

LOK SABHA

**Joint Committees on (I) The Delhi
Municipal Corporation Bill, 1957 and
(II) The Delhi Development Bill, 1957.**

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WITNESS EXAMINED

Friday, the 11th October, 1957.

Shri R. N. Agarwala, President, Delhi Municipal Committee.

JOINT COMMITTEES ON (i) THE DELHI MUNICIPAL
CORPORATION BILL, 1957 AND (ii) THE DELHI
DEVELOPMENT BILL, 1957.

**Minutes of Evidence taken before the Joint Committees on (i) the
Delhi Municipal Corporation Bill, 1957 and (ii) the Delhi
Development Bill, 1957**

Friday, the 11th October, 1957 at 15.10 hours

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

LOK SABHA

Dr. P. Subbarayan

Shrimati Sucheta Kripalani

Shri Radha Raman

Choudhury Brahm Perakash

Shri C. Krishnan Nair

Shri Naval Prabhakar

Shrimati Subhadra Joshi

Shri P. Hanmanth Rao

Shri Kailash Pati Sinha

Shri Shree Narayan Das

Shri Satis Chandra Samanta

Shri Tayappa Hari Sonavane

Shri Mathew Maniyangadan

Pandit Jwala Prasad Jyotishi

Shri Ram Shanker Lal

Shri Sumat Prasad

Shri C. Nanjappan

Shri Jaswantraaj Mehta

Shri Shivram Rango Rane

Chaudhary Pratap Singh Daulta

Shri Surendranath Dwivedy
 H. H. Maharaja Pratap Keshari Deo
 Shri Ignace Beck
 Shri Arjun Singh Bhadauria
 Shri D. R. Chavan
 Shri B. Pocker
 Shri B. N. Datar

RAJYA SABHA

Shri M. C. Shah
 Shri Deokinandan Narayan
 Shri Santosh Kumar Basu
 Shri Awadheshwar Prasad Sinha
 Shri Onkar Nath
 Shri Mohamed Valiulla
 Dr. Raj Bahadur Gour
 Shri N. B. Deshmukh
 Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*
 Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai—*Under Secretary.*

WITNESS EXAMINED

Shri R. N. Agarwala, *President, Delhi Municipal Committee.*
(Witness was called in and he took his seat)

Chairman: Mr. Agarwala, you please let us have the benefit of your advice. You have seen the Bill and in fact I had an opportunity of discussing it with you previously. So I do not want to bother you much myself and I think you had better state your views and then if any Members want to ask questions they may do so.

Shri Sonavane: I think he has to take the oath first.

Chairman: No oath is necessary; it is only advice that we are having from him.

Shri Agarwala: Sir, I am most grateful to you and to this Committee for having asked me to be here to state the case of the Delhi Municipal Committee which I represent.

I need hardly emphasise that on several occasions the Delhi Municipal Committee has expressed its views about the proposed Corporation. As a matter of fact, it was in 1950 that the draft for the Corporation was prepared, and then too the Delhi Municipal Committee had an occasion to express its views. And now, since the time this Bill has been introduced in the Lok Sabha, not only the Delhi Municipal Committee but also various sections of the population in the City have given expression to their views on the various aspects of the Bill.

There are, as you all know, a few aspects of vital importance in it. As I have said, the Committee has already expressed its views and I need not therefore take up your valuable time by repeating what we have done in the Committee time to time. The unanimously passed resolutions are already known to everybody.

I will refer here to the definitions first of course hurriedly. The definition of "building" given does not appear to be exhaustive. I am referring to clause 2 (3). Boundary wall has not been included in the definition of building, leaving the builder free to construct a wall of any dimension. It is therefore necessary that the definition of 'building' should also cover the construction of boundary wall.

The definition also does not cover construction below ground level, such as cellars. In other words, it means that a person need not take any permission for any building activity below the ground level. That is as regards definitions.

Then as regards the DDA you will kindly permit me to say a few words. After a careful reading of the DDA Bill we find that much of the sting has been taken out of it. There has been much criticism about the DDPA since that authority came into existence. But, as I told you, on a careful reading of the Bill we find that there has been a lot of improvement, and there should not be much of complaint against it. Even then it is the view of my Committee that the existence or the continuance of the DDA, even in this new form, will not be conducive to the better running of the civic administration in Delhi. We feel as a result of our experience from the very beginning of a multiplicity of so many bodies, that the existence even of one parallel body to the Corporation will not be helpful, and therefore it should be merged in the Corporation. That would not only avoid duplication but also delays in the formulation

of the schemes of development. Because, after all, you will appreciate that when there is a dispute between the Corporation and the DDA there is a likelihood of delay. No doubt the matter will be referred to the Central Government, but there is a likelihood of delay.

