

[Mr. Vice-Chairman.]

4. The State Duty and Tax on Railway Passenger Fares (Distribution) Bill, 1957 as passed by the Lok Sabha . . . 2 hours
5. The Appropriation Bill, 1957 relating to Supplementary Demands for Grants for 1957-58. 1 hour 30 mts.
6. The Additional Duties of Excise (Goods of Special Importance) Bill, 1957, as passed by the Lok Sabha . . . 2 hours
7. The Payment of Wages (Amendment) Bill, 1957 as passed by the Lok Sabha . . . 1 hour 30 mts.
8. The Parliament (Prevention of Disqualification) Bill, 1957, as passed by the Lok Sabha 2 hours
9. The Countess of Dufferin's Fund Bill, 1957, as passed by the Lok Sabha . . . 30 mts.
10. The Preventive Detention (Continuance) Bill, 1957, as passed by the Lok Sabha . . . 5 hours
11. The Delhi Development Bill 1957, as passed by the Lok Sabha 1 hour 30 mts.
12. The Citizenship (Amendment) Bill, 1957, as passed by the Lok Sabha . . . 30 mts.
13. The Mines and Minerals (Regulation and Development) Bill 1957, as passed by the Lok Sabha . . . 2 hours 30 mts.
14. The Indian Tariff (Second Amendment) Bill, 1957 as passed by the Lok Sabha . . . 1 hour 30 mts.

OTHER BUSINESS

15. Motion regarding Food Situation 4 hours.
16. No-day-yet-named Motion given notice of by Shri Kishen Chand regarding the Scheme for Village Housing Projects 1 hour 30 mts

In order to be able to complete the business by December 24, 1957 which is the day fixed for the adjournment of the current session, the Committee has further recommended that the House should, with effect from today (16-12-1957) curtail the lunch recess each day by half an hour and sit

extra half an hour daily i.e. up to 5-30 p.m., and also sit on Saturday, December 21, 1957.

The House stands adjourned till 2 P.M.

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

The House reassembled after lunch at two of the clock, THE VICE-CHAIRMAN (SHRI M. B. JOSHI) in the Chair.

THE DELHI MUNICIPAL CORPORATION BILL, 1957—continued.

SHRI B. N. DATAR: Mr. Vice-Chairman, only a few points remain to be touched by me and I would do so presently. I would also invite the attention of the House to the constitution of what is known as the Rural Areas Committee. I have already pointed out to this House that there are a number of areas which are rural in character and in order to safeguard their interests it was thought advisable that there should be a Rural Areas Committee. The original proposal was to have this committee in an advisory capacity. Then it was considered that a higher status should be given to it, and for that purpose it has been now stated in the Bill that the Rural Areas Committee will recommend schemes so far as development of the rural area is concerned. Not merely advise, they have now to recommend. Secondly it has also been provided for, that the Municipal Corporation shall consult the Rural Areas Committee in respect of matters with which it is concerned.

I might also invite the attention of the House to a committee known as the Education Committee, which shall deal with questions relating to education, and a provision has been made for nominating three outsiders who are experts on education. That also has been provided for.

Then we have got also ward committees consisting of the councillors from each particular ward with a view to facilitate the discharge of functions closely relating to those particular wards. So these are the additional provisions that have been made in this Bill.

Then, Sir, so far as the obligatory functions are concerned, they are these three and they have been added newly, maintenance of parks, gardens, a fire-brigade and the protection of life and property, and the maintenance of monuments of historical interest which were existing or which would be existing at the time when the Municipal Corporation will have been formed.

Then, Sir, you will find that, so far as the discretionary functions of the municipality are concerned a very large number of them have been added to the list which was already fairly comprehensive, establishment of theatres and cinemas, then establishment of asylums for persons of unsound mind, of veterinary hospitals, relief to destitutes, and a number of others—I need not go into them.

Then so far as the Standing Committee of the Municipal Corporation is concerned, out of regard for the views expressed by hon. Members on the Joint Select Committee, the number of its members has been raised from twelve to fourteen. There was a similar demand for the increase in the number of members of the three statutory committees. Now what has been decided is that, after the second general election of councillors, provision would be made empowering the Central Government to raise the number of elected members to any figure not exceeding six. So let us see how the experiment works.

Then, Sir, a very important provision has been made regarding the recruitment to posts under the Corporation. It has been stated that the power of the Commissioner and the

two General Managers has been confined to posts with a monthly salary of less than Rs. 350, and here also rules will be made, for the purpose of making recruitment to these posts under Rs. 350. For higher posts, Sir, the power of appointment will vest in the Corporation, but the Corporation naturally has to consult the U.P.S.C. in respect of posts above Rs. 350 and also in respect of the two posts of General Managers, where the consent of the U.P.S.C. is considered as essential.

Now it has also been provided for that, in appropriate cases, payment of general tax might be exempted in the case of those buildings of which the rateable value does not exceed Rs. 100.

Then there are other provisions into which I need not go, but I would point out that in all these cases provision has been made for various matters that the Municipal Corporation will have to deal with.

Lastly, I may point out, Sir, that this is a fairly bulky Bill, perhaps one of the few very bulky Bills with which this Parliament has had to deal. It might be bulkier than the Constitution, and I imagine that perhaps it might be the most bulky Bill without necessarily being strenuous, because most of the provisions are those borrowed from the Bombay Municipal Corporation. Therefore, Sir, in the light of what I have submitted I am commending this Bill to the acceptance of this House.

The VICE-CHAIRMAN (Shri M. B. JOSHI): Motion moved:

“That the Bill to consolidate and amend the law relating to the municipal government of Delhi, as passed by the Lok Sabha, be taken into consideration.”

DR. R. B. GOUR: Mr Vice-Chairman, the hon. Minister for Home Affairs has even in his speech moving the motion anticipated some of the

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arguments. Even though he has not anticipated the force of our arguments he does anticipate the sense of the points that we are going to raise.

Sir, let me at the very outset say that we concede that the Bill, as it has emerged from the Select Committee, is definitely an improvement upon the original Bill. We also concede that starting from the consideration of the history of local bodies in Delhi, there is a great improvement. Earlier, in fact if we could go into the history of local government in Delhi, there was hardly any local body worth the name. Even the present Delhi Municipal Committee could not be considered as a really authoritative local body and there was an agitation, there was a demand, for a full-fledged corporation in Delhi on the lines of Bombay. So, from the point of view of the local governments as they exist today, the local government that is going to be brought about by this Bill is definitely going to be a big advance. On that score there is no doubt. But at the same time, we from this side look at this Bill not merely from what the existing position concerning the local government bodies in Delhi is; but we also look at the problem from what it should be in a metropolis like Delhi. It was as early as the year 1938 when Shri Asaf Ali moved a resolution demanding the establishment of a full-fledged corporation in Delhi. That resolution had gone through. He did not bring out actually what he wanted in the corporation; but at the same time if he were to be alive amidst us today and if we were to have consulted him as to how he wanted the corporation to look like, then obviously he would go much beyond what the Home Ministry has today gone in relation to the contemplated corporation, in relation to the formation of the States. The hon. Home Minister said 'I like big things.' He was opposed to the division of U.P. He wanted to have big things and said 'I like big things', and he also proposed a big Bill in our House. But at the

same time I should like to ask him whether it contains big things? From that angle, one has to see what the corporation—or I should not use that word—a local authority is. We want a metropolitan authority for Delhi. That is our approach. Not only because it is the capital city of this country, but also because this particular Union Territory of Delhi has been deprived of a State which it used to enjoy earlier. And when the States reorganisation was contemplated, the people of Delhi were promised that it would be a fairly powerful corporation that they would have in place of the State of Delhi. I quite understand that the States Reorganisation Commission was not—it was not referred to that Commission—to consider the question of the scope, the area and the authority of the Delhi Municipal Corporation. But the States Reorganisation Commission did go into this question from the point of view of the fact that they were going to recommend abolition of the State legislature in Delhi. And now what is that? In the States Reorganisation Commission's Report on pages 159 to 162 they have dealt with this question. They have gone into the historical aspect of it and from page 160 of that Report, let me quote for the benefit of the hon. Minister and also for the benefit of the author himself, lest he might forget, what he himself has written and submitted to the House. On page 160 it is said in that Report: "From the point of view of law and order, the social life of the people, trade and commerce and common public utility services, Old Delhi and New Delhi now constitute one integrated unit and it will be wholly unrealistic to draw a line between the two." This argument is used to separate New Delhi area from the rest of Delhi when the people of Delhi demanded that Delhi State should be there and if the Central Government wanted the capital out of Delhi State, then it could exclude New Delhi area from its purview, and Delhi State could comprise of those areas which are outside New Delhi area. But this

argument was used to deny the Delhi State. They said that New Delhi and Delhi could not be separated for any cogent reason and, therefore, they should not be separated; and, therefore, you could not ask that New Delhi could remain under Central Government and Old Delhi could remain under a separate State. Now, this argument was used for denying a State to Delhi, when the people of Delhi, when the then Government of Delhi pleaded that if you wanted the capital to be outside the Delhi State, then you have it separate and you give us the State. Then you said that New Delhi and Old Delhi cannot be separated. For the purpose of their having a State of Delhi you said that New Delhi and Delhi could not be separated. Then, when the urge, when the demand for a united administration for the entire Delhi and a State legislature in Delhi was at a high level, do you know what you told them? You told them this. This is what the Report says in paragraph 593, on page 161. I am quoting the end of the paragraph. This is what you said: "Having taken all these factors into account, we are definitely of the view that municipal autonomy in the form of a corporation, which will provide greater local autonomy than is the case in some of the important federal capitals...."—please mark the words 'greater local autonomy' "...is the right and in fact the only solution of the problem of Delhi State." Now, this is what you said.

SHRI J. S. BISHT: Who said?

DR. R. B. GOUR: The States Re-organisation Commission, members of the Commission, and I think we have discussed this report and admitted most of it. This is what you have told, that you are not going to have the State. Now, the entire area of Delhi—New Delhi and Old Delhi—is to be one. There are no cogent reasons to divide them. There is no dividing line between the two areas. You also said that it should be an authoritative corporation, more authoritative than is the case in many of the federal

capitals. This is what was promised to the people of Delhi when you were taking away the State of Delhi from their hands and when you wanted that Delhi should be a centrally administered Union Territory. That was the promise then.

SHRI B. K. P. SINHA (Bihar): That was a recommendation, not a promise.

DR. R. B. GOUR: Now, Sir, the hon. Minister comes and tells us—well, those quotations are there—about Washington. I do not know why Washington is generally quoted. But you did not promise the people of Delhi that like Washington you are not going to have a local authority. You did not tell them. Had you told them earlier, had you brought the example of Washington then, obviously things would have been different in Delhi . . .

SHRI B. K. P. SINHA: Scarcely also like Bombay.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): You will have your turn to reply.

DR. R. B. GOUR: Things would have been different. But the fact is, and I think the hon. Minister also concedes, that you did not give them the idea that they were going to have the same fate as that of Washington. You told them you will have a local body with greater authority than is the case in many other federal capitals and today you say that Bombay Corporation is our model. I do not know. We thought that Delhi Municipal Corporation would be the model for all other corporations. Models are created. We thought that after ten years of freedom—when a particular political party which has fought for local self-government authority in the past was creating a local self-government authority in the capital—you were going to create a new model of that dream of Shri Asaf Ali when he moved that resolution in the year 1938. We did not know that you would only have

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the Bombay Corporation as your model. This is what, not we, but even outside visitors to this country say about the Bombay Corporation. Quite true, perhaps the Bombay Corporation is the best in the country today as it stands. Obviously Calcutta Corporation could not be a pride to the country. It may be to Mr. Basu but not to the country. A Corporation which has not got adult franchise cannot be a model for us.

Regarding Bombay, this is what they say. This is what Mr. Robson who was an authority on local self-government has written in his book "The Great Cities of the World" about the Bombay Corporation: "We cannot regard Bombay as fulfilling the essential conditions to qualify as a self-governing body." Even though Bombay is the best Corporation that we have in India, it is not the best that we could conceive of, and we should not have it, and much less would it suit, as a model to the metropolitan city of Delhi, to which you promised a Corporation with greater authority than was obtaining in many federal capitals of the world. Sir, this is what Mr. Robson says about the Bombay Corporation: "We cannot regard Bombay as fulfilling the essential conditions to qualify as a self-governing body now, that not only the deliberation of policy, the passing of ordinances and the control of finance shall be within the orbit of an elected council, but also that executive power shall belong either to the council or to the organ appointed by the council or to the officers directly elected by the citizens." That is the kind of local self-governing body that a proud citizen of a free country should aim at, should dream of.

Now that the Bombay Corporation has been kept as a model, it is the Bombay Corporation Act that has in fact to be modified, from the point of view of the present requirements of the growing demand on the part of the people who have not the authority

in running their own affairs. But the Government comes and tells us that the Bombay Corporation is the last word; thus far and no further. That is one basic objection, Sir, that we have towards the approach that the Government has set itself in relation to this particular Bill.

Sir, as regards the jurisdiction of the Corporation, it is not only the States Reorganisation Commission that conceived of a unified local authority. It is not only the idea or spirit underlying the whole report that you will get a unified corporation with better authority. Not only that. Let us see what the Jaundice Committee told us. In fact the Jaundice Committee went into the question, and their report is a scathing attack on the municipal authorities in Delhi. The Jaundice Committee report is a scathing attack on the territorial fission of this area because of which administration is not possible, health and sanitary administration is not possible. They have said that a unified Corporation on the lines of the Bombay Corporation seems to be urgently needed. This view was strongly pressed by the witnesses of the Delhi Municipal Committee and the New Delhi Municipal Committee. Both said let there be a unified Corporation.

SHRI B. K. P. SINHA: What report is that?

DR. R. B. GOUR: This is the Jaundice Committee Report. But do not read it with a jaundiced eye. This was a Committee appointed to go into the causes of outbreak of jaundice in Delhi.

Then the Delhi Municipal Committee organisation also suggested that there should be one Corporation for the entire area. Now, Sir, from all this evidence, from all these authorities, there is no reason why New Delhi should be kept separate. But the hon. Minister has said that most of it is Government property, that 90 per cent. of it is Government property,

and therefore what is the use of having this vast white elephant in the Delhi Corporation, on which you have to spend and from which you cannot get anything? But the hon. Minister was trying to give a lullaby under a fallacy to this House. He thinks that he could get away with the idea that even if New Delhi is transferred, the Delhi Corporation will not get anything from New Delhi. He forgets that even in that area which is called New Delhi there are houses occupied by big private merchants and vested interests. They have brought pressure on the Government, and a memorandum has been submitted by them that New Delhi should not be included. I do not think that the Government servants have given a memorandum that it should not be included, but it is these vested interests who have given a memorandum to the Government that this area should not be included. They do not want to be in the Corporation because they will be taxed.

SHRI J. S. BISHT: They are taxed here also.

DR. R. B. GOUR: Then Sir, I would like to draw the attention of the hon. Minister to the recommendation of the Local Finance Enquiry Committee. I will not deal with this matter in great detail but I will deal with their taxation proposal. The Committee has categorically said that Government property should not be excluded from the purview of taxation. Nevertheless they have said that the Constitution stood in the way. If you think that Central Government property should be excluded, then give an equivalent amount as grant. This particular recommendation of the Local Finance Enquiry Committee was, if I am correct, accepted by the Local Self-Government Ministers Conference in 1954. Now, if you are not giving New Delhi, then obviously you will be giving an equal amount in grant to the Delhi Corporation, an amount equal to the tax that could be collected if the Government property was also to be taxed. At the same time you are absolving yourself from paying the

service tax. You are not giving the property tax. Therefore, to say that with the inclusion of New Delhi there will not be any addition of revenues to the Corporation, I think, is a fallacy which the hon. Minister has inadvertently indulged in. Funds will also have to go on the basis of assessment of an equivalent grant. Therefore, there is no reason even from this aspect to exclude New Delhi.

Then, Sir, it is said that the diplomatic enclave is there. It is not the whole thing. Even in the London County Council area the diplomatic corps is there. I think they have got more diplomatic corps there than we have in our country, and yet the whole area is part of the County Council. They have not excluded that area. They do not have a better half in that particular City of London. Why do we, who are a part of the Commonwealth, not take this particular theme from London? You want to remain in the Commonwealth with all its vices but without its virtues. Sir, his argument is also no argument from the point of view of unification of local administration in this area.

