

Thursday, 30th August, 1951



# PARLIAMENTARY DEBATES

(Part I—Questions and Answers)

OFFICIAL REPORT

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VOLUME IX, 1951

(7th August to 21st September, 1951)

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PARLIAMENT OF INDIA

1951

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**THE**  
**PARLIAMENTARY DEBATES**  
**(Part I—Questions and Answers)**  
**OFFICIAL REPORT**

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**PARLIAMENT OF INDIA**

*Thursday, 30th August, 1951*

*The House met at Half Past Eight of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**ORAL ANSWERS TO QUESTIONS**

**ARREARS OF TAX**

\*637. **Shri Sidhva:** Will the Minister of Finance be pleased to refer to the reply given to my unstarred question No. 356 asked on the 30th May, 1951 and state:

(a) whether any steps have been taken to recover the tax arrears which stood at Rs. 152.32 crores on the 1st April, 1951;

(b) whether the amount of Rs. 5.85 crores due from persons, who have left India, is likely to be recovered;

(c) if so, what steps have been taken in this connection;

(d) whether the amount of Rs. 2.31 crores due from companies under liquidation is likely to be recovered, why this amount was not recovered and how old is this amount due from companies under liquidation;

(e) what is the progress of recovery of Rs. 41.73 crores covered by certificate proceedings and Rs. 11.72 crores pending disposal of appeal and how many appeals since the answer given on the 30th May, 1951 have been disposed of; and

(f) whether the proposals of Government for clearing arrears of assessment work, recovery of outstanding tax and other measures for recovery of arrears have been materialised and if so, with what results?

**The Minister of State for Finance (Shri Tyagi):** (a) Yes Sir. All possible steps are being taken to recover this tax. Apart from the usual steps, a special drive has been launched with effect from the 1st 232 PSD

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June, 1951 to collect the realisable arrears.

(b) A small amount of about Rs. 3 lakhs has been recovered so far. The bulk of this amount is due from persons who have left for Pakistan and it is doubtful whether the whole or even a considerable part of this amount will be recovered.

(c) Recovery Certificates have been issued in almost all the cases to the Collectors concerned including Collectors in Pakistan under sections 46(2) and 46(8) of the Indian Income-tax Act. Where the property is vested in the Custodian of Evacuee Property, the Custodian has been asked to assist in the recovery.

(d) Out of the amount of Rs. 2.81 crores, a sum of Rs. 4 lakhs only has since been recovered and of the balance a sum of Rs. 24 lakhs can be reasonably expected to be recovered. The reason for the non-recovery so far of the outstanding amount is that the liquidation proceedings are more often than not a long-drawn-out affair. A major portion of the outstanding tax relates to the assessment years 1948-49 onwards and recovery certificates have been issued in practically all the cases.

(e) A sum of Rs. 81 lakhs has so far been realised out of the amount of Rs. 41.73 crores covered by Certificate proceedings.

As regards Rs. 11.72 crores pending disposal of appeal, this amount now stands reduced to Rs. 11.62 crores, as a result of appellate decisions. Only a small portion of this sum has so far been collected after the appellate decisions.

The number of appeals (relating to the arrears of 11.72 crores) since disposed of is 1633.

(f) Yes Sir. The proposals have actually been put into practice and the results are encouraging.

**Shri Sidhva:** Sir, arising out of answer to part (a) where the hon. Minister has referred to a "special

drive", can I have some particulars of this special drive and what result it has had on the voluntary disclosures?

**Shri Tyagi:** The response has been fairly good and the results are encouraging. More than 100 persons have made disclosures involving a sum of over Rs. 1 crore and we should be able to realise about half a crore on that account.

**Shri Sidhva:** In the case of the persons who have made these voluntary disclosures, may I know how their particular cases are being dealt with? Is there any further harassment or are their statements taken as correct and some satisfactory settlement arrived at?

**Shri Tyagi:** As a matter of fact, the reports show that some industrialists of Kanpur have undertaken to assist the Department in the realising of the taxes on disclosed incomes, and this they would not have done if they had not been satisfied about the complete sincerity of the Government. I believe the movement is now taking a trend towards success.

**Shri Sidhva:** May I know whether there is any time-limit fixed for making these disclosures and if so whether Government intend to extend this time-limit?

**Shri Tyagi:** The date fixed up to which disclosures can be made is 31st August, 1951, but demands have been received from some quarters for extending this date. I may add that from many important centres we have got complaints from assesses desiring some of the representatives of the C. B. R. to take a round of the places and meet them. They were afraid of the local Income-Tax authorities. Although this fear was baseless I thought, in the interest of realising revenue and making the drive a success, we should do something and the Ministry has ordered the Director of Inspection and one other officer to take a round of the country. They are going to important centres. And in view of the disclosures which are expected to be made to these officers, it is my intention to just extend the time-limit fixed for these disclosures from the end of August to the end of September.

**Shri Sidhva:** That is good. Then arising out of the reply to part (e) of the question where the hon. Minister has said that out of the sum of Rs. 41.73 crores only Rs. 81 lakhs have so far been realised, may I know whether ultimately a large amount will have to be left out or whether a major portion of the amount could be secured? I could not properly follow the reply.

**Shri Tyagi:** The certificate proceedings have not yet been completed. Certificates have been issued against these demands and the amounts are being realised. A concession was announced that those who were in difficulties and could not make payments straightaway, they could apply to the Government for a concessional realisation by way of instalments. These applications were received and according to them I believe some settlement will be arrived at with a view to giving the assesses facilities for payments.

**Shri Sidhva:** Will any big amount have to be left off as unrecoverable? What is the experience of the hon. Minister in this matter? Out of this sum of about Rs. 41 crores, will a big sum have to be left out as unrecovered?

**Mr. Deputy-Speaker:** That is a matter of inference.

**Shri Tyagi:** It will be difficult for me to answer that question, Sir.

**Shri Kamath:** From which quarters have these requests for extension of the date beyond 31st August been received?

**Shri Tyagi:** From the quarters of the assesses.

**Shri Kamath:** I mean from which parts of India have these requests been received. The hon. Minister said that he received this request from many parts of the country.

**Shri Tyagi:** Practically from all big centres—Bombay, Calcutta, Kanpur, Ahmadabad etc.

**Shri Brajeshwar Prasad:** In reply to part (f) the hon. Minister said that the results are satisfactory. May I know whether they are satisfactory to the Government or to the evaders?

**Shri Tyagi:** I think it has been satisfactory from the point of view of the revenues, because part of the revenue which would not have come in otherwise has now come. It is also satisfactory to the evaders because they can now after the disclosure employ their money openly in the industry and business and thereby bring prosperity to themselves.

**The Minister of Finance (Shri C. D. Deshmukh):** As a matter of fact, Sir, the reply says the results are "encouraging" and not "satisfactory."

**Pandit Munishwar Datt Upadhyay:** May I know whether the disclosures were sincere and complete, or whether they were partial and there were inaccuracies?

**Shri Tyagi:** I came to know that the difficulty with most people is this. Those who had evaded income-tax during the British days in the full hope that nobody would charge them any tax on their concealed incomes have in most cases wasted bulk of their money and they are evading now also because if they make full disclosures they will have to pay the full income-tax on that money also which they have already wasted. So they really feel that if they made full disclosures, they would have to pay the total demand on them which would be too heavy for them to pay. This is the difficulty as the assesses tell us. But I do not know how the facts stand in reality.

#### UNTOUCHABILITY LEGISLATION

\*638. **Shri Kamath:** Will the Minister of Home Affairs be pleased to state:

(a) whether Government propose to introduce a Bill to penalise the practice of untouchability in any shape or form, in consonance with the provisions of the Constitution; and

(b) if so, when?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). It is the desire of Government to frame laws in order to carry out the intention of Article 17 of the Constitution. Apart from any general enactment which is easy to frame the effective application of the Penal law to all that flows from what has been comprehensively termed 'untouchability' is a somewhat complicated problem. There are already many State laws covering the subject already in a general way and we have been in consultation with the State Governments. It is not possible at present to announce a precise time, but Government will endeavour to introduce suitable legislation without undue delay.

**Shri Kamath:** Since the promulgation of the Constitution in January 1950 has the Centre been obtaining periodical reports from all the State Governments as to how far the practice of untouchability has been eliminated in each State and if so, how many such reports have so far been received from the various States?

**Shri Rajagopalachari:** I must frankly confess that I do not attach much importance to reports on a matter of this kind. Our own visits and contact with the people give a very good idea. Further the special officer has been very busy touring all parts of the country and is sending us very useful information.

**Shri Kamath:** During the last 10 months or more have complaints or representations been received from various Harijan organisations all over India to the effect that the practice of untouchability is still in vogue in many parts of India?

**Shri Rajagopalachari:** I cannot carry on a long discussion but I can assure the hon. Member that my own impression is that we have achieved a very very great deal more than any other nation, if it had been in our position could have achieved.

**Shri Kamath:** Is there any section or officer in the Home Ministry charged solely with the work of anti-untouchability, including publicity and propaganda to do away with untouchability?

**Shri Rajagopalachari:** The new Commissioner under the Constitution has to take special care of these classes. He is in close touch with the Home Minister and is in fact working, if I may say so, under the Minister's department.

**Shri Rathnaswamy:** May I know whether this untouchability legislation would be brought in this Parliament or later?

**Shri Rajagopalachari:** I have already said that it is difficult to announce a precise time but hon. Members should not be disappointed if we are not able to overtake it in the present session.

**Shri Lakshmanan:** Which are the States which have passed legislation penalising untouchability?

**Shri Rajagopalachari:** Personally I know that Madras passed such legislation. Many others have also passed legislation in this regard and to mention any of them would be making an invidious distinction.

**Shri Ghule:** May I know whether the Government have changed their minds so far as framing of this law is concerned, because on a former occasion when the same question was put to the Minister he answered that there were laws penalising untouchability in various States and that there was no necessity for framing such a law in the Centre.

**Shri Rajagopalachari:** I did not say that there was no necessity. I can assure the hon. Member that there has been no change whatsoever. We are anxious to pass it. The difficulty has been the same all through, because we have to deal with society through criminal action.

## BROADCASTING FACILITIES

\*639. **Shri Kamath:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether Government have considered the question of allowing broadcasting facilities to all political parties during the ensuing General elections; and

(b) if so, what the decision is?

**The Minister of State for Information and Broadcasting (Shri Diwakar):**

(a) Yes, Sir.

(b) It has been decided that broadcasting facilities will not be available to any political party for electioneering purposes.

**Shri Kamath:** Before arriving at this decision have Government examined the position or practice prevalent in other democratic countries with multi-party system, such as U.K., France in Europe and the U.S.A.?

**Shri Diwakar:** Yes.

**Shri Kamath:** What is the practice prevalent there?

**Shri Diwakar:** I cannot give the whole account of what practice exists there. In U.S.A. the question does not arise, because there is no Government broadcasting organisation. In U.K. the B.B.C. is a corporation and not directly under the Government. But the position there is that the political parties are defined and according to the strength of the political parties in Parliament some facilities are given at the time of electioneering. That is not the position here, and there are some other difficulties also. The political parties here are not well defined and we do not know their number. Not knowing the strength of each political party it has been found administratively rather impossible this time to extend such facilities as the B.B.C. is able to extend to political parties in U.K.

**Shri Kamath:** With regard to the ensuing general elections may I know to what matters exactly pertaining to the elections will publicity or the broadcasting system in our country be confined?

**Shri Diwakar:** Educative propaganda: education in the sense of making the people understand the importance of elections, the mechanism of the elections and all such information as is necessary to be conveyed to the public in connection with the elections.

**Shri Kamath:** Apart from the Election Commissioner, who has been broadcasting on the system recently, may I know whether Ministers, members of Parliament and other non-officials or public men will also be permitted to broadcast on the broadcasting system?

**Shri Diwakar:** In fact broadcasts have been given from the A.I.R. on the Constitution, the importance of democracy and all such subjects. I cannot off-hand say how many people in addition to the Election Commissioner have been allowed to take part in carrying on this kind of educative propaganda through the A.I.R.

**Shri Kamath:** Is the Minister in a position to assure the House that all broadcasts from all stations of the A.I.R. with regard to the ensuing elections will be free from all party bias?

**Shri Diwakar:** Certainly.

**Shri S. N. Das:** May I know whether any of the political parties have submitted a representation to the Government to give them opportunities to broadcast on election matters?

**Shri Diwakar:** Not so far.

SURVEY OF WATERS CLOSE TO  
ANDAMANS

\*643. **Shri Kshudiram Mahata:** Will the Minister of Defence be pleased to refer to the answer given to my starred question No. 2808 asked on the 4th April, 1951 and state:

(a) the purpose of the survey of waters close to the Andamans; and

(b) whether any report has been submitted to Government?

**The Minister of Defence (Sardar Baldev Singh):** (a) The purpose of the survey is to obtain data for correcting and bringing up-to-date, or to assist in the initial preparation of, hydrographic charts. Safe navigation in the waters around the Andamans depends upon the accuracy of these charts. The survey was carried out in conformity with the normal functions of the Marine Survey of India.

(b) No. Results of the surveys appear as corrections to the existing published charts.

## MEMORIALS FOR MARTYRS

\*644. **Shri Jnan Ram:** Will the Minister of Home Affairs be pleased to state:

(a) the names of Public institutions and buildings belonging to the Gov-



ernment of India where memorials for the Martyrs have been constructed; and

(b) the funds from which they have been constructed?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). I am unable to obtain the information. It is not clear how we should understand the term 'martyrs' which forms the basis of this question and what we should put to the various authorities who have to supply the information asked for. Perhaps hon. Member will if he considers it necessary put down a fresh question in a precise form.

**Shri Jnani Ram:** Have Government in their possession any list of martyrs in the last freedom movement?

**Shri Rajagopalachari:** That is just what I wanted to know. The question mentioned martyrs and it was difficult for us to guess what was meant or fix the question in a precise form. If the hon. Member will give me the question in a precise form referring either to those in the army or in the freedom movement, I will be able to get the information.

**Seth Govind Das:** Have Government received any application from my province for a grant from the trustees of the Martyrs Memorial Fund at Jubbulpore and are Government aware that in Jubbulpore a big building at a cost of Rs. 7 lakhs (2 lakhs collected from the public and 5 lakhs donated by the provincial government) has been erected, the foundation stone of which was laid by Rashtrapathi, Dr. Rajendra Prasad? What has been done with respect to that application for a grant for opening a cultural centre in that Martyrs' Memorial House?

**An Hon. Member:** We want a Hindi translation.

**Shri Rajagopalachari:** If the hon. Member feels that is a question on which the Home Ministry in Delhi should answer, he might kindly give me notice.

**Seth Govind Das:** I was asking about the application which the.....

**Mr. Deputy-Speaker:** Order, order. How can the hon. Minister, in such a general question as this, know individual cases? He was not able to locate as to whether this relates to the last freedom movement or to those people who sacrificed their lives in being members of the Army and so on. Specific questions may be put later on.

**Seth Govind Das:** I was going to ask a specific question.....

**Mr. Deputy-Speaker:** True, but the hon. Minister wants notice.

**Shri Rajagopalachari:** I shall not evade it; if notice is given. I will look into the files and give the information.

**Shri Kamath:** In conformity with the practice and tradition obtaining in most countries of the world, does Government propose to erect or build a suitable memorial to the Unknown Satyagrahi or Soldier of our freedom struggle just like that to the Unknown Soldier in other countries?

**Shri Rajagopalachari:** It is a very good suggestion, Sir, to be considered by those who will have the matter in their hands but much depends on the amount of money that we can spend on such matters.

#### ARMY AT RAMGIRH

\*645. **Shri Jnani Ram:** Will the Minister of Defence be pleased to state:

(a) the proportion of the present Army Strength at Ramgirh as compared with 1943 and 1944;

(b) the number of quarters abandoned; and

(c) whether such quarters were utilized by any other departments of Government?

**The Minister of Defence (Sardar Baldev Singh):** (a) It will be contrary to public interest to disclose this information.

(b) No quarters were abandoned after the transfer of the Camp to the Army.

(c) Does not arise.

#### TEACHING OF HINDI TO SECRETARIAT STAFF

\*647. **Shri A. B. Gurung:** Will the Minister of Education be pleased to state the arrangement the Government have made so far to teach Hindi to Central Secretariat Employees?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** A scheme has been prepared for the purpose and it is at present under the consideration of the Government of India.

सेठ गोबिन्द दास : जो योजना इस सम्बन्ध में सरकार ने बनाई है उस पर क्या कुछ विख्यात हिन्दी संस्थाओं की राय की जा रही है ?

[Seth Govind Das: May I know whether any notable Hindi institutions are being consulted in regard to this scheme that has been formulated by the Government?]

श्री श्री प्रकाश : जो योजना इस वक्त तैयार है उसके बारे में मैं माननीय सदस्य को सूचना दे सकता हूँ। इस सम्बन्ध में सेन्ट्रल एडवाइज़री बोर्ड आफ एजुकेशन की एक बैठक हुई थी जिसमें उन्होंने यह तय किया है कि केन्द्र के जितने सरकारी मुलाज़िम हैं जिनकी उम्र ४० वर्ष से नीचे है उनको हिन्दी सिखलाने का प्रबन्ध किया जाय।

[Shri Sri Prakasa: I can furnish information to the hon. Member on the scheme which has been prepared. A meeting of the Central Advisory Board of Education was held in this connection and it decided that arrangements should be made to teach Hindi to all employees of the Central Government who are below 40 years.]

सेठ गोविन्द दास : मैं यह पूछ रहा था माननीय मन्त्री जी से कि यह योजना जो सरकार ने तैयार की है उसको और ठीक करने के लिये क्या माननीय मन्त्री जी इस बात का विचार कर रहे हैं कि इस योजना पर कुछ विख्यात हिन्दी संस्थाओं से भी राय ले ली जाय ?

[Seth Govind Das: I asked the hon. Minister whether he was thinking of inviting opinions of noted Hindi institutions on this scheme with the object of making improvements in it?]

श्री श्री प्रकाश : जहाँ तक मुझे मालूम है माननीय सदस्य का इस सम्बन्ध में स्वयम् एक पत्र आया है और उन्होंने कृपा कर यह सूचना दी है कि जितना खर्च होने का मिनिस्ट्री की तरफ से तख्तमीना लगाया गया है उससे कम खर्च में वह खुद इस काम को अपनी संस्था के द्वारा चला सकते हैं, जिससे मैं अनुमान करता हूँ कि जिस संस्था में आपका सम्बन्ध है और जो एक विख्यात संस्था है, उससे पत्र व्यवहार किया जा रहा है।

[Shri Sri Prakasa: So far as I know, a letter from the hon. Member him-

self has been received in this connection wherein he informs that he is prepared to work out that scheme through his own institution at an expenditure less than that estimated by the Ministry. From all this I am led to believe that the institution with which he is associated is a known organization. Correspondence is being carried on with them.]

सेठ गोविन्द दास : इस सम्बन्ध में इस संस्था के पास कोई योजना नहीं पहुंची है। इसी लिये मैं ने फिर पूछा कि यदि वह योजना संस्था के पास भेज दी जाय तो सम्भव है कि हम कोई निश्चित योजना दे सकें।

[Seth Govind Das: The institution has not received any scheme in that connection. That is why I have again suggested that if the scheme is sent to the institution it is possible we might be in a position to furnish a definite plan.]

श्री श्री प्रकाश : मैं माननीय शिक्षा मन्त्री को अवश्य इस बात को बतला दूंगा कि वह माननीय सदस्य की ऐसी राय है।

[Shri Sri Prakasa: I would certainly convey the opinion of the hon. Member to the hon. Minister of Education.]

श्री ए० बी० गुरुंग : मैं माननीय मन्त्री से क्या यह जान सकता हूँ कि प्रादेशिक सरकार के कर्मचारियों को हिन्दी पढ़ाने का क्या प्रबन्ध किया गया है ?

[Shri A. B. Gurung: May I ask the hon. Minister what arrangements have been made to teach Hindi to the employees of the State Governments?]

श्री श्री प्रकाश : इस समय यह प्रस्ताव है कि सवेरे साढ़े आठ बजे से दस तक और शाम को छः बजे से साढ़े सात तक कुछ कक्षाएँ खोली जायें जिसमें जितने यहां के सरकारी कर्मचारी हैं जिनकी उम्र ४० से कम है उनको हिन्दी की शिक्षा दी जाय। और यह आशा की जाती है कि छः महीने में इतनी काफी शिक्षा उन्हें दी जा सकेगी जिससे वह साधारण हिन्दी जान लें। जैसा कि हमारे माननीय सदस्य को मालूम है

बर्षी पन्द्रह साल तक सब जगह हिन्दी चलाने कर, इरादा नहीं है। जब पन्द्रह वर्ष का समय दिया गया है तो पांच वर्ष तक तो ऐसा विचार किया जाता है कि जो सरकारी कर्मचारी हैं उनके लिये यह अनिवार्य विषय न रक्खा जाय। वह अगर चाहें तो हिन्दी पढ़ें, पर पांच वर्ष बाद यह अनिवार्य विषय बना दिया जायगा।

[Shri Sri Prakasa: What is proposed at present is to open some classes in the morning from half past eight to ten and in the evening from half past six to half past seven to teach Hindi to all Government employees here who are below 40. It is hoped that within six months they would be taught enough to have a working knowledge of Hindi. As the hon. Member is aware it is not proposed to introduce Hindi everywhere for a period of fifteen years. So, when a period of fifteen years has been given, it is proposed that it should not be made a compulsory subject for Government employees for the first five years. They may read Hindi if they like, but it would be made compulsory after five years.]

#### DELHI IMPROVEMENT TRUST HOUSING PLANS

\*648. Pandit Munishwar Datt Upadhyay: Will the Minister of Health be pleased to state:

(a) what are the triennial Delhi Improvement Trust plans for housing;

(b) what are the panel for construction of quarters for the poorer classes and where are they to be located; and

(c) what is the estimated cost of the entire plan.

The Minister of Health and Communications (Rajkumari Amrit Kaur): (a) to (c). A statement containing the information required is placed on the Table of the House. [See Appendix IV, annexure No. 38.]

Pandit Munishwar Datt Upadhyay: May I know whether the scheme for the construction of quarters for poorer classes is also included in the total amount of Rs. 90 lakhs given in the statement?

Rajkumari Amrit Kaur: From the statement the hon. Member will see that Rs. 90 lakhs does not apply to the scheme for poor class quarters. The poor class scheme is in Andha Moghal and Western Extension,

Karolbagh; schemes for the construction of quarters for poor persons have been sanctioned by the Government and the work is expected to commence shortly.

Shri T. N. Singh: Do the Improvement Trust follow any fixed procedure in regard to the leasing or sale of Improvement Trust or nazul land to the public, as between the poorer men and the richer class of people? What is the general method of leasing out or selling?

Rajkumari Amrit Kaur: The Improvement Trust sells land and it carries on its work according to what profits it makes from the sale of the land and also from the leasing. It constructs no houses except for poor class persons so that its income is mainly given to poor class persons.

Shri T. N. Singh: What is the basis on which they differentiate as to whether a particular plot of land should be leased out and that another particular plot should be auctioned for outright sale?

Rajkumari Amrit Kaur: That is according to the schemes that they prepare. Where they feel the land ought to be leased out they lease it out. There are definite schemes for both leasing and for sale.

Shri T. N. Singh: Is it not a fact that under the same scheme a particular set of plots is auctioned for outright sale while others are only leased out?

Rajkumari Amrit Kaur: That is so, but then after all the Improvement Trust has to make some money for carrying on its work; where it can get buyers for land it sells that land in order to get money.

Shri Kamath: Is it a fact that the Birla Enquiry Committee has severely criticised the working of the Delhi Improvement Trust in the last few years describing it as a waste and a failure? And, if so, what action has been taken by Government on the findings and recommendations of the Enquiry Committee?

