

**Mr. Deputy-Speaker:** I will now put substitute motions 5, 6, 7 and 8 regarding "food situation" to the vote of the House.

The substitute motions Nos. 5, 6, 7 and 8 were put and negatived.

The substitute motion No. 2 re. "Food Situation" was also put and negatived.

**Mr. Deputy-Speaker:** I now put substitute motion No. 1 of Shri Krishnopal Singh to the motion regarding the situation arising out of drought, to the vote of the House.

The substitute motion No. 1 was put and negatived.

**Mr. Deputy-Speaker:** So we shall now proceed to the next item of business.

14-16 hrs.

#### DELHI ADMINISTRATION BILL— Contd.

**Mr. Deputy-Speaker:** We shall now take up further consideration of the motion to refer the Delhi Administration Bill to a Joint Committee. Two hours had been allotted. I am told the Business Advisory Committee has increased it by one hour. So one hour and 15 minutes are left. How much time will the hon. Minister require?

**The Minister of Home Affairs (Shri Nanda):** I will require half an hour.

**Mr. Deputy-Speaker:** So we have got 45 minutes for discussion. Shri Balakrishnan may continue his speech.

**Shri Balakrishnan (Koilpatti):** In our country one-sixth of the population belong to scheduled castes. We have more than 2,000 municipalities and hundreds of Panchayats, Unions but I do not find even half a dozen Municipal Chairmen or Panchayat Chairmen belonging to the scheduled community. If at all scheduled castes occupy high positions, it is only through nominations that they have acquired those positions.

My request, which is just and reasonable, is that at least one member from the scheduled community should be appointed in the Executive Council. Regarding reservation of seats, Government is going to locate places for the reservation of seats for scheduled caste. I only request that the seats should be located in places where scheduled communities are living in majority. In regard to Panchayat elections, I notice that seats are located for scheduled communities in places where there are no scheduled communities living. It is, therefore, no use locating seats in places where harijan communities do not live. I request the Government to see that seats are reserved in places where scheduled communities live in majority.

Regarding Clause 6 of the Bill it, fixes the age limit as 25 for a person to stand for elections to the Metropolitan Council. When the citizen has the right to be a voter at the age of 21, he has no right to stand for elections to the Metropolitan Council, according to this Clause. This Clause deprives the right of a voter to stand for elections. In the case of municipal elections and panchayat elections, every voter is eligible to stand for elections. So the same procedure should be adopted in the case of elections to the Metropolitan Council also.

Clause 17 deprives the right of Parliamentary members from holding membership of the Metropolitan Council while they are Members of Parliament. I know there are so many Parliamentary members who are, even at present, holding high positions as Chairmen or are Chairmen of Zila Parishad while holding the position of Parliamentary membership. I do not, therefore, understand why only the Parliamentary members belonging to Delhi should be deprived of holding the membership of this Council.

Regarding removal or Chairman from the office, the Municipal Chair-

[Shri Balakrishnan]

man or a Chairman of the Panchayat Union cannot be removed through a motion of no-confidence until six months are over from the date of election. But here in this Bill, fourteen days' notice is enough to remove the Chairman with a simple majority vote. This will create an unsteady atmosphere in the functioning of the Council. So this will have to be amended suitably.

**Shri Brahm Prakash (Outer Delhi):** I should thank you, Mr. Deputy-Speaker for having given me the opportunity to speak on this unfortunate Bill. It is unfortunate because the public opinion in Delhi has not accepted it or has given its support. All the political parties and all newspapers have criticised it and have found it unsuitable and wanting. I feel that there is some misunderstanding created somewhat—I do not know how—that this Bill has been framed with the approval of some of the Members of Parliament and the Members of Parliament from Delhi. There is some misunderstanding on that account. Before clearing that misunderstanding, it is my duty to tell this House that in the opinion of most of the political parties and responsible opinion in Delhi, the solution to the political problems of Delhi and the solution for giving a unified administration to Delhi and in order to give it a proper democratic character it is only a parliamentary form of Government; that is, a legislature and a council of Ministers is necessary. This is the demand made by the public opinion in Delhi. Without it I do not think that there could be any solution to this chronic disease of a political vacuum in Delhi.

Unfortunately, the argument has been advanced before us, not from today but since 1914, by whosoever had come to administer Delhi that this being the capital there was a special responsibility and therefore, it was the Government of India which had to rule over Delhi. We are also

given some examples in the world in that connection. I have tried to study how the capitals of the world are administered. Except Washington, there is no capital in the world which is administered differently from the other parts of the country. There are no doubt many types of administration, centralised administration, unitary form of government and so on. I do not want to quote those examples, because then perhaps I may be given a different reply. But I would like to quote the example of those countries where there is a federal form of government. In all those countries such as West Germany, Canada, Argentina, South Africa, etc. the administration of the capital city or the province in which the capital is situated is run in the same manner as in the other parts of the country, and there have been occasions when different parties have ruled in the Central Government and in the State Governments, and no difficulties have been felt. Take the case of even the very controversial place and a place of great importance, namely Berlin. Even today, West Berlin is ruled by a Mayor who belongs to a different party. I do not know how if the capital is given a democratic set-up and a parliamentary form of government it will be able to disobey or go against the wishes of the Central Government and how the Central Government's position will be compromised.

Even during the period when we had a limited form of parliamentary government in Delhi from 1952 to 1956, I did not find a single occasion when a decision was taken with a vote in the Cabinet; there was not an occasion when the Cabinet had to differ with the Chief Commissioner; there was not a single occasion when the Government of Delhi had to differ with the Government of India. That administration was quite successful. But, somehow, the story has been circulated that it had failed. I do not know what the criterion is.

The States Reorganisation Commission had no doubt given a verdict against us. That was an unjust verdict. The States Reorganisation Commission had given many unjust verdicts. Those verdicts have been reversed by this august Parliament and I think that in the future also certain other verdicts will be reversed. It was a prejudiced opinion given against us. I would submit that the Delhi voter was the best judge. I may inform you that the numbers of votes polled by the Congress Party in 1957, just after the abolition of the State, was double than what was polled in 1952. That was a measure of great confidence that the people of Delhi had in the Congress Party which was in power at that time. I am also grateful to the people of Delhi, for I stood from a constituency which was quite foreign to me it was a wholly urban constituency; I was returned from that constituency because I happened for some time to be their Minister and they had therefore voted me from that constituency. So, if the public opinion in Delhi is taken into account, then in their opinion that experiment was a success, and no difficulty had arisen at any time between the Delhi State Government and the Government of India. Our experience during the last two three years of negotiations with the Government of India has also given me the additional argument that under the present Constitution....

**श्री ब्रह्म चन्द्र कच्छबाय (देवास) :**

उपाध्यक्ष महोदय, मैं घ्रापकी व्यवस्था चाहता हूँ। दिल्ली के इतने अच्छे बस्ता बोल रहे हैं। और दिल्ली के बारे में चर्चा हो रही है, लेकिन सदन में गणपूर्ति नहीं है।

**Mr. Deputy-Speaker** The hon. Member may resume his seat for a while. There is no quorum. The bell is being rung—Now, there is quorum. **Shri Brahm Prakash** may resume his speech.

**Shri Brahm Prakash:** As far as the present Bill is concerned, no doubt

after diluting our original demand in order to give an opportunity to the Government of India to give us an alternative, we entered into discussions. We tried to thrash out some formula. No doubt, we agreed, 'Yes, instead of Assembly, it may be called Metropolitan Council that may be directly elected. Instead of Ministers, it may be 'Executive Councillors.' They should be out of the elected members.' This assurance was given to us. I think Government still stand by that assurance. But after these things were discussed, things got stuck up because in the present form, the Metropolitan Council is nothing but an advisory committee. It has no role to play. It will be directly elected by the people of Delhi, it will be given all the paraphernalia of an Assembly but it will have no vote on any question. Then again, the Executive Councillors will have no power as at present envisaged. After their appointment, they will not be responsible to anybody except to the appointing authority. This is not democracy.

**श्री ब्रह्म चन्द्र कच्छबाय :** उपाध्यक्ष महोदय, सदन में गणपूर्ति नहीं है।

**Mr. Deputy-Speaker:** The bell is being rung—Now there is quorum. He may continue.

**Shri Brahm Prakash:** I was saying that the Bill in its present form is undemocratic in character. If Government is keen on experimenting with this Bill, if Government wants that this experiment should be made successful in Delhi, it will have to give wider powers to the Metropolitan Council. The Executive Councillors should be made responsible to the Metropolitan Council. The basic power is the power of finance. Without the power of finance, to the Metropolitan Council, there cannot be any answerability. If according to the Constitution as it stands, as experts point out, no financial power can be given to us, then the Constitution should be amended.