Then, Sir, they say that most of them are Government employees, that they will not have the right to contest elections. He eloquently suggested that they are disfranchised. I do not say that they are disfranchised. You know what you have done under clause 506 of this Bill. You have asked the New Delhi people, Government servants and all, all those who would go to elect the Councillors if New Delhi was to form part of the Delhi Corporation area, all of them will elect some persons who in their turn will elect the Members of Rajya Sabha from Delhi. That means the citizens of New Delhi, the Government employees who, you said, will not be able to contest, will contest, will participate, will vote in the elections of an electoral college which is going to elect the Members of Rajya Sabha—a very political election, mind you. Problems of party politics will come in Parties will approach the electorate for the election of the electoral

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college and where will the Government employees go? The Government employees will take part in the Parliamentary election, Lok Sabha election. Again, they will take part in a local Government election where no politics is involved, where only health, sanitation and a popular approach towards developing the health and sanitation of the areas involved are concerned. You may bring the Government employees as an argument against including New Delhi in the Delhi Corporation area.

Therefore, it has no cogent reason, there is no understandable pretext to keep New Delhi outside the area of the Delhi Corporation.

I come to the question of the powers of the Corporation. The hon. Home Minister has very eloquently tried to show to us the virtues of the separation of the deliberative from the executive powers. Here again, Sir, the hon Minister was indulging in a very great fallacy. He wants us to believe that all the ills of local self-government flow from the combination of these two, executive and deliberative powers. And he wants us also to believe that the very separation of the two will mean that the ills will go and what will remain will be the best. Well, I do not think so. No authority on local self-government has said that this combination is at the root of all the ills of local self-government or that the local governments are not functioning properly, because of the combination of the deliberative and executive powers. The hon Minister has quoted Shri Aggarwal. Well, I have respect for Mr Aggarwal. But I do not know why the Municipality has no respect for him, for the evidence that he has tendered before the Joint Select Committee. He was taken to task for that, he was flayed for having given that particular evidence which he has. It is not my Party alone that has done it; the Congressmen also have criticised him openly on the floor of the Municipal Committee Chamber that the evidence that Mr Aggarwal has given before the Joint Select Com-

mittee is contrary to the memorandum itself that he was expected to submit to them on behalf of the Committee. I think, Sir, the House is well aware of the whole thing, of the discussion going on in the Delhi Municipal Committee. Sir, even if he has said that, he has said so, I should say, under fire of cross-examination' because, if we take care to read the entire evidence which covers so many typed pages, we will find that this gentleman has contradicted much of what he has said in his original evidence in the cross-examination by the Chairman of the Joint Select Committee.

SHRI B K P SINHA. It is only in the cross-examination that truths are brought out.

DR R B. GOUR: But, if the hon. Member is aware of the affairs of the Congress Party, he should be aware of the fact that the presence of such a weighty Minister as the Home Minister does not bring out the truth; it suppresses it.

SHRI B N DATAR. It is the presumption of the hon Member, Sir.

DR R B GOUR. Anyway, Sir, you are creating a sort of diarchy in the Corporation.

SHRI SANTOSH KUMAR BASU (West Bengal). Dr Gour's experience of the Joint Select Committee is that the presence of the Home Minister suppressed the truth. So far as he was concerned, he was given the utmost latitude in hearing.

DR R B GOUR. I am not here to divulge all the secrets of the Joint Select Committee. But, at the same time I would humbly submit that I am not a member of the Congress Party who could be suppressed.

I would very respectfully submit to the Government that this question of powers is creating a bad blood in every local authority where you have completely separated the executive and the deliberative powers. This has to be very seriously considered. I do

not know if the hon. Minister is aware of the Local Self-Governments Conference that was recently held. There also, this very question was seriously discussed. In every Corporation and municipality, in every local government authority, this problem of complete division of the two powers, the complete separation of the deliberative and executive powers, is creating a lot of bad blood. The executive administration and the deliberative Corporation, instead of making a cooperative endeavour of building up the Corporation in several ways, are found at loggerheads. That is the experience. We have to consider this question very seriously. They say that the Mayor is the deliberative head or dignitary in London. Quite true. But the Mayor is not the only authority in London. He is the titular and dignitary head of the London County Council. There is no doubt. But the executive authority is not a Municipal Commissioner in London and even if that is so, London is famous for its hard-boiled bureaucracy. Did we want it when we were fighting against bureaucracy? Do we want it now? Is that the concept of democracy that we want to dish out here today, after eleven years of freedom? What did the Prime Minister say immediately after freedom on the 7th August, 1948? This is what the Prime Minister said inaugurating the Local Self-Government Ministers Conference:

"Local Self-Government is and must be the basis of any true system of democracy. We have got rather into the habit of thinking of democracy at the top and not so much below. Democracy at the top will not be a success unless it is built up on this foundation from below."

This was the outlook that our national leaders had when they were fighting for freedom or in the first year of their remaining in power. (*Interruptions.*) I am reading from the Local Government Finances Enquiry Committee. This is the particular quotation. What has happened between 1948 and 1957 that you have

become so much suspicious of local governments as to come and say that if they are not separated, then the elected element will have an adverse effect on the administration and that problems will be created. And you suggest an elected member. I am sorry. I am an indirectly elected alderman so far as Parliament is concerned. But the hon. Minister is an elected Member of the Lok Sabha. He comes and says that elected members spoil the administration, that the elected councillors can influence, whereas a rigid growth of bureaucracy under the Corporation cannot be influenced or is inalienable. Does he want to suggest to us that the executive be absolutely separated and let, therefore, the hon. Mayor and his whole followers be confined to certain deliberations and policies? I think, Sir, it will be a bad day for the country, when people elected to such an authority have not got such close association with the administration as will make them good politicians to give political service to this country. Local government authority is the first boon where the citizens of this country have to learn about the functioning of elected bodies. If this is to be our approach towards the elected elements in that body itself, then, God help our democracy. Exactly we are coming to look at things from above. If this is the approach, then that is certainly not the approach which the national movement generated in this country towards local self-government.

Sir, I think he has misquoted our dissenting note. We have said that the Mayor could continue as a dignitary because in a capital city like Delhi, we do realise that with the functions of a Mayor as a dignitary and a titular head that he is, you could make the Chairman of the Standing Committee as the executive authority of the Corporation and the Commissioner to function under him. That is what we have suggested in our dissenting minute and the hon. Minister will find this if he has carefully looked into it. We do concede

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that we may have a titular head but at the same time let the elected Chairman of the Standing Committee be the executive head of the Corporation. Therefore, to separate the deliberative and executive powers is to create two departments, two absolutely independent departments, one of the elected members and the other of the bureaucracy. We cannot equate the two. We cannot have two distinct departments one absolutely independent of any control by the other. We object to it not only in principle, but in practice also it is going to create difficulties. It has been doing so. In Bombay it is said that the Corporation is an exemplary Corporation. True, but what is happening in Bombay today? So far there has been no conflict between the Commissioner and the Mayor. So far I quite concede that there might not have arisen major difficulties and problems between the two wings, but after the recent elections, if the hon. Minister would carefully go into the affairs of the Delhi Corporation, he will find that conflicts have arisen.

SHRI H. D. RAJAH (Madras): Delhi or Bombay?

DR. R. B. GOUR: In Bombay. In Bombay conflicts have arisen because the Commissioner has to work under the old system, obviously under the Bombay Government, and the Mayor belongs to a different set-up with a different approach. I am told that these conflicts are arising even in Bombay, with this sort of complete separation. I may for the benefit of the hon. Minister quote from one of the publications of the Government of India. This is what the report entitled "Local Self-Government Administration in States of India, 1956", a Ministry of Health Publication says:

"The special features which have contributed to the successful working of the Municipality may be noted. They are (a) the absence of communal electorate and special reservations throughout the history of the municipality and (b) the

separation of executive and deliberative functions and the harmony with which the two wings have worked together."

This is on page 19 of the book.

There will be no harmony, because it is quite possible as in Bombay now, the Government may be run by some party and the Corporation by some other. Therefore, conflicts are certain, and if they arise, who is to be the deciding factor? The deciding factor has to be the electorate, the elected body. Therefore if the executive department and the deliberative department are separated, it would only serve to disrupt harmony, and there is not going to be any success. So, what we want is that the executive power should also remain with the elected representatives. That means that the executive head should be an elected representative, and for this purpose we suggest that you can have a titular head in the Mayor but let the Chairman of the Standing Committee be the executive head of the Corporation, and as a corollary the Commissioner should be appointed by the Standing Committee in consultation with the Union Public Service Commission rather than by the Government of India, or their administrator in the Union Territory. The Government seems to think that a complete separation of the executive and the deliberative departments would save the Corporation from many ills. But it is surely going to create new problems, new difficulties, and the smooth running of the Corporation will be jeopardised. We are not only opposed to this in principle but experience also has proved this to be undesirable.

Now, there are similar arrangements elsewhere too, e.g.—I am not quite sure—in New York. There the Governor is the titular head, whereas the Mayor is the executive head. In Tokyo also there is some such arrangement, but it is a metropolitan assembly or authority, and the Mayor is the executive head of that authority. That being the case, I do not know why our

choice should rest partly with Washington and partly with London, not the whole of it? I therefore very humbly suggest that these points will have to be considered from the point of view of having a really authoritative Corporation in Delhi as suggested by the States Reorganisation Commission with more autonomy as is obtaining in many other Federal capitals. I am again and again repeating this because I am afraid that even the authors of the S.R.C. Report might inadvertently oppose something which they themselves have been desiring

SHRI H. D. RAJAH: They have discarded it.

DR. R. B. GOUR: Then, Sir, I would come to the authorities of the Corporation. Here I am happy that the hon. Minister himself has touched on the question of the Delhi Development Bill. I thought that the matter would not be taken up, when this Bill is being considered, but it is good that he has raised it; what he wants really is that the debate on that Bill must confine itself to the provisions of the Bill rather than to the whole scheme of it. I agree with him. Even though some of the Ministers think that there is no common ground between the Communists and the Congress, at least on some matters we are on common ground, at least to this extent. Let us discuss that part of it now when we are discussing this Bill. He has advocated complete separation of the development authority and the local authority. I know that there is only one other example, and that is the Government of India, which wants a complete separation of the two. Sir, here again, I would like to draw your attention to this. He has said also that the local authority with its limited finances cannot take up the question of development, and therefore it should be the exclusive prerogative of the Government, whether it is the Central or the State Government. After all, when you are going to give certain powers, you should also give them certain funds. Powers and funds should go together. Otherwise, powers

are useless, and this is what has been said by no less a person than Sardar Patel. Sardar Patel himself long ago said that powers and funds should go together. This is what he said in Surat in 1935. I am again quoting from the report of the Local Finance Enquiry Committee, almost on the first page. This is what he said:

"It is being said that the franchise of the electorate has been enlarged and the local bodies have been given very wide powers. True, I accept it. But what good would come out of it unless and until the question of local finances is settled first? The extension of franchise and widening the scope of duties would be like dressing a dead woman."

He had a very sharp tongue and I think that in this respect I too have a sharp tongue. He said that they were dressing a dead woman, and here you are dressing a dead woman to call it the Delhi Development Authority and not give it the necessary funds. Authority and funds should go together. Basing mainly on this premise, I would say, tell me which authority has suggested that a complete separation is going to do good? In fact the authorities have said that separation of improvement authorities from the local authority is creating the problem. I don't know, I am open to correction but the Birla Committee also suggested that it should not be an *ad hoc* body and more than that. When this particular charge was made that the local authorities are to be blamed for lack of improvement and therefore the Improvement Trust must be separated, this is what Mr. Kagal, in a report on "Town and Village Planning in India" appended to the Bhore Committee Report Volume III, page 885 said. He was speaking of the critics of local authority in relation to Town improvement. He says that the responsibility for creating the slums has to be shared by the Government, the industries and the public. He talks of the slums created and says why it is that improvements are not taking place.

[Dr. R. B. Gour.]

He deals with the whole thing and says that the slums are created by the labour who have no housing. The labour comes from outside and they have to stay wherever they get a plot of land and that creates slums. Government takes away the funds in the shape of taxes from the industry. Therefore it is their responsibility—that of the industry and the Government for having created the slums. The local authority is given the chance of clearing the slums created by others. Having dealt with this aspect, he says:

“If Local Self-Governments have failed, the Government’s share in that failure due to errors of omission and commission cannot be entirely disowned.”

This is how he put the blame on the Government. So don’t criticise the local authorities for lack of development because if *ad hoc* unplanned development goes on and for which you and the industrialists are responsible, then the poor local authorities cannot be blamed for the slums that have been created or for the unhealthy conditions that have been created. So, if you suggest that development will become a problem for the local authority, then it will remain a problem even if you also don’t allocate any finance to them. I would like the hon. Minister to kindly envisage a local development authority as envisaged in the Bill without the funds that you are going to give. Will it be able to do one single job? Also envisage a local development authority as part of the Corporation and then have some funds allocated to it or passed on to them—the Delhi Municipal Corporation. Don’t you think it will be able to do the job? It will. Therefore, don’t think in terms of powers without money. In that case even the present authority you are envisaging will not function. The same Bhore Committee has gone into the question in a little detail and they say in Volume II, page 238 this. They have tried to tell us how the Development

Authorities and Corporations in foreign countries work. This is what they say in para 22 of Chapter 12, page 238:

“We have already stated that in England local authorities have been responsible for nearly a century”—

This was in 1946—

“for the control of State-aided housing.”

What England did 100 years ago, Delhi refuses to do now. That is the position. They say:

“In Holland and Germany, it is understood that city corporations are responsible for all housing in receipt of public aid, that of co-operative societies as well as their own construction.”

If that is the position in foreign countries—I am only quoting those countries where like-minded Governments operate and therefore I think the hon. Minister would not curse me too much for quoting these inconvenient . . .

SHRI B. K. P. SINHA: What is the practice in unlike-minded countries?

DR. R. B. GOUR: That he could himself go and see. I am at the moment busy with certain arguments and am giving you certain facts. Therefore the local Government authorities have to be given the charge of development and this was the recommendation of almost all Committees that have gone into this question and it was this experience that prompted the Bombay Corporation to take over the Bombay Improvement Trust. This is what the Delhi Municipal Organisation Enquiry Committee said on page 385 of the Local Finance Enquiry Committee Report:

“From the point of view of the development of healthy local Self-Government also, these *ad hoc* authorities, predominantly composed as they are of persons who are not elected either directly or indirectly, tend to weaken local

interest in the services administered by them except remotely, for the electorate cannot call to account its representatives if anything goes wrong or if its wishes remain unfulfilled."

That is what they said. They did not want the *ad hoc* and such bodies created over which the electorate has no control. The minute of dissent attached to this report by Sir Arthur Dean, Mr. V. S. Mathur and Mrs. Hanna Sen also emphasises this aspect as they recognize: "Obviously however, their (*ad hoc* bodies') existence would militate against popular control for the functions are primarily and patently municipal."

This is what the Minute of Dissent stated. I would again quote what the Local Self-Government Expert Committee appointed by the Government of U.P. said. I don't know, and perhaps the Minister might very well say, that the Government of U.P. have rejected that report. It is a habit with many Governments in our country to appoint a Committee and then sleep over the report of that Committee or treat them with a very dignified negligence. That they do. I am not going into that. They might have rejected the recommendations of that Committee but this is what the Committee said:

"In our opinion, time has come when the work of improvement of cities should not be entrusted to a separate body of persons and we therefore suggest that all improvement trusts in the province should be abolished and the provisions of the Improvement Trust Act should be incorporated in the Municipalities Act . . ."

Even a Committee in U.P. suggests it. Because U.P. is not supposed to be such an advanced State in relation to Local Self-Government.

SHRI B. K. P. SINHA: Which is an advanced State?

DR. R. B. GOUR: Bombay. So these are the authorities. So development

cannot be isolated and separated from the municipal functions. That is why the creation of a separate development authority militates against the very conception of healthy development of local self-Government.