Rajkumari Amrit Kaur: I don't think that the Committee has criticised the Trust in those severe terms—But it certainly has levelled criticism. The Committee submitted an interim report last October on which action was taken in December. It has submitted its final report in April; that report was circulated to the Ministries. It has been now discussed at Secretariat level and the Secretaries' report is just going to be given to me; after that we will see what Government action can be taken on it.

**Shri R. C. Upadhyaya:** May I know if some land has been set apart for the construction of cinema houses in the Delhi area?

**Mr. Deputy-Speaker:** That question was asked and answered—land has been set aside for six cinema houses.

**Shri Sidhva:** May I know whether when a street, road or quarter is improved the betterment clause is applied? That is to say, a clause under rules relating to local bodies, laying down certain additional levy or tax so as to avoid any kind of extra burden to the Government?

**Rajkumari Amrit Kaur:** I will have to have notice of that.

**Dr. Deshmukh:** May I know how long ago were the recommendations of the Enquiry Committee made?

**Rajkumari Amrit Kaur:** I said the final report was given only in April so that there has not been any delay in its consideration.

**Pandit Munishwar Datt Upadhyay:** May I know whether the entire areas of Western Extension, Karolbagh, and Andha Moghal have been leased out or only a portion has been leased out?

**Rajkumari Amrit Kaur:** I would have to have notice of that.

#### EXCAVATIONS IN BIHAR

\*649. **Shri S. N. Das:** Will the Minister of Education be pleased to state:

(a) whether it is a fact that some stone discs bearing stamps of exquisite craftsmanship have been unearthed in south-east Patna in the State of Bihar;

(b) if so, what their historic importance is;

(c) the circumstances in which this discovery was made; and

(d) the steps taken by Government for full exploration?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Stone discs bearing carved decoration have been unearthed at Murtaziganj in south-east Patna.

(b) The discovery is important because at no other place a group of so many discs dating from the Mauryan period have been found together.

(c) The discs were found by villagers who were digging a dry nullah for procuring material to repair their houses.

(d) An examination and further exploration of the site will be undertaken when the area which is at present flooded dries up.

**श्री ऐस० ऐन० दास :** क्या मैं जान सकता हूँ कि यह स्थान जहाँ पत्थर की डिस्क मिली हैं पटना के उस स्थान से जहाँ पहले से खुदाई हो रही है कितनी दूर है ?

[**Shri S. N. Das:** May I know how far is the place where the stone discs have been found situated from that place in Patna where excavation work is already going on?]

**श्री श्री प्रकाश :** यह जगह गुल्जारीबाग स्टेशन के पास है और कुमराहट से जहाँ इस वक्त खुदाई हो रही है दो मील है ।

[**Shri Sri Prakasa:** That place is situated near Gulzaribagh station and is two miles away from Kummrahar where excavation is going on at present.]

**श्री ऐस० ऐन० दास :** क्या मैं जान सकता हूँ कि जहाँ यह पत्थर मिले हैं वहाँ पहले से कोई पुरानी इमारत है ?

[**Shri S. N. Das:** May I know whether there is any old building on the spot where the stone discs have been found?]

**श्री श्री प्रकाश :** जहाँ तक मुझे मालूम है ऐसी बात नहीं है क्योंकि यहाँ पर एक सूखा नाला था जहाँ से वहाँ के गांव वाले अपने मकान बनाने के लिये मिट्टी खोद रहे थे और मिट्टी खोदते वक्त यह गोल पत्थर की मूर्तियाँ मिलीं ।

[**Shri Sri Prakasa:** So far as I know none, because there was a dry nullah which was being dug by the villagers to procure material for constructing their houses and these round-shaped stone statues were found in the course of that digging.]

**श्री ऐस० ऐन० दास :** यह जो पत्थर पाये गये हैं वह कहाँ रक्खे गये हैं ?

[**Shri S. N. Das:** Where have these stone discs been kept?]

**श्री श्री प्रकाश :** यह पत्थर इस वक्त पटना म्यूजियम में हैं ।

[**Shri Sri Prakasa:** They are in the Patna Museum at present.]

### COLOMBO PLAN

\*650. **Shri Alexander:** Will the Minister of Finance be pleased to state:

(a) when the Colombo-Plan commenced its operation and whether the Secretariat is fully organised;

(b) whether in the organisation of the Secretariat representation is given to all the Commonwealth countries; and

(c) the nature and extent of the help received by India under the Colombo-Plan and the countries from which help was received?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) and (b). The Colombo Plan for co-operative economic development of South and South-East Asia was formally inaugurated on the 1st July, 1951. No Secretariat has yet been set up for purposes of any work relating to this. A secretariat has been set up in Colombo for carrying on the work of the Council of Technical Co-operation who are charged with the responsibility of administering the Commonwealth Technical Co-operation Scheme, the idea of which also originated in the Foreign Ministers Conference in Ceylon in January, 1950. This Scheme is, however, distinct from the so-called Colombo Plan. The size of this Secretariat is too small to give representation to all the Commonwealth countries, who are represented in the Council of Technical Co-operation which is a standing body functioning at Colombo.

(c) India has received offers of assistance of about Rs. 5 crores from Canada and Rs. 5½ crores from Australia for the first year of the Colombo Plan, as I have already stated in reply to Question No. 456 on the 22nd August 1951. The assistance is expected to be received mainly in the form of consumer goods including wheat, which would be sold in India and the sale-proceeds utilised for local expenditure on a number of development projects.

**Shri Alexander:** May I know whether any Indians are represented on the Secretariat now existing in Colombo?

**Shri C. D. Deshmukh:** No. There is no Indian represented on it.

**Shri Alexander:** May I know whether in regard to the aid that is given under the Colombo Plan some countries are offered foodgrains in respect of their contribution and if so, from what countries?

**Shri C. D. Deshmukh:** I think it is covered by the concluding portion of my answer to part (c).

**Mr. Deputy-Speaker:** The hon. Minister said that already foodgrains have been offered to India.

**सेठ गोविन्द दास :** कनाडा और आस्ट्रेलिया से जो सहायता अब तक इस सम्बन्ध में प्राप्त हुई है उसके अतिरिक्त और किन किन देशों से और कितना रुपया आने वाला है? यह जो सहायता इस साल प्राप्त हुई है वह इसी साल के लिये है या यह प्रति वर्ष प्राप्त होती रहेगी? जो सामान के रूप में सहायता मिलेगी वह सामान यहां किस प्रकार का आना चाहिये इसमें हमारा भी कुछ हाथ होगा या जो उनको इच्छा होगी वह सामान यहां भेजेंगे ?

[**Seth Govind Das:** May I know what other countries besides Canada and Australia, who have already given their assistance in this connection, are expected to offer financial help and to what extent? Is this aid which has been received this year, meant only for the current year or will it be received every year? Would we have any say in regard to the kind of assistance which would be received by us in the form of goods or would it entirely depend on them to send whatever goods they like?]

**श्री सी० डी० दशमुख :** जब बहुत से सबाल पूछे जाते हैं तो जवाब देने में जरा मुश्किल होती है। अगर यह अलग अलग पूछे जावें तो जवाब दे सकता हूं।

[**Shri C. D. Deshmukh:** When too many questions are put at a time, it is rather difficult to answer them. I can answer them if they are put separately.]

**सेठ गोविन्द दास :** पहला सबाल वह है कि यह जो रुपया कनाडा और आस्ट्रेलिया से प्राप्त हुआ है उसके अतिरिक्त और किन्हीं दूसरे देशों से भी कोई रुपया मिलने वाला है, और क्या यह प्रति वर्ष प्राप्त होगा ?

[**Seth Govind Das:** The first question is whether we are going to receive monetary help also from countries other than Canada and Australia.]

lia who have already given their assistance and would it be received every year?]

**श्री सी० डी० देशमुख :** इसमें भी दो सवाल शामिल हैं। पहली बात तो यह है कि अभी तक कोई सहायता प्राप्त नहीं हुई है, उसके प्राप्त होने की अपेक्षा है। ऐसा मैं कह चुका हूँ। दूसरे सवाल का जवाब यह है कि दूसरे देशों से अभी कुछ सहायता का अभिवचन नहीं दिया गया है।

[**Shri C. D. Deshmukh:** This again includes two questions. In the first instance, we have not received any aid so far. It is only expected, as I have said. The answer to the second question is that other countries have not promised any help so far.]

**सेठ गोविन्द दास :** दूसरा सवाल यह है कि यह सहायता हर वर्ष प्राप्त होगी या इसी वर्ष प्राप्त होगी।

[**Seth Govind Das:** The next question is whether this assistance would be received every year or only this year.]

**श्री सी० डी० देशमुख :** मैं ने कहा है कि पहले साल के लिये यह सहायता देने का अभिवचन दिया गया है। आइन्दा के लिये यह सहायता मिलेगी या न मिलेगी यह मैं इस वक्त नहीं बता सकता हूँ।

[**Shri C. D. Deshmukh:** I have already said that the assistance has been promised only for the first year. I cannot tell at present whether this aid would be available in future or not.]

**Seth Govind Das rose—**

**Mr. Deputy-Speaker:** The hon. Member has rolled four questions into one.

**सेठ गोविन्द दास :** One more question is left and that is : यह जो सामान सहायता के रूप में आयेगा वह उनकी इच्छा पर रहेगा कि क्या भेजते हैं या इसमें हमारा भी कुछ हाथ रहेगा ?

[**Seth Govind Das:** One more question is left and that is: Would it depend on their sweet will to send any kind of goods which we would

receive by way of assistance or would we have any say in the matter?]

**श्री सी० डी० देशमुख :** कौन सा सामान यहां लाया जायगा यह तो उनकी शक्ति पर निर्भर है और कुछ हमारी इच्छा पर निर्भर है।

[**Shri C. D. Deshmukh:** What goods would be sent to us depends largely on their capacity and partly on our requirements.]

**Dr., Deshmukh:** May I know who is going to be in charge of the execution of this Plan? Will the Planning Commission look after it, or is a separate organisation going to be set up in order to maintain a liaison between the Colombo Secretariat and the Government of India?

**Shri C. D. Deshmukh:** Co-ordination of all this will be handled by the Economic Affairs Section of the Ministry of Finance.

**Shri Kamath:** What, Sir, is the total membership of the Council of Technical Co-operation referred to by the hon. Minister, who are India's representatives on the same and which are the other countries represented on this Council?

**Shri C. D. Deshmukh:** All the countries which took part in the Colombo Conference are represented on this Council and each one has nominated a representative. Our representative belongs to the Agent's Office in Ceylon.

**Shri Kamath:** One representative each?

**Shri C. D. Deshmukh:** Yes.

**श्री टी० ऐम० सिंह :** क्या माननीय मन्त्री जी कृपा कर के यह बतलायेंगे कि जो उपभोगी वस्तु के रूप में हमारे यहां सामान आयेगा उसमें चूँकि उस देश का लाभ भी शामिल होगा अतः क्या यह उचित नहीं समझा जाता कि उमे अन्तर्राष्ट्रीय आधार पर धन के रूप में लिया जाय ?

[**Shri T. N. Singh:** Will the hon. Minister please state whether, in view of the fact that the consumer goods which would be imported here would also include that country's profits, it will not be desirable to get it on an international level in the form of currency?]

**Mr. Deputy-Speaker:** I do not know whether the hon. Minister has understood the question.

बी सी० डी० देशमुख : मैं इसके माने नहीं समझा ।

[**Shri C. D. Deshmukh:** I have not followed it.]

उपाध्यक्ष महोदय : बहुत मुश्किल है ।

[**Mr. Deputy-Speaker:** It is rather difficult.]

**Shri T. N. Singh:** I wanted to know whether, in view of the fact that the consumer goods which will be imported into India from those countries will also include the profits of those countries as manufacturers of those goods, will it not be desirable to get that payment in internationally convertible currency?

**Shri C. D. Deshmukh:** The question is no clearer in English than it was in Hindi.

**Mr. Deputy-Speaker:** The question has been so put that the first part is a question and the second part is a suggestion for action. Both of them are rolled into one and so no answer is given.

**Shri Sidhva:** Is the expenditure on the Secretariat in Colombo shared proportionately or equally between the countries concerned?

**Shri C. D. Deshmukh:** Proportionately.

**Shri A. C. Guha:** As India has been getting some help, may I know if she is also contributing some money to some other South East Asian countries for implementing this Colombo Plan?

**Shri C. D. Deshmukh:** That is not ruled out. So far, no offer of assistance has been made to any other foreign country under the Colombo Plan proper. In regard to technical assistance we have said that to the extent to which we have experts available and spare we shall be glad to supply them to any country included in the Plan wants them.

**Shri Alexander:** May I know, Sir, how many persons were sent abroad to Commonwealth countries for technical training under the Technical Assistance Scheme.

**Shri C. D. Deshmukh:** I think I gave some reply in this connection some time ago in the House, when I gave the number of trainees who were sent mainly to Australia.

**Mr. Deputy-Speaker:** The hon. member will kindly refer to that answer and put further questions.

#### SMUGGLING FROM FRENCH INDIA

\*651. **Shri Alexander:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that smuggling from French-India of commodities and articles, which under the Customs laws are either prohibited or for which a duty is to be paid, is on the increase;

(b) if so, the approximate loss on this account to the Government of India in the last 6 months; and

(c) the steps, if any, taken or contemplated to minimise such smuggling and the effects of the steps taken?

**The Minister of State for Finance (Shri Tyagi):** (a) It seems to be on the increase.

(b) Import trade control restrictions in India and disparity in the price levels in India and the French Settlements give an incentive to smuggling, but it is not possible to assess the loss of revenue on account of smuggling.

(c) It is not in the public interest to divulge the specific measures that have been or are being taken to combat smuggling. Government are, however, taking all possible steps.

May I add that further stiffening of land customs cordons is under Government's active consideration.

**Shri Ghule:** May I know the commodities which are being smuggled from French India to our India?

**Shri Tyagi:** Gold, fountain pens, silk yarn, artificial pearl necklaces, etc., diamonds, watches, pencils, playing cards and 'shakar rani'.

**Shri Sidhva:** What is the last item?

**Shri Tyagi:** 'Shakar rani' is the Hindi translation of saccharine.

सेठ गोविन्द दास : Very bad translation क्या माननीय मन्त्री जी से मैं यह पूछ सकता हूँ कि मैक्रीन का यह अनुवाद किसने किया है ?

[**Seth Govind Das:** Very bad translation. May I ask the hon. Minister who has translated saccharin like that?]

श्री त्यागी : इस नियोजन ने ही यह खिदमत अंजाम दी है ।

[Shri Tyagi: This has been done by me.]

**Shri Alexander:** Is it a fact, Sir, that the Minister of State when on tour in Madras said that it was Government's intention to organise a human cordon to prevent smuggling? May I know what is meant by 'human cordon'?

**Shri Tyagi:** In fact, the idea was to raise a volunteer corps in the neighbouring villages to help the Government in checking the smuggling but on political grounds the scheme has been kept in abeyance for the present.

**Shri Alexander:** Is it a fact, Sir, that women are engaged in smuggling?

**Shri Tyagi:** Yes, Sir. Smugglers generally do not smuggle it themselves. They hire smugglers and send it through servants. Sometimes they engage women for the purpose. In customs posts Government has women inspectors who search those women.

**Dr. Deshmukh:** Among smuggled articles may I know what position 'shakar rani' occupies?

**Shri Tyagi:** It occupies an enviable place.

#### BOARD OF TECHNICAL STUDIES

\*652. **Shri S. C. Samanta:** Will the Minister of Education be pleased to state:

(a) the progress made up to date by the All-India Boards of Technical Studies towards the preparation of All-India Courses in various branches of Engineering, Technology and Commerce;

(b) what are the other subjects that are dealt by the All-India Boards of Technical Studies; and

(c) who are the members of the Boards and how they are appointed?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) to (c). A statement giving necessary information is laid on the Table of the House. [See Appendix IV, annexure No. 39.]

**Shri S. C. Samanta:** From the statement I find no place for fuel technology. May I know why this subject has not been taken up and schemes prepared?

**Shri Sri Prakasa:** I am afraid I am not in a position to give a satisfactory answer to this question.

**Shri S. C. Samanta:** May I know, Sir, the other functions of the Boards of Technical Studies.

**Mr. Deputy-Speaker:** All these matters can be found in published books or periodicals and questions on them ought not to be put on the floor of the House.

**Shri S. C. Samanta:** I want to know the difficulty in establishing a Board for this branch.

**Mr. Deputy-Speaker:** The hon. member can address the Minister of Education separately.

#### INCREASE IN TAXABLE INCOME

\*653. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Finance be pleased to state what is the increase in the taxable income and what is the increase in the amount of income tax since the year 1939?

(b) Has the investigation disclosed as to what amount of increase is due to actual increase in income and what is due to discovery of concealed incomes?

**The Minister of State for Finance (Shri Tyagi):** (a) A statement giving detailed information is laid on the Table of the House. [See Appendix IV, annexure No. 40.]

The position in brief is that the taxable income rose from Rs. 177 crores in 1939-40 to Rs. 582 crores in 1949-50, while the demand of income-tax and all other taxes on income rose from Rs. 19-37 crores in 1939-40 to the peak figure of Rs. 191-25 crores in 1944-45. The amount of income-tax for 1950-51 came to Rs. 173-9 crores. Figures of taxable income for 1950-51 are not yet available.

(b) A very large part of the increase in tax is attributable to increase in income, but a part of the increase is also attributable to discovery of concealed income on which tax was evaded in the past. It is, however, not possible to give the respective figures separately.

**Pandit Munishwar Datt Upadhyay:** When a businessman does not give any account of his hidden profits, what is the procedure adopted?

**Shri Tyagi:** Our intelligence staff tries to keep the income-tax assessing officers posted up with the developments of the market and our assessing officers assess according to the market profits and the general average of profits in that particular trade in which such assesses deal.

**Prof. Ranga:** Is the answer clear to the hon. Minister himself, Sir?



**Shri Tyagi:** It seems my friend does not know income-tax: it is too technical therefore he could not follow the answer.

**Pandit Munishwar Datt Upadhyay:** What is the disclosed amount of income which is likely to become a permanent source of income-tax?

**Shri Tyagi:** Unless we know the amounts which have evaded income-tax from year to year, I cannot say how much income-tax we will get out of it.

**Dr. Deshmukh:** May I know, Sir, if the hon. Minister has discovered as to the ways in which these income-taxes are concealed?

**Shri Tyagi:** The Income-tax Investigation Commission have been of great help to us and have given us considerable guidance. Our income-tax officers themselves know how incomes were concealed, but then the difficulty arose in locating the concealed amount. The methods of concealment were known, but that was not of much help, unless they could be actually located. The work of the Income-tax Investigation Commission has been of great help in that they gave us information about the tricks which the evaders play.

#### REWARD TO INFORMERS OF INCOME-TAX EVASION

\*654. **Shri S. N. Das:** Will the Minister of Finance be pleased to state:

(a) the total amount given as rewards to informers for supply of valuable information to the Income-tax Department in respect of tax evasion during 1951-52;

(b) the total number of persons so rewarded; and

(c) the total amount sanctioned for the purpose for the year?

**The Minister of State for Finance (Shri Tyagi):** (a) Rs. 3,200/- so far.

(b) Three.

(c) The total amount provided in the budget estimates of the Income-tax Department for the year is Rs. one lakh.

**Shri S. N. Das:** May I know whether the system of rewarding informers is a new one: if not, when was this system introduced?

**Shri Tyagi:** This system is a new one. It was only lately adopted. I would, however, like to inform my hon. friend that it is not being encouraged very much. It is only in

rare cases when some undisclosed incomes are reported to us and when those incomes are properly located and assessed and income-tax realised that some reward is given to those persons who inform us. In many cases such informers were generally employees of the assesses themselves and when they gave information to the Income-tax Department they were dismissed. In such cases Government felt that they deserved some help at its hands.

**Shri S. N. Das:** What is the basis of the scale of these rewards that are paid?

**Shri Tyagi:** It is only some minor percentage of the incomes that are disclosed. A reward is given to the persons who give the information, but this reward has not so far been more than Rs. 2,000 in a case.

**Shri S. N. Das:** May I know in what way the informers are dealt with if they give incorrect information?

**Shri Tyagi:** When they give information the information is sent to the Income-tax officer of the locality who assesses the income, and also the Income-tax Commissioner. Enquiries are made and if the information is found to be true, then alone assessment is made accordingly and the informer is rewarded.

**Shri S. N. Das:** May I know whether the expenditure incurred on this account is subject to regular audit?

**Shri Tyagi:** We do not take cognizance of the information unless we ourselves are convinced that it is true. We do not hazard any legal action against the assessee. And when we receive information, it is ascertained, and if there is sufficient cause then we look into the accounts. In fact the Income-tax Department has according to the law to see things for themselves.

#### FELLOWSHIP FOR MEDICAL GRADUATES

\*655. **Shri S. N. Das:** Will the Minister of Health be pleased to state:

(a) the number of fellowships that have been awarded to medical graduates by the Indian Council of Medical Research during the years 1950 and 1951;

(b) the number of research units that have been established by the Council in the various medical colleges in the country; and

(c) the area where the Council has reorientated its programme of Cholera research in order to prepare the ground for W.H.O. to undertake a programme of eradication of Cholera from that area?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):**

(a) The Indian Council of Medical Research awarded eleven research fellowships to medical graduates during each of the years 1950 and 1951.

(b) Ten research units have been set up and are functioning under the Council.

(c) Field investigations on the endemicity of Cholera have been carried out in the Tiruchirapalli and Tanjore Districts (Madras State). It is proposed to extend these field investigations to Calcutta also. Laboratory investigations are, however, being carried out at the School of Tropical Medicine, Calcutta, at the All-India Institute of Hygiene and Public Health, Calcutta and the Central Research Institute, Kasauli. These investigations are being carried out in close collaboration with the W.H.O.

**Shri S. N. Das:** May I know the special subjects for which these fellowships have been awarded?

**Rajkumari Amrit Kaur:** I could not let the hon. Member know, but I have not got a list here as to what special subjects they were given for.

**Mr. Deputy-Speaker:** There must be some rules?

**Rajkumari Amrit Kaur:** There must be some rules? Of course there are rules and there is a Selection Board. Advertisements are put out, applicants are interviewed and their qualifications looked into and fellowships sanctioned by the Selection Board.

#### PUBLICITY STAFF AT D.V.C.

\*656. **Shri A. C. Guha:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the designation and number of officers and staff engaged by the D.V.C. in the information or publicity or public relations section;

(b) the total cost so far incurred on that section; and

(c) the nature of work done by that section?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) to (c). A statement showing the designation and number of officers and staff employed in the Information Office of the D. V. C., together with details of the work done by that office, is laid on the Table of the House. [See Appendix IV, annexure No. 41.] An expenditure of Rs. 1,81,410 was incurred on that Office upto the end of June 1951.

**Shri A. C. Guha:** May I know the salary of the Chief Information Officer and the Assistant Information Officer?

**Mr. Deputy-Speaker:** The salary also might have been asked for in the question itself and it could have been easily collected. Has the hon. Minister got the information?

**Shri Sri Prakasa:** The total figure of the pay of officers is Rs. 41,883. I fear the individuals are not separately mentioned.

**Mr. Deputy-Speaker:** Very often such questions come in and purposely some questions are not included, I am afraid. I am not casting any aspersions, but when a question of this kind is asked—the designation, the number of officers, the staff engaged in the D. V. C. etc.—could not one more column be added—the salary of the various officers, the total amount etc.—instead of asking those questions on the floor of the House? And the Minister may not be ready with information on those matters. I do not see any purpose in this. Oral answer is intended for eliciting such further information as may not appear on the record. This is practically a statement. I ought not to have allowed it for oral answer. But I have allowed it. Anyhow I have been a little lenient. Further questions of this kind ought not to be put. Next question.

**Shri A. C. Guha:** In regard to the statement....

**Mr. Deputy-Speaker:** He will read the statement and put down any further questions later. I have called the next question.

**Shri A. C. Guha:** I have read the statement and I want to know. ....

**Mr. Deputy-Speaker:** Very well. Let me see whether he has any important question to put.

**Shri A. C. Guha:** As far as item (4) of the statement is concerned, what is the number of the publications brought out by this department?

