respect of the splitting

up of wards certain other amendments have also been brought forward. There are about seven or eight of them and I shall be very brief in explaining the position in respect of each of them.

In one or two cases a technical difficulty arose and advantage was sought to be taken of the absence of a certain expression in one of the sections. You are aware that under sections 284 and 285 of the present Delhi Municipal Corporation Act electricity has to be supplied to the New Delhi Municipal Committee and also to the Military Engineering Services in Delhi Cantonment and there it was stated that it had to be supplied as a matter of course. Now, a question arose subsequently whether under section 113(2)(d) of the Delhi Municipal Corporation Act the Corporation was entitled to levy tax on the supply of this electricity. The question raised related to a legal interpretation of a certain expression. The word used was 'sale' while the word that was used elsewhere where a provision was made for the supply was 'supply' and the question arose whether 'supply' would mean also sale. On that question technical objections were raised and therefore we had to consult the highest legal authority under the Government and he pointed out that it was a sale, that these two bodies, namely, the New Delhi Municipal Committee and the Military Engineering Services, were bound to pay the tax and they could not take advantage of the omission of a certain expression. That is the reason why an amendment has been brought forward in section 113(2)(d). We have added the word 'supply' also and thereby they would be bound to pay not only the charges with regard to the actual supply but the taxes as well.

Then there was also another technical difficulty with regard to certain properties which were pooled together for the purpose of transfer to the population that had come over to India from Pakistan. The properties were

allotted to them under section 20 of the Displaced Persons (Compensation and Rehabilitation) Act that was passed some years ago. There was an arrangement under which a certain price had to be paid by the displaced persons and for their convenience it was considered necessary that the payment of the price after taking into account their special interests should be spread over a number of annual instalments. Now, the technical position that arose was that until actually the last instalment was paid, say, after 20 or 25 years, technically the title of the property continued to vest in Government though actually the possession had been transferred. Now, there is a section—section 119—in the Delhi Municipal Corporation Act according to which Government property is exempt from taxes. These transferees—the displaced persons—got possession of the property but they also took advantage of section 119 and they began to contend that inasmuch as the title in the property had not passed, they were not bound to pay even the service charges like water charges etc. Sir, any lawyer will point out that it was entirely invalid under law. This position can hardly be accepted; especially when one has been in possession of the property, one has been enjoying the property, then as a natural corollary one has to pay the service charges. With a view to meeting this objection it has been stated that they are bound to pay the taxes. One more point in this case might be understood, namely, when according to the wording of the law after the payment of the last instalment the title is transferred to these transferees, then the transfer of the title takes place retrospectively so that their interests might be protected. That is the reason why an amendment has been brought forward according to which these persons are made liable to pay municipal taxes in respect of the services that they have received. Now, the date that has been put in is either the date of the establishment of the Delhi Municipal Corporation or the date of the transfer of possession whichever is later.

The next amendment is more or less a technical one brought in for the purpose of removing all causes for delays. Whenever taxes have to be fixed on houses, what is done is the value of the house—the rateable value as it is called—is first fixed and then it is mentioned in what is known as the assessment list. Now, it has been laid down in the Delhi Municipal Corporation Act itself that a certain percentage of this rateable value shall constitute the tax for the property for the time being. That is a question which under the Act has to be decided by the Delhi Municipal Corporation. In the assessment list this particular amount also has to be mentioned instead of merely depending, as I have pointed out, upon the percentage and so further delay takes place. Therefore, it is stated that when there is a clear notice to the occupants of the house or the owners of the house that the rateable value has been fixed, then a certain percentage—it may roughly be 10 or 15 per cent. or it may be even 20 per cent. under certain circumstances—can be very easily calculated as tax instead of waiting for it to be compulsorily mentioned because it takes a lot of time. On account of the defective wording in the Act itself what was done was when a notice for reassessment was issued in one year and the matter was continued beyond that year, then the date of the actual assessment had to be considered as the date from which the taxes could be recovered, thereby a number of occupants of the houses escaped from paying the tax. That was entirely wrong and inequitable. Now, often times you will find in February a notice has to be given and the matter can be decided only next year. Therefore what has been done is that we have made that the liability to pay the tax arises not from the time when the final assessment takes place but from the time when the notice for revision of assessment or for making an assessment has been issued. This, you will agree, is a perfectly equitable position.

Then, Sir, arises the next amendment regarding the exemption of

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cows in the first instance. Now, it was pointed out under the Delhi Municipal Corporation Act that a certain tax had to be paid in respect of cows. It might be Rs. 30 per cow, though actually now it has been reduced to Rs. 10 per cow. A representation was made and a Resolution was passed by the Delhi Municipal Corporation that an exemption should be granted in respect of one cow, because when a man has one cow, there is some presumption that the milk of the cow is meant for the family and not for the purpose of trade and sale. Now, that was the Resolution which the Delhi Municipal Corporation had passed. Government accepted the Resolution and when the Bill was brought forward in the other House, such an exemption was allowed in respect of one cow only please understand. It would not be proper to allow exemptions to all the cows, especially when there is more than one, for the simple reason that in the case of one cow we can have a presumption that it is for family purposes, for children and others. But if more cows are kept, then naturally you will agree that the presumption is otherwise. And then you can suppose that it is for the purpose of trade. If, for example, it is for the purpose of trade, other considerations arise and in all these cases you will please note that if a large number of head of cattle are allowed to remain within the precincts of the house or in the town, they create great problems of insanitation, etc. They have to be registered. Often times we find that they are not kept in clean conditions and thereby the health of the community itself is affected. Then, the matter was before the other House a few days ago. It was strongly represented to us that there were especially the Punjabi friends, whose number is very large in India—the Sikhs in particular—who use not cow's milk but she-buffalo's milk. It was stated that the milk of she-buffalo was more nutritious. That was the reason which was advanced that a she-buffalo's milk was generally used by

this community, especially because that gave a better and more nutritive type of milk. Their population is fairly large in Delhi. A representation was made on the floor of the House that just as we give exemption to a cow, an exemption should also be given to a she-buffalo. That question was considered in all its aspects and ultimately Government agreed that such an exemption—please understand—only in respect of one cow or one she-buffalo would be given. For example, the she-buffalo also was added for exemption provided the number was only one. In case they had more than one, the presumption of trade applied and they would not be entitled to any exemption even in respect of one cow or one she-buffalo. Now, that was accepted out of consideration for the views of the hon. Members of the other House and a corresponding change has been made therein.

Then, Sir, in certain cases when a house remains unoccupied, vacant and unproductive, then there is a provision under the Delhi Municipal Corporation Act, according to which a refund has to be made. Now, it was considered that such a refund should be made only to the extent that it would be equitable. Otherwise, oftentimes it is found that persons keep the land vacant for the purpose of speculation, for the purpose of getting a higher price on account of reasons which are extraneous. And for that purpose it was considered that in all such cases where a refund has to take place, it should not be to the extent of the full amount but to a partial extent. In respect of buildings it is two-thirds, i.e., 66·43 per cent. and in the case of land it is one half. Now, this is the principle that is found to be equitable and that also has been included in this case.

Then, there is the next amendment about the conferment of summary powers of demolition upon the Municipal Commissioner. You will find in Delhi in particular this problem of unauthorised construction has almost

become scandalous. Overnight buildings are constructed and we are presented with what is called then a settled fact. And attempts are made to create sympathies on the ground that as it has been constructed, it ought to be regularised. Now, that is a very serious problem, perhaps more serious in Delhi than elsewhere. Now, in all such cases if the cumbersome procedure of giving notice, going through the various stages, etc. is followed, then the matter becomes very difficult and demolition cannot be immediately proceeded with. That is the reason why even though a notice has to be given, if the Municipal Commissioner finds that a great damage is likely to occur and that it is in the interests of the people themselves that strong or summary action should be taken, it would be open to him to take such summary action to demolish the unauthorised construction, after studying this particular matter. Now, in all such cases, in order that there should be no injustice or hardship to *bona fide* constructors, what has been provided for is this. After such an order is passed by the Municipal Commissioner, then within a short period it is open to the aggrieved party or the person who had constructed unauthorisedly and against whom an order has been passed to approach the District Judge in appeal. And it will be open to the District Judge to consider the whole matter and pass proper orders judicially.