Having said so much on that score at this stage, I pass on to the provisions in regard to other authorities under this Corporation. I am sorry, that health is also treated with a similar negligence. I am unable to understand this because Delhi has no State Government. It is not like Corporations in Allahabad, Lucknow, Bombay or Calcutta where there is a State Government and there is a Public Health Department of those Governments. Here you have a Union Territory, you have a small Public Health administration of that territory and even in this small area, you have divided the State Health subject into two absolutely different departments. One is sanitation and water supply under the Corporation and the other is other health services under the Union Administration. This is going to play havoc and we have had it here when we had the jaundice epidemic break out. I cannot understand why the recommendation of the Bhole Committee is sought to be ignored on the question of integrating the health services and administration in the Corporation. Even the Bhole Committee did not like the idea of a complete division of health services in major cities. On page 107, if I remember aright, of volume III, they have suggested a whole scheme of integrated health services for all major corporations like Bombay and other cities. I may tell you we cannot equate Bombay with Delhi in this respect, because there is a whole Health Department for Bombay, as also in the case of Andhra Pradesh, Madras, Uttar Pradesh and others. But in Delhi you have got only the Union Territory and a very small Health Service which you have under the Administrator, and a big or small sanitation service under the Corporation. We are in fact, I am

[Dr. R. B. Gour.]

afraid, playing with the health, sanitation and hygiene of the city when we completely separate these things. We must have a unified health administration within the Corporation as suggested in the scheme of the Bhoire Committee. This scheme under the Chief Executive Officer of the Municipality integrates all the conceivable health services, from the central services like water supply and sewage, to the auxiliary services like nursing and even special services. The entire thing is unified and integrated within one set-up under the Chief Executive Officer of the Corporation. This is actually the scheme that they suggested for major corporations like those in Bombay, Calcutta etc. Why should we not implement it in Delhi, where it is more necessary than even in Calcutta or Bombay, because as I have said, in those States there is a State Health Service and the whole administration by the State Health Department is there. But here you have nothing of that sort. You have not integrated the Health Department with that of the Punjab or U.P. You have only a small Union Territory with sanitation and health primarily under the health administration of the Union Territory, without integrating all the services under one Corporation. In this you are playing with the health of the city and it is going to create difficulties. Lack of co-ordination and lack of integration will create problems as we did see when the Joint Water and Sewage Board operated in the past, and even today it operates in the present scheme of things. The committee that enquired into the outbreak of jaundice said that because the Director of Health Services was not there and there was no co-ordination between the engineer and the Director of Health Services and the other authorities, the whole thing could not be controlled. Therefore, in a city like Delhi, the question of having an integrated health structure and health service under a common authority, under the Municipal Corporation which is to be established is

absolutely necessary, not merely from the theoretical angle of getting more power to the Corporation but from the practical angle of getting the proper health services for the city.

Next I come to the subject of education. The hon. Minister said that the Delhi people cannot cater to their requirements of primary education, so why think of secondary education? Again the same argument is there. After all, I should have thought that secondary education in Bombay is part of the whole secondary education of the entire Bombay State. Here in Delhi you have a separate board for secondary education. It is not part of any other State. You have now the basic, the primary, the secondary and all sorts of educations. Do you envisage an integrated picture or not? Do you envisage an integrated and co-ordinated picture or not? Are you going to give a divided code and a divided counsel to the people of this metropolis even from the angle of powers for a corporation like that of Delhi which has been deprived of a State? It is necessary to seriously think of secondary education becoming part of their education under clause 42 of the Bill.

Next I would like to refer to the authorities that are already envisaged in the Bill. We do concede the necessity for the representation of officials on such committees like the Electricity Committee, the Water and Sewage Board etc. that has been suggested in clause 43 or 44—I forget which. But there seems to be an apprehension against the damage that the elected elements will do to the Transport Committee, the Electricity Undertaking Committee and the Water and Sewage Committee. The idea seems to be: Let us see. For the present 4 and 3 will be all right, 4 elected members and 3 officers. And if it is felt necessary for the next elections, we will see. It could be increased to 5 or even 6. That means at the moment, it looks as if there is an apprehension on the part of Government that the elected elements are a

sort of some compulsory evil which has to be somehow accommodated and, therefore, let this genius and talent of the saintly and godly administration have sufficient power to see that this evil element of the elected persons does not play havoc with these boards and committees. That seems to be the approach, at least for these four years. Of course, these things are going to the Corporation for the first time. But the people are not going to the elections for the first time. Those people have elected Members to Parliament. Is it suggested that these same people will elect such bogus members to the Corporation as will spoil the whole thing that has been built up by the Government? Does it mean that? I do not know. After all, you are going to put up the candidates. Do you think that the candidates put up by you are going to be such elements as will spoil these undertakings if they are put in a majority on these committees? Well, I have no illusions that any other political party will be in a majority in Delhi for ten years.

SHRIMATI YASHODA REDDY (Andhra Pradesh): Thank you for conceding ten years.

DR. R. B. GOUR: You will have a convenient majority for ten and even fifteen years and if you mend your ways, for ever. Therefore, this approach itself is defective and I think Government must very seriously think and this House must very seriously consider the question of increasing the elected element in the authorities under the Corporation that are envisaged under, I think clause 44 of the Bill.

Next I come to this wonderful institution of aldermen. The hon. Minister tried to play on the sentiments of the Members of the Rajya Sabha when he said aldermen themselves should not oppose the institution of aldermen.

SHRI SANTOSH KUMAR BASU: That is tribute to the Members of the Rajya Sabha, not playing with their sentiments.

DR. R. B. GOUR: Well, right to pay tribute, but look as if in the very scholastic institutions that we have the institution of aldermen is a necessity for salvaging

may be all does not of democracy, this absolute democracy.

Now, Sir, the hon. Minister quoted the instances of Calcutta and Madras in regard to the question of aldermen. He also quoted the example of London but, Sir, it is not simple. It is not that respectable gentlemen, people important enough whose advice will be absolutely necessary for the Corporation will be left out of the elections. Government have got certain apprehensions, but in the back of their mind the institution of elections is sure to be rejected by the people.

SHRIMATI YASHODA REDDY: If they elect people like

DR. R. B. GOUR:

DR. R. B. GOUR: It also means, Sir, that you are not going to put up talented persons for the elections as your candidates and if you will be getting talented people as aldermen. On behalf of the party, Sir, I offer this to the Government. "You find the best type of people in Delhi who are absolutely necessary for the Corporation. We will not put up candidates against them. We will join with you, seeing that they are elected". I and I go to the electorate, campaigning in favour of such candidates, they will surely be elected. I guarantee you that. If you put up candidates necessary for the Corporation, I am sure, will not be able to see the sense in that unless, of course, you are looking at the other point of view of the party. You face within you

SHRI B. K. P. SINGH: The hon. Member is exaggerating the influence of his party.

The hon. Member is exaggerating the influence of his party.

DR. R. B. GOUR: I am not exaggerating the influence of my Party but I warn you not to minimise the strength of your Party. You can get anybody elected. Why do you think that talented people put up by you will not get elected? I am not exaggerating the influence of my Party but am only warning you not to minimise the influence of your own Party.

Mr. Vice-Chairman, this indirect election of aldermen, this bringing in of indirect element, does not synchronise with the scheme of democratic things that you envisage. This is the only argument that has been told to us but there is certain other thing behind this and it is this. There was a memorandum suggested by a certain body of vested interests that there should be professional representation in the Corporation functional representation in the Corporation, representation for the industrialists, merchants and gentlemen of high money. They did not expect that people will elect them because by now the people have been educated and have been made conscious of the fact that these gentlemen are anti-social elements. That being so, they will not be elected and that is the reason why they want indirect and functional representation. We do not subscribe to that idea at all. Even if you say that labour will be given one seat in the group of aldermen, I do not want because, labour as a class, as the most selfless class in our society, has to approach the other section of the people and get elected. Labour need not come through the backdoor. It is against the dignity of labour to do such a thing and it is only the vested interests, gentlemen belonging to the vested interests who want to do this. Therefore, the institution of aldermen is not correct. If persons of eminence like Mr. Basu stand for election, they will be elected but not persons belonging to other vested interests.

SHRI SANTOSH KUMAR BASU: I have never been an alderman. For twelve years I was a Councillor.

DR. R. B. GOUR: That is the idea behind this scheme. It has nothing to do with democracy and it has nothing to do with talent.

In regard to this system, the mode of elections suggested by Government is not the same as exists in Bombay. The system in Bombay has worked satisfactorily and very well. They have the plural constituencies and cumulative system of voting. If four candidates could be returned from that constituency, every voter has got four votes and he can cast all the four in favour of one or two in favour of one and two in favour of the other. That is how it obtains in the Bombay Municipal Corporation. I know that the other district boards and municipalities do not have similar arrangements. They have got plural constituencies and distributive votes, one for each.

SHRI AWADESHWAR PRASAD SINHA (Bihar): Mr. Vice-Chairman, how long is the hon. Member going to speak? Time is limited but his speech seems to be unlimited. The Bill is limited to 500 and odd clauses.

DR. R. B. GOUR: Why don't you have a similar proposition here? Why can't you have the plural constituencies and cumulative system of voting? You have got the plural or rather the double-member constituencies but have given up the cumulative system of voting. We feel that next to proportional representation, cumulative system is the best because in that respect it is more democratic in the sense that the Corporation elected on this system will by and large reflect the cross-section of the electorate itself whereas the single-member constituencies and that system that we have adopted on the British model does not give similar results. Therefore, Sir, I think it is necessary that the cumulative system

of voting should be adopted along with the plural constituencies that the Bill suggests.

I now come to the question of finance and taxation. I am not going to tax my hon. friend, Mr. Sinha more on this point but I would only crave his indulgence for a few minutes because I am now coming to a very important aspect of the Bill and that is about finance and the taxation proposals envisaged in the Bill. Here I am going to raise some important points. The first and foremost point is the question of Government property, whether it should be taxed or not. I do understand that the Constitution does not allow any property tax to be levied on Government property but I would definitely ask the Government and the House to carefully examine this question from the point of view of finances for the local bodies. Now, Sir, the Local Self-Government Ministers' Conference, in its resolutions passed in the year 1948, suggested two things. I am quoting from the Report. "The Conference agrees that the financial resources of the local bodies are inadequate." This is the wording of this Resolution of the Conference of the Ministers of Local Self-Government. "The Conference agrees that the financial resources of the Local Bodies are inadequate. It is also recognised that even the available resources are not fully utilised."... "the evils of under-assessment and the failure to collect taxes in full being widespread."

Now these are the conclusions of the Local Self-Government Ministers' Conference and...

(Time bell rings.)

Excuse me, Sir. Please give me a little more time.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): You have already taken more than one hour. Also we have to finish this Bill within a period of

seven hours and two hours have already passed. So I hope I won't have to suggest any time limit, but you will please see that other speakers also get opportunities.

DR. R. B. GOUR: This is my last point on this. Now, Sir, these are the two things that they concede. Now on this basis they had appointed an Enquiry Committee to go into both the aspects. Now the Enquiry Committee have suggested two things and they have said whether Government property should be taxed or should not be taxed. For want of time I shall not quote their observations from the relevant paragraphs, and the Report is there to be referred to. Now they have said that; on principle they do not agree that Government property should not be taxed even though the Constitution is in the way. At the same time they suggest two things. Firstly, they say that State Government property should be taxed, and they are prepared to concede that Central Government property may not be taxed, but then they say that an equivalent amount should be given as grant to the local authority concerned. This is what they suggest, that even commercial undertakings of the Government are taxable. And commercial undertakings of the Government are there. In fact railway is a commercial undertaking of the Government for all purposes. Now under a certain existing scheme of things they could tax only a certain type of property of the railway and a certain other type of property is not taxable. Well, that has to be examined, whether it is correct. Under an order in the year 1950 they allow a certain type of property of the railways to be taxed and a certain other type of property they do not allow to be taxed. I want to know why it is so. Do the railways come under "commercial undertakings"? If that is so, how can they be dealt with as Government property and therefore not taxed?

SHRI SANTOSH KUMAR BASU: You may find it in the Railways Act.

DR. R. B. GOUR: Well, but that Act is not sacrosanct. It is only the other day we amended it.

SHRI SANTOSH KUMAR BASU: You will find in that Act why certain railway properties are exempted from the tax.

DR. R. B. GOUR: That is true, but I want to ask why it should continue. If you say that Government property cannot be taxed, I say that properties of commercial undertakings of Government should not be put on the same level as other property, and they should be taxed.

Then service taxes, Sir. Service tax has to be given by Government, and the Local Finance Enquiry Committee Report in fact says that service charges have to be paid by Government. But in the existing scheme of things under 'property tax' everything has been included and water tax also comes under 'property tax'. Therefore service charges must be separated from what really is property tax and the service tax must be chargeable on Government property and even if property tax is not chargeable because the Constitution lays it down like that, Government must, as a principle and in practice, pay an equivalent amount as grant.

Then, Sir, another point crops up and there again is the problem raised by the Constitution. I say, whether it is professional tax or whether it is property tax, it should be graded, and the lower rungs of the Society should be exempted. Even the Taxation Enquiry Committee Report suggests exemptions on two grounds. One is that the lower strata of society whose income is low, by virtue of which they are unable to pay the tax, should be exempted. Another is that the cost of collection is more than what is realised by way of collections from such people and they say that they could be exempted. So

exemption is one thing. The second thing is that on those who enjoy a better status in society there should be greater obligation to finance social development works, and they should be asked to give more. That brings us to the graded system. The Local Finance Enquiry Committee does suggest that they are in favour of a graded system of taxation. At the same time they say that Government leave the matter to the corporations and the local authorities, if they so desire it, to have a graded system of taxation. But, Sir, the argument of the Government is—and I would like the House to ponder over this question—that only income-tax could be graded, that if any other tax is graded, it will mean grading according to income and therefore it will be equated with income-tax, and because income-tax is the exclusive prerogative of the Central Government, any other thing that is created will become income-tax and therefore no other body, whether it is the State Government or a local authority, could have graded taxation. Now I would like the lawyer members of this House, particularly Mr. Sapru and Mr. Basu, to let us know whether any kind of gradation that we bring in in the professional tax or the property tax will automatically make it income-tax and therefore constitutionally unwarranted and legally not justified, I mean, if the Corporation proposes that it will have a graded taxation system? In the scheme of the Bill, Sir, I think that it should be provided that if the Corporation so desired, it could have a graded tax, of property as well as professional tax. That is very necessary because, in Delhi, on the one side you see very poor people—in any city you will see it—and on the other side you have very rich people. Therefore it is absolutely necessary that a graded system of taxation is there, which would mean better revenues for the Corporation and also facilities for the poor sections of the society, which should either be exempted or should be asked to pay less.

The third point that I wish to raise in this connection is that it has become a habit with us that we go on piling up taxation measure over taxation measure. In one year we have got one tax; in another year we have another tax and in a third year we have a third tax. Therefore ultimately what happens is that we have one tax superimposed over the other. So it is absolutely necessary to go into the whole tax structure, and after the Corporation is formed, it will be absolutely necessary to go into the tax structure of the Corporation to see whether adjustments could be made, whether proper collections are being made, whether the collection machinery is proper, whether the assessment is proper, whether if a particular tax is levied, relief is to be provided in relation to any other tax. All these things have to be examined and should be examined.

These are the points that I wish to make in relation to taxation and finance of the Corporation. As regards other things the Select Committee itself has recommended to the Government to consider whether they could give to the Corporation revenues accruing to the Central Government from the stamp duty and such other measures, and that should be necessary. Lastly, Sir, in this respect I would say—I think my hon. friend, Mr. Deokinandan Narayan, will deal with this point in greater detail—that the tax structure is very very irrational. It has to be very seriously gone into. The modified provision in the Bill authorising the Government of India to double the tax in relation to a particular commodity is not enough to meet the situation. The whole thing has to be rationalised. On certain commodities the tax is too much. On certain other commodities the tax is too less. I would suggest that instead of a tax on weight it should be an *ad valorem* tax so that the value of the commodity is taken into consideration. It is so in the Act governing the boroughs in England and I am told it

is so even in the Bombay District Municipal Act where the tax is *ad valorem* rather than one on weight.

So, Sir, these are certain things that must be considered when we deal with the taxation and financial proposals of the Corporation. With these words I conclude at this stage and I hope against hope that the Government will surely consider these points. He has paid glowing tributes to the Rajya Sabha but I do not know, with all that, whether he will accept our suggestions, since it is a habit with the Government not to accept any amendments in the Rajya Sabha. I do not know what he will do here, but the tributes that he has paid to Rajya Sabha, I hope, would also lead him to consider the many other points that we have suggested and accept some of the amendments which we have moved.

Thank you, Sir.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): I would like hon. Members to remember that only seven hours have been allotted to this Bill and we have already taken more than two hours. I think we should stop with the general discussion at about Five o'clock or at least at 5-30. So I would like hon. Members to have a self-imposed time limit, not that I should impose any time limit on them, but they should remember that we have to complete this Bill within the span of seven hours. So with these observations I would like Mr. A. P. Sinha to speak.

