

[Secretary.]

5. Shri Rajeshwar Patel
6. Shri Rohan Lal Chaturvedi
7. Shri M. K. Jinachandran
8. Shri Ram Sahai Tiwari
9. Shri P. Subbiah Ambalam
10. Shri H. Siddanjappa
11. Shri Panna Lal
12. Shri Jaganatha Rao
13. Shri S. R. Damani
14. Shri Shivram Rango Rane
15. Shri Khuswaqt Rai
16. Shri Surendra Mahanty
17. Shri Braj Raj Singh
18. Shri Aurobindo Ghosal
19. Shri S. Easwara Iyer, and
20. Shri Asoke K. Sen

and 10 members from Rajya Sabha;

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

that the Committee shall make a report to this House by the last day of the second week of the next session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

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

THE DELHI MUNICIPAL CORPORATION BILL, 1957—*continued*

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): We shall now take up the clause by clause consideration of the Bill.

Clause 2—*Definitions*

DR. R. B. GOUR: Sir, I move:

1. "That at page 2, line 35, the words 'New Delhi and' be deleted."

(The above amendment also stood in the name of Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are open for discussion.

DR. R. B. GOUR: Sir, my amendment is very easy. New Delhi must be included. And I press that amendment, Sir.

SHRI B. N. DATAR: Sir, I oppose it.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

1. "That at page 2, line 35, the words 'New Delhi and' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3.—*Establishment of the Corporation.*

DR. R. B. GOUR: Sir, I move:

2. "That at page 8, lines 30-31, the words 'and aldermen' be deleted."

3. "That at page 8, lines 34 to 36, the words 'and aldermen shall be chosen by the councillors from among persons who are qualified to be councillors but are not councillors themselves' be deleted".

4. "That at page 9, line 2, for the word 'eighty' the word 'hundred' be substituted"

5. "That at page 9, line 3, for the words 'twelve out of the eighty seats' the words 'fifteen out of the hundred seats' be substituted."

(The above amendments also stood in the name of Shri Bhupesh Gupta.)

SYED MAZAHAR IMAM (Bihar): Sir, I move:

6. "That at page 9, after line 4, the following further proviso be inserted, namely:

'Provided further that six councillors shall be nominated by the Central Government to represent various interests.'

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendments are open for discussion.

DR. R. B. GOUR: Sir, one of my amendments is that the words "and aldermen" should be deleted and we need not go into any discussion on that again. The second is that the number of councillors is to be increased, and obviously, according to it, the reserved seats have to be increased.

سید مظہر امام: جناب صدر

اس وجہ سے میں نے یہ امانت موویا کیا ہے کہ الڈرمین کے علاوہ اور ریپریزنٹٹیو ڈائریکٹ الیکشن سے آئیں گے مگر سوال یہ ہے کہ بہت انڈریسٹ ایسے رہ جاتے ہیں جن کے ریپریزنٹٹیو الیکشن میں نہیں کہوے ہو سکتے۔ یہ ایک بڑا تاون ہے اور اس کے اندر بہت سے کلاس اور انڈریسٹ کے لوگ ہو سکتے ہیں اس لئے ضرورت یہ ہے کہ گورنمنٹ ان کے نمائندوں کو نامینیت کرے۔ پتنگہ اور دوسرے کارپوریشنس میں بھی وہاں کی پراونشیل گورنمنٹ ایسے لوگوں کو نامینیت کرتی ہے۔ اس لئے میں چاہتا تھا کہ سینٹرل گورنمنٹ بھی

اگر کچھ اکسپرٹ اور ہائیلی کوالیفائیڈ لوگوں کو نامینیت کر دیتی تو زیادہ بہتر ہوتا۔ اکثر یہ ہوتا ہے کہ گورگ الیکشن نے جھگڑے کی وجہ سے کہڑا ہونا نہیں چاہتے۔ جہاں تک الڈرمین کا تعلق ہے جو پارٹی پار میں ہوگی وہی ان کو رکھ دیں۔ اس میں یہ نہیں دیا ہے کہ ان کو کس طرح سے لیا جائے گا۔ یہ بھی نہیں دیا ہے کہ پریوزیشنل ریپریزنٹیشن سے ان کو لیا جائے گا۔ اس طرح جو پارٹی ان پار ہوگی وہی اپنے چہ آدمیوں کو لے لیگی۔ اس وجہ سے میں یہ چاہتا تھا کہ سنٹرل گورنمنٹ کی طرف سے اگر اس میں نامینیشن رکھا جاتا تو میرے خیال سے بہت بہتر ہوتا۔ میں امید کرتا ہوں کہ گورنمنٹ اس کو ایکسپریٹ کر لے گی۔

†[संयद मज़हर इमाम : जनाब सदर, इस वजह से मैं ने यह अमेंडमेंट मूव किया है कि एल्डर मेन के अलावा और रिप्रेजेंटेटिव डाइरेक्ट इलेक्शन से आयेंगे मगर सवाल यह है कि बहुत इन्टरेस्ट ऐसे रह जाते हैं जिन के रिप्रेजेंटेटिव एलेक्शन में खड़े नहीं हो सकते। यह एक बड़ा टाउन है और इस के अन्दर बहुत से क्लास और इन्टरेस्ट के लोग हो सकते हैं। इसलिये जरूरत यह है कि गवर्नमेंट उन के नुमाइन्दों को नौमीनेट करे। पटना और दूसरे कार्पोरेशन्स में भी वहां की प्राविन्सियल गवर्नमेंट ऐसे लोगों को नौमीनेट करती है। इसलिये मैं चाहता था कि सेंट्रल गवर्नमेंट भी अगर कुछ एक्सपर्ट और हाईली क्वालीफाइड लोगों को नौमीनेट कर देती तो ज्यादा बेहतर होता। अक्सर

[सैयद मज़हर इमाम]

यह होता है कि लाग एलेक्शन के झगड़ की वजह से खड़ा नहीं होना चाहते । जहाँ तक एल्डर मेन का ताल्लुक है जो पार्टी पावर में होगी वही उन को रखेगी । इस में यह नहीं दिया है कि उन को किस तरह से लिया जायेगा । यह भी नहीं दिया है कि प्रपोज़नल रिप्रेजेंटेशन से उन को लिया जायेगा । इस तरह जो पार्टी इनपावर होगी वही अपने ६ आदमियों को ले लेगी । इस वजह से मैं यह चाहता था कि सेट्रल गवर्नमेन्ट की तरफ से अगर उस में नौमीनेशन रखा जाता तो मेरे स्थान से बहुत बेहतर होता । मैं उम्मीद करता हूँ कि गवर्नमेन्ट उस को एक्सेप्ट कर लेगी ।]

SHRI B. N. DATAR: Sir, the method that has been proposed in the Bill is better than the one of nomination. In the Municipal Corporation, there is direct election and eighty councillors will be elected by direct election and six aldermen will be elected by indirect election, viz, elected by these eighty members. Under the circumstances, it would be more advisable to have the present system of election—direct as well as indirect—than to have nominations.

DR. R. B. GOUR: By implication, you accept that the aldermen will represent various special interests, which you have denied in your first reading speech

SHRI B. N. DATAR: Sir, I have pointed out that in certain cases, it may happen that it would be more advantageous to have certain members who are eminent in intelligence and experience. That is the experience in a number of cases. Therefore, we propose to leave the matter to the councillors themselves, instead of ourselves intervening in the matter by means of nomination.

SYED MAZHAR IMAM: Sir, I beg leave to withdraw my amendment.

*Amendment No. 6 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

2 "That at page 8, lines 30-31, the words 'and aldermen' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

4. "That at page 9, line 2, for the word 'eighty' the word 'hundred' be substituted."

The motion was negatived

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Amendments Nos. 3, 5, 7 and 8 are barred.

The question is:

"That clause 3 stand part of the Bill."

The motion was adopted

Clause 4 was added to the Bill.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): On clause 4 all the four amendments are barred.

Clause 4 was added to the Bill.

Clause 5—*Delimitation of wards*

DR R B GOUR: Sir, I move:

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

'Provided that the 'delimitation of wards shall be carried out in such a manner that the ratio between the population of each ward and the number of seats allotted to it is, so far as practicable, the same throughout Delhi'

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V.

*For text of amendments, vide col 2829 *supra*.

Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunniah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are now before the House.

DR. R. B. GOUR: My amendment is a very simple amendment, but absolutely necessary, because it is quite possible that in certain wards there will be more number of voters per councillor and in certain other wards there will be less number of voters per councillor. So, as far as practicable, there should be a sort of uniform number of voters for every seat contested. That is the only thing that my amendment suggests.

SHRI B. N. DATAR: Sir, though I am not accepting the amendment as suggested on account of certain technical reasons, the principle that underlies this amendment will be duly taken into account when wards are formed.

DR. R. B. GOUR: Sir, in view of this assurance by the hon. Minister, I beg leave to withdraw my amendment.

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

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 5 stand part of the Bill."

The motion was adopted.

Clause 5 was added to the Bill.

Clauses 6 to 9 were added to the Bill.

Clause 10—Right to vote

DR. R. B. GOUR: Sir, I move:

15. "That at page 13, lines 22-23, for the words 'but no elector shall at any election give more than

one vote to any one candidate' the words 'and the elector, having more than one vote, may cast one or more votes to one or more candidates seeking election from that ward, provided that the total number of votes so cast does not exceed the total number of votes assigned to him' be substituted."