In this connection, another aspect is the getting of injunctions or stay orders from the courts. There also the matter has to be looked into, because if there are stay orders or injunctions as a matter of course, then you will agree that it creates very great difficulties. The improvement of Delhi City, the development of the capital of India has been arrested for months together. That is the reason why a corrective has been introduced. When an appeal has been filed before a District Judge and when a stay order or a temporary injunction is sought, then it has been stated that the District Judge will grant such a stay order or

injunction only provided sufficient security is furnished. Otherwise, you will agree with me that the moment I go to a court and get a stay order, then my interest in the property for the time being is not so great, because I have got a stay order and the matter has been stayed to the great inconvenience of the other people, to the prejudice of the development of Delhi City itself. That is the reason why it is stated that in all such cases, while an appeal has been provided for because the principles of jurisprudence require it, principles of fairplay require it, the District Judge's orders would not be given effect to or implemented by the Delhi Municipal Corporation, only provided a further liability has been placed on the seeker of this stay order or injunction order. He will have to furnish satisfactory security to the appellate authority concerned. That is the reason why we have to introduce summary powers so as to meet this evil, so as to eradicate this evil, so as to put a stop to it as early as possible. Otherwise oftentimes we receive representations through very influential quarters also—I would not mention the quarters but through very influential quarters—and we are told that now that the man has actually constructed it and since so many months if not a year have passed, sympathy should be shown to him. Sympathy has to be shown but only in proper cases, and no man should take advantage of this in constructing unauthorisedly and then seeking sympathy.

Then with regard to election petitions, there was a small difficulty felt.

MR. DEPUTY CHAIRMAN: We have set apart one and a half hours for this.

SHRI B. N. DATAR: I am finishing. I have to explain, otherwise they might complain. What has been done is that the right of hearing election petitions can be delegated to the Additional District Judge. That is a formal matter because the District Judge is often overburdened with work of different types.

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These are the main things that have been brought in the amendments, and I am quite confident that the Bill as it has emerged from the Lok Sabha will be found acceptable by this hon. House.

The question was proposed.

SHRI P. RAMAMURTI (Madras): Mr. Deputy Chairman, I was really not convinced about the urgency of this particular measure. More than three years have elapsed since the Delhi Municipal Corporation Act was passed, and had the Minister brought to our notice the difficulties in the working of this Act, I could have certainly understood the urgency for this. There are certain provisions apart from the amendment to section 5. With regard to the other amendments I am in entire agreement with the Minister, therefore I am not talking about those things, but the most important thing I must point out is with regard to amendment to section 5, that is, abolishing the multi-member constituencies and substituting in their place single-member constituencies. That is the most important thing, and the hon. Minister also has pointed out that the urgency of this Bill has arisen because of the fact that Parliament has taken a decision to abolish double-member constituencies everywhere. I am afraid that the Minister is misquoting Parliament. I am not aware of any decision by Parliament that double-member constituencies must be abolished everywhere. There was the amendment to the People's Representation Act under a different set of circumstances. Double-member constituencies had been created for the Assemblies and Parliament for different purposes under different set of circumstances. There were no multi-member constituencies throughout. Only with regard to certain constituencies where there was reservation you had these double-member constituencies, and Parliament, as a result of the desire of the people for whom reservation had been made—they themselves did not want this

kind of reservation, they wanted reservation in some other way—because of these circumstances Parliament certainly amended the Representation of the People Act.

Here, Sir, we are dealing not with the general question. Here is the Corporation of Delhi, and as a matter of fact you have also got the Corporation of Bombay, and it was stated with great pride at the time when this Bill was brought in 1957 by the late Pandit Pant that the Bill was modelled on the Bombay Corporation.

[THE VICE-CHAIRMAN DR. A. SUBBA RAO in the Chair.]

Has the Government today passed an ukase, a law saying that the Maharashtra Government must immediately pass a legislation which will abolish the double-member and multi-member constituencies in the City of Bombay for the Bombay Corporation? Absolutely not. Corporation elections are one thing and elections to Parliament and Assemblies are a different thing. The multi-member constituencies had been created for the Delhi Corporation as well as for the Bombay Corporation for entirely different reasons. It is not on the basis of reservation. Certainly there is reservation, there is no doubt about that. For example, about 8 or 9 seats had been reserved. But apart from that, if you take the three-member constituencies, are they on the basis of reservation? Is it on the basis of reservation that you created all the other 22 double-member constituencies? Absolutely not. They were created for a different purpose, and the purpose was categorically stated, I understand, in the discussions that took place in the Select Committee that went through the whole Bill. It had unanimously accepted and I believe that the late Pandit Pant also had stated "if you split up these constituencies into very small constituencies, then all types of narrow interests will come into play". They are not like Assembly constituencies with

about 70,000 to 80,000 votes. They would become small constituencies having 2,000 or 3,000 votes. So all these kinds of things would develop. Therefore, it was stated that it was better that we had double-member and treble-member constituencies. So, to quote the analogy of Parliament amending the Representation of the People Act and to say that Parliament has taken a decision that in the country everywhere double-member and treble-member constituencies must be abolished even for a municipality has no meaning at all. I would like to bring to his notice that no such decision was taken. Had the Minister brought forward a Bill which would enlarge the powers of the Corporation I could have understood it. After all 22 lakhs of people are there. The people of Delhi are near Parliament. The enlightened representatives of the people of the whole country gather here day in and day out, throughout the year, coming into contact with all-India legislative business, and I dare say that the people of Delhi will be much more politically advanced than others, and they are bound to be politically more advanced. But now the result is that they will not have a say in the administration of their affairs. After all it is a Municipal Corporation. That means, primary schools, roads, naming of streets, these are the things that are entrusted to them. Even with regard to the administration of these things it is ultimately the executive authority that remains supreme. No doubt the executive authority is subject to their ultimate control, and I know that there is a provision which says that by means of a two-thirds majority or three-fifths majority the Corporation can pass a resolution and remove him. There is one clause there. Quite apart from that, with regard to the day-to-day administration what happens is that the Mayor is a figure-head, whoever he might be. For big dignitaries who come from foreign countries he or she will hold parties, and he or she may preside over the meetings of the Cor-

poration. These are the wonderful functions.

SHRI J. S. BISHT (Uttar Pradesh): That is the function everywhere.

SHRI P. RAMAMURTI: It is not everywhere. For mayoralty in our country it might be so. I know that my State Government, the Madras Government, appointed a Committee to go into the whole question, presided over by Mr. Ratnasabhapathi Mudaliar, and that Committee had unanimously come to the conclusion that the executive should not be vested with too much powers and that the Mayor and Municipal Chairmen must be vested with a greater amount of powers. This is what has been stated everywhere. Take the Balwantrai Committee Report. It dealt with village administration. In the case of village administration it has been thought necessary that more powers must be given to the elected representatives so that the administration is brought nearer home. I do not understand why in the case of municipalities the administration should not be brought nearer home. I do not understand why the executive should be vested with greater powers and they should not be subject to greater control by the Mayor and the elected representatives of the people.

SHRI J. S. BISHT: It has been tried and it failed.

SHRI P. RAMAMURTI: That system is in France today. I know, for example, the powers which the French Mayors enjoy. I know, for example, what was being done even in Pondicherry, the powers which the Mayor enjoyed in a commune in the State of Pondicherry when the French Government was there as the laws were the same as in France. I know that greater powers are there. Nobody says that the communes have failed. They work wonderfully well. If we had thought of these things, I can very well understand it. Today in our set-up particularly with regard to municipalities and corporations if we have not only two-member constituencies

[Shri P. Ramamurti.]

but also we have some system of proportional representation, it would reflect the point of view of all sections of the people, and then possibly, even this reservation could be abolished. For example, in the City of Bombay today you have the multi-member constituency system, but there is no reservation. But the minorities are not dissatisfied; the Scheduled Castes are not dissatisfied. As a matter of fact, Bombay is a multi-lingual place. In Matunga there is a large Tamil population; in Kammata there is a large Telegu population. Gujaratis are there; all sorts of people are there. None-the-less, that system of what you call the cumulative voting system, has given the greatest satisfaction to all these people there. And Delhi, I dare say, is bound to be a big city. People from all parts of the country are gathering here. Delhi is bound to grow. More people from Bengal, Madras, Assam, Kerala and all sorts of people will come here and they will settle here because they have business here. Such is the case and in order to see that these people are properly represented, the proper thing to do is to retain this multi-member constituency, to introduce a system of proportional representation. I know that in mass voting, you cannot have this single transferable system. In Parliament this system of single transferable vote has been accepted as being absolutely essential to give representation to smaller groups, to smaller parties when it comes to the question of election to certain Committees. In the case of a large electorate, you cannot have the single transferable system. It is very cumbersome. It will be very difficult for them to vote, for the people to count their votes. It has always been found that in such cases, the cumulative voting system is the nearest approach to give them representation on the basis of their interests. Instead of doing that, I do not know why the Government takes the trouble to quote what has been done with regard to the Assemblies and Parliament and bring that as an excuse or as an argument for abolishing this

multi-member constituency. No heavens are going to fall by the continuation of this multi-member constituency. Unfortunately, the position is that the power of money is very great in this country. With a smaller electorate in a particular constituency, with 2,000 voters, it is easy to purchase about 500 votes. If there are 10,000 votes, it becomes a little more difficult. Therefore, we must strike a balance. We cannot make the constituency extremely unwieldy. If there are one lakh voters, obviously it becomes extremely unwieldy. Smaller people will not be able to contest the election. Therefore, a balance has to be struck. I do not say that you should not have such big constituencies but a balance will have to be struck. On that basis, the existing system of double and triple-member constituencies is quite good. You need not today abolish it. On the other hand, try to go in for some other thing.