With these few remarks about the DDA I would immediately come to the obligatory functions of the Corporation. In this connection I may point out only one thing for your kind attention. While there is no doubt that under a certain clause in the Bill power is given to the Corporation in regard to burning places, cremation grounds and burial grounds, so far as we are concerned in Delhi we ourselves run the cremation ground: we have a joint committee of the various local bodies, New Delhi, Old Delhi, Notified Area, Civil Lines, and we contribute towards it, and in this way we ourselves run, so to say, this burning ground. I would suggest that along with the regulations that you have incorporated in the Bill by which you may regulate the running of the burning or burial grounds, one of the obligatory functions of the Corporation should also be the running and the maintenance of the cremation grounds, looking to the circumstances in which we are placed here in Delhi.

The second point that I want to draw your kind attention to is as regards primary education. I am referring to clause 41 (r). You must have read from time to time in the papers about the demand that higher secondary education should also be included in it. Of course there are views on both sides. There may be difficulties. But looking to the views of the public, it would be in the fitness of things if higher secondary education is also included in the Corporation.

There is one anomaly, however, which I beg to point out to you for your kind consideration, and it is this. No doubt under clause 489 the Central Government has reserve powers to "give the Corporation all such directions as it considers necessary in respect of subjects, curricula, text books, standards and methods of teaching in primary schools vested in the Corporation or maintained wholly or partly by grants paid out of the Municipal Fund". Here I beg to point out that no doubt in States like Bombay, where there are so many Corporations and Municipalities, it is necessary for the State to maintain a sort of uniformity so far as these things are concerned. But I do not think there is any such need here. So why not give this power to the Corporation to prepare the syllabus and text books? I do not think there could be any lack of uniformity here as there could be in the case of a big State where there may be so many Municipalities and Corporations. There you might be justified in doing this. But here, in regard to such small matters I think the power should be given to us so that we may prepare our

own syllabus and text books. Of course there may be a statutory committee and on that committee you may appoint your experts as advisers to give us the benefit of their advice. And thereby there should be no complaint about the syllabus and the preparation of text books.

The Corporation will maintain certain services within the areas beyond its limits, such as transport, electric supply, water supply, etc. To avoid any inconvenience at a later stage, the desirability of making a provision in the draft Bill that "the Corporation shall be authorised to incur expenditure even outside its limits" may be considered. To give an example, beyond the jurisdiction of the Delhi Municipal Committee we have a dumping ground at Badli, and there we have started a Crafts School for our labour living there. Of course in such things, when it is territorially outside or otherwise, we obtain the sanction of the Chief Commissioner and everything is regularised. But I do not think any such thing has been given in this case. So the auditors might criticise and create trouble, as we sometimes experience. We incurred heavy expenditure in the case of floods. Twice the floods visited our city. In the beginning we were told by the Chief Commissioner to do so and we incurred the expenditure. In the first time a part of it was paid by the State. But when the floods visited the city last year for the second time, nothing was paid to us. So, in this case, something should be done, when we incur expenditure outside the jurisdiction of the Corporation.

Now, I come to the discretionary functions. It may be examined whether social education and physical education for adults are covered by the provision in the Bill. The Delhi Municipal Committee at present is running centres for these two purposes. There is no mention of relief measures in the case of floods—to which I have just referred—famine, earthquake, fire and other such natural calamities. Often, there are fires in the bastis or slum areas, and we are asked to give relief in such cases, and we do give relief. Now, there should be a mention of such relief measures also in the Bill, which is not there at present.

As regards measures for encouragement of sports, arts and culture, instead of leaving these two items to be covered by clause 42 (t), specific mention thereof may be considered.