श्री अवधेश्वर प्रसाद सिंह : अभी काफी देर से मैं डा० गौड़ साहब का भाषण सुन रहा था। उससे पहले होम मिनिस्टर, दातार साहब के भाषण को मैंने सुना। लेकिन डाक्टर गौड़ के भाषण को सुन कर मुझे कुछ ताज्जुब हुआ कि यह बिल इस हाउस के सामने एक दफा आया था जब कि सेलेक्ट कमेटी के सिपुर्द इसको करने की बात हुई थी। उसके बाद सेलेक्ट कमेटी भी

(श्री अवधेश्वर प्रसाद मिह)

आई और उस कमेटी में डा० गौड साहब भी थे और मैं भी था। वहाँ क्या बातें हुईं उसको तो मैं यहाँ नहीं कह सकता लेकिन जैसा कि डा० गौड के मिनिट ऑफ डिसेंट से मालूम होता है, चार चीजों का वे शुरू से विरोध कर रहे हैं। पहली बात, नई दिल्ली का पूरा हिस्सा जो अलग किया गया है वह भी इस कॉर्पोरेशन में हो। दूसरी बात कि दिल्ली डेवलपमेंट अथॉरिटी अलग नहीं हो, और इसके साथ यह तीसरी बात कि ऐल्डर-मैन नहीं रहे। और भी कुछ मुस्तलिफ बातों को उन्होंने पेश किया। मेलेक्ट कमेटी में सब बातों पर सारी बहसे हुईं। हमारे माननीय पत जी उसके चेयरमैन थे, सभापति थे, उन्होंने उसने अपना समय दिया और बर्तों बहस हुई। उस बहस के बाद फिर इतनी देर तक उन्हीं चीजों पर बहस करना हमें कुछ ऐसा मालूम होता है जैसा कि अंगरेजी में कहते हैं—Arguing in a circle; बहस के बाद, एक दूसरे की बात सुनने के बाद किसी नतीजे पर पहुँच जाये यह नहीं होता बल्कि बहस किये जा रहे हैं, मचले जा रहे हैं और उसका कोई खात्मा नहीं होता, उसका कोई आखीर नहीं होता। एक प्रकार डा० गौड साहब ने इस बिल की बाबत बहुत सी चीजें बतलाई और एक जगल सा हमारे सामने बिछा दिया, इतने डिटेल् में चले गये कि इस नक्शे की जो आधारभूत खूबसूरती है वह न इसके सामने रही और न हाउस के सामने रहने दी।

डा० राज बहादुर गौड मगर आपके सामने तो है।

श्री अवधेश्वर प्रसाद सिंह मेरे सामने नहीं होती तो मैं कहता कैसे? तो वह खूबसूरती क्या है? दिल्ली हमारे देश की राजधानी है। उसी के अनुरूप ५०० वर्ग मील का कॉर्पोरेशन बन रहा है। यह बड़ी सुन्दर चीज़ है और जैसा डा० गौड ने बताया २०० गावों को भी उसमें ला रहे हैं।

यह एक नये तरीके का एक्स्पेरिमेंट है जो हमारे भारतवर्ष के लिये एक नायाब चीज़ है। कम्यूनिस्ट पार्टी गांव वालों की सेवा करने का दावा करती है इसलिये उन्हें तो इसका बहुत स्वागत और मत्कार करना चाहिये और उनको इसमें लिये बहुत खुशी होनी चाहिये कि हम इतना बड़ा कॉर्पोरेशन बना रहे हैं और इतने गांव वालों को उनमें ला रहे हैं। लेकिन उनको इस बात में अपनी खुशी नहीं हुई जितनी कि शहर का कुछेक हिस्सा छूटने की उनको तकलीफ हुई। फिर अपने तोट ऑफ डीमेंट में आप चाहते हैं कि पार्लियामेंट के लिये तो सरकारी कारकुन वोट करने हैं कॉर्पोरेशन के लिये क्यों नहीं उनको वोट करने देते। अगर भारत हमारे पार्लियामेंट के लिये वोट करते हैं तो यह एक आधारभूत चीज़ है जिस पर देश कायम रहना है। सरकारी नोकरो को वोट देने का अधिकार है इसलिये वे देते हैं। लेकिन बेप्रदबो माफ हो, ये सब बात ऐसी हैं जो चुनाव के वक्त होती हैं जब कि स्लोगम उठाये जाते हैं। मैं नहीं चाहता कि हमारे अफसरान के कानों में वे सब चीज़ पड़े और ऊँची सतह तक पहुँच। सबसे बड़ी बात जो मैं चाहता हूँ वह यह है कि हमारे अफसरान के दिल में यह भावना पैदा हो कि हम देवन दिवानी के नहीं भारतवर्ष के हैं। जब वे वोट करने जाते हैं तो वे अपने को लोकल पैट्रियट्स बतलाते हैं हालांकि हमारे अफसरान हिन्दुस्तान भर में यहाँ आये हैं। तो हम लोकल पैट्रियटिज्म नहीं चाहते जिसमें उनके अन्दर लोकल कमिडेशन आ जाये—उस संकुचितता में वे दूर ही रहे। दूसरे लोकल चुनाव में जो गंदगी आती है उसमें भी वे दूर रहें।

हाउस के सामने बार बार यह बताया गया कि इसकी जो नेशनल इनकम है, सरकारी मकानात हैं वे म्यूनिमिपैलिटी पर एक बोझा हो जायेंगे। वह ट्राइट एनीफेक्ट हो जायेगा। उसका अलग रहना ठीक है।

वह एक अनमोल चीज है। दिल्ली माडर्न जगह हो और इसमें दो सौ गांवों को एक दफे में मिलाने की हमको कोशिश नहीं करनी चाहिये। ३२ वर्ग मील जगह में से १७ वर्ग मील जगह अलग की गई है, केवल १५ वर्ग मील जगह उसमें मिल गई। लेकिन ५०० वर्ग मील जो मिला उसका कहीं कोई जिक्र नहीं, कहीं कोई बात नहीं हुई। इसलिये अंगरेजी में जो कहते हैं **To lose the wood for the trees**, यही डा० गोड साहब की बात हुई। इसकी खूबसूरती, इसकी नायाबी, इसकी विशालता, इसकी शान, सारी चीज उनकी नजर से नजर-अंदाज हो गई। दुनिया की कोई चीज परफेक्ट तो होती नहीं, लेकिन मैं सच कहूँ कि जिन आफिसरों ने इसे शुरू में ड्राफ्ट किया होगा उन्होंने बहुत परिश्रम किया होगा और बाद में सेलेक्ट कमेटी से हो कर जिस मूरत में यह लोक सभा में जाकर पाम हुआ, यह एक शानदार चीज बन कर निकली और इसका हमें हर तरह से सम्मर्जन करना चाहिये।

एल्डरमैन के बारे में मा० पंत जी ने इस चीज को बार बार साफ़ किया कि जो लोग चुनाव में आना नहीं चाहते हैं, जो लोग ईमानदार हैं, जो इंडीपेंडेंटी के हैं, जो पढे लिखे हैं, जो किसी पार्टी के नहीं हैं लेकिन उनमें टैलेंट है, हालांकि टैलेंट के माने कोई ऐसी बात नहीं कि उनका आइन्सटीन का सा दिमाग हो, लेकिन ऐसे लोग जिन पर भरोसा हो, जो ईमानदार हो, काम करने वाले हो, उनको इलेक्शन में अलग रखा गया है। डा० गोड कहते हैं कि यह तो इस हाउस की सी बात हुई जहां इंडाइरेक्ट इलेक्शन क ज़रिये लोग आते हैं। वे इसको इंडाइरेक्ट इलेक्शन की बात कहते हैं लेकिन अगर अच्छे आदमी चुन लिये गये, नए आदमी ले लिये गये तो इसमें कौनसी खराब बात है, यह मेरी समझ में बात नहीं आई।

मैं दो, तीन रोज़ से और आज सुबह भी डा० गोड द्वारा रखे गये मंशोधनों को देख

रहा था। उनका एक अमेंडमेंट बड़ा दिल-चस्प है, वैसे उनके सारे अमेंडमेंट चार पेजों में भरे हैं। तो उसमें उन्होंने कहा है कि जिन छः आदमियों ने उनको रखे जाने के लिये दस्तखत किये हैं उनमें फ़ना आदमी का —सातवें आदमी का— भी नाम बढ़ा दिया जाय और इस बात पर उन्होंने चार पेज और खराब कर दिये हैं। अब देखिये, यह नेशनल इकाँतामी का जमाना है। एक नाम अगर कम ही रहता तो क्या हो गया होता। इसी तरह की उनके क्रिटिसिज्म की भी कीमत होती है जैसी कि इस अमेंडमेंट की है। छोटी सी बात है लेकिन नज़र के सामने आये ज़रूर, लेकिन जरा उसका वजन तो देखिये। तो मैं हाउस का ज्यादा समय नहीं लेना चाहता हूँ— नेशनल इकाँतामी करना चाहता हूँ। यह कॉर्पोरेशन जो बन रहा है वह एक बड़ी शानदार चीज है, बड़ी अच्छी चीज है और हमें इसको कबूल करना चाहिये। जिस रूप में लोक सभा ने इस बिल को हमारे पास भेजा है मेरा खयाल है कि उसमें दिल्ली को बहुत लाभ होने वाला है। अभी तक दिल्ली पार्ट 'सी' स्टेट था, उसके सामने यह कॉर्पोरेशन ज्यादा शानदार और ज्यादा अच्छी चीज है।

यह कहा गया कि साहब पार्ट 'सी' स्टेट खत्म कर दी गई और डिमोक्रेसी को भी उसके साथ खत्म कर दिया। उसके बाद यहां इलेक्शन हुआ और पार्लियामेंट के लिये पांच मेम्बर खड़े किये गये और जिस पार्टी ने यह 'सी' स्टेट खत्म किया उसी पार्टी के पांचों आदमी चुन कर आये। इसके मानी यह हुये कि जनता को यह पसंद था। फिर, कॉर्पोरेशन का इलेक्शन होगा। मैं आपसे कहता हूँ, आप देखियेगा कि इस कॉर्पोरेशन को जनता दिल्ली के साथ ही पसंद करेगी। नई दिल्ली के बारे में एक और बात बता दूँ जो कि कनाटा प्लेस के बारे में होती है।

[श्री अवधेश्वर प्रसाद सिंह]

कनॉट प्लेस के जितने लोग हैं, सबों ने हमारी सेलेक्ट कमेटी के सामने मौखिक रूप से और लिख कर यह चीज दे दी है कि हम लोग नई दिल्ली के साथ ही रहना चाहते हैं और कॉर्पोरेशन से अलग रहना चाहते हैं। मान न मान मैं तेरा मेहमान—कोई रहना भी नहीं चाहता और आप कहते हैं कि उसे न लेना गैरइंसाफी हो रही है। इसलिये हमें इस कॉर्पोरेशन को हर तरह से सपोर्ट करना चाहिये। यह बहुत अच्छी चीज है। दिल्ली और दिल्ली की जनता का इससे लाभ होने वाला है।

अब इसके बाद जो दिल्ली डेवलपमेंट अथॉरिटी बन रही है उसके बारे में मैं आपको बताता हूँ कि अगर यह अथॉरिटी इसके साथ रहती तो उसके अन्तर्गत कार्य में जो रुपया लगता उसको कॉर्पोरेशन को देना पड़ता और बिचारा नया नया कॉर्पोरेशन उसको देता कहां से। अब यह होगा कि गवर्नमेंट महज प्लान बनायेगी और निश्चय करेगी कि उसको क्या करना है। इस तरह से कॉर्पोरेशन के लिये यह एक फायदे की बात हुई क्योंकि जो अथॉरिटी बनेगी उसमें कंसेन्ट्रेशन होगा लेकिन पैसा कॉर्पोरेशन को नहीं देना पड़ेगा और वह डबल फायदे में रहेगा। अगर मा० पंत जी मेरे बिहार के शहरों में ऐसी डेवलपमेंट अथॉरिटी बना दें और सेंट्रल गवर्नमेंट से रुपया मिले तो कम से कम बिहार ऐसी चीज हो जाने के लिये राजी है चाहे गौड़ साहब हैदराबाद के लिये वही चीज किये जाने पर राजी न हों। जब घर में लक्ष्मी आ रही हो, रुपये आ रहे हों तब उसका हम स्वागत न करें? हम क्योंकि ऐब ही ऐब सोचें? मेरा खयाल है डा० गौड़ साहब ने जाडिस कमेटी की रिपोर्ट बहुत पढ़ी है इसीलिये उनके दिमाग में जाडिस बहुत हो गई है।

इन्ही शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Vice-Chairman, the hon. speaker who has just sat down tried to point out as if people on this side of the House do not welcome the Delhi Municipal Corporation Bill. At the very outset I may say that I wholeheartedly welcome this Delhi Municipal Corporation Bill and if there is some criticism it will be about details of the Bill in order to improve the Bill. We all want and we all welcome that—when Delhi State has disappeared as a Part C State and under the reorganisation we are no longer going to have any Part C State and it becomes a centrally-administered area—the Delhi citizens should have a municipal corporation with the fullest rights. I suppose I will have to repeat some of the arguments that have already been advanced, and hon. Members will forgive me if I just go through those arguments in a hurried way.

Much has been made of the point whether new Delhi should be included in this Municipal Corporation or not. The hon. Member who sat down just now said that we have got 532 square miles, that we should welcome 500 square miles of rural area with possibly a population of 1 lakh, and that we should not mind to leave out these 15 square miles of New Delhi area with possibly a population of 6 to 7 lakhs. The old Delhi area of course is included in this Bill where the population is about 10 or 11 lakhs. Sir, it is not a question of academic discussion, for I shall place before you some of the practical difficulties.

New Delhi, after all, must have some sort of body for scavenging purposes. All roads have to be cleaned, all roads have to be repaired and maintained. There are the tea stalls, the fruit stalls and other shops; their sanitary conditions have to be inspected by people who will go about and see whether the New Delhi Municipal area is maintained in a proper condition. The streets have to be lighted, the whole scheme of lighting the streets has to be maintained. There

will have to be some authority for doing that

The Delhi Municipal Corporation is going to provide water in bulk to New Delhi and New Delhi will have a separate organisation for distributing that water. After all, water in New Delhi cannot be distributed without having an authority or a body to do that work.

I can go on multiplying examples and they will all show that the New Delhi Municipality will have to be kept under some name or some shape as a nominated body for carrying out all these functions, and you will require a large amount of money for duplication of the jobs. The inspectorial staff of the Delhi Corporation could have performed that function, but New Delhi will have a separate inspectorial staff. The only difference will be that the New Delhi Municipality will be a nominated body, while the Delhi Municipal Corporation will be an elected body. You must have some authority in New Delhi to manage these affairs. It cannot work in a vacuum. Without any authority you do not think that all these functions, the civic functions, of New Delhi can be performed. There will be some body. My request is, why do you want to have a nominated body? Why not bring New Delhi also under Old Delhi and have one body?

Whether Government property pays any tax or not, the Government of India will have to spend money on New Delhi for the maintenance of roads, electricity, water supply, cleaning, scavenging and all other functions. I humbly submit whether it will not be better if that money is given to the Delhi Municipal Corporation who can perform all these functions?

There is one point about Government houses. There are two types of Government houses. One is the residential type of houses for which the Government charges rent, collects rent. The other is the Government offices for which there is no rent. I

entirely agree that for Government offices which do not pay any rent, there should be no municipal tax. But in the case of houses where the Government recovers rent from the tenant, there is no justification for not paying the municipal tax. Whether it should be paid by the tenant or the owner is for the Government to decide.

So, except for the argument that, if there are elections, so many of them are Government servants and we do not want them to vote. I do not see any reasons for excluding New Delhi area. I agree, Sir, that this Parliament House, the Rashtrapati Bhavan, this small area of about 4 or 5 square miles may be excluded. We might exclude also the diplomatic enclave where the foreign embassies have established their offices. We might exclude the Delhi Cantonment area. Even if we except all these things, out of 17 square miles of New Delhi area, still there would be about 10 or 12 square miles which could be easily transferred to the Delhi Corporation without any difficulty. I do not wish to labour that point, but I am surprised that the Government wants to throw away crores of rupees on the civic amenities of New Delhi and have a duplication of all the officers and not entrust this job to the Old Delhi Corporation and be rid of all this botheration. Probably there are about 10 thousand or 15 thousand Government servants who are not permanent residents of Delhi and who are temporarily staying in New Delhi. You can make an exception in the case of those people, but why do you want to deprive 8 lakhs of people residing in New Delhi of their franchise?

An hon. Member said that there was a deputation by the Connaught Circus traders that they did not want to be under the Delhi Corporation. I humbly submit to the hon. Member that if he goes to the Chandni Chowk traders and takes their votes, he will find that not a single trader of Chandni Chowk or of any street in Delhi would like to be under the

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Delhi Corporation, because they know that the Central Government is a rich Government, that it has got plenty of funds, that it will keep down the taxes and charges, and that they will be much better off under the Central Government. I think it is far better if you do not have the Corporation at all. Delhi after all is the capital of India, and the Central Government can easily look after it. Why do we want to have a Corporation? Because the Central Government and Parliament believe firmly that it is the birthright of every citizen of Delhi to have not only a civic corporation but to have some sort of a State Government also. Therefore, when this Bill was being framed, it should have been the duty of the framers of this Bill to give to the citizens of Delhi not only certain civic rights but to compensate them, for the loss of political rights which has been forced on them by the abolition of Part C States, by enlarging the powers of the Delhi Corporation.