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunniah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are now before the House.

DR. R. B. GOUR: Now, Sir, there was a criticism made that the cumulative system of voting would result in a caste vote being collected and being put in the box of a particular candidate, thus caste feeling or the caste prejudice being further consolidated during the process of elections. That was the argument advanced against the cumulative system of voting, both by my friend, Mr. Deokinandan Narayan and also by the hon. Home Minister in his reply to the first reading debate. But, Sir, I would humbly suggest that they should look at this problem from two angles. The persons who go with a caste appeal are a very insignificant minority and they do create such problems during the times of elections. Even in the municipal elections, as my friend Dr. Kunzru has remarked, political parties come into the picture with political programmes and slogans. If it is a cumulative system, the political parties will go to the people on the basis of political appeal cutting across the caste appeal. Therefore, the consolidation of a group of people belonging to a caste will become difficult, and in fact the caste group gets split up because of this cumulative system and political parties going in for their votes. Secondly, without the cumulative system of voting it will not be possible for the electorate to so reflect itself in the elections that the elected body by

*For text of amendment, *vide* col 2332 *supra*.

[Dr. R. B. Gour.] and large conforms to the cross-section of the electorate. The hon. Member said that 250 people could give 1,000 votes in a four-member constituency. But suppose a particular constituency has got 1,000 voters, and a particular party does command 300 votes. But at the same time that party in a distributive system will not be able to get one seat. In a cumulative system it will be able to get one seat. That means that in that particular constituency a particular political group which commands a substantial number of voters will get one candidate elected. Therefore, cumulative system is nearer to the proportional representation system, which is, of course, the best system. I therefore strongly feel that this cumulative system should be adopted, and there is no argument against it that it will consolidate any fissiparous tendencies. With these few remarks, Sir, I very strongly commend this system for acceptance.

श्री देवकीनन्दन नारायण (मुम्बई) : कल मैं ने बतलाया था कि कम्यूलेटिव वोट से एक-चौथाई मतदाता एक प्रतिनिधि को चुन कर ला सकते हैं और डिस्ट्रिक्टिव वोटिंग में चारगुना मतदाताओं को मत देने होंगे। इसलिये यह डिस्ट्रिक्टिव वोटिंग अधिक डेमोक्रेटिक है।

मुझे इस में अलावा एक बात और कहनी है। समझिये कि एक बोर्ड में चार सीटें हैं और चार आदमी चुन कर आने वाले हैं। डिस्ट्रिक्टिव वोटिंग में मुझे चार को मत देने होंगे, इसलिये हर एक वोटर के पास चार में अधिक कैंडिडेट जायें और उस को चार चुनने में हिस्सा मिलेगा और चुन कर आने वाले ये चार उस के प्रति जिम्मेदार होंगे। यानी, Four candidates for whom he would vote would be responsible to that voter, not one.

तो आप देखिये कि मैं चार को चुनने में हिस्सा लू या एक को ही चुन कर लाऊँ—हालांकि वे चार उस वार्ड के प्रतिनिधि होंगे—इसलिये अगर मुझे वार्ड का हित देखना है तो मैं यह देखूंगा कि उस वार्ड में से जितने चुन कर आने वाले हैं उन सब को चुन कर लाने में मैं हिस्सा लू। इसलिये मैं यह कहना चाहता हूँ कि अगर मैं एक को ही चारों मत दे दूँ और चार में से एक ही को चुन कर लाने की जिम्मेदारी लू तो यह चीज डेमोक्रेटिक नहीं है, जबकि वे चारों वार्ड के प्रतिनिधि होंगे। इसलिये वार्ड की ओर से चुन कर आने वालों को, यानी चारों को, चुन कर लाने का मैं हकदार बनता हूँ, और यह चीज अधिक डेमोक्रेटिक है।

इसलिये मेरा कहना है कि कम्यूलेटिव वोटिंग की जगह डिस्ट्रिक्टिव वोटिंग ही योग्य हो सकती है।

SHRI B. N. DATAR: Sir, the reasons have already been pointed out so far as this particular amendment is concerned. Now as my friend, Mr. Deokinandan Narayan, has pointed out, it would be more undemocratic, Sir, to have a cumulative voting system because under that particular principle a particular constituency has to elect more members. If it has to elect more councillors, then it would be entirely bad and objectionable in principle to have all the concentration of votes over one person, and therefore I am not accepting the amendment.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

15. "That at page 13, lines 22-23, for the words 'but no elector shall at any election give more than one vote to any one candidate' the words 'and the elector, having more than one vote, may cast one or more votes to one or more candidates seeking election from that ward, provided that the total number of votes so cast does not exceed the

total number of votes assigned to him' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clauses 11 to 35 were added to the Bill.

Clause 36—Term of office of the Mayor and Deputy Mayor and facilities and privileges of the Mayor

SYED MAZHAR IMAM: Sir I move:

29. "That at page 26, after line 22, the following be inserted, namely:—

'(4) The Mayor shall have the power of general supervision over all the departments of the Corporation administration.'

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

سید مظہر امام : مسٹر وائس

چیرمین - میں اس املڈمنٹ کے ذریعہ گورنمنٹ سے یہ عرض کرنا چاہتا ہوں کہ اس بل میں میں یہ دیکھتا ہوں کہ ایکزیکیوٹو کے تمام اختیارات ٹیکسیشن کمشنر کو دئے گئے ہیں۔ ہمارے انریبل مسٹر نے اپنی سپیچ میں یہ کہا ہے کہ ہندوستان میں جو دوسرے کارپوریشن ہیں انکے اندر بھی اسی طرح کے پاورس ہیں۔ مگر میں یہ کہنا چاہتا ہوں کہ ہمارے ایک دوست نے یہاں اپنی سپیچ میں بتایا تھا کہ کلکتہ کے کارپوریشن میں انگریزوں کے

وقت کے اختیارات ہندوستان میں کو دئے ہوئے ہیں اور اس نمونہ پر آج ہم کام کر رہے ہیں۔ میں سمجھتا ہوں کہ اس وقت جو پوزیشن ہے اس کے مطابق جسے آپ میئر کہتے ہیں اس کو کوئی اختیارات آپ نے نہیں دئے ہیں سوائے اس کے کہ وہ کارپوریشن میں ایک باقی کی حیثیت سے رہے۔ سپوز کھجئے کہ یہ ایک پارلیمنٹ ہے لیکن اس کے ممبران ہر ایک ڈیپارٹمنٹ کے کام کو نہیں دیکھ سکتے ہیں۔ اس کام کے لئے منسٹر ہوتا ہے۔ وہ ان کی طرف سے سب ڈیپارٹمنٹ کو دیکھتے ہیں اور سپروائز کرتے ہیں۔ وہی پوزیشن کارپوریشن میں ہوتی ہے۔ اس میں شک نہیں کہ کچھ حد تک کارپوریشن کے ممبروں کو کچھ رائٹس ہیں مگر ان کی طرف سے جو میئر ہے ان کو کوئی رائٹ نہیں ہے کہ وہ ڈیپارٹمنٹ کے کاموں کو سپروائز کرے۔ اس لئے میں نے اس املڈمنٹ کو پیش کیا تھا کہ میئر کو سپروائز کی پاور ہونی چاہیئے تاکہ وہ کارپوریشن کے تمام کاموں کو دیکھ کر کمیٹی کے سامنے رپورٹ پیش کرے۔ اس وقت سوائے اس کے کہ وہ صرف ایک پریذائڈنگ آفیسر ہو اس کے علاوہ اس کا کوئی فنکشن نہیں ہے۔

اس لئے میئر کو سپروائز کا پاور ہونے کے سلسلہ میں میں نے یہ ترمیم گورنمنٹ کے سامنے پیش کی ہے اور مجھے امید ہے کہ مسٹر صاحب اسے تسلیم کر لیں گے۔

†[संघद मजहर इमाम : मिस्टर वाइस चेयरमैन ! मैं इस अमेंडमेंट के जरिये गवर्न-मेंट से यह अर्ज करना चाहता हूं कि इस बिल में यह मैं देखता हूं कि एक्जिक्यूटिव के तमाम अस्तित्वारात टेक्सेशन कमिशनर को दिये गये हैं। हमारे आनरेबल मिनिस्टर ने अपनी स्पीच में यह कहा है कि हिन्दुस्तान में जो दूसरे कार्पोरेशन्स हैं, उनके अन्दर भी इस तरह के पावर्स हैं। मगर मैं यह कहना चाहता हूं कि हमारे एक दोस्त ने यहां अपनी स्पीच में बताया था कि कलकत्ता के कार्पोरेशन में अंग्रेजों के वक्त के अस्तित्वारात हिन्दुस्तानियों को दिये हुए हैं और उसी नमूने पर आज हम काम कर रहे हैं। मैं समझता हूं कि इस वक्त जो पोजीशन है, उसके मताबिक जिसे आप मेयर कहते हैं, उसको कोई अस्तित्वारात आप ने नहीं दिये हैं सिवाय इस के कि वह कार्पोरेशन में एक बाडी की हैसियत से रहे। सपोज कीजिये कि ये एक पार्लियामेंट है लेकिन इस के मेम्बरान हर एक डिपार्टमेंट के काम को नहीं देख सकते हैं। इस काम के लिये मिनिस्टर होता है वह उन की तरफ से सब डिपार्टमेंट को देखते हैं और सुपरवाइज करते हैं। वही पोजीशन कार्पोरेशन में होती है। इस में शक नहीं कि कुछ हद तक कार्पोरेशन के मेम्बरों को कुछ राइट्स हैं मगर उन की तरफ से जो मेयर है उन को कोई राइट नहीं है कि वह डिपार्टमेंट के कामों को सुपरवाइज करे। इसलिये मैं ने इस अमेंडमेंट को पेश किया था कि मेयर को सुपरवीजन की पावर होनी चाहिये ताकि वह कार्पोरेशन के तमाम कामों को देख कर कमेटी के सामने रिपोर्ट पेश करे। इस वक्त सिवाय इस के कि वह सिर्फ एक प्रिजाइडिंग आफिसर हो, इसके अलावा उस का कोई फंक्शन नहीं है।