[Shri Brahm Prakash]

I would urge upon Government this in the interest of better administration in Delhi. By adopting and putting into practice this Bill, the Delhi administration will become worse than what it is already. It is already bad. The whole administration is divided into so many authorities. To these will be added two or three authorities, all pulling against each other. Delhi will have neither efficient administration, nor unified administration nor good administration, So I would urge upon Government to think radically about this Bill before enacting it.

श्री श्री. सा० द्विवेदी (हमीरपुर) :  
उपाध्यक्ष महोदय, मैं भाग (ग) के राज्यों की जनता की भावनाओं को सदैव पूर्ण रूप से पूरा करने के पक्ष में रहा हूँ। जब भी भाग (ग) के राज्यों के लिए विधेयक धारा 4 और दिल्ली के लिए भी उत्तरदायित्वपूर्ण प्रशासन के बारे में विधेयक धारा तो मेरा भी उस में थोड़ा सा हाथ और सहयोग था।

मुझे खुशी है कि ब्रह्म प्रकाश जी ने कुछ बातें कहीं हैं जो दिल्ली की जनता की भावनाओं को प्रतिबिम्बित करती हैं। मैं मानता हूँ कि जो कुछ उन्होंने कहा है उस में कुछ तथ्य है। किन्तु समय धाज उन के साथ नहीं है। इसका कारण यह है कि देश के ऊपर संकट के बादल मंडरा रहे हैं। उत्तरी हमारी सीमा धाज भी सुरक्षित नहीं है। चीन हमारे ऊपर चिरा हुआ है और पश्चिम में पाकिस्तान के साथ युद्ध हो कर धभी समाप्त हुआ है और उस युद्ध में से हम गुजर चुके हैं ऐसी स्थिति में दिल्ली के प्रशासन में सुधार के लिए धगर हमारे गृह मंत्री जी ने कोई कदम उठाया है तो वह धसामयिक कदम है। उन्हें इस समय पर कोई बिल पेश नहीं करना चाहिये था। कोई विधेयक उन्हें प्रस्तुत नहीं करना चाहिये था क्योंकि उसका यह समय नहीं है।

फिर भी यदि कुछ उन्होंने किया है तो हमारा ख्यास है कि संसद् के सदस्यों को, इस सदन को इस समय मान लेना चाहिये और जो दिल्ली की जनता की भावनायें हैं उनका नोट धरने पास रख लेना चाहिये। जब उचित समय ध्राए तब उस पर ध्यान किया जाना चाहिये।

इस विधेयक के सम्बन्ध में कुछ बातें और लोगों ने भी कही हैं और हमारे चौधरी ब्रह्म प्रकाश जी ने भी कही हैं। उन्होंने एक बात यह कही कि दिल्ली के लोगों को कन्सल्ट नहीं किया गया, उन से पूछा नहीं गया। मेरे पास कागज है जिस में यह बताया गया है :

"After detailed discussions with representatives of political parties and other interests in Delhi, Government have finalised a scheme for changing the administrative set up in certain directions".

इससे मालूम होता है कि सरकार ने जनता के प्रतिनिधियों को ही नहीं बल्कि दिल्ली के विभिन्न धन्य वर्गों से भी परामर्श किया है। मैं नहीं जानता कि किस बात में धधिक तथ्य है। लेकिन मैं सरकारी बात को धधिक तथ्यपूर्ण मानता हूँ क्योंकि जब पूछा गया होगा तभी इन्होंने ऐसी बात कही है।

इसके धतिरिक्त एक बात यह कही गई है कि यदि यहां पर पूर्ण प्रजातांत्रिक शासन व्यवस्था की स्थापना की जाए तो केन्द्रीय सरकार की वह किसी तरह से धवजा नहीं करेंगे और मिलजुल कर चलेंगे, यह धाश्वासन धच्छा है। किन्तु जहां तक मुझे मालूम हुआ है, पिछले प्रधान मंत्री (श्री जवाहरलाल नेहरू जी के धानमंत्रत्वकाल में एक ऐसा समय धाया था जब किसी एक पक्ष के नेता को गिरफ्तार करने की बात धी उम समय मुझे पता चला था कि केन्द्रीय सरकार और राज्य सरकार में द्वन्द्व क्षिड़ गया था और वह बात पूरी नहीं हो पाई थी...

भी बहुत प्रकाश : ऐसा कभी नहीं हुआ है ।

श्री म० ला० द्विवेदी : मुझे याद है कि शायद श्री श्यामाप्रसाद मुखर्जी के बारे में या किसी अन्य नेता के बारे में ऐसा हुआ था ऐसी स्थिति केन्द्रीय सरकार के हित में नहीं हो सकती है ।

इसके प्रतिरिक्त इनफिल्ट्रेटर्स या छाता-बाज भी काफी तादाद में यहाँ आए हुए हैं । ऐसी हालत में अगर दुहरा एडमिनिस्ट्रेशन यहाँ चलेगा तो जरूर कुछ न कुछ मतभेद हो सकता है । इसलिए जब तक इमरजेंसी है, जब तक संकट काल है, उस समय तक शासन जिस तरह से चलता है उसी तरह से चलना चाहिये । विशेषकर इस दृष्टिकोण से जो कि हमारे चौधरी साहब का कहना है कि अभी शासन खराब है लेकिन धीरे धीरे भी खराब हो जायेगा यदि यह विधेयक पारित होगा यदि उसे अधिक खराब नहीं करना है, तो वर्तमान शासन ही चलने दिया जाये, और जब उचित समय धीरे, तब अच्छा शासन दिया जाये ।

लेकिन जो विधेयक धाज हमारे सामने है उस में जितनी बातें मूल रूप से कहीं गई हैं उन को मैं मंत्रों में बतलाना चाहूंगा । इस विधेयक में बतलाया गया है कि स्टेट का रिफार्गनाइजेशन हो ले तो यहाँ पर एक मेट्रो-पोलिटिन कौंसिल की स्थापना की जायेगी जिस में सब प्रतिनिधि चुने हुए होंगे और उन के पास केवल वित्तीय मामलों के प्रतिरिक्त सभी अधिकार होंगे, और एग्जिक्यूटिव कौंसिल के सदस्य उसी प्रकार से कार्य करेंगे जिस प्रकार से मंत्रिमंडल कार्य करता है ।

दूसरी बात यह कही गई है कि चीफ कमिश्नर के जो अधिकार इस समय हैं वह बिल्कुल घट जायेंगे । यहाँ तक कि भावी लेफ्टिनेंट गवर्नर होगा उस को भी अब से केवल 10 प्रतिशत अधिकार रह जायेंगे ।

धाज के चीफ कमिश्नर के पास जो अधिकार हैं वह भी 90 प्रतिशत तक घट जायेंगे । इस प्रकार से जिस उत्तरदायी शासन की स्थापना होगी उस मेट्रोपोलिटन कौंसिल और एग्जिक्यूटिव कौंसिल के अन्तर्गत उसमें उस का उत्तरदायित्व अधिक होगा । उसमें केवल न्याय सम्बन्धी कार्य जो होगा वह लेफ्टिनेंट गवर्नर या केन्द्रीय सरकार के अन्तर्गत होगा । इस इमरजेंसी के समय में यह मैं समझता हूँ कि बाण्डनीय भी है घोर होना भी चाहिये ।

अभी तक चीफ कमिश्नर को सिर्फ प्राक्सिस ही सलाह देते हैं और धीरे धीरे जो एग्जिक्यूटिव कौंसिल बनेगी वह चुने हुए प्रतिनिधियों में से ही बनेगी, ऐसी अवस्था में मैं मानता हूँ कि वर्तमान स्थिति से कुछ सुधार हुआ है । इस में कोई दो राय नहीं है । अधिक सुधार की बात मानते हुए, और हम चाहते हैं कि वह सुधार किये जायें, और मैं ने बार बार कहा है, इस समय फिर कर्तुंग कि वह समय इसके विषे उचित नहीं है ।

इस के अलावा यह भी बतलाया गया है कि जैजिस्लेटिव पावर्स भी इस मेट्रोपोलिटन कौंसिल को दी जायेगी और विभिन्न विषयों के ऊपर वह विधान बना सकती है । ऐसी स्थिति में मैं तो यह मानूंगा कि वर्तमान स्थिति की अपेक्षा जो शासन अब बनाया जा रहा है वह अधिक सुधारपूर्ण और अधिक उन्नतिपूर्ण होगा और इस से काम बहुत धीरे बढ़ेगा । हम दिल्ली की जनता से दिल्ली की जनता के प्रतिनिधियों से यह आशा करते हैं कि वे इस समय सरकार के सामने कठिनाइयाँ उपस्थित न करेंगे क्योंकि यह संकट काल है और हम सब को मिल कर संकट का मुकाबला करना है तथा अपने समस्त साधनों को जुटाना है । ऐसी स्थिति में सरकार को दुविधा वाली बतलाना और उस के सामने कठिनाई उपस्थित करना उचित नहीं होगा ।