SHRI J. S. BISHT: May I know it is ten minutes or fifteen minutes?

SHRI P. RAMAMURTI: Therefore, I would request the hon. Minister to see that they do not rush through this particular provision. The Delhi Municipal Corporation must be consulted; other people must be consulted. Some more thought must be bestowed upon this particular thing. With regard to the other provisions, you may pass them because they are fairly good. But as far as this particular clause is concerned, a little more time is necessary. It is not good to pass this at this fag end of the session by means of a discussion lasting for about one and a half hours. If you have made up your mind and if you have decided not to listen to another point of view, that is entirely a different matter.

PROF. DR. RAGHU VIRA (Gujarat): Mr. Vice-Chairman, Sir, on account of paucity of time, I could make mention only of the summary powers that have been given to the Commissioner for the demolition of houses. As the hon. Minister has stated, it is a very serious problem in the City of Delhi. May I

just go into the causes of these unauthorised constructions? Delhi has 118 unauthorised colonies. It is remarkable how the position has deteriorated during the last few years to such an extent. What happened? The house-building activity has been stopped for several years. The first notice was issued in 1957 giving notice of the desire of the Government to acquire 3,000 acres of land, and in 1959, the Government issued another notice for acquiring 34,000 acres. Therefore, all the building activity was frozen in a radius of several miles. Now, freezing building activity for two years and more is a serious matter for any city. But in the case of a city like Delhi, which grows every day of the week, it is still more serious. It has been estimated that about 300 people come here daily. They require sixty new houses every day. Sixty houses are not built every day. The result has been that there is acute shortage of one lakh houses in the City of Delhi. It is the duty of someone—the Corporation or the Central Government or somebody else. I am not here to pinpoint the blame on any particular person but certainly the blame has to be borne by someone. Why has not building activity been allowed and why is this building activity still frozen? Well, freezing is a serious process and freezing building activity is very very serious indeed. I may recall the case of Bonn. It was a small city. It became the capital of West Germany. Thousands of people poured into it. And what the Bonn Government or the Bonn Municipal Corporation did could have been easily done in regard to Delhi also. They did not freeze building activity. They planned organised, ordered growth of the city. That is what we needed in Delhi also. Here we have the Delhi Development Authority. But the Delhi Development Authority instead of allowing building activity to go on, instead of helping building activity by allotting plots, by constructing roads and sewers and giving light and water, froze the building activity. That is one of the basic reasons why unauthorised colonies sprang up. And now,

when they have sprung up, the Government cannot possibly raze them to the ground. I appreciate the legal view, I appreciate that law or the majesty of law must be established. That is quite true but at the same time it is not for the majesty of law that the Government acts, it is for the people that the Government acts. So, Government ought to take a lenient view or, I may say, a humanitarian view. Demolition is proceeding at quite a rapid pace. They have to see that as many of these unauthorised colonies as are possible are regularised and that in this process of regularisation, the unauthorised constructions are also regularised.

Now, Sir, the Government or the Commissioner is anxious to get all the powers for the summary demolition of the houses. But I do not understand how the Government can have the notion of demolition of houses in a city where housing scarcity is acute, acute to the order of one lakh or more. It grows at the rate of 25,000; Delhi needs 25,000 more houses each year, and this is not being met. So, under these circumstances, demolition of the houses, and summary demolition at that, is very wrong. It may be necessary to see that the laws are obeyed but, Sir, may I point out that the best and the wisest way of establishing the law would be to start defreezing? Even in nature, freezing continues only for a few weeks or a few months. So, building activity cannot be frozen for ever. May I suggest that this freezing of lands be abandoned? When the Government has defrozen the land, people will stop unauthorised building activity. It will mean authorising people to build more houses. That is the one point which I have stressed.

[MR. DEPUTY CHAIRMAN in the Chair.]

The second thing I have to stress is that, although the Government has taken a very humanitarian view and not just a legalistic view, and are regularising the unauthorised colonies and the unauthorised constructions thereon, there are unfortunately, a

[Prof. Dr. Raghu Vira.]

few constructions left out of consideration, and these are on the fringes of these colonies. Would the Government not take a more humanitarian view about these houses? I know what demolition means. I would like the hon. Minister to go to a place and see how demolition takes place—I have had the misfortune and the very sad experience of noticing how demolition takes place. It takes place like this. Some two or three trucks filled with 50-60 policemen come on the spot for demolition of an unauthorised house. Women and children gather in the house, some climb to the roof. Since in the process of demolition the roof will fall down along with the inmates on it, the police drags them out. Women and children cry and they implore and abuse the police. The police retaliates by counter-abuses. Not only that. They beat them also—of course, I cannot mention the abusive language they use. Scuffle goes on and in the process people are beaten and injured. They go to the nearby hospital or dispensary for first aid and they ask the doctor for a certificate. But then the doctor will not give a certificate.

Now, Sir, if it is going to be demolition, let us have a demolition week or a demolition fortnight in a year and do the thing, but then I think that is not the view to be taken. Now, if a legalistic view is taken, then I may point out to the Government that it is not the question of a dozen houses or a hundred houses. There are hundreds and hundreds of houses—no census has been taken. One may go to anyone of these colonies, and one will find that one-third or two-thirds, or more or less, are made up of unauthorised houses. How what has happened is a long story, and I am not giving out any secret when I say that those, whose business it was to supervise that unauthorised constructions did not take place, those very people were a party to the construction of these houses in the sense that they accepted bribes and connived at the unauthorised construc-

tions. Into the details of it I shall not go, but I can tell you this much that all the houses have not been built during night time. Most of them have been built during day-time. The municipal employees simply watched them go on for days and days, and months and months. As the hon. Minister himself mentioned, it is only after several months that the people who had built without authority receive demolition notices. Now so far, the people could go to a court of law and get a stay order, but by the present amendment they will no longer get the stay order. Now, Sir, if these houses are demolished—and the people thrown out, there will be hundreds and thousands of them without houses, and that will create another problem of rehabilitating them. We might say that we do not care for them, but then, Sir, large numbers are involved, and thousands of people will be turned out, on to the roads, and it will not be a pleasant sight to see for anyone, more so to the Government. So, Sir, Government, or some other agency will have to go and see what is to be done for them. I may mention here, Sir, that the land on which these people have built is land which they have purchased; it is not land which they have occupied without authority. The question is of building. Laws are said to be blind. So I hope, Sir, that the people who will apply this law, will apply it only when the land in Delhi is defroze, when full building activity in Delhi has been revived and after due consideration of the houses which could be saved, because demolition of houses is not the only penalty open for unauthorised housing. You can charge them a penalty, as is done all over the world. This matter should be gone into more thoroughly before drastic steps, or the capital punishment, i.e. demolition of houses takes place. The unauthorised occupants are very poor men, and from what I have seen, these people usually have spent about Rs. 1200 to build a house. In some cases it has gone up to Rs. 2000 or Rs. 3000 or even Rs. 4000.

(Time bell rings)

I have done. Thank you.

KUMARI SHANTA VASISHT
(Delhi): Mr. Deputy Chairman, Sir, we have been looking forward to this amending Bill being brought forward, and I would speak a few words on some particular sections in this amending Bill, and about the unauthorised constructions.