इसलिये मेयर को सुपरवीजन का पावर होने के सिलसिला में मैं ने यह तरमीम

गवर्नमेंट के सामने पेश की है और मुझे उम्मीद है कि मिनिस्टर साहब इसे तस्लीम करेंगे।]

SHRI B. N. DATAR: Sir, the whole question regarding the functions of a Mayor was discussed threadbare during the debate yesterday and I would point out that the Mayor has been given the power under clause 36 of having full access to all records of the Corporation and might obtain reports from the Commissioner on any matter connected with the government of Delhi. These two powers that have been given to the Mayor of the Corporation are, I believe, sufficient for the exercise by him of such of his duties as pertain to the high office. I also pointed out yesterday how the Mayor's or Chairman's functions under the different laws in different countries and even my friend Dr. Gour alternatively accepted the position that so far as the Mayor is concerned, his position might remain as it is but he stated that the powers like the one that the hon. Mover has in view might be given to the Chairman of the Standing Committee.

DR. R. B. GOUR: The power that he suggests are already with the Mayor. What are wanted are executive powers.

SHRI B. N. DATAR: I would point out that to a certain extent he is with us so far as the main principle is concerned. Under the circumstances the better course would be for the Mayor to carry on in the same way in which the Mayor of the Bombay Municipal Corporation is carrying on very successfully and in certain cases effectively as well. Under the circumstances I am afraid I cannot accept this amendment.

SYED MAZHAR IMAM: Sir, I would request leave of the House to withdraw my amendment.

*Amendment No. 29 was, by leave, withdrawn.

*For text of amendment, *vide vol. 2837 supra.*

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 36 stand part of the Bill."

The motion was adopted.

Clause 36 was added to the Bill.

Clauses 37 and 38 were added to the Bill.

Clause 39—Rural Areas Committee and Education Committee

DR. R. B. GOUR: Sir, I move:

30. "That at page 27, lines 5-6, for the words 'and an Education Committee' the words 'an Education Committee and a Finance Committee' be substituted."

I also move:

31. "That at page 28, after line 3, the following be inserted, namely:—

'(6A) The Finance Committee shall consist of seven members including the Municipal Chief Accountant and the Municipal Chief Auditor and the rest elected by the members of the Corporation after each general election or as soon as possible at any other meeting subsequent thereto.

(6B) It shall be the duty of the Finance Committee—

- (a) to examine the estimates of expenditure under various heads and submit its reports to the Corporation;
- (b) to examine the expenditure incurred for the various items of expenditure under the Municipal Corporation and submit its reports to the Corporation;
- (c) to discharge such other functions of examining the estimates of expenditure or expenditure incurred as may be assigned to it by a resolution of the Corporation in this behalf."

I also move:

32. "That at page 28, lines 4-5, after the words 'the Education Committee' the words 'and the Finance Committee' be inserted."

(The amendments also stood in the name of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunnaiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendments are before the House.

DR. R. B. GOUR: Mr. Vice-Chairman, I owe an explanation to the House on this amendment. My idea underlying this amendment was that the Corporation should have a Finance Committee just as it is proposed to have an Education Committee and a Rural Areas Committee as envisaged in the Bill. I therefore suggested this amendment that the Corporation could have a Finance Committee and in fact, I had also referred this to the hon. Home Minister for his consideration even before the Bill was circulated to us after having been passed by the Lok Sabha. The Home Minister was kind enough to write to me that the powers that I wish the Finance Committee to have are already enjoyed by the Standing Committee and under clause 202(ii) in particular, the Standing Committee could appoint now and then a committee to examine any particular question or audit any particular report. So, in view of that explanation by the hon. Home Minister, I may be allowed not to press these amendments.

*Amendments Nos. 30 to 32 were, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 39 stand part of the Bill."

The motion was adopted.

*For text of amendments, vide Cols. 2841-42 supra.

Clause 39 was added to the Bill.

Clauses 40 and 41 were added to the Bill.

Clause 42—Obligatory functions of the Corporation

DR. R. B. GOUR: Sir, I move:

33. "That at page 30, line 17, after the word 'primary' the words 'and secondary' be inserted."

(The amendment also stood in the names of Sarvashri N. C. Sekhar, A. V. Kunhambu, V. Prasad Rao, M. Basavapunnaiah, Perath Narayanan Nair and Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: Amendment No. 33 is regarding the question of adding on secondary education also to the Corporation's responsibilities. I need not speak on that as I have already spoken about it.

SHRI B. N. DATAR: Sir, I don't accept the amendment.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

33. "That at page 30, line 17, after the word 'primary' the words 'and secondary' be inserted."

The motion was negated.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 42 stand part of the Bill."

The motion was adopted.

Clause 42 was added to the Bill.

Clauses 43 and 44 were added to the Bill.

Clause 45—Constitution of the Standing Committee

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There are 5 amendments. Two amendments are allowed and

the other three (35, 37 and 38) are barred.

DR. R. B. GOUR: Sir, I move:

34. "That at page 33, line 7, for the word 'fourteen' the word 'sixteen' be substituted."

I also move:

36. "That at page 33, line 11, after the word 'thereto' the following be inserted, namely:—

'and such election shall be held in accordance with the system of proportional representation by means of the single transferable vote'."

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendments are before the House.

DR. R. B. GOUR: Amendment No. 34 is to the effect that the number should be increased from 14 to 16. Amendment No. 36 says that the election should be held in accordance with the system of proportional representation by means of single transferable vote. The representation on the Standing Committee should be on the basis of proportional representation. I therefore commend these amendments for the acceptance of the House.

SHRI B. N. DATAR: I would point out that even the number 14 was increased before the Joint Committee from 12 I believe. So it would have a larger element of representation. On the question of proportional representation, I would submit that the ordinary method of election would work more for harmony than proportional representation. Because after all the Standing Committee has to carry out certain functions. Under the circumstances let there be more cohesion and proportional representation would not be a proper method where harmony or cohesive working is there.

DR. R. B. GOUR: Sir, I press my amendment No. 36 and not No. 34.

Amendment No. 34 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

36. "That at page 33, line 11, after the word 'thereto' the following be inserted, namely:—

'and such election shall be held in accordance with the system of proportional representation by means of the single transferable vote.'"

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 45 stand part of the Bill."

The motion was adopted.

Clause 45 was added to the Bill.

Clauses 46 to 49

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The one amendment proposed to be moved to clause 46 is barred. So there are no amendments to any of the clauses 46 to 49.

Clauses 46 to 49 were added to the Bill.

Clause 50—Constitution of the Delhi Electric Supply Committee, etc.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There are five amendments proposed to clause 50, i.e. Nos. 40, 41, 42, 43 and 44 of which amendment No. 44 is barred. Also amendment No. 41.

DR. R. B. GOUR: Sir I move:

40. "That at page 34, line 32, for the words 'seven' and 'four' the words 'nine' and 'six', respectively, be substituted."

42. "That at page 34, lines 36 to 40 be deleted."

43. "That at page 34, line 40, for the words 'exceed nine and six res-

pectively' the words 'exceed twelve and nine respectively' be substituted."

(Amendment Nos. 40, 42 and 43 also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapurnaiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Clause 50 and these amendments are for discussion.

DR. R. B. GOUR: Mr. Vice-Chairman, as you will see, in these Committees you have got seven members now of whom three are officials and nominated and the others, the remaining four are to be elected by the Corporation. My amendment No. 40 seeks to change these numbers to six and three, that is to say, six elected members should be on the committee and 3 nominated members. That is as regards my amendment No. 40 about of which I have spoken yesterday.

As regards my amendment No. 42, by that amendment, I seek the deletion of the words:

"Provided that at any time after the second general election of councillors the Central Government may, if in its opinion it is necessary or expedient so to do, increase the total number of members and the number of elected members so, however, as not to exceed nine and six respectively."

Why is this provision necessary, I would like to know if my amendment No. 40 is accepted.

My amendment No. 43 is also a similar one. In a way, it is consequential in case, No. 40 is accepted and No. 42 is rejected, because that gives power to increase the number later on.