Sir, I am an admirer of the Bombay Municipal Corporation, and I was very glad that today the hon. Minister for Irrigation, who had played such a valiant part in the progress and development of the Bombay Corporation, was present here, and I would have been very glad if he had taken part in this discussion and thrown some light on this Delhi Municipal Corporation Bill.

The hon. Member who just sat down said something about development. He was very very glad that out of its great bounty the Central Government was going to spend crores of rupees on the development of Delhi, and he welcomed it and he thought that if the Central Government spent money on the development of almost all the villages of India, he would welcome it. I would also welcome it. But he forgets that if he takes a full balance sheet, the Central Government does not lose

very heavily on the development of big urban areas. You know, Sir, the Delhi Improvement Trust, for instance, developed, the Ajmeri Gate Extension area, what is now called Asaf Ali Road. They sold lands at about Rs. 100 a square yard, and made a huge profit out of it, some Rs. 20 crores. If Delhi City is going to be developed, it is not a rural area where the property or land has not got any value. It is the metropolitan city of India. If Government takes up any area and develops it, it will fetch them a good price. Sir, you will be surprised to know that hundreds of people have purchased lands round about Delhi and developed them. There is the D.L.F. Corporation, and there are so many others. Those bodies are not doing it for charity. They are making money out of it; they are earning profit out of it. While every private authority can earn profit, to say that the Delhi Development Authority is not going to earn money, but is going to throw crores and crores of rupees into it, is something which is unimaginable; at least, I cannot understand it. The hon. Member who preceded me probably can better understand it. I maintain that the Delhi Development Authority should have been an integral part of the **Delhi Municipal Corporation**. When we take the model of Bombay and we want to imitate and copy it, we should have taken a lesson from the experience of the Bombay Municipal Corporation. Formerly, they had an Improvement Trust separated from the Bombay Municipality and it was found that there was continuous trouble on account of the duality of authority. The net result was that they came to the conclusion that the Improvement Trust should be merged into the Bombay Corporation. Similarly, here the plea is made that the Central Government is going to invest crores and crores of rupees. Suppose a road in Delhi is widened, the normal practice is, in the case of a 50 ft. road, you leave 10 ft. on each side. If you sell that space of 10 ft. on both sides,

you earn so much money that it compensates for all the expenditure involved in acquisition and the road construction. So, let us not be misguided by the argument that the Delhi Development Authority is being kept separate because it will require crores and crores of rupees and that the infant Delhi Municipal Corporation has not got the money for development. A master plan is essential; but it is not an imposed thing from above. It is a plan of the people and there are enough experts in Delhi. The Delhi Municipal Corporation can take the services of the best possible experts to prepare a master plan and submit it to the Central Government for its approval. I do not mind it in the least. But there should not be a duality of authority. If we can entrust the civic life of the city to the citizens of Delhi and give them power on this Delhi Municipal Corporation, why cannot we trust them and give them power to beautify their city and develop it according to a master plan? I submit, Sir, that I have not been convinced and no cogent reasons have been advanced except some sort of platitudes about the extra expenditure involved.

Then, I come to the question of education. I find that in Bombay the State Government is in charge of secondary education and so it is all right. Here the citizens of Delhi have no voice in the secondary education. The Central Government is going to look after it. They will have Secondary Board of Education and that Board will probably be an autonomous body. It will be controlled by the Minister of Education in the Central Government and will not be responsible to anybody else. Is that the scheme of education that this Parliament wants to approve? After all, the money is going to be spent by the Central Government in giving grants-in-aid. What harm will there be if some amount of money is given to the Delhi Municipal Corporation? There will, after all, be a Board of Education and it will decide as to

what will be the medium of education and what type of education is needed by the parents who send their children to schools in Delhi. Education is not something imposed from above. If you believe in that, then for the whole of India, let the Education Minister at the Centre decide the educational policy. Let him issue orders that this will be the educational policy in all the States. For all the States, we believe—and we feel—that secondary education should be controlled and guided by the people living in those States. They should decide about the medium of instruction and the type of education—technical, basic, scientific, subjects of art, etc. But in the case of Delhi, we want to leave it to the sweet will of one hon. Member, the hon. Minister for Education, guided possibly by a small Board nominated by him. I do not see any reason for this. The Government is prepared to spend money. You know, Sir, the hopeless condition of schools in the City of Delhi. There is overcrowding. Educational shops are being opened here and there. Anybody and everybody thinks that if he can open a school, he will easily make a profit of about Rs. 500 or Rs. 600 a month because there is a tremendous pressure on schools.

So, I submit that when I am trying to point out some of the faults in this Bill, it is only with the purpose of making the Delhi Municipal Corporation effective, with enlarged powers, to serve the citizens of Delhi better and more efficiently.

A point has been mentioned about aldermen. Well, I beg to disagree with Dr. Gour in that matter. I think an alderman will be very good and useful to the people. I belong to the Rajya Sabha which is an indirectly elected body. But there are other hon. Members who have been nominated by the President because they are experts in their line. A municipality is mostly connected with the control of buildings and of sanitary problems and therefore, they should

[Shri Kishen Chand.] have expert engineers, expert architects etc. who would be able to give their technical advice, whenever they are required to do so. But if you ask them to stand for election, probably they would not like to come into party politics. They would be prepared to give technical advice. Therefore, I would personally like this system of aldermen. I think the number of six is too small; I want twelve people because we want more technical advice and more expert knowledge. There can be, for instance, a retired President or Chairman or a Mayor who may not like to stand for election, but who has rendered very valuable service and who has acquired expert knowledge of civic affairs of the City and his services might be useful. Therefore, I like aldermen and I have no objection to this provision.

Sir, I do not think that the civic bodies should have a party system, as we have for the State administration. The requirements and needs of civic bodies are quite different. Therefore, to follow the pattern adopted for political bodies like the State Governments and Parliament, is not the correct procedure. We want to deal with civic matters in a different light. Here, I would submit that the present system which has been adopted consists of multi-seat wards. There will be wards with a large number of seats. What is the object? If you have a ward with four seats, that means it will elect four members to the Municipality, the underlying idea is that all shades of opinion should be represented. There are differences of opinion about, say, the educational policy, about the medical scheme or about sanitation. On that basis, you want that in a multi-seat constituency, the minority opinion also should get representation. But what have we given? We want to imitate Bombay. We say that this Bill is based on the Bombay Corporation model. But the nice feature of Bombay—the cumulative voting—is not adopted. You want to adopt what-

ever you think is good in Bombay. Where the Opposition thinks that a particular thing is good in the Bombay Corporation, you do not want to take that. What will happen? Why do you have a multi-seat constituency? If you have, for instance, a four-seat ward, you give four votes which will be distributed. If you have a majority for one candidate, the same party will get majority for the second candidate, the third candidate and also the fourth candidate. But, if you have cumulative voting in which a voter can give all the four votes to one party or if you have the single transferable vote on proportional representation, both are one and the same thing and there are four seats in any ward, and if one-fourth of the voters want to vote for one candidate, he will be elected. In any political administration, it has been found that multi-party system does not lead to stability. The case of France is always there. It has become a hackneyed example. The Ministries go on changing over and over again. In our municipalities we want people who are keen to do some work, who are keen to contribute to the civic life of the Corporation, and therefore it is most essential that the hon. Minister should agree that this system of multi-seat constituencies with the distributive voting system is wrong and should be abandoned. He has adopted only the bad points of the Bombay Corporation, not its good points.

Then, I come to ward committees. In the Select Committee some hon. Members tried to point out that in our municipal administration we want people of the locality, the ward people living in the area to take an interest in the work. After all, the main function is cleaning of the streets. You may have one or two inspectors but they will not be able to go to all the areas every day. After all, there is a limit to human capacity, but if you ask the ward people and give them some powers and interest them in the work of their ward, the civic work of the ward,

they will come forward and make their contribution. Therefore, I would like the powers of the Ward Committees to be enlarged. The hon. Minister may not accept it now, but he will realise it, later on, that he has had the Delhi Corporation Bill passed and brought it into operation, but it has not created any enthusiasm among the citizens of Delhi to make their city a better city, improve its sanitary conditions, improve its health conditions.

Then, I come to the three statutory bodies. These are the Delhi Transport Service, the Electricity Board and the Water and Sewage Board: The D.T.S. will run its buses in the New Delhi areas, but New Delhi is not under them. Therefore, their buses will have to be taken back to their own area in Delhi for servicing, maintenance and storage. Then, their employees also cannot stay in the New Delhi area because the D.T.S. authority cannot provide housing accommodation for them in the New Delhi area, it being outside their jurisdiction. They will be using the New Delhi roads, and there might be cutting up of the roads. There will be always discussions as to who should pay for the maintenance of the roads. The D.T.S. buses will use them, the municipal authorities will collect taxes on the motor cars and the maintenance of the roads will be with the Central Government. In the matter of the distribution of water and sewage, it is a complicated thing. You cannot separate the producing authority from the distributing authority, and here we are going in for that anomaly. Production is going to be with one body and distributing is going to be by a separate body, and all sorts of complications will arise. The hon. Minister has not said how they are going to be solved. Of course, there is the over-riding authority of the Home Minister and he can impose his will on anybody, but it will not lead to healthy growth. About the Water and the Sewage Board, there is a formula for calculating the cost but it is a complicated formula.

The consumers in the New Delhi area will have no voice in the production of water or electricity. Suppose there is failure of electricity in the Government offices and the diplomatic enclave and in all the other areas. They are cut off from electricity. Now, the distributing authority and the producing authority being different, the distributing authority will blame the producing authority and the producing authority will blame the distributing authority and this will lead to all sorts of difficulties about the distribution of electricity in the New Delhi area.

Then, I want to say something about this octroi. I think it is normal everywhere that a terminal tax is charged. Delhi is a very big distribution centre and a large quantity of goods come to Delhi from all parts. If you charge a terminal tax, you will be putting the traders of Delhi at a great disadvantage. A large part of this trade comes through this road traffic. If the trucks coming in form a long queue—because all the trucks have to be checked and calculations made as to how much terminal tax has to be paid—it will lead to very great hardship. As the general policy of the Central Government has been for doing away with localised taxes and collect the taxes at the source and then distribute the proceeds, I submit to the hon. Minister to carefully examine this point whether this levying of a terminal tax from a whole queue of 100 or more trucks waiting at the terminal to be passed and cleared with every one of them making a declaration, it being checked and the amount calculated and then cleared, will not dislocate and disrupt the trade of Delhi, because of the delays it would cause to the traders of Delhi. I submit that he might levy a tax on every truck that enters the Delhi Municipal area as a road tax but not as octroi or terminal tax, because it leads to great hardship. Delhi is a big distribution centre surrounded on all sides by big cities and industrial centres from whom Delhi gets all the goods, collects them and then distributes

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them again to so many other places. So many things come here from Faridabad, are collected here and then they go back to places east of Faridabad. But they first come to Delhi. If you levy octroi, it will cause great hardship and it will not be right.

About the rural committee, we have given certain powers to it. This is a new experiment, the experiment of combining a large rural area of about 500 sq. miles with a very small population, hardly contributing anything to the Delhi Municipal Corporation or a very nominal amount to the Corporation but demanding a large part of its expenditure not only on account of extensiveness but on account of backwardness. The result will be that we have tagged on nearly 500 sq. miles of rural area which will not bring anything to the Delhi Corporation and deprived it of a very rich 15 sq. miles of New Delhi which would have brought in a large amount of revenue. The hon. Minister says that it is the finest part of this Bill that we are now making the experiment of tagging on 500 sq. miles of rural area to the urban Delhi Municipal Corporation and that this is a very great achievement. I submit that in the absence of a State Government for Delhi, that rural area had to go somewhere, and because the hon. Minister could not think of any other scheme or plan for these 500 sq. miles he has tagged it on to the Delhi Municipal Corporation. There is a special committee which will make recommendations about this and it will want as much money as possible to be spent on the rural areas. But where is the money to come from? When there is a dearth of money, the Central Government will put all the blame on the Corporation saying that they are not managing their affairs well. As I said in the very beginning, I welcome this Bill but it needs a great deal of improvement on all these lines. I did not want to touch on health and various other clauses. It has nearly 500 clauses and if you argue on even 200 clauses of this Bill,

which require some amendments, it would require days and days. We have argued enough in the Joint Committee but we were not able to convince the hon. Minister. Therefore I end by welcoming this Bill.

RAJKUMARI AMRIT KAUR (Punjab): Sir, I am grateful to you for giving me a few minutes wherein in support of this Bill. By and large I think that the Bill as amended by the Joint Committee is an improvement on what had come before the other House. I only wish to say a few words about it because I have been very closely connected with the formation of a Corporation for Delhi, even before we got our Independence, the question of how best to govern Delhi had been before the Government of India and a very comprehensive report had been written which was studied by the Ministry of Health immediately after independence. The Improvement Trust that existed was not supposed to be doing as well as it should within its limitations and therefore a Committee, called the Birla Committee was appointed to look into how the Delhi Improvement Trust could function and they gave an extremely good report and very many suggestions about it. Then in between came the Delhi State Government itself and therefore the Corporation actually had to be shelved which was a pity because I think that if we had had a Corporation such as is envisaged in this Bill straightaway from the very beginning, when we first got our Independence, perhaps Delhi would have not had quite the number of slums that it has or made the number of mistakes that have been made so far. The number of Committees that functioned in Delhi really had added confusion to confusion and now we are, I hope, on the verge of a new era for Delhi. The main objections that have been raised to this Bill, both in the other House and I think here too, have been, one, that New Delhi has been left out, two, that some rural areas have been brought into the Delhi Corporation and three, that some of the Statutory bodies and

particularly the Delhi Development Improvement Trust have been left out of the purview of the Corporation itself. Now I myself was one of the protagonists and I very strongly advocated that New Delhi should not be brought under the Corporation at any rate in the beginning stages, I feel very strongly that the area which the Central Government occupies should be free from the mire of party politics. I think that both Washington and Canberra have adopted a healthy practice in keeping their capital cities away from politics and I think it will be a very good thing if we do likewise as, I am happy, we are going to do. As far as the rural areas having been brought under the Corporation is concerned. I think that it is a good thing. After all a capital city expands and we do not know how quickly it will expand. It has expanded extremely quickly already. We don't know how many more acres will be required for its expansion and also I think it is an extremely healthy thing for those of us who live in urban areas to become acquainted with the problems of the rural areas and I don't think that the argument that nothing will be done for the rural areas or that the urban people will not take a proper interest in the rural areas, I don't think these arguments really hold water. As far as the Statutory bodies that have been left out of the purview of the Corporation are concerned, there too I think that there will be no harm. The Delhi Development Authority is a body that was brought in to see to it that the future plan of Delhi is worked in a coordinated way. Haphazard buildings have come up in Delhi and have literally ruined Delhi. Therefore the formation of this body was an absolute necessity and I myself, while I was serving the cause of health, was delighted that a body such as this had come into the picture in order to stop further haphazard construction and further creation of slums. If there is liaison, as I am sure there will be, between these bodies and the Corporation and also between the Corporation and New Delhi, I see no reason at all to doubt the success of the Cor-

poration as such or to imagine that so many complications will come in or so much of interference from Government will come in as to make the Corporation not worth while. I am a great believer in local self-government. I believe that that is the pivot of good administration and it has also been always a matter of sorrow to me to find local bodies being superseded everywhere all over the country and more than that, a kind of feeling that the State Governments are trying to take away the powers that should really belong to the local bodies and not give them the powers of taxation either which are their due and then to say that they are unable to function. They cannot function unless they have enough money. They cannot function unless they are trusted.

Finally I should like to say—I know things like that cannot come under a Bill of this nature but I feel very strongly—that local self-government should be encouraged and one way of encouraging it—and I would like Delhi to take the lead in this—is, not to have elections to the Corporation, the Delhi Corporation, on a party-political basis. There are plenty of good citizens in Delhi. After all local bodies are meant to encourage and sponsor and foster a sense of good citizenship. The moment we allow party politics to come into a Corporation, then very often we lose the chance of getting good citizens to stand for seats. I would like to see this Delhi Corporation as a model for all other Corporations. True, when we looked into all the Corporation Acts that were on the Statute Book in the different States, we came to the conclusion that Bombay was the best. Therefore we tried to copy or take as much from the Bombay Corporation Act as we could. The Bombay Corporation has done extremely well but of course it has had nearly a century or a long period of time, to build up its tradition. Delhi is new but I do hope that Delhi also will build up good traditions and that if we can get plenty of fine young men and young women—and I am very anxious that

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more and more women should take an interest in local self-government—if we can have good citizens, no matter to which party they belong, to become members of this Corporation, I see a very bright future indeed for the Delhi Corporation

With these few words, I welcome this Bill.

