

[Shri N. Kanungo] which definite quantities have been fixed, this measure has been brought forward. Now, the point is, as has been made out by Shri Kishen Chand and in a different way by Dr. Gour, whether the penal fiscal provisions are enough or other provisions are necessary. We believe that the fiscal provisions which we have provided for are enough. For punitive action we have got powers under other legislation but I believe it is always best—and it has worked out well in the past—that well-regulated and well-thought out fiscal provisions do give results. But I will suggest that we have to watch for a couple of years and see whether the penal fiscal provisions produce results or not, and the results will prove whether my contention is right or wrong. Sir, I commend the Bill.

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill to provide for the levy and collection in certain circumstances of an additional duty of excise on cotton fabrics issued out of mills, as passed by the Lok Sabha, be taken into consideration."

The motion was adopted.

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

Clauses 2 to 6 were added to the Bill.

The Schedule was added to the Bill.

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

SHRI N. KANUNGO: Sir, I move. "That the Bill be returned."

MR. DEPUTY CHAIRMAN: The question is:

"That the Bill be returned." The motion was adopted.

THE DELHI MUNICIPAL CORPORATION BILL, 1957

THE MINISTER OF HOME AFFAIRS (SHRI GOVIND BALLABH PANT): Sir, I move;

"That this House concurs in the recommendation of the Lpk Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to the municipal government of Delhi, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri M. C. Shah
2. Shri Deokinandan Narayan
3. Shri Santosh Kumar Basu
4. Shri Awadheshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Shrimati Saddiqa Kidwai
9. Shri V. M. Surendra Ram
10. Shri Mohamed Valiulla
11. Dr. Raj Bahadur Gour
12. Shri N. B. Deshmukh
13. Shri Kishen Chand
14. Prof. A. R. Wadia, and
15. Shri Govind Ballabh Pant—*the mover.*"

Sir, I am glad to move this motion and still more so because the prospect of having the assistance of members of both Houses while dealing with this Bill in the Select Committee is quite satisfying and promising. Under the normal rules it is not usual to have such a Joint Select Committee but the Lok Sabha, on my request, agreed to have a Joint Select Committee to deal with this and an allied Bill which I hope I shall have the opportunity of moving for consideration soon in this House. The Bill, as it is, is sufficiently voluminous but its volume does not, in any way indicate anything controversial about it. It is a straightforward Bill; it goes into details and

embodies a complete scheme in its provisions. It has more than 500 clauses and 10 appendices. The Bill proposes to set up a Corporation for Delhi. This idea of a Corporation for Delhi has been engaging the minds of the people of Delhi and those interested in its administration for a pretty long time. The first attempt to set up a Corporation was made when a Bill was framed some time in 1947. According to that Bill, only some of the civil areas of Delhi were to be included within the area to be administered by the Corporation. The areas that are administered by other local bodies in Delhi State, such as Shahdara, Notified Area and others were to be left out but this Bill now goes much farther. The entire civil area of the new Delhi State, whether urban or rural, except the Cantonment area and part of New Delhi, is to come within the scope of this Bill. Delhi has suffered from a multiplicity of authorities. We have the Electricity Board, the Transport Board, the Sewage and Water Board and some other similar bodies. Now, the functions that are entrusted to these bodies will all be discharged by the Corporation. So the Corporation will have a very important place in the civic life of Delhi. In fact, it will be discharging the most vital functions with which the everyday life of every citizen is intimately connected. On the satisfactory and efficient discharge of its duties by the Corporation will depend to a large extent the comfort of the people of Delhi. Water, light and other needs without which life is not even possible will now have to be provided by this Corporation. The scheme that is embodied in this Bill was outlined just about a year ago by me in Parliament and so far as I remember the Joint Select Committee on the States Reorganisation Bill had also fully approved and recommended the principles on which this Bill is based. So, it has in a way already the blessings of the Parliament. The Corporation will consist of 80 members and those 80 will elect six aldermen. The 80 members will be elected by all adult residents of the i

area comprising the Corporation. The electoral roll which had been framed or which may hereafter be framed for elections to the Lok Sabha will also serve as the roll for election to the Corporation. So, it will be broad-based on the suffrage of the entire adult population of Delhi. Besides, as I just said, it will also have the opportunity of electing six aldermen so that those who do not want to stand for election or who because of their experience of public life, of their reputation, public spirit and the like, are considered to be particularly desirable for the efficient discharge of the duties by the Corporation, will thus be elected by the Corporation itself. This is not now embodied in the Corporation Bill, but I propose to move an amendment to that effect in the Select Committee. I have just said that this Corporation will also discharge all the duties relating to electricity, water supply, transport, sewage, drainage, etc. Even in the Bombay Corporation the generation of electricity does not come within the purview of the Corporation. Although our own Bill is modelled on the pattern of the Bombay Corporation, we have tried to liberalise it in certain respects. The Corporation will have a Mayor and we provide that under the rules, if it is so decided, the Mayor may be given housing and transport facilities too. The members too may, if such rules are framed and approved by the House, be allowed to draw some allowance for attending the meetings. As our public life is growing richer and all classes howsoever poor are coming forward to serve the community with devotion, it becomes necessary to make some provision of this type, so that no one may be deterred because of his poverty and lack of resources from placing his talents and experience at the disposal of the community. So, we have made that provision too. I understand that in Bombay also there is some such move for making provision for the members of the Corporation. The Corporation will, besides the Mayor, have a Deputy Mayor and a General Manager for

[Shri Govind Ballabh Pant,] transport, drainage and sewage and water supply. Besides these many other functionaries will have to be appointed. The Bill provides that all persons drawing a salary of Rs. 350 or more will be appointed in consultation with the Public Service Commission, so that the controversies that are sometimes noticed in local bodies over appointments will be avoided. The Corporation will thus be able to concentrate on matters of policy and principle without being handicapped by petty squabbles over things which are not of equal moment and importance.

I may just refer to another Bill, which is to be moved shortly by me, under which the Delhi Development Authority will be set up. At present we have got the Delhi Development (Provisional) Authority and it has jurisdiction over the whole of Delhi, over the entire municipal areas and it virtually is in charge of matters relating to housing, demolition of buildings, sanction of new buildings, and so on. Now, all these powers will vest in the Corporation. Normally the Corporation will be charged with the duty and responsibility of looking after housing, the clearance of slums and other like matters. But we are having in place of the present Delhi Development (Provisional) Authority, with comprehensive and far reaching powers, this Delhi Development Authority which will prepare the Master Plan for Delhi, and also zonal plans for various part of Delhi. It will see that the future development of this area is in accordance with the Master Plan approved by the Central Government. But so far as development goes, its jurisdiction will be confined only to such areas as may be notified by the Central Government in consultation with the Corporation and the Authority itself, so that the general development will be in charge of the Corporation. But where intense activity is necessary and the Central Government is prepared to undertake

the burdens of financing such a scheme, it may issue a notification; and so far as that particular area is concerned, it may carry out the schemes for its development, but after the area has been developed, it will be made over to the Corporation itself. Thus, it will be only assisting, the Corporation without in any way impinging upon the jurisdiction of its authority over the whole of the Corporation area.

From the State of Delhi, as I said, only part of New Delhi is to be excluded. So far as this part is concerned, it is for the most part occupied by the embassies and other important public buildings and its residents—90 per cent, of them consist of Government servants. Government servants cannot be elected as members of the Corporation. If we were to make a change to the effect that Government servants may also be elected, then that would in a way militate against the accepted policy. On the other hand, it will be an undemocratic way, if we have such a compact area, to administer its affairs by a Corporation, an area in which the people living are not themselves represented. Besides, under the ordinary law, no tax can be levied on Government buildings. So, if this area were also comprised in the Corporation, then the Corporation would be faced with a heavy liability from the very start. It would not be competent in the ordinary course to levy any taxes on the buildings here, while it would have to meet a heavy expenditure in providing adequate and suitable amenities for the people living in this area. Almost from the very beginning, whenever the question of this Corporation has come up, authoritative statements have been made that New Delhi would be kept out of the Corporation. I have, however, succeeded in getting at least half of New Delhi included in the Corporation, and only the other half has been left out. Out of about 51ff or 530 sq. miles which will be included in the Corporation, only 15 sq. miles of New

Delhi will be left out, which is no more than 3 per cent, of the total area. Well, if we can develop 97 per cent., I think we have reason not only for satisfaction, but also for pride.

So, I hope this proposal will be viewed in a right spirit and from a right angle by all who are interested in the welfare of Delhi.

I do not think it necessary for me to go into other matters of detail. The Corporation will, I trust be set up by the end of this financial year or the beginning of the next financial year. There are many arrangements and preparations yet to be made, so that elections may be conducted in due course and the Corporation may come into existence and start its career of service for the people of Delhi. It is our hope and it is our prayer that it may conduce to the well-being of the citizens of Delhi and ensure their progress in every way that the Corporation may find possible.

Sir, I move.

MR. DEPUTY CHAIRMAN: Motion moved:

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to consolidate and amend the law relating to the municipal government of Delhi, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri M. C. Shah.
2. Shri Deokinandan Narayan. 3
Shri Santosh Kumar Basu.
4. Shri Awadheshwar Prasad
Sinha.
5. Shri Algu Rai Shastri.
6. Shri Hira Vallabha Tripathi.
7. Shri Onkar Nath.
8. Shrimati Saddiqa Kidwai.

9. Shri V. M. Surendra Ram.
10. Shri Mohamed Valiulla.
11. Dr. Raj Bahadur Gour.
12. Shri N. B. Deshmukh
13. Shri Kishen Chand.
14. Prof. A. R. Wadia, and
15. The Mover—Shri Govind
Ballabh Pant."

SHRI BHUPESH GUPTA (West Bengal): Mr. Deputy Chairman, while there can be no divergence of opinion as to the underlying principles or the necessity of a measure of this kind, I think that there would be some differences about the provisions of the Bill and not only about the provisions of the Bill, but also in the approach it has taken. I was a little surprised that in the other House, there was not even the slightest discussion on this measure and it was passed almost in no time. I expected that the members of various Parties— especially from the Congress Party— would be interested in having a discussion on a measure of this kind, because ultimately, it is their responsibility to pilot this measure and it is their Government who have sponsored it. Also Sir, I felt that need for such a discussion because it is necessary for us to give our initial reactions to this measure so that people of Delhi may give their thoughts not only to the provisions of the Bill, but also as to how we, coming from different parts of India, view the problem of civic administration in this place. It is equally necessary to have a discussion for giving some kind of ideas as to how we think, to the members of the Select Committee on whom the onerous responsibility of going through the 500 clauses and preparing the final draft would naturally fall.

I was, therefore, a little surprised, I must say, when nothing was done in that House and I hope hon. Members opposite will participate in the discussion over this Bill, so that we know where we stand and also others know exactly how we view this matter.

[Shri Bhupesh Gupta.]

Sir, here is an opportunity for the Government to set an example of how the civic administration should be run—not in the sense that they are in possession of certain civic motives and they are running the administration, but in the sense that here is an opportunity of presenting a measure which will create a proper democratic civic body in whose hands will fall the responsibility of running the civic administration of this Capital City of ours. It is a great opportunity and I regret to say that this opportunity has not been fully availed of by the Government or the hon. Member in charge of the Bill. I regret it all the more because this city is the Capital City of our country. It attracts very many people and here live not less than two million people. It has its own historical importance and it has its own place in Indian life and its importance is every day growing. Here we get people drawn from all over India;—the Bengalees, the Oriyas, the Biharis, the Gujaratis, the Mahrattas, the Tamils, the Telgus, the Malayalees and the Punjabis, all come here as if it is a kind of confluence of various cultures in our national life. Therefore, here we should set up something which is ideal, set up something which is democratic, very very attractive and creative, set up something which sets an example before the entire civic administration of the land. It is with that outlook and perspective that I wish the measure had been conceived. But unfortunately I find much that I would desire wanting in the provisions of the Bill. Now, Sir, we have been accustomed to a system of civic administration bequeathed to us by the British, more or less copied from their civic administration, although not wholly. There have been changes under the impact of our national movement, but fundamentally it has remained the same. And, Sir, there has been always, you will note, some kind of tardiness and reluctance to part with power to the civic bodies. There has been always reluctance to make them much more

autonomous than they are today. There have always been in the matter of civic administration all kinds of executive restrictions, inhibitions and all kinds of limitations, financial and administrative. And I do not think that any municipal or corporate civic administration in our country is free from those inhibitions and restrictions. Even in Bombay today I cannot say that everything is fine. In Calcutta, for example, we do not have been the universal adult suffrage which we are going to have here. There the vote is extremely restricted to the extent that only 1,80,000 people have votes in a city of nearly 4 million people. Therefore I do not think that these existing institutions, whether in Madras or in Bombay or in Calcutta, provide us any guide for the formulation of a measure of this kind. Not that I should not draw upon the experiences of these bodies, not that I should not take what is good from them, but all that I say in this connection is that these institutions or civic bodies by themselves do not fulfil the needs of our time and the changed conditions in which we are living today, much less in a capital city like Delhi. Now reading this Bill, I find that more or less it has been framed on that same old pattern. There have been certain changes, but nothing very extraordinary or radical, much less revolutionary. And therefore I think that it has its own failings.

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Now, Sir, I would like to submit for the consideration of the Select Committee as to what kind of a civic administration I would like to have in this city of Delhi. I would like to have a civic administration where the common man is drawn into the affairs of his civic life, not merely as a basic factor, as an occasional participant, but as a regular and effective participant. This will be my aim, because I would like to see that the foundation of civic life in a place like this, is built on the creative efforts and activities on the part of hundreds and thousands who live here. This will be

my endeavour. Therefore when I would direct my mind on this subject, I would see as to how I am drawing these people into the activity of our civic life, making them the makers of our civic affairs. That will be my approach. And I regret to say that in this measure this initial approach is found somewhat wanting. Sir, I am very glad that adult suffrage has been accepted. I do support this thing, and there is no reason why it should not be. It presents no complication whatsoever in view of the fact that we have got ready those electoral rolls for our parliamentary elections. But this fact by itself does not complete the task that the Government is confronted with.

Then, Sir, here I should like to make it clear that I am not in agreement with the Government when the hon. Minister says that a portion of New Delhi has been left out. There is no reason whatsoever why a portion of New Delhi should be left out. I am very glad that the hon. Minister is striving to include the other portions of New Delhi which some people thought should not be brought within the purview of the Delhi Municipal Corporation. I wish that that logic was carried to its logical conclusion and the whole of New Delhi was included within the purview of this measure, because we do not like these artificial barriers. In this city you have got New Delhi and Old Delhi, the frontiers created by the British for their own reasons. These barriers were created to isolate one section of the people from another section, to promote not brotherly and good neighbourly relations between a citizen and a citizen, but to insulate some sections of the citizens for their own reasons from the rest, and thereby dissect and divide the city life. I do not see why in this Republic of ours, in the changed conditions, we must still hang on to that legacy. I therefore totally disagree with the Government in its decision to keep a section or a part of New Delhi out of the Corporation. Are we creating some Holy See which cannot be

brought in touch with the secular beings who live in the slums and other areas of New Delhi? I would ask the Government to explain its position. What is the reason that this portion should not be included?

Sir, the hon. Minister has said that the Government servants cannot be elected to civic bodies, but then can they be elected to Legislative Assemblies and Parliament? Wherever they are placed, they do take part in the affairs of our country by exercising their vote, and thereby having that little measure of control, whatever it means, on the affairs of the nation. Have we disenfranchised the Government servants just because they cannot be elected to the bodies like Assemblies and Parliament? Then why are we denying these Government servants the right to vote in this particular case? That is something which is beyond my comprehension altogether. I would like to know the logic behind it. Yes, I am conscious of the law that prevents them from becoming members of the Corporation or aldermen or Councillors or Mayor or Deputy Mayor. I am not going into these details at the moment, but at the same time, I do not see as to why, when election takes place every four years, Government servants should not have the right individually and collectively to pronounce upon the civic administration of the city in which they work and live and which has become their abode. This is a question that I put to the Government. I think, Sir, great injustice has been done to Government servants. I do not think Government servants should live in such forced isolation. I know today that if the Government servants' opinions were taken, Government employees' opinions were taken, an overwhelming majority of them, if not all of them, would desire that they be included within the purview of this Bill and they be allowed to participate in whatever little way they can, in the affairs of civic life in this city. I would ask the hon. Minister: Has he consulted the Government Employees Association, or

[Shri Bhupesh Gupta.] has he taken their opinion, or has he sounded them over this matter in order to come to this conclusion that it would be in the best interests of the country not to include them within the purview of this Bill? Sir, here again, I am afraid, we are following willy-nilly, or perhaps by habit, or perhaps by forced limitation, in the footsteps of the British, the footsteps which we should avoid at all costs. Now, Sir, you will remember that in the days of British, not only they created these artificial barriers between the Government employees on the one hand and the citizens on the other, but they also created these barriers and fencings between the Government employees themselves. When we used to come to Delhi as students in the old days, we were told to which category of citizens one belonged and to which category of populace somebody else belonged. Are we to do that? Are we to support it? That is the question. Today with the functions of the State expanding, more and more people will be taken into the service of the Government. Today Government institutions are not isolated temples where only a few and the privileged alone enter. Today Government institutions are manned by the common men drawn from the lower strata, economically speaking, of the society, as we see already before our eyes in the expansion of Government services. Therefore, today intermingling in life is taking place between the Government employees on the one hand and the civic citizens on the other. Why should then New Delhi be separated from the Old, I cannot see. It is anachronistic today, and I do not think we are being fair either to the citizens of Delhi or to the tenets of democracy or to the concepts of civil administration, if we accept a proposition of this kind. I strongly oppose this exclusion of New Delhi. Now, we are told that Government properties are there. Well, the New Delhi Municipality is not a hush-breaking society that, if you place these buildings under their care, everything will go to rack and ruin.

If they can look after the other brick buildings, they can also be made responsible for taking some elementary care of the buildings that may be found in the now separated and isolated New Delhi. If the Government has to give special attention to buildings like the Rashtrapathi Bhawan or the Parliament House or if you like, the Home Minister's residence, it is quite conceivable that certain safeguards can be provided to ensure such protection and ensure such care. Nothing comes in the way. Then, why raise this question of buildings? London is a big city. In the City of London there are many buildings of historical or administrative importance, but I do not know whether any building has been exempted from the jurisdiction of the Borough of the London County Council. Why are we doing it? What for? Now, this is another question that I would like the Select Committee to deeply consider and see whether it is in the right spirit. I think it is entirely wrong. But I make it very clear that this is not to say that I am not interested in giving special attention to buildings of such importance as the Parliament House, but at the same time I take it that the new Corporation which is going to come into existence will be manned by responsible people, people who are conscious of their civic responsibilities, who are patriotic, and who will be in a position to discharge their responsibilities well and efficiently. I take it, and on that assumption, I say that I join issue with the Government over this matter. Therefore, here again, I think our Home Minister should not have made this irritating, illogical and somewhat revolting exception. I therefore ask the Select Committee to consider this.

Then comes the question of the sizes of the body. Now, we are told, and the Bill also says, that there **will** be 80 Councillors, and there **will to*** some Aldermen elected by them. On the Council 12 seats will be kept reserved for members of the scheduled castes. It appears to me that the constituents of the present Delhi Municipality are all interested in seeing that

the number is raised to 100. It has been their demand that the body should be enlarged to 100. I think that this demand of theirs should be given the utmost sympathetic consideration. To me it is fully acceptable. I do not think that we would be losing anything by raising the number from 80 to 100, an increase of 20 only. All the parties in the present Delhi Municipal Committee and in the public life of Delhi are unanimous in demanding that the number should be raised. That is very important. It is also important for another reason. Here* in Delhi you had a State Assembly, and now that Assembly has gone. I am not going into that question, but they had been accustomed to certain kind of self-administration, with their State Assembly, their Ministers, with some basic functions assigned to them. Today they have been denied all these due to the reorganisation of the States. I am not going into the merits or the demerits of it. All that I say is that they had been accustomed to certain things. Therefore, they want something along that line. In view of that, everybody is demanding that more people should be there, so that it becomes really democratic and fully represents the civic life of the city. Therefore, I think that the demand for increasing the number by 20 is a valid one, and I hope that the Home Minister would be good enough to consider it sympathetically and concede it.

About the powers of the Corporation. Now, this again is very important. I have just referred a minute earlier to the fact that here in Delhi we had a Legislative Assembly which had certain powers more or less along the lines of the powers enjoyed by the States. Now, the people have acquired some experience. They have had this thing before. Naturally, when we consider what sort of municipal administration Delhi should have, we cannot be unmindful of the fact that here a Legislative Assembly functioned until the other day. Therefore, it is very important for us to see as to how

much power we can give them, or vest in this Corporation. I do not think that here the Bombay Corporation or the Madras Corporation or the Calcutta Corporation would offer us any definite or clear guide. I think that this question has to be judged on its own merits, having regard to its past and also having regard to its future. Therefore, I am in favour of granting more powers to the Delhi Municipal Corporation which is going to be set up. I would like the people of Delhi to feel that they will have some amenities, some opportunities of self-governance; they would have sufficient powers under the Corporation that is going to be set up, so that their self-expression, their urges for self-governance, for self-rule, for self-administration, will not be throttled but will be given some encouragement and impetus. That is my approach. It appears that all the political parties "in the City of Delhi, including the Jan Sangh want that larger powers should be given to the Corporation. All the people of Delhi want that greater powers should be given to this Corporation, after they have lost their legislature. I think the recommendation of the S.R.C. on the point is also a support to this kind of demand because there again you will find that they have viewed this matter from the point of view of giving greater power to the Delhi Municipal Administration. Therefore I would suggest to the hon. Home Minister to consider this point sympathetically and in consultation with the civic leaders of Delhi or representatives of public-men and of course in the Select Committee to see what changes are called for with a view to bringing this measure up to the standard which is expected of it when we are legislating for Delhi.

Here again Delhi has been troubled by another problem and it is the problem of multiplicity of authorities. You have in Delhi these Boards—the Electricity Board, Sewage and Water Supply Board and the Delhi Transport Board. They have become more or less autonomous and you will find

[Shri Bhupesh Gupta.] that in the Jaundice Committee report suggestions were made to the effect that Delhi needed a unified authority. There has been too much division of authority without having popular control over it. Now the hon. Minister has told us that some of the functions which had hitherto belonged to the various Boards will shift to the Delhi Municipal Corporation but some others will remain. But then my doubt arises because of some provisions in the Bill. You will find that in this Bill, in Chapter IV of the Bill, a number of municipal authorities will be created. Then you will find that under clause 49 various committees will be there. It says:

'The Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee shall each consist of seven members of whom four shall be elected by the councillors from among themselves at the first meeting of the Corporation . . .

(2) The remaining three members of each such Committee shall be nominated by the Central Government from among persons having knowledge and experience of administration and industrial, commercial, financial etc."

Now these Boards will consist of seven people out of whom four will be elected by the Councillors and three will come as nominees of the Government. If I have to view the civic administration from the point of view of popular elective control, this goes against the grain of it. I would say that here there is a weightage in favour of nomination, too much of it. In a Board of seven, three would be nominated and would not be subjected to really any popular control that way whereas only four will come from the councillors. Why is that so?

I was reading some books on the local self-government in England and I was reading an author who, I think, would be more acceptable to that

side of the House—I have in mind Mr. G. D. H. Cole. Here he has pointed out in his book 'Local and Regional Government—by G. D. H. Cole' that the local elective control is the important factor. Now if you go through this book, you will find the emphasis is laid on the question of local elective control. Where is the elective control? It is 4 and 3. 3 will be the members of Government men, blue-eyed boys of the bureaucrats. They may be very good and efficient engineers and others. I don't deny it but their origin will be questionable in an elected body, inasmuch as they will be sent there by the bureaucracy. The hon. Minister there will not have time and opportunity to go into everything and to make selections of individuals. He will ask his officials to nominate people. The official will go through the usual channel and find out the choicest of men and send them straightway, whether that person is liked by Delhi or not, whatever the antecedent of that person may be, whether he knows how to talk in the accent of the people or not but he will be sent. That is how three will go there. I am opposed to such principles. You will ask 'What do I do then? Am I to leave the water supply, electricity and other things in the hands of politicians and on the elected persons when such things require expert knowledge?' I can tell hon. Members in the House that I have not become such a fool as to make a suggestion of that kind. I do demand . . .

MR. DEPUTY CHAIRMAN: What time you propose to take, Mr. Gupta?

SHRI GOVIND BALLABH PANT: I am sorry to have to interfere with the very fine speech that I have the privilege of listening to but as I have to go to attend another important meeting, I hope the House will excuse me if I leave. My colleague, Shri Datar, will be here and he will convey to me the wishes of the House.

SHRI BHUPESH GUPTA: We very much appreciate the hon. Minis-

ter's attitude in leaving the House. I hope this example will be followed by others.

MR. DEPUTY CHAIRMAN: What time will you take?

SHRI BHUPESH GUPTA: I will speak at length. Let me finish. I don't think there are many speakers from that side.

MR. DEPUTY CHAIRMAN: There may be.

SHRI BHUPESH GUPTA: Then you know how many.

MR. DEPUTY CHAIRMAN: There are. Another fifteen minutes you take. You have taken half an hour.

SHRI BHUPESH GUPTA: I don't think there will be any speech from this side. Mr. Kishen Chand might speak.

SHRI KISHEN CHAND (Andhra Pradesh): No.

SHRI BHUPESH GUPTA: There fore we will save time. Let me develop this thing.

MR. DEPUTY CHAIRMAN: The Houst will sit till 5-30 P.M.

[THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) in the Chair.]

SHRI BHUPESH GUPTA: The thread is broken but I will pick it up. I was just saying that I would not be such a fool as to make a suggestion of this kind and say, 'Do away with the experts.' By all means we must have experts. I would not trust the water-supply for this city or the electric supply in the hands of politicians, no matter whether he is a pure politician without any expert knowledge, no matter he belongs to the Congress Party or the Communist Party. Certainly I would like to have experts. But why can't we leave this selection in the hands of the municipal body and why can't we make> that person function in that Committee without the right to vote?

These are the two questions. If you think that your municipal body is going to be such a nincompoop that it may not be in a position to find out proper experts for running its health services or other civic amenities, then I think a sad day awaits us ahead. I think, the civic body would be quite competent to find from among the people experts in the country whom they require for manning their various institutions, organisations and services. This should be left to the Municipal Committee and I don't see as to why Government should arrogate to itself the power not only of making selection but to plant him as the protege of the Government without any popular control over him on a Committee which is, after all, supposed to be a sub-committee of the civic body. It is repelling if you think in terms of democracy. It negates the principle of democracy in civic administration. It introduces an executive element, an element of autocracy, an element of ruling from above which we would like all to avoid in this context. Therefore here again this whole concept is wrong. I was trying to find out as to what happens in other countries; there these committees or bodies get their experts at their own initiative. They make selections. The Government can certainly be consulted. The Government can advise but the selection is actually made by the Committee concerned. The Government does not arrogate to itself the power of nomination. Therefore I think the same principle should be followed here. If in the Assembly here and other places we can elect so many people, the same type of people will be sitting in the Corporation and Municipal Councils. Why cannot they be entrusted with the selection of various other people who would be directly under them running the administration for which they are responsible to the voters. Remember, as to how trie-water supply works, the councillor would be answerable to the voters. As-to how a sewage works, the councillor would be answerable to the voters.,

[Shri Bhupesh Gupta.] and the civic body for its personnel and experts it will not have the right to choose and select. They will be imposed on the Corporation by the Government from above. Is

'' it in consonance with the principles of democratic responsibility" Does it fit in with our ideas of giving responsibilities to popular bodies and making these bodies responsible to the people? Not at all. Therefore, I say here again the old principle is being adopted and the result of it is going to be definitely harmful. There will be conflicts between the representative and the nominated elements. Have you not seen how in many committees where this nominated element and the elected element are divided in this manner, there develop friction and conflicts which should be avoided? There come about deadlocks and dislocations which again prove harmful to the purposes for which such committees are set up. Therefore, why are you having it? Why do you have these nominated people? I submit, therefore, in the Select Committee they should consider my proposal and my proposal is that those who come as experts, as far as possible, should be selected by the Corporation itself and the expert members of the committee should be given—they will be in permanent service—no right of vote. This is what I say. I have no reflections to make on these experts. All I say is that I want the democratic representative principle to get ascendancy in the civic affairs of our country and therefore, it will be my endeavour to reduce as far as possible the nominated unrepresentative element, so to say, in that body. This is the approach that I take. The experts shall be mingled with the representatives of the people, subject to their control, subject to their guidance, ever listening to them so that they know not only how to function and do their expert jobs in an expert way but also how to meet the wishes and desires of the people and change their ways and their methods whenever such is demanded of them. That will be my approach in this context.

Therefore, Mr. Vice-Chairman, I am totally opposed to this principle of nomination with the right to vote on the part of the nominated members.

Next I should like to touch upon and deal at this stage with the great office of the Commissioner, the supreme commander of the civic affairs of Delhi. He is the civic commander of the civic affairs, but nevertheless, he is a commander. Clause 53 defines the position of the Commissioner. He will have ample powers. You see, a super-Brahmin, so to say, is fixed there, with all the advantages of a very exclusive high caste, never to be worried by the councillors, never to be worried by the aldermen, nor even subject to the Mayor or the Deputy Mayor, functioning somewhat above their heads, lording it over in the civic affairs of our city and telling what has to be done and what ought not to be done. It will be his pleasure to produce a paper when the Mayor asks for it. He owes practically no responsibility whatsoever to the Corporation. **There** is a semblance of responsibility, **but** the overriding powers with which is will be invested would make nonsense of whatever responsibility is sought to be connected with that office. This is what I say. You see how a two-thirds majority will be required to remove him from the Corporation, if the councillors choose. But the Central Government by passing a simple chit, whether it be signed by the hon. the Home Minister or the Minister of State, Mr. Datar, will get him out of office. This is the position. It is there in the clauses. You will see it, but it is too bulky a volume for the Minister of State to find the clause easily. It is there on page 30. The Central Government has full powers over him and they can remove him at any time. But the councillors cannot do so until they marshal and mobilise a two-thirds majority. His salary and allowances will be found by the Corporation. Wonderful position. I shall be paying the piper for you to call the tune. What sort of a thing is this? He will be paid by the Corporation.

The civic body will be finding the salary and other things for this gentleman called the Commissioner and it will be you who will be calling the tune and asking him to quit or not to quit; and he shall be a domineering personality over the whole business. We do not like it. How you reconcile these things with ideas of Gram Panchayat, I do not know. In villages where there is little to be done by your self-governing administration, there is loud talk of Gram Panchayat and the drum beating of democracy. But in a city like Delhi where you can undoubtedly develop democratic institutions and encourage them and inspire them, you proceed in a niggardly way. You promise something to the ear only to break it the next moment at the heart. This is your approach. I say this whole question of the Commissioner should be gone into very carefully and courageously by the members of the Select Committee, because, remember, here is a civic dictator you are creating, and we would not like to have dictators. The Mayor is there by the will of the civic citizens and by the vote of the councillors. He becomes the head of the civic administration and he should not be a mere figurehead, to be buffeted about by the Commissioner. He should be a person who is the head, in point of law and in fact. That should be our approach and the Commissioner should be completely subject to the direction, superintendence and control—I am using a British phraseology to which many hon. Members may be somewhat accustomed—to the direction, superintendence and control of the civic body, namely, the Corporation. And he should certainly function under the Mayor, as long as the Mayor enjoys the confidence of the majority of the civic body. Therefore, here again, I should like to join issue with the Government over this matter. I think this whole idea of introducing the autocratic element in this manner smacks of the past and defiles the future. You see in this country many supersessions of civic bodies going on. The Government is developing a most unhealthy habit of

superseding corporations and municipalities and district boards any moment they like. In Calcutta we have seen how the Corporation had been superseded and how the Howrah Municipal Committee had been superseded. Many other municipal committees have been superseded. They seem to have taken a fancy for executive officials who are planted there and who become a little autocratic while running the civic show. We do not like the repetition of such a thing in the city of Delhi.

Delhi, after all, is in a way the gateway of India. People come here and they get introduced to India here in this city. They get the first glimpse of our great country, of our great civilisation, in this city and they get acquainted with our urges and aspirations when they come into this city. They do not judge India merely by the big houses that you have got, the fine and elegant parties that you hold in Rashtrapathi Bhawan or some of the historical places that you can show. Great as they are, they judge us by the way in which we are shaping our democratic institutions, the way we are living, the way we are lifting the common man into the light of day, the way we are placing him in the centre of the State and the way we conduct ourselves in the civic affairs of our country. That is how they view the matter. Therefore, Sir, I would not like anyone to come to this country from abroad and then land in a situation where the civic life of this capital city of ours is in the grip of a little dictator called the Commissioner functioning under the cover of the Municipal Corporation which he, instead of obeying, constantly overrides. I would not like this position. I would, therefore, ask the hon. Home Minister and the Members of the Select Committee, especially the Members from Delhi, to consider this matter. I appeal to the Members from Delhi on the Select Committee because ultimately it is their responsibility to fight and fight to the last pitch. Very powerful forces, I know, are arrayed against them. The landlord interests in Delhi are power-

[Shri Bhupesh Gupta.] ful. They will have their pull over many things and I think there will be bureaucratic response and so, it will be for them, the Members from Delhi who have come to the Select Committee, to put up a staunch fight and to work along with others so that we can all create a really exemplary and an ideal—or as nearly as possible an ideal—democratic set-up in the civic affairs of the country, and Delhi being once again the old path-finder in this way, I would appeal to them to do it.

Let me, Sir, now come to the financial question which is also very important. I do not know how they are going to manage it. Undoubtedly, the Select Committee has to take into account the various aspects of the question but it is necessary to give them a little elbow room in financial matters because we want the Delhi Municipal Corporation to assume more and more functions relating to the civic life like health, education and everything that affects our civic life and concerns civic amenities. We must find money for them. There are two ways of raising money open to them; they are internal resources and subventions and grants by the Government. I think it will be necessary to provide for both but, as you know, in modern times in the civic administration especially and in a place like Delhi, it will not be possible for the civic body to find the requisite funds internally through their own measures, measures that they can pass under this Bill—I mean revenue measures that they can pass under this Bill. It will, therefore, be necessary to find more and more money for them through grants but, at the same time, it is also very important to give them ample financial powers. If you inhibit them in this manner, restrict them very much, then they will be left with no other source of revenue than the existing taxes which means that the institution or the Corporation will tend to become unpopular by using this kind of tax measures. Therefore, I would suggest, Sir, that the Stamp |

Duty should go to them; the realisation from the Sales Tax should go to them as also certain other taxes that would have gone to the Delhi Administration. Such taxes should be given to the Corporation alongside with more powers for conducting the civic administration of our capital. It is essential to make financial provisions. It is very important because a civic body can never maintain its popularity and can never function properly until and unless its financial base is strong, until and unless its resources position is satisfactory and I think that that aspect has not been given due attention in this Bill. Therefore, I suggest that this question should also be looked into.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : Mr. Gupta, there are more speakers.

SHRI BHUPESH GUPTA: We have got three hours for this Bill, Sir. You will find time.

As far as the property tax is concerned, I think there should be a slab system. Of course, there should be some floor and some ceiling within which the Corporation can evolve its tax measure but, I think, Sir, the slab system in respect of properties should be introduced. A fiat rate is regressive, A flat rate is not a progressive system of taxation today even in respect of houses or buildings because naturally those people who possess bigger houses would be in a position to pay higher rates of taxes and those who own very modest houses or live in slums or in small houses would be in difficulties. That is why I say a slab system of taxation should be instituted instead of the flat rate that has been provided for in the Bill and they should be given more financial powers as otherwise they would be in great difficulties.

In these matters I cannot give offhand detailed suggestions but I had only mentioned some by way of example and I hope that the Select Committee will go into these matters a little more in detail.

Then, Sir, comes the question about the voting system. Our suggestion is that the elections should be on the basis of plural constituencies and not on the basis of voting as in the case of the Corporation. Because of the peculiar conditions here in this city, this kind of system is needed in order to see that the Corporation becomes really the representative of the people.

I do not see as to why education up to the secondary stage and the health services should be left out of the jurisdiction of the Corporation. I can understand about University education but why education up to the secondary stage should not be placed in the hands of the Corporation is a thing which I am unable to understand. That should be done. Facilities have been provided for the continuance of a Directorate of Education and a Directorate of Health Services. They exist now and these should be under the Corporation.

In this connection, I would like to mention about the Delhi Development Authority for which there is another Bill. Now, town-planning is something which should come under the Corporation and the Corporation should be responsible for it. I have been told that much of the functions of the present Delhi Development Authority would be shifted to the Corporation but, some will remain and there will be some conflict. I think what is needed is to empower this Delhi Corporation with the necessary powers of town-planning, providing the necessary funds and making it possible for it to function and undertake town-planning. If you do the town-planning from the top through an agency of that kind which is outside popular control, which is not responsive to popular wishes and is not directed by popular representatives, there is a tendency to ignore the interests of the common man and to so plan the plan as it will be more advantageous to the upper classes or,

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at any rate, to so do it as would not be as advantageous as we would like it to be as far as the common man is concerned. Town-planning is a very-important factor and Delhi very badly requires planning. We were told about a plan called the Master Plan. I do not know when that Master Plan would walk into the stage. There has been so much of masterly speeches about the Master Plan that by now we are left with nothing except the wordy effervescence of some of the Ministers. Where has it disappeared? Why don't we hear of it any more? There was a lot of trumpeteering over it sometime back but where has it gone now? In which dark room has it been shelved? I would like to know. Therefore, Sir, town-planning is a question of importance and if you are not going to give this power to the Corporation, what will happen? Do you really envisage Delhi's new Corporation to become only the drain sweeper or become the street "sweeper or wait upon you when you come to a park? We want this Corporation to undertake the responsibility of refashioning, reconditioning and remaking our civic life and with that understanding we want to invest it with all the necessary powers so that it can start the work in every field of civic activity with a view to changing the civic administration. ■ That is very important. But here again, something has been taken out and

(Time bell rings.)

THE VICE-CHAIRMAN: (SHRI M. GOVINDA REDDY): Order, order.'

SHRI BHUPESH GUPTA: Anyway I have said enough for the members of the Select Committee to consider and I think that they will not be misled by the examples of the British because there are too many books written by British authors. Not one book should be taken into account. If somebody refers you to some such book, you should read other books. It is not only Britain; there are other countries in the world also where the civic laws have been changed, where

[Shri Bhupesh Gupta.] the civic administration has undergone considerable change. The civic administration of these countries should also be studied carefully. We need not be taken in at all by such examples. All that I think we should do is, first and foremost, to consult the needs of Delhi itself remembering that it is a very important city with two million people; it is our capital city; it is a city where we had only the other day an Assembly; it is a city where the political life and the civic life should be very very active; that it is a city whose civic administration cannot at all measure up to proper standards of democracy until and unless we draw into the affairs of civic life the common people—Government employees and others—and unless we break all these barriers that divide New Delhi from the Old, the new set from the old set and all that sort of thing. This has to be seriously considered and I wish the Select Committee all luck but I hope that it will not be lacking in courage that is required to reshape and refashion this measure so that it becomes acceptable to the people of Delhi and an example to the people of India.

SHRI SONUSING DHANSING PATIL (Bombay): Mr. Vice-Chairman, I tried to hear with rapt attention the learned and doctrinaire speech of my learned friend, Shri Bhupesh Gupta, and I found that he tried to ride his hobby-horse as usual and lost sight of the practical difficulties that confront a Corporation like this. For my part, if I can comment. I would say that it is a belated measure. The concept of Corporation is not new. It is almost a parallel or pattern of the Bombay model. The Bill is of a local character and it concerns the civic life of nearly a million and a half citizens of Delhi.

My hon. friend, Mr. Bhupesh Gupta, tried to comment on the exclusion of New Delhi area and he said that this was a discrimination between the classes and the masses. Sir, that

theory is quite popular with him and he sees class and mass discrimination, or the class war, in places where there is none. Sir, there is a substantial point in the exclusion of New Delhi. New Delhi area is mostly national property and if we want to preserve that in a manner satisfactory and in keeping with the dignity of the nation, then it requires a special treatment. As we know . . .

SHRI H. P. SAKSENA (Uttar Pradesh): But why disenfranchise the people who reside there?

SHRI SONUSING DHANSING PATIL: We know that a Corporation however it may be autonomous in its character has only limited functions because it deals with the civic life of the population. It is not that way a political body which controls the destinies of its inhabitants, and as such its work is limited and its powers also are limited.

Sir, this Corporation Bill is a very voluminous, copious and omnibus Bill which has got 513 clauses, 13 Schedules and 26 Chapters. All this is necessary because the scope of the work and the functions, both obligatory and discretionary, are so numerous that unless and until there are adequate provisions for all these powers to be carried out, it will not serve the purpose and so the Bill cannot help being voluminous. There is however one good feature in that this Bill has come after a long time, after the experience of the working of several Corporations in the country. Its arrangement of the Chapters and the clauses is very lucid and systematic. They are self-explanatory and they give a good reading. That must be said to the credit of the mover of the Bill and those who have drafted it. I think they have drafted the Bill with meticulous care and they have devoted sufficient attention to all aspects of the question, and wherever

questions require a little sifting they have done it also.

Coming to the actual provisions, the Bill envisages a sort of autonomy: as far as the municipal administration of this great historic city is concerned, one may feel that a certain area is excluded and thereby the city is that way disfigured. But, as I said, earlier, "the area which is excluded is only 15 sq. miles while the area that comprises the Corporation is about 510 miles. This is a Bill which deals mainly with social services that are Required by the inhabitants of the city. - We are looking at the city as the metropolis of India and as such unless and until there are special efforts to beautify the city, there may not be that grandeur. The present picture of the city is such that it is not so much becoming the grandeur of a metropolis of a big country like India. If one goes to the various slum areas and other dirty localities with dilapidated houses and to the Red Fort area, one feels the city lacks grandeur. Also no proper care is taken of the various historic places in the city.

The city was looked after by several bodies and there are as many as 131 high fire now merged and whose powers are transferred to this Corporation. There are certain statutory bodies that are to be created and this Corporation is to be run by a body of 80 Councillors. There is reservation for the Scheduled Castes but whether that number is adequate or not it is for the Select Committee and those who are vitally concerned with the administration to consider. Sir, looking to the strength of the various Corporations in proportion to the population covered, this Bill requires reconsideration as far as the strength of the Councillors is concerned. How far that will be suitable is a different matter but for a population of 15 lakhs, a strength of 80 representatives is not adequate.

Coming to the other question, as far as the allowance to be paid to the

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member is concerned, the hon. the Mover of the Bill has already said that those who want to work in public bodies must be provided with certain allowances so as to keep their initiative intact. Sir, I will go a step further and request them to take into consideration very seriously, when the Bill goes to the Select Committee—after all, the Select Committee is going to exercise its collective wisdom on it—whether any pay can be given to the members because I honestly feel that if a man were to work honestly, earnestly and sincerely without being tempted to corruption, he must be provided with a certain standard of decent living so that he can carry on that public work. Otherwise, many public workers, however they may desire to take part in public bodies, are handicapped by the financial troubles which they have to face in their life. As such, the Select Committee can go into the question of providing some pay. It may not be very big. It may be Rs. 100 or Rs. 200 as the case may be, commensurate with the funds that will be available. But some sort of pay plus allowance should be given to the members.

Coming to the tenure of office of Mayor, generally the corporations provide that the term of Mayor shall be annual. But from whatever little experience I have got of municipal administration, as President, I most humbly point out that the term of Mayor or President or any chief man in charge of the administration should not be for one year. Because it does not give him sufficient knowledge of the working of the administration. Unless and until he is posted with sufficient facts and information, it is not possible to run that administration in a manner which is expected of him. So, the term can be extended to two years, since the total term of a councillor is four years. Out of that four years, every year, the Mayor has to be elected. There are certain considerations in running the administration of a corporation smoothly. In Bombay,

[Shri Sonusing -Dhansing Patil.]
 they have developed a tradition of the mayoralty should go turn by turn to various < I various important sections in the life of the city. But that should not deter us. But if a person is competent, if a person is fit, he should be, in charge of the mayoralty only for a year more. Just in the beginning there are troubles of election, and afterwards also there is the fear that he is going out. Almost six or eight months are spent in this way and there is very little time for the person to acquaint himself with the Corporation. Unless the Corporation extend this period, they cannot be run on sound, systematic lines, and it is not possible for any mayor to have that sort of security in the office so as to acquaint himself with the various intricate and delicate problems of the administration. So, I will urge, that the Select Committee should examine this question with all its pros and cons.

Coming to the constitution of the Delhi Electricity Supply Authority and other committees, my hon. friend, Shri Bhupesh Gupta, has criticised that the nomination of the members in a body of seven is something which is very derogatory to the democratic principles. I do not completely agree with him, because the majority is kept of popular councillors and if three persons are associated with them, it does not take away the merits of the case. They are persons who have got special qualities as far as their ability, capacity and efficiency are concerned. That way they are experts to advise and guide the Corporation in the deliberations, in the actual execution of those big adventures which the Corporation has undertaken. Matters like generation of electricity and distribution thereof, water supply, transport services, are not easy matters which can be handled by any person or by any member because he happens to be a popularly elected person. Even the popular Government is run mostly with the help of the bureaucratic machine. We cannot dispense with

that, because that has become a sort of important part of our political life for one will always say that unless and until the popular leadership is associated, with experts who have got the necessary skill, capacity and efficiency and those who have really devoted themselves to the cause and welfare of the citizens, it would not work. We cannot afford to lose their services. As such their association or nomination does not take away the real character of democracy. Moreover, those nominations are not arbitrary. Clause 49 lays down certain qualifications as to how that person will be nominated. So, there need not be any unnecessary fear on that account. Whatever fears might have been raised that they go beyond the legitimate scope of democracy are unfounded. Democracy is not a sort of Government which completely does away with the association of nominated members or bureaucratic elements. Bureaucracy or nomination is also an essential part for running a democratic institution successfully.

Coming to the other side of the question, as far as the burdens and responsibilities, with which the Corporation is faced, are concerned, the Corporation will have to run the administration efficiently and in the best interests of the citizen. We as outsiders are interested in building up the city as the most beautiful modern city and the first city of India. To build up or to beautify the city requires a lot of funds. And as usual my hon. friend, Shri Bhupesh Gupta, has shifted that burden to the Government. He is banking more upon subvention and grants. When we are on this subvention and grants, we are again begging the question, that the funds are to be raised by Government. When Government brings taxation proposals we criticise them. We say that the people are burdened too much by taxes. However honest and constructive our criticism may be, we are involved in a sort of a vicious circle and again we come to the same

point and want to get rid of our responsibility. It is one of the most important functions of a local body, of *SL* civic body, to -resort to adequate 1. And unless and until they buiiu up their own resources, to a bstantTSI extent, 'they cannot'spend in a reasonable manner and enhance the comforts and the happiness of the . taxpayers. So, imposition of taxes is the most troublesome job with which the councillors are faced. But their job or that responsibility has to be discharged under the various powers of taxation, that are ..vested in the Corporation. The power of the Corporation in respect of taxation is adequate, but generally for fear of losing their seats in elections, the councillors and those who run the administration are afraid of that. But howsoever there may be an instinctive hostility to the taxation, those who want to run democratic institutions successfully have to resort to adequate taxation.

As far as the rates of property taxes, in clause 113, are concerned . . .

THE VICE-CHAIRMAN (SHRI M. -GOVINDA REDDY) : You have to close your speech. The discussion will end at 5. There are other speakers. The Minister has to reply.

SHRI SONUSING . DHANSING PATIL: Another ten minutes, Sir.

- THE VICE-CHAIRMAN (SHRI M. 'GOVINDA REDDY): Please take five 'minutes.

SHRI SONUSING DHANSING
* PATIL: It says that the range will be from 10 per cent, to 20 per cent. If -we see the Bombay Provincial CoiV poration Act, it says that the minimum should be- 20 per vent. I feel and honestly -feel that unless and >? until this Delhi Corporation Bill imposes that sort of an obligation on the Corporation *o levy at least 20 per cent, tax, they will not-be able to run the administration in a manner which -is expected Of them. I have-got a • Qittle experience. I lost my seat when

I came out with taxation proposals, but I built a sound financial base of my municipality-. I don't draw a long bow about it. But it is a fact. But if ihe councillors want to get only

.p -popularity, they will-say that this tax-should' not'be applied, and thus tne-tfdmihisff-ation will come to naught. And so, the Se:ect Committee can advise on this important

ft of General Property Tax. I think there are hardly any chances of making any improvement in the Select

on, since
it is tion whir <xes.

Then, coming to the special features Bill has got rural iass. They hav3 got : .,00 villages and *ney*

up a Rural Board for looking after the welfare and civic amenities in the rural areas. They have very legitimately excluded the rural areas from the heavy taxation burden of the Corporation limit itself. And they have been given a special treatment which, according to me, is satisfactory..

Coming to the other provisions, as far as the obligatory duties are concerned, I agree with my friend. This is the first point of agreement" with my hon. friend, Mr. Bhupesh Gupta, that the fire brigade system which is under the category of discretionary functions ranging from (a) to (t) is wrongs Fire brigade-winch is charged with the responsibility of protecting the property and the life of the citizens should come under obligatory duty of the Corporation. So, we should have a place for it under the obligatory duties of the Corporation.

So also, there are certlirt' items which refer to education. These are items which shouJd normally fall under the obligatory functions'.

Then, I see that in'a number of Corporations, no sufficient attention is devoted to the sewage, water, refuse and composi seh_exn.e_s_v because generally people d.p'not look to _these small

[Shri Soosing Dhansing Patil.] items as important items which go into the health and life of the man. They have also got their potentialities of yielding a good revenue. We see the picture in the villages where we waste so much of dung, night-soil and other refuse. We do not resort to any village compost schemes. Bombay also has not taken any steps to turn its night-soil and sewage water for irrigational use in the neighbouring areas. I feel that, if the Select Committee devotes its attention to this proposition, it will be both in the interests of agriculture and in the interests of the Corporation and it will bring some revenue and that too, a substantial revenue, if they resort to the sewage irrigation scheme and the compost scheme out of night-soil, refuse and dung.*

And then there is one section 104 which deals with the application of the Municipal Fund and unless and until there are sufficient safeguards in regard to that Fund, it cannot be expected that that Fund can be utilised in the manner in which it is expected to be utilised. i .

The time at my disposal is very limited . . .

: THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): It is over.

SHRI SONUSING DHANSING PATIL: . . . and I will close my speech by saying that, whatever provisions are made in this Bill will go a long way to give the necessary amenities provided all the sections are carried into execution and the taxation proposals are adequately tried and the funds are collected.

With these remarks, I wholeheartedly support the Bill.

SHRI J. S. BISHT (Uttar Pradesh): Mr., Vice-Chairman, my only excuse for intervening in this debate at this Stage is that I have had considerable experience in administering the district boards and municipal boards for a quarter of a century and there-

fore, I venture to make a few suggestions which might be of some help to the Select Committee which is going to consider this Bill.

SHRI V. K. DHAGE (Bombay): Are you not in the Select Committee? Then you should be there.

SHRI J. S. BISHT: Thank you very much.

So, I wish to say that the Bill has been very well drafted. In fact, the Uttar Pradesh Government which is going to form municipal corporations in five of its big towns, has also prepared a similar Municipal Corporation Bill which is, in fact, longer than this and which is also based on the Bombay Municipal Corporation Act.

Having said that, Sir, I agree with the Government that the area known as New Delhi and covered by the New Delhi Municipal Committee at present is excluded from the Corporation, from its jurisdiction. It is true, as the hon. the Home Minister said, that some portion of it has been transferred to the jurisdiction of the Delhi Municipal Corporation as it is today, although I personally would have preferred that the New Delhi Municipal Committee area as it was before 1939 should have been included within the New Delhi Municipal Committee area, because, Sir, New Delhi is the seat of the Central Government of India and crores of public money belonging to the tax-payers of the whole of India is being poured in the improvement and construction of New Delhi. And it is not fair and right that the power of disposal of this money of the great City should be handed over to the residents of the other part of Delhi which is at present Old Delhi. Apart from this, in the capital cities of the world like Washington in America and Canberra in Australia, the governmental control over these matters is far more strict than it is here. And, therefore, I disagree with what Mr. Bhupesh Gupta says that this New Delhi should be brought within the jurisdiction-

tion of the Municipal Corporation. In fact, it should not, and the Government is right in doing what it has proposed.

Now, there is one point, Sir, to which I wish to attach some importance. The Municipal Commissioner is the Chief Officer of the Municipal Corporation and, of course, it is right that he should be appointed by the Central Government.

SHRI V. K. DHAGE: What?

SHRI J. S. BISHT: It is right that he should be appointed by the Central Government, and I believe, after consulting the Union Public Service Commission, in case he is not a member of the Indian Civil Service or the Indian Administrative Service. But I hope that he will be from among the Services and a very trained administrator. I only wish to know whether this sub-section (d) of Section 58 will give full and complete power to him over the high officers like the General Manager of Electricity and the General Manager of Transport. Sub-section (d) of Section 58 says that he will exercise the powers and perform the duties conferred or imposed by or under this Act on the General Manager (Electricity) or the General Manager (Transport) in his absence or on failure by him to exercise or perform the same. These two words are not very happy. I hope some other formula will be found because I want that the Commissioner should have the full powers of superintendence, direction and control over all the officers of the Municipal Corporation, including the General Managers and the Municipal Secretary, but excluding the Chief Auditor, because even in the Government of India, the Auditor General is not subordinate to the Central Government and is answerable directly to the President. So, the Chief Auditor may be excluded from this control completely. But these other officers must be there, because in case the Commissioner finds that some work is not being properly carried on or is

being carried on in a negligent manner or there is some failure in the performance, then it becomes a very embarrassing situation when the Commissioner has to deal with officers of the status and position of General Managers. When there is a friction between officers of the status of General Managers or Municipal Secretary or the Chief Medical Officer of Health and the Commissioner, then the work of the administration suffers. And the amenities that the citizens are entitled to are not available merely because there is some friction among the officers at the top. Therefore it is necessary that there should be one officer who should be answerable to the Corporation, and through the Corporation to the Central Government for what is going on within the administrative jurisdiction of the Corporation. And if there is such an officer as the Municipal Commissioner with these plenary powers, it would conduce to greater smoothness in the administration and it will eliminate friction to a great extent, because every officer will know that there is the chief boss and therefore he dare not oppose his will or the discretion that is vested in him. Of course, if the Commissioner is wrong there is the Central Government and there is also the Corporation. He is not a dictator as my hon. friend, Mr Bhupesh Gupta, wanted to make out. In fact the best municipal administration you will find in the towns of Germany and Japan. This is a matter of experience. In fact, it has been found that these officers who are vested with these large powers do it better. We are, so to say, frittering away into so many other places of intrigues and mutual contradiction.¹ Even in the United States of America there is what is called a General Managers system. There are towns where the municipal affairs are managed by a General Manager, and there are towns in other countries where the municipal bodies and their municipal councils are vested with the power of legislation, that is to say, passing bylaws, rules and regulations, and of course, imposing

[Shri J. S. Bisht] taxes and passing budgets. Beyond that the executive power vests entirely in the executive. I hope the Select Committee will try to see that as far as the administrative part of it is concerned, the councillors and these elected bodies should have as little to do with it as possible. They should try to eliminate them as much as possible. In fact in Uttar Pradesh and in many other States of India, the main cause of the supersession of the elected bodies is this that instead of looking to their duties as councillors or instead of looking to the efficiency of the administration, they are mostly interested in appointments and in contracts, and especially in appointments. You can have your budget of lakhs of rupees passed there in ten minutes, but if there is a case of appointment of even a petty official like Tax Superintendent or Assessment Officer, the whole municipal body or the municipal council divides itself into two wings. And then after appointment it is in the interest of those officials to see that sufficient majority is kept there, and there are undoubtedly unscrupulous people who try to exploit the situation. This has been the experience of most of the municipalities in India, barring, of course, a few big Municipal Corporations. Therefore, I submit, Sir, that this Municipal Corporation should rid itself of any such possible abuse that might arise, because if you eliminate this in the very beginning, there will be no vested interests arising, and once you create such vested interests, once these councillors get into that habit, it will be very difficult to divest them later on of these powers and these privileges to which they attach so much importance. And then they will also devote more attention to what is their property duty, namely, framing proper bylaws, seeing that proper taxes are imposed and collected, and seeing also that proper civic services are maintained in the town. I therefore submit that the Commissioner should be vested with the general power of superintendence, direction and control over all the officers of the Municipal Corporation.

including the high officers like the General Managers, the Chief Medical Officer and all the other staff.

Now, Sir, there is another point to which I would attach some importance. The hon. Home Minister in his speech said that he will introduce some amendments to this Bill, perhaps in the Select Committee, with regard to the creation of aldermen. I think these aldermen are to be elected and they will be elected by the councillors from among the general public, and outside themselves. I should like to know whether they will have any particular functions or they will only be some sort of an addition to the strength of the council in order to help the council with their mature experience and their ability. And if so, I would only suggest to the Joint Select Committee that the term of these aldermen should be limited and one-third of them should retire after every two years so that a sort of continuity is maintained, and they will be an asset to the Municipal Corporation in their various functions and in their various deliberations. Then you are creating some of the Standing Committees. It would be advisable, if these aldermen are really experts in their line, to have at least one of them in these Committees. For instance, if you have six or nine aldermen, if you are going to have them retire every two years, then in that case at least one of them in each of the Standing Committees would be an acquisition to these Standing Committees—by virtue of their knowledge and their experience.

Then, Sir, there is one thing which I find here. In clause 1, sub-clause (2), you have said "Except as otherwise provided in this Act, it extends only to Delhi." And in Chapter XIV where you are creating transport services—in clauses 287 and 289—you say that they will make provision for this thing in the whole Union Territory of Delhi. So I hope this point will be made clear because in the case of an exception there might be some

legal difficulty. There might be difficulty in recovering moneys and dues and in making prosecutions and all that. So I hope this point will be made clear.

Then, Sir, with regard to the services like electricity, water supply and sewage disposal, provision has been made here for giving the necessary services to New Delhi. With regard to electricity, there is not much difficulty because the New Delhi Municipal Committee can buy in bulk and can be the distributor of it. With regard to water supply also, there is not much difficulty. Only with regard to the disposal of sewage and drainage, I feel that there may be some difficulty because the provision says that the Municipal Corporation shall be bound to take so much of sewage that is delivered by the New Delhi Municipal Committee and that the New Delhi Municipal Committee will have to consult the Municipal Corporation with regard to the execution of any plans or any such things. I hope this matter will be gone into carefully so that in actual operation no frictions arise between these two bodies and that the services in the New Delhi Municipal Committee with regard to electricity, water supply, sewage and drainage etc. are carried through smoothly and well.

Lastly, Sir, with regard to the question of the appointment of officers, as I have already said, if you vest that power of superintendence, direction and control in the Municipal Commissioner, that arises only after the officers have been appointed. But the question of appointment itself is very important. I hope no power of appointment shall be vested in any of the elected bodies. If it is vested, it should be only of a formal nature, so that all appointments are made by those bodies either on the recommendations of the U.P.S.C. or some Committee, say, a standing Committee or some other body because it is said here that the U.P.S.C. will be consulted only with regard to the appoint-

ment of those officials who are paid a minimum salary of Rs. 350. The number of officials who will be drawing less than Rs. 350 will form only 90 per cent, of the staff, and it is there that most of the Councillors become interested. I think it would be advisable in the interests of administration that this temptation is kept out of their way, so that they might know that there can be no interference in the matter of appointments. Appointments should vest in a body or should be made on the recommendations of a body, on the basis of certain minimum academic qualifications, experience, etc. Recruits should be chosen only on their merit without regard to their other is with the Councillors or the officials. The only suggestion that I would like to make in this connection- is that instead of entrusting this task of recruiting the officials to a standing committee or something like that, it would be better to constitute a committee of the officials themselves with the Commissioner as the Chairman of that Committee, and with the Municipal Secretary, the Chief Medical Officer and such other top-ranking officials as members, and they alone in that Committee should decide as to who should be recruited and in what manner they should be recruited. If possible, they might co-opt somebody like the Vice-Chancellor of Delhi University, some educationist and such other people. If they constitute a sort of Public Service Commission for the purpose of recruiting officials drawing a minimum salary of less than Rs. 350, it will add to the efficiency of the administration and it will remove from the purview of the Municipal Corporation Councillors the one temptation to which they, fall a prey, which is often the undoing of municipal bodies" With these words, I commend the motion.

SHRI AMOLAKH. CHAND (Uttar Pradesh): I am grateful to you, Sir, for calling me at this late hour and giving me an opportunity to express my own views on the Delhi Corporation Bill, but before I come to the

cbhn AmoiaKn unana.j main provisions of the Bill, I would like to express my personal gratitude—I hope the House will agree with me—to the hon. the Leader of the House for what he has done to make us associate with this Joint Select Committee. It is not for the first time that he has done this. It was in the matter of the States Reorganisation Bill, which was supposed to be a Money Bill, that he came to our rescue and got the rules of the House suspended there. He has done it again. I personally feel, Sir, that he has vindicated the honour of this House as the Leader of this House.

This matter of the Delhi Corporation has been hanging on the heads of the citizens of Delhi for over two years. When the Delhi Legislative Assembly came into existence, doubts were raised and there was a feeling whether a small State like this should have an Assembly or not. The whole matter was under consideration, the question of the reorganisation of the States came in and the Government of India decided that we should await the report of the States Reorganisation Commission. It was after the report of that Commission that the Government of India decided that the Delhi State should be formed into a Corporation. Being in Delhi we all know that the people were anxious to know what the future of this Delhi Corporation will be. I know that all people interested in the welfare of this great city jointly and severally—collectively as Mr. Valiulla says; he being a Member of the Select Committee has been good enough to be present here—jointly and collectively and individually approached the hon. the Home Minister, and deep as he is, he heard everyone very patiently and tried his best to shape the Bill, which may satisfy or may not satisfy all the citizens of this great city. Anyway, I do not mean any disrespect to him when I say that, with the interest that the Home Minister has taken in it, we have a bulky Bill also. As

Mr. set) 'end, , 13 chapters. Then, there are definitions of the various words that occur in this Bill. I do not know whether the people of Delhi would like 13 schedules or would like to have 14. This I do not know. The members of the Select Committee may look into it. I would like to suggest some provision which may create a 14th schedule also.

Now, the reaction in Delhi has been brought home by the speech of Mr. Bhupesh Gupta, the leader of the Communist Party, here. He tried to criticise the Bill as non-democratic and autocratic in outlook. He has reminded us of the Government of India Act of 1935, about superintendence, direction, control and this and that. My friend, Mr. Bisht, also referred to superintendence, control, direction and this and that. I am not at all concerned with them for the very simple reason that 80 members are to be elected to this Corporation. I do not know whether the scheduled castes and scheduled tribes would like to have more seats than they have been allotted here. Anyway, it is not for me to say whether a Corporation with 80 elected members to run the affairs of Delhi would be autocratic or not. The very fact that some powers have been given to the Commissioner under the provisions of the Bill does not mean that he would be an autocrat and would not carry out the directions of the 80 elected members. Certainly it depends upon the citizens of Delhi as to what type of people to return to safeguard their civic rights. I leave it there.

SHRI J. S. BISHT: Incidentally, may I know what I said about, superintendence, direction and control?

SHRI AMOLAKH CHAND: The hon. Member did not follow what I said. I said that Mr. Bisht also was referring to superintendence, control, direction and all that.

SHRI J. S. BISHT: It was in contradiction. His outlook and mine are different.

SHRI AMOLAKH CHAND: I know the difference between the outlook of Mr. Bisht and the outlook of Mr. Bhupesh Gupta.

Leaving aside all that coming to the provisions of the Bill, I have not tried to go through the definitions, but I have tried to go through the main points which struck me. I would like the Select Committee to consider whether these points may be included therein or not. I will first refer to the question of the jurisdiction of this Corporation. ' "Delhi" means the entire area .of the Union Territory of Delhi except New Delhi and Delhi Cantonment.' This is a question which has troubled so many citizens whether there should be one Corporation or whether there should be an exclusion of the' New Delhi Municipality. I am not well aware what the scheme is. But as far as I have.-been able to follow,' probably the idea is that New Delhi area should be kept aloof because, as has been pointed out, there is more of Government property, there is more of the type of population which comes in and goes out and all that. It would be for the Select Committee to decide whether it is desirable that all should be amalgamated in one or not and I am sure with the Home Minister there in the.,. Select Committee and the various representatives of Delhi there, they will come to some understanding and would agree unanimously regarding the boundaries of the Delhi Corporation.

Now I would come to Clause 9(e). Mr. Gupta referred 'to adult suffrage and all that and I entirely agree that this Corporation should be elected on adult suffrage. One thing which I could not understand was whether in regard to the Parliamentary list which would be the electoral roll, if there is any amendment to be made, would that be governed by the' People's Representation Act or there would be

some officer on behalf of the Corporation who would look into that. That is a matter of detail and I think the Select Committee will look into it.

Then I come to clause 9(e). Now this deals with disqualifications for councillorship. It says:

"if he has been sentenced on conviction by a criminal court to imprisonment for a term of not less than six months for any of the offences referred to in clause (d) or for any offence which is declared by the Central Government to be such as to render him unfit to be chosen etc."

What I wanted to understand is, what is the idea of the Central Government in this matter. As far as I know, seeing certain Acts or enactments, it is moral turpitude which debar a man to serve on a civic body. I don't know the idea behind this. Clause 9(k) says:

"if he having held any office under the Government, the Corporation or any other authority has been dismissed for corruption or disloyalty to the State unless a period of three years has elapsed since his dismissal or the disqualification has been removed by the Central Government."

Now corruption we can understand but if there are persons who are guilty of disloyalty to the State, may I not suggest that in the wisdom of the Joint Select Committee they would like him not to be a candidate at all because a man who is disloyal to the State is more dangerous than a criminal or a man who has once been convicted. I don't know what the scheme of affairs is.

Regarding clause 14, I find provision has been made for elector petitions thereunder. I don't know how far that would be practicable under clause 14. It says:

"14. (1) No election of a councillor shall be called in question

[Shri Amolakh Chand.] except by an election petition presented to the court of the district judge of Delhi within fifteen days from the date of the publication of the result . . ."

To my mind 15 days is a very short period. It should be at least a month.

Now clause 16(2) says:

"If in the opinion of the court a returned candidate has been guilty by an agent of any corrupt practice, but the court is satisfied . . ."

I don't know from where it has been taken but I have not been able to follow it and it may be seen.

Then clause 20 says:

"An order of the court of the district judge on an election petition shall be final and conclusive."

Even if we legislate like this, I don't know whether the jurisdiction of the High Court and the Supreme Court would be barred or not.

AN. HON. MEMBER:-No.

SHRI AMOLAKH CHAND: It would not be barred. That is my view of it. If there is a provision in the Constitution that revision of writs etc. would arise, the very fact that we say that the decision of the district judge would be treated as, final and conclusive would require it to be considered. I think the word 'conclusive' is to be considered whether it would not infringe upon the rights given in the Constitution.