**Shri Sri Prakasa:** I could not give the exact number straightway, but there are all sorts of publications as can be inferred from the statement itself.

**Mr. Deputy-Speaker:** Even that could have been asked. While asking the staff engaged, the designation of the staff and officers etc., why not ask the number of publications also?

**Shri A. C. Guha:** But this has been given only in the statement.

**Mr. Deputy-Speaker:** He has made a mistake in having given it in the statement! Some matters which require elucidation about facts and figures might as well have been asked.

#### PAPAIN

\*657. **Pandit Munishwar Datt Upadhyay:** (a) Will the Minister of Health be pleased to state what is the approximate annual production of papain in India?

(b) What States have undertaken its production?

(c) To what use is papain put and what is its demand in India and outside?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** (a) So far as the Government of India are aware, papain is not produced in India at present on a commercial scale.

(b) The Government of Bihar have recently undertaken the production of papain as an experimental measure.

(c) Papain is employed to assist digestion in chronic cases of dyspepsia, gastric fermentation and gastritis. No data is available regarding its demand in India or outside.

**Shri Kamath:** Are experiments being made to produce papain synthetically or by extraction from the papaya fruit?

**Rajkumari Amrit Kaur:** I have given the reply that the Government of Bihar has recently undertaken to produce papain as an experimental measure.

**Shri Kamath:** Is it produced synthetically or by extraction from papaya fruit?

**Rajkumari Amrit Kaur:** I have no details with me as regards that.

**Pandit Munishwar Datt Upadhyay:** What is the quantity and value of the entire production in India?

**Rajkumari Amrit Kaur:** I have said there is no production in India.

**Shri Kamath:** Papaya is being wasted.

**Mr. Deputy-Speaker:** Question No. 658.

**Some Hon. Members:** The Question-hour is over.

**Mr. Deputy-Speaker:** He may read the answer.

#### DOLLAR POSITION

\*658. **Shri Amolakh Chand:** Will the Minister of Finance be pleased to state—

(a) whether the increase in exports to U.S.A. from Rs. 79.77 crores to Rs. 106.44 crores and imports from U.S.A. from Rs. 87.92 crores to Rs. 115.81 crores in 1950-51 have adversely affected the Dollar position; and

(b) if so, what steps have been taken by Government to meet the situation in 1951-52?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) For a correct appreciation of the Dollar position, it is necessary to take into account actual payments and receipts with all countries in the Dollar area. On this basis, India's dollar surplus increased from five crores of rupees during July, 1949 to June 1950 to a surplus of 37 crores of rupees as provisionally calculated for the corresponding period of 1950-51.

(b) Our policies as regards dollar imports and exports are based on the Dollar position of the sterling area as a whole. On an appreciation of the overall dollar position of the sterling area, the Commonwealth Finance Ministers' Conference in September, 1950, came to the conclusion that, while it was no longer desirable to limit dollar purchases by quantitative ceilings, there was continued need to observe dollar economy.

**Mr. Deputy-Speaker:** So far as this question is concerned, I need not have even called the hon. Finance Minister. I thought that the hon. Finance Minister, having regard to the importance of this question, was anxious to answer it himself. Hereafter this procedure may be followed as is done in the House of Commons. When any hon. Minister feels that with regard to any matter which has been put down as a question, that answer may be given in the House even though it has not been reached, it is open to any hon. Minister immediately after the Question-hour is over to make that statement or read that answer on the floor of the House, having regard to the importance of the question. It is left to him to decide as to whether he should make a statement or not after the Question-hour. Then he takes the time from the official hours. It is open to him always to do so.

**Short Notice Question and Answer****PLAN TO CREATE DISTURBANCES IN INDIA**

**Shri Rathnaswamy:** Will the Minister of Home Affairs be pleased to state:

(a) whether it is a fact that in some places in West Bengal a well-thought-out plan to create disturbances in India was unearthed recently.

(b) how many have been arrested so far in this connection;

(c) whether it is true that plans for importing arms into West Bengal from Pakistan were unearthed; and

(d) whether among these arrested persons there are also Pakistan nationals?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (d). A search of certain houses in a border-town of West Bengal revealed information of espionage activities on the part of some non-nationals and of attempts on their part to smuggle arms into West Bengal. Some persons have been arrested including a couple of Indian nationals. I do not think it will be in the public interest at present to give further details but the hon. Member may rest assured that all necessary steps are being taken in the interests of security.

**Shri Rathnaswamy:** Is there any separate intelligence organization to keep a watch over activities of this nature and whether any periodical reports are submitted to the Government and if so, what are the conclusions?

**Shri Rajagopalachari:** The hon. Member may rest assured that we have intelligence but 'intelligence' is not served by giving information about it in public.

**Shri Rathnaswamy:** Is there any justification for the apprehension entertained in some quarters in India that these activities are widespread?

**Shri Rajagopalachari:** No, Sir. There is no justification for thinking that these activities are widespread.

**Shri Rathnaswamy:** May I know whether any plot was unearthed in Punjab also?

**Shri Rajagopalachari:** I should like to have notice.

**Shri Rathnaswamy:** May I know what measures have been taken or

are being taken by the Government to check this espionage on the part of foreign powers?

**Shri Rajagopalachari:** I can only repeat what I have said already. Steps are taken, but we cannot be disclosing such steps.

**Shri Rathnaswamy:** What measures are being taken to effectively check smuggling of arms from certain arms depots and arsenals in our country and also smuggling of arms from across the borders?

**Mr. Deputy-Speaker:** The hon. Minister has already stated that details of the preventive measures cannot be given in the public interest.

**Shri Kamath:** Do the reports received from the West Bengal Government during the last 9 months indicate the number of Pakistani nationals that have been arrested on charges of espionage in the whole of West Bengal?

**Shri Rajagopalachari:** It is not a large number, but if necessary, I shall gather the information from the State.

**Shri Rathnaswamy:** May I know whether any watch is being kept over such of those whose majority of relations are in Pakistan?

**Shri Rajagopalachari:** After the division of the country which we have gone through, it is to be expected that quite a number of relations exist on either side but that need not put us in a scare.

**Shri Kamath:** May I know if all those Pakistanis engaged in espionage have been arrested and detained or have any of them been let go?

**Shri Rajagopalachari:** I should like to have notice because this is entirely managed by the State under law and order and if notice is given, I shall get information and give such as may be useful.

**WRITTEN ANSWERS TO QUESTIONS****DETENUS IN STATES**

\*640. **Shri Kesava Rao:** Will the Minister of Home Affairs be pleased to state what is the number of the detenus who gave undertakings and were released during the last one year?

**The Minister of Home Affairs (Shri Rajagopalachari):** 147, during the period 1st July 1950 to 30th June 1951.

## HISTORY OF FREEDOM MOVEMENT

\*641. **Shri Kesava Rao:** Will the Minister of Education be pleased to state:

(a) whether the scheme for collecting material for writing authentic history of the Freedom Movement in India has been finalised; and

(b) whether any Committee has been appointed for this purpose and if so, who are the members of this Committee?

The Minister of Natural Resources and Scientific Research (**Shri Sri Prakasa**): (a) and (b). No, the scheme for collecting material for writing History of the Freedom Movement in India has not yet been finalised. Further necessary action in this connection is under consideration.

## CENSUS EXPENSES

\*642. **Shri Kasava Rao:** Will the Minister of Home Affairs be pleased to state:

(a) what is the total amount spent for taking the census; and

(b) what is the share of the State Governments in this expenditure?

The Minister of Home Affairs (**Shri Rajagopalachari**): (a) and (b). It is not possible yet to give the amount of expenditure incurred on the 1951-Census. It is likely to be about Rs. 150 lakhs. The cost of census operations is to be debited entirely to the Central Government. The State Governments will bear half the cost on the preparation of the National Register. The estimated cost of the preparation of the National Register is Rs. 30 lakhs.

## PURCHASE OF RECORD PROCESSING MACHINE

\*646. **Shri Krishnanand Rai:** Will the Minister of Information and Broadcasting be pleased to state:

(a) whether the Ministry of Information and Broadcasting have purchased any Record Processing Machine recently from Britain;

(b) if so, the name of the Firm from which it was purchased and its valuation; and

(c) whether it is in working order?

The Minister of State for Information and Broadcasting (**Shri Diwakar**): (a) and (b). No such machine has been purchased from Britain; a Record Processing and Pressing Plant has however been purchased from M/s Philip Export Corporation, New York, for Rs. 1.5 lakhs.

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(c) The plant has not yet been installed owing to lack of accommodation.

## MEASURES OF ECONOMY FOR ORISSA GOVERNMENT

\*659. **Shri Sarangdhar Das:** Will the Minister of Finance be pleased to state:

(a) whether the Government of India have recommended to the Government of Orissa any measures for effecting economy; and

(b) if so, in which departments, and to what extent?

The Minister of Finance (**Shri C. D. Deshmukh**): (a) and (b). The State Government are fully alive to the need for effecting economies in expenditure and there was no occasion for the Government of India to give any specific advice.

## GRANTS TO ORISSA GOVERNMENT

\*660. **Shri Sarangdhar Das:** Will the Minister of Finance be pleased to state:

(a) the amounts of grants under different heads, such as industrial development, road-building, advancement of Scheduled Castes and Tribes, education, etc., made by the Government of India to the Government of Orissa, separately for each of the years beginning from 1946-47 and ending with 1950-51;

(b) the amount of grant so far paid, and the balance to be paid to the Government of Orissa for their Capital building at Bhuvaneswar, and the amount of loan promised in order to complete this project;

(c) the amount of loan so far advanced, and the balance to be advanced in respect of the construction of the Hirakud Dam and Hydro-electric and Irrigation Project, and the rate of interest on these loans; and

(d) the amount of work performed by the Government of Orissa, under different heads, with the aid of these grants and loans?

The Minister of Finance (**Shri C. D. Deshmukh**): (a) to (d). Five Statements containing the required information are placed on the Table of the House. [See Appendix IV, annexure No. 42.]

## LOANS AND ARREARS OF RENT OF DISPLACED PERSONS

\*661. **Sardar Hukam Singh:** (a) Will the Minister of Finance be pleased to state whether it is a fact that arrears of rent for premises occupied by the

displaced persons have been deducted from the loans advanced to them by the Rehabilitation Finance Administration, Delhi?

(b) If so, what is the amount so recovered by the Administration?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) No, Sir.

(b) Does not arise.

#### DISTURBANCE IN DELHI JAIL

\*662. **Sardar Hukam Singh:** (a) Will the Minister of Home Affairs be pleased to state whether there was some disturbance inside Delhi Jail, on the 17th March, 1951?

(b) What was the cause that led to this disturbance?

(c) Was any enquiry instituted and if so, has any report been received?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) to (c). A disturbance took place in the Delhi Jail on the evening of the 16th March. A detailed enquiry was held by the Additional District Magistrate who has submitted his report. The enquiry held by the Additional District Magistrate brought out that for some time past there had been ill-feeling between certain prisoners and some of the convict-officers leading to mutual assaults, that the jail authorities had failed to deal with the trouble firmly at an early stage and that on the 16th March some of the prisoners barricaded themselves inside their barracks, refused access to the jail staff and stoned them when they attempted to approach. Ultimately the officers were able to persuade them to come out. After coming out, these prisoners complained of bad food, mismanagement of the kitchen, negligence and partiality on the part of the jail staff, etc.

The Additional District Magistrate recommended certain action—both for removing the genuine grievances of the prisoners and for improving jail discipline. The Superintendent and the Deputy Superintendent have already been reverted to the Punjab, and the remaining recommendations are under consideration.

#### SHARING OF ACCOMMODATION BY CLASS IV SERVANTS

\*663. **Giani G. S. Musafir:** (a) Will the Minister of Home Affairs be pleased to state whether Government have imposed any ban on class IV servants to reside with their colleagues?

(b) What are the special reasons to debar such persons from doing private work out of office hours at the residences of other Government servants?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) No. But the allottee of Government accommodation is required to obtain permission from Government if he wishes to share such accommodation with another Government servant.

(b) There is no special prohibition against a class IV Government servant doing private work out of office hours at the residence of another Government servant for consideration. It should however not interfere with the performance of his official duties.

#### REALISATION OF ARREARS OF INCOME-TAX

\*664. **Shri Kamath:** Will the Minister of Finance be pleased to state:

(a) whether it is a fact that a firm then known as Mohamed Amin Bros. Ltd., 25/26, Waterloo St., owed about Rs. 75 lakhs as income-tax;

(b) whether it is a fact that all shareholders in the said company migrated to Pakistan together with members of their families;

(c) whether they left behind in India property worth over Rs. 80 lakhs, and

(d) whether attempts have been made to recover the arrears of income-tax due from the firm?

**The Minister of State for Finance (Shri Tyagi):** (a) and (c). Section 54 of the Indian Income-tax Act debars the disclosure of the information.

(b) It is understood that all the share-holders have migrated to Pakistan.

(d) Section 54 is a bar to the disclosure of information on this point also, but invariably in every case in which the tax is in arrears, attempts are made to recover the same.

#### AMENDING OF INDIAN PENAL AND CRIMINAL LAW

\*666. **Shri Kishorimohan Tripathi:** Will the Minister of Home Affairs be pleased to state the progress so far made in the matter of amending Indian Penal and Criminal law relating to the checking and punishing of bribery, corruption etc.?

**The Minister of Home Affairs (Shri Rajagopalachari):** The Committee of members of Parliament, set up under the chairmanship of Dr. Bakshi Tek Chand to enquire into the working of

the Prevention of Corruption Act, 1947, have made certain recommendations and as a result a draft Criminal Law (Amendment) Bill is under consideration. I hope shortly to introduce a bill.

#### TEXTILE FOR DEFENCE SERVICES

**\*667. Shri Kishorimohan Tripathi:** (a) Will the Minister of Defence be pleased to state the total yearly requirement of textiles for the Defence Services?

(b) What part of the requirement is met from imports?

**The Minister of Defence (Sardar Baldev Singh):** (a) It is not in the public interest to disclose the figures.

(b) The requirement met from imports is hardly 2 per cent.

#### TECHNICAL HELP BY UNITED NATIONS

**\*668. Shri Ganamukhi:** Will the Minister of Finance be pleased to state:

(a) the number of experts recruited in India so far for the implementation of the United Nations Programme of technical help to underdeveloped countries;

(b) the number of scientific and technical experts which India is to receive to help her big development schemes; and

(c) the number of Indian nationals who have received United Nations Fellowships for technical training abroad?

**The Minister of Finance (Shri C. D. Deshmukh):** (a) Twelve.

(b) The services of 46 experts have been requested for from the United Nations and its specialised agencies.

(c) 14 Indian nationals received United Nations Fellowships for technical training last year and 43 applications have been made during the current year.

#### ALL INDIA SERVICES

**\*669. Shri Sidhva:** (a) Will the Minister of Home Affairs be pleased to state whether the Punjab Public Service Commission recommended every year certain number of candidates for appointment on the result of the examination?

(b) If so, what percentage of appointments by competition in vacancies is filled every year and what percentage is filled by nomination from department?

(c) What percentage of vacancies in All India services is filled by the Government of India through competition?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). It is presumed that the information required is with regard to appointments to the Punjab State Services, and it will be collected and laid on the Table of the House as soon as it is ready.

(c) 25 per cent. of the posts in the Indian Administrative Service and the Indian Police Service cadres in each State are filled by promotion of officers belonging to the States Services on the advice of the Union Public Service Commission. The remaining vacancies are filled on the results of annual competitive examinations conducted by the Union Public Service Commission.

#### SCIENTIFIC BOOKS IN HINDI

**\*670. Seth Govind Das:** (a) Will the Minister of Education be pleased to state what progress, if any, has been made by the ten sub-committees appointed for approving the scientific terms in Hindi?

(b) What is the proportion of Hindi Scholars in these sub-committees?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) On the recommendation of the Board for Technical Terms it was decided to set up 10 Committees. Members for these Committees are being selected; they will start functioning soon.

(b) Each Committee will consist of specialists in Science and in Hindi philology.

#### ALL-INDIA CONFERENCE OF HINDI ORGANIZATIONS

**\*671. Seth Govind Das:** Will the Minister of Education be pleased to state what institutions were invited to the All-India Conference of 34 Hindi Organizations working in the areas where Hindi is not spoken, convened in Delhi under the chairmanship of the Secretary of the Ministry?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** A list of 27 institutions which were invited to send representatives to the said conference is laid on the Table of the House. [See Appendix IV, annexure No. 43.]

#### GAS PLANT

**\*672. Shrimati Jayashri:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) whether it is a fact that organic waste matter can be fermented to give a combustible gas, and a good manure;

(b) whether any attempts have been made in India to ferment cow-dung and make the recovery of gas from this;

(c) what would be the price of the gas plant which would be large enough to produce the gas needed for cooking and lighting purposes of a family; and

(d) whether this plant can be constructed with local talent?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) Yes, Sir.

(b) Research is being conducted at the Indian Agricultural Research Institute, Delhi, to produce combustible gas from organic waste. Cow-dung is added to ferment the mixture.

(c) and (d) It is understood that an Indian firm is manufacturing fuel gas plants which serve the needs of families of two and four persons and have fixed the price at Rs. 1,200/- and Rs. 1,800/- per plant respectively.

The Council of Scientific and Industrial Research are collecting all available information on the subject with a view to working out an economical process for using agricultural and sewage wastes.

#### GOLD FIELDS IN INDIA

**144. Shri Raj Kanwar:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the names of gold-fields and research gold mines at present being worked in the country;

(b) the total output of gold uptill now;

(c) the annual income accrued and expenditure incurred on their working; and

(d) whether any comprehensive survey has been made or is under consideration for the location of any other gold mine in the country?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) to (d). A statement giving information available with the Geological Survey of India is placed on the Table of the House. [See Appendix IV, annexure No. 44.]

#### T. B. SANATORIA

**145. Shri Jnani Ram:** Will the Minister of Health be pleased to state:

(a) the number of T. B. Sanatoria and the places where they are situated;

(b) the number of Sanatoria run at Government cost and by Private funds;

(c) the amount contributed by the Centre; and

(d) the number of private sanatoria that have applied for aid from the Government?

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** (a) and (b). A statement is placed on the Table of the House. [See Appendix IV, annexure No. 45.]

(c) A sum of about Rs. 7 lakhs during 1949-50 and Rs. 5.5 lakhs during 1950-51 were given as grants to various T. B. institutions in India by the Central Government. In addition to this, a sum of Rs. 5 lakhs and 8.8 lakhs during 1949-50 and 1950-51 respectively were given as grants to various bodies for the treatment of displaced T. B. patients from the Rehabilitation Ministry's allotment for the purpose.

(d) Six private sanatoria requested the Central Government for aid during 1950-51.

#### OFFICERS IN MINISTRY OF NATURAL RESOURCES AND SCIENTIFIC RESEARCH

**146. Prof. K. T. Shah:** Will the Minister of Natural Resources and Scientific Research be pleased to state:

(a) the number of (i) Gazetted, and (ii) non-Gazetted officers, clerks and Class IV servants in his secretariat on 31st March, 1951; and

(b) the number of the officers, clerks and Class IV servants appointed temporarily in the first instance and subsequently: (i) made permanent; (ii) retired or (iii) retrenched from the 1st February 1951 to the 31st March 1951?

**The Minister of Natural Resources and Scientific Research (Shri Sri Prakasa):** (a) and (b). A statement giving the required information is placed on the Table of the House. [See Appendix IV, annexure No. 46.]

#### RECRUITMENT TO CENTRAL SECRETARIAT

**147. Ch. Ranbir Singh:** (a) Will the Minister of Home Affairs be pleased to state how many persons, who have passed no competitive examination (for I, II or III Division) held by the Public Service Commission, from time to time, for recruitment to the Central Secretariat, have been included in



Grades I, II and III of the Re-organised Central Secretariat Service?

(b) How many persons, who entered the Central Secretariat as a result of the competitive examination (for I, II or III Division) held by the Public Service Commission, have been declared unfit for the Re-organised Central Secretariat Service?

(c) What are the reasons for preferring persons who have never passed any competitive examination to those who entered the Secretariat through a competitive examination?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) The information is being collected in respect of persons whose gradings have been announced and will be laid on the Table of the House.

(b) The complete list of persons considered suitable for Grades I—III has not yet been received from the Union Public Service Commission.

(c) Selection of candidates for appointment to Grades I to III of the Re-organised Central Secretariat Service is made by the Union Public Service Commission after considering the suitability of the persons concerned assessed on the basis of their records as well as, where necessary, an interview. The fact that a person has passed an examination for recruitment to a clerical post is not final as to suitability for a gazetted appointment involving supervisory functions.

#### PROTEST AGAINST CENTRAL SECRETARIAT RE-ORGANISATION SCHEME

**148. Ch. Ranbir Singh:** (a) Will the Minister of Home Affairs be pleased to state how many representations, appeals or protests have been received by the Ministry from the employees in the Secretariat in connection with the Central Secretariat Re-organisation Scheme?

(b) How many of these appeals were withheld by the different Ministries of the Government of India and in how many cases did the Home Minister call for the papers and look into the cases personally?

**The Minister of Home Affairs (Shri Rajagopalachari):** (a) and (b). No special provision has been made for the submission of appeals, etc., by Government employees effected by the Central Secretariat Service (Re-organisation and Reinforcement) Scheme. No separate records or statistics are maintained in respect of such communications. Every Government servant has a general right to make a representation through

appropriate channels regarding matters affecting his service rights and conditions. They are dealt with on their merits in accordance with the rules and practice relating to the disposal of Government business. The constitutional responsibility for all decisions taken in the Ministry of Home Affairs falls on me. I am not prepared to specify the particular cases which may or may not have been dealt with personally by me as Minister as distinguished from cases disposed of otherwise under the rules of business.

#### BODIES UNDER ADMINISTRATIVE CONTROL OF FINANCE MINISTRY

**149. Shri S. N. Das:** Will the Minister of Finance be pleased to state:

(a) the number and names of statutory and non-statutory bodies of a permanent nature functioning under the administrative control of his Ministry, giving the following information in each case:

- (i) the year of their constitution;
- (ii) the recurring annual expenditure incurred by them;
- (iii) the provision for the audit of their accounts; and
- (iv) the method of submission of the report of their activities;

(b) the number and names of such *ad hoc* committees as were appointed by the Ministry since after the 15th of August 1947 and which have finished their work; and

(c) the number and names of *ad hoc* committees which are still functioning, giving the date of their appointment and the time by which they are expected to finish their work?

**The Minister of State for Finance (Sri Tyagi):** (a) A statement containing the required information in respect of the statutory bodies has been laid on the Table of the House. [See Appendix IV, annexure No. 47.]

There are no permanent non-statutory bodies under the administrative control of my Ministry.

(b) The number of such committees is four:

- (i) The Economy Committee;
- (ii) The Accountancy Expert Committee;
- (iii) The Rural Banking Enquiry Committee; and
- (iv) The Stock Exchange Legislation Committee.

(c) Four ad hoc Committees/Commission are functioning:

Name of the Committee	Set up on	Date by which work will be completed
(i) Income-tax Investigation Commission.	1-12-47	The Commission is expected to complete their work by the end of 1952
(ii) Expert Committee on Excise	21-10-50	The Committee's report has been finalised and will be presented to Government shortly
(iii) Company Law Expert Committee	October, '50	Its report is expected to be submitted in October, 1951
(iv) National Income Committee	August '49	The final report is expected to be submitted towards the beginning of 1952.

#### BODIES SUBORDINATE TO HOME MINISTRY

150. Shri S. N. Das: Will the Minister of Home Affairs be pleased to state:

(a) the number and names of bodies as have been created by an Act of the Legislature and of bodies created by Government Resolutions or otherwise by Government, of a permanent nature functioning under the administrative control of his Ministry, giving the following information in each case:

- (i) the year of their constitution;
- (ii) the recurring annual expenditure incurred by them;
- (iii) the provision for the audit of the accounts; and

(iv) the method of submission of the report of their accounts;

(b) the number and names of such ad hoc committees as were appointed since after the 15th of August 1947 and which have finished their work; and

(c) the number and names of ad hoc committees which are still functioning, giving the dates of their appointment and the time by which they are expected to finish their work?