SHRI KISHEN CHAND (Andhra Pradesh): Sir, just a word. I will

[Shri Kishen Chand.]

not take long. I fully support the amendment No. 40 which has been moved now and I think you will permit me to say a few words in explanation of it. Sir, these are managing committees for the Delhi Electricity Supply Committee, the Delhi Transport Committee and the Water Supply and Sewage Disposal Committee. And these committees are going to entirely manage the Delhi Electric Supply, the Delhi Transport etc. And you know the magnitude of these undertakings. Will it be advisable to have a very small body of seven members to manage them? I personally think that for big undertakings where various interests have to be represented, we need a larger body. Not only various interests, but even technical experts may be there. It is quite possible that some among the elected members of the Delhi Municipal Corporation may be people highly qualified to express an opinion upon such matters. Secondly, one of the persons from among the elected members may be elected as the chairman of the committee and the result will be there will be 3 officials and 3 representatives, and in matters where voting takes place it will be the voice of the nominated element that will dominate. Therefore, I think, it is most essential that the number should be increased to nine. Anyhow, the elected element has to be increased in the body. And naturally if you want to keep the number as an odd number, then the best course would be to adopt the figure nine and among these nine, you can have six elected members and the rest three nominated members who can give the necessary advice. But the control and management of these undertakings should be in the hands of the elected people. Otherwise what is the point in keeping this number? If you keep them three and four then they can always be out-voted even if one from the elected members voted with the others and they will have the majority. Therefore, I fully support this amendment. These bodies

managing these undertakings, the Delhi Electric Supply, Delhi Transport and Delhi's water supply and sewage disposal should each consist of nine members of whom six should be elected.

SHRI B. N. DATAR: Sir, may I point out two circumstances in this connection? The hon. Members' desire to have the number increased has been accommodated in the proviso to sub-clause (1) of clause 50 where it has been provided:

"Provided that at any time after the second general election of councillors the Central Government may, if in its opinion it is necessary or expedient so to do, increase the total number of members and the number of elected members so, however, as not to exceed nine and six respectively."

Therefore, their desire has been accommodated, to a certain extent.

SHRI KISHEN CHAND: We want it to be done immediately.

SHRI B. N. DATAR: Secondly, I may point out that these are, more or less, expert committees and as far as possible, the number should be kept small so that they do not become very large and unwieldy. Moreover, so far as the elected element is concerned, it has the predominant voice and it has been laid down in clause 51 that it will consist of seven members, of whom four shall be elected and only three nominated by Government. Therefore, I submit, so far as this point is concerned, the necessary provision is there and so let us await the experience of the Municipal Corporation for some time and then find out if the number can be safely increased to six and nine as is pointed out in the proviso and then action will be suitably taken.

DR. R. B. GOUR: Sir, if I may be excused, before you put the amendments to vote, I would like to point out that my amendment No. 41 is not

really barred. I do not want aldermen to be elected to these committees. Therefore, that amendment cannot be barred. Amendment No. 41 cannot be barred and it is not consequential. I do not want indirectly elected gentlemen to get into these committees. That is the only meaning of this amendment. So I may move amendment No. 41 also.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Yes, it may be moved.

DR. R. B. GOUR: Sir, I move:

41. "That at page 34, line 33, the words 'and alderman' be deleted."

(Amendment No. 41 also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunniah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

Sir, aldermen may be there in the Corporation, but let them not come into these committees. We cannot equate them with the councillors. They will all be elected by the councillors only.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

40. "That at page 34, line 32, for the words 'seven' and 'four' the words 'nine' and 'six', respectively, be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

41. "That at page 34, line 33, the words 'and aldermen' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

42. "That at page 34, lines 36 to 40 be deleted."

The motion was negatived.

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*Amendment No. 43 was withdrawn by leave of the House.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is.

"That clause 50 stand part of the Bill."

The motion was adopted.

Clause 50 was added to the Bill.

Clauses 51 to 53 were added to the Bill.

Clause 54—Appointment, etc., of the Commissioner

DR. R. B. GOUR: Sir, I beg to move:

46. "That at page 36, for lines 26 to 28, the following be substituted namely:—

'54(1). The Corporation shall, after consultation with the Central Government, appoint a suitable person as the Commissioner of the Corporation.'

(The amendment also stood in the names of Sarvashri N. C. Sekhar, A. V. Kunhambu, V. Prasad Rao, M. Basavapunniah, Perath Narayanan Nair and Bhupesh Gupta.)

SYED MAZHAR IMAM: Sir, I beg to move:

47. "That at page 37, lines 4-5, the words 'of not less than three-fifths of the total number of members' be deleted."

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendments are now before the House.

DR. R. B. GOUR: Sir, my amendment is that the Commissioner instead of being appointed by the Government should be appointed by the Corporation in consultation with the Government. This is my amendment. The Commissioner has to serve the Corporation and the Corporation

*Fore text of amendment, *vide* cols. 2845-46 *supra*.

[Dr. R. B. Gour.]
should have a say, in fact, veto in appointing him or rejecting him. That is the spirit of my amendment.

سید معظمہ امام : جناب والا - میں یہ سمجھتا ہوں کہ کمشنر کو سیف کرنے کے لئے گورنمنٹ نے یہ کلاز رکھا ہے - لیکن میرے خیال میں اس سے نقصان ہو سکتا ہے - اس کی صورت یہ ہوئی کہ جو پارٹی ان پارور آئیگی اس کی جھٹک ۶۰ پرسینٹ ووٹنگ سٹریٹجی نہیں ہوگی وہ کمشنر کے خلاف کوئی ایکشن نہ لے سکے گی - اس لئے جو پارٹی پارور میں آئے اس پارٹی کی خواہش کے مطابق اور حکم کے مطابق اگر کمشنر کام نہ کرے تو اس پارٹی کو اس کے خلاف ایکشن لینے کا اختیار ہونا چاہیئے لیکن ابھی فرض کر لیجئے کہ جو پارٹی ان پارور ہے اس کی ووٹنگ سٹریٹجی ۵۵ پرسینٹ ہے تو وہ کچھ نہیں کر سکتی ہے - اس کے علاوہ ۴۵ پرسینٹ جو مائینارٹی ہے وہ اگر یہ چاہتی ہے کہ جو پارٹی ان پارور ہے وہ بدنام ہو اور اس کے ساتھ کمشنر مل کر کام کر رہا ہے تو یہ چیز سینٹرل گورنمنٹ کے پاس کیسے آئیگی - اس لئے اس میں صرف مہجارتی رکھنا چاہیئے - کیونکہ اگر تھری ففٹھ کی شرط دہی تو کمشنر کے خلاف کوئی ایکشن نہیں لیا جا سکے گا اور اس سے کام خراب ہو سکتا ہے - اسی لئے میں یہ امینڈمنٹ لایا ہوں کہ اس میں سے تھری ففٹھ مہجارتی ہٹا دی

جائے - اس کے باوجود سینٹرل گورنمنٹ کو یہ اختیار دھتا ہی ہے کہ جب وہ ریژولوشن اس کے پاس آئے تو وہ یہ دیکھ سکتی ہے کہ کارپوریشن کا ڈیسیزن صحیح ہے یا نہیں - اور صرف کمشنر کو ہٹانے کے لئے ہی تو یہ ریژولوشن نہیں پاس کر دیا ہے - اس لئے میں چاہتا ہوں کہ صرف مہجارتی رکھا جائے اور تھری ففٹھ نہ رکھا جائے -

† [سید مجتہد امام : جناب والا !
میں یہ سمجھتا ہوں کہ کمیشنر کو سیف کرنے کے لئے گورنمنٹ نے یہ کلاز رکھا ہے، لیکن میرے خیال میں اس سے نقصان ہو سکتا ہے۔ اس کی صورت یہ ہوئی کہ جو پارٹی ان پارور آئیگی اس کی جھٹک ۶۰ پرسینٹ ووٹنگ سٹریٹجی نہیں ہوگی وہ کمشنر کے خلاف کوئی ایکشن نہ لے سکے گی۔ اس لئے جو پارٹی پارور میں آئے اس پارٹی کی خواہش کے مطابق اور حکم کے مطابق اگر کمشنر کام نہ کرے تو اس پارٹی کو اس کے خلاف ایکشن لینے کا اختیار ہونا چاہیئے لیکن ابھی فرض کر لیجئے کہ جو پارٹی ان پارور ہے اس کی ووٹنگ سٹریٹجی ۵۵ پرسینٹ ہے تو وہ کچھ نہیں کر سکتی ہے۔ اس کے علاوہ ۴۵ پرسینٹ جو مائینارٹی ہے وہ اگر یہ چاہتی ہے کہ جو پارٹی ان پارور ہے وہ بدنام ہو اور اس کے ساتھ کمشنر مل کر کام کر رہا ہے تو یہ چیز سینٹرل گورنمنٹ کے پاس کیسے آئیگی۔ اس لئے اس میں صرف مہجارتی رکھنا چاہیئے۔ کیونکہ اگر تھری ففٹھ کی شرط دہی تو کمشنر کے خلاف کوئی ایکشن نہیں لیا جا سکے گا اور اس سے کام خراب ہو سکتا ہے۔ اسی لئے میں یہ امینڈمنٹ لایا ہوں کہ اس میں سے تھری ففٹھ مہجارتی ہٹا دی جائے۔ اس کے باوجود سینٹرل گورنمنٹ کو یہ اختیار دھتا ہی ہے کہ جب وہ ریژولوشن اس کے پاس آئے تو وہ یہ دیکھ سکتی ہے کہ کارپوریشن کا ڈیسیزن صحیح ہے یا نہیں۔ اور صرف کمشنر کو ہٹانے کے لئے ہی تو یہ ریژولوشن نہیں پاس کر دیا ہے۔ اس لئے میں چاہتا ہوں کہ صرف مہجارتی رکھا جائے اور تھری ففٹھ نہ رکھا جائے۔]