I now come to Chapter IV dealing with the municipal authorities under the Corporation. Only four statutory authorities have been provided for in the Bill. Though it is open to the Corporation to appoint *ad hoc* committees, it is desirable that a few more statutory committees are provided for in the Bill itself, such as the

Education Committee, Health and Sanitation Committee, Improvement and Housing Committee and so on. Take, for instance, the Education Committee; we have such a committee in the Bombay Corporation Act, which is our model. I want to emphasise this particularly because, as I have just now said, when we are having such a powerful Corporation, we should have these statutory committees, so that we may be able to perform our functions in the city from this point of view.

I now come to the strength of the standing committee. In this Bill, the strength of the standing committee has been fixed at 12, whereas in the Bombay Corporation Act, it is 16. In this connection, I may frankly point out that while there is the need for checks and balances—a definite attempt has been made to maintain them in the Bill—there is also a greater need for democratising it, with a view to seeing that the members may get more opportunities for associating themselves with the activities in these various committees. It is in fact through these committees that we have opportunities of discussing things, formulating our decisions and coming to certain conclusions. From this point of view, the number that is given is not adequate, and I think it should be increased to 16. There is no harm if out of a strength of 80, 16 form the standing committee; that will be most conducive to the democratic running of the Corporation.

Then, there are the statutory bodies like the Delhi Electric Supply Committee, the Joint Water and Sewage Board and the DTS. There is one thing which I would like to point out in this connection, and that is, that these statutory bodies have been so constituted under this Bill as if, while on the one side, they appear to be a part of the Corporation, on the other, they appear to be outside it. Their constitution and composition are such that on paper they appear to be part of the Corporation, but really they are not an integral part of the Corporation. If we want that there should be integration, then it is necessary that these statutory bodies should be so constituted that they may really perform the functions entrusted to them, as an integral part of the Corporation.

While I am on this point, I would like to point out that in each such body, there are seven members, whereas in the Bombay Corporation, there are nine members. Why should there be such a discrepancy? We can easily raise the number to nine from seven.

Further, in the Bombay Corporation, the Chairman of the standing committee is an *ex-officio* member of these bodies. If we introduce an amendment to that effect here also, I think it would lead to co-ordination between one body and the other. After all, the

Chairman of the standing committee occupies a very important position, and if he is also an *ex-officio* member of the statutory bodies, then it will certainly lead to co-ordination, exchange of views, and also to better integration.

So, instead of seven members, we should have nine members and out of them—if you do not want to make any improvement in this behalf—at least six should be elected by the Corporation, and three should be nominated, although our demand is that all the nine should be elected and appointed by the Corporation, as in the case of the Bombay Corporation Act.

I would also like to draw your attention to another anomaly, namely that in the case of the appointments also, there is a distinction between one standing committee and the other. While appointments under the Commissioner and the standing committee etc. will be made by the Corporation, in the case of the statutory bodies, appointments for posts carrying salaries over Rs. 500 and so on will be made by the statutory bodies. Since these statutory bodies should be placed on the same footing as the Corporation, this appears to be a very great anomaly, and it should be removed. That is why in the very beginning I have pointed out that there should be a definite integration between the Corporation and the various statutory bodies, whatever their composition and other things may be.

Regarding leave of absence of Commissioner, I would suggest that to maintain continuity in administration, it is desirable that during the absence of the Commissioner on leave for short periods not exceeding three months, the standing committee may appoint, with the approval of Government, the Deputy Municipal Commissioner to officiate as Commissioner.

I now come to the clause dealing with right to attend meetings of the Corporation and its committees etc. (clause 80). The Commissioner has been allowed discretion to answer a question or not, even though it may have been admitted by the Mayor. The following be added at the end of the sentence:

‘Provided the Mayor concurs with the opinion of the Commissioner in this respect’.

That is our suggestion. I cannot say exactly whether it really serves the purpose, but our object in suggesting this is this. No doubt, the Commissioner has been vested with great powers. As it happens to be the case in any legislature, so far as the admissibility of questions is concerned, the power lies with the Speaker, and when once a question is allowed, a Minister may refuse to answer it.

But in this case, the Commissioner is not a Minister, and he is not responsible, as a matter of fact, to the Corporation, in the sense in which a Minister is responsible to the legislature. So, I would submit that the Mayor should have a final say in this.

I now come to the clause giving power to make appointments. This clause gives power to appoint officers to posts carrying a minimum monthly salary of Rs. 500 and more to the Delhi Electric Supply Committee, Delhi Water Supply and Sewage Disposal Committee etc. in the case of officers and other employees appointed in connection with the affairs of these undertakings, whereas in the case of other officers and employees under the Commissioner, the powers vest under the Corporation. This appears to be an anomaly. It is, therefore, necessary that similar powers in respect of all these undertakings are exercised by the Corporation.