दिल्ली के प्रशासन के लिये जो यह विधेयक धाया है वह प्रबर समिति के सामने

[श्री म० सा० द्विवेदी]

जा रहा है, मैं ऐसा समझता हूँ। यदि इस में थोड़ी बहुत कमियाँ रह गई हैं या अधिक कमियाँ रह गई हैं तो प्रवर समिति को उन को दूर करने का अधिकार होगा। मैं चाहता हूँ कि जो यह बिल प्रवर समिति में जा रहा है यह बहुत धक्का है। परीक्षण के बाद उस को सुधारने का प्रयत्न वहाँ पर किया जायेगा और उस के बाद जब यह बिल हमारे सामने आयेगा और हम उसे पारित करेंगे तो बहुत समय के लिये वह शासन व्यवस्था दिल्ली के लिये उचित होगी, ऐसा मानना चाहिये।

इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ और धारा करता हूँ कि सदन इस को स्वीकृत करेगा।

श्री काशी राम गुप्त (अलवर) : उपाध्यक्ष महोदय, मैं श्री म० सा० द्विवेदी की इस बात से तो सहमत हूँ कि यह बिल असामयिक है, किन्तु जो दृष्टिकोण उन्होंने ने बतलाया है उस से मैं भिन्न दृष्टिकोण अपनाता हूँ। मेरी समझ से सरकार ने एक बड़ी भारी भूल यह की है कि एक तरफ तो वह पंजाबी मुंबे की मांग के ऊपर विचार कर रही है और दूसरी तरफ बड़ी दिल्ली या बड़ा हरियाणा प्रदेश बनाने की मांग चल रही है। जब इस वक्त दो एक दूसरे की विरोधी बातें चल रही हैं तब देश में संकट की स्थिति न भी हो तो भी इस प्रकार का बिल रखना ठीक नहीं हो सकता है। इस से तो यह जाहिर होता है कि सरकार की नियत यह है कि वह चाहे किसी प्रकार का पंजाबी सूबा दे दे किन्तु बृहत्तर दिल्ली बनाने की तरफ ध्यान नहीं देना चाहती और न ही बड़ा हरियाणा प्रदेश बनाने की तरफ ध्यान देना चाहती है। अन्यथा इस बिल की कोई उपयोगिता नहीं रह जाती है या फिर निकट भविष्य में उसे कोई परिवर्तन इस में करना पड़ेगा। परन्तु इस सरकार का तरीका तो यही रहा है कि एक बात को साती है और फिर कुछ दिन बाद उस में परिवर्तन

लाने के लिये वह मजबूर हो जाती है। मैं समझता हूँ कि इस हालत में भी यही होगा कि वह परिवर्तन करने के लिये मजबूर हो जायेगी।

श्री शिव नारायण (बांसी) : इस की कोई नौबत नहीं आयेगी।

श्री काशी राम गुप्त : तभी प्राय को जरूरत हो रही है इस बात की।

मुझ याद है जब अंग्रेज यहाँ पर थे तब रियासतों में छोटी छोटी प्रेम्बलियों के नाम पर गुड़ियों के खेल जैसा खेल किया जाता था। और देखा जाये तो इसी तरह से यहाँ पर यह मैट्रोपोलिटन काँसिल बनाई जा रही है। वह वैसी ही गुड़ियों का खेल है जैसा कि अंग्रेजों के जमाने में रियासतों के अन्दर होता था। मुझे उस में और इस में कोई विशेष फर्क नजर नहीं आता। दिल्ली के राजधानी होने हुए यहाँ के नागरिकों के साथ इस तरह का खेल खेला जाये यह बहुत शोचनीय बात है। जिस जगह से चुनाव होगा वहाँ से लोग आकांक्षायें लेकर आयेगे। किन्तु जब चुने हुए लोग जनता से कहेंगे कि यह करना हमारे अधिकार में नहीं है, हम तो केवल सिफारिश कर सकते हैं, तो फिर जनता सोचेगी कि इस प्रकार से राजधानी के लोगों के अधिकारों पर कुठाराघात किया जा रहा है।

माननीय मंत्री महोदय यह कह सकते हैं कि देश में और भी यूनिजन टेरिटरीज हैं, उन के समकक्ष ही यह विधेयक लाया गया है। किन्तु मैं यह निवेदन करना चाहता हूँ कि दिल्ली में और दूसरी जगहों में बड़ा फर्क है। दिल्ली में, राजधानी में प्राय जिन को इंटेलिजें-शिया कहते हैं वह बहुत बड़ी तादाद में रहते हैं और इस दिल्ली में रह कर उन की दिमागी खूराक काफी अधिक होती है। इस लिये इस का नतीजा उन्टा ही हो सकता है। चास

कर भी यहाँ पढ़ा लिखा बर्ग है वह लोग यह महसूस कर सकते हैं कि इस प्रकार से उन को बांध कर रखना समय के ही प्रतिकूल नहीं है, बल्कि आशवासनों के प्रतिकूल है और उप-योगिता के प्रतिकूल है।

यहाँ पर जो बजट लाया जायेगा, उस के बारे में उन्हें कुछ करने का अधिकार नहीं होगा, किसी प्रकार के वित्तीय अधिकार उन्हें नहीं होंगे। आखिर यह किस बात का द्योतक है। यह केवल इस बात का द्योतक है कि सरकार को यहाँ की जनता की काम करने की शक्ति में विश्वास नहीं है। इस लिये मैं यह निवेदन करूँगा कि जब यह बिल प्रवर समिति को सौंपा जा रहा है तब इस में इन सब बातों को देख कर के उचित हेर फेर करने की गुंजाइश होनी चाहिये। मैं आशा करता हूँ कि जो माननीय सदस्य इसमें होंगे वह इसको भी देखेंगे।

इस बिल में जो एडमिनिस्ट्रेटर नियुक्त किया गया है उसको यह अधिकार दिया गया है कि वह आ कर के उस सदन को एड्रेस कर सकेगा, वहाँ जा कर वह भाषण देगा। पता नहीं वह कोई शिक्षा देगा या क्या करेगा। यह मैं नहीं समझ पाया। किन्तु उसे इस प्रकार का विशेष अधिकार होगा। इन सब बातों का नतीजा एक ही है कि जो चुने हुए लोग हैं वह सब बेकार हैं और वह अपने विशेषाधिकार का प्रयोग किसी भी समय कर सकेगा।

प्रारम्भ में यहाँ पर तीन प्रकार की स्टेट्स थीं: ए, बी, सी। और दिल्ली को सी स्टेट्स में रखा गया था। उस वक्त की स्थिति में भी यह मेट्रोपोलिटन काउंसिल नहीं बन सकी। इसलिये एक बात कही जा सकती है और वह पुराने इतिहास की बात है। मैं मानता हूँ कि दिल्ली की सरकार जिस प्रकार से बनी थी और चली थी उस से लोगों को कोई बहुत ज्यादा खुशी नहीं हुई। जो

जो काम उन दिनों में चलें, जिस तरह से पुप पालिटिक्स चली, उससे लोग परेशान हुए। किन्तु चूँकि पुप पालिटिक्स से लोगों को परेशानी हुई इस लिये ही वह अधिकार नहीं दिये जायेंगे, यह कोई दलील नहीं हो सकती है।

इसलिये माननीय मंत्री महोदय से मेरा विशेष निवेदन यह है कि जो सब प्रकार की हालतें हमारे देश में चल रही हैं उनको देखते हुए वह इस विधेयक को स्थगित रखें और बाद में लायें, और यदि उन्हें इसे साना ही हो तो उचित है कि प्रवर समिति को भेजने के बारे में जो प्रस्ताव है उसको माना जाय और दिल्ली वालों की जो आकांक्षायें हैं वह किसी प्रकार से पूरी हों इसकी तरफ पूरे तरीके से ध्यान दिया जाय।

यह बड़े आश्चर्य की बात है कि चौधरी ब्रह्म प्रकाश जैसे धादमी कहते हैं कि उनसे जो सलाह की गई उसके अनुरूप यह बिल नहीं धाया। इतना समय लग गया सलाह करने में, फिर भी कांग्रेस पार्टी के प्रमुख वक्ता होने पर उनको इस बात को कहने के लिये मजबूर होना पड़े, तो इससे यह जाहिर होता है कि दिल्ली वालों के साथ अन्याय हो रहा है और उनकी भावनायें बुरी तरह से दबाई गई हैं। मैं निवेदन करूँगा कि उनकी भावनाओं को दबाने का नतीजा यह होगा कि यहाँ पर उसकी प्रतिक्रिया होगी और वह प्रतिक्रिया भयंकर रूप धारण कर सकती है। संकट की स्थिति को देखते हुए, और धाज जो कुछ हो रहा है उसे देखते हुए, ऐसी प्रतिक्रिया न हो इसके लिये जरूरी है कि उनकी भावनाओं के अनुरूप इस विधेयक में उचित संशोधन लाय जायें। प्रवर समिति उनकी भावनाओं और आकांक्षाओं की