The Minister of Home Affairs (Shri Rajagopalachari): (a) None.

(b) Four:

(i) The Criminal Tribes Act, Inquiry Committee.

(ii) The High Courts Arrears Committee.

(iii) Committee set up to investigate the Methods of Recruitment and Intensive Training proposed to be given to Future Recruits to the Administrative and Technical Posts.

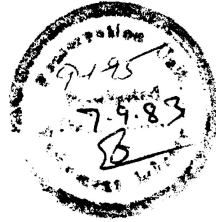
(iv) Expert Committee to collect material on the possibility of colonization and development of the Andaman and Nicobar Islands.

(c) Two:

(i) Special Recruitment Board which was constituted on 7th June 1948 and is expected to finish its work this year.

(ii) Inter-Departmental Committee for the preparation of a detailed scheme for colonization and development of Andaman and Nicobar Islands. It was convened on 12th January 1949 and is likely to finish its work in about two months time.

Thursday, 30th August, 1951



# PARLIAMENTARY DEBATES

(Part II—Proceedings other than Questions and Answers)

OFFICIAL REPORT

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VOLUME XIV, 1951

(6th August, 1951 to 29th August, 1951)

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Fourth Session

of the

PARLIAMENT OF INDIA

1951

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**PARLIAMENT OF INDIA**

*Thursday, 30th August, 1951*

*The House met at Half Past Eight  
of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**QUESTIONS AND ANSWERS**

(See Part I)

9-35 A.M.

**PAPERS LAID ON THE TABLE**

- (i) WHITE PAPER REGARDING JAPANESE PEACE TREATY; AND (ii) DRAFT JAPANESE PEACE TREATY.

**The Prime Minister and Minister of External Affairs (Shri Jawaharlal Nehru):** I beg to lay on the Table of the House a White Paper containing all selected documents in regard to the Japanese Peace Treaty. [*Placed in Library. See No. IV.A.1(8).*] These documents are really correspondence between the Government of India and the Government of the United States. That will appear in the Press except for the last communication from the Government of India to the Government of the United States, which has thus far not appeared in the Press. This White Paper will be circulated to Members also. I am also placing on the Table of the House a copy of the full Draft Treaty as proposed by the sponsors of the U.S.A. and the United Kingdom Governments. For the convenience of Members, I am having placed six copies of this Draft Treaty in the Library also. [See No. IV.A(6) (59).]

**LETTER TO BOMBAY MUTUAL LIFE ASSURANCE SOCIETY LTD., UNDER SECTION 27 OF INSURANCE ACT.**

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to lay on the 267 P.S.D.

1596

Table a copy of the Ministry of Finance Letter No. 53-IC(1)/51, dated the 10th July, 1951, to the Bombay Mutual Life Assurance Society, Limited, Bombay, in accordance with the provisions of sub-section (3) of section 27 of the Insurance Act, 1938. [See Appendix IV, annexure No. 48.]

**Shri Kamath:** May I point out that apparently as a sequel to my adjournment motion yesterday regarding the flying blade of a revolving fan, the fan which used to be placed here for the convenience of Members has been removed: I do not know whether it is a penalty.....

**Mr. Deputy-Speaker:** That has been removed lest the same accident should be repeated. The hon. Member's life is so precious that the fan could not be kept there today. All of them are being checked.

**Shri Kamath:** All are being removed?

**Mr. Deputy-Speaker:** The one nearest the hon. Member is very bad.

**INDIAN COMPANIES (AMENDMENT)  
BILL**

**PRESENTATION OF REPORT OF SELECT  
COMMITTEE**

**The Minister of Finance (Shri C. D. Deshmukh):** I beg to present the Report of the Select Committee on the Bill further to amend the Indian Companies Act, 1913.

**GOVERNMENT OF PART C STATES  
BILL—contd.**

**Clause 26.—(Extent of legislative power)—contd.**

**Mr. Deputy-Speaker:** The House will now take up the further consideration of the Government of Part C States Bill. Clause 26 was under discussion.

**Pandit Thakur Das Bhargava** (Punjab): The amendments are yet to be moved.

**Mr. Deputy-Speaker:** After all the amendments are moved there will be general discussion both on the clause and the amendments.

**Pandit Thakur Das Bhargava:** I beg to move:

"In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for the proposed Proviso to sub-clause (1) of clause 26, the following be substituted:

Provided that the Legislative Assembly of the State of Delhi shall not have the final power to make laws with respect to the following matters:

- (a) public order;
- (b) police;

(c) the constitution and powers of Municipal Corporation in New Delhi and Improvement Trust, water supply and electricity organisations and other utility authorities which are of common concern to New Delhi and Delhi including penal provisions relating to the matters mentioned in this sub-clause;

(d) lands and buildings vested in or in the possession of the Union situate in New Delhi;

(e) jurisdiction and powers of Courts and the President shall have, on or without the recommendation of the Chief Commissioner, in regard to such laws, power to modify them or any provisions contained in them at his discretion."

**Mr. Deputy-Speaker:** Amendment moved:

"In the amendment proposed by the hon. Shri N. Gopalaswami Ayyangar, for the proposed Proviso to sub-clause (1) of clause 26, the following be substituted:

Provided that the Legislative Assembly of the State of Delhi shall not have the final power to make laws with respect to the following matters:

- (a) public order;
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(c) the constitution and powers of Municipal Corporation in New Delhi and Improvement Trust, water supply and electricity organisations and other utility authorities which are of common concern

to New Delhi and Delhi including penal provisions relating to the matters mentioned in this sub-clause;

(d) lands and buildings vested in or in the possession of the Union situate in New Delhi;

(e) jurisdiction and powers of Courts and the President shall have, on or without the recommendation of the Chief Commissioner, in regard to such laws, power to modify them or any provisions contained in them at his discretion."

**Shri Deshbandhu Gupta** (Delhi): While I congratulate the Government on having liberalised the provisions of the Bill considerably in respect of the other Part C States, I regret to say I cannot help expressing my keen disappointment on the last minute changes that have been introduced in the Bill in respect of Delhi. The effect of these changes is that Delhi has been virtually denied the benefits of responsible Government which are envisaged in this Bill for other States, even smaller States like Ajmer and Bhopal. But I do not grudge this measure of responsible Government to those States. In fact, as the House is aware, I have been fighting hard along with my colleagues from these States for giving self-government to all Part C States. My object in raising this point is that it makes the position of the Government all the more untenable in respect of Delhi.

Before I examine the amendments that have been proposed by my hon. friend Mr. Gopalaswami Ayyangar, with your permission, I would like to make a few general observations. I feel that the real issue is being missed. Some Members of this honourable House feel, and maybe some Ministers also have the same notion, that it is an act of charity or generosity on the part of Government to bring forward this Bill. They do not realise, and as a matter of fact, Sir, I am very much pained to note this, that it is no fault of theirs that ten million people have been placed in Part C States. As has been made clear in the Election Manifesto of the Congress, it is owing to some historical and administrative necessities of the moment that certain States are classed as Part B and Part C. That being the fact, I would like to know whether there is anything wrong if the people of these States aspire to have a voice in the administration of their States. I would request hon. Members to appreciate this point of view and instead

of taking a hostile view, take a sympathetic view of the situation; if they place themselves for a moment in place of the people of Part C States I am sure they would react differently. I at once concede that so far as Delhi is concerned, it is differently situated being the capital of the Union. This fact has all along been borne in mind by me. Whenever an attempt has been made on the part of the people of Delhi to have their administration democratised, they have never lost sight of this fact. This was abundantly realised when the Pattabhi Committee made its recommendations after a careful survey of the situation.

The hon. Minister Mr. Gopaldaswami Ayyangar has advanced some reasons against granting autonomy to Delhi. He has also traced the chequered history of this Bill. But, he has conveniently ignored some important links while giving that history. It will not be out of place, therefore, if I briefly refer to the stages through which this demand has passed and has reached the final stage. So far as Delhi is concerned, the demand for self-Government dates back to as early as 1928 when a conference of the citizens of Delhi was held and a committee was appointed to work for self-Government for the State of Delhi. Since then this demand has been reiterated from different platforms, of peoples' conventions, local bodies, and political conferences, etc. In 1930 and 1932, in the Round Table Conferences also, this demand figured and if I may be permitted to remind the House and the hon. Minister, at that time, the demand for an autonomous province of Delhi had the support of no less a person than the Father of the Nation. The late Mr. Jinnah also agreed that Delhi should be enlarged and there should be an autonomous province. Unfortunately, it did not come about and if I may say so, it had something to do with the unfortunate developments leading to the partition of the country. If that demand had been conceded at that time, probably, things would have shaped differently. But, it was destined otherwise. I am only giving this background briefly to show that it is not as if, as has been suggested by some Members, that the Government, has made some liberal gesture out of fright and encouraged by this, the people are trying to ask for something which they do not deserve. We have been consistently and persistently fighting since 1928 for an autonomous province of Delhi.

Later in 1947, when the question came before the Constituent Assembly, the Pattabhi Committee was appoint-

ed. I may mention that in the first instance, the claims of Delhi and the other Part C States were altogether ignored. But subsequently at our request, the Pattabhi Committee was appointed to go into that question. We had naturally, thought at that time, that after the appointment of this Committee, its recommendations which were unanimous would be accepted. And that Committee was an important committee inasmuch as some important Members of the House served on this Committee. My hon. friend Mr. Gopaldaswami Ayyangar who is today giving arguments against the grant of self-Government to Delhi was also a signatory to this report. Not only that; if I may say so, he was the inspirer of the idea that if it is going to be self-Government, it must be full-fledged self-Government. And it was due to his contribution to that committee's deliberations that this committee reached that decision.

Sir, one of the arguments used by my hon. friend Shri Gopaldaswami Ayyangar in his speech with regard to Delhi is that Delhi being the capital of India is in a special position. This is what he said:

"It is the capital city of a large Federation and it is, as in almost all federal countries, necessary that in the area over which the Federal Government has to function daily, practically in all detail, that Government should have unfettered power, power which is not contested by another and subordinate Legislature."

In this connection I would like to draw the attention of my hon. friend to some precedents, although it is not necessary to look for precedents of all things; our hon. Prime Minister hates the idea of looking for precedents elsewhere; we did not look for precedent when we provided for adult franchise in a big country like ours where 90 per cent. of the people still happen to be illiterate. We are making that bold experiment. Therefore, really, speaking there is no reason for looking for precedents. But if a precedent is to be given, I would like to point to Ottawa the capital of Canada which is not only a federally governed country but is also a Commonwealth country. Apart from going into the provisions of the Constitution, I have made further enquiries as to what was the status of Ottawa to-day and I am told that the administration of the city of Ottawa is not under the control of the Federal Government in any way whatsoever. It is administered in the same way as

[Shri Deshbandhu Gupta]

other Canadian cities, that is to say, by a Mayor, Controllers and Aldermen who are elected by the citizens of the city. The citizens are entitled to elect representatives to both the provincial and the Federal Parliaments. As you know the provincial jurisdiction is laid down in the British North American Act and applies generally to all the provinces without restriction. Accordingly the Province of Ontario enjoys the same amount of independence in its administration and legislation as other provinces. Apart from this, if you will refer to the Constitution of Canada you will find it expressly stated there that Canada is divided into four provinces of which Ontario is one and there is no distinction between that and the other provinces. "Ontario" it is said, "shall be divided into countries etc." And there shall be a Legislature for Ontario consisting of the Lieutenant-Governor and of one House, styled "The Legislative Assembly of Ontario." All the laws placed before it are the same as in other provinces.

Then another stock argument given in this connection is that of the position of Washington. But I would like to clear one misunderstanding on that point. Delhi is quite different from Washington or Canberra inasmuch as Delhi has got its own history, its own culture, its own traditions, it is not only a capital town, but it is also one of the biggest distributing centres in North India. It has been the capital from time immemorial. For the present, however, it would be right to say that it is not a capital town built in the sense that Washington and Canberra were built. Therefore, we should not lose sight of this fact when we decide the future constitutional set-up for Delhi; we cannot compare it to these cities. Perhaps you can compare New Delhi to Washington, but not the State of Delhi.

It is also presumed that the people of Washington are satisfied with what has been given to them. But I would like to draw the attention of the hon. Minister and also that of this hon. House that there is already a Home Rule Bill pending before the Congress there. It has been moved by nine Senators and has the fullest support of President Truman and of both the political parties—the Republicans and the Democrats. It is only a question of time therefore that this Bill will be passed. So Washington too is going to get Home Rule. Therefore, that argument too ought not to weigh with us and it should not stand in the way of giving a democratic set-up to Delhi.

While tracing the history of this demand, I wish to mention one important link which the hon. Minister has conveniently missed. He referred to some informal talks which the Members of the Part C States had with him and the hon. the Home Minister. But.....

**The Minister of States, Transport and Railways (Shri Gopalaswami):** I thought the hon. Member was going to say something about Canberra also?

**Shri Deshbandhu Gupta:** But Canberra is of very much less importance. It is not as important as Washington. It is a very small city specially built as a capital; but the real capital there is Sidney.

**Shri Gopalaswami:** Perhaps it is not convenient for him to make a reference to Canberra.

**Shri Deshbandhu Gupta:** That is not so. The hon. Minister knows that it is a small city having a population of perhaps 20,000 or so and it hardly requires any reference here. I only referred to it because even Canberra was cited as an example.

Now, coming to the informal conferences I must say that we are really grateful to the hon. Minister and the hon. Home Minister for the time that they have spent in trying to find out a solution of this problem. I do not for a moment minimise the importance of that and I do not wish to give an impression that we are not grateful to them for that. But what he has conveniently missed to mention are two things. In his speech he would not refer to the Pattabhi Committee's Report to which he himself was a signatory. That was one of the landmarks in the history of this demand. Secondly the last important conference which was held on the 4th August—a High Power Conference—in which all the Members of the Part C States were present and also three Ministers, including the Prime Minister. This important conference was held on the 4th of August.

**An Hon. Member:** Who were the other two Ministers?

**Shri Deshbandhu Gupta:** The hon. Home Minister and the hon. Minister of States, at whose instance this conference was convened. As late as 4th of August, 1951, only three weeks back, if I may say so, this conference was convened and all of us were present. The hon. Prime Minister was also good enough to be present at that conference. We had a frank discussion. In fact, there was not much to be discussed because the Ministers themselves



told this conference that in view of the strong feelings that were expressed against certain provisions in this Bill on the last occasion when it was considered in this House, the Government was pleased to reconsider the whole thing and recast the Bill and they have taken a bold decision. That decision was conveyed to this conference in the presence of the Prime Minister. Not only that, the decision was embodied in a Press-Note which was issued the same afternoon. That note says:

"The Government of India has decided to readjust the provisions of the Part C States Bill now before Parliament so as to secure wherever possible, the largest practicable measure of autonomy and responsible Government for Part C States."

Coming to reservations the Note says:

"The powers of the Chief Commissioners will be limited to remitting any matter for reconsideration by the Council of Ministers and referring any issue to the Central Government. In regard to New Delhi however, where the Central Government has certain obvious special interests, the powers of the Chief Commissioner will be more positive."

10 A.M.

The only limitation which was placed before this conference is contained in this press note. I ask in all humility what has happened between the 4th August and this day to justify the changes which the amendment to clause 26 proposed by my hon. friend seeks to introduce? An attempt was made at a subsequent conference to explain that not much had been taken away and therefore we should not worry. The Minister further said that only three or four subjects have been made exceptions. I want to ask whether anyone in this House can compare the two statements, one made in the press note and the other contained in the amendment to clause 26 without concluding that the Government has gone back on the assurances and promises they gave in that conference and through the press note.

On that very evening the Select Committee on the Goswami Bill was in session. When I went there the Minister and all members came to know of the Government decision that responsible Government was going to be granted to Delhi. They would not believe me. They would not take me on my word. Perhaps the news

was too good to be true. But when the committee met next morning and the press note was before them they decided that it was no use proceeding with the Bill, because it would be within the purview of the provincial legislature to pass a measure of that nature. That was the reaction created and there were congratulations all round. I went to the extent of issuing a public statement congratulating the Minister, the Prime Minister and the Government on the bold and just stand they had taken.

**The Minister of Home Affairs (Shri Rajagopalachari):** It is always dangerous to congratulate the Government.

**Shri Deshbandhu Gupta:** By experience I am learning that.

After a few days at a very big gathering of Congress workers in the New Delhi Municipal Hall at which the Prime Minister was present, the President of the Provincial Congress Committee also congratulated the Prime Minister on having conceded the long-standing demand of the people of Delhi to a large extent.

These days there is so much talk and rightly so if the Congress becoming less and less effective and losing the confidence of the people, and our Prime Minister too feels concerned about it. May I know whether this going back on Government declaration going to be conducive to the restoration of confidence in the Government? I would not put it stronger than that. Let them at least realise what will be the psychological effect on the minds of the people. That was a solemn declaration, not a speech made by the Minister at a public meeting, although it is also bad for a Minister to make a public speech and not carry out the undertakings given in that. There is however some difference between the two. At a public meeting on the spur of the moment some commitment may be made which afterwards it may be found to be difficult to carry out. But when a clearcut statement was made at a conference specially called for the purpose, at which the Prime Minister was specially requested to be present, what justification on earth can there be for modifying or going back on the statement? The House can very well appreciate my feelings as well as the feelings of about two million people of Delhi in the matter. I hope I will have the sympathy and support of the House when I ask the Government to stick to their statement which they had made only two or three weeks back. Not only was the decision announced at that time, it was also made clear

[Shri Deshbandhu Gupta]

that they wanted to synchronise the passage of the Bill with 15th August, which is a memorable day in our history. Our co-operation was sought and we were asked not to take more than two hours in the House and try to facilitate the passage of the Bill. We promised all support and told the Minister that we would confine our remarks to congratulating the Government and help the passage of the Bill. 15th August came and went by and there was no news of the Bill coming before Parliament. People were looking forward to an announcement by the Prime Minister that Delhi will also be brought into line with other States in the course of his speech at the Red Fort meeting. But no announcement was made and I began to hear ugly rumours that an effort was being made by some Ministers and Members to sabotage the Bill, even at that late stage. I am sorry to say that one hon. Minister went to the extent of openly claiming the credit for having successfully scotched the scheme.....

**Shri D. D. Pant** (Uttar Pradesh): By saving Delhi.

**Shri Deshbandhu Gupta:** My friend may also be a party to that. I would ask, whether it is in keeping with the high moral standard in administration which we profess to maintain and whether a thing like that does any credit to the Government or to the great organisation which the Government represents?

**Babu Ramnarayan Singh** (Bihar): No credit.

**Shri Deshbandhu Gupta:** Now I come to the arguments which my hon. friend has advanced against the grant of the same measure of autonomy to Delhi, which this Bill envisages for other States. I have dealt with one argument. The other argument is that if legislative powers are given there might be a competition between the State Legislature and the Federal Legislature. He said:

"It must be avoided in order to avoid friction in the exercise of legislative power in regard to subjects which from an *all-India point of view* have to be considered as most important."

Another argument given by my hon. friend is:

"It would be a source of perpetual friction as to how much of the field the State Legislature

should occupy and how much entered upon by the Central Legislature."

Then the Minister goes to the extent of saying:

"I think it (Delhi) will stand to gain by handing over these important subjects to the Parliament exclusively, because Delhi cannot live at all and much less can it live in accordance with the standards which we should maintain with respect to a metropolis of a large country like ours, if it is to depend upon the small mercies and the smaller resources of the State Legislature."

This, as my friend rightly remarks, is adding insult to injury. The fourth and the last argument given by him is:

"All important questions of maintenance of law and order have to be in the hands of the Central Government. Up to this day friction between the Centre and the State has not happened because Delhi has been under the direct charge of the Centre all these years as a Centrally administered Area."

I would now like this House to examine the exceptions or the reservations which my hon. friend has proposed. The other day the honourable Pandit Hirday Nath Kunzru was pleased to remark that Government has liberalised this Bill out of fright. The fact is that the Government has taken fright so far as Delhi is concerned, after the publication of the Press note and have introduced all sorts of limitations which were not wanted even from their own point of view. The most effective answer which I can give to all these arguments so far as Delhi is concerned is in the words of my friend Shri Gopaldaswami Ayyangar himself, contained in the Pattabhi Report to which I have referred, to which he was a signatory. Therein he had said:

"We are fully alive to the circumstances which led to the formation of Delhi Province in 1912. We also recognise the special importance of Delhi as the capital of the federation. We are, however, of the opinion that the people of the Province which contains the metropolis of India should not be deprived of the right of self-government enjoyed by the rest of their countrymen living in the smallest of villages. We have accordingly placed the Delhi Province

on a par with Ajmer-Merwara and Coorg and have recommended responsible government subject to the limitations already indicated."

This is a complete answer, and it is an irony of fate—some times very strange things do happen in politics—that today one of the authors of this report is asked, or has to produce arguments quite contrary to the arguments which he gave at that time.

Now let us leave that aside and examine the exceptions which my friend has proposed from the point of view of safety and other considerations which must weigh with the administration and which I have already conceded. Public law and order is the first thing which is sought to be made an exception. Originally the only thing which Government wanted was 'New Delhi' and I could appreciate that, although New Delhi is an expansion of Old Delhi and not a new town in the sense as some other towns are. If we concede that 'public order' may be made an exception or a reserved subject, what will be the effect? The effect of this will be that supposing a riot occurs tomorrow in the city of Delhi, and the State Legislature is in session,—if the provision is to be strictly interpreted—this will be a subject which Members will not be able even to discuss, they cannot even ask interpellations—The Ministers also will have no say in it. What will be the general impression created in the public mind? Will they realise that the responsibility is entirely of the Chief Commissioner and not of the Council of Ministers? Instead of helping things it will create confusion in the public mind and put the Council of Ministers in a very awkward position. (Interruption). My friend says it is diarchy. As a matter of fact, I have not been able to find any proper word which can describe the new set-up which is proposed to be given to Delhi; it is neither autocracy, nor responsible Government, nor bureaucracy, nor even diarchy. The constitutional pundits will have to coin some new word to describe what is connoted by what they are giving here.

When hon. Members consider these exceptions which are sought to be made under these amendments, two things must be borne in mind. Firstly, article 162 of the Constitution, which defines the executive power of a State. Article 162 says:

"Subject to the provisions of this Constitution, the executive power of a State shall extend to the matters with respect to which the

Legislature of the State has power to make laws."

• This makes it quite clear that it is not that the legislative powers are being denied to the State of Delhi but the fact is that they will not be able to administer all these things when they cannot legislate for them! The second thing which I would like the hon. Ministers and the House to bear in mind is article 254 of the Constitution which provides as follows:

"If any provision of a law made by the Legislature of a State is repugnant to any provision of a law made by Parliament which Parliament is competent to enact, or to any provision of an existing law with respect to one of the matters enumerated in the Concurrent List, then, subject to the provisions of clause (2), the law made by Parliament, whether passed before or after the law made by the Legislature of such State, or, as the case may be, the existing law, shall prevail and the law made by the Legislature of the State shall, to the extent of the repugnancy, be void."