I then come to consultation with the UPSC. All posts carrying a minimum salary of Rs. 350 or more are to be filled up after consultation with the UPSC. As the UPSC is already over-burdened with the various other duties and functions, and even at present finds it difficult to discharge the same expeditiously, it may not be possible for the UPSC to give sufficient attention to municipal cases. It would perhaps be worth the while to constitute—and this is, of course, a matter for your kind consideration—a municipal public service commission, which may have one or two representatives of the UPSC or some other experts.

Then comes the question of transfer of surplus money from one account to another. There is no statutory provision for transfer of surplus funds from the Electric Supply Committee and other such undertakings to the general fund of the Corporation, though a provision has been made that such transfer could be made with the previous approval of the Central Government. This is not at all adequate. The corresponding section of the Bombay Corporation Act, namely section 460 is more explicit and provides for transfer of funds on a year-to-year basis; from the year 1956 onwards—I do not know whether it is 1955 or 1956, I am speaking subject to correction—always a sum of Rs. 40 lakhs is made available to the Bombay Corporation for purposes of its general expenditure.

I need hardly point out to you that we are going to have a very powerful Corporation covering practically the entire territory including three hundred villages, and you can just imagine what a huge amount of money will be needed every year. I wonder—at least we do not know about it—if thought has been given as to what

would be the annual budget for the coming three years; if we know what it would be like, then we can say something about it as to what should be the amount. Certainly, it would be a huge amount running to several crores. If, from the very start, we are told that there could be no such transfer, as in the case of the Bombay Corporation, from surplus funds, then we shall certainly be losers. Why should not these concerns, which may be running on a profitable basis, be asked to transfer funds to us? That is another thing in this Bill, where there is lack of integration. If we do away with this provision prohibiting such transfer of funds, certainly it will lead to the further strengthening of the Corporation and further integration with the Corporation. I need not read out to you the relevant portion of the Bombay Corporation Act.

Now, I come to the taxes to be imposed by the Corporation. The responsibilities of the Corporation are going to be very heavy. Most of the areas proposed to be included in the Corporation are more or less rural in nature, as far as the existence of essential services are concerned. To bring and maintain these services at a satisfactory level, a huge amount of capital and recurring expenditure will be required. It will not at all be possible to meet the financial requirements of the Corporation from the sources of income provided for in the Bill. It is, therefore, necessary—and this a suggestion for your kind consideration—that the proceeds from other taxes may be given to the Corporation. Of course, these are State subjects although in the Act of 1919, there was a clear division between the Central, State and local spheres of taxation, yet in our present Constitution, there is no such clear division. But it is for your kind consideration whether—now we are under a Union Territory—we could be allocated a share from the sales tax, stamp duty and land revenue etc. in order that the Corporation may be sound financially.

The Bill provides for exemption from payment of general tax on lands or buildings or portions of lands and buildings exclusively occupied and used for public worship. So far, that is all right. But the provision further reads: 'or by a society or body for a charitable purpose'. This is too general a term. Although, later on, a definition is given, yet that does not remove the difficulty. My experience at least in the DMC is this that any society may be formed with a charitable purpose, and it may be run in any way, and people can take undue advantage of such concessions. Of course, it is very difficult to define what a charitable purpose is, and we shall have to go through so many enactments for this purpose. So, I would beg of you to delete this term from the Bill.

Moreover, there is clause 176 in the Bill, and that can cover any such case. If anybody wants charity from us or any help from us, that can be done by a resolution passed in the Corporation. It has been provided that lands and buildings or portions thereof shall not be deemed to be exclusively occupied and used for public worship or for a charitable purpose within the meaning of clause (a) of sub-section (4), if any trade or business is carried on in such lands and buildings or portions thereof. In cases where lands and buildings or portions thereof are used for residential purposes for which regular rent is realised by authorities managing the places of worship and charitable societies it will not be possible for the Corporation to charge property tax in respect of such premises. As such, in addition to the words "trade or business" the words "or for residential purposes by persons other than priests" should be added.

