

(३) रा०रा० सं० १३—महाराष्ट्र में शोलापुर से कुवतगी और होसपेट होते हुये मैसूर में चीतलदुर्ग तक ।

**Shri S. M. Banerjee** (Kanpur): It has come in today's papers....

**Mr. Speaker:** That is different.

**Shri Frank Anthony** (Nominated—Anglo-Indians): Sir, my adjournment motion reads as follows:

(ख) १९६१-६२ में इस निर्माण कार्य पर १,७७,७२१ रुपये खर्च किये गये ।

"The failure of the Central Government to exercise its authority over the Union Territory of Delhi as avowed by the statement of the Minister of Irrigation and Power yesterday that"—

(ग) अम्बिकापुर-वाराणसी सड़क राष्ट्रीय राजमार्ग नहीं है । इसे राष्ट्रीय राजमार्ग के रूप में बिलासपुर तक बढ़ाने का सवाल पैदा नहीं होता ।

I have sought to translate it into English—

(घ) कटघरा-विलासपुर सड़क प्रदेश सड़क है । इसलिए इस के छूटे हुए पुलों के बारे में इस विभाग में सूचना उपलब्ध नहीं है ।

"So far as the constitutional and legal responsibility is concerned, that is not mine. I have no authority whatsoever. I cannot intervene."

Apart from the question of responsibility, I submit that this is a matter of extreme importance to the House to know what the constitutional and legal position is and whether with regard to a Union Territory, it can lie in the mouth of the Minister or the Government to say, "We have no authority and we cannot intervene". I will just place the law before the House within two minutes, because I feel this is a matter which must be decided.....

12 hrs.

MOTIONS FOR ADJOURNMENT  
 AND CALLING ATTENTION TO  
 MATTER OF URGENT PUBLIC  
 IMPORTANCE

STATEMENT OF MINISTER OF IRRIGATION  
 AND POWER re: BREAKDOWN OF POWER  
 SUPPLY IN DELHI

**Mr. Speaker:** I have received notices of adjournment motion by Shri Frank Anthony, Shri Surendranath Dwivedy, Shri Nambiar, Dr. L. M. Singhvi, Shri Yashpal Singh, Shri Bishanchander Seth, Shri S. M. Banerjee and Shri H. N. Mukerjee and also three calling attention notices by Shri Bagri, Shri Ram Raian Gupta and Shri P. C. Borooah, all relating to the power shortage and the reply given by the hon. Irrigation and Power Minister yesterday. I will call upon Shri Frank Anthony to explain how this adjournment motion is admissible.

**Shri Nath Pai** (Rajapur): There has been a further breakdown and we are submitted to further torture.

**Mr. Speaker:** The question boils down to this that we should determine whether the Central Government has the authority or not. The position, according to Shri Frank Anthony, is that by the Constitution and other laws, the Centre has the authority, but it is disowning it. The question is whether that could be a subject-matter of an adjournment motion. I will certainly take that up afterwards, but firstly, the Minister says that it is not his responsibility. If I accept the statement of the Minister and the Centre has no responsibility whatsoever, then, of course, no adjournment motion can come in. Unless the Central Government has some responsibility, how can there be an adjournment motion on the failure on the part of Government?

**Attention to Matter of Urgent  
Public Importance**

**Shri Frank Anthony:** I shall explain, Sir. Under article 239—I do not want to read it—the President is charged with administering Union Territories. That cannot be denied. Under the Corporation Act, there is specific power given to the Centre to direct the management and control of the electricity undertaking, and any decision by the Centre is final. When the Minister was asked about this chaos after this break down, he says? “I have no proper—except “मोह्वत” “जो कुछ

हो सकता है, मोह्वत से ही हो सकता है”

This thing is continuing. The Constitution charges the President....

**Mr. Speaker:** According to Shri Frank Anthony, the statement of the Minister is not correct.

**Shri Frank Anthony:** It is palpably wrong

**Shrimati Renu Chakravarty** (Barrackpore): This is a question of the refusal of the Minister to take responsibility.

**Mr. Speaker:** Should I accept the statement of the Minister so far as those proceedings are concerned? If that is wrong, there are other methods.