रहता ही है कि जब वो रिजोलूशन इस के पास आये तो वो ये देख सकती है कि कार्पोरेशन का डिस्जोन सही है या नहीं और सिर्फ कमिश्नर को हटाने के लिये ही तो ये रिजोलूशन नहीं पास कर दिया है। इसलिये मैं चाहता हूँ कि सिर्फ मैजोरिटी रखा जाये और श्री फिफ्थ न रखा जाये।]

SHRI B. N. DATAR: I am afraid I cannot accept any of the two propositions laid down by the hon. Members. So far as the appointment of the Commissioner is concerned, as we have been discussing since yesterday, this is one of the principal points on which there are differences of opinion between the hon. Members Opposite and the other Members, and therefore, when we have to accept a certain principle, we should accept the implications of those principles. Therefore, in the interests of the Corporation itself, it would be better to leave the appointment to be made by the Central Government. This is so far as amendment No. 46 is concerned.

Amendment No. 47 introduces a principle which is likely to be harmful to the Corporation itself. If the Commissioner is to be removed by a simple majority, harmful results will follow. We are all aware of the vagaries of elections, the vagaries of such majority, etc., under certain circumstances and, therefore, the officer who will be working as Commissioner should have at least a certain sense of security that so long as he is carrying on well, he will not be touched. A simple majority is tried to be introduced where we have provided for a three-fifths majority. It is a very serious matter. We are placing a very high officer as Municipal Commissioner and he is the head of the executive work. Under these circumstances, a mere majority of 51 and 49

SHRI BHUPESH GUPTA (West Bengal): Even the Prime Minister of a country can be removed by a simple majority.

SHRI B. N. DATAR: The Prime Minister's post is entirely different. We are here dealing with an officer and so far as the executive officer, the head of the executive department is concerned, he should not be liable to be removed by a simple majority. That will introduce very grave elements of uncertainty and suspicion and will have a bad effect on the quality of the work that the Commissioner has to turn out. In fact, Sir, I may point out that originally we wanted a two-thirds majority but in the Joint Select Committee, they suggested that the two-thirds majority would be very high and that we should have a three-fifths majority. That is why this has been accepted. The removal should not be a matter of course, should not be normal. Only in exceptional circumstances when he is guilty of very serious dereliction of duty can his removal be thought of. Ordinarily, Sir, he has to carry on his work. He is originally an officer of the Central Government or otherwise a responsible person and, therefore, he should not be subjected to the uncertainty of being removed by an ordinary majority.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

46, "That at page 36, for lines 26 to 28, the following be substituted, namely:—

'54(1). The Corporation shall, after consultation with the Central Government, appoint a suitable person as the Commissioner of the Corporation.' "

The motion was negatived.

SYED MAZHAR IMAM: Sir, I want to withdraw my amendment No. 47.

SEVERAL HON. MEMBERS: No.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

47 "That at page 37, lines 4-5, the words 'of not less than three-fifths of the total number of members' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 54 stand part of the Bill."

The motion was adopted.

Clause 54 was added to the Bill.

Clause 55—Salary and allowances of the Commissioner

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Amendment Nos. 48 and 49 are barred.

DR. R. B. GOUR: Sir, I beg to move:

50. "That at page 37, after line 21, the following further proviso be inserted, namely:—

'Provided further that in fixing such salary or allowances or in varying them, the Government shall take into consideration the recommendations, if any, made by the Corporation in this regard.'

(The amendment also stood in the names of Sarvashri N. C. Sekhar A. V. Kunhambu, V. Prasad Rao, M. Basavapunnaiah, Perath Narayanan Nair and Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are now before the House.

DR. R. B. GOUR: Sir, I think this amendment is very simple. Government wants to have the authority to fix the salary and allowances of the Commissioner. I say, "Provided further that in fixing such salary or allowances or in varying them, the Government shall take into consideration the recommendations, if any, made by the Corporation in this regard". That is all that my amendment seeks to do and I think Government should accept it. There is nothing else. You will consult the

Corporation, of course, in fixing all these things because it is the Corporation which has to make the payments.

SHRI B. N. DATAR: I am not accepting this, Sir.

DR. R. B. GOUR: He may not accept it, Sir, but does he assure us that in practice it will be so?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): How can you force him to give you such an assurance?

DR. R. B. GOUR: I think, Sir, this is a very serious matter.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): How can we force him to give an assurance?

If he likes he can give an assurance and if he does not like, he cannot give an assurance.

DR. R. B. GOUR: Then I would press it to a vote.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

50. "That at page 37, after line 21, the following further proviso be inserted, namely:—

'Provided further that in fixing such salary or allowances or in varying them, the Government shall take into consideration the recommendations, if any, made by the Corporation in this regard.'

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 55 stand part of the Bill."

The motion was adopted.

Clause 55 was added to the Bill.

Clauses 56 to 58 were added to the Bill.

Clause 59—Functions of the Commissioner

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There is one amendment of Dr. Gour.

DR. R. B. GOUR: I am not moving this amendment, Sir, for the following reason. This amendment is in the same spirit in which my amendment No. 46 was there. Even though this amendment cannot be barred in principle, because that amendment has been rejected by the House. I am not moving this.

SHRI J. S. BISHT (Uttar Pradesh): Before it is put to the vote, Sir . . .

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): He has not moved it and when the hon. Member has not moved the amendment, other Members have got no right to speak on the amendment. But you can speak on the clause.

SHRI J. S. BISHT. On clause 59 I put a question to the hon. Minister the other day. In sub-clause (b) it says, "...other than the Municipal Secretary and the Municipal Chief Auditor and the municipal officers and other municipal employees immediately subordinate to them"***. Now, "the Municipal Chief Auditor" is all right, but how is it that the Municipal Secretary is not put under the control of the Commissioner? Now, the hon. Minister would also look to sub-clause 89(2) wherefrom it is clear that the appointment of the Municipal Secretary shall be wholly within the jurisdiction of the Corporation but this officer who is entirely an appointee of the Corporation is also made totally independent of the control of the Commissioner. This is likely to lead to some sort of a friction whenever there is trouble between the Corporation and the Commissioner or between the Mayor and the Corporation, because you put a responsible officer here, entirely an appointee of the Municipal Corporation, without even the consent of the Government and not subordinate to the Municipal

Commissioner neither under his superintendence nor under his control How is it?

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Any remarks to offer?

SHRI B. N. DATAR: I am not accepting it. This is the position in every Municipal Corporation. So far as the Municipal Secretary is concerned, his work is not a part of the executive work which the Municipal Commissioner has to do. Now, so far as such Secretaries are concerned, they carry on the work more or less in connection with the convening of meetings, with the preparation of the agenda and all other things. That is the reason why they have been kept out of his purview.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 59 stand part of the Bill."

The motion was adopted.

Clause 59 was added to the Bill.

Clauses 60 to 65 were also added to the Bill.

Clause 66—Commissioner and General Managers not to be interested in any contract, etc., with the Corporation

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There is an amendment of Dr. Gour.

DR. R. B. GOUR: I move:

52. "That at page 41, lines 36-37, the words 'unless the Corporation in any particular case otherwise decides' be deleted."

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: Mr. Vice Chairman, I would draw the attention of Mr. Datar to this particular point in sub-clause 66(2). That sub-clause is actually meant to ban the Commissioner or the General Managers accepting any contract or taking any interest directly or indirectly in any contract made with or any work being done for the Corporation. Now that is the meaning of the clause, but you lay down in that sub-clause, "If the Commissioner, or any of the General Managers, acquires directly or indirectly, by himself or by his partner, or any other person, any share or interest in any such contract or work as is referred to in subsection (1), he shall, unless the Corporation in any particular case otherwise decides, be liable to be removed from his office by the order of the authority competent to remove him under the provisions of this Act" etc. Now I want that the words "unless the Corporation in any particular case otherwise decides" be deleted. Otherwise it means that the Corporation can absolve the Commissioner or any of the General Managers of any such offence or even tolerate their acquiring an interest directly or indirectly. There should not be any such provision at all. This particular phrase "unless the Corporation in any particular case otherwise decides" is actually negating the very purpose of this sub-clause 66(2). That is why, Sir, I think the hon. Minister must consider this point and delete these words.

SHRI B. N. DATAR: This discretion is necessary because there might be certain cases more or less of a technical character not involving any moral turpitude, etc. You will see that here the wording that has been put in is "acquires directly or indirectly". In a particular case it might happen, Sir, that a very distant relative of one of these officers may have some interest and so far as this officer is concerned he has absolutely nothing to do with it, or certain technical reasons might arise. Under these circumstances, Sir, the

Municipal Corporation should have the power of dealing with such cases.