There is a proviso to this but that applies to Part A and Part B States. One very clear reservation or safeguard which has been provided in this Bill is that all the subjects will be in the Concurrent List. This is the biggest safeguard which the Pattabhi Committee Report had suggested so that there may be no exclusive jurisdiction of the State Legislature. When we have made all the subjects concurrent, it is quite clear that the legislation passed by the Centre will have precedence and shall prevail. That being so I do not really understand why it should be necessary for my hon. friends today to expressly say that public order, police, and so many other things should not be there. Then, clause 41 of the Bill has also to be read along with this. The amendment proposed by my hon. friend to that clause lays down so many safeguards which limit the autonomy to an extent which is far in excess of the requirements even of the considerations which he has in view. Clause 41, as proposed in the amendment, says:

41. Council of Ministers.—(1) There shall be a Council of Ministers in each State with the Chief Minister at the head to aid and advise the Chief Commissioner in the exercise of his functions in relation to matters with respect to

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which the Legislative Assembly of the State has power to make laws, except in so far as he is required by any law to exercise any judicial or quasi-judicial functions:

Provided that, in case of difference of opinion between the Chief Commissioner and his Ministers on any matter, the Chief Commissioner shall refer it to the President for decision and act according to the decision given thereon by the President, and pending such decision it shall be competent for the Chief Commissioner in any case where the matter is in his opinion so urgent that it is necessary for him to take immediate action, to take such action or to give such direction in the matter as he deems necessary."

What more does he want? Does this not provide ample safeguards for any possible emergency in which the Council of Ministers may take any rash action? As if this was not enough, he goes on further:

"Provided further that in the State of Delhi every decision taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner, and nothing in this subsection shall be construed as preventing the Chief Commissioner in case of any difference of opinion between him and his Ministers from taking such action in respect of the administration of New Delhi as he in his discretion considers necessary."

Not only this, but he goes on still further:

"If any question arises as to whether any matter is or is not a matter as respects which the Chief Commissioner is required by any law to exercise any judicial or quasi-judicial functions the decision of the Chief Commissioner thereon shall be final."

All these safeguards are provided. In olden days we were always against providing such safeguards when the foreign Government was there. I am prepared to make a distinction now but there should be a limit to safeguards even now. If he wants to provide safeguards against the Council of Ministers or the elected representatives in the Legislatures, why should he go to the extent of closing all the seven

doors, and leave no scope for Minister to quote a Hindi saying—

“सालों ताले बन्द करदो ताकि उसमें कोई दाखिल न हो सके”

[Lock all the seven doors so that nobody may enter.] Does this leave any scope for the popular will to be associated with the Administration? That is why I want my hon. friend Pandit Kunzru to realise that this is really the result of fright.

**Pandit Kunzru** (Uttar Pradesh) What I meant to say was that my hon. and eloquent friend who represents Delhi had not been able to bring as much pressure to bear upon the Minister of States as the representatives of other States had been able to do.

**Shri Deshbandhu Gupta:** If that is the interpretation, I hope I will have my hon. friend's co-operation now in bringing that pressure to bear upon the hon. Minister.

I shall now refer to the exceptions. To take 'public order, Police including Railway Police' first, I have already pointed out what public order really means. It will create endless difficulties and instead of promoting co-operation between the Council of Ministers and the head of the State, it will only create discord. The Ministers will be looked upon with suspicion and the check which we the Council of Ministers wish to exercise on the Chief Commissioner will not be there. The whole idea behind the scheme was that the Central Government should know the non-official mind as well along with the official mind. Today they look only through the spectacles of the Chief Commissioner. They never know the people of Delhi to express their opinion. In the new set-up they will also know the views of the people of Delhi. If this exception is made, this opportunity will be denied to the people of Delhi.

Now, part (c) of the proposed proviso to sub-clause (1) of clause 26 says:

“the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drainage, electricity, transport and other public utility authorities in Delhi or in New Delhi.”

All imaginable things have been brought into this clause. Let us take first 'the constitution and powers of municipal corporations'. In judging

these things, my hon. friend has said that things have to be looked at 'from an all-India point of view'. How does the constitution of the municipal corporation interfere with the safety of New Delhi or its security? How does it come in the way of 'all-India point of view' if the local Legislature is given power to legislate in matters municipal? There is a history behind this. The demand for a corporation for Delhi was made for the first time in 1938. Since then, so many resolutions were passed and the people of Delhi have been hoping that there will be a municipal corporation soon. In 1946, a committee was appointed by the Government of India and that committee submitted a report in 1947. Its recommendation was that there should be a common corporation for New Delhi, Delhi and the Civil Lines. This was the unanimous recommendation. Four years have since elapsed and nothing has happened. The old Municipality still continues in the hope that there is going to be a corporation. Municipal elections were also postponed on that account. All that this unanimous recommendation of the committee has resulted in is the drafting of a Corporation Bill, and that also not on the lines suggested by the committee. It was decided by the Government of India after long deliberation that Old Delhi should have a separate corporation, because New Delhi is considered to be their special preserve—a place which cannot be touched. This decision has been taken, but there is no knowing when the Bill is coming up. It has got more than 300 clauses and I wonder if it would be possible for this House to find enough time to pass this Bill in the near future. We have past experience to guide us. One simple tenancy legislation relating to Ajmer took more than four years to pass through this House. What is the legislative record of the Central Legislature in respect of Delhi? There is an old enactment called the Delhi Laws Act, which though it is a document of few pages is an all-powerful law. After this, very few Acts have been passed in respect of Delhi. Even to pass the Improvement Trust Act the House could not find time. It was originally thought that the Improvement Trust Act should be passed by the Central Assembly. As the House could not find the time, the U.P. Improvement Trust Act was extended with suitable modifications. The matter was recently raised before the Supreme Court as to whether the Delhi Laws Act gave power to the local Government to extend in an amended form laws of other States. The record of the Central Legislature

in respect of these areas, so far as legislation is concerned, is very poor. Therefore, to expect that Parliament will be able to pass the Corporation Bill and Delhi will soon get a corporation would be expecting too much. It may be years before an Act of that kind could be passed by this House.

In such circumstances, what would be lost if that Bill were to be passed by the local Legislature. I am not happy about the amendment I have tabled in this connection. But on account of the exigencies of the situation, I have somehow reconciled myself to that position and in the last portion of that amendment I have said that any legislation which is passed by the legislature in respect of these subjects may be subject to modification by the President. What more do they want? They cannot find time to pass such legislation in Parliament and they would not allow the local Legislature to pass a legislation and present it to them to be promulgated with such modifications as they consider necessary. The position today is that Acts passed by neighbouring provinces can be extended to Delhi by the Chief Commissioner. But they would not like the local Legislature to pass an Act and submit it to be issued with such modifications as they deem necessary. Is that reasonable? I want to know what is the point in denying the right of passing such legislation?

Most of the hon. Members of this House are as much citizens of Delhi as I am, because most of their time they spend in Delhi. But unfortunately, they have not cared to look round and see what is happening in Delhi due to its administrative set up. Old Delhi with a population of about ten lakhs was administered by a municipal committee under the Punjab Municipal Act and till yesterday the Chairman of the Municipality used to be the Deputy Commissioner and one-third of its members used to be nominated members. This is the way in which we were carrying on for so many years. Now the official Chairman has gone, but the municipality continues to be governed by the Municipal Act of Punjab. Now, if you do not give this Legislature power to make laws, what will happen is that the same law, the Punjab Municipal Act, will continue to apply and there will be no change for years to come, unless Parliament decides to hold a special session and pass the Corporation Bill. I, therefore, do not envisage that we can soon have a corporation.

In regard to New Delhi, in one of the statements, made by my hon. friend

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on the floor of the House sometime ago.....(An Hon. Member: Which hon. Member?) the Prime Minister and also Shri Gopaldaswami Ayyangar, it was said that Delhi will have two corporations—one for the Old Delhi and the other for New Delhi. If I correctly understand the corporation law the first condition is that all its members must be elected. I want to ask the hon. Minister whether the Government of India has ever thought of and taken a decision that the New Delhi Corporation will have elected members. Till now they have not been content even with a nominated majority in the New Delhi Municipal Committee. Among the nominated members, also they have got a majority of officials, because they cannot trust even those men who are nominated by them. That is the position of New Delhi today and we are made to believe that they will be able to give us a corporation. Unfortunately sometimes statements are made in this House without examining their implications. With due respect, I should like to point out that at no time did the Government of India take a decision that they would give New Delhi a corporation which means all its members shall be elected.

Now I come to the Improvement Trust. The other exception sought to be made is "other local authorities like the Improvement Trust". Here, I would crave the indulgence of the House to allow me to examine the record of the work of the Trust. Some time back there was an Inquiry Committee appointed by the Government of India to go into the question of the working of the Improvement Trust. This committee has submitted its report to Government about six months back. I would like hon. Members to know the opinion this Committee have expressed about the working of the Improvement Trust. Let me at the very outset make it clear that I mean no reflection on the hon. Ministers of the Centre or the hon. Rajkumari who looks after this Department. My whole point is that in the present set up it is impossible for the Ministers of the Centre to attend to these things and that is why I say that these items should not be taken out of the purview of the local Legislature.

In paragraph 12, the report says:

"There were 53 schemes prepared by the Improvement Trust. Except for the Shadipur extension scheme No. 2, all the 53 schemes, including the slum clearance schemes of Delhi-Ajmeri Gate and

Qadim Sharif, were, according to Mr. Hume scheduled to be completed between 1937-38 and 1944-45. \* \* It will be seen that out of these schemes, suggested by Mr. Hume, two, namely, the Civil Lines Extension and Minto Road schemes were not included in the schemes at all, while most of the other schemes have remained merely on paper."

The Improvement Trust was founded in 1937. It is fourteen years now and after fourteen years this is the certificate which this committee, on which Members like the hon. Bakshi Tek Chand and others served, has given. In regard to slum clearance, the report says:

"It will be realised that on the side of slum clearance also the record of the Improvement Trust is very meagre. A number of schemes notified by the Trust many years ago have not yet even been touched. A typical instance is that of the Delhi-Ajmeri Gate slum clearance. This was notified as early as 1938. But so far nothing has been done beyond the demolition of the city wall and the construction of a road running parallel to the Circular Road. The ugly slums behind the city wall have survived in all their nakedness. Similarly the whole stretch of land from Mutiny Memorial Road to Sadar Bazar which is covered by the Motia Khan slum clearance scheme, Qadim Sharif scheme, Sarai Purani Idgah scheme, the old Slaughter House scheme and Paharganj Estate scheme has remained in the appalling condition in which it was when the Trust was constituted. In fact, these areas have deteriorated considerably, both as regards sanitation and cleanliness since the Trust took them over by including them in its schemes. Similarly, a big area including Manakpura and the surrounding 'abadis' is a slum of the worst type and, though included in a scheme for clearance by the Trust long ago, has so far remained untouched."

In this connection I might as well state that it was in 1929 or 1930 that Mahatmaji visited one of the worst slums of Delhi and wrote a very strong article in "Harijan" condemning that it was a blot on the fair name of the Capital to have such slums; this was followed by a visit by Lord Irwin, and it was as a result of this criticism that this Improvement Trust was brought into being. Today the number of slums is much more than it

was at that time, and the condition of these slums is much worse than it was at that time. This is the record of the Improvement Trust which has been in existence for the last so many years.

Then this Report goes further and says:

"Again, in the name of interim development control, the Trust has frozen considerable areas of land under Town Expansion Schemes. These schemes were intended to be followed up by operative schemes, but the intention did not materialise and large areas of vacant land remained undeveloped and unbuilt upon."

Then further on it says:

"The achievements of the Trust during the thirteen years of its existence are not at all impressive. Two essential pre-requisites of the proper planning of a town are (i) a civic survey and (ii) a Master Plan. The Trust has been able to produce neither, with the result that the growth of Delhi has been proceeding in a haphazard way, with little foresight and imagination and without any co-ordination."

In another place this Committee has said:

"The policy followed by the Trust in the matter of the disposal of plots of land developed by it invited severe criticism from the witnesses who have given evidence before us. It was urged that the policy of the Trust has not resulted even in a partial solution of the housing problem in Delhi. The Trust has sold land to the highest bidder"—my friend Mr. Sidhva may please note—"or tenderer, regardless of the consideration whether the buyer was a genuine builder or only a speculator in land."

**An Hon. Member:** Why Mr. Sidhva particularly to note?

**Shri Deshbandhu Gupta:** He has been defending that there should be some system whereby the people of moderate means could get lands. Therefore I invited his attention to this.

Then the Report goes on to say:

"No restriction was placed at any time by the Trust on the number of plots which any one

person or body could buy; nor was any step taken by the Trust to encourage the buyers of these plots to build houses. Judging by the evidence placed before the Committee, we are forced to the conclusion that the Trust seemed indifferent to the inevitable rise in the prices of land as a direct consequence of the policy regarding its disposal. The mischief of such a policy was greatly aggravated by practically all areas fit for development in Delhi being brought under the control of the Trust through issue of notices of acquisition, thus stifling private enterprise altogether."

This is unfortunately the record of its working. Then it says:

"Apart from the inequity of the law relating to acquisition of lands for the execution of Trust schemes, its actual working also has been marked by long and cumbersome delays and by an absence of sympathy and imagination."

And then it says:

"It is not necessary to discuss other aspects of the policy of the Trust. The relevant data summarised in Volume II throw much light on the working of the Trust. Whatever may be the extenuating circumstances, the story of the Trust is the story of a failure."

Now I do not want to take the time of the House by citing illustrations as to how oppressive and inefficient has been the working of this Trust. I have volumes of evidence here to show to the House how the people of Delhi have been treated by the Trust.

**Shri Kamath (Madhya Pradesh):** During question time when I put a question the Minister of Health said that the criticism was not as bad as my friend Shri Deshbandhu Gupta has read out just now. She said it was not so severe, its working was not a failure. But now it turns out to be as bad as I then said.....

**Shri Sidhva (Madhya Pradesh):** She admitted it was bad.

**Shri Kamath:** Not so bad, she said.

**The Minister of Health and Communications (Rajkumari Amrit Kaur):** May I say that the Report should be read in its entirety and the difficulties that the Trust had to encounter should also

[Rajkumari Amrit Kaur]

be taken into account? You can always take out sentences and make a position much blacker than it is.

**Shri Rajagopalachari:** In spite of that suggestion, one hour is certainly long enough. He need not read the whole Report. It is well known that persons use what is only in their own favour.

**Shri Sidhva:** Sir, I have read the Report. If you read the whole Report the impression is that it is bad.

**Shri Deshbandhu Gupta:** I conclude by reading that portion which said:

"Whatever may be the extenuating circumstances, the story of the Trust is the story of a failure."

I purposely read it last so that the hon. Minister may know what was pleaded by the Improvement Trust in its favour has been taken note of by this Committee and this was the opinion expressed by the Committee. And I do not think she would try to defend the working of the Trust. But I do not think she could be held responsible for the working of the Trust. For although it has been under her Ministry, due to the reasons I have given it is impossible in the very nature of things for any Minister of the Centre to look into this matter and see that the working was proper. Therefore I want to know what is at the back of the mind of the hon. Minister when he says that regarding the Improvement Trust also this authority, that is the local Legislature should have no jurisdiction of making any laws. If the question is of laws alone I have stated that there is already an Act and that Act will continue to govern the working of this Trust. The question of making a law does not therefore really arise today. But what is perhaps at the back of the mind of my hon. friend is that the popular Ministers or the Legislature should have no voice in the working of the Trust. Today it is a nominated body and the reports come through the Chief Commissioner to the hon. Minister at the Centre who has very little time to attend to these things. If it is made a transferred subject, the result would be that it will be subjected to the scrutiny of the local Ministers who know where the shoe pinches and who will know where things are going wrong. Therefore, I do not see any reason why they should deprive the State Government of the right to administer this, of seeing things and setting them right—unless it is contemplated that things

should continue as bad as they are, there is no justification for same.

**Babu Ramnarayan Singh:** May I know how the administration of the Trust is oppressive?

**Shri Deshbandhu Gupta:** I have told you that the number of slums has increased, they have spent practically nothing to discharge their duty in respect of slum clearance which was the main object, and they have monopolised all the areas where Delhi City could extend. They do not develop themselves, and they do not allow other people to develop. That is the reason why it is oppressive. Let me give one instance to show as to how oppressive it is; hon. Members know that in answer to an interpellation asked by me it was given out that as many as 330 or 350 plots of land belonging to private owners which were sold by the Trust have been under the unauthorised occupation of displaced persons. Well, it was an emergency and one could understand that when these people came they occupied the Government lands. As these lands were lying vacant, they occupied these lands too. The value of these plots is estimated at about Rs. 30 lakhs. For the last four years they have been under unauthorised occupation. Instead of providing alternative accommodation to these people and thereby making these plots available to the rightful owners, on which they had 30 to 40 lakhs of rupees to the Trust, the Trust has been prosecuting the owners for putting up buildings on same knowing full well that they have been under unlawful occupation and in several cases they have even confiscated the plots for the reason that they have not been built over. I have got evidence before me of original notices of confiscation and the orders of termination of the leases. I took up this matter in the Chief Commissioner's Advisory Council. When this came to the notice of the Chief Commissioner he took up the matter with the Trust and now I understand the Trust is going into this question and they say that they will not terminate the leases. They have served notices and are oppressing the people in all possible ways. There is evidence to show that it takes more than two years to register mutation of plots sold by the Trust. (An Hon. Member: What about the ground rent?) It is being charged even today. I have been pressing that owners if all those plots which have been under unlawful possession and for which heavy sums have been paid to the Trust should at least not be made to pay the ground rent but they



are being made to pay the ground rent. I think, more than Rupees 3 lakhs is being realized annually by way of ground rent.

It would be unfair if I convert this into a debate on the Improvement Trust. I would however like the Government to give an opportunity to discuss this question. A day should be allotted for discussing the Improvement Trust Enquiry Committee Report. Then and then only the House will know what has been the working of the Improvement Trust and that instead of improving things, it has been adding to the difficulties of the people of Delhi.

I now come to water supply, drainage, electricity, transport and other public utility authorities. Water supply also has got an interesting history in Delhi.

**Shri Rajagopalachari:** The hon. Member may try to be brief.

**Shri Deshbandhu Gupta:** I will be very brief.

**Shri Rajagopalachari:** I am afraid that each of the items would take proportionately the same amount of time as one item.

**Shri Sondhi (Punjab):** We want to know the whole history.

**Shri Rajagopalachari:** It may be so, but the history is not relevant on this Bill.

**Shri Sondhi:** We have put an amendment for that purpose.

**Shri Deshbandhu Gupta:** I quite realize that it may be difficult to deal all these things at length. I do not wish to take much time of the House, but that exactly is my argument against reserving these subjects. I feel that this House will never have the time to discuss these things. It has never had the time to do so in the past. My hon. friends should know something about the working of the Improvement Trust and how the people of Delhi have been suffering and why is it that we clamour for power etc. If even today, my hon. friend feels that I am taking unduly long time on these matters, when will Parliament have patience to go into these matters? That is the main reason why they should be transferred to the local Legislature. *(Interruption)* There is not even an inclination on the part of Government to do so as my hon. friend rightly points out. I do not want to take up much time of the House. I only request

very respectfully that hon. Ministers should appreciate the point of view of the people of Delhi, the reason for their demand that these subjects should not be made reserved subjects. That is all. I would very briefly refer to the arrangements of water supply. Delhi had its own water supply and filtration arrangements till 1924. When New Delhi grew in importance a Joint Water Board was formed under an Act of this House probably in 1926. Since then, this Board has been handling filtration etc. Now during the last session my hon. friend—unhappily this has been entrusted also to her—had to introduce a Bill. *(Interruption)*. Unhappily because this has nothing to do with health. While introducing the Bill she asked this Legislature to go back on the undertaking which was given by Government to the Delhi Municipality at the time when this Joint Water Board was formed and to increase the rate which was originally agreed to be charged from Old Delhi Municipality. That Bill is already there and the hon. Minister knows what that Bill contains. I will give you just very briefly what it comes to. The cost of production of water has steadily gone up since it came under this Body; it was in 1938-39 1.95 annas whereas it is today 3.73 annas. The Government are now asking the Old Delhi Municipality to pay a higher rate against the agreement already entered into. Although there is a separate authority under an Act of Parliament to handle the cost of production has been steadily going up and the working of this Body has not been efficient. I do not know whether the hon. Minister has the time to look into the affairs of this Body but this is a fact that to my knowledge the working of this Body has not been very satisfactory and that is borne out by the fact that Government is now trying to go back on the undertaking which they gave in 1924 to the Delhi Municipality. Then I come to electricity. Till 1946 there was a body called the Delhi Electric and Traction Company. This was a British concern and this concern was supplying electricity to Old Delhi and New Delhi. Subsequently this question came up before the Government of India and they formed the D.C.E.P.A. to take charge of the generation of electricity. The Old Delhi Municipality has been trying for many years to get a licence for distribution of electricity and as the House knows it was a very legitimate demand. All utility services are run by Municipalities and it is a source of income to them. This was denied to the Old Delhi Municipality because a British firm was in charge of that

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which was making lakhs and lakhs of profit every year. An inquiry committee called Pitkeathly Committee was appointed by Government some years ago. That committee had recommended that bulk supplies should be made to any consumer who buys more than 1.5 million units. But what has happened? Since the D.C.E.P.A. came into existence, they have given the distribution of electricity to the New Delhi Municipality and the New Delhi Municipality makes about Rs. 22 lakhs a year on the distribution of electricity whereas to the Old Delhi Municipality, they have denied this right so far, with the result that a large share of revenue something like 30 to 40 lacs a year, which should have gone to the Old Delhi Municipality has been denied to them. This is the position about electricity.

11 A.M.

In this connection I would like to point out a very interesting instance of how this present Electricity Board works, I mean the Delhi Electricity Board. My hon. friend, Mr. Gadgil who claims the credit for having sabotaged the scheme for self-Government for Delhi is not in his seat but his Deputy Minister is there. This was under his charge. This Electricity Board has been functioning under the Act of Parliament and was under the Ministry of Works, Production and Supply. Since 1947, there has been a pending demand for about 30,000 kw. on behalf of the citizens of Delhi, for electricity. All these five years, this demand has not been met. So many questions have been asked; but every time it is said on behalf of Government that the situation would improve soon. Big amounts used to be paid at one time for a connection. All manner of corruption followed which is understandable or unavoidable under such circumstances. This Authority would not take proper care of this matter. Instead of planning things in advance as they should have done, I know it for fact that when they ordered a plant for electricity for increasing production, it took them perhaps nine months to get a licence from the Industries and Supply Ministry. This is how things are happening. Then, a German reparation plant was offered to this Electricity authority. This plant was lying in Calcutta for two years. It was going a-hawking. This was also offered to other States. They would not touch it with a pair of tongs and the Delhi Electricity Board thought that it was a second-hand plant and that they could not put it to use.

**Shri Sidhva:** They had no experience.

**Shri Deshbandhu Gupta:** Then, the Faridabad colony which is being developed by the Government of India, the one thing for which the Government can rightly claim credit, took it over through the intervention of the Prime Minister. When they took it over, they asked the Central Electricity Commission, which is a high powered body, again under the control of the Centre, to advise whether they could erect it for them. What was the advice given by this Board? This Commission offered to erect it for the Faridabad Board and prepared an estimate amounting to Rs. 29,75,000 for same. The non-official Faridabad Development Board rejected the estimate of the Board as being too exorbitant, and made their own arrangements for erecting the plant by engaging the services of a German Engineer, under the supervision of the Board. The result is that the whole work has been done at a cost of less than Rupees ten lakhs, as against Rs. 29,75,000 estimated by the Electricity Commission.

**Shri Sidhva:** Is it not a disgrace to Government?

**Shri Deshbandhu Gupta:** As regards the time factor, it is interesting.....

**Shri Rajagopalachari:** May I know whether the Faridabad Board was conducted by the Delhi Municipality? It was under Government.

**Shri Deshbandhu Gupta:** That is not my contention.

**Shri Rajagopalachari:** What is it that you are proving? You will prove nothing by going into these matters.

**Shri Deshbandhu Gupta:** I will just now state what I am proving. What I prove is this.

**Mr. Deputy-Speaker:** What I say is this. Is it the hon. Member's contention that the Central Electricity Commission, the Central Water Board, the Navigation Commission, all these things must be brought under the Delhi municipal administration?