Now I come to "determination of rateable value of lands and buildings assessable to property taxes". It is understood that the Delhi and Ajmer Rent Control Act, 1952, is shortly to be replaced by another Act by the Government of India. This provision, therefore, appears to be redundant and may be deleted.

There is another thing which I may point out. When we just assessed the property in Delhi for purposes of house-tax we found that the rent fixed by the control authorities may be a certain amount whereas the actual rent that is realised is much more. So, I wonder whether this would give us more revenue as we want.

Then there is the clause relating to taxation of Union properties. It has been provided that lands and buildings owned by the Union Government shall be exempt from the payment of property taxes, except those lands and buildings from which taxes are being realised before 26th January, 1950. In other words, it means that lands and buildings constructed by the Government after 26th January, 1950 will be exempt from property tax. From our experience we know that the Government has interpreted this provision in the Constitution to be in favour of even acquired properties, so much so that all evacuee properties, which were till recently under the charge of the Custodian of Evacuee Properties and in respect of which house-tax has been paid, have been deemed to be exempt from payment of municipal tax. The income of the Delhi Municipal Committee from Government properties constructed or acquired after 26th January, 1950, alone is about Rs. 8 lakhs. The income of the New Delhi Municipal Committee from this source is estimated to be Rs. 40 lakhs. If only half of the New Delhi Muni-

cipal area is to be included in the Corporation, we may easily calculate the loss to the Corporation's revenue by about Rs. 28 lakhs in respect of buildings and lands owned by the Government and located within the former limits of the New Delhi Municipal Committee. In other words, the Corporation will stand to lose property tax to the extent of Rs. 20 lakhs from Government properties located within the limits of the Corporation, and this would certainly be a great loss to us in the initial stages.

The Government, however, is committed to the payment of service charges, but the rate at which those service charges are to be paid by the Government is still under consideration and no decision has been taken so far. It is, therefore, necessary that a provision should be made in the Bill itself that instead of property tax the Government will pay service charges at the rate equal to the property tax charged by the Corporation on other buildings. The Taxation Enquiry Commission has also recommended it in paragraph 26 of its Report, Volume III, Chapter III. It has said that the commercial undertakings of the Government of India, such as Railways, Posts and Telegraphs should not be exempted from payment of house-tax as these are all, for all practical purposes, commercial undertakings.

Then I come to the clause relating to terminal taxes on goods. The Central Government has taken upon itself the responsibility of varying terminal taxes from time to time upto a maximum of double the existing rates. But the rates as given in the Bill are the same as are now in force. It is defective in many respects, because one group of articles continue to have the same rate due to which the incidence of taxation become highly disproportionate. For instance, gold and iron and other materials are taxable at the same rate. The use of words "and includes" creates confusion and practical difficulties have been experienced. The rates have no proportion to the incidence of the tax with reference to the market value of the commodities. For instance, ghee is assessable at Rs. 1.75 even now when the market rate stands at Rs. 240 a maund as against Rs. 40 a maund when the rate of tax was originally fixed. The Schedule contains anomalies like that in the case of foreign medicines as against Indian medicines. Although most of the medicines manufactured in foreign countries are now being manufactured in India, foreign medicines are taxable at Rs. 0.44 a maund as against Indian medicines chargeable at Rs. 0.07. These are only some of the defects due to which the Delhi Municipal Committee has been making revisions in rates since 1946. Since the rates are now proposed to be incorporated in the Bill itself it is necessary that the same should be completely revised and the rates fixed on a rational basis. For this purpose it is necessary that no maximum is fixed

and the Corporation should be allowed discretion to put up proposals to the Government for fixing terminal taxes on various articles after thorough study and investigation. The Bill may, however, provide a minimum rate of terminal tax according to the existing Terminal Tax Schedule. It should also empower the Government to revise the same from time to time.

In case of births eight days' time has been provided for in the Bill to furnish necessary information, but no such time limit has been provided for reporting deaths. This may be provided.

Next comes the section relating to prohibition of nuisances. This section prohibits begging and a penalty of Rs. 50 has been provided for infringement of this provision. The corresponding provision in the U. P. Municipal Act, Section 248, as enforced in Delhi at present provides imprisonment, and beggars can therefore be rounded up and sent to poor houses. To deal with the nuisance effectively, at least in Delhi where it is of such a large dimension, a similar provision should be made in the Bill.

Now I come to clause 464 relating to penalty for evasion of terminal taxes. The unsocial element of society tries to evade terminal tax through kutchra receipts, through fields, kutchra roads and so on. It is a patent fact that terminal tax posts cannot be arranged anywhere and everywhere. It is, therefore, necessary to see that goods are imported through scheduled roads no matter if these are even kutchra roads. The corresponding section in the Punjab Municipality Act, Section 88, empowers local bodies to prescribe roads by which goods can be imported. A similar provision appears to be very necessary in the Bill along with the penalty clause for cancellation of transport permits of vehicles noticed to be engaged in smuggling any taxable articles.

To safeguard the interests of the employees working in the municipal committees to be merged in the proposed Corporation, the following clause may be added in the section: "Provided further that in making such appointments preference shall be given to the present employees who may possess necessary qualification and experience."

That is all that I wanted to place before you, Sir, for your kind consideration.

Dr. Raj Bahadur Gour: In view of the fact that various municipal committees are being merged with the Corporation, does the President think that one central body will be enough to deal with administrative matters or would he like to have some other committees, and if so may we know the nature of them?

Shri Agarwala: So far as this Corporation is concerned, its constitution is very clear. For the rural areas there is the Advisory Committee, but for the wards etc. there may be advisory committees but they should not be given any administrative powers.

Dr. Raj Bahadur Gour: In view of the fact that the New Delhi Municipal area will be outside that Delhi Municipal Corporation, but the essential services would be run by the Corporation, do you envisage or do you apprehend any trouble between these essential services and the New Delhi Municipal Authority? If you apprehend any such troubles what measures would you suggest to remove such difficulties?

Shri Agarwala: I think you should trust the Municipal Authorities. I do not apprehend any trouble.

Shri Kishen Chand: You have said that the Development Authority is a part of the Municipal Corporation. Do you think that with the increase in the prices of land you will be able to meet the heavy expenditure that will be required for developing certain lands from the funds of the Municipal Corporation, or do you think that it would be better if the Development Authority is with the Government of India who are able to give more funds?

Shri Agarwala: The Government of India may give those funds to us.

Shri Kishen Chand: If it is with the Corporation can you manage it with your own funds or will you require some funds from the Government? My point is, whether after spending some money on development you will be able to recover that amount from the sale of those lands.

Shri Agarwala: It all depends upon the circumstances.

Dr. Raj Bahadur Gour: The Bill envisages in the Schedule certain areas of New Delhi to be kept out of the Corporation. Are you satisfied with that area or do you think that some portion of it should go to the Corporation?

Shri Agarwala: I think there is nothing unsatisfactory about it, except of course the unanimous demand of the public, that if it is to be included the entire thing should be there, otherwise there is no fun in further bisecting it.

Chairman: I thank you Mr. Agarwala, I do not want to bother you too much, but I understand from what you have said that you are feeling the pinch even today, and you do not find your resources adequate enough to meet your existing demands in Delhi. Is that a correct impression?

Shri Agarwala: Yes, that is so.

Chairman: In place of that you are having an area of more than 500 square miles or so. Therefore, your resources will prove still more inadequate for the provision of even the normal amenities to this vast area.

Shri Agarwala: That is true to an extent.

Chairman: You suggest that the new Corporation should be given the option to divert funds which may have been earned by the Electricity Board or by the Transport Authority to the Corporation's General Budget.

Shri Agarwala: Yes, Sir.

Chairman: You think that that would maintain the credit and also enable these authorities to develop their functions. They would require large sums even for this purpose. If you take them away will they not be handicapped in further developing these services?

Shri Agarwala: My point was that the surplus funds may be diverted.

Chairman: So far as that goes you are in favour of separate accounts being maintained.

Shri Agarwala: That is right.

Chairman: But provisions should also be made for depreciation and other purposes. And after meeting all the charges and making sufficient provision for expansion and development, if there is money left, then that will be transferred to the General Budget with the approval of Government?

Shri Agarwala: Yes, Sir.

Chairman: Now, you have got I think a large number of slums in Old Delhi?

Shri Agarwala: Yes, Sir.

Chairman: You have also passed an Act for the purpose of clearance of these slums and their improvement.

Shri Agarwala: Yes.

Chairman: You would have very much liked to get rid of these slums.

Shri Agarwala: Everybody.