[श्री काशी राम पुत]

पूति करने का साधन इस विधेयक को बनाये ।

श्री रामशेखर प्रसाद सिंह (छपरा) : माननीय उपाध्यक्ष महोदय, जो विधेयक सदन के समक्ष उपस्थित किया गया है उसका मैं स्वागत करता हूँ । मुझ से पूर्व जो भाषण यहां हुए हैं उनको मैंने ध्यान से सुना है । श्री बहू प्रकाश जो कांग्रेस के पुराने कार्यकर्ता हैं और उन को कांग्रेस के नेता होने के नाते से बहुत दिनों से हमें जानने का मौका मिला है । उन के विचार भी हम लोगों ने सुने । उन्होंने अपनी बात के सिलसिले में बतलाया है कि यह जो विधेयक यहां उपस्थित हुआ है उस पर उन लोगों से राय सलाह भी ली गई है । उन्होंने ही नहीं और भी पार्टी के जो लोग होंगे सब से राय, सलाह, ली गई है । हो सकता है कि जितनी बातें उन्होंने कही हैं उन सभी बातों का समन्वय इस बिल में नहीं किया गया हो । अध्यक्ष जी, जब प्रपोज यहां थे तो भी दिल्ली में लेफ्टिनेंट गवर्नर होता था और दिल्ली को सरकारी केन्द्रीय शासन के अधीन रखा गया था । उस के बाद संविधान पास होने के बाद पार्ट (सी) स्टेट बना और पांच छः वर्षों तक इस प्रदेश में उत्तरदायी शासन चला । प्रसेम्बली थी और उसका एक मंत्री-परिषद् भी था । जब स्टेट्स रीऑर्गनाइजेशन कमीशन बनाया गया था तो उससे सारे हिन्दुस्तान के लिए राज्यों को पुनर्गठन करने के लिये एक योजना बनायी जिस योजना के आधार पर सारे देश का पुनःसंगठन हुआ और हमारे राज्य में भी हम लोगों की इच्छा के प्रतिकूल बंगाल का कुछ एरिया मिलाया गया । आपने देखा कि दूसरे स्टेट्स में खून छराबी हुई । फिर भी स्टेट्स रीऑर्गनाइजेशन यानी सीमाओं के पुनर्निर्माण के लिए जो प्रायोग बनाया गया था उसकी रिपोर्ट पर विचार करके सरकार ने काम किया । उसी प्रायोग की रिपोर्ट से जो पार्ट (सी)

स्टेट बनाया गया था उसको हमारी संघ सरकार ने तोड़ा और तोड़ने के बाद कारपोरेशन के माध्यम से दिल्ली का प्रशासन चलाने की व्यवस्था की गई । उस व्यवस्था को जनतांत्रिक हिसाब में प्रच्छा नहीं समझा गया और बहू प्रकाश जी तथा और भी कार्यकर्ता लोग दूसरी पार्टी के, सभी लोगों ने सरकार में बराबर लगातार इस बात का प्रयास किया कि जनतांत्रिक पद्धति में यहां पर कोई सरकार बननी चाहिए जिसमें कि जनता के चुने हुए प्रतिनिधियों का सहयोग हो और उनके मुताबिक इस दिल्ली सरकार का राज्य चले । आखिर, उन्हीं लोगों की राय सलाह और मर्जविंग के नतीजे से यह विधेयक आपके मामले उपस्थित किया गया है । तीन प्रकार के सन्देह इस विधेयक के बारे में बताये जा रहे हैं । अध्यक्ष जी, एक तो यह कि लोगों का मन्तुष्टि नहीं है । आखिर मन्तुष्टि है क्यों नहीं । जनता जनार्दन को तो उसकी विशेष चिन्ता है नहीं कि प्राप शासन किम माध्यम में करना चाहते हैं ?

हां, पार्टी नेताओं को जो लोग कि पार्टी गवर्नमेंट बनाना चाहते हैं और पार्टी गवर्नमेंट बना कर के दिल्ली के प्रशासन के ऊपर अपना कंट्रोल रखना चाहते हैं ऐसे लोगों के दिल में जरूर ही सन्देह है । वह लोग इससे सहमत नहीं हैं । लेकिन दिल्ली एक खास महानगरी है । सारे देश के लोग, कोने कोने के लोग यहां आते हैं, हर भाषाभाषी के लोग यहां रहते हैं, हर विचार के लोग रहते हैं और इस प्रकार से छोटें में सारे हिन्दुस्तान का एक रूप दिल्ली है । दिल्ली को जब देखकर ही विदेशी यहां आये तो सारे हिन्दुस्तान का नक्शा उनके दिमाग में बन जायगा । ऐसी स्थिति में दिल्ली में दोहरा शासन या ड्यूबल गवर्नमेंट बने तो वह न दिल्ली के लिए प्रच्छा हो सकता है और न सारे देश के लिए प्रच्छा हो सकता है । ऐसी स्थिति में तो अध्यक्ष जी, दिल्ली को तो केन्द्रीय शासन में होना चाहिए, और दिल्ली

के केन्द्रीय शासन के साथ साथ यहां के नागरिक जो हैं, और जो लोग यहां रहते हैं उनके मन के मुताबिक भी ऐसी कोई जनतांत्रिक ढंग से व्यवस्था बने तो वह स्वागत की चीज है। मैं मानना हूँ कि जो विधेयक आपके सामने उपस्थित किया गया है यह दोनों का समन्वय है और इस समन्वय से यहां पर जो प्रशासन चलेगा उसमें दिल्ली में रहने वाले लोगों की भावनाओं की कद्र होगी और जो दिल्ली सारे देश की एक प्रतीक स्वरूप है उस दिल्ली के लिए सारे देश के लोगों को कहने का हक होगा कि दिल्ली हमारी है और हम लोगों का भी दिल्ली पर उतना ही हक है। अध्यक्ष जी, इस हैसियत से मैं इस विधेयक का स्वागत करता हूँ और मैं माननीय गृह मंत्री को इस विधेयक के लिए बधाई देता हूँ जिस विधेयक के माध्यम से उममें काममोपॉनिटन कौंसिल की व्यवस्था होगी जिसमें जनतांत्रिक लोगों की धारावाज होगी और उममें जो एक्जीक्यूटिव कौंसिलर होंगे जकर नामउद किये जायेंगे प्रेसीडेंट के यहां से लेकिन होंगे तो उन्हीं लोगों में से जो चुने हुए लोग होंगे। ऐसी स्थिति में मैं सक्षमता हूँ कि दिल्ली का प्रशासन बहुत ही सुयोग्य ढंग से और ऐसे ढंग से होगा जिसमें पूरा विश्वास दिल्ली के लोगों का ही नहीं रहेगा बल्कि सारे देश के लोगों का विश्वास होगा। इन शब्दों के साथ मैं एक बार पुनः गृह मंत्री महोदय को ऐसे क्रान्तिकारी विधेयक के लिए बधाई देता हूँ।

श्री प्रकाशवीर शास्त्री (बिजनौर) :  
उपस्थित जी, कुछ दिन पहले मैंने प्रधान मंत्री जी से निवेदन किया था कि 1962 में चीनी आक्रमण के बाद देश में जो एकता बन कर धायी थी सरकार ने अपनी भूलों से उस एकता को समाप्त कर दिया। यही बात मैं फिर धाज कहना चाहता हूँ कि 1965 में पाकिस्तान से हुए संघर्ष में जो देश में एकता बन कर धायी थी सरकार अपनी भूलों से फिर उस एकता को समाप्त करने जा रही है। यही गलती तो इस सरकार ने की उस समय जिस समय कि

यूज बिराम की घोषणा को 24 घंटे भी नहीं हुए थे और पंजाबी सूबे के सम्बन्ध में कमेटी के निर्माण की बात कही। पंजाब में हिन्दु और सिख दोनों धांपस में मिल कर जो पाकिस्तान के साथ संघर्ष में जूझ रहे थे, सरकार की इस घोषणा का दुष्परिणाम यह हुआ कि दोनों ही सरकार को अपने अपने ज्ञापन देने में लग पड़े और ज्ञापन देने के बाद धब एक दूसरे के विरुद्ध अपनी युक्तियां खोजने में लग पड़े। पंजाबी सूबे की समिति के निर्माण का परिणाम यह हुआ कि उस कमेटी के निर्माण की घोषणा भी अभी हुई कि हरियाने का नारा लगने लगा, हिमाचल का नारा लगने लगा, और गोवा के मुख्य मंत्री श्री दयानन्द बनोड़कर ने हिन्दुस्तान के गृह मंत्री को सम्बोधित करते हुए यह बात कही कि अगर इस संकटकाल में पंजाबी सूबे के निर्माण के लिए कमेटी बन सकती है तो गोधा के प्रश्न पर क्यों नहीं विचार किया जा सकता? इस लिए सरकार स्वयं उत्तरदायी है इस बात के लिए कि जो देश में एकता बन कर धायी थी उस एकता को सरकार स्वयं इस प्रकार के निर्णयों से धंग कर रही है।

15 hrs.