**Shri Deshbandhu Gupta:** No, Sir.

**Mr. Deputy-Speaker:** Otherwise, there is no need to go into the various administrations under the Central Government. This is not a general debate on the administration of the Central Government. Some instances may be given as to why this amendment ought not to be allowed. These bodies have not managed well; that may be relevant. The hon. Member is going into the administration of the various institutions, and the Central Electricity Com-

mission which has nothing to do so far as Delhi municipal administration is concerned. I think we must confine ourselves to the point raised here in the amendment.

**Shri Deshbandhu Gupta:** I am confining to the Delhi Electricity Board. As the Delhi Electricity Board thought that it should be improved and expanded, I am only incidentally referring that this was the plant which was offered to the Delhi Electricity Board, which they did not take and which another non-official Body was able to take and put into commission in record time. I am only giving an argument that if you trust smaller people, they may be able to show better results. That is my point

**Mr. Deputy-Speaker:** That is a general argument in private enterprise *versus* State enterprise.

**Shri Deshbandhu Gupta:** I do not want to emphasise the argument. The point is that unless there is somebody to look after these Bodies, and take interest in them, these Bodies will go the way they have been going. This 6,000 kw. plant has been erected in half the time and at half the cost than was estimated by Government experts

**Mr. Deputy-Speaker:** I am afraid, the hon. Member need not digress upon this matter at all. It is too much of a digression. There are other matters.

**Shri Deshbandhu Gupta:** If it has convinced the hon. Ministers that there is need for popular control of this Electricity Board, my purpose is served. I only wanted them to realise that the people of Delhi have to pay through their nose for the inefficiency of these departments. Unless you give us the power to check them, we will not be able to improve matters.

**Shri Sondhi:** Including Members of Parliament

**Shri Deshbandhu Gupta:** Members of Parliament have also to pay.

Then, comes transport. I would not like to go into this question because this question has come before this House more than once, but that there is much to be desired so far as transport is concerned. You know that the number of buses plying in Delhi today is less than what it used to be before. Of course, the quality of buses has improved. I do not for a moment say that things are not improving. They are. But the fact remains that although there is a Transport Authority, again under an Act of the Centre, the rates are higher than in Bombay and Calcutta, there are very few passenger

sheds, the number of buses is smaller than what it used to be, and we have no proper workshop to look after the buses. Thus there is much to be desired so far as transport is concerned; it is not what it should be for the capital of India. I would not like to say more about it.

It is stated here "and other public utility authorities". I do not understand what other authorities the hon. Minister has in view. Tomorrow any other authority can be brought in. This is too vague and too wide a provision. My submission is.....

**Mr. Deputy-Speaker:** I am afraid the amendment is equally vague. You say 'final decision'. How can you say 'final decision'?

**Shri Deshbandhu Gupta:** That I will explain presently. The word 'final' may be removed. It makes no difference. Only it gives authority to the President to revise and modify legislation. The import of the word 'final' is that it should be finalised only after the President and the Central Government have approved. If the word 'final' is not appropriate there, it can be changed; we are not fighting about words and the wording can be improved. In the last part of the amendment power is given to modify legislation which the local Legislature might undertake. That is the explanation that I wanted to give about it.

I just wanted to submit that so far as these exceptions are concerned, it is not in any spirit of criticism that I have made these observations. I only wanted to take this opportunity, to place the difficulties of the people of Delhi before the House which are not realised by the Ministers or by Members of Parliament. They only think that Delhi being the capital of India, we are getting huge sums of money from the Central coffers and thus the Centre is raising the standard of living of the people of Delhi. I will come presently to the financial aspect of the question. The purpose of mentioning all these things is to appeal to the House that you must trust the people of Delhi. If you want to give them self-Government, you must trust them at least to that extent. Do you want to look after the drainage also yourself, water supply and this and that? The only ground that can be urged in support of this is that Old Delhi and New Delhi have got joint organisation for these things. Is it suggested that the people of Old Delhi will predominate, and ignore the interests of New Delhi? Is it suggested that New Delhi will not be represented in this Assembly? If the Government has vested

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interests in New Delhi, which I can quite appreciate—do you mean to say that the people of Old Delhi will go to the extent of injuring the interests of New Delhi at their own cost? If electricity fails, will it not affect both the places? If water supply fails it will fail there also and they too will have to pay for it. Therefore it will be our endeavour to see that all these things are run efficiently and you should not have to bother about them. (Interruption). Yes and if.....

✓ **Shri Rajagopalachari:** If given some time, the other Members also may make some suggestions.

**Shri Deshbandhu Gupta:** If it is a hint to other hon. Members, then of course, I am not concerned with it. I only want, as a humble representative of the people of Delhi who has been elected by their direct votes and not come through an indirect channel, who happens to be their only representative—just one—I want to raise my voice here and place their point of view; and it is for the Members of Parliament to consider it or reject it. If I cannot convince the hon. Ministers for whom we all have the greatest regard and under whose banner we have fought the battle for *Swaraj*, and who know more about these things than many other Members here, then there is lesser hope of convincing other Members and I may not succeed in convincing them. But all the same, I consider it my duty to place these points before Parliament and I hope I am not exceeding the limits in doing so.

[SHRIMATI DURGABAI in the Chair]

With regard to (c) I have only one submission to make. There are three Central Acts now, providing for water-supply etc., the establishing of the Electricity Board and the Transport Authority. All these three Acts are there. And as I said, article 254 also being there, there is no danger or risk of the local Legislature going beyond its jurisdiction. All that we want is by all means you may legislate the power to administer the laws. You may even revise the laws, but leave us the power to administer the laws. Otherwise, you will neither be able to legislate nor to administer the laws. I do not want to mince matters. That is the frank statement of the position. The administration of these subjects must be in the popular hands—the local popular hands—and should not rest with the Centre. You can devise any phraseology or any method you like. I have no fight about the words. I only want that it should be realised that

if you want to run these things efficiently you must give the power to the local Legislature.

Then I come to (d) about lands and buildings vested in or in the possession of the Union. My amendment seeks to confine it to New Delhi. Now Old Delhi is as bad as or as good as any other place. If you include Old Delhi, then you will have to include Calcutta, and Bombay and other places where the Union Government has buildings. And what about Simla? Till the other day, Simla was the summer capital of the Government of India and the Union Government owns huge properties there. If you do not consider that these should be transferred to the Union subjects or made reserved subjects as in the Punjab, how is it logical to say that buildings in Old Delhi must not be administered by the Legislature? So I want the provision to be restricted to New Delhi. By all means preserve the buildings in New Delhi to yourself, look after them and beautify them as they are beautified and looked after in all big Governments. That is necessary and it is their duty to do so. But this need not extend to Old Delhi and the buildings there.

As regards part (e) offences against laws, there is no material case and I have myself.....

✓ **Shri Rajagopalachari:** They are just consequential.

**Shri Deshbandhu Gupta:** Yes, not exactly consequential in all cases, maybe not very material. So I will not dwell upon them now.

My main point is, if you want to trust the people, and if you want to give to the people of Delhi a voice in their administration, give them a real voice. The Prime Minister and the Minister of States and also the Home Minister have been saying from time to time that it is their intention to part with some power. If you desire to protect New Delhi as the capital, do so by all means. But do not out of fear, suspicion or distrust, try to place restrictions which will reduce this thing to a mockery. If it is self-Government that you desire to give, then let it be self-Government in the real sense.

Referring to lands, there is a Land and Development Department run by the Government of India and looked after by my hon. friend the Minister of Works, Production and Supply. This Department is responsible for all the lands in New Delhi. I may incidentally say that so far as the Improvement Trust is concerned, there

are very few lands in New Delhi which fall within its jurisdiction. Only of late when displaced persons had to be looked after and certain townships built round about for them that some agricultural lands were acquired by the Trust. But in New Delhi all the lands are administered by this Department of Land and Development and if you look at the work of this Department, you will realise that it has not worked very satisfactorily. Let me give just one recent example. Near *Purana Quilla* on the *Muttra Road*, more than a year ago this Department sold out plots to the tune of Rs. 23 lakhs, realising a premium at the average rate of Rs. 18 per sq. yd. They sold out bungalow plots of 800 sq. yds. each to the people. One of the conditions of the lease was that all the essential services will be provided for as soon as the plots were sold out. Now it is more than one year since they were thus sold out and still the essential services have not yet been fully provided. I raised this point more than once and the hon. Minister in charge, after a long fight agreed to lay the roads and sewers. Although they had realised Rs. 23 lakhs still for so many months they did not provide the essential services with the result that the building activities were held up. This is how the Department has been functioning here.

Then again, there is a colony called the *Babar Road Colony* meant for small teachers, professors and doctors, consisting of about 400 houses. For several years they have been clamouring for permission to build a second storey to these buildings. The hon. *Shri Gadgil* gave an assurance here more than once that this permission would be given to them. But still they have not been able to amend the Municipal laws so as to enable these people to put up second storeys. This is how the housing problem is being solved in New Delhi, and how the Land and Development Department, which is the custodian of the Government land is discharging its duty in respect of the lands. Anyway, that is their affair. If they want to keep it their close preserve, let them do so. But so far as old Delhi is concerned, it would not be fair for them to make that an exception.

It may not be proper at this time to refer to education because it is supposed to be a transferred subject. But I may say a word to the hon. Minister of Health. A lot has to be done in this respect. But I will give one example to show how callous, if I may be permitted to use the word, 267 P.S.D.

or how indifferent they have been to the demand of the people of Delhi in one respect. That is about the *Tibbia College*, the foundation stone of which was laid by *Mahatmaji* and it was founded by the late *Hakim Ajmal Khan*. Unfortunately this college is being ruined. For so many years the people of Delhi have been pleading that the Government should take over the college. Its property is valued at about one crore and it is the only *Ayurvedic* and *Unani* college of its kind in the whole country. Nothing has yet been done and the Government of India pleads helplessness. I have approached the Education Minister, the Prime Minister and the Health Minister. The Health Minister has been taking interest in it. Yet we know it for a fact that although popular Government has been here for four years, they have not been able to save or take this institution which is of sacred memory and on which so much money has been spent. They know it is maladministered and is going to dogs.

Lastly I come to the financial aspect of the question. The general impression in the House seems to be that grant of self-Government was a luxury which is being given by the Government of India to the people of Part C States. My hon. friend has already made it clear that the present annual liability as matters stand today is Rs. five crores and this new experiment will only add to the extent of Rs. 50 lakhs per year for all the States. Is Rs. 50 lakhs considered too high a price to be paid for democratising the administration of these States? So far as Delhi is concerned I might place the correct financial picture before the House.

My friend the hon. Minister seems to be worried and some Members from far off provinces also have a notion that Delhi is a spoilt child and that the Government of India is spending crores for the benefit of the people of Delhi. My submission is that so far as the people of Old Delhi and the rural areas are concerned they have not benefited from the presence of the Government of India, to such an extent as seems to be the general impression. In fact, in many ways they have suffered by the presence of the Government of India rather than benefited by it.

The other day *Pandit Kunzru* said that the total income from income-tax was 48 lakhs from Part C States. He was quoting the Home Minister and the latter explained that what he meant was that that was the amount which was lost on account of this (*Interrup-*

[Shri Deshbandhu Gupta]

tion) or what would be the share of these States. That statement is also not correct.

According to the budget figures for 1951-52 for the State of Delhi the expenditure is 325 lakhs and I do not know if hon. Members have noted, that out of this as much as 126 lakhs is spent on police and the maintenance of law and order. It would be interesting to know how this figure has risen. In 1937-38 the total expenditure on police was 12,08,000. In 1949-50 it went up to 87,76,000. Then it came down to 64,91,000 in 1950-51. In 1951-52 it has gone up to 126 lakhs. With due respect to the hon. Ministers may I ask if it can be a legitimate charge on the resources of Delhi? Why has it gone up? Is it not on account of the presence of the popular Central Government here? We are spending 126 lakhs today but were spending only twelve lakhs in 1937-38, although it was the capital even then. It is probably due to the presence of so many diplomats and the security measures that have to be taken for Ministers etc. What is the new factor that is responsible for this big rise?

**An Hon. Member: Population.**

**Shri Deshbandhu Gupta:** Supposing the population has risen during 1937 to 1951 by seven or eight lakhs let the expenditure be doubled, and come to say 25, 30 or even 40 lakhs. How can you justify an expenditure of 126 lakhs? It can only be justified on the ground that it is incurred to meet an obligation on the part of the Central Government. I do not for a moment suggest that this should be reduced. But the point is that the right place for this expenditure is not in the budget of Delhi State but in the Central budget. If you subtract this sum of 126 lakhs the budget figure would come down to 199 lakhs. In the present circumstances let us put 25 lakhs to be the normal expenditure on police for a city of this magnitude. In that case it will go up to 224 lakhs, which would be the normal budget for Delhi. As against this what is the income? The income for 1951-52 is Rs. 2,52,62,000. If you reduce it by 44 lakhs which is the interest charges due to the Government of India it will come down to 2,00,78,000, as the normal income without extra subsidy, as against 224 lakhs expenditure. I asked my hon. friend the Finance Minister the figures of income-tax during the last five years. In reply to my Starred Question No. 3336, on

the 21st April, 1951 he gave the following figures:

1946-47	...	244 lakhs
1947-48	...	263 lakhs
1948-49	...	399 lakhs
1949-50	...	521 lakhs
1950-51	...	437 lakhs

It has been increasing and I have no doubt it will go up further. You may take it as five crores on the average. According to the Deshmukh Award the Bombay Province gets back as their share of income-tax out of the pool at about 21 per cent. It is 18 per cent. in the case of Uttar Pradesh—my friends should note—and 17.5 per cent. in the case of Madras. Now if you do not want to show any special consideration to Delhi and just give us 21 per cent. of what you are realising from Delhi, it will come to about one crore. And if you add that one crore to the two crores seventy-eight thousand being the normal income of the Province of Delhi, then it will go up to three crores and seventy-eight thousand as against an expenditure is round about Rs. 2.24 we have yet another source of income, I mean the sales tax, which, of course, has been given to us against the popular demand at that time—because the main argument was that we were not being consulted about it. So, add to that the income of Rs. 1 crore from sales-tax. That will bring the total to Rs. 3,97,80,000.

Now I ask: this being the financial picture of Delhi, is it proper to say or is there any justification for the impression that the people of Delhi want to have this luxury of democracy at the cost of the Centre? Such an impression would hardly be justified. My friend might say, well, you have ignored the capital outlay—I am not ignorant about it. If the income is round about Rs. 4 crores and the expenditure is round about Rs. 2.24 crores, we have a surplus of about Rs. 1.75 crores. The capital outlay on all works in Delhi is round about Rs. 41 lakhs and on New Delhi round about Rs. 14 lakhs. Then there is the post-war development scheme for which there has been an expenditure of Rs. 47.90 lakhs. According to the practice, one-half contribution is received from the provincial Government concerned towards the post-war schemes. If this amount of say, Rs. 48 lakhs is spent in Delhi then we will be required to pay Rs. 24 lakhs towards that—even all this we can bear. Of course, I am not giving up the special claim of Delhi on the finances of the Centre. This is one of the obligations of the Govern-

ment of India as has been admitted by the Pattabhi Committee report also; and as all over the world it is an obligation of the federal Government to spend on the capital towns in order to maintain them at a certain standard.

I was replying to the argument of my hon. friend who was saying 'that Delhi cannot maintain itself at all, much less on the present standard; that we have to depend on the Centre if we want to live decently'. I want to tell him that Delhi can look after itself well, perhaps better. Today the position is that we are paying the taxes but we have no voice in the administration. That is the position today. Therefore, let my hon. friend disabuse his mind of this notion and not reject the case for self-Government that I am making on that ground.

I may also point out at this juncture that Old Delhi has suffered immensely on account of the presence of the capital here. In 1947 it was estimated by the Municipality of Old Delhi that to renovate the 200 mile long roads under their administration in the City they would require an expenditure of Rs. one crore; these roads had deteriorated during war time on account of the heavy military traffic it had to bear and also on account of the fact that material was not available. So they wanted some grant to be given to them. Rs. one crore was the estimate of the damage done to the roads; they made out a case for this amount and sent it to the Government of India, but without any response. Later on from the Road Fund a sum of Rs. 20 lakhs was allocated to the Province of Delhi; the Old Delhi people again represented their case but they got only Rs. 3 lakhs! That is the miserly manner, if I may use that word, in which Old Delhi is being treated by the Centre. I want the hon. Ministers to realise that it is not for the luxury of having a democratic set-up that we are asking for; we want a voice in the administration of Delhi because we think we will then be able to improve matters.

One thing more and I have done. The incalculable harm which has been done to the trade of Delhi is not realised. Delhi was the biggest trading centre in Northern India. It was the biggest distributing centre for cloth, iron and so many other things, especially cloth. This was realised by the former Government; they realised the special character of Delhi that it was a commercial town. But what happened when controls came? What was the result of the controls? Though Delhi at one time was the biggest

wholesale trading centre for cloth in the north its quota was reduced to such an extent that it was practically reduced to the level of a retail trading centre. The old Government was good enough to allow certain districts of Western U.P., Rajputana and Eastern Punjab attached to Delhi; Delhi was considered by them to be the distributing centre for these areas with the result that people were having some little trade. But since our full-fledged popular Governments came into power they influenced the Government of India to such an extent that it was reduced to the position of a retail centre. The traders of Delhi who have been carrying on the wholesale trade for ages—Delhi, in fact, was supplying even to Afghanistan, to N. W. F. Province, and to all these areas, only later Kanpur and Amritsar grew as competitors to Delhi—have now been reduced to the position of a retail market. Can you imagine what has been the economic effect of this on the people of Delhi? Trade is finished.....

**An Hon. Member:** How are you paying more income-tax then?

**Shri Deshbandhu Gupta:** It is in spite of that. The harm that has been done is incalculable and ought to be compensated, but it is not appreciated. I have been making representations to the hon. Minister for Commerce and Industry; and taking deputations of traders who narrate their woeful tales to the Minister; he says: "what can I do? Punjab will not agree. U.P. will not agree." Why can not they agree? Because they are full-fledged popular Governments. The Centre is helpless because there is nobody to represent Delhi—Delhi's representatives have no voice. On the other hand, what is the converse? Delhi is a Province with an area of about 600 square miles. Punjab and Uttar Pradesh are surplus States on which we depend for fodder and fuel. What is the result of these controls? Even the uncontrolled commodities have no free access to Delhi. When gram was not controlled it was selling in Bahadurgarh, a distance of ten to twelve miles from here, at the rate of Rs. six to seven a maund, whereas in Delhi we were paying perhaps 50 or 100 per cent. more for it.

The same is the case with fuel, fodder and so many other things. You have made us a small place and incalculable harm has been done to the economy of Delhi. Then, being the capital city, Government are very careful about law and order. They would not allow industrial growth of

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the city. It is one of the decisions of Government that large scale industries should not be started in Delhi, barring what we already have. That is another impediment. We can neither have wholesale trade nor big scale industries. I suggest that this is hardly fair.

One more thing and I have done. I think there is a fear lurking in the minds of the hon. Ministers. They feel that things in Delhi are not yet settled, because a large number of people have come here from West Punjab and other places. This is a point for consideration, no doubt. But I very respectfully submit that these people who number about six lakhs have been in Delhi for the last four years. They have made Delhi their home. Delhi continues to be an attraction for them. Everyday the number is growing, in spite of difficulties. So my appeal to them is that they should realise that they are as much citizens of Delhi as the rest. They should think in terms of improving the economic conditions of Delhi. But there is another aspect of the question; till yesterday, they belonged to a place where they had self-Government and autonomy. Is it not unkind to them if we deprive them of the status which they were enjoying till recently for no fault of theirs? The exigencies of the situation have compelled them to shift to Delhi. Why should they be denied a voice in the administration? Unfortunately, at present they are deprived of it even in their own province, but that is a temporary mishap. We have the cream of the Punjab in Delhi. The entire brain of the Punjab is sitting here and from here they direct Punjab politics. I want them to feel that they are as good citizens of Delhi as the rest. Looking at it from the economic point of view, it should be realised that Delhi was not in a position to accommodate so many people. But while the other provincial Governments were consulted and quotas were fixed for them, in the case of Delhi no such thing was done. I am not sorry for their coming here in such large number. They are our guests, but the fact remains that the people of Delhi were not consulted. Perhaps, the Cabinet itself was not of one mind on the subject. But it happened and we have adjusted. But this should not be used as an argument against liberalising the administration in Delhi. If anything, it should be an argument in favour of it and for giving them a voice in the administration and making them feel that they

are as much *Delhiwalas* as ourselves. These people have been here for four years now. They do not take as much interest in the affairs of Delhi as they should. Of course, a suggestion has been made by them that Delhi should become the capital of East Punjab.

**Shri Kamath:** Not East Punjab, but Haryana.

**Shri Deshbandhu Gupta:** If that is the wish of the Government of India, perhaps the people of Delhi may even think in terms of making Delhi the capital of East Punjab. I have seen today a tendency in this House that small States should not be encouraged. Is there a limit to the bigness of the States as well? U.P. has grown out of all proportion. If Ajmer also is added, it will grow still bigger. Apart from the linguistic argument, it may be urged from the point of administrative convenience... (*Interruption*).

श्री भट्ट : अजमेर को आप यू० पी० में मिलाता चाहते हैं ?

[**Shri Bhatt** (Bombay): Do you want Ajmer to be merged with U.P. ?]

**Shri Deshbandhu Gupta:** मैं कहता

हूँ कि इस का कोई हिसाब नहीं है । [I say there is no end to it.]

My point is this. It is no argument to say that small States should not be encouraged. If that is so, then let the country be divided into four zones. Why should we have the luxury of so many provinces? That will perhaps be conducive to better and more efficient administration. Today we are facing so many problems in different States. Ministers instead of running the Government have to find to settle their disputes. Today it is U.P. dispute; tomorrow it is Punjab dispute. Everyday we find one Minister flying at the throat of another Minister. There is no province which is not presenting problems. So, I say let us divide the country into four or five big zones and re-draw the map of India. Let there be a few big provinces like U.P. or Madras with five or six crores of people each. That will simplify the whole thing.

I am conscious of the fact that I have taken much time and I am very grateful to the House for the patience with which it has listened to me. My humble submission is that let us stick to the recommendations of the Pattabhi Committee; ample safeguards have been provided therein. The



provision of Concurrent List is more than enough. But if you must have special safeguards, you may give positive powers to Chief Commissioner for New Delhi by all means. My amendment makes it clear that the legislative powers will be subject to the scrutiny of the President, which means in other words the Central Government. Let the Ministers sitting here scrutinise the legislations which are passed, but let them not make it impossible for the State Ministry and Legislature to work. If they want results, if they want this experiment to succeed, let them give their blessings and not create obstacles from the very start. I know it is an experiment. Its success will depend on how the people work it. It is not a final thing. We can come again before Parliament and ask for more powers. I know all that. But when you make a start, particularly after having made such big declarations, if you give a truncated thing which cannot be worked successfully, then it would indeed be very hard. I would appeal very earnestly to the hon. the Home Minister, the hon. the Minister of States and the hon. the Prime Minister (who I find is not here) to see that this experiment does succeed with their good wishes and with their blessings. Let them remove these artificial barriers.

**Shri Sidhva and Shri D. D. Pant**  
rose—

**Mr. Chairman:** Shri Pant.

**Shri Sidhva:** It was ruled by the hon. Mr. Deputy-Speaker that those hon. Members who have amendments in their names will be called.

**Mr. Chairman:** The hon. Member will have the chance after Shri Pant. I know the hon. Mr. Deputy-Speaker's ruling.

**Shri D. D. Pant:** My hon. friend Shri Deshbandhu Gupta has taken a very long time in presenting the case of Delhi. Being a lawyer, I am accustomed to that sort of thing, because the weaker the case the longer the arguments will be. Under the present circumstances, I am personally opposed to the creation of small States because this will develop a very bad tendency throughout the country. Supposing Gorakhpur, for instance, which has a population of 40 lakhs wants to become an independent State, would you allow it? Would you encourage that sort of tendency? However, in the case of Delhi I agree as enough safeguards have been provided and because the hon. Minister of States has stated that the question

of merger is not ruled out and after the elections there could be merger. But to say that his amendment should be further diluted and the amendment of Shri Deshbandhu Gupta should be accepted is something which this House should not agree to. It is already convinced that creation of small States is not desirable and the Centre should not take this burden on its head. This is especially so after the experience of taking over Punjab, which is a much bigger State. That sort of thing certainly cannot be acceptable to this House. My hon. friend has mentioned certain facts about water-supply, about sewage, about this contract and about that contract. My submission is this. Had there been complete self-Government in Delhi I am sure things would have been much worse. I have the experience of Lucknow Municipality, where since the administrator has taken over things have considerably improved. Under self-Government they were much worse.