**Shri Frank Anthony:** Unless you want us to bring a no-confidence motion, I thought this would be a better way.

**Mr. Speaker:** I will just now call upon the Government to say whether they own that responsibility or not.

**The Prime Minister and Minister of External Affairs and Minister of Atomic Energy** (Shri Jawaharlal Nehru): Mr. Speaker, Sir, I was not here yesterday when this debate took place. I do not know exactly what he said, except this quotation of a sentence. It depends upon the context and all that. But, apart from that, I certainly do not take the position that the Centre has no responsibility.

**Shri Surendranath Dwivedy** (Kendrapara): So far as the point raised by Shri Anthony is concerned, there is no ambiguity.

**Shri Frank Anthony:** The more important thing is the question of responsibility.

**Shri Jawaharlal Nehru:** The Centre is responsible, and it is true that that responsibility is shared as many things are. Even the Government of India is somewhat shared by various ministries. The Home Ministry, as generally responsible for the governance of the central territories, is responsible. Specialised subjects are dealt with by special ministries—like health, irrigation and power, etc., under the general superintendence of the Home Ministry. That is true. So, in that sense, the statement made by the Minister of Irrigation and Power is not quite correct. But, of course, I do not know what preceded it and followed it. I do not deny the responsibility on the Central Government.

**Mr. Speaker:** But, if I may be permitted to say, the Minister said that it was only by private arrangement between Pandit Pant, the previous Home Minister, and himself that he had agreed to answer these questions; otherwise there was no responsibility at all.

**Shri Jawaharlal Nehru:** That is true. I understand, when Pandit Pant was Home Minister, question, etc., on these matters dealing with Delhi were referred to him and he asked the various ministries to deal with specialised subjects although Pandit Pant continued to exercise his own authority as Home Minister in regard to the centrally administered territories. That statement is true. But that is a matter of division of responsibility between the ministries. The Central Government is certainly responsible; some part of it may be dealt with by this ministry and some by that.

**Mr. Speaker:** The difficulty has arisen because all the points that were raised yesterday were not answered at all, and protection or, rather, shelter was taken that this is not the responsibility of the Central Government. Therefore, hon. Mem-

bers felt dissatisfied that no explanation had been given.

**Shri Frank Anthony:** More important than that, Sir, was the claim of the Minister that he had no authority to intervene. That was he dangerous position.

**Shri Jawaharlal Nehru:** It may be said that the executive authority to intervene would lie with the Home Ministry.

**Shri Surendranath Dwivedy:** Then the Home Minister should have participated in the debate.

**Shri H. N. Mukerjee (Calcutta Central):** In that case, Sir, the Home Minister should have been here. A certain default has taken place for which some amends have got to be made.

**Shri Jawaharlal Nehru:** I am trying to explain the limits of authority and competence. I should imagine—I am not dealing with this particular question because I do not know all the facts—that, broadly speaking, the Central Government is responsible, whatever may be the allocation of work between the various departments or ministries of the Central Government. And, as regards execution, I presume, I speak subject to correction, that an order or directive in regard to execution should come from the Home Ministry. Of course, advice can be given and is usually followed. That is a different matter. But, electric power and such like things being specialised subjects would be dealt with by the Irrigation and Power Ministry. If it cannot deal with it, then the Home Ministry might perhaps issue a directive.

I do not know, Sir, if I have made the position much clearer, but I certainly admit the responsibility of the Government of India. Take the case of a power failure in a State like Bengal, Maharashtra or any other state. Well, to some extent, if it is a central undertaking, the responsibility would lie with the Centre. If it is a State undertaking the responsibility would be entirely of the State. Even

if it is a Central undertaking it may be that the State might have got something to do with it. This subject of power is rather spread out and it is difficult to draw hard and fast lines. So far as Delhi is concerned, as it is a union territory, the Central Government is responsible as a whole and, on behalf of the Central Government, the Home Minister is broadly responsible for the governance of Delhi. Then, in Delhi itself there is the Corporation of Delhi which may have something to do with it, which is more or less an autonomous body, though I am not saying that the Corporation has much to do with it. Then, with regard to specialised subjects like irrigation and power and health the Ministries concerned have normally to deal with them and probably no definite order has to be passed by the Home Ministry.