श्री दक्कीनन्दन नारायण (मुम्बई) :
उपाध्यक्ष जी, यह दिल्ली कॉर्पोरेशन बिल जो मदन के सामने है, उसका मैं हार्दिक स्वागत करता हूँ। कुछ महीने पहले जिस वक्त प्रथम यह बिल मदन के सामने लाया गया था और आज जिस रूप में यह आया है, आपको पता चलेगा कि उसमें बहुत फर्क हो गया है। जो पहले उसका रूप था उसमें काफी तब्दीलियाँ की गई हैं, काफी सुधार किये गये हैं और ज्वाइंट कमेटी ने काफी श्रम किया है। इसके साथ-साथ यह बात कहते हुये मुझे हर्ष होता है कि मेरे भाई डा० गौड़ का इस सुधार में काफी हिस्सा रहा है और डा० गौड़ ने ज्वाइंट कमेटी में जिस मेहनत में और जिस दिलचस्पी से काम किया वह बहुत सराहनीय था। इतना कह देने के बाद जब मैं यह देखता हूँ कि बहुत सी ऐसी बातें इसमें हैं, जिनका जिक्र डा० गौड़ पहले कर चुके थे, मान चुके थे और उनके कहने पर बहुत सुधार हो चुका है, उसके बाद फिर भी वे यहाँ एक डेढ़ घंटा तबरीज करते हैं, तो मुझे कुछ सोच होता है कि यह क्या बात है, ऐसा क्यों हो रहा है। मुझे पता है कि डा० गौड़ की बहुत सी बातें मान ली गई थी और कोई कारण नहीं है कि उन बातों को दोहराया जाय, जिनके ऊपर आपस में बड़ी मुहब्बत के साथ एक निर्णय हो चुका था। परन्तु मुझे डर है कि शायद ज्वाइंट सेलेक्ट कमेटी की बातें भीतर की होती हैं, अन्दर की हुआ करती हैं और ये बातें जो यहाँ होनी हैं वे अखबारों के लिए होती हैं। इसी कारण डा० गौड़ फिर अपनी उन्हीं बातों को दोहराते

हैं। शायद यह भी हो सकता है कि डा० गौड़ की अप्रैल के ऊपर निगाह हो, क्योंकि अप्रैल में इलेक्शन होने को है और वे दिल्ली के लोगों में अपनी मुहब्बत पैदा करना चाहते हैं। इसलिये स्वाभाविक है कि वे अभी से उनके खैरल्वाह बनना चाहें। कुछ भी हो परन्तु आज दुनिया भर की जो बातें उन्होंने कही वे कोई माकूल थी, ऐसा मैं नहीं मानता।

यह कहा गया है कि बम्बई कॉर्पोरेशन ऐक्ट को सामने रख कर यह दिल्ली कॉर्पोरेशन बिल बनाया गया है। मैं टका यह सच है, ऐसा मैं नहीं मानता। बम्बई कॉर्पोरेशन की बहुत सी बातें इसमें ली गई हैं, पर साथ-साथ मैं यह कहना चाहता हूँ कि बम्बई कॉर्पोरेशन से सुधार कर और आगे इतने कदम बढ़ाया है। बम्बई कॉर्पोरेशन ऐक्ट में बहुत कुछ ज्यादा बातें इसमें हैं और अधिकार भी कुछ ज्यादा हैं। इसके अलावा बम्बई कॉर्पोरेशन में कुछ ऐसी बातें हैं जो इसमें नहीं हैं या जिनकी इसमें जरूरत नहीं मालूम हुई। इसमें डिप्टी कमिश्नर की जरूरत नहीं ममभी गई जब कि बम्बई कॉर्पोरेशन में एक डिप्टी कमिश्नर रखा गया है। फिर बम्बई कॉर्पोरेशन में जो कमेटीयाँ हैं उनमें दिल्ली कॉर्पोरेशन में ज्यादा कमेटीयाँ हैं। उसके बाद टेक्मेशन को आप देखें तो बम्बई कॉर्पोरेशन के जा टेक्मेशन हैं उनमें अधिक टेक्मेशन दिल्ली कॉर्पोरेशन को दिय गये हैं। किसी भी निगाह में आप देखियें, तो आपको पता चलेगा कि यह सिर्फ बम्बई कॉर्पोरेशन ऐक्ट का ब्याप्टिंग किया हुआ है, ऐसा नहीं है। बम्बई कॉर्पोरेशन ऐक्ट के मुकाबिले में इसमें बहुत कुछ सुधार हुये हैं और तब्दीलियाँ की गई हैं। यह कहा जा सकता है कि वहाँ पर १२४ मेम्बर हैं और यहाँ आपने ८० मेम्बर ही रखे हैं और वहाँ एन्डरमेन नहीं हैं और यहाँ आप एन्डरमेन ले आये हैं परन्तु मोचिये ता मही कि बम्बई की आबादी आज ३० लाख है और यहाँ १९५१ के समय के मुताबिक १७ लाख है। इस तरह यदि वहाँ १२४

मेम्बर है और यहा कवल ८० हैं, तो इसमें क्या फर्क पड गया और अगर सौ मेम्बर कर दिये जाये तो क्या फर्क हो जायेगा। तो किमी ब न को इस तरह से कहना कि जो दिल्ली की जनता को अपनी ओर लालायित करे यह में ठीक नहीं समझता।

दूसरी बात यह है कि एन्डरमेन की बात को बार बार कहने की जरूरत नहीं है। एन्डरमेन इंडाइरेक्ट इलेक्शन में आने वाले हैं यह कहना हम लोगों के लिये, जो राज्य सभा में बैठे हुए हैं, शोभा नहीं देता। हम सभी इंडाइरेक्ट इलेक्शन में आय हुये हैं और मैं इंडाइरेक्ट इलेक्शन को कोई बुरी बात नहीं मानता, अच्छी बात मानता हूँ। इंडाइरेक्ट इलेक्शन बुरी बात नहीं है। इलेक्टोरल कालेजेज भी अच्छी बात है। इस तरह से सिर्फ यह कह देना कि इंडाइरेक्ट इलेक्शन अच्छा है या इंडाइरेक्ट इलेक्शन अच्छा है इसका कोई अर्थ नहीं है। ये तर्जुबों की बातें हैं और जहां जैसा पोलिटिकल डेवेलपमेंट पहले से हुआ होगा, उस पर निर्भर है। इस लिये इस बात को इस निगाह में बार बार कह देना कि वे इंडाइरेक्टल इलेक्टेड हैं, एक तरह से गाली देना है और यह ठीक बात नहीं है।

इसके बाद मेयर की बात कही गई और उसके साथ यहा तक कहा गया कि ग्रग्रवाल साहब ने ज्वाइंट कमेटी के सामने जो बयान दिया उसमें उन्होंने अपनी कमेटी का ठीक प्रतिनिधित्व नहीं किया। मैं कहता हूँ कि उन्होंने जो कहा सो सौ टका ठीक कहा। मेरे भाई गोड मेरे साथ चले, मैं उनको तर्जुबा देना चाहता हूँ कि हिन्दुस्तान में और खासकर अपने प्रान्त में कहीं मैं अनुभव के साथ कह सकता हूँ कि यदि आप म्युनि-सिपैलिटियों के प्रेमीडेट्स में मिलियेगा या कार्पोरेशंस के मेयर्स में मिलियेगा तो आपको पता चलेगा कि शायद ६० टका प्रेमीडेट्स अपना तर्जुबा यही कहेंगे कि एक्जीक्यूटिव और डेलीब्रेटिव अलग रखने में दुनिया का

फायदा है और करप्शन के लेंस चमे चासेज हैं मैं अपने यहा के तर्जुबों में कह सकता हूँ कि किम तरह में मसीबत आती रहती है प्रेमीडेट के ऊपर अपनी पार्टी और अपने मेम्बरों को मसालने की, और फिर वह बेचारा जो एक्जीक्यूटिव आफिसर होता है वह किस तरह में तंग हाता है। ऐसी हालत में या तो वह नौकरी छोड़ दे या जिम तरह में वह मैजोरिटी पार्टी, वे मेम्बर और वह प्रेमीडेट कहे उस तरह में उसे चलना पडता है। ना ग्रग्रवाल जी ने जो बात कही है वह बिलकुल सही बात है कि इस डेलीब्रेटिव और एक्जीक्यूटिव पावर को अलग करने में तुर्रमान नहीं होगा, बल्कि फायदा ही होगा। अगर आप पूछेंगे तो जिन का तर्जुबा है वे कहेंगे कि यह बात ठीक है। तो यह जो मेयर के पावर की बात इसमें रखी गई है वह बहुत ठीक है।

मेरे भाई ने जो प्लूरल कास्टिट्यूसीज और डिस्ट्रिब्यूटिव वोट्स के सबन्ध में विरोध किया उसमें मुझे सब में ज्यादा अचभा मालूम हुआ। मेरे भाई किशनचन्द जी ना यहा तक चले गये कि : "Cumulative voting is more democratic". मेरी समझ में नहीं आया कि किम तरह में यह मांग डेमोक्रेटिक है। मैं आपसे कहता हूँ कि आप यह देखिये कि यदि एक हजार वोटों में मैं जीत कर आ सकता हूँ, और चार सीटें हैं तो मैं क्यूमुलेटिव वोटिंग में ढाई सौ आदमियों में १००० वोट पैदा कर सकता हूँ। यदि हर एक वोटर में एक एक वोट लेना हुआ तो मुझे हजार आदमियों से हजार वोट लेने होंगे। आप बतलाइये ढाई सौ वोटों के मत में चुनकर आना और हजार आदमियों के वोटों में चुन कर आना, इनमें में कौन सा अधिक डेमोक्रेटिक है ; यह मैं जानना चाहता हूँ।

इसके अलावा, मुझ पता नहीं डा० गोड़ साहब ने किमी म्युनिसिपैलिटी का तर्जुबा लिया है या नहीं। मैं अपने प्रान्त में इन दोनों तर्जुबों को ले चुका हूँ। मेरे यहा मल्टीपल सीट्स और क्यूमुलेटिव वोटिंग

[श्री. देवकानन्दन नारायण]

भी थी। आज भी बम्बई शहर में है, मगर बम्बई राज्य में सब म्यूनिसिपैलिटीयों में डिस्ट्रीक्टिव वोटिंग है और क्युमुलेटिव सीट्स हैं। तो दोनों तजुर्बे मेरे सामने हैं और मैंने यह देखा है कि जहाँ क्युमुलेटिव वोटिंग है वहाँ कास्टीइज्म, जातीयता बड़ी है, कम्यूनलिज्म बड़ा है, प्रापिज्म बड़ा है, क्योंकि एक बड़े वार्ड में एक ही जाति के लोग काफी तादाद में होते हैं। हजार आदमियों से हजार वोट्स पंदा करना और ढाई सौ आदमियों से हजार वोट लेना इसमें बहुत फर्क है। वार्ड में मेरी विरादरी के १००-२०० वोट्स हो सकते हैं हजार वोट्स हो नहीं सकते। बम्बई का तजुर्बा बम्बई वालों से आप पूछिये, अब तो कुछ कम हो गया है नहीं तो यह चलता है

Brahmins should vote for Brahmins and non-Brahmins should vote for non-Brahmins. This caste should vote for this caste and that caste should vote for that caste.

क्युमुलेटिव वोटिंग की वजह से, क्योंकि कम आदमियों से काम हो जाता है।

डा० राज बहदुर गोड कास्टीइज्म अंग्रेजी में है वहाँ पर ? आपने अंग्रेजी में कहा।

श्री देवकानन्दन नारायण इसलिए, मेरे कहने का मतलब यह है कि आप यह बतलाइयेगा कि जब मुझे अधिक वोटर्स से वोट लेना पड़ता है, तो वह डेमोक्रेटिक है या कम आदमियों से वोट अधिक ले लेना अधिक डेमोक्रेटिक है तब आपको यह मजूर करना होगा कि

distributive voting is more democratic, a hundred times more democratic than cumulative voting.

इसके बाद मुझे इस बिल में जो सब से अच्छी बात मालूम दी, वह है अर्बन और रूरल एरियाज को एक जगह मिला देना।

यह दुख की बात है कि आज हिन्दुस्तान में बहुत सी जगहों में शहरों और गावों में मन की तनातनी है। और यह हर एक जगह आपको शिकायत सुनने में आयेगी कि शहर वालों को जो सुविधाएँ मिलनी हैं, वे गाव वालों को कभी मिलनी ही नहीं और शहरों के ऊपर जितना खर्च होता है उनका गाव वालों के ऊपर नहीं किया जाता। इस लिहाज से देखा जाय तो यह जो एक्सपेरीमेंट अब हम करने जा रहे हैं इसमें एक बहुत बड़ी जिम्मेदारी हम अपने ऊपर ले रहे हैं। इस एक्सपेरीमेंट में शहर के लोग भी अपने ऊपर बहुत बड़ी जिम्मेदारी ले रहे हैं। उनको दिखाना होगा कि गाव वालों के साथ कितनी नेकनीयती से वे काम करने हैं, कितनी ईमानदारी से उन के साथ काम कर सकते हैं, जो खुद के लिये चाहते हैं वह उन के लिए भी चाहते हैं या नहीं। शहर वालों के लिये यह परीक्षा का, इम्तिहान का मौका है। मैं समझता हूँ यह बहुत अच्छी बात हो रही है कि रूरल एरियाज और अर्बन एरियाज एक जगह लाये जा रहे हैं म्यूनिसिपैलिटी के कामों के लिए। शहरों में न जाने कितनी फैमिलिटीज होती हैं, कितनी सुविधाएँ होती हैं, लेकिन गावों में जा कर आप देखेंगे, उनको आप कितनी सुविधाएँ दे रहे हैं—पानी पीने तक को नहीं मिलता, सड़कों का नाम नहीं, गटर का नाम नहीं। य तमाम बातें हैं जो कि अब कार्पोरेशन में शहर वालों को मोचनी होगी, क्योंकि उनके प्रतिनिधि अधिक होंगे, गावों के प्रतिनिधि कम ही होंगे। अब तक तो हम लम्बी लम्बी बातें करते आये गाव वालों के वोट्स लेने के लिये, परन्तु अब हमको काम कर के दिखलाना होगा। इसलिए मैं यह शहर वालों के लिए और गवर्नमेंट के लिए बहुत अच्छा मौका समझता हूँ कि शहर और ग्राम या म्यूनिसिपैलिटी के नाते जहाँ रोज की नागरिक ज़रूरी बातों का निपटारा होगा, सुधार की बातें होगी,

पानी का जिक्र होगा, सैनिटेशन की बातें होंगी, सड़कें होंगी, स्कूल होंगे, सब कुछ होगा, तो वहाँ उन दोनों के बीच अंतर जो अंतर है, वह अंतर कम होगा और दोनों एकत्र होंगे। अगर उस अंतर को रखने की कोशिश होगी तो उसका परिणाम अच्छा नहीं होगा।

इसके बाद मुझे एक बात इस बारे में यह कहनी है कि अभी भाई किशनचंद ने यहाँ कहा कि गांवों का एरिया ५०१ स्क्वायर माइल होने में क्या मतलब है। बस्ती तो एक लाख होगी, नई दिल्ली का एरिया छोटा है, मगर बस्ती ५ लाख है; मगर उन्हें जानना चाहिए कि ढाई सौ गांवों की सवा दो लाख बस्ती है। शहर की बस्ती और गांवों की बस्ती दोनों को मिलाकर है १७ लाख और रूरल एरिया यानी ग्रामीण, देहाती बस्ती जो कॉर्पोरेशन के क्षेत्र के अन्दर लाई जायेगी उसकी बस्ती है दो लाख चालीस हजार, यानी काफी बस्ती है, थोड़ी नहीं है। इस निगाह से भी आपको सोचना होगा कि हम शहर के लोग जो कुछ करने जा रहे हैं वह कहाँ तक कर सकेंगे।

इसमें एक और बहुत अच्छी बात है कि एक रूरल एरियाज कमिटी बनाई गई है इस कॉर्पोरेशन बिल के मातहत। उस रूरल एरियाज कमिटी को अधिकार होगा कि वह रूरल एरियाज की अपनी जरूरतों को खयाल में रखकर रिकमेंडेशन, सिफारिश करे और उन पर फिर कॉर्पोरेशन कार्यवाही करे। जो वहाँ देहात के मेमबरान होंगे, उनको सिर्फ सिफारिश करने का अस्तित्व होगा, ऐसा नहीं है; बल्कि उनको कार्यान्वित करने करवाने का भी उनको अधिकार होगा। फिर देहातियों पर कौन से टैक्सेज लगाये जायें, कौन से नहीं लगाये जायें, यह बतलाने का भी उनको अधिकार होगा। इस तरह से देहातियों की जो समस्याएँ हैं उन पर विचार करने का और उनको सुलझाने का अस्तित्व

उस रूरल एरियाज कमिटी को होगा। ज्वाइंट सेलेक्ट कमिटी ने इस कमिटी के अधिकारों में बहुत सुधार किये हैं, बहुत बढ़ावा कर दिया है। आप देखेंगे कि पहले बिल में यह कुछ बातें नहीं थी।

रूरल एरियाज कमिटी के बाद आप देखेंगे कि हमने इस बिल में ग्राम पंचायत जैसे पहले थी वैसे ही अब भी कायम रखी है, गांव सभा के नाम से कायम रखी है। गांव सभाओं को भी कुछ अधिकार दिये गये हैं, उनको भी कुछ काम सौंपे जायेंगे। धारा ५०७ के अन्तर्गत इन गांव सभाओं को यह मदद मिलती रहेगी।

“The Corporation shall pay a Gaon Sabha an amount equal to the proceeds of the tax on profession, trades, callings and employments, as and when that tax is levied in the Gaon Sabha area; and an amount equal to such portion of the proceeds of the property taxes on lands and buildings in that area as may from time to time be determined by the Corporation.”