**Shri Sidhva:** Then close this Parliament. Because the hon. Member is a Member of this Parliament things are going all right.

**Shri D. D. Pant:** If Parliament tries to do certain things which would destroy the country it may have to be closed. In that case the country will ask that it should be closed and there will be a dictatorship.

My hon. friend Mr. Gupta himself admitted that under a nominated municipal committee the administration of New Delhi is better. He himself has shifted to New Delhi—he is not living in Old Delhi—because he knows that under a nominated municipal committee the city is better administered.

Hon. Members will appreciate that Delhi is the capital of the country and should set a high standard in regard to administration. People from different parts of the country come here. After having seen the working of self-Government in different municipal committees, I think Government will be taking a great risk if it hands over the entire administration to the Delhi State. Had the mover of this amendment not been an experienced administrator—I mean Shri Gopalswami Ayyangar—we would probably never have agreed even to this. As he has thought over the matter and perhaps thinks that some sort of a lollipop should be offered to the crying child, we have agreed to it.

The speech of my hon. friend reminds me of an incident in British

[Shri D. D. Pant]

history. Mr. Lloyd George was one of the staunchest supporters of the advocacy of home rule for Wales. But when he became the Prime Minister of England he completely forgot about it. We can certainly understand why our friend is pleading for it. We have every sympathy with him. But we are more concerned about the administration of Delhi. People have now realised that self-Government is no substitute for good Government. There was a time when people thought that good Government was no substitute for self-Government. Now it is otherwise. In fact, if the British had only administered India well I would certainly not have been one of those who opposed them. But the British Government were actuated by other motives. They wanted to exploit the country through an efficient bureaucracy; therefore we drove them out. I would very much like to engage a Canadian chauffeur, if he were a better chauffeur than one of my own brothers. We want an efficient and good Government especially for the capital city of India, where foreign diplomats are stationed and where representatives of all the provinces come, so that they might copy the standard of administration here.

Under these circumstances my submission is that the points that have been made by my hon. friend hardly carry any weight. I have already given you the reason why he is making them. Probably when he has to bear the responsibility of a separate Delhi State, he would act like Lloyd George, who, when he became the Prime Minister of England completely forgot about the question of home rule for Wales. If the wishes of the people of Delhi were to be taken into consideration—what Mr. Gupta urged were his own views—what they want is good Government. I am sure the Central Government would be in a position to run the Government of Delhi in a much better manner than the State Government would be able to. If Delhi were to be given self-Government, it will be plutocracy of black-marketeers and not democracy.

**Mr. Chairman:** I would ask the hon. Member to confine himself to specific points raised by the previous hon. Member.

**Shri D. D. Pant:** As I said he has raised a few points about waterworks, sewage and other things. I have already said that if there were self-Government, things would have been

much worse. That is my experience of the Lucknow municipal committee.

My submission, therefore, is that it is the collective wisdom of India that should rule our capital and keep it in good condition, so that the administration here will be a model for the other States to copy.

With these words, Madam, I support the amendment of Shri Gopalaswami Ayyangar.

**Pandit Thakur Das Bhargava:** Madam, I have given notice of an amendment after fully considering the effect of the amendments of the hon. Minister in charge of this Bill and after fully considering the pros and cons of that amendment.

I have just heard the hon. Member who preceded me and I believe some of the provisions of the amendment of Shri Gopalaswami Ayyangar are motivated by feelings like the one expressed just now by my friend Shri Pant. The contention of my hon. friend is that self-Government or *swaraj* is not a desirable thing.

**Shri D. D. Pant:** I did not say that.

**Pandit Thakur Das Bhargava:** I was rather astounded by his remarks and if these remarks were to be pursued to its logical conclusion President's rule should be promulgated in all the States. He speaks lightly of the Punjab; he speaks lightly of Delhi too and wants that the Municipality at Lucknow should be suspended at once.

**Shri D. D. Pant:** It is already under suspension.

**Pandit Thakur Das Bhargava:** He is speaking of a suspended administration. We are speaking of an administration which we are going to set up. There is a world of difference between the two.

For a long time we have been hearing from our leaders that the people of this country are as competent as any other people in the world to manage their own affairs. We must congratulate the Government, because they have taken courage in their hands and come forward with this Bill, to give *swaraj* to Part C States. (An Hon. Member: Delayed *swaraj*.) To a certain extent it is not full; but in course of time they will have full powers. The only question before us is what power should be given to those States and what powers should be given to Delhi.

As the House will see clause 26 consists of two parts. Sub-clause (1) says:

"Subject to the provisions of this Act, the Legislative Assembly of a State may make laws for the whole or any part of the State with respect to any of the matters enumerated in the State List or in the Concurrent List."

This is the general rule in regard to all the States on whom the rights of democracy are being conferred.  
12 Noon.

And then again, there is another clause which to an extent is in the nature of a safeguard. It runs:

"Nothing in sub-section (1) shall derogate from the power conferred on Parliament by the Constitution to make laws with respect to any matter for such State or any part thereof."

My humble submission is so far as the legislative powers are concerned, our Parliament has got ample powers. And while we are in enjoyment of those powers the question is whether this particular safeguard which is sought to be embodied by this Proviso should be embodied or not.

Before we come to that question I will, just with the permission of the House, read clause 27 which we are going to enact. Clause 27 of the Bill reads thus:

"If any provision of a law made by the Legislative Assembly of a State is repugnant to any provision of a law made by Parliament, then the law made by Parliament, whether passed before or after the law made by the Legislative Assembly of the State, shall prevail and the law made by the Legislative Assembly of the State shall, to the extent of the repugnancy, be void."

Now, this is practically a paraphrase of article 254 of the Constitution. My humble submission is that according to this clause the Legislature of the State of Delhi will not be able to enact any law which will be repugnant to the provisions of the laws which are already existing. Apart from future powers, the present laws are also protected thereby.

When I consider part (c) of the amendment, the words are:

"the constitution and powers of municipal corporations and other local authorities, of improvement trusts and of water supply, drain-

age, electricity, transport and other public utility authorities in Delhi or in New Delhi".

My humble submission is this. So far as such organisations are concerned as are common to Delhi and New Delhi, we have already made laws. They are working under certain corporations or certain other organisations and under the laws we have passed in our Parliament regarding them. Those laws are protected even today and the State of Delhi will not be able to enact any laws which will be repugnant to these laws, according to article 254 of the Constitution as well as according to clause 27 of this Bill.

Now the only question remains whether executive power in regard to those organisations is to be given to the administration or not. This is the main question and I humbly beg the Minister in charge of the Bill and the Home Minister to kindly enlighten the House on the question whether according to them these Ministers of the State will be able to exercise any executive power in regard to such corporations or not, because that is the crux of the question. It is quite true that according to article 162 of the Constitution "the executive power of a State shall extend to the matters with respect to which the Legislature of the State has power to make laws". From that it follows. I am expecting an answer from the hon. Minister. I would beg of him to kindly enlighten the House just now on this point, because our task will then be lightened.

✓ **Shri Rajagopalachari:** If the hon. Member wants an immediate answer it will be given. But I think it is better to allow the arguments to develop. If an immediate answer is expected we shall try to give the legal opinion on the point raised. But perhaps it is better to develop the arguments and to take the answer once for all.

**Pandit Thakur Das Bhargava:** Then I understand that this point is not free from the apprehension which has been expressed by my friend Mr. Deshbandhu.

When we go to the other clauses, clause 41 particularly, it appears another amendment has been given which reads like this. That amendment has got a direct relationship to the point at issue and I shall therefore read it. It is this:

"Provided further that in the State of Delhi every decision"—mind you, not only the decisions about an executive affair in regard to laws which

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are sought to be provided under the Proviso to clause 26, but the words are 'every decision'—'taken by a Minister or by the Council in relation to any matter concerning New Delhi shall be subject to the concurrence of the Chief Commissioner...'

May I humbly enquire if the desire of the Mover of the amendment is that in respect of every matter, whether it concerns the matters which are mentioned in the Proviso to clause 26 or in regard to every matter, however trivial it may be, about New Delhi no decision will be taken by any Council of Ministers which will not be subject to the concurrence of the Chief Commissioner? The words here are "every decision" and I am afraid that perhaps we are not justified in restricting the powers of the Ministers to that extent. I do not want to say that the law may not allow it, but I am afraid it will be too much that in regard to matters which are within their purview, according to clause 26 also, even in regard to those executive matters, the ministers should be subjected to the direct veto of the Chief Commissioner. In that case, so far as New Delhi is concerned why not take New Delhi away? Why place New Delhi under the control of this Legislature? It should be better that New Delhi should be made a separate State. After all, we have been hearing in this House that it is very good to have administrations of small States and that they will be better governed, like Athens and Rome. New Delhi has a population of 2,75,000. It is much more than that of Coorg. Have it as a separate State and do what you like. But if you want to create a State and a Legislature for Delhi I do not think it will be wise to create a Legislature of this kind which has absolutely no control, absolutely no powers in regard to the most important matters which affect the daily life of the citizens of that place. In the original motion which Shri Deshbandhu Gupta wanted to move he did not want this Proviso at all. I was consulting him and I asked him to accept an amendment which I proposed. My amendment as a matter of fact seeks to cut the gordian knot horizontally and not vertically. The Proviso wants that powers of legislation in regard to certain matters may not be given at all and may be taken absolutely out of the purview, which means the Legislature will have absolutely no power with regard to those matters, whereas this amendment which I have sought to move cuts it horizontally, so that the

Legislature and the Ministers should have the power but at the same time, just because our leaders think it is not wise to give all the powers of New Delhi to that Legislature, just in deference to their wishes, by this amendment I wanted to see that all the powers in regard to laws are also secured to the President and the Central Government and our Parliament. That is the Central Government will be able to modify all those laws which are enacted by this Legislature.

This is not all. As I have submitted in regard to clause 41, I would with the permission of the House just read out my amendment also in regard to that clause, because then the whole picture will be complete. I have proposed an amendment in regard to clause 41. It reads:

"Provided further that in the State of Delhi the decision of the Minister or the Council of Ministers in all executive matters relating to the items for which final powers of legislation have not been given to the Legislature of the Delhi State shall be subject to such modification as the Chief Commissioner might make in his discretion and nothing in this subsection shall prevent the Chief Commissioner in case of difference of opinion between him and the Ministry from taking such action as he considers necessary."

Both as regards legislation and executive action, I have proposed that the Chief Commissioner or the Central Government shall have the final say in the matter. It is not like a veto; it is not like taking the assent in which either you accept the whole thing or reject the whole thing. Here in this case the right to modify any provision of the clause and to modify the action is also being conceded. As a matter of fact, so far as Delhi is concerned or for the matter of that any part of the country is concerned, we want good Government. We do not want bad Government. So far as this question is concerned as to how far we are ready to concede power to the State of Delhi and to the Central Government, there should be no difficulty in accepting these amendments. These amendments have been put in by me just to find out a *via media* or an alternative. The hon. Minister has brought forward a very drastic amendment and I request him to kindly consider the question from the standpoint of those for whom he has fought so much. At one time after the Pattabhi report was there and after it was not

accepted, I was under the apprehension that Delhi will never have a Legislature and I take it that Delhi is going to have its Legislature. It is due to the kindness, magnanimity and sense of fair justice of the Central Government that they have agreed to give a Legislature to Delhi. This Delhi affair has had a very chequered career and when Shri Deshbandhu spoke of 1928, I was reminded of those days and I submit with all the force at my command that not only the people of Delhi but the whole of Punjab are anxious that the State of Delhi may be given full powers. New Delhi is an old part of the Punjab. Before 1911 Delhi was a part of the Punjab and Delhi is really a part of Hariana and the Delhi Commission-ship included six districts such as Roh-tak, Gurgaon, Hissar, Karnal, etc. At that time we did want that Delhi should become a province in which all these districts should be included. In 1911 I was here when the announcement was made that Delhi will be made the capital of India. There was some jubilation among the Delhi people but we were not very happy as Delhi was going to be cut off from Punjab. As long as the British Government was in Calcutta the people of Delhi were quite prosperous but as soon as they came to Delhi, it was said that their fate was being sealed. It is true to say most of the people in Delhi had come from Hariana whose principal urban city was Delhi. On the 16th August, 1947, I and others approached the Prime Minister and we submitted that so far as Old Delhi was concerned, it may be given to Punjab so that our capital may be there because it is an old part of the Punjab. But this was never agreed to. All the same I would submit the State of Delhi has been affected to the same extent by the incoming of the refugees as the rest of the Punjab or at least the rest of the districts with which Delhi is connected. In all these places it is wrong to suggest that these people have come and therefore we are unhappy. I want to submit from this platform that these men who have come are a part of us. They are adjusting themselves and we are evolving a mixed economy in which all of us shall be happy. As already stated earlier by my hon. friend the cream of Punjab is here and Delhi has been enriched by their coming and so far as industry, enterprise and other civilising influences are concerned, they have enriched Delhi. Delhi has become stronger after they have come. It is quite true that these people have not been able to find accommodation and they have not been given facilities which they thought they would get.

When Lahore and other cities were taken away from them, where else could they go? These grounds really point to the argument that more powers should be given rather than less powers should be given. From the point of view of administration all the people cannot combine against the Government and with differences among them, there is every reason to think that some will side with the Government always. So from this point of view also it is wrong to think that these people will have a kind of Government which will be against the interests of the Central Government.

So far as my experience of the world goes, I cannot see why in a place where the Central Government is having its jurisdiction there should be no other Government. The experience of more than 100 years of the Government of India justifies us in the conclusion that no wrong is going to be done by this circumstance. It was said that when the capital was in Calcutta the Bengalees preponderated in the services but I do not see any such sign after Delhi was made capital and so far as Delhi is concerned, as has been just said, the Delhi people have suffered from the change. In 1946 I was asked by some friends to study the State of Delhi in its various aspects from the point of view of administration, police, hospitals etc. and at that time I was asked by Mr. Asaf Ali to make a speech in this House from the point of view of Delhi and I was very troubled to find that so far as Delhi was concerned, Delhi was extremely backward and all these years from 1911 up till 1946 when the British Government was here, they did not look after the affairs of Delhi. Compared with Punjab Delhi was very backward especially in the rural and other areas. I understand that the real purpose for which any local people want *swaraj* is that they may improve and that they may become masters in their own houses and that they will be able to improve themselves and all the people round about them. If the measure of self-Government is much less then the result will be that they will be unable to look after their affairs. If it is so that self-Government means such control over one's own affairs, there is no reason why this self-Government should be denied to Delhi. It can be said that the Delhi people can look after some of the things which are given in the second list and the Concurrent List.

The most important thing which matters in a State is law and order—Police. Now the Railway Police has

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been taken away and village Police has been given to them. I cannot understand how the Delhi people would feel about it. Psychologically speaking they ought not be made to feel that they are really not masters in their own house but this has been veritably done because the Central administration is in Delhi. What is the result? It is said that so much amount is spent in Delhi. Where is it spent? Most of it is spent in New Delhi and not in Old Delhi. Why is it spent and for whose benefit? New Delhi is a nice place and compares well with capitals of foreign countries also. After all this does not in any way give satisfaction to the rural areas and the Old Delhi people who have not benefited equally and I should say perhaps in everything their condition has deteriorated. Now, I understand that the other things which are being taken away are such that consistently with part (c) they can be taken away. I do not mind that; because so far as I am concerned, I consider part (c) as absolutely unnecessary from the point of view of the Government as also from the point of view of the people. If the Legislature cannot enact any laws in regard to municipal corporations, it is immaterial to me. It is immaterial to me whether the power remains with the Central Government or with the Legislature of Delhi. But, so far as executive power is concerned, it must be conceded to the people. Otherwise, it will be a mockery. What is the use of having a Legislature if in the Legislature you cannot raise a question about electricity, transport and about the other amenities of life? What will that Legislature consider? What will they talk about; what will they manage? Nothing is left. To just cripple the administration in this manner is not fair. If I were a Delhiwala, I would not touch this with a pair of tongs. Since something is being given and there is a prospect and a promise that they will grow into power, that is a different matter from their point of view. Judging from what they are giving today, these three things are most important. When freedom, is being originally given, there is absolutely no reason why it should be given in such a stinted manner. In this particular, is there any experience behind them to come to the conclusion that the people of Delhi will not be able to manage their affairs? What is the basis? Why are they thinking that if these powers are given to them, the Delhi people will not manage well? On the other hand, I should say as I submitted on a previous occasion, trust begets trust. If we trust the people, there is

no doubt in my mind, that the people will acquit themselves well and you will be proud of it. What will happen if these powers are given to the local administration. Have we not seen all these years how these powers have been exercised by the Central Government? Has not my hon. friend Deshbandhu Gupta given full details as to how these departments have been working. We know how the Central Government has been working those departments. We do not know how the local administration will exercise these powers. Is there not good reason to think that these powers should be taken away from the Central Government and handed over to the local administration? It is said that the Central Government administration is not so well as the administration in some of the States. Is it any reason to be proud of? It is very easy for the Central Government to say that the States are not working well, because it is in their power to say so. But, at the same time, if we want to say that, we should be in a position to say that the Central Government has worked better. After hearing about the working of these departments, I come to the conclusion that left to myself, I would not like these powers to remain with the Central Government but they should all be transferred to the new Legislature. Let us see how it works: If it works well or if it works worse. So far as law and order are concerned, I can understand. You cannot afford to make experiments with them as you cannot experiment with food. You cannot just say that everything regarding food may be left to the sweet will of the people. So far as law and order are concerned, there is no basis for saying that the people of Delhi should have complete power in their hands. As regards the other things, there is no justification for taking those powers away. The new Legislature starts with a clog. When the new Legislature comes into being, as my hon. friend pointed out, people will refuse to look at it. If there is a riot, all the legislators will look at and perhaps encourage it. What is going to happen in the new set up. I am rather apprehensive, when the Chief Commissioner comes down to the level of an ordinary debater, and if he begins to take sides, the Chief Minister of the State will take sides with the people and the Chief Commissioner may begin to take sides with those who are opposed to him. What would happen? In this Bill that we are enacting, there are seeds of discord and this experiment is not likely to succeed. I would submit with all the emphasis at my

command that while you are giving them such powers, you should not take away these other powers which will be necessary and which will at the same time conduce to the best interests of the people at large. I would beg the hon. Minister to take courage in both hands and not to stint. While he is giving so magnificently, let him not mar the gift in such a way that the people may not feel enthused about it. After all psychological satisfaction is an important thing. We have raised such high hopes in the people. We were very happy when the Prime Minister stated in the report to the A.I.C.C. that all distinctions between the A, B and C States will be eliminated. When we read in the papers that we were having a Bill which would apply to Part C States and that all the States are being given these powers of autonomy, we just struck work and in the Gosamvardhan Select Committee said, we would not go into a Select Committee for this purpose. After having raised these hopes, it is not fair, it is not just, it is not politic also now to take away these things. My humble submission is that legally speaking, it is not legal, to have such a drastic provision like that that every decision of every Minister in every particular about New Delhi will be subject to the concurrence, of the President. It is not just; it is not politic.

Viewing from all standpoints, if you have got the substance of power, if you are in a position to see that the Delhi administration does not go wrong, if you have got that effective power, you ought to be satisfied. You ought not to keep more. Allow your child to stand up and allow it to run. Even if it makes mistakes, it will be all right later. If you cripple it from the start, if you begin to help it from the very start with crutches it will never grow up. After all, your idea is that it should grow up. How will it grow if it is crippled. You do not give him the legs to stand upon. In regard to Delhi, the provisions proposed are so drastic and are of such a nature that no Legislature will ever grow up. They will always grow in dread of the Centre. They will never do anything responsible. Therefore, I would submit that so far as my amendment is concerned, it gives you the substance of power and I request that my amendment may be accepted.

**Mr. Chairman:** May I suggest that we may hear the hon. Minister now?

**Pandit Kunzru:** Closing the debate?

**Mr. Chairman:** No, no. If it is necessary, hon. Members may speak after the hon. Minister. That may clarify the position.

**Several Hon. Members:** Yes.

**Shri Rajagopalachari rose—**

**Shri Kamath:** May I suggest that the hon. Minister for States may make way for the hon. Home Minister, as we would be able to hear him well if he speaks from there?

**Shri Rajagopalachari:** I will move presently if I am not heard. I think we will not lose very much if parts of the speech are not heard.

**Shri Kamath:** No, no. Every part must be heard. We do not want to miss even a single word.

**Shri Rajagopalachari:** I hope that I shall not be expected to cover what may be said hereafter. I shall try to deal mainly with Mr. Deshbandhu Gupta's arguments which have been enforced briefly, but very vigorously by the hon. Member who has just spoken.

The main question seems to be whether the administration under the Central Government has gone so bad as described by the hon. Shri Deshbandhu Gupta, and if so, whether we should not make a new experiment. I think going round and round, the speakers have come to this point in substance. It is not possible for my hon. colleague who has been in charge of Delhi administration to cover the ground that was touched upon by the speakers vigorously who had an advantage because it would not be possible for Government, in defence, to go through the entire debate, so to say, on the past administration of these various departments. If we have to decide now on a new experiment, it must be on the basis that the previous administration has gone completely and totally bad beyond all redemption. I do not think, that the House has materials to come to that conclusion. It would be totally unfair to those who have been responsible for the administration and who have struggled hard against various difficulties, and it would be equally unfair against the Ministry of the Central Government that has supervised that administration. Much reference was made in this connection to the work of the Improvement Trust. Hon. Members would be inclined to accept charges provided they are uttered boldly and at great length. It is but right. We cannot take evidence and we must accept what people who are in the know of things tell us. We have to take it on trust and.....(Interruption). Let me be heard as patiently as I was listening to the hon. Member during his two hours speech, every moment

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of which put me into a mood of discussion, and yet I restrained myself. Well, the period that was covered by the administrative review that was made here was a period when prices rose, materials were not available, displacements of populations took place and refugee population came down, and came down with every right to be allowed to do anything they liked, anywhere they liked. Is it right to judge an administration on the record of this period and say that the administration had failed and therefore, let us make a new experiment altogether.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

That was Pandit Bhargava's argument, really. The rise in prices, in wages, the displacement of population, the aftermath of Partition, all these have been taken into account and a Committee has given its report only recently. Would it not be right for my hon. colleague in charge, to say that she is now trying to give effect to all the recommendations of the committee and to improve the Improvement Trust, on the basis of those recommendations? Surely you must not condemn an administration on such materials and vote in favour of a new experiment altogether. But even if the House is inclined to make that experiment, I should like to ask hon. Members to bear this in mind. Let us examine the subject calmly and from a detached point of view. On what at last does good administration depend? The materials referred to were all points of administration. Water is not cheaper now than before. Actually it is now more costly. It is not difficult to find out the reason why it is so. If you take a little trouble, you can see that the number of people to be served with water has gone up. Wages that have to be paid to the workers have gone up also, wages that have to be paid to the workers who have to produce this water. The reasons were not gone into by the hon. Member, but he has simply said that in 1939 water cost us so much and now it costs us much more. Therefore hand over the administration to a new body. That is not fair. I would ask hon. Members to consider this. The final character and quality of the administration depends upon the administrative officers. I want hon. Members to examine their minds calmly and tell us an answer to one question. Will these officers who are working and who are responsible men and who have to be kept in check in discipline and supervised and so on, will they work better under the

discipline of the Central Government or will they work better under the discipline of the new Government of Delhi that is going to be set up? As I indicated previously I believe in efficient administration even in small States. I believe that a small house can be managed better than a big house. That is the simple way in which I look at it. But I do not think that these officers of the various departments, such as the Improvement Trust, the Electricity Trust and the like, will work better under the new Delhi local Government than they do under the Central Government. Every thing depends on the psychology and discipline as well as on the talent, efficiency, energy and industry of the officers concerned. What is it that supplies what they want? It is discipline. I have no doubt in my mind and I appeal to hon. Members to agree with me that it would be better to let these officers work under the Central Government for some time before we get experience and change over. I do not mean experience of the officers but experience of the new Government that is to be set up here. The salaries, privileges and conditions of service of such highly paid officers whom we have to maintain for these services, the value of the stuff involved, all go to make me feel that it is better that these officers are under the discipline of the Central Government than under the new Government which we are going to set up in terms of democracy.