**Shri Frank Anthony:** May I just clarify the position? Because, perhaps the Government itself has not taken the trouble to read the Delhi Municipal Corporation Act. Specific power has been reserved to the Central Government. That is what the section says.

**Mr. Speaker:** There is one thing that I was going to suggest. If the Government, whether it be one Ministry or the other, own responsibility, then the failure is that of the Government, whether it be concerning one Ministry or the other, and the Members have the right to bring in such motions. The Government should be clear in its minds. Of course, there have been arguments on this question many a time as to the extent of responsibility that the Central Government has, so far as these undertakings or the Delhi Corporation are concerned. Whatever it might be, the Government might make up its mind. If the Law Minister wants to interfere and give the answer just now, he may do so; or I can hold up these motions for the afternoon or even tomorrow morning and he could

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give the answer to the House then. If the Central Government owns the responsibility then the failure is also of that Government (*Interruptions*).

**Shri Hem Barua** (Gauhati): He has owned it.

**Shri Surendranath Dwivedy**: The Prime Minister accepts the general overall responsibility of the Government as a whole. Even in this House, if a Minister dealing with a particular subject is not present in the House, another Minister gives the reply on behalf of the other Minister, because there is joint responsibility. So, in view of that position, how can a Minister say that it is not his subject and he has no authority when he is replying on behalf of the Government? So, the responsibility must be clearly fixed on the Government.

**Mr. Speaker**: Yesterday the Minister thought that it was not the responsibility of the Central Government at all. He said that it was the absolute responsibility of the Punjab Government.

**Shri Frank Anthony**: And that of the Corporation.

**Mr. Speaker**: Yes, and of the Corporation, and the Central Government had nothing to do with it. Now I am only trying to enquire of the Government whether they own responsibility. If they own the responsibility for administering the Union territories then, of course, the failures also, if any, would be theirs. So, if the Government wants to answer it definitely in the afternoon, I can hold this motion over and the Law Minister might reply in the evening. If they accept the responsibility then the failure also would be theirs.

**Shri S. M. Banerjee**: You will notice that in the adjournment motion tabled by us we have not referred to the responsibility, because we know full well that the responsibility is that of the Central Government. But, after the discussion yesterday, most un-

fortunately, another power plant has gone out of order with the result that the power shortage has been aggravated.

**Mr. Speaker**: I was not referring to the adjournment motion given notice of by Shri Banerjee and Shri Mukerjee. They have referred to an entirely different matter. That has been referred to by the hon. Minister for Irrigation and Power in the beginning when he said that another unfortunate incident had occurred and he had made arrangements in connection with that. Therefore, because that reply had already come, no motion for adjournment can lie on that subject.

**Shrimati Renu Chakravartty**: No arrangements have been made. They were only referring to the responsibility.

**Mr. Speaker**: That answer has been given. Whether that is complete or not, that is a different thing altogether.

**Shri S. M. Banerjee**: Sir, I seek your protection. If you will permit me, may I say that though we discussed this subject yesterday, the entire discussion was reduced to a farce?

**Mr. Speaker**: He should not speak like that. He should make his own points.

**Shri S. M. Banerjee**: Our object in giving notice of this adjournment motion is not only to bring this matter to light but to censure the entire Cabinet because they are playing with the lives of the people.

**Mr. Speaker**: The hon. Member is not precluded from censuring the Government I am not asking him to desist from it. He can bring a motion for censure of the Government; but I am talking of the adjournment motion that he has tabled. This point was referred to by the hon. Minister

yesterday. He said that another unfortunate accident had happened and that on account of the scarcity of water the other engines have gone out of order.

**Shri S. M. Banerjee:** He did not mention it. About the water supply he did not say anything.

**Mr. Speaker:** He did it in the very beginning. He should believe me. That had been referred to.

**Shri Nambiar (Tiruchirapalli):** It can be admitted. It can be disposed of in the usual course.

**Mr. Speaer:** It cannot be admitted on the ground that it has already been dealt with. But I was talking of the other adjournment motion that has been tabled. I should know the reaction of the Government to it. Are they prepared to answer it just now or do they want time till the afternoon or tomorrow morning so that I can hold over this adjournment motion?

**Shri Hem Barua:** After the hon. Prime Minister's statement—he said categorically that it is the responsibility of the Central Government....

**Mr. Speaker:** Hon. Member should realise that that was also qualified so far as I could follow it.

**Shri Surendranath Dwivedy:** No, Sir.

**Shri Hem Barua:** It was not qualified. The hon. Prime Minister has a peculiar way of balancing sentences.. (*Interruption*).

**Mr. Speaker:** Order, order.

**Shri Jawaharlal Nehru:** What I ventured to say was on the constitutional issue. I regret to say that I am not wholly acquainted with the detailed facts. The hon. Minister of Irrigation and Power referred to the Punjab—I have just now got a copy of it—and to this matter pertaining

to the Punjab and Delhi. Actually, if something happens to electricity supplied by the Punjab; if some unfortunate occurrence happens in the Punjab, to some extent it is not the direct responsibility of the Central Government—ultimately it may be. Something has hapened. An accident has happened. I said that so far as Delhi is concerned, it is the Government of India's responsibility. They may put forward, as an explanation, that something happened in the Punjab for which Punjab was responsible. But their responsibility remains. I do not deny that..... (*Interruption*).

**Mr. Speaker:** Hon. Members should allow me to make myself clear. The hon. Minister said:

“में अर्ज करूँ कि जो वह फरमाते हैं वह कहीं नहीं लिखा है। लेकिन लिखा न होने के बावजूद हम इंटरवीन करते हैं, वह एक अलग बात है। मैं तो इस वक्त यह अर्ज कर रहा हूँ कि जहाँ तक कांस्टीट्यूशनल और लीगल जिम्मेदारी का सवाल है, वह मेरी नहीं है। मुझ को कोई अस्तिवार नहीं है। मैं उस के अन्दर दखल नहीं दे सकता।”

**Shri Brahm Prakash (Outter Delhi):** The transformer which has failed belongs to the Punjab Government.

**Shri Surendranath Dwivedy:** That is a different thing altogether. That has nothing to do with this.

**Shri Brahm Prakash:** I want to say that Delhi..... (*Interruption*).

**Mr. Speaker:** Order, order. I might remind the hon. Member, Shri Brahm Prakash, that this position had been explained yesterday, namely, that the transformer belongs to the Punjab Government; the cables and the wires are all of the Punjab Government; everything belongs to the Punjab Government and they brought it; they fixed it up here; it is their property; the failure is there and they

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have to run it... (Interruption). I should be allowed to finish what I am saying.\* That has already been dealt with and the hon. Minister of Irrigation made it very clear.

**Shri Jawaharlal Nehru:** That is the difficulty. It is one thing to have responsibility in theory and in law which I admit; but in practice it may be divided up. Now, they have fixed it. It may not be directly the fault of this Ministry. That has happened. Subsequently what happens will be more in the charge of the Ministry.

**Shri Hem Barua:** He said about the legal and constitutional position.

**Mr. Speaker:** He should have the patience to listen.

**Shri Jawaharlal Nehru:** Constitutionally I admit the responsibility of the Government of India subject to explanations etc. which we may make. It is an explanation that the Punjab Government did it; the Punjab Government is at fault or the Corporation of Delhi did something, whatever it may be. That is a different matter.

**Shri Frank Anthony rose—**

**Shri Priya Gupta (Katihar):** On a point of order, Sir. The question here is only whether the Central Government can intervene or not. The hon. Prime Minister is bringing in other factors, that is, the liability of the Punjab Government etc. Here the point is whether the Central Government can as well ask the Punjab Government to do it or not. The position boils down to that, namely, whether the Central Government can take action or not. That is my point of order.

**Shri Jawaharlal Nehru:** Intervention may be in many things. We always intervene in the sense of advice on this and that.

**Shri Priya Gupta:** On this particular issue.

**Mr. Speaker:** Order, order. He has said that in the point of order also.

**Shri Jawaharlal Nehru:** I doubt very much, subject to what the Law Minister might say, if we can issue a directive to the Punjab Government in regard to some such thing. We can and they do accept our advice. They have tried their best. If a breakdown occurs in something under their charge, I do not quite see how we can issue a directive constitutionally. Otherwise, we intervene, of course.

**Mr. Speaker:** Would the Law Minister enlighten us?

**The Minister of Law (Shri A. K. Sen):** As the Prime Minister has already said, it is a matter in which the field is covered by so many concurrent authorities exercising jurisdiction in different ways: the Punjab Government, the Delhi Administration, the Irrigation and Power Ministry, the Delhi Electricity Supply Corporation and the Delhi Corporation itself. It will be extremely precarious for me to try to make an answer off hand to say who particularly has the principal responsibility in this matter. Having not studied the matter with that care that it deserves, I would not venture an answer offhand.

**Mr. Speaker:** Can he help me in the afternoon or tomorrow morning?

**Shri A. K. Sen:** In the afternoon, certainly, I can tell you. As the Prime Minister stated, the constitutional responsibility of answering to this Parliament on a matter concerning.....

**Mr. Speaker:** He should say he is going to express his opinion or if he wants time, I can give him time till Monday morning. This question must be thrashed once for all and we should know the position.

**Shri A. K. Sen:** That is exactly why.....

**Mr. Speaker:** Till Monday morning I will keep this pending. I will hear him.

**Shri S. M. Banerjee:** On Monday we are having the International affairs debate.

**Shri A. K. Sen:** We can take it at 4 o'clock.

**Mr. Speaker:** At four o'clock; all right.

**Shri A. K. Sen:** May I ask you what precise answer shall I be expected to give? Would it be regarding the constitutional responsibility?

**Mr. Speaker:** Constitutional legal, all responsibility that in such cases the Central Government has and how far it is answerable for these things that happen.

Several hon. Members rose—

**Mr. Speaker:** At four o'clock we are taking up this matter.

**Shri H. N. Mukerjee:** Under the Constitution, the administration of Delhi is being looked after by the President through his Council of Ministers. At any particular point of time, if something very crucial and serious happens in Delhi, it is not in reason for his House and the country to wait upon the legal interpretation to be given in his wisdom by the Law Minister three or four hours later. If something serious happens, the country and the Parliament must be in a position to posit responsibility for it at once. If that cannot be done, something is utterly wrong with everything in this country.

**Mr. Speaker:** Order, order; there may be. Certainly something can be wrong everywhere also and with me also. If I want time to consult him, what shall I do? I want to have some assistance, some enlightenment before I give the decision. I am keeping them pending till 4 o'clock.

**Shri Nath Pai:** May I submit this for his consideration? The matter seems to be clear with due respect to the profound knowledge of law of the Law Minister whom you have summoned to your assistance. May I also, as a student, submit something for his consideration? The Constitution is absolutely clear.

**Mr. Speaker:** I will hear the Members when he gives the opinion.

**Shri Nath Pai:** This is for his consideration because he is coming having given his thought to it. Is it not a simple thing? If law and orders are threatened in any land, the Centre has the power to intervene. Ministries are dismissed. Failure of electricity threatens the continuance of normal life in the capital. The authority under the Constitution is absolutely clear.

**Mr. Speaker:** He is arguing in a different manner.

Several Hon. Members rose—

**Mr. Speaker:** That should suffice. When I hear the hon. Minister for Law, I will give them an opportunity.

**Shri Frank Anthony:** May I merely pose the question so that we will know exactly.....

**Mr. Speaker:** The question has been posed. He asked me and I have posed the question. Was that not enough?

**Shri Frank Anthony:** I have studied the subject somewhat, and I think it will be clear if you would be pleased to allow me to pose the question to the Law Minister in this way.

Firstly, Delhi being a Union Territory, is it not, all included, directly the responsibility of the Central Government?

Secondly, so far as the corporation is concerned, all the other electricity undertakings are under the direct

[Shri Frank Anthony]

control and management of the Centre.

Thirdly, so far as the breakdown in Rohtak is concerned, since the responsibility is that of the Centre because the main breakdown is in Delhi—incidentally, the breakdown has taken place in Rohtak—may I know whether or not according to the doctrine of pith and substance the breakdown in Rohtak is incidental, whereas the real thing is the breakdown here, and if so, whether the Union Government cannot give directions even with regard to a breakdown which has taken place incidentally in Rohtak?

I would like these three matters to be posed in this way.

**Mr. Speaker:** Now, calling-attention-notice.

**Shri S. M. Banerjee:** May I seek one clarification about the adjournment motion?

**Mr. Speaker:** I can only call one hon. Member. When so many hon. Members have given notice, I can exercise my option to call only one Member. In fact, I have heard so many. Again and again, we cannot go on hammering the same thing.

**Shri S. M. Banerjee:** May I know whether only the Law Minister will answer? What about the Irrigation and Power Minister?

**Mr. Speaker:** Now, calling-attention-notice.

#### CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

#### SHORTAGE OF DRINKING WATER IN RAMAKRISHNAPURAM

**श्री बागड़ी (हिसार) :** मैं नियम १६७ के अन्तर्गत स्वास्थ्य मंत्री का ध्यान निम्न अविलम्बनीय लोक महत्व के विषय की ओर

आकृष्ट करता हूँ और चाहता हूँ कि वह इस सम्बन्ध में अपना वक्तव्य दें :—

रामकृष्णपुरम, नई दिल्ली में पीने के पानी का संकट ।

**The Deputy Minister in the Ministry of Health (Dr. D. S. Raju):** May I be permitted to read out the statement in English? On behalf of Dr. Sushila Nayar, I beg to make the following statement....

**श्री बागड़ी :** श्रीन ए. प्वाएंट आफ आर्डर, सर ।

**अध्यक्ष महोदय :** अभी तो उन्होंने ने स्टेटमेंट पढ़ा भी नहीं और प्वाएंट आफ आर्डर पहले आ गया । आप कहना चाहते होंगे कि आप को जवाब हिन्दी में दिया जाय । मैं बाद में आप को हिन्दी में समझा दूंगा ।

**श्री बागड़ी :** अब किसी अंग्रेजी वाले का कौलिंग एटेंशन नहीं है और यह पहले से ही मंत्री महोदय को पता है कि मैं ने हिन्दी में नोटिस दिया है और यह कि मैं हिन्दी में ही उत्तर चाहता हूँ तो फिर यह अंग्रेजी में उन का उत्तर देना कहाँ तक ठीक है ?

**अध्यक्ष महोदय :** आर्डर, आर्डर । माननीय सदस्य बैठ जायें । अब अगर मिनिस्टर साहब हिन्दी में नहीं बोल सकते तो उनको अखत्यार है कि वे अंग्रेजी में बोलें ।

**Shrmati Renu Chakravartty:** If my hon. friend is going to insist every time on a statement in Hindi, then it becomes difficult for non-Hindi-knowing people to follow it. (Interruptions.)

**Mr. Speaker:** Order, order.

मैं मेम्बर साहस को समझा दूंगा । जरा उनको सब से काम लेना चाहिये ।

संसद-कार्य मंत्री (श्री सत्य नारायण सिंह) : मैं हिन्दी का स्टेटमेंट पढ़ देता हूँ ।