SHRI H. D. RAJAH (Madras): He was talking about something different, "directly or indirectly, by himself or by a partner, or any other person".

SHRI B. N. DATAR: That is exactly what I am pointing out. He has not followed me.

SHRI H. D. RAJAH: The hon. Minister is speaking about the relations of the men.

3 P.M.

SHRI B. N. DATAR: It is "directly or indirectly, by himself ***or any other person". Let the hon. Member read the clause and then ask questions. So some discretion should be vested in the Corporation, not in anybody else, as otherwise in the particular circumstances of a case the technical application of this rule might cause hardship when there is no moral turpitude, etc. in the case. But the ordinary principle is that a man should not be in a position where his duties come in conflict with his interests, and if this underlying principle is accepted and is complied with, then in that case would it or would it not be proper to have either a general rule or a rule subject to the exercise of discretion by the Municipal Corporation itself? I am confident that the Corporation can be trusted to deal with this matter only in an equitable manner. So I am not accepting the amendment.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

52. "That at page 41, lines 36-37, the words 'unless the Corporation in any particular case otherwise decides' be deleted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 66 stand part of the Bill."

The motion was adopted.

Clause 66 was added to the Bill.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The amendments to clauses 67, 68, 69 and 72, 73 and 74 are barred. There are no amendments to clauses 70 and 71.

The question is:

"That clauses 67 to 74 stand Part of the Bill."

The motion was adopted.

Clauses 67 to 74 were added to the Bill.

Clause 75—Quorum

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): There is an amendment.

DR. R. B. GOUR: I move:

60. "That at page 45, after line 16, the following proviso be inserted, namely:—

'Provided that such adjourned meeting shall not be held earlier than seventy-two hours after the time scheduled for the original meeting.'"

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: I think, Sir, the hon. Minister must consider this question in this clause 75. I do not know whether he will consider it because he has already made up his mind not to accept anything. The question is that for the adjourned meeting there will be no quorum required; that is the proposition in the Bill. Now when will the adjourned meeting be convened? Supposing the Secretary decides that it will be convened immediately after one hour, there is

no provision in the Bill to prevent him from doing that. When there is no quorum at a meeting the meeting is adjourned. Immediately thereafter, the Secretary may send a circular convening the adjourned meeting to meet an hour after the adjournment, and major decisions may be taken at that adjourned meeting even when there is no quorum. Therefore for the adjourned meeting I want to make a provision, "Provided that such adjourned meeting shall not be held earlier than seventy-two hours after the time scheduled for the original meeting." There should be some such provision.

(Interruption.)

The hon. the ex-Mayor of Bombay says, "No." I do not know why. I think this provision is necessary.

SHRI B. N. DATAR: May I point out that fixing any such limit would work hardship, especially when urgent work is there and when some councillors might like to have that matter put off as much as possible? Under these circumstances, Sir, whenever there is no quorum, then naturally it is necessary in the interests of the speed of the work itself that the meeting should be called as early as possible. Laying down any limit like this would work hardship and might affect very urgent work.

SHRI H. D. RAJAH: So they can meet on the same day.

DR. R. B. GOUR: He can send simultaneously two notices, one for the original meeting and another for the adjourned meeting.

SHRI H. D. RAJAH: At least there must be a time limit of twenty-four hours, a provision to that effect. Can they meet on the same day, after half an hour?

DR. R. B. GOUR: There will be another circular sent.

SHRI B. N. DATAR: To provide for the contingency of their meeting immediately as the hon. Member fears, this question will be looked into, but ultimately it would not be possible to have such a rigid rule as seventy-two hours after the time scheduled for the original meeting.

SHRI H. D. RAJAH: I say twenty-four hours.

SHRI B. N. DATAR: That question might be considered when the rules are made in this respect.

DR. R. B. GOUR: Because he has promised that in the rules he is making accommodation in this respect I do not press my amendment.

SHRI B. N. DATAR: No promise.

*Amendment No. 60 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 75 stand part of the Bill."

The motion was adopted.

Clause 75 was added to the Bill.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The amendments to the clauses 76 to 80 are barred. There are no amendments to clauses 76 to 78.

Clauses 76 to 80 were added to the Bill.

Clause 81—Right to attend meetings of the Corporation and its committees, etc., and right of councillors and aldermen to ask questions in relation to the municipal government of Delhi.

DR. R. B. GOUR: Sir, I move:

69. "That at page 48, line 28, for the word 'or' the word 'and' be substituted."

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V.

*For text of amendment, *vide* col. 2861 *supra*.

Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunnaiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: I just want it to be put to vote.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

69. "That at page 48, line 28, for the word 'or' the word 'and' be substituted."

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 81 stand part of the Bill."

The motion was adopted.

Clause 81 was added to the Bill.

Clauses 82 to 93 were added to the Bill.

Clause 94—Officers and other employees not to be interested in any contract, etc., with the Corporation

DR. R. B. GOUR: Sir, I move:

72. "That at page 53, lines 31-32, the words 'unless the authority appointing him in any particular case otherwise decides' be deleted."

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunnaiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: Sir, here also it is a similar amendment as was moved by me on an earlier clause. It reads: "If any such officer or other employee acquires, directly or indirectly, by himself or by a partner or any other

person, any share or interest in any such contract of work as is referred to in sub-section (1), he shall, unless the authority appointing him in any case otherwise decides, be liable to be removed from his office by an order of such authority." I am sorry, I am not able to understand why he is not accepting my amendment, because there is nothing in this clause that can say that the Corporation will accept cases of only very remote nature and character or shall not exempt the Commissioner having direct contract himself or the manager having a share himself. These words will allow the Corporation to pass a resolution that a manager could have interest or somebody or an employee could have interest. I do not know why these words should be mis-used. The hon. Minister said that a certain remote gentleman might do something for which he may be penalised. I do not think these words are meant only for that contingency. I think in the Representation of the People Act also a person who has got some interest is not able to contest, but I do not think that such indirect contracts or such remote things also come in the way of the person contesting. I think some such provisions are there in the other Acts, and the same thing would govern here also. Why should these words be here when these words are not there?

SHRI B. N. DATAR: We have such provisions in all the Municipal Acts so far as this point is concerned. And secondly I make it clear that there is no desire to condone any irregularities or any conflict between interest and duty. All that has been done is that if in a particular case there are circumstances which show that there is nothing wrong nothing morally wrong so far as such an officer or a person is concerned, then only will the Corporation take necessary action—not that every abuse of power would be condoned or would be regularised. And, therefore, it would be in the interests of the Corporation itself if such an exceptional power to be used

in proper cases is left to the Municipal Corporation authority.

DR. R. B. GOUR: I do not press it.

*Amendment No. 72 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 94 stand part of the Bill."

The motion was adopted.

Clause 94 was added to the Bill.

Clauses 95 to 142 were added to the Bill.

Clause 143—Prohibition of advertisements without written permission of the Commissioner

DR. R. B. GOUR: Sir I move:

73. "That at page 79, after line 23, the following proviso be inserted namely:—

'Provided that no permission shall be necessary in respect of advertisements exempt from tax under sub-section (1) of section 142.'"

(The amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunnaiiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: Mr. Vice-Chairman, I would request the hon. Home Minister to consider this amendment. The point is that at page 79, after line 23, there should be a proviso, namely, provided that no permission shall be necessary in respect of advertisements exempt from tax under sub-section (1) of section 142. The Bill allows certain exemptions for certain advertisements placed in the window etc;

*For text of amendment, *vide col. 2864 supra*.

[Dr. R. B. Gour.]

they are exempted from the tax. Now, I would like to know why such advertisements also should be subject to the permission of the Commissioner? That is all my point.

SHRI B. N. DATAR: May I point out that so far as clause 142 and clause 143 are concerned, both of them have to be understood after interpreting them together? So far as clause 142 is concerned, it deals with tax on advertisements. So far as clause 143 is concerned it says that no advertisement shall be erected, without the written permission of the Corporation. In a proper case it would be open to the municipal authority to grant such exemption. Therefore, these two are separate. We should leave this matter to the discretion of the proper authority concerned and I imagine that in a proper case they would take this circumstance also into account.

DR. R. B. GOUR: No, Sir. Election posters, public meeting, election to Parliament, Corporation, etc. are there.

SHRI B. N. DATAR: All these would be taken into account.

DR. R. B. GOUR: We will have to take the permission of the Commissioner.

SHRI B. N. DATAR: If the Commissioner finds that it is necessary, he will grant it. It does not necessarily tie his hands...

DR. R. B. GOUR: Clause 143 is not permissive; it is obligatory. I would have to take permission.

SHRI B. N. DATAR: That is true, but you consider the circumstance also.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

73. "That at page 79, after line 23, the following proviso be inserted namely:—

'Provided that no permission shall be necessary in respect of advertisements exempt from tax under sub-section (1) of section 142.' "

The motion was negatived.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 143 stand part of the Bill."

The motion was adopted.

Clause 143 was added to the Bill.

Clauses 144 to 505 were added to the Bill.