Let us remember the size of the new Delhi Legislature which is going to be. Let us remember the size of the majority party in that Assembly and then let us remember the size of the majority group in that party. Then let us see whether the efficiency of the administration would be better under the present Central Government or under the coming Delhi Government. Though I believe in democracy I have great apprehension. I must honestly say, whether we would be making a good experiment in handing over a big organisation like Delhi, New Delhi and the area around into the hands of the new Government which is going to come.

What are we handing over? I would hand over my native city, if I may call it, of Madras to a new Government but surely I would hesitate before I hand over Delhi, the capital of all India, the capital of the Republic of India, the cynosure of all eyes in the world and a city of importance in international politics today. How can we hand this city over to a new Government.



I would ask hon. Members to see the Schedule relating to the new Legislative Assembly of Delhi State and calculate the majority in it. I do not think I am making an arithmetical mistake when I say that eight gentlemen sitting in that legislative assembly will effectively control the whole body of politics in that Assembly. I have no doubt in my mind, knowing as I do the capacity of the Members and I quite see that the leading Members there have sufficient capacity and position to control the Government. I do not say that it is improper. It is better to have a small coterie, if they are good and honest men, than to have a large body of unthinking men. But the question to me is a delicate one. If I have a small balance I can weigh a small thing in it accurately but would I put a ton of coal and make the small balance weigh it? Is it right and proper for Parliament deliberately to pass a Bill by which they create a new Assembly for the first time and hand over to it the administration of Delhi simultaneously without knowing who they are and what they are going to do. On the other hand it may well be argued that this attitude is against all democratic notions. I agree.—I know from the expression on his face what Mr. Sidhva is intending to say by way of interruption—that we must take risks, if I may say without meaning it to be a contradiction in terms, we should take the risks of democracy but we should take the risks wisely. We must go by stages and that is what this Bill provides for. This Bill provides for full powers in certain matters with only negative checks. No Central Government which is wise will undertake a conflict over small matters. It is likely that where there is a difference of opinion on small matters they will not create conflict and will allow the popular Government to go on. But in matters like order, and where vast properties of value are concerned which are owned by the Government of India, we cannot take such risks. I will go into the details in the course of the arguments on those details. But so far as the argument on the general question goes, I have put my position frankly: I am not opposed to democratic responsibilities, small or big, but I am opposed to taking graver risks than are necessary in that connection.

Then the question of financial stability was referred to. The figures may be right or may be wrong—either his figures may be right or my figures may be right. I am told by the Department concerned that the total estimated receipts under all heads of State revenue are as follows—

because Delhi transferred cannot claim it both ways; it cannot claim to become a State and also claim a share in Union revenues. Taking only the State revenues into account the estimated receipts would be above Rs. 207 lakhs but below 250 lakhs.

**Shri Deshbandhu Gupta:** That is exactly the figure I gave. I had discounted Rs. 45 lakhs on account of income-tax.

**Shri Rajagopalachari:** Now the estimation in all its branches is Rs. 414 lakhs, as stated—it may be round about it. My friend gave it as round about it. My friend gave it as Rs. 3.5 crores.

**Shri Deshbandhu Gupta:** No, Sir.....

**Shri Rajagopalachari:** I said you may be right or I may be right, but I do not think presumptions may be made against the figures supplied by the office—they may be right, but probably we are looking at it from different points of view, probably some branches of the expenditure may not have been included. I do not wish to contend that it is a deficit State and therefore no Government need be created for it. I do not say that. If you exclude expenditure for public law and order and exclude other things which will be taken over by the Central Government according to the proposal, very probably the Government will be a financially stable Government, especially because of the income-tax payers' bloc in Delhi. It is a capital city, trade comes here and business comes here and money-makers live here so that probably the income-tax revenue may be pretty high and the share which the State may get in accordance with a future award may be pretty good and it may cover any deficit; financially the State may be quite stable, I do not deny that. But the question is whether, therefore, law and order, police and all that should not be transferred or should be transferred. You cannot transfer only authority without transferring the expenditure; we will have to take it all together. But if the net result of the argument is that law and public order, and therefore the police administration remains outside, then of course there is no question of instability of finance. I do not deny that. But the argument based on controls and the Delhi merchants going down, all this, with due respect, I must say is entirely irrelevant. It is not intended, I hope, that the Delhi Government will cancel or remove all controls such as the Central Government is wanting in Parliament here; it is not intended, I hope that the Delhi

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Government, sitting in some other room in the same building, will decide that control should be removed so far as Delhi Administration goes. I hope such conflicts will not arise—we cannot at least calculate on that basis.

**Shri Deshbandhu Gupta:** If I may interrupt the hon. Minister, I only referred to controls with reference to Delhi *vis-a-vis* other States.

**Shri Rajagopalachari:** But that makes no difference. My hon. friend knows very well that the question of controls and of movement of goods from U.P. or Punjab into Delhi is not going to be controlled separately by a Delhi State; even if they do it would only be nominal; they would have to fall in line with the rest of India. So, no argument could be based on that. It is not right to tell people in Delhi "once we get the administration we would remove these wretched controls and therefore, please vote in favour of our point of view". It would be misleading to tell the people of Delhi or its shopkeepers to do such a thing.

It is impossible for any Part C State, including Delhi with an eminent Ministry, to go contrary to the policy with regard to controls which all India adopts in Parliament. Therefore, for anyone to be told to take sides on that basis would, I think, amount to misleading the people. It is not possible. Therefore, these things are irrelevant.

So far as financial stability goes, I know that any city converted into an independent State will be financially stable because it is all one-way traffic. Things come and they do not go out. But I do not think that every city on that basis should be made into a separate State. I would respectfully submit to the House that while any small State may be defined anywhere as a Part C State or a Part A State, it is not right to pick up urban areas and make separate States out of them. It is easy no doubt on one side, but it will become a heavy burden on the other side. Let us take the position of Delhi. The arguments of some hon. Members proceeded on the basis that New Delhi was the capital of India. It is a wrong way of looking at it. In New Delhi those who organised it built some big buildings and called it New Delhi. New Delhi is only the place which contains the quarters where the officers and their servants live. When Delhi was conceived as the capital, it was Delhi as a whole. Delhi is the capital of India in every sense of the term, not New Delhi. I am not only saying it as a point for argument. It is a real fact.

Anybody who comes here from anywhere in the world looks upon Delhi as the capital and not New Delhi any more than you can say that Government House is the capital and not New Delhi. It would not be right to look at things from that point of view. That angle is wrong. The whole of Delhi is our capital and we will have to look after it.

Now, much was said about Ottawa, Ontario and so on. It is confusing enough to take into account all the facts we have to take into account, but if we bring in parallels from all parts of the world—from Australia at one end and Ontario at the other end—things will get utterly confused. The difference is this. In certain parts of the world, the capitals had grown before the Constitutions were taken up. For instance, in London it was not as if the laws of London and the laws of Britain were made and then London was created as the new capital. There the things had grown and the conflicts had grown and they had to accommodate and produce an arrangement by which the Federation and the authorities of the State could carry on in the capital smoothly. Now, in regard to Ottawa, there was a State Government there and then came a Federal Government and the Federal Government made Ottawa the capital. Then they examined the position of the Federal laws and of the powers of the local Government. Then they have adjusted. I have a letter in my hand which I do not wish to read in full. It is a letter explaining the position of Ottawa, but just two sentences from it would explain what I am referring to:

"In conformity with the terms of its incorporation as these have been amended from time to time, the City of Ottawa is governed by a City Council....."

Quite true, but that is a Municipal Council—

".....consisting of a Board of Control plus 22 Aldermen. ...The Board of Control is composed of a Mayor and four Aldermen elected for two years by a majority of the householders and wives residing in the city. In relation to its municipal life, therefore, the city of Ottawa is completely independent of federal control".

The letter proceeds:

"...In 1899, however, the Parliament of Canada recognised the necessity of federal assistance in the beautification and improvement

of Ottawa as Canada's capital and created the Ottawa Improvement Commission to construct and maintain roads and highways".

Surely, if enquiries are made. hon. Members would find that the Ottawa Improvement Commission was not handed over to the Local Municipal Council but was run by the Federal Government of Canada.

"This Commission became the Federal District Commission by federal enactment in 1923. This statute has of course also been amended from time to time".

I have read enough to show that where a Federal Government has to deal with things that already are in existence they have to deal with them gradually, tactfully and in a statesmanlike manner and they make compromises. Here, in August, 1951 we propose to create a new State and its Legislature. Must we create them with all the conflicts which have arisen in other countries beforehand, or must we avoid these conflicts and proceed from A to Z in proper order? Let us begin therefore without conflicts. (Interruption). The conflict is this. I am naturally proceeding to it straightaway thanks to the suggestion given by way of interruption.

The Improvement Trust was referred to. The Improvement Trust is a Trust not only for Old Delhi. It is an Improvement Trust for the whole capital, that is to say, Delhi, New Delhi, and its surroundings. The area of Government land in their possession—I am speaking only of Government land and not of other lands—comes to 19,840 acres. The value of these lands may be taken at not much below a lakh per acre. Hon. Member Shri Deshbandhu Gupta has bought and sold lands and he can tell me straightway what their value is. I am quite sure that the entire property that is to be disposed of by the Improvement Trust, even if we take only Government land into account, is something enormous and it is impossible to hand it over to what practically amounts to a municipal authority. Whatever be the name you give, the number of people and their status, the New Delhi Government will not be different from a municipal administrative body. Are we to hand over the Improvement Trust which has been doing this work with great difficulty to them?

I do not want to go into details. The power house, the drainage, the whole lot of them are common bodies. The

question was pointedly asked: What we want is the administration—is the administration going to be handed over to us? Just the question that I want to answer—namely, it is not safe to hand over the administrative control and discipline of these people who are working in these bodies to the newly created Government, but should be retained. The draft has been shaped in order to protect this.

It is true that under the Constitution provision is made for reconciling parliamentary laws and State laws which may differ from one another. But the same provision—article 254(2) which was referred to—in substance says that where any law of a State which has received assent is contrary in any matter to a previous parliamentary law, the later law will prevail. It was pointed out by the hon. Shri Gupta that that referred only to A and B States and would not refer to Delhi. He is not right there, because there is no provision in the Constitution with regard to contradiction in laws arising out of this new Bill. When the Constitution was passed C States had no Legislatures which could pass such laws. Now we are going to have a number of them and the difficulty of the clause will have to be overcome by the President declaring that they will be disposed of in the same manner as referred to in clause (2) of Article 254. Government therefore believes that it should be made clear, without merely leaving it to law officers to give their opinions in the matter and appealing to the President under the removal of difficulties clause. It is therefore provided that these matters over which existing laws have already been passed will continue to be outside the ambit of the local Legislature.

Clause 27 of the Bill also specifically provides for it. Therefore, I submit that the House should not venture to take any step by which these large Trusts which have been working for the last ten or fifteen years will be handed over suddenly to an inchoate Government which has yet to come into being under the present Bill. This is not the final say in any matter. The same answer that I gave with reference to the points regarding merger, I give regarding also the amount of authority and the distribution of responsibility. There is time for improvement. Let us not imagine that we make laws for a hundred years. We are making laws for the time being. Especially when we have introduced a compromise arrangement by which powers are distributed, checks are put

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in, conflict will show and experience will show where changes have to be made. But of one thing I am certain, that we cannot take risks with reference to law and order in Delhi, in the capital. Amendments have been proposed by which, according to the language used in the debate, a kind of vertical section is proposed instead of a horizontal one; that is to say, the new Government will have power right up to the bottom and from the bottom up to the top but there can be checks at every layer. That is a deliberate provision for conflict all round and cannot be accepted. Look at it in concrete terms. I hesitate before saying that the discipline of the police of the capital of India, with all the difficulties that have specially come into being at this place,—this is not a comfortable capital, we are a capital at the frontiers, so to say, we are a capital where the whole body and momentum of displacement of populations has its impingement—in that capital to say that law and order should be experimented with, I think, is too dangerous a proposal. We cannot agree to it, and the proviso as moved by my hon. colleague must be agreed to unconditionally.

With regard to other things there is argument possible, but I have already said that there is no unreasonable restriction. No doubt the list, as in all statutory provisions, especially in modern drafting, is very long—(a), (b), (c), (d), (e), etc. In the British statutes they used to write it in a simple paragraph, but when it is put down as (a) to (z) things look more prodigious than they are. But what are the reservations that are proposed here? Law and order, as I said; Government land, as was admitted; and these corporations that are already working. That exhausts the reservations proposed in the amendment to clause 26. The two consequential clauses that the offences relating to these subjects should go with the reservation is a corollary which cannot be avoided. That being so, I submit that the arguments advanced for a new experiment on behalf of Delhi should not be accepted.

Much reference was made to the Father of the Nation and his views with regard to self-Government. It is important though it may look general. The Father of the Nation had a habit of speech which I could understand and have a certain amount of right to explain. He insisted on self-Government in the abstract—when he was insisting on any other form of self-government. He wanted everyone

to practise self-Government to restrain himself. Everyone should take responsibility. That is the self-government which he referred to and insisted upon. But we seem to have gone far beyond that ideal and what we want is not self-Government but acquisition—of as much land as possible, of as much authority as possible, of as much control as possible and so on!

**Shri Deshbandhu Gupta:** I think that was of general application for the whole country.

**Shri Rajagopalachari:** On the contrary for the individual—for the smaller as distinguished from the larger—that there should be self-Government; there should be self-restraint and self-Government.

श्री कामत : उद्धरे दात्मनात्मानं ।

[**Shri Kamath:** Udharedatmnatmanam.]

**Shri Rajagopalachari:** Yes. He has had long talks with my colleague the Health Minister over those problems. He has often told her, "I want Delhi to be an ideal capital; you take over charge of Delhi in the form of direct administration; do it as well as you can and set a model for the rest of the country". Can that be done under the amendment proposed?

1 P.M.

**Shri Sidhva:** Is it so today?

**Shri Rajagopalachari:** It cannot be done under that amendment. It can only be done to a large extent—even this may be objectionable from that point of view—better under the Bill as proposed by the Government than as is proposed under the amendment. A vertical section would be merely conflict. Direct irresponsibility, if I may say so, I can understand, that is to say of attaching certain departments to them, so that we may review the administration of these departments properly. Incidentally I wish to say this. It was argued very vehemently "we have provided every check in the amendment. Why do you object?" True, but can checks govern a country; every check means a conflict and every time a proposition is positively made in the Legislative Assembly and shaped into a policy, a check means an invitation to a public meeting, an invitation to an argument, sides being taken, appeals being made and a lot of misunderstanding. Whereas if they meet together, consult together and dispose of things together, we will not have conflicts and checks. Views are much better understood when properly put forward as an opposition

to an amendment or a legislation already passed. These checks should operate in the Cabinet, not only in the departments mentioned but even in the departments not reserved. There should be complete exchange of opinions but the reservation is to provide against danger. The intention of the Bill is this that in all matters there should be free consultation, exchange of views and as far as possible a common agreed policy. It is only against dangers that checks are provided explicitly but in other matters we envisage a complete harmonious self governing family working together but if we provide checks in a family, we go with a divorce document even before we marry. It is not right. I suggest that we should work together in unity and mutual confidence and not imagine that there will be conflicts and provide for them. It is only against danger that we have to provide.

Shri Deshbandhu very rightly referred to the culture of Delhi. In that he gave away a point to me. I shall explain how. The culture of Delhi is the culture of a capital city. There is nothing else in Delhi specially to be mentioned. All that is good and remarkable in Delhi is that it is associated with the ruler that ruled from Delhi. We want to retain that culture. We want every citizen in Delhi to feel that he is of the family of rulers. The culture of the city will break down if you put this under a local Legislature. I say that Delhi can claim more Members in Parliament, if they like but they should not be divorced from a Parliament of the capital city. The citizens of a capital city are entitled to their special culture and they should claim that culture with pride and that can only be fulfilled if Delhi is retained as a Centrally Administered area and not become a C State. It is no use mixing up C States with Delhi. The C States are quite a different thing from the rural, urban and other small areas. But Delhi is a pure and simple metropolitan area. The area from which grains and vegetables come to Delhi, be it grass or be it vegetables for human beings or fodder for animals that capital area should not be equated with a C State like Coorg or any other State like Manipur and Tripura. Delhi is totally different. The Bill, unfortunately, goes by the Schedule of the Constitution. I would have much preferred to bring a separate Bill for Delhi and a separate Part C States Bill rather than mix up these questions and give room for wrong arguments in the course of the debate. Part C States have nothing to do with Delhi; Delhi has nothing to do with Part C States except that they mutually

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strengthen one another in attacks against the Government. There is nothing else that is common between Part C States and Delhi. Delhi is totally different; it should be understood and disposed of in a different way.

Much point was made of the fact that certain statements were made in the course of the progress of this legislation and that we should not disappoint the people. I quite agree. But, while we should refrain from disappointing the people, we should not do anything wrong. I am probably repeating what I have said before many times on many occasions. Consistency is not the main and sole virtue of public life. Consistency is good so that you may get votes without any difficulty. But, we must govern rightly and decide rightly at each point of time. It is true that we have made statements because we were thinking in that direction. Loud thinking should not be translated into commitments. Loud thinking either alone or in company or in large meetings or in small meetings, gatherings of Part C States Members, amendment-Members and so on, where others had no chance to come and talk.....

**Shri Kamath:** Thought is a continual process.

**Shri Rajagopalachari:** It was a continual process of loud thinking and this Bill has had a very long continual process as compared with other Bills and this Bill, I think, should receive the gold medal in that direction. It has been thought out for a long time because the matter is important and also because Delhi was got into it. If Delhi had not been brought into it, if it were a pure and simple Part C States Bill, it would not have had this long waiting. Since Delhi was brought into it, it has had a long waiting and has given rise to difficulties. If you marry a girl from a rich house, there are difficulties also to be taken along with the pleasure of it. It is in that way that the Bill has been delayed. But, all loud thinking should not be classified as commitments. I think it must be assumed and it is not proper for hon. Members to proceed on any other basis than this that the Cabinet as a whole, the Government as a whole has put forward this Bill. I did not wish to interrupt when statements were made in a roundabout way suggesting that all Members of the Cabinet are not of the same mind in this matter. Yes. Otherwise, why do you want a Cabinet? A cabinet consists of people having different opinions who have come together. They do not wrangle for nothing. They come to common conclusion at the end and those con-

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clusions are put before Parliament. For Parliament Members to drive a wedge between A, B or C by insidious flattery or insidious attacks is not right. Let us take it for granted properly that this Bill is proposed by the Government. All loud thinking previous to it must be taken to have been cancelled when the draftsman has given shape to the Bill and placed it before the House.

The question of morality should not be brought into this. There is no question of morality or immorality. Is it immoral to change one's mind? Is it immoral to accept the right conclusion if your brother says that, though you had held a different opinion? Absolutely not. There is no question of morality. What the hon. Members were thinking of was the disappointment which the electors may feel in the matter. I quite agree. But, there are some people who run elections for the sake of Government. There are others who run Governments and go to election for the sake of good Government. We must now produce a Bill which is good for the governance of Delhi and the Part C States of India. As to how the electors will react to it, let us leave it to the electors. Let them dismiss this Government; let them reject those who stood for this Bill and elect those who stand for complete local autonomy and independence including law and order, and control of foodstuffs and supplies. Let them elect them and let the people have an experience of Government by such people. I have no doubt that we will come back if we are alive after a few years of that kind of Government. There is no difficulty about it. We should not confuse the issue with what the electorate is going to think. It is wrong for Parliament to refer, and I do not think in any other Parliament people would refer, to the reactions of the voters or electors. They would refer to the right and the wrong in connection with a particular issue.

**Shri Deshbandhu Gupta:** The question of electors comes in when we consider the reaction of this on the public.

**Shri Rajagopalachari:** Of course, the public reaction. If it were possible, I would adopt a way of finding the public reaction. But it is not possible. But I may just state it. If the members of the present Government go round with my hon. friend Shri Deshbandhu Gupta, house after house, shop after shop and ask the people

whether they would prefer to be governed by the Central Government or by a newly elected Delhi State Government, I have no doubt in my mind about their answer.

**Shri Deshbandhu Gupta:** I have no doubt too.

**Shri Rajagopalachari:** So let us await the public opinion. Let us not assume things and base our arguments on them. I only expressed this because I was asked to consider that point of view from the other side. That is why I referred to it. We must do what we think is right and just and then allow ourselves to be judged by the voters, if necessary.

The safeguards have been pronounced sufficient. They are not enough. We want positive authority. The Constitution rightly lays it down that administrative discipline goes with legislative authority and the discipline over these Trust Boards must be kept with the Central Government. I have no doubt in my mind that the discipline of every constable, of the police officers from the I.G. of Police down to the constable, must be kept with the Central Government, so long as we choose to live and operate in Delhi. If Parliament does not agree and if this administration is to be handed over to a local Government, despite all the attractions of Delhi, I have no doubt in my mind at all that after some time the Central Government of India will have to migrate to some other place and not remain under this administration.

**Shri Kamath:** Nagpur is there.

**The Minister of Works, Production and Supply (Shri Gadgil):** I make the offer of Poona without any claim for representation.

✓ **Shri Rajagopalachari:** Then reference was made to the provisions of the Bill and it was remarked that they were not a satisfactory. Well, they are not satisfactory. No one claims that they are; but they are good enough to begin with. It was stated by Shri Deshbandhu Gupta that Members would not be satisfied with these provisions. I rather fear that the Government has gone beyond what the majority of the Members would like to do in respect of Delhi. But we have done it with a certain belief and faith in doctrines and in general principles, and also in the belief that these provisions would be accepted properly and in the right spirit of the restrictions. It will be possible for this Bill to be expanded later on

if it is found that the Delhi administration is better than the Central Administration, Government will not refrain from making changes at that time.

Sir, I shall not detain the House longer and I have done. My colleague will deal with the other matters that have to be dealt with.

**Shri Indra Vidyavachaspati** (Uttar Pradesh) *rose*—

**Shri Sidhva:** I have an amendment which I have already moved.

**Mr. Chairman:** I know that. Shri Indra Vidyavachaspati.

श्री इन्द्र विद्यावाचस्पति : सभापति महोदय, मैं इस बिल पर या संशोधनों पर अधिक नहीं कहूंगा । आप धैर्य से सुनें । मैं जितने संशोधन मंत्री महोदय की तरफ से या पंडित ठाकुर दास या लाला देश

बन्धु की तरफ से पेश किये गये हैं उन सब के विरोध में बोलने के लिए खड़ा हुआ हूँ । मेरी यह सम्मति है कि जो संशोधन इस समय हमारे सामने हैं . . . .

[**Shri Indra Vidyavachaspati:** Sir, I do not propose to speak much on this Bill or the amendments. I only request you to listen patiently. I have risen to oppose all amendments that have been moved by the hon. Minister or Pandit Thakur Das or Lala Deshbandhu Gupta. In my opinion, the amendments before us.....]

**Pandit Kunzru:** How much longer do we propose to go on? It is past 1-15.

**Mr. Chairman:** The House now stands adjourned to 8-30 A.M. to-morrow.

*The House then adjourned till Half Past Eight of the Clock on Friday, the 31st August, 1951.*