Chairman: You have not been able to do so, because it requires fairly substantial amounts.

Shri Agarwala: It does.

Chairman: You would like to have many more houses in Delhi than you have. You have not been able to meet the demand of the people for additional accommodation for lack of funds?

Shri Agarwala: Yes, Sir.

Chairman: Well, with your added and enhanced responsibilities for this vast area of five hundred square miles, it would obviously be difficult for you to develop your area or to improve your slums except with the aid of funds that may be obtained from other sources, that is from the Central revenues. That can be the only source.

Shri Agarwala: Yes, Sir, that is obvious.

Chairman: Have you noticed the great difference between the provisions of the Delhi Provisional Authority Act and this Development Bill?

Shri Agarwala: Yes, Sir.

Chairman: Well, under the present Bill, the whole—I should say, the exclusive—power vests in the Development Authority for the construction of buildings, for the demolition of buildings, for the sanctioning of buildings and for the development of areas, and so on and so forth. Now all these powers are vested in the Corporation under the Act. The Development Bill only provides that if the Central Government, in consultation with the Corporation and the Development Authority, decides that a particular area should be notified for development, it may issue such a notification. Even if such a notification is issued, I think you will agree that it will apply only to a very small fraction of the entire area that will be under the Corporation.

Shri Agarwala: I quite appreciate.

Chairman: So you agree with me?

Shri Agarwala: Yes, Sir, that is true.

Chairman: Then, if you can develop the rest of the area, or any other part of it, there is nothing to prevent you from doing so,

except lack of funds. Well, if the Central Government can find money and give it to you for development of any particular area, even apart from the provision that is made in the Development Bill, you would be glad to do so.

Shri Agarwala: Yes, Sir.

Chairman: But if the Central Government develops any particular area itself and then hands it over to you in a developed state, then I think you would welcome it.

Shri Agarwala: Certainly, we will welcome any such thing, there is no doubt about it.

Chairman: Now I think you would like some allowance to be given to the Members of the Corporation?

Shri Agarwala: That is very necessary.

Chairman: You would also like some provision to be made for necessary amenities for the Mayor?

Shri Agarwala: Yes, Sir.

Chairman: You had occasion to say all the difficulties that had to be faced when the new academic session started this year. Boys and girls could not be accommodated in the existing schools which were in a very wretched state. Shrimati Sucheta Kripalani was in charge of a committee which looked into the whole affair and I think you were associated with it.

Shri Agarwala: I was not associated with it, but I was associated with the implementation committee regarding admissions, etc.

Chairman: There was considerable deterioration in the existing schools, . . .

Shri Agarwala: Very much, Sir.

Chairman:and special measures had to be taken to rehabilitate them in a way. I had to ask the Finance Ministry and the Education Ministry also for Rs. 26 lakhs for these primary schools for this year alone, to restore them to the minimum state of efficiency that was necessary. Have you any idea as to what Higher Secondary Education would cost if it were to be taken up by the Corporation?

Shri Agarwala: It would cost a huge amount.

Chairman: Will your resources permit you to meet that?

Shri Agarwala: If the Corporation alone is to meet the expenditure, certainly the resources would not permit.

Chairman: Has your Municipality today many educational experts among its members—I leave aside yourself?

Shri Agarwala: I think very few.

Chairman: I think you have had enough of experience of municipal administration and would have confronted many difficulties? Do you feel that the Corporation should be a deliberative body and the Commissioner should be in charge of executive functions?

Shri Agarwala: This particular feature I welcome, in that there is a separation of the deliberative from the executive functions. That is a most essential thing for its efficient working. My experience of the last thirteen years, and as President for the last three years, is that there is day to day interference in promotions in increments, in transfers, etc., etc. Members take interest in these individually and this leads to very much of trouble. That is a fact.

Chairman: In fact, a combination of these two is largely responsible for the inability of the Municipal Committees and other institutions to achieve all that they desire. The objectives are common, but the combination of these functions comes in the way of their efficient discharge. So, it is essential that the two should be separated.

Shri Agarwala: They must be separated.

Chairman: Well, thank you Shri Agarwala.

(The witness then withdrew)

(The Committee then adjourned)

LOK SABHA

**Joint Committees on (I) The Delhi
Municipal Corporation Bill, 1957 and
(II) The Delhi Development Bill, 1957.**

EVIDENCE

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