मैं अपने मित्र श्री मन्ना लाल द्विवेदी की इस बात से बिल्कुल सहमत हूँ कि यह विधेयक धाज उपस्थित करने की ही धावभ्यकता नहीं है। इनने दिन से दिल्ली का शासन चल रहा था तो और साल दो साल दिल्ली का शासन चल सकता था। इस समय इस विधेयक को नाकर दिल्ली जो भारत की राजधानी है उसमें उदलपुधल पैदा करना और झकझोर देना लोगों के मन को, कोई अच्छी बात नहीं। चौधरी बहाप्रकाश के धाषण का मैं पूरा सुन नहीं पाया। लेकिन मैंने अपने एक मित्र से पूछा तो उन्होंने कहा कि चौधरी साहब ने बड़े बलपूर्वक यह युक्ति दी है कि दुनिया की कोई ऐसी राजधानी नहीं है कि जहां दोहरा शासन चलता हो। मैं भी चौधरी साहब की इस बात से सहमत हूँ कि दिल्ली में भी दोरा

### [श्री प्रकाशवीर शास्त्री]

शासन नहीं चलना चाहिए। सरकार से मैं यह भी कहना चाहता हूँ कि सरकार अपने बांबाडोल मन को छोड़े। या तो दिल्ली के भन्दर जैसा वह चाहते हैं या उनका एक विशेष घड़ा चाहता है प्रसेम्बली का निर्माण करे और या अगर सरकार इस बात के ऊपर दृढ़ है कि ऐसा करने से दिल्ली का प्रशासन और बिगड़ेगा तो मेरा कहना यह है कि जो बात अब तक चल रही है उसमें अगर जनता को कुछ कठिनाई है तो उन कठिनाईयों को दूर किया जाय लेकिन केवल कुछ लोगों के धारण से सरकार झुक करके मध्य का मार्ग निकाले यह सरकार की बुद्धता का परिचायक नहीं होगा। मैं स्वयं चाहता हूँ कि दिल्ली के भन्दर दुहरा शासन नहीं होना चाहिए बल्कि मैं तो यह चाहता हूँ कि केन्द्रीय सरकार पूर्ण रूप से दिल्ली के शासन को चलाये और हिन्दुस्तान के और राज्यों के लिए शासन की भादश व्यवस्था कौसी होती है दिल्ली को उसका एक नमूना बना करके पेश करे। ऐसी मेरी इच्छा है। अन्त में मैं एक बात जिसको कि विशेष रूप से कहना चाहता हूँ, वह यह है कि कुछ दिनों से मैं यह देख रहा हूँ कि जो समितियाँ बनती हैं और जिन समितियों को इस सदन की स्वीकृति मिलती है उसके पीछे भी कुछ रहस्यात्मक हाथ रहते हैं इसी प्रकार से तो पंजाबी सूबे के निर्माण के लिए समिति बनी उसमें जिस एक ही प्रकार के व्यक्तियों को रखा गया है, उससे देश में पर्याप्त क्षोभ है। इस की पुनरावृत्ति दिल्ली के इस विधेयक में घापने की है। इससे मैं अपना असंतोष व्यक्त करता हूँ।

Shri G. N. Dixit (Etawah): Mr. Deputy-Speaker, Sir, I rise to support this Bill. In my opinion, it is a good adjustment between reason and emotion. It is a good compromise between ideal and practice. I know that on the emotional aspect, sufficient has been said by so many Members. They desire that Delhi should be a full-fledged State, that it should have a

legislature, that it should have a Cabinet and a Chief Minister. In addition to this emotional reason, I could add another emotional reason. Because Delhi was the responsibility of the Centre, millions of rupees have been invested in Delhi. Delhi has become a very prosperous city. If Delhi were not the Central responsibility, my constituency might have got something more; other constituencies might have got something more. Really speaking, the Delhi people must advocate for the Delhi State being centrally administered. It is in their own interest and for their economic prosperity. It is not to our advantage as such. But so far as the Delhiwalas are concerned, I find that there may be a political reason—there is a political question involved—but the main question of economic prosperity is important and therefore, the present system of the centrally administered city of Delhi is to the advantage of the city of Delhi.

So far as the ideal is concerned, as I said, there was the reason advanced by Pandit Jawaharlalji, our late leader. We have heard it so many times in this House, and a lot of Members has been advocating and sometimes rightly advocating, that there should be no deviation from Nehru. I do not find any reason why we should not adhere to the voice of our late Prime Minister in this matter. Panditji not only considered this point but also realised that it was different from what was being practised in the city of Washington and in the city of London; he agreed to a responsible government in the city of Delhi. But after studying the experience of its working, he found that it was against the interests of the country to have two governments working at cross purposes in the same city. He also found it was not in the general interest of the people here, and then decided to revert it to its old position, to put back gear and restore it to a position like that of Washington and London. Therefore, after that experience, Panditji decided that in the

city of Delhi the position should be different from all other States in the country. There are other union territories for a special reason, for practical purposes, for realism's sake it was thought necessary that this city, where the Parliament sits, where there is an international confabulation of world citizens, a place which is considered to be an ideal town of this country—

**Mr. Deputy-Speaker:** The hon. Member's time is up.

**Shri G. N. Dixit:** I will take just two minutes more, Sir. It was demanded that there should not be two governments working here at cross purposes and that there should be only one government working; and therefore Delhi should find itself lucky that it is being administered by the top people of this country. Delhi should feel that it is lucky that it gets all the economic assistance from the Government of India; so, after mature thinking, and mature experience, our late leader decided on the present set-up for the city of Delhi. I remember, in my part of the country, there is a Hindi saying:

एक बार ठगाय सो ठाकुर कहाय —

बार बार ठगाय सो बूतिया कहाय ।

It means that a man who is decided once is a lord, and one who is deceived repeatedly is an idiot. Therefore, I will say we learnt by experience, and we found that that was not the right way of doing things, and therefore, we have adopted the other method. Whatever Nandaji has done in the city of Delhi—

**श्री काशी राम गुप्त :** उपाध्यक्ष महोदय, मेरा एक प्वाइंट आफ़ ऑर्डर है । माननीय सदस्य ने जो बूतियां शब्द कहा है वह पार्लियामेंटरी नहीं है ।

**Shri G. N. Dixit:** I have only quoted a proverb. I have not said anything about Parliament. I have only said something which is prevalent in Hindi and I have translated the word

as idiot. It is only a proverb. (Inter-ruption).

**Shri Kashi Ram Gupta:** The Hindi word is not proper.

**Mr. Deputy-Speaker:** The expression is rather vulgar.

**Shri G. N. Dixit:** I request my hon. friend to follow the terminology. In Sanskrit, that word would mean mango. Therefore, from Hindi, I translated it into idiot.

**श्री काशी राम गुप्त :** मेरा निवेदन यह है कि यह हिन्दी का शब्द है । इसका उपयोग गलत है ।

**Shri G. N. Dixit:** You do not know the Hindi meaning. I am telling you that the meaning is idiot.

**Shri Kashi Ram Gupta:** I know the meaning.

**Shri G. N. Dixit:** My submission is this. According to me, everything that the city of Delhi desires for ideal's sake is there. The Metropolitan Council is there; election is there; the executive council is there. The only thing they want is a Chief Minister; the Chief Minister is not there. In the place of the Chief Minister, it will be the President of India and the Union Home Minister who will rule and this will be safe for the city of Delhi. So, with these words, I support the Bill.

**The Minister of Home Affairs (Shri Nanda):** Mr. Deputy-Speaker, Sir, this Bill is being referred to a Joint Committee. That renders my task easier and makes it lighter. I have carefully listened to the observations made in the course of this discussion, but I do not think I should take up the time of the House in dealing with every point in every detail. The Joint Committee can be depended upon to effect such improvements in the Bill as may be called for. If there are any deficiencies, any flaws, the Joint Committee certainly, after full consideration of every provision of the Bill in all its details, will bring

[Shri Nanda]

about those improvements and remove any defect which might be found in the Bill.

I should briefly bring out here what are the basic issues involved and why the basic structure of the Bill cannot be altered and cannot be different from what has been embodied in the Bill. In a number of speeches, strong criticism of the provisions was made. The objections mostly revolve around the position of the Metropolitan Council. Stress was laid on the inadequacy of the functions and powers of the Metropolitan Council. Ridicule was poured on the very limited competence of the Metropolitan Council. On the other side, in contrast, it was said that there was a dictatorial field of jurisdiction for the administrator. That was what was said: that he will be a dictator, a kind of Moghul emperor. All this stems from a lack of appreciation regarding the basic concepts and the principles on which this Bill has been formulated. The Government seeks to implement a certain policy. Hon. Members have raised the question whether Government have a policy in this regard. Government seeks to implement that policy and there is a definite purpose which is sought to be fulfilled through this legislation. I may make it clear that it is not a part of that purpose, not an ingredient of that policy, that Delhi should be furnished with an Assembly, a council of ministers and a Chief Minister. Let that be clear. How we judge this aspect will depend upon whether we agree with this basic approach or not. The basic question, the crucial issue, is whether Delhi should, in addition to being the capital of the Union of India, and the seat of the Central Government, be also the seat of another government which will administer the affairs of Delhi independently i.e. without being answerable to the Parliament for whatever happens here. If we answer this question, all those other issues which have been raised will fall in their proper place and we will see that the picture

which emerges gives us a proper perspective.

Let us see how the existing position has arisen. It is well known to this House that it is the outcome of legislation by Parliament. The present position has the sanction of Parliament. Then the question is whether we are going to improve this position from the viewpoint of the critics or whether there is going to be a curtailment of whatever content of power that rests with the people here. I say there will be a vast improvement. The question whether Delhi should have a government responsible to a local legislature was considered in this House in 1962 when the Constitution (Fourteenth Amendment) Bill was before it. The House then decided that Delhi could not be included in that Bill. I have got that article 239A before me. Let it be clearly appreciated on what our stand is based. The article says,

"Parliament may by law create for any of the Union Territories of Himachal Pradesh, Manipur, Tripura, Goa, Daman and Diu and Pondicherry, a body... a council of ministers, etc...."

This does not include Delhi. When this House accepted that amendment, it was very clear that whereas certain other areas were going to have an Assembly and Council of Ministers, Delhi was not going to have it. When a Bill amending the Constitution is brought before the House, naturally every aspect will be scrutinised very thoroughly and it is not as if there was some kind of lapse or forgetfulness about the question of Delhi. It was raised and discussed at that time and a decision was taken by Parliament that Delhi would not have a legislature and a council of ministers. The considerations which led this House to exclude Delhi from the provisions of article 239A of the Constitution still hold good. That is the important point. This Bill is in conso-

nance with the decision of the Parliament on this basic issue.

Of course, it may be said that we can change the Constitution as was urged here. It was open to members to take the stand that they seek to reserve this position. The question will then be asked, compared to that period of time when Parliament accepted this article, what has happened? What are the new reasons and new facts? I do not think any new facts have emerged. I proceed on the basis that Parliament had taken everything into consideration and then adopted the proper course.

I should like to go a little behind the provisions of that Constitution Amendment Act, because they were again based on a certain reasoning. It may be that there is nothing sacred about the SRC Report and some of its decisions have been altered. But the question is not their recommendation. The question is that the report contains a line of reasoning and we should see whether that is still valid or not. The report gives the basis of reasoning on which the decision of Parliament was taken. The decision taken by the SRC was based on the experience and practice in other federal countries and also considering the situation of this place, the special needs of Delhi and the circumstances in which it is situated. I would like to quote from this report because it is not so much the recommendation which emerged as the basis of reasoning which led to that recommendation regarding the present set-up of Delhi. The Commission dealt with this matter with reference to the situation which existed then:

"This diarchical structure represents an attempt to reconcile Central control over the federal capital with autonomy at State level. It is not surprising that these arrangements have not worked smoothly. On the one hand, it is contended that the development of the capital is hampered by the division of responsibility between the Centre and the State Government and that there

has been a marked deterioration of administrative standards in Delhi since dual control was introduced in 1951. On the other hand, there is persistent complaint from the State Government about the inadequacy of the powers vested in it."

15.17 hrs.

[MR. SPEAKER in the Chair]

The Commission further observed:

"That the present arrangements cannot endure is admitted even in the memorandum submitted on behalf of the Delhi Government which states that "Delhi is a Part C State and it is difficult to see any future for such States." According to the basic pattern of component units of the Indian Union which we envisage, an existing Part C State must in future become either part of a State or a centrally-administered territory. In making a choice between the two alternatives we must take into account the following special factors:

- "(i) Delhi is the seat of the Union Government; and
- (ii) it is basically a city unit, 82 per cent of its total population being resident in urban areas.

It is hardly necessary to discuss in any detail the reasons why Delhi, if it is to continue as the Union capital, cannot be made part of a full-fledged constituent unit of the Indian Union. Even under a unitary system of Government, the normal practice is to place national capitals under a special dispensation."

That is, even if it were not a federal State, the national capital is in a special position. Later on, the Commission brings out other points and says:

It may be recalled that the desirability of excluding the seat of the Central Government from

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the jurisdiction of a provincial government was one of the main considerations which led to the transfer of the Imperial capital from Calcutta in 1912."

Then it is said:

"The weighty considerations urged in these despatches should not be lightly brushed aside on the ground that they relate to a period when India was under a foreign government. If anything, these arguments are more valid in the present circumstances, because there is a greater need for avoiding the blurring of responsibility under a democratic form of government based on the federal principle than under a bureaucratic system of government, which allowed each higher unit to exercise overriding authority over the lower units.

That the capital of the Union Government should be directly administered by it has not been disputed either in the memorandum submitted on behalf of the Delhi Government or by the official representatives of the State during the course of their discussions with us."

Then, in the final summing up they say:

"We have given careful consideration to the argument that a denial to the people of Delhi of the benefits of popular government at State level would be a retrograde step. It has to be realised that, if Delhi is to continue to be the seat of the Central Government, it must adopt a model which is sound in principle and administratively workable in practice. People residing in national capitals enjoy an advantageous position and they must be prepared to pay some price for it. It may be pointed out that

the legal residents of the District of Columbia in the USA are at present totally disfranchised and do not in any way participate in government at either the federal or State or even the municipal level. As we have stated elsewhere, the people of centrally-administered areas in India are more advantageously placed than those of the centrally-administered territories in other important federal countries in that they have full representation in the Union Parliament. There is, therefore, no question of disfranchising the people of Delhi or any other centrally-administered area. Having taken all these factors into account, we are definitely of the view that municipal autonomy in the form of a corporation, which will provide greater local autonomy than is the case in some of the important federal capitals, is the right and in fact the only solution of the problem of Delhi State."

Sir, I have quoted at length from this document because this was the outcome of a prolonged and serious consideration of the problem and it sets out the considerations which led to the recommendation which the Commission made. This fact, this special feature, has also been appreciated, because some of the hon. Members who spoke now, before I stood up, have expressed their appreciation of the special situation here and the need to tackle the problem in a special manner. The hon. Member, Shri Trivedi, who spoke the other day, also said that he visualised that in the metropolis of this country we do require an administration which will be somewhat homogeneous with authority which will vest in the Centre. Today this view has been expressed very forcefully.

Now, I may just make a brief reference to some of the things which have been stated a little while ago on the floor of this House. Why is it

that we brought up this Bill in these circumstances when we would like all controversies to be stilled. Actually, all controversial matters have been brushed aside and there is an atmosphere of unity in the country. Why do we distort it by bringing in a Bill about which there is so much controversy, so much opposition among the people who are mainly concerned with it? If I had felt that was going to be the position, I do not know what might have been the position, whether at this juncture I would have brought this Bill. Incessantly, during the whole period of two years, I know, there have been occasions when numerous questions have been asked here about the position of Delhi, its municipal set-up and other things.

**Shri Kashi Ram Gupta :** Two years before, Punjab, Suba and Hariana were not there.

**Shri Nanda :** I am coming to that. Numerous questions were asked as to why there was this delay about consideration of this question. When we first took up the position of the Delhi Municipal Corporation, there was an attempt, and that was in consultation with members of various parties and others sitting over that question, to see whether we could enlarge the content of the powers of the Corporation in order to give effect, to implement the assurance that Delhi will have something more, something a little more satisfying to the aspirations of the people than a mere municipality, the assurance that was given by the present Prime Minister and also the late Prime Minister. Therefore, an effort was made to see whether we could not do something to the structure of the Municipal Corporation and also to its range of functions which have to be assigned to it. We were almost agreeing on that point and an agreement was almost reached about that. But then, finally it was felt that loading a municipal organisation with so much power, authority and functions

may possibly be not something which will lead to efficient results. Then we took the other course, to see whether we could do something else. The idea of having a Metropolitan Council was originally thought of in substitution of the Delhi Municipal Corporation. Then we said, let the Municipal Corporation stay as it is and we shall have another Metropolitan Council. Therefore, the provisions of this Bill, steadily, from one stage to another, were enlarged, improvements were made with the help of various representatives of this area, and at last I felt that this is something which could be done. Maybe, some of them are not fully satisfied. A few of them are not fully satisfied with it. But the bulk of them thought that in the circumstances, in the special situation here, taking into account all considerations affecting this matter, this is the best adjustment, this is the best arrangement for it. That was the stage where we reached. The scheme was, based on those deliberations which resulted from that, placed on the Table of the House. Now we are faced with this situation. I do not blame anybody. I would be very keen. I would be very happy, if I could do something, if the Government could go further and satisfy the otherwise quite good aspirations expressed by the hon. Member Ch. Brahm Prakash. There is no question of any denial of something which is legitimate and due because of any kind of feeling that Delhi should be deprived of what is due to it. These considerations were discussed at length with the members and we reached this decision. Therefore, the question of withdrawal does not arise. The question is, we are moving forward.

Some points have been raised about Hariana and all that. It was said that since such issues have been raised, why are we going head with the Bill. The hon. Member, Shri Prakash Vir Shastri, on the other hand, said, why is it that we reopened

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the question about Punjabi Suba around which Haryana and other things arise. I am sorry, this is not the occasion for that, when I have to justify that step. I feel in my heart that they were fully justified. When there is an occasion for that I shall explain that it is in the national interest that that matter should be taken up and should be dealt with. There would have been no advantage in shutting our eyes to the situation which we faced then; but I do not want to take that up now. I will only say that the other things are not related to it; they are not relevant to this consideration. That is our view; therefore, we are not going to be deterred from proceeding with the Bill only because some other issues have been raised in some other context.

**Shri Kashi Ram Gupta :** How do you say that it is not related to this at all?

**Shri Nanda :** In the minds of some people it may be related; for us it is not related.

Then, about the provisions I would like to take a little time to say that what is being intended to be done is something which is not really so inconsiderable, so negligible, so meagre that there should be this kind of a contempt for the proposals that are being put forward here. When we took up this matter for consideration, the task before us was to find a way of dealing with the various suggestions so that a structure emerges which will have this advantage and which will satisfy these two conditions, that it does enlarge the democratic content of the administration all the time keeping in view the limitation that it cannot go so far as to be an assembly and council of ministers. There is a distinction between the two. The hon. Member, Choudhry Brahm Prakash says, "You did this; you accepted this; you accepted that; why not that also?" Then, at the

very outset, we might have taken up that very thing. But if you actually obliterate that line which separates the two concepts, there was no sense or purpose in spending all these weeks and months in evolving this kind of a structure and this kind of a set-up. From the very beginning it was accepted that we are not considering a set-up like an assembly etc. for Delhi. Short of that, whatever is best, as far as we can go, we were prepared to go and are still prepared to go. If there is anything which can be shown that this will do, I do not think there will be any resistance to any such suggestion.

**Shri Kashi Ram Gupta :** You were not prepared to send the Bill to the Select Committee even.

**Shri Nanda :** I moved that this Bill should go to the Select Committee.

**Shri Kashi Ram Gupta :** In the initial stage you were not prepared to send the Bill to the Select Committee.

**Shri Nanda :** How does the hon. Member know what I was prepared to do? I am keen that the Bill should be passed quickly; but, if there is any demand that it should go to the Select Committee, I would not object to it and I did not object to it then.

While we negated the demand for an assembly, regarding that assurance, as I said, we have now worked out the scheme and I will say something about two features of the scheme primarily. One is the Executive Council and the Executive Councillors. Among the various features this is the most important, the provision relating to Executive Councillors. Criticism was being made about the relative position of the Administrator and the Executive Councillors. It was stated here that the Administrator has unlimited powers and this becomes the Administrator's raj; that a Moghul Emperor will be ruling here in the shade of

an Administrator. There is an administrator today in the person of the Chief Commissioner. His powers and responsibilities, though he may become a Lieutenant-Governor, compared to the authority exercised by the Chief Commissioner, who is the administrator now, will be greatly reduced. I would request hon. Members to refer to clause 27(1). It clearly states that the Executive Council will assist and advise the Administrator in regard to the powers transferred to the Administrator, having said already "in the field allotted to the Executive Councillors" which covers the whole of the functions in the Concurrent List and in the Soviet List. It covers all that.

श्री रामसेवक यादव (पारावकी) :  
यह मन्त्राहकार समिति ही तो होगी और केवल  
सलाह देगी ।

श्री नन्दा : मन्त्राह देना भी बुरा नहीं  
होता ।

They will be functioning, more or less, like Ministers. I am talking of the Executive Councillors. I am saying that they will not simply advise, but they will be functioning, more or less, like Ministers over a vast field of administration. These Executive Councillors will be drawn from the Metropolitan Council which is composed of elected members.

An hon. Member: How many will be nominated?

Shri Nanda: There is that difference. One cannot say that they will have no power at all. These Executive Councillors will, in practice, be exercising authority as Ministers would do in the States, particulars in the States like Manipur, Tripura, etc.

श्री रामसेवक यादव : एडमिनिस्ट्रेटर  
एक है क्या वह पूरे गवर्नर की हीनियत का  
होगा ।

Shri Nanda: Let me first explain it. Later on, if there is any question, I shall answer.

Regarding law and order and certain other limited matters, the direct responsibility is assumed by the Administrator. I would like to add that, under the arrangement which was in force in 1952—1956, the local authorities like the New Delhi Municipal Committee, the Delhi Municipal Committee and several other Municipal bodies, including the Electricity and Transport Undertakings were outside the jurisdiction of the Council of Ministers. It is now intended that all these bodies will come within the purview of the Executive Council. To that extent, the functions of the Executive Councillors will cover even a wider field than that of the Council of Ministers of Part C States. It is further intended—provision will be made for that—that there should be delegation of powers of the Central Government. That is today various Ministries exercise certain powers. That is one of the facets of administration here, which is exposed to criticism, which leads to the objection that there is no unified administration and that so many agencies enter into the administration. Now this will happen that all these powers, at least a good deal of them, will be delegated to the Administrator and those powers will then be assigned to the Executive Councillors. Their position will then become very much better.

A point was raised about cases of disagreement, i.e., if there is disagreement between the Executive Council and the Administrator, what happens? An exception was taken to the provision that is being made here which is that, in such cases, the Administrator has to refer the matter to the President and that, in urgent cases, if any urgent action is needed pending the decision of the President, he can take such action. The hon. members must realise that this is a provision which has been made in

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the case of all Union Territories. So this is not something exceptional for Delhi.

**Shri Shinkre (Marmagao):** There is no justification for its acceptance or admissibility.

**Shri Nanda:** Parliament has adopted this. Possibly the hon. member did not like it then also, but it has been adopted by a large body of members. Therefore, I stand by that.

I have referred to the Council of Ministers. Now there is the other thing . . .

**An hon. Member:** It is Executive Council and not Council of Ministers.

**Shri Nanda:** They will be functioning like Council of Ministers.

Now we come to the Metropolitan Council. It has attracted a lot of criticism in very choice words—debating society, ornament, etc. Having in view the limitation to which I have referred before—that it cannot take final decisions and that the Executive Council is not answerable to it—I think that the Metropolitan Council will serve very important purposes and I shall indicate what exactly is the utility of such a body. It may be that the body may not be composed of elected persons. That view could have been taken but the view taken by practically all the representatives of the Delhi area who advised us on this matter was that it should be a body consisting of elected persons, and, therefore, this provision has been made. The discussion in the metropolitan council is not going to be a discussion of academic matters. They are going to concern themselves with the practical day-to-day problems of the territory, problems of interest to the people of the territory, extending over the whole range of subjects in the State List and the Concurrent List, barring a small portion which is reserved. In these discussions, full expression can be given of the opinion of the people of the area.

Secondly, this body can initiate discussion in detail regarding legislative measures for the territory before they are brought before Parliament. They can make suggestions or improving them or for modifying these measures in the light of the requirements of the people of the area. Thirdly, they will consider the budget estimates of the territory and suggest what changes should be made in the administrative policy which is to be reflected through these budgets. Then, matters of administration regarding general policies, schemes of development etc. will also be included within the purview of this council. There will also be the right of Members to ask questions regarding anything. This content does not certainly constitute or total up to an assembly, but certainly all these functions are devised to enable the executive council to function more effectively and more inconsonance with the wishes of the people of the area. I think that that is an important consideration and of very considerable advantage.

We have to think and visualise what will happen in practice. I am sure that as the thing is adopted and as it settles down, the executive councillors and the members of the metropolitan council and the administrator will establish some kind of equations among themselves, and adjustments will be made and in practice the metropolitan council will exercise very great influence and will be able to give a direction to the work connected with the affairs of the area. In the course of the period of trial etc. there will attach to the recommendations of this body an amount of weight which in practice will be found to be such that it would give a certain amount of authority in practice to the metropolitan council which it may not have been provided with in the provisions of the Bill that is before us. So, in the structure, there are two parts principally, namely the executive council and the metropolitan council.

I shall now come to certain objections which were raised. It was said that in spite of all this there would still be that defect, and it will persist, regarding the lack of unified administration in the area; it was said that there would still be so many bodies, there would be a cantonment board, there would be a municipality, there would be the New Delhi Municipal Committee, there would be the Development Authority and so on. But this criticism loses sight of the important fact that the administration being unified does not mean that only one body should be doing everything. It is not that there should be one body doing everything. But it is that if there are more bodies dealing with the affairs of an area, there should be a method of co-ordination so that there are no delays and the work does not suffer. The set-up which is sought to be created does provide for that co-ordination. The Executive Councillors will cover the whole range of activity in this area. Some Executive Councillor will be responsible for even the Municipal Corporation, the DTA, all these boards. All these will be within the purview of this new set-up. Therefore, this provides for a measure of co-ordination, a method of unifying the administration. If we look carefully at the provisions of the Bill, I think the objection raised on this account will not have any weight.

Therefore was one objection raised regarding the provision for nomination. I may again say that this is nothing new. This exists in the other Act also. There is only a slight variation. This provision for nomination has been put in for good reasons. It may be that the process of election may not enable certain minorities, certain special interests, certain elements to have representation whereas if they were given that benefit, they may be able to make a useful contribution to the work of the area, to the work of the Metropolitan Council and the administration of the area.

Barring a few matters of detail, I think I have covered the basic provi-

sions and the main points of criticism of the structure and approach proposed in the Bill. I may again say with regret that although it has not been found possible to accept the demand for immediately incorporating in the Bill an Assembly and a Council of Ministers, I believe whatever has actually been offered through the proposed measure will go very far towards improving the administration, making it more homogenous and more united, reducing friction and conflicts which exist now and also towards reflecting in a very large measure in the administration the wishes of the people of this area.

I do not personally see any prospect of any change which will take this Bill beyond the content which has been provided in the Bill; that is, I do not think, in view of the considerations which have been urged and which have also been shared by many Members of this House, that it will serve the purposes of either the nation or the people of this area if we depart from these provisions in any radical way. Therefore, I would urge on the House that the provisions of the Bill as they are may be accepted, subject of course to the changes that the Joint Committee might make when it considers the details of the Bill.

**Shri P. B. Chakraverti (Dhanbad):** Taking into account the historical factors that have compelled three federal countries of the world, namely, Australia, USA and Brazil, to go in for a new capital—because of the continuous pressure of the electors of Philadelphia on the Central Government, they had to move to a new capital in the USA, similarly in Australia, they wanted to go beyond 100 miles of Sydney, and so they established their new capital at Canberra; likewise in Brazil, they did not want Rio de Janeiro with its Opposition stronghold, so they shifted to Brasilia—taking into account these historical factors, is there any analogy which can justify this departure from the accepted principal of democracy and denial of the fundamental right

[Shri P. R. Chakraverti]

of participation of the people in the administration, amenable to the will and opinion of the people? I do not know. Though I do not agree with Shankar's Weekly's comment that Nandaji is the embodiment of contrary elements, because they compare sadhu and socialism, still I want him to make me understand how far it is historically—the whole world's history I know, I have travelled the whole world—justified to deny it to these poor people because they are innocent, docile, very meek, very humble and unlike the people from where I come. I want to know that.

**Mr. Speaker:** That is what he has been trying to do, I suppose.

**Shri P. R. Chakraverti:** I could not. If only you had allowed me to speak. I am the only man who represents a constituency with the highest votes, I am not allowed to speak. I am not in the Joint Committee, because he has ingeniously left me out. A good man is already advised by bad people. The way he has eliminated my name—I am the only man who has got the highest votes who has come from 1500 miles—shows that he is advised by bad people.

**Mr. Speaker:** Does the Minister want to say anything?

**श्री रामसेवक यादव :** प्रप्यल महोदय, मेरा एक निवेदन है

**प्रप्यल महोदय :** प्रब नहीं ।

**श्री रामसेवक यादव :** एक प्रावश्यक निवेदन है ।

मेरा निवेदन यह है कि यह विधेयक बहुत ही महत्वपूर्ण विधेयक है । मैं यह नन्दा जी से कह रहा हूँ । इसमें सभी दलों का अपना-अपना दृष्टिकोण है । और हमारे दल का तो विशेष दृष्टिकोण यह है कि जनतंत्र में और नाम-सदगी का सिद्धान्त जाए और जिम्मेदार सरकार

बने । लेकिन इसमें न जाने किस तरह विचार करके संयुक्त प्रवर समिति के लिए नाम दिए गए हैं । इन में सभी दलों के लोग नहीं हैं । अगर इसमें दो चार और प्रादिसियों को शामिल कर दिया जाए तो उचित होगा ।

**प्रप्यल महोदय :** यह तो उनकी मर्जी है । मैं क्या कह सकता हूँ ।

I am putting the amendment of Shri S. M. Banerjee, motion for circulation for purpose of eliciting opinion, to the House. The Question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 8th February, 1966."

*The motion was negatived*

**Mr. Speaker:** The question is:

"That the Bill to provide for the administration of the Union territory of Delhi and for matters connected therewith, be referred to a Joint Committee of the Houses consisting of 33 members, 22 from this House, namely; Shri S. V. Krishnamoorthy Rao, Shri Ramchandra Vitthal Bade, Choudhury Brahm Perakash, Shrimati Renu Chakravarti, Shri Shivajirao S. Deshmukh, Shri Shiv Charan Gupta, Shrimati Subhadra Joshi, Shri Hari Vishnu Kamath, Sardar Kapur Singh, Shri Mehr Chand Khanna, Shri T. Manaen, Shri Dhuleshwar Meena, Shri Jashvant Mehta, Shri Bakar Ali Mirza, Sardar Gurmukh Singh Musafir, Shri Naval Prabhakar, Shri A. V. Raghavan, Shri R. V. Reddiar, Dr. Sarojini Mahishi, Shri Sham Nath, Shrimati Ramdulari Sinha, and Shri Gulzarilal Nanda, and 11 from Rajya Sabha;

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

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

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

"that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 11 members to be appointed by Rajya Sabha to the Joint Committee."

*The motion was adopted.*

15.55, hrs.

UNION DUTIES OF EXCISE  
 (DISTRIBUTION) AMENDMENT  
 BILL, ADDITIONAL DUTIES OF  
 EXCISE (GOODS OF SPECIAL IM-  
 PORTANCE) AMENDMENT BILL,  
 AND ESTATE DUTY (DISTRIBU-  
 TION) AMENDMENT BILL

The Deputy Minister in the Ministry of Finance (Shri Rameshwar Sahu): Sir, the Finance Minister introduced three Bills on Nov. 26th for implementing the recommendations made by the Fourth Finance Commission. As all of them arise out of the Finance Commission's recommendations, I propose with your permission that they may be taken up and discussed together. Accordingly, I beg to move:

15.15½ hrs.

[MR. DEPUTY-SPEAKER in the Chair]

"That the Bill further to amend the Union Duties of Excise (Distribution) Act 1962 be taken into consideration;

"That the Bill further to amend the Additional Duties of Excise

(Goods of Special Importance) Act 1957 be taken into consideration; and

"That the Bill further to amend the Estate Duty (Distribution) Act 1962 be taken into consideration."

Shri Hari Vishnu Kamath (Hoshangabad): Don't go on reading all the time. Look up now and then.

Shri Rameshwar Sahu: I will try.

The House will recall that the Report of the Fourth Finance Commission, together with a Memorandum explaining the action taken thereon, was laid on the Table of the House on the 10th September, 1965. The Commission's recommendations broadly fall into three categories: The first relates to the sharing between the Centre and the States of the proceeds of income-tax and the Union Duties of Excise. The second category involves the distribution amongst the States of the Estate Duty and additional Duties of Excise, which, for purposes of administrative convenience, are levied and collected by the Centre, but the entire net proceeds, excepting the amount attributable to Union territories, accrue to the States. The third category relates to the payment of grants-in-aid of the revenues of the States which are in need of assistance.

श्री हुकम चन्द कछवाय (देवास) :

उपाध्यक्ष महोदय, मेरा ध्यान क्या प्रश्न है। क्या यह विधेयक बिना मंजूरी के पेश कर सकते हैं ?

Mr. Deputy-Speaker: Let the Bell be rung—now there is quorum.

Shri Rameshwar Sahu: Hon'ble Members are aware that the Report of Fourth Finance Commission was not unanimous and there was a minute of dissent by one member. The minute of dissent related to the distribution of the Additional Duties of Excise and non-inclusion of provision for certain liabilities while determining the grants-in-aid. The main majority recommendations of the Commission were accepted by