यानी कॉर्पोरेशन जो पैसा इकट्ठा करेगा, टैक्स वसूल करेगा उस में से भी कुछ हिस्सा गांव सभाओं को गांवों की बेहतरी के लिये दिया जायेगा। यह भी इसमें बहुत अच्छी सहूलियत रखी गई है।

टैक्सेज के बारे में यह कहा गया है कि जो शहर के लिये टैक्सेज होंगे वे गांवों के लिये नहीं होंगे। देहातियों के लिये या देहातों के लिए टैक्सेज अलग होंगे, यानी उनके रेट्स अलग होंगे, उनका स्वरूप अलग होगा। उनकी बिना अलग होगी। इसलिए किसी तरह से शहर के साथ बंध जाने के कारण उनको कोई नुकसान होने वाला नहीं है, होगा तो फायदा ही होगा। कॉर्पोरेशन से कुछ ज्यादा पैसा मिलता रहेगा। फिर प्रापर्टी टैक्स के बारे में अधिक फायदा गांव वालों को ही मिलने वाला है, क्योंकि मेरे खयाल में एक धारा ११४ है जिस में कहा गया है :

[श्री देवकीनन्दन नारायण]

"Exemption for poor people from property tax where the ratable value of the property does not exceed Rs. 100."

यानी मौ रुपये में जिस की रेएबल वैल्यू कम है, उसको प्रापर्टी टैक्स में एग्जम्पशन दिया जा सकता है। यह एग्जम्पशन अधिकतर किसको मिलेगा ? गरीबों को मिलेगा, पहली बात और खाम कर देहातियों को मिलेगा, दूसरी बात। दोनों को मिला देने में कोई नुकसान होने वाला है यह मैं नहीं मानता हूँ। ग्रामीण भाइयों को बहुत फायदा होगा। इनक्विटिटी मिलेगी, पानी मिलेगा, सड़कें मिलेंगी, बहुत सी बातें मिलेंगी। इस के साथ मैं बड़ी नम्रता के साथ माननीय मंत्री जी की निगाह में एक बात लाना चाहता हूँ जो ग्रामीणों में सम्बन्ध रखती है और वह यह है कि ज्वाइंट सेलेक्ट कमिटी की रिपोर्ट के पेज रोमन ७ पर यह लिखा है :

क्लाज ४२, ओरिजिनल क्लाज ४१, का तीसरा पैरा :

"Similarly, the construction, repair and maintenance of embankments, and the supply, storage, and control of water for agricultural purposes should be added as an obligatory function of the Corporation."

यह सिफारिश है कि ज्वाइंट कमिटी की रिपोर्ट में :

"should be added as an obligatory function of the Corporation..."

और उसके बाद यह लिखा है :

"The clause has been amended accordingly."

जहाँ तक मैं समझ सका हूँ—
the clause is not amended accordingly.

डा० राज बहादुर गौड़ : कहां से पढ़ रहे हैं ?

श्री देवकीनन्दन नारायण : ज्वाइंट कमिटी की रिपोर्ट पेज ७।

डा० राज बहादुर गौड़ : रोमन ७ ?

श्री देवकीनन्दन नारायण : जी हां, रोमन ७। तो इसमें यह लिखा है :

"The clause has been amended accordingly."

परन्तु जहाँ तक मैं देख सकता हूँ या समझ सकता हूँ the clause is not amended accordingly.

Dr. R. B. GOUR: The clause is an obligatory clause.

श्री देवकीनन्दन नारायण : इस सम्बन्ध में एक बात और कह दूँ। अभी मैंने दर्याफ्त किया था कि यह गलती कैसे हुई तो मुझ में कहा गया कि ४२ (बी) जो पहले से था, उसमें यह लिखा हुआ है :

"the construction and maintenance of works and means for providing supply of water for public and private purposes;"

and that cover this.

परन्तु मैं यहाँ नम्रतापूर्वक कहना चाहता हूँ कि...

Dr. R. B. GOUR: It is not covered.

श्री देवकीनन्दन नारायण : that is not covered. मैं यह कहना चाहता हूँ कि यह ज्वाइंट सेलेक्ट कमिटी के मामले में जो मैंने अभी पढ़ा, वो तो था ही पहले जिस वक्त बिल यहाँ रखा गया था, उस वक्त भी यह मौजूद था जैसा कि आज है। इस सम्बन्ध में ज्वाइंट सेलेक्ट कमिटी में चर्चा हुई और यह बात तय हुई जो कि ज्वाइंट सेलेक्ट कमिटी की रिपोर्ट में लिखी हुई है। तो उसके बाद यानी चर्चा होने के बाद the clause has been amended accordingly. लिखा है। And the clause is nowhere amended accordingly.

यह मैं क्यों कहना चाहता हूँ ? मुझे किमी की गलती नहीं बतलानी है । मुझे यह कहना है कि इसमें हमारे गरीब किसानों को, जो कि पानी के ऊपर निर्भर रहते हैं, जिन की खेती इसी से चलती है, नुकसान पहुंचेगा क्योंकि बात यह है कि .

“...construction, repair and maintenance of embankment and the supply, storage...”

स्टोरेज होता है गांव के बाहर,
“... and control of water”
किस तरह मैं कीजियेगा । और
Irrigation comes under it. Small
irrigation comes under it, for agricultural
purposes. Supply for private
and public does not concern it.

Dr. R. B. GOUR: He is right.

श्री देवकीनन्दन नारायण : तो यह बात मैं आपकी नजर में लाना चाहता हूँ, क्योंकि देहातियों के साथ आप अच्छा सलूक करना चाहते हैं, सब तरह से देहातियों को फायदा पहुंचाना चाहते हैं । इसलिए मेरी निगाह में जो यह गलती रह गई है, उसको यदि कृपा कर के सुधारने की कोशिश की जाये तो बहुत अच्छा होगा ।

इसके बाद प्राइमरी एजुकेशन और मेकेंड्री एजुकेशन की बहुत सी बात यहां पर चली । मुझे कुछ दुख होता है, जब प्राइमरी एजुकेशन को छोड़ कर मेकेंड्री एजुकेशन की बात की जाती है । यदि दिल्ली की प्राइमरी एजुकेशन अच्छी होती, सर्वप्रिय होती और फिर मेकेंड्री एजुकेशन की बात कही जानी और उन पर खर्च का बोझ डाला जाता तो मैं समझ सकता था । लेकिन आज भी दिल्ली प्रदेश में फ्री और कम्पलमरी प्राइमरी एजुकेशन नहीं है । यह कार्पोरेशन की पहली जरूरत है, पहली जिम्मेदारी है । सब में पहली जिम्मेदारी कार्पोरेशन की यह होगी कि वह

अपने दिल्ली शहर में और दिल्ली कार्पोरेशन के मातहत जितने गांव आयेंगे उनमें फ्री और कम्पलसरी एजुकेशन शुरू कर दे । इसके लिये बड़े भारी खर्च की जरूरत है और आज इस खर्च को बरदाश्त करना मुश्किल मालूम हो रहा है । इस काम के लिये दिल्ली म्यूनिसिपल कमिटी की एक कमिटी कायम हुई है और वह सोच रही है कि आगामी वर्ष में प्राइमरी एजुकेशन कम्पलमरी करे या फ्री करे । मुझे पता नहीं कि कुछ तय हुआ है या नहीं । तो अब आप कार्पोरेशन के ऊपर फ्री कम्पलमरी प्राइमरी एजुकेशन का बोझ डालने जा रहे हैं—जो डाला जाना चाहिये और जहां तक हो सके उनसे यह करवाना चाहिये—तो सेकेंड्री एजुकेशन का उन पर बोझ डालना यह मेरे खयाल में कहा तक ठीक है, यह आप सोचियेगा ।

मेरे भाई डा० गोड़ ने बीच में बम्बई के मेयर के बारे में कुछ कहा, लेकिन यहां वह जिक्र करने की जरूरत नहीं थी । परन्तु यदि गत ६० या ७० वर्षों का इतिहास देखा जाय, तो आपको पता चलेगा कि प्रोप्रेसिवली बम्बई कार्पोरेशन बहुत अच्छा काम करता आया है । आज भी उसमें कोई फर्क पड़ा है, ऐसा मैं नहीं मानता । हो सकता है कि मेरे भाई को कुछ अन्दरूनी बातें प्राप्त होती हों, क्योंकि आजकल कुछ दूसरी हवा है ।

My friends have become strange
bed follows with men who are in
power there today, हो सकता है कि उनसे
कुछ निजी बातें मिल जाती हों, परन्तु मुझे
जहां तक पता है . . .

Dr. R. B. GOUR: He knows the
Commissioner.

SHRI DEOKINANDAN NARAYAN:
No, but I know both of them.

मुझे तो पता नहीं कि अभी तक किमी की तनावनी शुरू हुई है ?

डा० राज बहादुर गौड़ : आपमें और हम में तनातनी क्यों हो ?

श्री देवकीनन्दन नारायण : जब कभी हो जाती है। मैं आपसे कहूँ थोड़े दिनों पहले बात जब बम्बई कार्पोरेशन के नौकरो से स्ट्राइक करवाया गया, किसने करवाया, कैसे करवाया और किस तरह से फिर वापस लिया गया।

डा० राज बहादुर गौड़ : आपमें और हम में तनातनी क्यों हो ?

श्री देवकीनन्दन नारायण : मेरे दोस्त जो यहाँ बैठे हुए हैं और जो बहुत खुशी में बातें कर रहे हैं, वही उसके लीडर्स थे और आज के मेयर साहब की क्या हालत उस वक्त हुई थी यह भी आप जानते हैं। तो मैं इन बातों में जाना नहीं चाहता। मेरे कहने का मतलब यह है कि किसी तरह से मेयर और कमिश्नर में तनातनी हो यह ठीक नहीं है, क्योंकि सर फीरोजशाह मेहता से लेकर आज तक बम्बई कार्पोरेशन का बहुत बड़ा ट्रेंडिशन रहा है। इस बात के कहने की यहाँ आवश्यकता नहीं है कि वहाँ किसी तरह की तनातनी है, परन्तु मेयर और कमिश्नर के बीच जो रोज का दर्द हो जायगा, उस दर्द के लिये इस तरह से एक मेयर की बात कह देना और बम्बई के मेयर को बढ़ावा दे देना यह मेरी निगाह से ठीक नहीं है। आखिर में मुझे एक बात और कहनी है।

डा० राज बहादुर गौड़ : टर्मिनल टैक्स के ऊपर आइये।

श्री देवकीनन्दन नारायण : हाँ, वही आ रहा हूँ।

(Time bell rings.)

I shall take some seven minutes more. I am coming to clause 178.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Other Members have also to speak. Please stick to your own time?

SHRI DEOKINANDAN NARAYAN: This is the last point on which I wish to speak.

DR. R. B. GOUR: Here he and I agree.

श्री देवकीनन्दन नारायण बड़ी नम्रता-पूर्वक मिनिस्टर साहब से मेरी प्रार्थना है कि १७८ क्लॉज का एक शब्द "ट्रिबल" निकाल दिया जाये। क्लॉज इस प्रकार है :

"The Central Government may, by notification in the official Gazette, vary from time to time, the rates specified in that Schedule, in relation to any goods or classes of goods so, however, that where the rates are increased, the increased rates shall not be more than treble the rates so specified."

आपने देखा होगा कि ज्वाइंट सेलेक्ट कमेटी की रिपोर्ट में यह कहा गया है :

"The Committee feel that the rates of terminal tax on goods had not been fixed on any rational basis and recommended that the Government may take early action to revise them."

जब कि रेशनल बेसिस पर यह रेट्स फिक्स नहीं किये गये हैं तो आप अपने ऊपर यह बोझ क्यों लेते हैं कि उसमें जो तब्दीली होगी, वह तीन गुनी ही होगी, तीन गुनी से ज्यादा नहीं होगी। हो सकता है कि आपको दस गुना तब्दीली करना पड़े, पांच गुना करनी पड़े, छह गुना करनी पड़े और वह करनी पड़ेगी। मैं आपको बतलाऊँ कि यह कैसे करना पड़ेगा . . .

DR. R. B. GOUR: But the Bill does not bar the Corporation from suggesting an entirely new schedule of rates.

The committee has empowered the Central Government to change in any particular case, to increase the rate.

SHRI DEOKINANDAN NARAYAN:
That won't be more than treble.

DR. R. B. GOUR: In the new schedule, suppose it is ten times, the Bill does not bar it, but before a new Schedule is . . .

SHRI DEOKINANDAN NARAYAN:
Let him see it. It is clear.

DR. R. B. GOUR: That is a temporary measure that we have got. That is the temporary authority.

SHRI DEOKINANDAN NARAYAN:
Where is the other provision that he is suggesting?

DR. R. B. GOUR: The schedule could be changed. The Joint Select Committee has suggested that the schedule should be changed.

SHRI DEOKINANDAN NARAYAN:
Where is it provided, I would like to know. Only it is provided in the Bill that it can be changed to treble, not more than that. It can be varied. Let him read clause 178.

DR. R. B. GOUR: No. I know it.

श्री देवकीनन्दन नारायण : अब मैं उसमें एक ही दाखिला आपको दूँ only to show the incongruousness.

(Time bell rings.)

दसबे शिड्यूल में से भाग को ले लीजियेगा । एक मन पर जो सात पैसे टैक्स लगाया है उसको आप तिगुना भी कर देंगे तो मन के ऊपर २१ पैसे होंगे और उसकी कीमत होती है पाँच सौ रुपये से ऊपर । भाग का हिसाब मन दो मन के हिसाब से रखा नहीं जाता ।

दूसरी चीज लीजिए, अफीम । १५ पैसे प्रति मन के हिसाब से नए पैसे, पुराने भी नहीं । इसी तरह से चरस के ऊपर भी १५ पैसे प्रति

मन । लेकिन चरस, गाजा या अफीम कोई मन के हिसाब से तो बिकता देखा नहीं । फिर बड़े बड़े शहरों में भी बिकता नहीं है । लेकिन आप कहते हैं कि चरस अफीम के ऊपर १५ पैसे प्रति मन के हिसाब से टैक्स होगा । मेरे कहने का मतलब यह है कि यह इतना इररेशनल है कि आपको इसे बदलना होगा और आप बदलेंगे जरूर और बदलते वक्त शायद आपको इस मौजूना करना होगा । इसलिये अभी मैं आपको चाहिये कि आप तिगुने के बंधन में न रहें जिससे आगे आपको टूटल हो । इस प्रकार टर्मिनल टैक्स की बात बहुत सी बातें हैं, जहाँ आपने बहुत कम टैक्स रखा है । खाने के पान के ऊपर उतना ही टैक्स है जितना सुपारी पर है और सूखे फलों पर बहुत कम है । यानी बहुत सी बातें हैं . . .

सरदार रघुबीर सिंह पंजहजारी (पंजाब):
सेलेक्ट कमेटी में क्यों नहीं आपने इन बातों को कहा ?

श्री देवकीनन्दन नारायण . मुझमें आप बाहर मिलिये, मैं वहाँ आपसे कहूँगा ।

DR. R. B. GOUR. May I interrupt Clause 178 does not bar Government from amending the Schedule. The Government will have to come with a resolution amending the Schedule, and they can do it.

SHRI DEOKINANDAN NARAYAN:
The Tenth Schedule is under section 178, and whatever is provided in section 178 will apply to Schedule Ten. Schedule Ten cannot be otherwise. It goes with section 178.