Clause 506—Amendment of Act 43 of 1950

SHRI ONKAR NATH (Delhi): Sir, I move:

77. "That at page 229, at the end of line 22, after the word 'behalf' the following be inserted, namely:—

'and who shall become *ex-officio* members of the respective local bodies of the areas represented by them, namely, the New Delhi Municipal Committee and the Delhi Cantonment Board, after such election.' "

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

श्री ओंकार नाथ : उपसभाध्यक्ष महोदय, यह जो अमेंडमेंट मैंने रखा है इसका सीधा ताल्लुक हमारी राज्य सभा से है। आज तक देहली से राज्य सभा के लिये चुनाव भूतपूर्व विधान सभा के ४८ सदस्यों द्वारा होता था। आइंदा ८० मेम्बर कांफेरेशन के और दस और लोग छावनी और नई दिल्ली के इलाके से—जिसको कांफेरेशन से बाहर रखा गया है—चुने जायेंगे। इस प्रकार दस जनता से चुने हुए यह नुमायंदे और कांफेरेशन के अस्सी मेम्बर, कुल ९० मेम्बर राज्य सभा का इलेक्टो-रल कालेज फार्म करेंगे। तो मैंने जो यह

तजवीज की है, असल में मैं चाहता यह था कि बेहतर होता कि जैसे नई दिल्ली की तमाम चीजें जैसे पानी, बिजली, ट्रांसपोर्ट, टर्मिनल टेक्स, वगैरा कार्पोरेशन के अधीन रहेंगी वैसे ही अगर उन दस मेम्बरों को कार्पोरेशन में एक्स आफिशियो मेम्बर कर दिया जाता तो बहुत अच्छा होता। अब हमें देखना है कि इनका आगे क्या होगा। तो उस इलेक्टोरल कालेज में से जो १० नुमायंदे छावनी से और नई दिल्ली से चुने जायेंगे, वे किसी जगह के मेम्बर नहीं हैं, सिर्फ ये दो साल में एक बार राज्य सभा के लिए दिल्ली से एक सदस्य चुने जाने के लिये वोट करेंगे, जिसकी मेरा खयाल है कभी नौबत नहीं आयेगी। आज तक राज्य सभा के तीन, चार चुनाव हो चुके हैं और उनमें कभी वोट देने की जरूरत इसलिए नहीं पड़ी कि जो पार्टी मैजोरिटी में होती है उसके प्रतिनिधि का चुनाव हो जाता है। लिहाजा चुनाव की नौबत कभी नहीं आयेगी और उनका वहां की लोकल बाडीज से भी एसोसियेशन नहीं होगा। वे किसी एडवाइजरी कमेटी के भी मेम्बर नहीं होंगे।

इसलिए मेरी तजवीज यह थी कि अगर कार्पोरेशन में फिलहाल उनको मेम्बर की हैसियत से नहीं लिया जा सकता तो वहां की जो लोकल बाडीज मौजूद हैं, जैसे न्यू देहली म्युनिसिपैलिटी, देहली कैंटोमेंट बोर्ड हैं कम से कम उनका एक्स आफिशियो मेम्बर उनको बना दिया जाये। नई दिल्ली म्युनिसिपैलिटी में आज भी बहुत से आफिशियल मेम्बर हैं, बहुत से नान आफिशियल हैं और किसी जमात से गवर्नमेंट आफ इंडिया के आफिसर्स भी चुन कर आते हैं, इसी तरह से ये जो चार या पांच नई दिल्ली से हैं वे नई दिल्ली म्युनिसिपैलिटी के मेम्बर हो जायें। मेरा खयाल है इस उसूल को मंत्री महोदय ने शायद मान लिया है और इस पर उनको ऐतराज नहीं है। यह ठीक है कि कार्पोरेशन से इसका कोई ताल्लुक नहीं है, इसमें तो सिर्फ यह करना पड़ेगा कि जो नई

दिल्ली को कमेटी का ढांचा है उसको चेंज करना पड़ेगा। जब यहां १० नुमाइंदों को चुने जाने की बात हो रही थी तब मैं यह सोच रहा था कि इस उसूल को मानने में कोई ऐतराज नहीं होना चाहिए, इनको कोई काम तो करने को होना चाहिये। आखिर पब्लिक ही उनको नुमायंदा चुनेगी; लेकिन इसमें यह तय नहीं हुआ कि इनका इलेक्शन कब होगा। कार्पोरेशन के साथ भी हो सकता है या जेनरल इलेक्शन के साथ भी हो सकता है। मेरा खयाल है, गालिवन जनरल इलेक्शन के साथ होगा। तो मैं कह रहा था कि उनके लिए यह सूरत हो जाती है कि बजाय इसके कि वे अपनी कांस्टीट्यूएंसी से खड़े हों, रुपया खर्च करें और इलेक्ट होने के बाद कोई काम करें उनके पास करने के लिये कोई फंक्शन नहीं होगा, दो साल के बाद प्रेक्टिकली टेक्निकल फंक्शन उनका होगा तो होगा लेकिन ग्रामलन् उनका कोई फंक्शन नहीं होगा। इसलिए मेरी तजवीज थी कि इन दस चुने हुए लोगों को कहीं न कहीं लोकल बाडी का सदस्य बना दिया जाये। मुझे उम्मीद है, गृह मंत्री जी इस तजवीज के उसूल को यहां मान लेंगे और बाद में जैसा उसके मुताबिक कानून बनाने की जरूरत होगी, रिप्रेजेंटेशन आफ पीपुल ऐक्ट में एमेंडमेंट लाकर उसको पूरा कर देंगे।

SHRI B. N. DATAR: Sir, I cannot accept this amendment. This is an amendment consequential to the formation of the Delhi Municipal Corporation, and here the Representation of the People Act has to be amended so far as the electoral college is concerned. Ten persons to represent the area of the New Delhi Municipal Committee—it would be more or less a reduced number, and the Delhi Cantonment Board remains as it is. Therefore, it would be proper to have representation for these people and not to think on the lines that the hon. Member has done.

SHRI ONKAR NATH: I beg leave to withdraw my amendment.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Has he the leave of the House to withdraw his amendment?

DR. R. B. GOUR: No, Sir.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Then I have to put it to vote. The question is:

77. "That at page 229, at the end of line 22, after the word 'behalf' the following be inserted, namely:—

'and who shall become *ex-officio* members of the respective local bodies of the areas represented by them, namely, the New Delhi Municipal Committee and the Delhi Cantonment Board, after such election'."

The motion was negatived.

SHRI ONKAR NATH: Sir, the majority was in favour of the withdrawal of the amendment. Hence it should be treated as withdrawn and not put to vote.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): You had already withdrawn the amendment or you proposed to withdraw it.

SHRI ONKAR NATH: I was in favour of withdrawing it, but the House did not allow me to withdraw it.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): So, it was put to vote. The question is:

"That clause 506 stand part of the Bill."

The motion was adopted.

Clause 506 was added to the Bill.

Clauses 507 and 508 were added to the Bill.

Clause 509—*Power of Central Government to make first appointments*

DR. R. B. GOUR: Sir, I beg to move:

78. "That at page 230, lines 34-35, for the words 'expiry of three years from the commencement of this Act' the words 'constitution of the Corporation' be substituted."

(The above amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunniah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: Sir, the proviso is to the effect that the "power under this sub-section (1) shall not be exercised after the expiry of three years from the commencement of this Act". The Central Government has certain powers under clause 509 to appoint the General Managers. This power will remain with the Government for three years after the commencement of this Act. I say, instead of this, after the constitution of the Corporation this power should cease, because under the main scheme of the Act there is a certain suggestion that has been made in respect of the appointment of General Managers, etc., that is, the Union Public Service Commission will come into the picture. Therefore, instead of expiry of three years from the commencement of this Act, it should be up to the constitution of the Corporation. That is all I have to say.

SHRI B. N. DATAR: Sir, may I point out to the hon. Member that some period is necessary for stabilising the conditions immediately after the Corporation is started? It is not that they should not have the power of making appointments, etc. That is the reason why all contingencies have been provided for, and the three years period has been fixed here. It does not in any way affect the authority that is vested in the Corporation.

DR. R. B. GOUR: In that case will it not affect the authority of the Corporation if they want to remove them by three-fourths majority?

SHRI B. N. DATAR: So long as they are there the natural consequences will follow from this Act.

DR. R. B. GOUR: Within three years supposing the Corporation wants to get rid of them by three-fourths majority . . .

SHRI B. N. DATAR: In that case the Government would appoint. Three years is a period that is required for stabilising all the conditions, and the Corporation also will find it proper to have these powers vested in the Government.

DR. R. B. GOUR: I beg leave to withdraw my amendment.

*Amendment No. 78 was, by leave, withdrawn.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

"That clause 509 stand part of the Bill."

The motion was adopted.

Clause 509 was added to the Bill.

Clause 510 was added to the Bill.

Clause 511—Provisions as to employees of bodies and local authorities whose functions are taken over by the Corporation

DR. R. B. GOUR: Sir, I think there is something wrong with the numbering. My amendment should be to clause 510.

SECRETARY: 510 has been inserted. Previous 510 is now 511.

DR. R. B. GOUR: Sir, I beg to move:

79. "That at page 231, lines 16-17, the words 'without the previous

sanction of the Central Government' be deleted."

(The above amendment also stood in the names of Shri N. C. Sekhar, Shri A. V. Kunhambu, Shri V. Prasad Rao, Shri M. Basavapunnaiah, Shri Perath Narayanan Nair and Shri Bhupesh Gupta.)