I see that summary powers are being given to the Municipal Commissioner. But it is really the officials at the lower level who would be going to all the houses in all the areas to find out which are the unauthorised constructions. And really it is officials at the lowest rung of the ladder who would be using these summary powers, whether it is the overseer, or the inspector in-charge of that area. So that is the level where misuse is likely to take place. It is not the Municipal Commissioner who would be misusing these powers, but the misuse is likely to be at the other level. As has already been said by Dr. Raghu Vira, there is extreme inefficiency and corruption at that level in the Corporation; and not only in this department, but in every other department also, and it will be most unfortunate if it is the overseer or the inspector—at present looking into the work of unauthorised construction—who will be given more powers. As it is, they are in league with the people who have taken to unauthorised constructions, and such constructions have taken place and are taking place under their very nose and with their connivance. That has happened and is happening day after day. They take money for it, and so they know what is happening. Unfortunately, this is an evil which most of us cannot really root out in this way. Something very special would have to be done to remove this type of corruption from the Government machinery. This is a problem for which, I think, very special measures would have to be evolved. I might point out here that, fortunately, the Delhi Administration has set up—

at least this is the news in the papers—a machinery to root out corruption in every possible way; they have taken special steps for it. I hope that it will work and they will be able to do something about it. I have also heard that the Municipal Commissioner now is trying to suspend a lot of corrupt people, or has removed a lot of such people. I think that would also go a long way at least to reduce corruption. But, by and large, there is extensive corruption in the Corporation, also a good deal of inefficiency, and that is going to react on the Government, is going to hit the Government hard, because it is the ruling party that suffers, and the other parties make hay out of such a situation. When the Government machinery is weak or inefficient, it is the other parties who will be really making capital out of it, for which we must have some answer, have some efficient people and machinery to take care of things.

Secondly, some of the parties, particularly the Communist party, probably do not feel happy about the splitting up of the double-member constituencies and treble-member constituencies, but then, in 1959—some 2½ years ago—all the members of the Corporation including those of the Communist Party had taken the unanimous decision that all the constituencies should be single-member constituencies. Now, for reasons best known to them, they feel that the constituencies should remain as they are now. But this was a decision taken also for the parliamentary constituencies by the parties, and it was a unanimous decision of the Corporation, and the decision—as I said—was taken in 1959. So, I do not understand why now—for what political reason or other reason—they want to object to it and do not want this bifurcation in the matter of the constituencies. Whatever may be the view of the then Home Minister, I am sure he must have had the best reasons for having these double-member constituencies or treble-member constituencies. But then it is not working

[Kumari Shanta Vasisht.]

very well, and the candidates who contest from a constituency like this do not feel very happy. They have unanimously wanted to change that state of affairs. Even for the parliamentary seats—this has to be changed. So, I do not understand why our friends on the opposition want to object to the provision on this point.

Then, Sir, the point that the hon. the Home Minister pointed out was about the refugee colonies, about their going to be charged the various taxes levied by the Corporation, which have now been transferred or are in the process of being transferred to the refugee owners, I mean to those refugees who would pay all the instalments for the purchase of that property and become the owners thereof. Well, the owners probably filed a suit in a court of law and the decision has gone in their favour, that so long as they are not owners of this property no house-tax can be levied on them. And now we say that they should pay the house-tax from April, 1958. So, they have had the feeling that they are not

6 P.M. supposed to pay the tax because of the judgment of the court and now the Home Ministry would want them to pay the taxes because they would become the owners of the property retrospectively. I think we should not really undo what the decision of the court has done. We may charge them the house-tax either from the date when this Bill is passed and that date may be from now on when this Bill comes into force rather than from April 1958 because these people have been labouring under that particular impression of the judgment of the court. Now, if we expect them to pay from 1958 onwards all the accumulated house-tax, etc., I think they will resent very much and a lot of bitter feeling will be created. They should be charged from the date this Bill comes into force.

Secondly, Sir, the situation in the Corporation is not happy. The charge

has to be faced whether we like it or not. The state of affairs in the Corporation is not happy at all. This has been pointed out time and again. I think the Home Ministry has become probably either tired of hearing such complaints or bored with it or they have become immune to these complaints. Unfortunately, in either case Delhi stands to suffer a lot. Now, people even say that under the District Board they were better off in the rural areas.

Sir, the rural area is not getting any of the services or amenities that the civil administration should give but they have to pay all these taxes, etc. There construction cannot go on beyond the Lal Dora—the boundary of the village residential area. And for that also they must submit plans to some authority, the Delhi Development Authority or the Corporation. The plans are not passed in time. They will never be passed unless something radical is done. Therefore, all this unauthorised activity takes place. If the Corporation took the trouble of passing housing plans in time, there would be greater amount of activity and less corruption and inefficiency. Therefore, something should be done about it so that this blockade is removed from its smooth functioning.

Sir, even when there were notified area committees at Nangloi, Najafgarh, Narela, Mehrauli and Civil Lines, etc. the conditions were better and the people were managing their own affairs in their own way. They were the local people. They had at least more authority and more power. Today the rural people cannot say anything because they are in such a small minority. The entire issue of the rural area is really overwhelmed by the urban problems and the rural area is completely neglected and frustrated. Frustration in Delhi today is, if I may say so very humbly, comparable to the frustration and anger and irritation or disappointment of the people in Andhra before Andhra State was formed, or people in Maharashtra be-

fore the Maharashtra State was formed. I am not worried whether you have a State or not though I think that would be an ideal solution for the simple reason that people must be given the responsibility to run their own affairs, but I strongly feel that the situation should be improved.

Sir, the Government of India, unfortunately, have no time as we can see from all the Bills and things coming before us. They have no time to look to the affairs of Delhi which has innumerable problems being a metropolitan city and so on. The Government of India can give very little attention. The neglect is extreme in the case of Delhi. We almost feel like the step-children of the Central Government. It is Centrally-administered without being able to get the full attention of the Government. This is the thing. You have to do something. If the people are looking back to the days of notified area committees after all these years, I think it means that the people are terribly frustrated. I think some day or the other you will have to face this issue as to how these affairs of Delhi are going to be run.

Sir, the members of the Corporation, poor men, cannot get appointments with the Commissioner or the officers of the Corporation. No respect is given to them. Though they are elected members, they are nobody there. Even a clerk keeps them standing for hours on end. Therefore, something should be done. It is very important that the honour and dignity of the councillors, the elected representatives, should be maintained. If this is the fate of the elected people, then what is the use of these eighty people sitting there? Let them go away and sit in their homes and let this be run by an Administrator, by any efficient machinery, by any other type of thing. The fundamental thing is, as I had earlier also submitted before the House, that people should be contented and satisfied. If our Government and our party are not able to do that, what is the use of this paraphernalia, the Delhi Development Authority, the

New Delhi Municipal Committee and the Land and Development offices of the Corporation and all that?

Sir, there is so much overlapping and people are becoming quite frustrated and unhappy and something should be done. I do not care what you do, but for heaven's sake do something to make the people of Delhi happy and contented so that some of the efficiency and the strength of the Government should be visible. A weak Government cannot be respected much. There is so much corruption in the Corporation. You cannot easily trace a file. They do not even know where a file is. It is a universal experience of practically everybody. By and large nobody knows where a file is. They will not give any decisions. The issues will be pending for months and years. But when money is paid, the issue is decided overnight. This is not a happy state of affairs. The people cannot respect such an administration. And this is how things go on and this is the order of the day. Whether we like it or not, this is a fact and we have to face the affairs as they are. We have no choice except to change this situation; otherwise we are the only ones who are going to pay heavily. Nobody would be the loser except the Government. I have very humbly stated these facts and I hope the Government will do something about it because it requires very urgent treatment and urgent help. The things should be improved in Delhi.

Sir, you will be surprised to know that the people have very few complaints against the Delhi Administration where there is not a single elected person or so but the machinery functions relatively well. It is more responsive, very sympathetic and more efficient than the Corporation. The Corporation is a complete failure. It was given to us as a model after the Bombay pattern. But you must remember that in Bombay there was a representative Government, with certain breaks from 1936 onwards; whereas we got the representative

[Kumari Shanta Vasisht.]
Government in 1952 or so. With their experience of about 25 years or more and our experience of hardly five years, you can will imagine what the contrast would be. I hope that the Government will do something to remove all these problems and troubles that we are facing.

SHRI SUDHIR GHOSH (West Bengal): Sir, I have only a few sentences to add to what has already been said on this subject. I think the hon. lady Member Miss Vasisht is perfectly right in drawing the attention of the House to the corrupt nature of the municipal organisation of Delhi. It appears that the Minister is not perhaps very well aware of the tyranny of petty municipal officials of the Municipal Corporation. Mr. Datar is a Minister of the Government, but I doubt very much that if he builds for himself a house in the Municipal Corporation area, anywhere in Delhi, and if he wants to get a completion certificate, I doubt very much whether even he will get it without paying a bribe.

Sir, more serious is the other matter mentioned by our colleague, Dr. Raghu Vira, and that is about the problem of unauthorised constructions and he has very rightly pointed out that the problem of unauthorised construction has arisen because you do not authorise constructions in a legitimate and proper manner. Now, Sir, this unhappy situation in Delhi, the capital city of India, has arisen because of this deliberately pursued policy of the Government and I think very foolishly pursued by the Government. This is a situation artificially created by the Government out of its own foolish policy. Now, they have frozen vast areas of land. As Dr. Raghu Vira has pointed out, some 30,000 acres or something like that—I do not remember the exact number of acres of land—has been taken away from villagers who used to use it for agricultural purposes, and all this is being done in the name of a Master

Plan which was prepared for building up our beautiful capital city.

Now, so far as the Master Plan is concerned, the Government has put it in somebody's drawers and it has no intention of any kind to implement that Master Plan for Delhi, and the only use that the Government has made of this much-talked of Master Plan is to use it as an instrument for forcible acquisition of land and freezing land and the result is artificial rise in land prices.

The land prices in the Delhi municipal area are something fantastic. It is something incredible. Not even in the city of Washington, which is the capital city of the richest country in the world, land prices are so high as land prices in the city of Delhi, and it is the creation of the policy so foolishly pursued by the Government. Let me tell you in half a minute what they do. They freeze this land and prevent authorised construction and thus let loose all kinds of indisciplined forces such as unauthorised construction. This is the result of this freezing policy. What do they do? They take a little bit of this vast area which has been frozen, develop it, bring some of the municipal services of water and electricity etc. and they release the house plots in small lots of one hundred or two hundred and sell it by auction to the public to the highest bidder with the result that the Government itself has sold land in Delhi at a price of Rs. 240/- per sq. yard and sometimes even up to Rs. 270/- per sq. yard. They have sold land at something like Rs. 10 lakhs, Rs. 12 lakhs or Rs. 14 lakhs per acre. At that price land has actually been sold by Government in this capital city of Delhi. This is the result of the policy pursued by the Government, namely, this artificial freezing of land and freezing construction, not allowing the people to construct in an authorised, disciplined or controlled manner and in this way, creating a problem of unauthorised construction and feeling very sorry for it and then giving very wide powers to the municipal officials

in order that those unauthorised constructions may be demolished which, as our friend has pointed out, involves human problems. Why create a problem and then take power from Parliament in order to undo it? It is extraordinary. Since you cannot develop the entire area frozen, why do you have to follow this policy of freezing land or freezing construction and artificially pushing up the land prices and allowing them to go to fantastic figure, as I have mentioned, to Rs. 240 per square yard? I wanted to draw the attention of the House to this fantastic situation which needs to be put right, which cannot be done merely by taking power.

SHRI V. V. SARWATE (Madhya Pradesh): Mr. Deputy Chairman, Sir, the Bill has not been brought too soon. I wish it was more constructive as pointed out by one of our colleagues that instead of seeking to introduce some piecemeal amendments—only a couple of which are major ones and the rest are of a minor and procedural nature—the Government might have taken advantage of this occasion to introduce some other major amendments which would have widened the scope and powers of the Corporation itself. For example, the democratic nature of the Corporation needs to be oriented. The powers enjoyed by the ornamental head of the Corporation, namely the Mayor, as just pointed out by one of our colleagues, are merely making him only a figurehead. I wish the Government had taken this opportunity to invest the head of the Corporation with some executive powers so that the Corporation, through its elected head, would have been able to exercise some sort of control over the executive.

Also, the Government's role is not very happy towards the local self-Government institutions in the country. The Government should not, as a matter of principle, govern or rule but should guide and control wherever necessary and only to the extent it is necessary. This has been laid down by a famous author on this sub-

ject: "The role of the Government should be that of a philosopher, friend and guide." Between profession and practice, there is a wide gap and we find the picture not very rosy in our country so far as the institution of local self-government is concerned.

Coming to the Bill, I find that some of the provisions still need to be reshaped. For example, while trying to split up the multi-member constituencies which is very commendable, I see that there is no provision restricting and candidate from contesting for more than one seat in one election. So also, I wish there had been some provision restricting the voting powers of an elector to one vote in a general election. This principle has been accepted by the British Parliament also. In a small booklet "The British Parliament" it is stated:

"Successive measures dealing with representation have brought the House of Commons nearer to the principle of one man, one vote. The Representation of the People Act, 1948 abolished plural voting."

I wish we also had followed the same principle and made it an offence for anybody who voted more than once in different constituencies in the general elections of a city.

Further, when I was reading clause 5 of the Bill which seeks to invest powers for requisitioning of premises, vehicles, etc., I was not only confused but rather amused to find the word 'vessels' also therein. I could not comprehend the meaning or the relevancy of the word 'vessels' in that clause. I would like to know whether the Government or the hon. Minister has any Utopian idea of having, at a later stage a sea in the jurisdiction of the Delhi Municipal Corporation or the other way, whether they are trying to widen or enlarge the limits of the Delhi Municipal Corporation till they reach some sea-shore of India.

Then there is a provision or amendment which deals with the resignation

[Shri V. V. Sarwate.] of the Mayor and the Deputy Mayor. The wording is not happy. From my experience, extending over a period of more than 20 years, I can say without any fear of contradiction that there are some occasions when both the Mayor and the Deputy Mayor, especially when they belong to the same Party, may have occasion to resign at one and the same time. Then the amendment seeks to provide that the Mayor shall address his resignation to the Deputy Mayor and *vice-versa*. I am sure that the provision should have been that both the resignations should be addressed to the Municipal Secretary who acts as a ministerial officer of the Corporation.

SHRI BHUPESH GUPTA (West Bengal): What about the position if they addressed each other simultaneously?

SHRI V. V. SARWATE: Still that would be a very peculiar position. Then there have been legal cases in regard to the interpretation of the exact point of time when the resignations are supposed to have taken effect legally. Therefore, that should also have been provided, making some such arrangements that the resignation shall be deemed to have taken effect when it reached the hands of the Secretary. It is wanting there.

Another thing is, I fail to understand in clause 20, the efficacy of the wording that the amendment shall be deemed to have always been inserted in that clause. Is there any necessity to give any retrospective effect to this amendment? I fail to understand it.

As regards the power of demolition sought to be vested in the Commissioner, I think there are not sufficient words to express commending it. From my experience, I would urge on the House that this is a very desirable provision. The tendency to construct unauthorised constructions is growing very fast in the whole country, especially in the towns, whether big or small. It is not an excuse that because of the delay in granting sanc-

tion, the tendency to construct unauthorised works is increasing. No. It is otherwise. Unauthorised constructions are made mainly because the persons who constructed them know fully well in their heart of hearts that they are constructing such works which if applied for, would not be sanctioned under the ordinary laws of the Corporation. Therefore, they have resorted to such things. Therefore, this provision is very necessary.

Then there is the last provision about the appeals. It is quite good but I wish that a forum of appeal to a body of persons consisting of elected persons of the Corporation itself should have been provided instead of allowing courts to interfere in the municipal administration.

SHRI BHUPESH GUPTA: Mr. Deputy Chairman, Sir, the manner in which we are discussing this Bill clearly demonstrates how Delhi is neglected. New Delhi is supposed to be directly under Parliament and naturally, when they do not have a Legislature of their own, it is but proper that the Parliament gives adequate time to discuss the affairs of Delhi. The people of Delhi, so many of them, expect of us this seriousness. But now just on the last day of the session and that too on a non-official day and after five of clock in the evening, we have taken up the Delhi Municipal Corporation Bill for discussion and we have to finish the job in a matter of minutes. What else can be a greater exhibition of the manner in which the Government handles these affairs of Delhi? Now, if Delhi had a Legislature, you would not expect them and nobody would expect them to discuss such a measure as this one here, in so brief and nominal a manner as we are doing here today. Therefore, the solution of the problem lies—and here I agree with the hon. Member Kumari Shanta Vasisht—in restoring the democratic set-up here. When I say restoring, I do not mean bringing back the identical thing, but certainly the demand for reverting to the assembly and to responsible government gathers

force and momentum, and more so when we proceed with the arrangement that we have here today, for dealing with this Bill. Surely, I think, Sir, the Government should begin to think about this matter a little more seriously. I know that the old administration discredited itself, I mean the old Assembly Administration of that time. But that is no reason why we should not go ahead and learn from the experiences of the past and also create safeguards to ensure that the administration functions in a popular and responsible way.

I do not accept the certificate that has been so peremptorily given by Kumari Shanta Vasisht to the Administration. According to her the Administration is very fair and the trouble is only the Municipal Corporation. She certainly is more conversant with the affairs of Delhi; but I do not think such a sweeping observation would be right, more especially coming from one who is associated with the affairs of Delhi in so many capacities.

I think there are two points in the Municipal Corporation which should be borne in mind. It is shorn of all power and the municipal councillors do not even have the proper right to approach the Commissioner. When such is the position, you can well understand how they are treated. We are told that the Mayor is a figure-head. If he is a figure-head, I must say that it has been sufficiently fossilised by now. If it is a head, that head has been completely frozen, under the existing arrangements. So, nothing of the figure-head has even been left. That is the position. The entire thing is now bureaucratic. Let there be no mistake about it. You cannot expect a municipal corporation to function properly and with democratic vigour and energy in a system of creeping and fastening bureaucracy. You cannot expect it and these gentlemen there of the Home Ministry are responsible for it. I do not know whether the hon. Minister has stepped into the Municipal Office here, once or twice. I hope

he has. But one is not very impressed by the situation there. Only today—or was it yesterday—we read in the papers what a great noise is there in the Delhi Municipal Corporation in protest against this state of affairs. Coteries have come to stay. Nests are there and self-seeking and advantage-seekers have grouped themselves into small coteries in the Municipal Corporation and are trying to run it to their advantage. We all live in Delhi, but hardly we know such things. We do not even discuss such things. Therefore, the solution lies in something more drastic and that needs to be done.

The hon. Member Kumari Shanta Vasisht asked me why we are suggesting the retention of the multi-member constituencies. She should be knowing why we are suggesting this thing, because she knows why she wants the other thing. By bifurcation, she knows that the particular group that she leads or she is very much interested in, would be benefited. As she puts this question, she may know my reply. She knows Delhi much more than I do. But I say, do not break the present arrangement. Do not disturb the multi-member constituencies there. Now, this is not an Assembly, it is the Delhi Corporation and we have to take all the realities into account. The realities include not merely the number of voters and the Administration, but the entire set up and the human material that has accumulated over the Administration, its good points and its bad points. Taking everything together, I think it is better to go by the multi-member constituencies rather than head for single-member constituencies in order to strengthen the vested interests in Delhi's municipal affairs in a much more rigid manner.

Here I must point out another thing. We are informed that the elections would take place one month after the general elections—I mean the elections to the Delhi Corporation. That again is a clever device, because only the rich parties with enormous resources like the party to which the

[Shri Bhupesh Gupta.]

hon. Member Kumari Shanta Vasisht has the privilege to belong, that party and perhaps the Jan Sangh and other parties can afford to go in for elections immediately after the general elections. Smaller parties like our party in Delhi, are not in a position, and many other parties also are not in a position, to do that. Therefore, our suggestion would be that in such a case the elections should take place simultaneously with the Parliamentary elections. The elections to the various State Assemblies also take place along with the elections to Parliament. I don't see why elections to the Municipal Corporation of Delhi should not take place simultaneously with Parliamentary elections, when the voters' lists are the same. I don't see why. Well, they may have their say. We know that, for we are politicians and they are also politicians and therefore, we know each other's games fairly well. I know that if they want it that way, it is in order to put the other parties, the smaller ones, to disadvantage and take undue advantage of the position. Why that exception should be made in the case of Delhi when as I said, simultaneous elections take place for the Assemblies and for Parliament? That is what I don't see.

SHRI P. N. SAPRU (Uttar Pradesh): Would Mr. Bhupesh Gupta like municipal and local issues to be mixed up with parliamentary and national issues?

SHRI BHUPESH GUPTA: No, that is not the case. Why should there be a thing like that? I think Delhi issues are also national issues. Delhi issues do not mean the Ashoka Hotel. That is not a national issue, nor are some big people living in big houses. But Delhi here is the capital of India and how you deal with the affairs of this capital becomes known to the entire world. This is how we project ourselves to the visitors who come here.

SHRI P. N. SAPRU: Is it suggested that in London the county elections

should take place simultaneously with the elections to the British House of Commons? That is the proposition that Mr. Bhupesh Gupta asks us to accept.

SHRI BHUPESH GUPTA: I don't take you so far, to the British House of Commons. I don't think we need go so far. You have come away from there and I have also come away from there. Let us not return to that any more. The point here relates to the conditions in Delhi. You may refer to municipal affairs or issues. What are these municipal issues? Housing is a municipal issue. But is it not a national issue also? This question of unauthorised constructions, is that not a national issue? There is the question of taxes and the prices. Are they not national issues? How we conduct our civic affairs does become a major issue. Take the case of Calcutta, for example. There we do not have universal suffrage. Only two lakhs voters are there for the Municipal Corporation and we make a big issue of it in all elections, because universal franchise is denied there because otherwise the Congress would be in a hopeless minority and perhaps a Communist Mayor would be seated there permanently. Even so we have captured seventeen out of twenty seven Assembly seats in Calcutta, we of the left wing parties, the leading force being the Communists. Our Congress friends therefore, do not want this kind of adult franchise and only two lakhs are there as voters so that these friends of the Congress party may remain there. But even so, as I said, we have got very nearly to dislodging them. Now, we make it a big issue in the elections. Here also, some issues will be overlapping. So, please do not take it that way. What I say is that Delhi is not one of the many cities. Delhi is the capital of India. Whenever a foreigner comes, he looks at Delhi and Delhi is constantly in the focus of the rest of India. How we conduct our way of life is important not merely from the point of view of the people of Delhi but from the point of view of the people of entire India. This is what I say. Therefore, this is how

the issue should be looked at. I agree there is frustration, corruption, rural areas are neglected. Why that frustration? That story she did not tell, and an intelligent lady she is.

KUMARI SHANTA VASISHT: There are no stories. So, do not go into them.

SHRI BHUPESH GUPTA: I would not tell it either. That you do not say. There is frustration because a particular party which controls the municipality has got mixed up too much in administration and between them they are making a mess of the things. This is one of the reasons, Sir, and there are good people there, as everywhere, but that is the reason and I regret to say that the Commissioner is superimposed. Now, it is an insult for a Mayor to be a subordinate person in fact, if not in law, to the Commissioner. It is a most demoralising sight and the moment I see the Mayor of Delhi, probably I may see him today, I get upset myself, frustrated, Poor chap!

MR. DEPUTY CHAIRMAN: You are repeating.

SHRI BHUPESH GUPTA: This is the position. I do not wish to say anything more. The only thing I say is this: I hope what I have said will make sense to our Government and will be understood by it because I find that when I said something in connection with another debate on the 5th here, the Minister said that he did not understand what I was saying. I hope I have made myself understood. He said that he did not know what I did in the open. I said it openly but he said he did not know what I was doing secretly. To that, I retorted by saying that I did not go to an astrologer to ask him as to when I would become the Prime Minister. I know, Sir. It is human and I tell you frankly. By the way, that is missing in the proceedings of the 5th, and now I hope, Sir, I am stating things very frankly. What I am saying is not my point of view. I believe many Congressmen share them. Therefore, I stress two things.

Firstly, the question of democratic set-up, self-rule for Delhi is of utmost importance and urgency, and secondly that multi-member constituencies should remain and the elections to the Delhi Municipal Corporation, in the interests of free and fair election, should take place simultaneously with the Parliamentary elections and should not take place a month after that because then it will not be free and fair. This is all that I have to say.

SHRI B. N. DATAR: Mr. Deputy Chairman, in the course of the debate that we had, certain points which were relevant to the Bill were naturally criticised and in some cases, they were also opposed but general questions were brought forward not only so far as the administration of the Delhi Municipal Corporation is concerned but of Delhi itself and we were told that there was a lot of corruption everywhere leading to a sense of frustration. Now, so far as these expressions are concerned, they are used more commonly without a necessary reference to the realities of the situation. Whenever there are any complaints about corruption, then naturally Government always looks into them and I would also point out in all humility to the hon. Members that corruption is not a one-way house. If, for example, there are people in Delhi, as elsewhere, who are prepared to offer bribes, then naturally they are more to blame than the others. Therefore, it would not be proper to go on trotting out the same objection, which is absolutely unfounded, that there is corruption on a large scale. To the extent that it is there, Sir, it is always looked into fully and may I point out that all these allegations of an absolutely general or sweeping nature demoralise the whole atmosphere? This is a question which has to be considered very carefully and if, for certain reasons unconnected with the facts of the situation, a sense of frustration is being created, then you cannot hold the Government responsible at all.

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Take the municipal administration of Delhi. When the Act was passed, we took the model of the Bombay Municipal Corporation Act and we based almost all the provisions solely on that Act. It has worked very well in Bombay and no complaints of the nature that we have heard today or we heard in the other House the other day have been made. If an Act like the Bombay Municipal Corporation Act or an Act like the Delhi Municipal Corporation Act has stood the test of time, has worked well, then naturally we should not go on complaining that it is not a democratic administration at all. We ought to take into account the peculiar conditions of Delhi. Delhi is the capital of India and Delhi is the seat of Government. Therefore, Sir, certain provisions have to be made and when that Bill was before this hon. House, the whole matter was discussed completely and then only was that Bill passed. How many years have passed? Three or four years only. Is this period of four years sufficient for testing the usefulness or the effectiveness of a law? If the next day after passing an Act we start criticising it, then that creates an atmosphere which is not propitious for a proper or successful working of the Municipal Corporation Act. It ought to be given some more time to see whether the Act has served the purpose. It would not be proper to go on bringing general criticism without any reference to our own obligations as citizens of Delhi. Eighty seats are elected and only six are elected by those eighty. Under these circumstances, if there is a complete elective element and if we do not work it properly, then who is responsible? That is the question which I should like to address myself and to others also. Therefore, we ought to have—and I am not excluding any person—all of us, a civic sense and that sense of civic responsibility has to be fully kept in view. If we do that, then all these difficulties would disappear as a matter of course. If there are certain genuine difficulties, then Government are prepared to

amend the Act but the Act itself should be given sufficient time and the people who come into the Municipal Corporation ought to work with a desire to carry out the provisions in the best interests of the people. That is the most important consideration which we should not forget at all.

Something was stated about the undemocratic character of the Municipal Corporation Act for the simple reason that the Commissioner was there. We have a Commissioner in Bombay also and he has got the same powers and he has got the same limitations of powers and the Mayor and the Municipal Councillors can effectively influence the administration provided they act with cohesion and they act with a single-minded devotion to the interests of the people. Now, these are all things which we have to develop in the interests of Delhi. Therefore, may I point out in all humility, Sir, that in so far as the present Act is concerned, let us treat that Act in as effective and as proper a manner as possible and if still it is found that there are certain defects, then we are prepared to get the Act amended to the extent necessary? Otherwise, Sir, let us not go on making some criticism that the Commissioner is all-powerful, that the Mayor has no power at all. The Mayor and also his colleagues have, may I point out, an effective way of influencing the whole administration in the interests of the people. Now, Sir, with these general remarks which have no direct bearing on the present Bill I should like to make a very brief reference to certain points.

My hon. friend, Shri Ramamurti as also my indefatigable friend, Shri Bhupesh Gupta, have both trotted out the same . . .

SHRI BHUPESH GUPTA: Sir, the hon. Minister is getting fatigued by pronouncing 'indefatigable'.

SHRI B. N. DATAR: My friend who never knows what fatigue is,

rightly or wrongly, who never knows the limits of exhaustion, and some hon. friends on the other side and also this side have now discovered that the multi-member constituency is good. May I point out to this hon. House that when the Constitution was on the anvil and when elections to Parliament had to be provided for—you were then a Member of the Constituent Assembly, Sir, and you know it very well—this question of the single-member constituency as against double-member or multi-member constituency was gone into fully and after full consideration it was found proper for the development of democracy in India that there ought to be single-member constituencies? May I point out that this was the decision taken by the nation? But here and there oftentimes it was contended that the multi-member constituency should also be tried. That was the reason why when the Delhi Municipal Corporation Act was passed, it was tried on a small scale but it was not found more effective than single-member constituencies. That is why we had to revert to single-member constituencies which had been approved by the whole nation.

Lastly, on this question, may I bring it to the attention of hon. Members of this House that we have taken this action on the basis of a request in this behalf by the Delhi Municipal Corporation itself? On 13th January, 1959, the Corporation passed the following Resolution:

"This Municipal Corporation of Delhi is of the opinion that for purposes of election of Councillors, Delhi be divided into single-member wards . . .".

Let this be understood. This is the view not of any undemocratic body but of the body most vitally concerned, namely, the Delhi Municipal Corporation. The members of the Delhi Municipal Corporation were elected from either two-member constituencies or three-member constituencies

but they themselves have found after experience that it would be better to have a single-member ward.

"It therefore urges upon the Central Government to take necessary steps for the amendment of section 5 of the Corporation Act."

If, out of deference for the views of the Delhi Municipal Corporation itself, this step has been taken when the first elections were held on the basis of a double-member constituency or a three-member constituency can we not take it that these hon. Councillors of the Delhi Municipal Corporation believe that as against a double-member constituency or a three-member constituency a single-member constituency is far more useful, far more effective, can we not also presume that in the interests of the Delhi Municipal Corporation itself this was a proper step to take? I have pointed out already how everywhere we have been following this principle and here in this case out of regard for the views of a certain section we had introduced three-member constituencies and when it was found that those Councillors who were elected themselves were of the view that it ought to be single-member constituency, we have come up with the amendment. And may I point out that the party of the hon. Member opposite was also represented in the Delhi Municipal Corporation? Under these circumstances we cannot be taken to task for having attempted to respect the wishes of the Delhi Municipal Corporation itself.

Then, Sir, I would not like to make a reference to certain other points which have no relevance as such. Proportional representation was referred to. By proportional representation is meant that we want certain representation on certain bodies of all the different sections but apart from that it is necessary to have a compact body that would carry on the administration, to a large extent a body which would be known for its harmony, which would be known for its

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cohesion. In that case naturally we have to follow the ordinary principles of election and that is a point which may kindly be noted.

My hon. friend Dr. Raghu Vira pointed out that these unauthorised constructions were not necessarily due to wrong action on the part of the people. May I point out in this connection that so far as these unauthorised constructions are concerned, they are completely unauthorised in this sense that they ought not to have been constructed at all when we have Municipal Acts? Formerly also we had the Delhi Municipal Act and other Acts and when a site has to be built upon then naturally they have to take the orders of the municipality. They cannot do whatever they like merely because it suits them; please understand this. This is, may I say in all humility, an unmixed evil and this has to be stopped. There are circumstances when we should not show misplaced sympathy to these real wrongdoers. Now, it is open . . .

SHRI SUDHIR GHOSH: We are all supporting you in demolishing unauthorised constructions but we want you to understand the cause of it.

SHRI B. N. DATAR: There are a number of causes including the misplaced sympathy of a number of persons. Whenever the Government or the Administration wanted to proceed very fast, then naturally these things were impressed upon us and therefore the Administration had to be slow out of regard for certain friends, certain persons, certain citizens. That fact also should be taken into account. I have no time; neither is it necessary for me to go into the whole question but may I point out to the hon. Member who just interrupted me that this freezing of the land was absolutely essential? He himself advanced an argument which is against what he stated. He pointed out—quite rightly. Sir—that the values have gone very

high in Delhi compared with other cities either in India or elsewhere. Now, what is the reason for the prices going up? I know the reason. The reason is the speculative nature of certain people to whom we should not show any sympathy at all, people who want to make money, who want to profiteer at any cost so far as the other population is concerned. Now, may I also point out to him that the act of freezing that we took with regard to thousands of acres had had a very salutary effect? Please understand that. It has stopped this speculation and these persons, the financiers, the profiteers, especially the wrong profiteers, they are not happy with our freezing. Now the Government have placed before Parliament their own detailed scheme as to how the lands have to be built upon, what steps have to be taken, to whom the plots are to be given and so on. That has been placed before Parliament and the Parliament has more or less accepted it because it is a long-range programme in the interests of the different classes of people, not the rich class only.

SHRI SUDHIR GHOSH: I am sorry but, Sir . . .

SHRI B. N. DATAR: I am not going to yield; it is late already. Under these circumstances I do not understand this question of defreezing. Defreezing will result, may I say, in absolutely wrongful advantage to a class of persons, to a class of financiers who want to profit at the cost of the poor people. That is the reason why there shall not be any defreezing. Let it be understood clearly . . .

SHRI SUDHIR GHOSH: Nobody supports that.

MR. DEPUTY CHAIRMAN: Order, order.

SHRI B. N. DATAR: We are trying to follow a constructive plan and in furtherance of the constructive plan we shall see that all classes of people, including the poor classes of people,

receive their legitimate, fair share, that is why this had to be done and, therefore, there shall not be any defreezing.

PROF. DR. RAGHU VIRA: What has the Government charged for these places from these poor people?

SHRI B. N. DATAR: Now, I will not go into the whole question. We have made it clear how under certain circumstances, property would be given only at nominal cost, in the sense whatever they have recovered. The price of acquisition which naturally has to be low, would have risen at least twenty times had not this order been passed. The cost of some improvement here and there has been provided for. I would request, in all earnestness, my hon. friend, Dr. Raghu Vira, also to go through the whole question again, to go through the voluminous notes that we have presented to Parliament and then let him determine the policy thoroughly, after full consideration and after a dispassionate consideration. That is the only way in which we can get out of the morass of the present conditions.

It was contended that summary powers were being given to the Municipal Commissioner. They have got to be given. We have provided a corrective. The corrective is by way of an appeal. Then, Sir, you cannot have a stay order as a matter of course. That also should be understood. You can have a stay order, provided you are prepared to furnish security. That also should be understood by hon. Members.

I think I have dealt with all these questions. And may I point out that this Bill has been brought forward only at the desire of the Delhi Municipal Corporation, not only in respect of the principal points but also in respect of the other points? That shows the democratic approach of the Government in regard to this question and Government are hoping that the Delhi Municipal Administration will be of the best type, provided all of us, all

the citizens, give their great moral support and make a constructive approach, which is absolutely essential.

MR. DEPUTY CHAIRMAN: The question is:

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

The motion was adopted.

MR. DEPUTY CHAIRMAN: We shall now take up the clause by clause consideration of the Bill.

Clauses 2 to 5 were added to the Bill.

Clause 6—Amendment of section 38

SHRI V. V. SARWATE: Sir, I move:

2. That at page 2, for clause 6, the following be substituted, namely:—

"6. For section 38 of the principal Act, the following section shall be substituted, namely:—

"38. (1) The Mayor may, by writing under his hand addressed and delivered to the Municipal Secretary, resign his office.

(2) The Deputy Mayor may, by writing under his hand addressed and delivered to the Municipal Secretary, resign his office.

(3) A resignation under sub-section (1) or sub-section (2) shall take effect as soon as it reaches the Municipal Secretary."

MR. DEPUTY CHAIRMAN: You have already spoken on the amendment.

SHRI V. V. SARWATE: Yes, Sir.

The question was proposed.

SHRI B. N. DATAR: In all such cases, the letter of resignation has to be addressed to an authority which

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has some corresponding dignity so far as that particular office is concerned. Just as the Speaker, the Deputy Speaker or the Deputy Chairman, these are offices which are of a permanent nature, though the incumbent may or may not be there. Therefore, it would not be proper to call upon the Mayor or the Deputy Mayor to address the letter of resignation to a subordinate of his, namely, the Municipal Secretary.

SHRI V. V. SARWATE: Sir, I beg leave to withdraw my amendment.

**Amendment No. 2 was, by leave, withdrawn.*

MR. DEPUTY CHAIRMAN: The question is:

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Clause 7 was added to the Bill.

Clause 8—Amendment of section 119

SHRI V. V. SARWATE: Sir, I move:

3. "That at page 2, for lines 19 to 21, the following be substituted, namely:—

'(a) in that sub-section as so re-numbered,—

(i) for the words "lands and buildings", the words "lands and buildings for which no rent is charged" shall be substituted; and

(ii) in the proviso, for the words "in this section" the words "in this sub-section" shall be substituted;."

The question was proposed.

**For text of amendment, see col. 3960 supra.*

SHRI B. N. DATAR: It is in the principal Act itself. There is no question of rent being charged. There are many properties which belong to the Government. No rent is charged for that. They are used for their offices.

SHRI V. V. SARWATE: Sir, I am speaking. My object is that since section 119 is on the anvil, an amendment is sought to be made in this Bill. The whole section is under the consideration of the House. I am trying to propose that no Government property on which rent is realised should be exempt from municipal taxation. This principle has been accepted in the other Municipal Corporation Acts in the country. Then, why not here also? The Government should pay the tax wherever it recovers rent from its sister departments or otherwise. Wherever rent is not recovered, then the property should be exempted. That is the object of my amendment.

SHRI B. N. DATAR: May I point out that in the section itself a provision has been made that in certain cases the Government can be held liable? Lastly, let the hon. Member understand that in addition to the taxes that they levy, the Government are giving large sums of money as grants to them. That also is a factor which should be taken into account.

SHRI V. V. SARWATE: Sir, I beg leave to withdraw my amendment.

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

MR. DEPUTY CHAIRMAN: The question is:

"That clause 8 stand part of the Bill."

The motion was adopted.

Clause 8 was added to the Bill

Clauses 9 to 23 were added to the Bill.

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

SHRI B. N. DATAR: Sir, I move:

"That the Bill be passed."

The question was proposed.

KUMARI SHANTA VASISHT: Sir, one word please. From the speech of the hon. Minister I got the impression that the entire trouble of the Corporation was mainly due to disharmony, etc. among the non-officials and that the entire good work was done by the Government machinery. I would like to know whether he really feels so. The frustration is not only or particularly that of the Councillors, or of the other people, or of Members of Parliament, but the question is as to what is the feeling of the common man? It is the ordinary people who feel frustrated with the Corporation. My feeling is generally the Home Ministry does not listen to us. I am not sure whether the Minister even listened to what we have said. When I say that the plans are not passed for housing, etc., when they are not approved for years and years, would you blame those citizens for that? I do not support the unauthorised constructions, but the connivance of the Government staff, etc. especially at the lower rung, is very much there. Would that be a sweeping statement? If he feels so, as probably he does, it may be due to his not knowing all the facts. He is right to fight for the Government officials, which I can understand he has to do as a Minister. I have also done it myself though in great ignorance. But I speak only for myself and for nobody else. But I think that the machinery which is the bureaucratic machinery has its own point of view. They have to justify and I think it is sort of necessary. If the hon. Minister would appoint an enquiry committee and it finds out that there is no corruption, we will be the first people and the happiest people to say that there is no corruption, and we will be very glad about

it. If it is there, whether it is in passing the plans or construction or allowing an unauthorised construction, it should be stopped, because in no way you will be able to rehabilitate all the people who are putting up unauthorised constructions or huts, etc., etc. In that case you may set up an enquiry committee to find out whether inefficiency is there or not, how many files are traceable, how many are not traceable, how much money passes hands in the Corporation from the citizens as well as among them—if the plan for a house is not passed for six months, one year, two years or three years, whether the machinery is forcing the people that money should be paid; if a teacher passes a test and is to be selected, but the matter is evaded and delayed . . .

MR. DEPUTY CHAIRMAN: You are going into details now.

KUMARI SHANTA VASISHT: Therefore, it needs some examination whether corruption is there or not.

SHRI SUDHIR GHOSH: Sir, may I have your permission for one clarification? Nobody in this House or any reasonable man anywhere supports speculators in land. No intelligent man can. It is only right that Government should use its power to prevent speculators from speculating in land for the purpose of making money. They have our entire support in their action. That is quite different

When Government itself becomes a speculator, that is a matter for deep regret for any honest citizen. What I wish to point out is that if Government forcibly acquires 30 thousand or 40 thousand acres of land and a little portion of it is developed, and if that developed area is released in small lots in dribblets for sale, it creates artificial scarcity in house plots, and thus the Government deliberately pushes up land prices to fantastic figures like Rs. 240 per square yard. When Government does this, it becomes a speculator and indulges in anti-social practices. Nobody can support such policies.

SHRI B. N. DATAR: There is no reason for Government to be a speculator at all. Government wants to prevent speculation. This is my hon friend is concerned.

I agree with the hon. lady Member that wherever there are cases of corruption, they should be fully and sternly gone into. I am prepared to look into every case that the hon. lady Member would bring to my notice, and I would add that we are perfectly responsible, not only responsible to the House but responsible to the citizens.

May I say, Sir, that she said that something is said by Ministers only out of certain other considerations? I am not following her example, and that example is not a correct one.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

MESSAGES FROM THE LOK SABHA

I THE DEPOSIT INSURANCE CORPORATION BILL, 1961.

II. THE INCOME-TAX BILL, 1961

SECRETARY: Sir, I have to report to the House the following messages received from the Lok Sabha, signed by the Secretary of the Lok Sabha:—

I

"In accordance with the provisions of Rule 96 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to enclose herewith a copy of the Deposit Insurance Corporation Bill, 1961, as passed by Lok Sabha at its sitting held on the 8th September, 1961."

Sir, I lay the Bill on the Table

II

"In accordance with the provisions of Rule 107 of the Rules of Procedure and Conduct of Business in Lok Sabha, I am directed to inform

you that the following amendments recommended by Rajya Sabha in the Income-tax Bill, 1961 at its sitting held on the 4th September, 1961 were taken into consideration and accepted by Lok Sabha at its sitting held on the 8th September, 1961:—

Clause 13

1. That at page 23, line 24, after the words 'this Act', the words 'any income thereof,' be inserted.

Clause 88

2. That at page 73, after line 18, the following be inserted, namely:—

'(6) Notwithstanding anything contained in sub-section (5), this section shall apply to donations given for the renovation or repair of any temple, mosque, gurdwara, church or any other place which is notified by the Central Government in the Official Gazette to be of historic, archaeological or artistic importance.'

Clause 288

3. That at page 177,—

(i) after line 31, the following be inserted, namely:—

'(v) any person who has passed any accountancy examination recognised in this behalf by the Board; or

(vi) any person who has acquired such educational qualifications as the Board may prescribe for this purpose; or'

(ii) in line 32, for the brackets and letter '(v)' the brackets and letters '(vii)' be substituted"

MR. DEPUTY CHAIRMAN: The House stands adjourned *sine die*

The House then adjourned *sine die* at four minutes past seven of the clock.