DR. R. B. GOUR: Excuse me. Schedule Ten could be amended by the Government. But before the whole Schedule is examined and amended, if the Government so wants, it can raise the rate on particular goods to three times. That is the whole point.

(Time bell rings.)

श्री देवकीनन्दन नारायण . दूसरी बात मेरा तो कहना यह है कि अच्छा होगा यदि टर्मिनल टैक्स "एंड वेलोरम" रखा जाय ताकि मन का सवाल ही न हो। चाहे ५०० मन आता हो चाहे ५००० मन आता हो, कीमत के ऊपर टर्मिनल टैक्स रखा जाना अच्छा होगा. बजाय इसके कि आप मन के ऊपर उसे निर्धारित करे। कीमत के हिसाब से टैक्स रखना ही रीजनेबल होगा, रेशनल भी होगा। यह जो आज की व्यवस्था है यह रेशनल नहीं है, इससे पैदायश कम होगी, इनकम भी कम होगी। इसलिये मेरी प्रार्थना है कि अगर आप रेशनल निगाह से इस सारे टेन्थ शिड्यूल को देखियेगा, तो आपको बहुत कुछ उसमें तब्दीली करनी होगी और इसमें मुझे शक नहीं है।

आखिरी बात मुझे यह कहनी है कि आप यह शिड्यूल बदलते वक्त एक-दो बातें जरूर याद रखियेगा। एक तो प्राहिबिशन की निगाह से गांजा, अफीम, शराब आदि पर टैक्स लगाने की सोचियेगा और दूसरे, कृपा करके खादी को पीस गुड्स के टैक्स से बचाइयेगा।

SHRI H. N. KUNZRU (Uttar Pradesh): Mr. Vice-Chairman, in considering this Bill we have first to see how we should view the position of the Delhi Corporation. Is it to be regarded as a local body or as the successor of the Delhi State Government? If the Delhi Corporation is to be treated as the successor of the Delhi State Government, its powers will have to be considerably enlarged. But I do not think that the Delhi Corporation is meant to take the place or can take the place of the Delhi State Government.

The States Reorganisation Commission recommended the abolition of the Delhi State for very cogent reasons, and the House accepted the view of the Commission. We cannot, therefore, now give the Delhi Corporation the status equal to or similar to that of the State Government which

no longer exists. We have therefore to see whether the Delhi Corporation has been given adequate powers for a local body.

Here, we must consider another question of great importance. What is to be the pattern of local government that is to be adopted here, and indeed throughout India? We see, Sir, outside India two patterns of local government. In England which occupies an exceptional position in regard to local government, both the deliberative and executive functions are combined. The English people attach great importance to local government. They treat it as a training ground for national work. They regard it as a matter of honour and pride that local government should be efficiently carried on. On the Continent, however, another pattern is in existence, and so far as I know the pattern that exists has the approval of the people. There, the deliberative and the executive functions have been separated. The members of the local bodies deliberate, while whole-time officers appointed either by the Government or by the local bodies carry out the decisions of these bodies. In England members of Borough Councils or County Councils give a great deal of time to the work of these bodies. But on the Continent a division of functions has prevailed on the ground that members of local bodies will not have the time or energy to look into the details of the work of these bodies and to carry out efficiently their decisions. In India, formerly the first system prevailed, but it was found as a result of our unfortunate experience that this system required a change. The existence of cliques in the local bodies and the absence of men who regarded local government as a foundation for self-government were manifest. Usually men took interest in giving out contracts, in appointment of officers and even of petty subordinates, and things like that. For this reason the system in my province was changed about forty years ago. Practically every municipality has an executive officer whose powers are statutorily defined. This had one good

effect at least, and that was that the municipal staff was kept aloof from joining the party cliques.

SHRI J. S. BISHT: Subordinate municipal staff?

5 P.M.

SHRI H. N. KUNZRU: Yes, the subordinate municipal staff.

The change in the system, however, did not lead to that efficiency that was expected of it. The reason for it was very simple. The members of the Board instead of regarding themselves as representatives of the public and trying to discharge their functions in such a way as to justify the confidence reposed in them, occupied themselves in matters to which I have already referred and when political influence came to be added to the other undesirable practices that prevailed in the municipalities, their condition deteriorated. Even the Bombay Corporation was affected by the introduction of politics into local affairs. When the members of the Board fight elections to local bodies, the contests take place on political grounds. It is seldom that different programmes are put forward. The contest takes place merely on party grounds or personal grounds. Political considerations affected for some years even the Bombay Corporation, but happily, the great traditions of that Corporation, the importance that the public attached to efficient local government, enabled the Corporation to recover to a large extent the ground that it lost some years ago. In Calcutta, however, the political impact was felt much more severely by the Corporation and the result was that it suffered much more than the Bombay Corporation, from the introduction of party politics. I do not know how the Calcutta Corporation is functioning now.

DR. R. B. GOUR: Adult franchise.

SHRI H. N. KUNZRU: My hon. friend is talking of adult franchise. There was adult franchise in Bombay.

But what was the result? It did not prevent the introduction of political consideration into the local administration.

I was saying that I did not know what the condition of the Calcutta Corporation was at the present time, but my impression is that it is still not working as satisfactorily as we should like it to. But it has set itself and is undoubtedly doing very good work. When one goes to Calcutta, one hears fewer complaints about its administration. But the remedy for the present state of things lies in screening these bodies from party politics. The parties concerned should have different programmes to place before the electorate.

Sir, we have to take all this into account in considering the character of the Delhi Corporation Bill. Here, the deliberative functions have been separated from the executive functions and I think, taking the experience of India into account, the separation is justified. It is not wrong in theory at all. The divorce between the deliberative and executive functions prevails all over the Continent.

SHRI J. S. BISHT: Even in America.

SHRI H. N. KUNZRU: It prevails, as I have been told, even in America.

DR. R. B. GOUR. No, Sir. In New York.

SHRI H. N. KUNZRU: New York is not the whole of America. It may be a big city. But, in England, in big cities and in smaller cities, the other system prevails. But where are the men in India who will devote as much time to the work of local bodies as the English people consider it their duty to do? I think we have to take our circumstances into account.

I think, taking all this into account, the scheme of the separation of powers in the Bill is perfectly sound. I do not think that, any other system would have succeeded.

DR. R. B. GOUR: On a point of explanation, Sir. We have not said that the whole should be merged. We only say that the Chairman of the Standing Committee should be the executive head instead of the Commissioner. That is all.

SHRI H. N. KUNZRU: My hon. friend is taking up time merely by repeating what he had already said. Whether the Chairman of the Standing Committee takes the place or the Commissioner or the Chairman of the Corporation does not matter. We shall have to make a person who takes over or assumes the duties of the Commissioner a whole-time man. When we make him a whole-time man, we shall make him independent of the control of the Corporation in certain matters, in regard to his control over his subordinates, in regard to appointment of people who get salaries within certain limits, and so on. Well, what is the difference between the Commissioner and such a man?

Now, I come to the area over which the Corporation will exercise authority. We have been told—and I have been pointedly reminded—that the States Reorganisation Commission recommended the establishment of one Corporation for Delhi. The Commission said in paragraph 594 of its Report to which the hon. Minister in charge of the Bill referred earlier:

“We do not feel called upon to go into the question whether, in the event of our recommendation being accepted, the municipal set-up of Delhi should follow a two-tier model on the lines of the London County Council or whether there should be one or two corporations of the pattern already under the consideration of the Government of India. These are matters for the consideration of the Government.”

And, yet, we have been told that the Commission, as may be inferred from certain words that it used in certain other paragraphs, was in favour of

the establishment of one corporation. The Commission has here explicitly and unambiguously said that it does not want to express any opinion on the point whether there should be one or two corporations. And yet, certain other words have been foisted on . . . (*Interruptions*) and interpretations, despite all the speeches, have been placed on them.

DR. R. B. GOUR: Take page 162. Why not refer to it?

SHRI H. N. KUNZRU: What is the good of knowing, as the opinion has been so clearly stated? You cannot now draw indirect inference from any words used by the Commission in other paragraphs. This is the last paragraph of the Chapter dealing with Delhi, and the Commission has in no uncertain terms expressed its opinion. You cannot by any means go behind those words. Reference has been made to what the Commission said in paragraph 588. As some misunderstanding has been caused by it, I should like to state what the Commission has said in that paragraph.

When the representatives of Delhi met the Commission, they suggested that the Delhi State Government's jurisdiction might be curtailed but that it should not be abolished, and in order to achieve their purpose, they said that New Delhi should be separated from Old Delhi and that the Delhi State Government should function in Old Delhi etc. When in 1949, as the Commission says, “the Government of India decided to exclude New Delhi from the jurisdiction of the Corporation proposed for Old Delhi, the kind of Corporation envisaged was regarded as ‘truncated’, ‘moth-eaten’ and not sufficiently inspiring.” Referring to this, the Commission says: “If there is objection to the two areas being treated as two distinct units in the civic field, there will be even less justification for the assumption that administratively they can be placed under two different Governments.” It said to the people who proposed

administrative separation between Old Delhi and New Delhi that having taken the view that even for purposes of civil administration, municipal administration, the two areas could not be separated, they were inconsistent in suggesting that for administrative purposes the two areas should be separated. This is all that the Commission has said in paragraph 588.

DR. R. B. GOUR: What do they say in paragraph 583?

SHRI H. N. KUNZRU: I am not going into any of those paragraphs. Read paragraph 594. The question still remains whether New Delhi should be placed within the jurisdiction of the Delhi Corporation or not. I have already referred to the manner in which local government or local self-government, as it is called in India, is functioning. I do not want to say anything harsh or uncomplimentary about the Delhi municipal administration in the past, but we all noticed the internecine discussions in the Municipal Board and the difficulties that it led to with no little regret. Among the people it was not noted for its efficiency, although it had some people devoted to the ideals of public service and wanted to discharge their duties honestly. In this state of affairs, is it desirable to add New Delhi to the area to be administered by the Delhi Corporation? Now, my hon. friend, Mr. Kishen Chand was prepared to admit that the Cantonment and the Diplomatic Enclave should be separated and should not be placed under the control of the Delhi Corporation, but in New Delhi itself there are so many Diplomatic Missions. There are other grounds too to which I need not refer, and I think that the Corporation loses nothing by not exercising control over New Delhi.

DR. R. B. GOUR: The Trade Commissioners' offices in Bombay and Calcutta are within the jurisdiction of the respective Corporations.

SHRI H. N. KUNZRU: Again, my hon. friend talks about matters that are not at all relevant to Delhi. Everyone will admit that local government has succeeded best in Bombay. After Bombay, I believe, it has succeeded best in Calcutta and in Madras. In Delhi it has not succeeded to the same extent. In Allahabad, Kanpur and Lucknow also, it has not been successful as in Bombay or in Calcutta. The examples of these places are not germane to the point that we are considering. Having the circumstances of Delhi in mind, I think it would be undesirable to include New Delhi within the limits of the Delhi Corporation.

I now come to the question of the election of six aldermen. This provision has been objected to on the ground that it would enable the capitalists to get into the corporation. There is no provision for the election of aldermen in the Bombay Corporation but there is such a provision in the Calcutta Corporation Act, and my enquiries show that it has worked well. It has supplied the Corporation with some men . . .

DR. R. B. GOUR: Who were defeated in the Lok Sabha elections.

SHRI H. N. KUNZRU: Again, my hon. friend goes on at a tangent in utter disregard of facts. They would not have stood for seats in the Corporation in a general election, but their election by the Corporation has enabled it to have some people who are efficient and who are prepared to devote their time to municipal administration. I am told that one of them occupied a very high position in the Calcutta Corporation and discharged his duties to the satisfaction of all those who were concerned with him. Now Dr. Gour, having very little regard for facts, has implied by his interjection that in the Delhi Corporation too the aldermen who will be chosen by the Councillors will be men who have been defeated at an election to the Council.

DR. R. B. GOUR: Defeated in the Parliament I said.

SHRI H. N. KUNZRU: I have already said that the Municipal administration should be freed as far as possible from party politics. A man's success or defeat, therefore, in a Parliamentary election is of no consequence so far as the election of Councillors or of aldermen in the Delhi Corporation is concerned. We have to see that aldermen are not chosen from among people who have been defeated at a general election to the Corporation and that has been provided for here. Besides there is no reason to suppose that the men would be so chosen as to be representatives of commerce and industry or some capitalist section of the population. Nor is it necessary that they should be technical men. They may be men of good general qualifications, men in whom everybody would have confidence and who may be expected to discharge their duties honestly and efficiently.

Lastly I come to the Commissioner. I don't think that I need say much about this matter because, hon. Member Dr. Gour has, by his interruptions, enabled me already to clear up the position with regard to the need for the appointment of a Commissioner and the powers that he should enjoy. You need, under the conditions that prevail at the present time and in a Corporation of the size of Delhi, somebody who will be able to devote all his time to municipal work. The Bombay Corporation, whose administration is, by common consent, regarded as the best in India, has a Commissioner. It has been said that there has been recently some friction between him and the Mayor. I don't know the details. Unless we know all the details of the matter, we cannot express any opinion on the point but before there were Executive Officers and Commissioners, though there may not have been disharmony between the Municipal Board and the staff, there was plenty of disharmony between the

Members of the Board and they created disharmony between the members of the staff. There is a good deal of disharmony among the members of the Municipal Boards everywhere still but to the extent that the powers of the Executive Officer or Commissioner go, the whole-time staff cannot involve itself in party politics.

There are only two other points that I should like to deal with. The question of development was referred to. There is nothing contrary to the principle in the appointment of a *separate Development Board*; in the U.P., in many cities, Improvement Trusts were established in order to carry out schemes for the improvement of the cities for which they were appointed and they did excellent work. When a large part of the work was done, some of the Boards were abolished and their duties were transferred to the Municipal Boards. The same thing can be done here but in view of the pattern followed in the Bill, I should have preferred the development to be entrusted to a Special Committee of the Corporation on which the Government could have had its nominees in the same way as it can have on the three Technical Committees which are known as Authorities under the Bill, that is, the Committees connected with Electric Supply, Transport and Water-supply and Sewage Disposal. I think if a pattern like that were adopted, there need be no fear that the Corporation would prove unequal to its responsibilities. In such a case an integrated view would be taken of the development of the city or the area. I know that both the Development Authority and the Advisory Council provided for in the Delhi Development Bill provide for close co-operation between the Corporation and the Development Board. Such a system prevails in Calcutta and I understand that it has worked very well. There has been the required co-operation between the Improvement Trust and the Calcutta Corporation. It may be that the arrangement that the Govern-

ment has approved may succeed here too but I confess that my preference is for the Bombay model but with this modification that there ought to be a Special Committee appointed by the Corporation with adequate representation of the Government on it which will concern itself entirely with the development of the area under the control of the Delhi Corporation.

The last but one point that I would like to refer to relates to constituencies and the voting at elections. I find that the Bill before us provides for the establishment of multi-member constituencies which are called wards into which the urban area will be divided but the voting will be distributive. What is the purpose of having multi-member constituencies if each man can give only one vote to one candidate. It is far better to have single-member constituency in that case. Multi-member constituencies with distributive voting would only increase the cost of the election without any corresponding gain. If therefore you have multi-member constituencies, then I think that the system of cumulative voting that prevails in Bombay should also be allowed to prevail in Delhi.

SHRI J. S. BISHT: What would be the remedy if particular community of caste decides to vote only for their own caste-man?

SHRI H. N. KUNZRU: What is the point in having multi-member constituencies if you allow a voter only to cast one vote in favour of a candidate? Have single-member constituencies. But multi-member constituencies with distributive voting is absurd. It cannot prove useful in any respect.

Lastly I want to refer to the question of education. It has been said that secondary education, like primary education, should be under the control of the Corporation. Neither in Bombay nor in Calcutta, nor in

Madras is secondary education under the control of the Corporation. In Bombay there are certain secondary schools run and managed by the Corporation but the other secondary schools are not under its control though the Corporation, I understand, gives small grants in certain cases. I see no advantage in placing secondary education under the Delhi Corporation. Secondary education in Delhi will come directly under the State Government. I think it is much better for the future of secondary education that it should be a direct responsibility of the Central Government.

(Time bell rings.)

Secondary education as it is going on now, I think, is not going to produce men of the calibre that we need. It must be improved very greatly if it is to yield the desired results, and if it is to form an adequate basis for higher education.

(Time bell rings.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): I hope you are finishing now?

SHRI H. N. KUNZRU: And large sums of money will, therefore, have to be spent. I think, therefore, that secondary education should remain under the control of the Central Government.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There are two messages.

MESSAGES FROM THE LOK SABHA

I. THE INDIAN TARIFF (SECOND AMENDMENT) BILL, 1957

II. THE APPROPRIATION (No. 5) BILL, 1957

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: