

concerned, an hon. Member suggested that it should not be confined only to the area of the Delhi Municipal Corporation but should include the reserved New Delhi also and for that purpose actually this provision has been made according to which the word used is not Delhi which would consist of the municipal area but of the Union territory of Delhi. Therefore it would be open to the Transport Authority under the Municipal Corporation to carry on their work so far as plying of buses is concerned, over the accepted New Delhi area as well. Therefore I am confident that I have pointed out certain important points. I would leave all others to the Joint Select Committee.

SHRI BHUPESH GUPTA: Only one question I would like to ask. It was stated by the hon. Home Minister that in view of the fact that the Constitution debars the employees to contest elections he did not allow New Delhi to be included but I understand from the Constitution that as far as local bodies' elections are concerned, the Government officials and employees can contest elections with the permission of the Government. Is that right?

SHRI B. N. DATAR: That question was also. . .

(Interruptions).

MR. DEPUTY CHAIRMAN: It is a matter of opinion. You could discuss it in the Select Committee.

SHRI BHUPESH GUPTA: It is expressly stated in the Constitution . . .

MR. DEPUTY CHAIRMAN: Mr. Gour will discuss it in the Select Committee.

I am putting the motion to the House. The question is:

"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 Awadeshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Begum Saddiqua 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
15. Shri Govind Ballabh Pant."

The motion was adopted.

THE DELHI DEVELOPMENT BILL, 1957

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

"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 provide for the development of Delhi according to plan and for matters ancillary thereto, 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 Awadeshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Begum Saddiqua Kidwai.

[Shri B. N. Datar.]

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
15. Shri Govind Ballabh Pant."

MR. DEPUTY CHAIRMAN: Do you want to make any speech? The Home Minister has spoken on both the motions.

SHRI B. N. DATAR: All right.

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 provide for the development of Delhi according to plan and for matters ancillary thereto, 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 Awadeshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Begum 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
15. Shri Govind Ballabh Pant."

MR. DEPUTY CHAIRMAN: Shri Kailash Bihari Lall. You must be very brief.

SHRI KAILASH BIHARI LALL (Bihar): I will be very brief. Sir, as I was submitting before, this Authority, the Delhi Development Authority will be composed totally of servants

of the Government and even though there may be members from the Municipal Corporation, these also will be paid, for there will be provision for their payment. So, this Authority will be composed completely of paid servants. I was comparing the proposed Advisory with this Authority. The Advisory Council is, of course, composed more or less, on the same lines as the present Provisional Authority. But a difference has been made in that whereas the present Provisional Authority is the main body and functions under the Central Act, this proposed Advisory Council, though it will be functioning under this Act, will be really under the thumb of the Development Authority which, in its turn, is composed totally of Government servants. This Council has only to make recommendations, or give advice, as its very name indicates. It will be an advisory body and therefore, it will be subordinate in all respects to the Delhi Development Authority. That Authority is the body contemplated to carry on the whole administration, whereas this Council will be only an advisory body and it can only tender advice on matters. But as I conceive it, in a democratic set up, this advisory body should have been the main body and the so-called Authority should have been the executive body of the real authority. This should have been only the executive body. If you go through the proposed provisions, you will see what I mean. The Chairman of the Delhi Development Authority will be the administrator of the Union territory of Delhi. He will also be the head of the Advisory Council. Later on the vice-chairman is to be appointed by the Central Government from amongst officers of that Government. Then there is a finance and accounts member to be appointed by the Central Government, and then an engineer member to be appointed by the Central Government; and then you have two representatives of the Municipal Corporation of Delhi to be selected by the councillors of the Corporation from among themselves. This last is the

only tinge or show of the democratic spirit and these two members also will be paid so that they will also be reduced to the same category of servants. There is provision for the payment of these people. So it is quite clear that this body has been made quite safe to be under the thumb of the master and the real authority will remain with the Government. And Government means, with all respect to every one forming our Government, what it meant before. In the old days in my province of Bihar I was asking a Minister, "Who is Government" and he answered, "I am Government." "Do you conscientiously feel so?" I asked, "Your colleague the other Minister has said 'I am not; it is my Secretary.'" Of course, the Governor then pulled him up the next day and he said, I meant this and I meant that. So I reminded the Minister about that incident and about what was said by his brother Minister the other day. Therefore, you are not the Government. Your Government is your Secretary. Similarly, nobody should be under any illusion about what Government means today. An order may be passed in the name of the Government, in the name of the President. But ultimately everybody knows from where that order emanates. The order emanates from the Secretary of the Department who is also being worked up by his subordinates. So it takes shape in this way. So what I am placing before you is that this Development Authority will be nothing but the handmaid of the Government Department that will be controlling it, howsoever a man may say that it is the Central Government that is controlling it. What does Central Government mean? Central Government means what I have clearly indicated. My hon. friends to my right and left who will be on this Select Committee may laugh; but I hope they will be careful enough and they will try to find out what is the real authority of this Advisory Council. I think this is the only thing they have to give their attention, when dealing with this Bill. I think

if this Bill remains as it is and if this proposed Authority, the so-called authority, is not reduced to the position of the executive body of the real authority which should rest with the Advisory Council, it will not be proper. The Advisory Council is also to be presided over by the administrator of the Delhi Union and that has also got a responsible position. Therefore, that body has to be recognised as the real authoritative body and this so-called Authority proposed in the Bill which will be under the grip so to say, or thumb of the Secretariat of the Central Government should be reduced to the position of being the executive body. That is my suggestion to the Select Committee and they ought to see that it is made so.

The next point I want to deal with is the one connected with this betterment charge. Clause 35 in sub-section (1) states:

"the Authority shall be entitled to levy upon the owner of the property an annual betterment charge for such term of years and at such percentage of the increase in value not exceeding ten per cent., as may be fixed by rules made in this behalf."

I have not gone through the laws of other development bodies or improvement trusts of this nature. But a reasonable thing would be to levy a betterment charge once and for all and not go on levying it in any spirit of profiteering which was a charge levelled against the Delhi Improvement Trust, that at every stage they were intending to make some profit. This body also seems to be intending to do the same, for they want to levy a charge on the owners of properties. If the hon. Members of the Select Committee will read this Bill it will be found how it is aimed to squeeze out something every year under the garb of making improvements or developments to an area, under the garb that the price of the land, the price of the developed property has increased.

[Shri Kailash Bihari Lall.] You say that the prices have increased and that, therefore, you want to charge betterment levies. I have not read the laws in respect of other Improvement Trusts but I think that it is not right for you to make this kind of rule by which you will realise half the price of the property. It is not just and you should not do it. You yourself will stand condemned if you are unable to complete the development in two years. In the name of rendering service to the people, you go on levying betterment charges for years together. You say that the Notification was issued in 1938 but since then prices have gone up and that, therefore, people should pay more. It is not fair. You have not spent a pie on it and yet you want to profiteer on this proposition. The proper thing should be for you to finish off the development in one or two or any reasonable number of years and levy the betterment once. After that, you should not charge anything. If you do not do that you yourself will stand condemned. Therefore, Sir, this provision seems unjust. You should complete whatever development has to be done and then have one betterment levy.

I have one more small point, Sir. I want to refer to clause 36(2). It says that if any dispute arises in connection with the exercise of the powers and the discharge of this function by this authority under this Act, between the authority and the Central Government, the decision of the Central Government on such dispute shall be final. There will be no dispute at all if this be the position, if this be the relationship. Under this, you cannot contemplate any dispute between the master and the servant boy. The best thing for you would be not to make any provision at all but, if at all, such a provision is necessary, I think, the matter should be referred to the Supreme Court for decision or, for that matter, to any law court. (*Interruption.*) If the Central Government is satisfied with a Munsiff Court, it may be refer-

red to the Munsiff Court. If the Central Government is august enough, honourable enough, not to submit itself to the Munsiff's Court, it may take it to the decision of the Supreme Court. I do not mind the exact place but it should be a decision of a law court and it should be binding on both.

DR. R. B. GOUR (Andhra Pradesh): It is not a premeditated speech, I think.

SHRI KAILASH BIHARI LALL: The next point is about the service of notices on the parties. Generally, apart from the person to whom the land belongs, there may be other persons interested in not allowing the notice to be served on the person concerned and they may indulge in some underhand means to see that the notice is not served on the party. I think there should be some provision here compelling owners of property to get themselves registered with the authority, giving their correct addresses so that, whenever it is necessary to serve any notice on that particular individual, the letter may be sent there. If it is a registered letter, then it should be taken as conclusive proof of its having been served. Instead of being served to the person at his proper address, if letters are sent to some other places—you send registered letters to wrong addresses—the person will default and you will take action against him thus putting him to trouble. That should not be so.

That is all, Sir, because from all sides I see my friends want me to sit down. I thank you.

SHRI BHUPESH GUPTA (West Bengal): Mr. Deputy Chairman, I would like to say only a few words on this Bill and I would like to deal with some of the salient points. I am extremely sorry that the hon. Minister should not have seen his way to replying to some of the points that had been raised from this side of the House. He only discovered—and it

appears quite clear—a thunder. I do not know whether the monsoon showers would have some beneficial effect over his rather rigid mind. Mr. Deputy Chairman, it has been my contention that in matters such as these, the local bodies should be vested with as much wide powers as possible. That has been my contention in regard to the other Bill and we heard this morning the hon. Dr. Gilder who has some experience in such matters and was also associated with the Government.

SHRI V. K. DHAGE (Bombay): His experience while he was in jail.

SHRI BHUPESH GUPTA: He has been a Mayor. It does not matter whether he went to jail or not, a Mayor is a Mayor, wherever he lives. Now, Sir, if a Congress President remains a President while in jail, why not a Mayor remain a Mayor? He is familiar with such problems, being a very eminent citizen and he has just volunteered a suggestion that a body like the Delhi Development Authority would not be helpful to the better civic administration of our country or our citizens. I think Government should take serious¹ notice and suggestions of this kind should not be disposed of airily by making all kinds of statements which may be very good elsewhere but do not at all satisfy those who make such points of criticism. Now, the hon. Minister said that in regard to these creative bodies, the power is with us, that we can nominate these people, that we are responsible to Parliament and, that therefore, they are democratic institutions. It would be something like saying, "I touch the table; the table touches the floor and, therefore, I am touching the floor". I should have expected a semblance of logic in this. We are discussing these authorities and bodies that we create with a view to investing people with the power of local self-government. It is that the context we shall judge whether a particular body concerned with civic administration or the establishment of civil adminis-

tration is within any popular control. Democracy does not exist so vicariously as he thinks this matter to be. If I were to accept his logic, I say, why not appoint the Delhi Corporation? You are here and you are responsible to the Parliament and everything will go on fine. This kind of logic is kindergarten logic well-suited to where speeches are made to peoples who are forced to listen to speeches. But in a responsible Parliament when you are dealing with a responsible subject like this, I would expect a better performance on the part of the Government. Now you will see, first of all, that town planning has been placed outside the purview of the Corporation. If town planning is to be taken away from the scope and range of Corporation activities, what else will remain? Very little; and what is important in the context of Delhi civic life is to plan the town, to redraw and rebuild a good town. We have been told about Master Plan and other things, and we would like the Corporation to step into the picture and assume the responsibility for planning has been placed outside the will get elected from the various cross-sections of the citizens of Delhi are invested with the responsibility of town planning I think they would do this job jolly well better than others who have no responsibility towards the people. That is my contention. Therefore I would like them to be given the powers of planning. Of course, expert opinion would undoubtedly be called for but expert opinion could be had and they could be consulted. In the various bodies connected with it there would be experts and there would be no difficulty whatsoever.

Now, here in clause 3 this Delhi Development Authority is mentioned and then there is the Advisory Council, and in this Council you will find that there will be three persons nominated by the Central Government and there will be many more

[Shri Bhupesh Gupta.] coming from other bodies. But the Municipal Corporation as such will have only four representatives among so many and they will be in a hopeless minority. Now, not even in the Advisory Council do you see the people being given direct representation. As far as this authority is concerned, it is sacrosanct; it has to be created by the fiat of the ruling class under the cover of Parliamentary responsibility I do not think that they are going to have any say in the matter whatsoever. This Advisory Council is just window-dressing to cover the bureaucratic arrangement. And there again the Government would not give the Corporation a majority. I would like to ask the hon. Minister to explain this thing.

As far as Improvement Trusts go, the experience of the country is none too happy. In Calcutta, in Bombay and in other places we have seen how most of these Improvement Trusts have failed to discharge their responsibilities or to measure up to the standards which were expected of them. Is it or is it not a fact, I would like the hon. Minister to tell us on the floor of the House. The mere fact that you are creating a statutory body based on your appointees and nominees does not mean that Delhi would be any the better as a city; not at all. Therefore I am very much opposed to this kind of an approach in this matter. I wish that the whole business of town planning—drawing up and execution of the plan—were vested in the Corporation itself because those people would know better than other agencies as to what Delhi needs for its rebuilding. It is most regrettable that the hon. Minister would not make such an approach but would strive to justify their own action by quoting Bombay, abandoning all the other experiences. If anybody has condemned the hon. Minister's logic and tenor of argument this morning, it was Dr. Gilder when he said that

this kind of authority does not help very much. He also suggested that New Delhi should be included within the purview of this measure. So take lessons from your own friends who sit behind you; I will be happy about that. Therefore I would request the hon. Minister; I do not know whether I am thundering or showering anything on him. But whatever it may be, the effect will be the same; I know it is a mind that does not easily melt. All that I can hope is that when the new Corporation comes into existence and asserts itself and mobilises the people of Delhi behind it, this heart, this reasoning may give way, this heart which has not given way to thunderous speeches, if he likes to use that expression, in this House or in the other House.

SHRI P. N. SAPRU (Uttar Pradesh) : Mr. Deputy Chairman, I am glad that Mr. Bhupesh Gupta and some other speakers have not allowed these two Bills to go without comment in this House. It is necessary that the Select Committee should have some idea of the currents of thought and feeling in this place, and it is, from that point of view, a good thing that the Bills were subjected to a somewhat detailed criticism by Mr. Bhupesh Gupta, Mr. Amolakh Chand, Mr. Kailash Bihari Lall and other Members of the House.

Now, Mr. Deputy Chairman, I confess I cannot conceive of a democracy which does not encourage local self government. I think the base of democratic government must be in local institutions and it is for that reason important that we should have Corporations with powers to do things which are beneficial to the people of the areas they are intended to serve. On this Delhi Development Bill—I am not going into the other Bill—I hope the suggestions made will be considered with an open mind by the Select Committee, and one will have to say a great deal when we discuss the Bill after the

Select Committee stage is over—I would like to say that in principle I think it is desirable that developmental work should be done by Municipal Corporations or by Municipal bodies themselves. The experiment of having separate Improvement Trusts has not succeeded very well. It has not succeeded as far as I know in our State, but I know that Delhi stands on a footing of its own. It is the capital of the country and therefore I am not disposed to quarrel much with the Home Ministry for having a separate Development Authority for purposes of improving the town. But I was rather surprised at the constitution of what has been called the Advisory Council. This Advisory Council is not an administrative body; it is not a body of experts. You have experts in the Delhi Development Authority. This Advisory Council, I should have thought, is a body intended to acquaint the Development Authority with the general views of the people of Delhi, the people who are vitally interested in the development of this city. The local people who are residing in Delhi have a sort of interest in the development of this city and I should have thought that they were entitled to some larger representation on what is or what will after all only be an advisory body than the magnificent number of three or four which is provided for here. It says: "four representatives of the Municipal Corporation of Delhi to be elected by the councillors from among themselves." Now, that, Mr. Deputy Chairman, is a very small figure and I think that that figure can be easily increased, can be substantially increased without doing any damage to the structure or the principles which underlie this Bill.

Then I find that Parliament is going to be represented on this advisory body. I do not like the association of Parliament with advisory bodies presided over by civil servants and other expert authorities, but if Parliament is to be represented, surely a

body which contains representatives from all over the country, a body which has knowledge and experience I should have thought that a body like this was entitled to something more than three representatives, one to be selected by our House and the other two by the other House. Look at the composition, the chairman or the president... (*Time bell rings.*)... and they will be persons with knowledge of town planning and represent the Delhi Electricity Supply Company and so on. And now this body, the Development Authority will work subject to the control of the Central Government. I do not object to that. I think we cannot refer these differences to the Supreme Court. I do not think it will be wise for us to drag the Supreme Court or any court into political controversies. This is an administrative matter. The final authority must be with the Government. But where you are setting up an advisory body, make it as representative as possible, make its composition as democratic as possible. We have deprived Delhi, I think rightly perhaps according to the federal principles, of its State Legislature. But they should have some consideration for Delhi in the municipal spheres. I think Mr. Datar stated that proposition rather too widely when he said that in every capital in the world municipal bodies or local bodies have not much authority. The London County Council constitution is a reminder to us of the fact that that Council in the premier city of the world—though of course the London County Council stands on a somewhat different footing—(*Time bell rings.*) has large powers.... I will just finish.

MR. DEPUTY CHAIRMAN: You wanted two or three minutes. You have taken ten minutes.

SHRI P. N. SAPRU: The London County Council exercises a great deal of power. I would remind him of that. I think a balanced view should be taken in regard to this matter and I hope that the Select Committee will do so.

श्रीमती सावित्री निगम (उत्तर प्रदेश):

उपाध्यक्ष महोदय, इस विधेयक को देखते ही मेरे मन में तुरन्त यह विचार उठा कि जब सरकार ने पूरे तौर से सरकारी इंटरनल पालिसी में डिस्टेंसिंग को इतना महत्व दिया है तो आखिर इस बात की क्या आवश्यकता आन पड़ी कि जब दिल्ली में कारपोरेशन बनने ही जा रहा है तो यह एक अलग विधेयक ला कर दिल्ली डेवलपमेंट अथारिटी अलग बनाई जाये। मैं जानना चाहती हूं कि आखिर यह काम क्यों नहीं कारपोरेशन के सुपुर्द किया गया। मिसाल के रूप में मैं आपको बताना चाहती हूं कि इस तरह से तमाम ड्यूलीकेट बाड़ी खड़ी कर देने से जनता को कितना अधिक कष्ट होता है और कितनी परेशानियों का सामना करना पड़ता है। मैं एक साल पहले की बात बतलाती हूं जब भारत सेवक समाज की ओर से एक कटरे में सफाई हो रही थी और एक बीस गज की नाली बनाई जा रही थी। एक कटरे में तीन तीन चार चार अथारिटीज की मिलिक्यत रहती है। कुछ कस्टोडियन का हिस्सा होता है, कुछ इम्प्रूवमेंट ट्रस्ट का हिस्सा होता है और कुछ म्युनिसिपल बोर्ड का हिस्सा होता है, इसका नतीजा यह होता है कि म्युनिसिपल बोर्ड वाले इम्प्रूवमेंट ट्रस्ट के हिस्से में कोई दखलन्दाजी नहीं कर सकते। इस प्रकार हुआ यह कि हम लोगों की बावजूद तमाम कोशिशों के जो काम तीन दिन में खत्म हो जाना चाहिये था, उसके लिये जनता को पूरे साल भर तक दिक्कत उठानी पड़ी। उस नाली का कुछ हिस्सा इम्प्रूवमेंट ट्रस्ट की प्रापर्टी में आता था, इसलिये जब तक इम्प्रूवमेंट ट्रस्ट से इजाजत न मिले, वह नहीं बन सकती थी। उसका कुछ हिस्सा कस्टोडियन की प्रापर्टी में आता था, इसलिये जब तक कस्टोडियन इजाजत न दे वह नहीं बन सकती थी। ऐसी दशा में जिस एक मुसीबत का सामना इतने दिनों से लोग करते आये थे, उसको क्यों नहीं अनुभव के आधार पर सरकार ने माना, यह देख कर मुझे बड़ा

ताज्जुब होता है। श्रीमान्, जो सट्टली कंट्रोल चीजें होती हैं उनमें सभी लोग जानते हैं कि इतनी रिजिडिटी बड़ जाती है कि वह एक तरह से डेमोक्रेसी के कवर में लिपटी हुई डिक्टेटरशिप हो जाती है। यह सब समझते हुये मेरी समझ में नहीं आता कि आखिर जब कारपोरेशन बन रहा था तो क्या आयर्युमेंट्स सरकार के सामने थे, क्या वजूहात सरकार के सामने थे जिनकी वजह से उन्होंने यह काम कारपोरेशन को न दे कर एक अलग अथारिटी बनाई।

श्रीमान्, आप जानते हैं कि इस अथारिटी के मातहत कैसे कैसे नाजुक काम होंगे, कितने कामप्लीकेटेड काम होंगे। स्लम क्लियरेंस एक कामप्लीकेटेड ह्यूमन प्रब्लम है। कोई चाहे जितनी टूटी फूटी जगह में रहता हो, लेकिन अगर उसको निकाला जायेगा तो उसको कष्ट होगा, दुख होगा और परेशानियों का सामना करना पड़ेगा। जमुना बाजार के मामले में ही देखिये कि कितने जलूस निकाले गये और कितनी हम लोगों को परेशानियां उठानी पड़ीं। हर एक आदमी इंस्टीट्यूशन बन जाता है जब उसके हित के अगेंस्ट कोई बात की जाती है। ऐसे नाजुक मामले में सरकार ने इतनी बड़ी भूल की है कि उसने एक अलग अथारिटी बना करके अफसरों की अनपौर्णरिटी के लिये एक अच्छा खासा मसला पेश कर दिया है। मैं यह जानती हूं कि जो आफिशल मेंटल सेट अप होता है उसके लिये यह बिल्कुल नामुमकिन बात है कि उनको जन जन के हितों तक पहुंचने में कामयाबी हासिल हो सके। चाहे कोई एडमिनिस्ट्रेटर एक फरिश्ता हो, चाहे वह बेचारा तमाम आफिशल मेंटल बैकग्राउंड के बावजूद भी एक जन नायक हो, तब भी मैं कहती हूं कि तमाम ह्यूमन प्रब्लम्स में पहुंचना उसके लिये एक बड़ी भारी मुसीबत का सामना होगा और बरों के छत्ते में उसके लिये हाथ देना होगा। उसके लिये मुमकिन नहीं होगा कि वह जाय और हर एक की

शिकायत को सुन सके। इसका नतीजा यह होगा कि लोग सफर करेंगे, परेशानियां उठावेंगे, मुसीबतें उठावेंगे और कष्ट उठावेंगे और उधर यह होगा कि एडमिनिस्ट्रेटर भी अनपुलर होंगे। क्योंकि यह उसके बूते की बात नहीं है, उसके बूते का रोग नहीं है।

श्रीमान्, मैं यह भी कहती हूँ कि इस निश्चय पर हमारे होम मिनिस्टर महोदय पुनः विचार करें। मेरा और कोई मतलब नहीं है। मैं सिर्फ यही चाहती हूँ कि लोगों को कष्ट न हो और हमारी सरकार जो एक अच्छे उद्देश्य से काम करती है उसका उसे पूरा क्रेडिट मिले।

(Time bell rings)

डी० डी० पी० ए० का ही एक साल का इतिहास देख लीजिये। जब उसमें अधिकतर चुने हुये मेम्बर्स थे यानी जनता के प्रतिनिधि थे, तब भी उसके साल भर के इतिहास को देख लीजिये कि इसी सदन में कितने प्रश्न पूछे गये हैं और उसके द्वारा कितने गलत और अनुचित काम हुये हैं। यह बात नहीं थी कि कोई अनुचित काम करने की उनकी इच्छा थी। महज अनुभव न होने के कारण और जनता तक एप्रोच न होने के कारण तमाम बातें पैदा हुई। चाहे कहीं पानी पहुँचाने की बात हो, चाहे कहीं सीवेज की व्यवस्था करने का प्रश्न हो, उसमें अड़गने लगा दिये गये और पच्चीसों ज्यादातियों के बारे में इसी सदन में बहुत से प्रश्न पूछे गये।

(Time bell rings.)

मुझे बहुत सी बातें कहनी थीं, लेकिन समय के अभाव में मैं सब बातें कहने में असमर्थ हूँ। मैं केवल इतना और कहना चाहती हूँ कि इस विधेयक को पढ़ने से ऐसा प्रतीत होता है कि इसमें तीन चौथाई मेम्बर गवर्नमेंट के नामिनेटेड होंगे। यदि होम मिनिस्टर

साहब के ऊपर कोई ऐसी मुसीबत आ गई है कि वे इस विधेयक के बिना रह ही नहीं सकते तो मेरी उनसे प्रार्थना है कि वे कम से कम इसमें तीन चौथाई म्युनिसिपल कारपोरेशन के चुने हुये सदस्य रखें ताकि लोगों को एक सुविधा भी हो जाय और लोग यह महसूस न करें कि वही रिजिड कंट्रोल और वही आफिशियलडम के नीचे, एक शक्ति के नीचे, एक व्यक्ति के नीचे और एक आफिसर के नीचे दिल्ली की उन्नति जैसा महत्वपूर्ण काम फिर केन्द्रित कर दिया गया है। जय हिन्द। धन्यवाद।

जान्नी जंल सिंह (पंजाब) : श्रीमान् उपसभापति जी, मैं होम मिनिस्टर को इस बिल के लाने पर मुबारकबाद देना हूँ। देहली की—हमारे देश का दारुन खिलाफा होने की वजह से ही नहीं बल्कि ऐतिहासिक महानता की वजह से भी—इसकी तरक्की करना हमारे लिये निहायत जरूरी है। हम जानते हैं कि जब संसार में कौमों के कोई निशान देखे जाते हैं और उनकी तरक्की या तनज्जुली के असर देखे जाते हैं तो सबसे पहले उनके कैपिटल को देखा जाता है। जैसे कि एक इंसान को पहचानने के लिये उसका मुँह देखना जरूरी है और उसी से वह पहचाना जाता है कि वह किस हालत में है, कितना लायक है और कैसी उसकी मानसिक अवस्था है उसी तरह से किसी कौम का, किसी देश का जो दारुन खिलाफा है उसको देखने से उस देश का एक चित्र सामने आ जाता है। देहली हमारे तमाम प्रांतों का एक मजमूआ है, इसलिये इसके डेवलपमेंट के लिये ध्यान देना निहायत जरूरी था और मैं समझता हूँ कि इस पर बर-वक्त ध्यान दिया गया है।

जो एडवाइजरी कौंसिल बनेगी उसमें हर तरह के नुमाइन्दों को लेने की कोशिश की गई है लेकिन मैं प्रार्थना करना चाहता हूँ कि उसमें एक, दो कमियां हों। एक तो यह है

[श्री जेन सिंह]

कि जहाँ हमने तिजारात वालों के, लेबरर्स के और कारखानेदारों के मुफाद को खयाल में रखते हुये उनके नुमाइन्दे लिये हैं वहाँ इसमें जर्नेलिस्टों को नुमाइंदगी नहीं दी गई है। देहली में—बहुत बड़ा शहर होने के नाते से ही नहीं बल्कि कैपिटल होने के नाते से भी—हमारे देश के ज्यादा से ज्यादा जर्नेलिस्ट्स रहते हैं और यहाँ से सबसे ज्यादा अखबार निकलते हैं, इसलिये इसमें उनका नुमाइन्दा होना भी जरूरी है। दूसरी बात यह है कि जब कोई शहर बढ़ता है तो उसके साथ साथ जो गांव होते हैं उनकी जमीनों को हम हासिल करते हैं और जब हम जमीन लेते हैं तो उन गांव वालों को वह कीमत दी जाती है जो कि उनके गांव में होती है लेकिन जब हम उसको हासिल कर लेते हैं और वह म्युनिसिपल हद्द में आ जाती है तो उसकी कीमत बढ़ जाती है और बड़ी हुई कीमत पर ही हम उसे लोगों को देते हैं इसलिये मैं चाहता हूँ कि जितने भी इलाक़े इसमें शामिल किये जायें उन सब इलाकों के नुमाइन्दे भी इस एडवाइजरी कौंसिल में शामिल हों और उन लोगों को जमीन की वही कीमत दी जाय जो कि म्युनिसिपल हद्द में या कारपोरेशन के हद्द में आने के बाद उसकी कीमत बने।

तीसरी बात यह है कि पार्लियामेंट से एडवाइजरी कौंसिल में तीन मेम्बर लिये गये हैं। मेरे खयाल से इसमें हर एक प्रान्त से एक एक मेम्बर होना चाहिये ताकि, देहली की डेवलपमेंट में जहाँ दूसरी बातों को—इमारतों को, सड़कों को और उसके प्लानिंग को—देखना है वहाँ उसके डेवलपमेंट का एक हिस्सा यह भी देखना है कि तमाम हिन्दुस्तान का कल्चर देहली में पाया जाय, उसको ये मेम्बर देख सकें। अगर देहली में आने वाला कोई यह चाहे कि मैं मद्रास देखना चाहता हूँ तो उसको यहाँ मद्रास की हर एक चीज़ मालूम हो सके। देहली अब पंजाब,

उत्तर प्रदेश और राजस्थान के प्रभाव में है लेकिन हमारे दक्षिण हिन्दुस्तान के जो दूसरे प्रान्त हैं उनकी चहन-चक्कर अगर हम देखना चाहें तो उसको हम यहाँ अच्छी तरह से नहीं देख पाते हैं। यह निहायत जरूरी है कि तमाम हिन्दुस्तान की १४ बोलियाँ और तमाम हिन्दुस्तान के जितने प्रान्त हैं उनके कल्चर, उनके नमूने और उनके रहन सहन के तरीके यहाँ पाये जाय और उनकी हिस्ट्री को देखने वाला जो शक्स बाहर से आये वह उसको मालूम कर सके।

(Time bell rings.)

इतनी बात कहते हुये मैं समाप्त करता हूँ।

SHRI B. N. DAT AR: Sir, "I would like to point out again one thing to which I made references when we dealt with the Delhi Municipal Corporation. Now, I have before me a report of the Delhi Municipal Corporation Enquiry Committee. It was appointed by the Government of India in 1946 with Shri K. P. Mian Abdul Hajeer as Chairman and 14 other members including the late Lala Desh-bandu Gupta. They considered this question as to whether the improvement Trust and the Municipal Corporation should be one body or whether the Improvement Trust should continue its work separately. And I would read out to you, Sir, a few observations from the Report of the Delhi Municipal Corporation Enquiry Committee. This is what they say on page 38 of this Report, paragraph 137:—

"We agree that there is some justification for the public feeling that the Trust has not done much towards the improvement of Delhi and that they have cared more for the sale of land than for improvement. Notwithstanding Bombay . . .**.

In Bombay, Sir, the Improvement Trust has now been merged in the Municipal Corporation. This is what they say:—

"Notwithstanding Bombay, the tendency now is not towards integration of the activities usually associated with an Improvement Trust and those performed by a Corporation, but towards separation with a view to producing the maximum efficiency and economy attainable in the interests of the city dweller."

And then they made a recommendation that the Improvement Trust should continue separately. And we are convinced that that would be the surest way of engendering the purposes for which the Trust has been created.

We are of the opinion that the Improvement Trust should continue to function independently of the proposed Corporation, but that the public should be associated with it. So far as the association of the public is concerned, Sir, it might be found from the relevant provision, there are as many as seven elected members; four have to be elected by the Municipal Corporation and three others have to be elected by the three statutory bodies. It may be understood that there are as many as eleven members who are representing the public. So far as others are concerned, the main function of the Development Authority has to be taken into account. They have to prepare the Master Plan for Delhi taking all the circumstances into account and they have to develop the whole area in consultation with the Municipal Corporation and the Municipal Corporation is represented by two members on this body.

Then, so far as this Advisory Body is concerned, I might point out that it is here because the work that this Development Authority has to do is merely the development work for which expert knowledge is essential.

Under the circumstances, Sir, to a certain extent, representation has been given to the public for voicing their own views from the public point of view. But, ultimately, the work has to be carried on by the experts and that is the reason why there are certain persons who are appointed by the Government of India and Shri Bhupesh Gupta said is not correct. We are responsible to the House and whatever we do, we are answerable to you. Take, for example, the question of nomination. If the Central Government does not make proper nominations, then we are answerable to you and therefore, Sir, this is a perfectly democratic act.

I was extremely surprised at the manner in which my hon. friend, Shri Kailash Bihari Lall, spoke. He spoke almost in—can I say—a primitive manner, a reactionary manner. It is surprising, Sir, that he expects representation in respect of every Committee. It is not possible, Sir, now, so far as the public are concerned. The public have to be given a representation and an adequate representation, wherever the voice of the public on a particular question has to be given effect to. But in the interests of the public itself, when certain things have to be done so far as the technical side, the expert side, is concerned, naturally, experts have got to be appointed and merely because there are certain nominations, it cannot be said that the Government is acting in an anti-democratic manner. That is not possible.

SHRI KAILASH BIHARI LALL: May I point out that I have not said about representation?

SHRI B. N. DATAR: But I do not like the manner in which the hon. Member attacked nominations, attacked everybody, that there was no full representation. And therefore, I would . . .

SHRI KAILASH BIHARI LALL: No, no.

SHRI B. N. DATAR: . . . think that the hon. Member would understand. Now, the representation has to be given to the extent that a particular matter is capable of being done.

1 P.M.

Therefore, Sir, there are certain things which have got to be done through the officers, and it would not be proper to condemn the whole class of officers by calling them 'officialdom'. These are all catchy expressions which we have kept even now after the attainment of independence. These officers are no longer 'officialdom'. They are no longer bureaucrats. They are working imder our direct authority; they are answerable to us and we are answerable to you. (*Interruption*) Here, Sir, I would just like to quote a Sanskrit phrase. (*Interruption*). May I point out to the hon. Member that the Government will lay down a principle? They have to work in the interest of the people; they have to be approachable to the people, but ultimately they have to carry out their work very efficiently.'

SHRI KAILASH BIHARI LALL: Why should they be at the top?

SHRI B. N. DATAR: Sir, that is entirely a wrong notion. They are not at the top. They are answerable for every act that they do to us, and we are answerable to you.

With your permission, Sir, I am inclined to quote a Sanskrit phrase with regard to thunder. Now there are clouds and clouds, and you know the mythical bird, one *chatak*. Now a wise sage comes to him . . .

SHRI BHUPESH GUPTA: Sir, how is all that relevant here?

SHRI B. N. DATAR: Sir, he spoke of thunder. So I am quoting this. You do not beg for water before every **cloud**. It says :

केचिद् वृष्टिभियन्ति वरणी

Some clouds give water, give showers of water to the people there, to everybody. And with due deference to my friend, it says:

गर्जन्ति केचिद् वृथा

It is a thunder which is absolutely useless. Therefore with due deference to him, I am afraid, all his thunder is uncalled for and unsubstantial.

DR. W. S. BARLINGAY: Useless or fruitless?

MR. DEPUTY CHAIRMAN: The question is:

"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 provide for the development of Delhi according to plan and for matters ancillary thereto, 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 Awadeshwar Prasad Sinha.
5. Shri Algu Rai Shastri.
6. Shri Hira Vallabh Tripathi.
7. Shri Onkar Nath.
8. Begum Saddiqua 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.
15. Shri Govind Ballabh Pant."

The motion was adopted.

MR. DEPUTY CHAIRMAN: The House stands adjourned till 2 O' clock.

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

THE MINISTER OF STATE IN THE
MINISTRY OF EDUCATION AND
SCIENTIFIC RESEARCH (DR. K. L.
SHRIMALI) : Sir, I beg to move the following
Resolution :

"This House approves the Universal Copyright Convention and the Protocols thereto as adopted at Geneva on the 6th September, 1952, and recommends that the said Convention and Protocols be ratified by the Government of India."

Sir, in moving this Resolution I should briefly like to say a few words with regard to its origin and its special features. The House is probably aware that there has been a desire on the part of all the countries to have some kind of universal convention under which all the countries might come together and disseminate works of art, literature and science. We are living in a world where there is a good deal of misunderstanding and conflict, and one of the ways in which this misunderstanding and conflict can be removed is to disseminate knowledge of works of art, literature and science more widely. The more the dissemination of knowledge, the less the chances of misunderstanding between one country and another. It was with that view that the Berne Convention was adopted as early as 1887, but that did not go very far, because a large number of countries, American and Latin American countries, were not signatories to this Convention. For the last twenty years continuous efforts were being made to bring all the countries together and at last at an inter-Governmental Conference which was convened under the auspices of the UNESCO in 1952, the Universal Copyright Convention was adopted. My feeling is that this *is* a step forward for knitting the world together. The difficulty in the past has been that there was no connecting link -between the

Berne countries and the American and Latin American countries, and the Berne countries, if they wanted to enter into any agreement with the non-Berne countries, they had to sign a special agreement, which led to lots of difficulties. With the adoption of this Convention, the communication and dissemination of knowledge of works of art, literature, etc. between the Berne countries and American countries becomes easy.

I should like to inform the House that it is not the function of the Universal Copyright Convention to supersede the Berne Convention. In fact, the countries which are signatories to the Berne Convention will continue to be guided by the Berne Convention. The only thing that this Convention does is to establish a connection, a relationship between the Berne countries and the non-Berne countries. It serves as a kind of bridge between these two blocs. Another advantage is that once we ratify this Convention, we do not have to enter into separate agreements with non-Berne countries. The copyright relationship between us **and** these other countries will be guided by the provisions of the Universal Copyright Convention. Similarly, non-Berne countries will claim protection in the Berne countries under the Universal Copyright Convention without any special agreement.

Sir, the House is aware that India was a signatory to the Berne Convention, and since 1887 we had to enter into special agreements with the U.S.A. for establishing copyright relationship. As far as India is concerned, by ratifying this convention, there is no substantial change; we only reaffirm our relationship with the U.S.A. Of course, we are already bound by the Berne Convention, but the advantage is that we enter into relationship with non-Berne countries also. The fundamental principle which governs this Convention is that our authors, after the ratification of this Convention will get protection in foreign countries in the same way in