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The clause and the amendment are before the House.

DR. R. B. GOUR: The proviso in question reads: "Provided that the tenure, remuneration and terms and conditions of service of any such officer or other employee shall not be altered to his disadvantage without the previous sanction of the Central Government". I want to know why they should be altered at all. I think the Central Government also should not sanction such alteration. That means, as the proviso stands, they could alter with their sanction. My point is that they should not be altered at all. That is my contention. Because they are continuing, there are certain service conditions that they enjoy and they are being transferred to the Corporation. They should continue to enjoy those service conditions and they should not be adversely affected even with the sanction of the Central Government.

SHRI B. N. DATAR: Sir, the object is that nothing should be done to the prejudice of these people. This re-training clause has been purposely put in so that, if the Corporation desires to alter such conditions, then that matter will have to be looked into and sanctioned by the Government before any action is taken. Therefore, Sir, this is a matter taken by way of abundant precaution so far as the interests of the employees are concerned.

DR. R. B. GOUR: I think a similar clause there in the States Reorganisation Act has been used adversely . . .

*For text of amendment, vide col. 2872 *supra*.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is:

79. "That at page 231, lines 16-17, the words 'without the previous sanction of the Central Government' be deleted."

The motion was negatived.

Clause 511 was added to the Bill.

Clause 512 was added to the Bill.

Clauses 513 to 516 were added to the Bill.

The First Schedule to the Thirteenth Schedule were added to the Bill.

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

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

"That the Bill be passed."

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): Motion moved:

"That the Bill be passed."

SHRI P. N. SAPRU (Uttar Pradesh): Mr. Vice-Chairman, I would like to congratulate Mr. Datar on the passing of this Bill. This Bill will give the city of Delhi a Corporation which will function much in the same way as, I hope, the Bombay Corporation is functioning.

There has been some confusion in regard to the objects intended to be achieved by this Bill. It is not, as was emphasised by the Home Minister, a substitute for limited self-government or limited responsible government which Delhi was enjoying before the States Reorganisation Act came into force. It has to be considered, therefore, without reference to the fact that Delhi was enjoying some sort of a limited autonomy as a State. The States Reorganisation Commission referred to the Capitals all over the democratic world—Canberra, Washington D.C., Paris and London—which were under a special dispensation and they came to the conclusion that there was no reason for

singling Delhi out. Therefore, **their** suggestion was that the limited autonomy which Delhi was enjoying should be withdrawn and a corporation or corporations should be given to Delhi. They pointed out that old Delhi and New Delhi were parts of the same Government, but it was for the Government to decide whether they would give Delhi one corporation or more than one corporation.

Mr. Vice-Chairman, there has been much criticism of this fact that New Delhi and the Cantonment area have been left out from the scope of this Bill. I confess that this is not an easy question. One would have liked New Delhi to have been brought into the picture. But there were certain difficulties in bringing New Delhi under one Corporation. Ninety per cent. of the property in New Delhi is Government property and most of the people here are Government servants. It is true that we have got some shopkeepers and some attendants—I do not like the word 'servants'—and also some members of the clerical staff of various offices living in New Delhi. But the fact remains that New Delhi is a Governmental area. It has got the Diplomatic Enclave. The reason why I am particularly glad that New Delhi has been left out is that there is a tendency for the Government to exercise rigid supervision over municipal bodies. If a municipal body is not found to be functioning properly, the Government supersedes it. I hope that this Corporation will escape that danger. It might, if it included New Delhi, have been superseded if its functioning was not proper. Government will not be so particular as they would have been, had New Delhi also been included in the area.

I would also like to say that I do not regret the fact that the Delhi Development Authority will not also be under the control of the Corporation. I think, one day it will have to be integrated with the Corporation, but, perhaps, the time is not yet.

As regards the executive functions of the Commissioner, I would just like to bring this passing comment to the notice of the House. I would have preferred a system whereby, before the Municipal Commissioner is appointed, the Union Public Service Commission and the Mayor could have been consulted. I should have thought that the best course to appoint the Municipal Commissioner would be to invite a Board, consisting of the Chairman of the Union Public Service Commission, the Mayor of the town and a representative of the Local Self-Government Department to advise the Corporation as to who should be appointed.

Lastly, Mr. Vice-Chairman, I would like to say one word about property taxes. I was interested in the point which was raised by Dr. Gour. We have constitutional difficulties in having graduated taxes for property. But, I hope, Sir, that the Home Ministry will apply its mind to that problem. I do not think that it is right that a small trader should pay a professional tax at the same rate as a big trader. Therefore, we can fix a maximum of, say, Rs. 250, and have some graduated rates for different classes of persons paying property or professional or business taxes. I would have preferred some such clause in this Bill. But I know that there are some constitutional difficulties in the way.

Mr. Vice-Chairman, I have abused your goodness too much. I conclude by saying that this Bill has my hearty support and I wish the people of Delhi all success in their new venture.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): (To Shri Bhupesh Gupta who rose up) We have already taken the seven hours allotted for this Bill. If Shri Bhupesh Gupta wants to speak for not more than five minutes, he may be allowed. Do you want to speak?

SHRI BHUPESH GUPTA: That is all right, Sir.

There is hardly anything for me to say, because in the speeches that had been made on this side of the House as well as the other side, some hon. Members have made it clear exactly how we view the civic administration of Delhi. Sir, it is a matter for profound regret that this opportunity should not have been availed of by the party in power to institute, in this great Capital City of ours, a Municipal administration which should be an example to the whole country. Why they did not do so is for them to tell the country and not for us.

Then, Sir, as far the arguments advanced here for the proposition that they have placed before us, they are none too convincing. I know that the battle has to be waged and carried forward. The people of Delhi will draw their own conclusions from the manner in which the Government have reacted to the unanimous suggestions and recommendations of the citizens of this city. After all, from this city were returned three or four Congressmen to Parliament, and it was expected that this gesture on the part of the people would be reciprocated by the Government when the question of setting up the Delhi Municipal Corporation came up. People have been disappointed. The confidence that they reposed in the Congress Party has been at least partly violated, and this would be a matter of regret for all. Now, Sir, much will depend on how the Government behaves. Laws and provisions have been settled. Until an amending Bill comes in, we cannot alter them. But even so it is possible to set things right, to underplay the evil side, if the Government is guided by democratic considerations. I would therefore suggest to the Government that even if they have the power of appointment of the Commissioner, they should create a convention under this Bill that no Commissioner will be appointed except after consultation with the municipal body and with their consent. What is not in the law can be there in a con-

[Shri Bhupesh Gupta.]
vention. And I feel that the Government should keep that thing in view, because it is always good to have accord and harmony between the Government and the municipal body over such a vital matter as the appointment of Commissioner.

Then, Sir, provisions are not there for elected majorities in certain bodies of the Delhi municipal organisation. Now these provisions cannot be altered. Yet at the same time, when the Government makes an appointment to such bodies, care should be taken that the appointments are endorsed and liked by the municipal organisation. There again we could strike a synthesis between the Government and the elected representatives who will be sitting on the municipal organisation. This is my another suggestion. And I make this suggestion in all seriousness because there is a tendency on the part of the Government to flout the will of the people and to disregard the wishes of the elected people, and even of their own partymen.

Then, Sir, with regard to finances, provisions have been made, but I would like the Government to take a generous view of the matter. The Delhi Municipal Corporation would be in considerable financial difficulty if it were to fulfil the functions expected of it, and I hope the Government will be generous in finding the necessary resources for it. Powers of taxation have been decided in this Bill, but I think it will be possible for the Government to strengthen the finances of the Delhi Municipal Corporation by advancing moneys to it for carrying out the responsibilities that are placed upon it. That is my another suggestion. And that is another way of how the Government can set some of the matters right.

Now, Sir, finally, we would like to express our gratitude to the existing municipal councillors and others of the Delhi municipal body who have been extremely helpful in working out

their case. We have learnt from them so many things and we have tried in our humble way to voice their demands, although for some reason or the other, those demands got somewhat suppressed in the ruling party. It fell on our shoulders to uphold the cause which had been put forward by the Congressmen in the Delhi municipal body. After all it is a body with most of its members being Congressmen. Therefore I would like them to note that we of the Communist Party do not give any partisan approach to this matter. Sometimes, it is we who champion the cause which they cherish, and the other side—the Members opposite—does not. Here was an example how we tried to the best of our ability to champion a cause which emanated from the Congress quarters, but which was let down by the hon. Home Minister and the party in power. Let this be an inspiration for all those who would be in that Delhi body to work together for carrying forward the struggle that they have been waging all these years. After all, if they unite and work together, what they have been demanding will be obtained by the power, will and the unity of the citizens of Delhi. Thank you, Sir.

SHRI B. N. DATAR: Sir, I have nothing more to say.

THE VICE-CHAIRMAN (SHRI M. B. JOSHI): The question is.

"That the Bill be passed".

The motion was adopted.

THE DAMODAR VALLEY CORPORATION (AMENDMENT) BILL, 1957

THE MINISTER OF IRRIGATION AND POWER (SHRI S. K. PATIL): Sir, I move:

"That the Bill to amend the Damodar Valley Corporation Act, 1948, be taken into consideration."