Then I come to the elected Councillors. The Councillors, as soon as they are elected, have to take affirmation or oath as we have to do according to the Constitution. Because what I find is, it may or may not be correct, but the impression I had is that—anybody who has gone through the Constitution or the various municipal acts or the rules regarding Improvement Trusts or Electricity Board will find— all provisions have been combined and

I put together. So I submit is' ■ that when we come to the question of these Councillors, I want to

that we should like to have Councillors who might be drawing not only D.A. for attending 5 particular meetings but may draw some salary so that they may devote their full time to the job for which they have been elected. Now you will find that the Delhi Corporation is going to take the place of the old Delhi State Assembly. In the Assembly there was a provision for salary and allowances. When you have done away with the State Assembly and you want that these elected Councillors should devote their full time to the job, then you must provide sufficient amenities to them so that they may be care free to look after the civic amenities of the people of this great city.

Then I come to the Mayor and the Deputy Mayor. Clause 34 says:

"The Corporation shall at its first meeting in each year elect one of the councillors to be the Mayor and another councillor to be the Deputy Mayor of the Corporation.

(2) On the occurrence of any vacancy in the office of the Mayor or Deputy Mayor, the Corporation shall within one month of the occurrence of such vacancy elect one of the councillors as Mayor or Deputy Mayor, if the case may be."

I wonder whether supposing in the wisdom of the Corporation, or for some reasons a Mayor is not elected within a month, what happens? I remember certain provisions in other municipal laws and Corporations where the Central Government or the Government responsible for supplying funds etc. would come in and nominate a man as Mayor or Deputy Mayor. I cannot find a similar provision here and I want to draw the attention of the Select Committee to examine whether, supposing there is an occasion that for a period of one month a man could not be elected as Mayor, then what would be the position?

Sub-clause (2) of Clause 35 says that the Mayor ■ shall be given such facilities in respect "of" residential accommodation, conveyance and the like as may be determined- by 'I' made in this behalf. I think he should draw a salary and should get residential accommodation at the cost of the Corporation.

As there is not much time for me, I don't know whether I_ would be able, to do full justice which I proposed to do.

TH? VICE-CHAIRMAN * (SHRI M. GOVINDA REDDY) : You have 5 minutes more.

SHRI AMOLAKH CHAND: So I will leave out others and would only mention some clauses and finish.

Then the posts of Chairman and Deputy Chairman- of the Standing Committee come in. Mr. Gupta was good enough to point out why there should be 3 members nominated by Government in a committee of seven when only 4 would be elected by the councillors themselves. I was wondering whether a person "who has been nominated to be a member of that Standing Committee can become a Chairman or Deputy Chairman. I do not find any bar that any member who has been nominated by the Central Government cannot become a Chairman or Deputy Chairman. If there is some lacuna it is desirable that only the elected members should contest for the office of Chairman or Deputy Chairman of the Standing Committee. We find another provision and that deajs with retirements. Every year half of the members have to retire. I was listening with great attention to Shri Patil's speech when he was saying that the term of the Mayor and of the members of the Corporation should not be extended. I personally feel that a man who is going to be elected as Mayor for one year^ cannot do.. anything. He' will takejat least three to four months to | understand the whole mechanism of I the Corporation. Then he will have |

his own ideas which he has to implement and- for that he will have to get the support of the other councillors and so on and so forth. So also in the standing committees, if half of the persons retire every year, I think that would be too much, because persons of experience will not be available for looking after the amenities which we want the people of Delhi to enjoy. There will be the Commissioner. The, powers of the Commissioner, the powers of the Mayor and the powers of the Deputy Mayor, are there. I would like the Select Committee to very calmly look into these and find out whether the present Mayor as contemplated in this Bill is going to serve any useful purpose or not. I have my own doubts. I tried to understand the mechanism which is being proposed, but I could not lay my hands rightly on what the powers would be, whether the Commissioner will be in a position to over rule the Corporation and *vis-a-vis* the Mayor and the Commissioner, who will be more powerful. The idea of the Corporation Bill should be that the Mayor should have more powers than **the** Commissioner himself.

I could not understand clause 72. Who is to appoint the person who would preside at the first meeting of the Corporation? Under the scheme of the Corporation, I find that as soon as the members are elected, the Commissioner will convene a meeting of the Corporation. It is not said there who would be the person who wiH preside. In another place, in clauses 75 and 76, it is provided that at the meeting in which the Mayor is to be elected, the Administrator will preside What I want to suggest is that at the first meeting which is to be helc under this Corporation Bill, thf Administrator of Delhi should presid< and he should welcome the member; and give them an idea as to wha duties they have to perform. I coulcl not lay my hands on any provision dealing with this matter.

Next I come to the chapter which deals with questions to be answerc

[Shri Amolakh Chand.] by the Commissioner. Clause 80 deals with this matter. I am sorry I am detaining the House, but I think, I have got some points to elucidate and if you like, Sir, I may continue my observations tomorrow.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): No, let us complete this business now.

DR. R. P. DUBE (Madhya Pradesh): But we have to be going, Sir, it is already half past five.

SHRI AMOLAKH CHAND: I wanted to find out what actually the position is likely to be in the Corporation in the matter of asking questions. Clause 80 says:

"The Commissioner or any municipal officer authorised by him in this behalf may attend, speak in, or otherwise take part in "the proceedings".

And in sub-clause (2) it is stated:

"A councillor may, subject to provisions of sub-section (3) ask the Commissioner questions on any matter relating to the municipal government of Delhi or the administration of this Act or the functions of any of the municipal authorities."

These provisions which I have just now read out give a loophole which may make a meeting of the Corporation almost practically unworkable, it may not be able to function. Suppose a meeting of the Corporation starts at 4 o'clock. There are 80 members and on an average, taking the inspiration from my hon. friend here, Mr. Valiulla, if each member is allowed to put five questions

Swu: M. VALIULLA (Mysore): Vow yourself.

SHRI AMOLAKH CHAND: will be 400 questions and the action without doing its own functions will be hearing the questions

put and answered. The Commissioner under this clause will be bound to reply the 400 questions. I cannot understand how in a meeting like that, with these powers given to the councillors to put questions any business can be transacted.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): All these are matters of detail which we may leave to the Select Committee. Your time is up.

SHRI AMOLAKH CHAND: What the Select Committee should see, I am pointing out and also my own difficulties in understanding certain of the provisions.

(Interruptions.)

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Order, order.

DR. R. B. GOUR (Andhra Pradesh): The Business Advisory Committee had, I think, allotted three hours for this Bill.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): And we have nearly taken it up.

AH HON. MEMBER: No, Sir. We started at three o'clock, only.

DR. R. B. GOUR: No, we started at 3-15.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): I am told half an hour is still left. You please continue.

SHRI AMOLAKH CHAND: I was just trying to point out the practical difficulties that may arise. These difficulties will be there. Suppose some members decide that they will not allow the Corporation to function. We should not, of course anticipate that, but I cannot overrule such a contingency. In such a case I think it would be desirable that some restrictions should be put on putting questions. Or another thing can be done.

Suppose a member gives notice of questions. Written answers may be supplied to him and the work of the Corporation could proceed. Anyway, as you pointed out, Sir, these are matters of detail. But as a matter of fact, all this Corporation Bill is a matter of detail and the more you go into it, the more worried you feel, and if the idea is to have a Corporation which should run smoothly, intelligently and in the interest of the citizens for their welfare and for development, I think it needs better scrutiny than I can give it. But as you feel that I should close my observations, I would like to say what I feel about the absence of one thing. I don't know whether by introducing this Bill the Home Ministry have decided if the question of the education of the people of a particular locality and the responsibility of looking after the health of the people in a particular locality are those of the civil institution or not. I have my own views on this subject. I feel that primary education should be compulsory . . .

AN HON. MEMBER: And free.

SHRI AMOLAKH CHAND: That is provided in the Constitution. It should be free and it should be the duty of the Corporation to see that every citizen of this great city is provided an opportunity to get him educated at the cost of the Corporation. I do not want to say anything the Education Ministry's functioning. The Deputy Minister, Dr. K. L. Shrimali, is here and try to explain it. But what I want to say is that he is taking a great responsibility, that the Education Ministry is taking a great responsibility, of educating the citizen. The health also. The Corporation is concerned about slums, markets, this, and the other.

DR. W. S. BARLINGAY (Bombay): Is there provision about brothels?

SHRI AMOLAKH CHAND: I have to learn from Dr. Barlingay who is probably an expert in these matters.

DR. W. S. BARLINGAY: I am an expert in preventing them.

SHRI AMOLAKH CHAND: I had no intention of seeing about any brothels in this Bill. My intention was to see about slums, education, the machinery that is going to be provided to deal with them, what would be the duties of the 80 councillors . . .

DR. W. S. BARLINGAY: There ought to be.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY): Order, order. We have to complete this.

SHRI AMOLAKH CHAND: Dr. Barlingay will get his own time and I do not want to bother the House with brothels and all that.

DR. R. P. DUBE: He will also speak about it, he is an expert on it.

SHRI AMOLAKH CHAND: The point is this: What are the primary duties of the Corporation and whether we (and all those duties incorporated in the Bill or not. The hon. Home Minister was pleased to say that the Union Public Service Commission is being associated with the Corporation to draw up the officers and the like. Certainly that is a good provision, Sir, and I think everyone will welcome it.

This is as far as the functions of the Corporation are concerned. The other important aspect is how the money is to be provided for the efficient running of the Corporation.

I have a feeling, Sir, that you are becoming worried. If you so agree, I could continue for ten minutes more or take ten minutes tomorrow.

THE VICE-CHAIRMAN (SHRI M. GOVINDA REDDY) : You can continue tomorrow.