

[Shri Nanda]

works like revetments, spurs, etc. The Chitauni bund on the Gandak constructed in the last working season has prevented inundation over an area of nearly 1.5 lakh acres notwithstanding the fact that the Gandak has already experienced this year a flood of 5.6 lakh cusecs. The raising of the level of the village sites has given effective protection to nearly 600 villages.

"I may add that I intend to make a further statement on the flood situation in Bihar, Bengal and Assam in the course of the next few days.

DELHI JOINT WATER AND SEWAGE BOARD (AMENDMENT) BILL

The Deputy Minister of Health (Shrimati Chandrasekhar): I beg to move:

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes, be taken into consideration".

Under the Delhi Joint Water and Sewage Board Act, 1926, the Delhi Joint Water and Sewage Board supplies filtered water in bulk to various local bodies in Delhi and receives payment from all of them of the actual cost of supply with the exception of the Delhi Municipal Committee, to which special treatment has been given in accordance with the provisions of sub-section (1) of section 12 of the Act.

[MR. DEPUTY-SPEAKER in the Chair.] The Delhi Municipal Committee has to make payment for a minimum of 1460 million gallons of water or for the actual supplies at the final rate of issue or at the rate of 3 annas per thousand gallons, whichever is less. Under the proviso to sub-section (1) of section 12 of the Delhi Joint Water and Sewage Board Act, the Central Government were made responsible for payment of the excess of the final issue rate, if it is higher than 3 annas per thousand gallons. Up to 1948-49 the final issue rate did not exceed 3 annas

per thousand gallons, but since then the rate has risen, and because of this increase in rate, the Central Government have been paying very large sums of money on this account from year to year. The rise in the rate is due to increased cost of materials and payment of higher rates of pay for the establishment based on the recommendations of the Central Pay Commission. It is considered that there is no justification for the Government undertaking an indefinite and recurring liability of this kind in the case of the Delhi Municipal Committee alone, especially when other local bodies in Delhi pay their full dues to the Delhi Joint Water and Sewage Boards. The present Bill seeks to relieve the Government of India of this liability by deleting the proviso to sub-section (1) of section 12 of the Act.

The Act also requires amendment for another purpose. Sewage effluent is supplied to a number of private individuals for cultivation purposes at certain rates by the Board. In recent years, a number of these persons have defaulted payment to the Board. In order to facilitate recovery of charges due to the Board from such defaulters, they should be made recoverable as arrears of land revenue.

So the proposed legislation envisages the following amendments to the Delhi Joint Water and Sewage Board Act, 1926: (1) the liability of the Central Government under the proviso to sub-section (1) of section 12 is extinguished, and (2) charges due to the board from persons other than local bodies may be recovered as arrears of land revenue.

Mr. Deputy-Speaker: Motion moved:

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1926, for certain purposes, be taken into consideration".

Shrimati Sucheta Kripalani (New Delhi): This Bill has a very limited object, as has just been stated by the hon. Deputy Minister of Health. It

seeks to relieve the Central Government of the liability of paying part of the dues of the Delhi Municipal Committee to the Delhi Joint Water and Sewage Board, in respect of water supplied by the latter to the former. This liability arises out of an agreement made in 1926. Now, the Government want to achieve this object by deleting the provisos from sections 12, 13 and 14 of the Delhi Joint Water and Sewage Board Act of 1926.

The Government argument is this, that there is no justification to undertake a recurring liability for an indefinite period; secondly, there is no reason for showing preference to the Delhi Municipal Committee over other local bodies who pay their full dues to the Board. If you take the proposition boldly in this manner it would appear that there is some justification in the stand taken by the Government. But when you study the history of the relationship between the Delhi State and the Delhi Municipality, a different complexion is put on the whole question. What are the facts? The Delhi Municipal Committee established water works in 1889 and these works worked efficiently till 1924 when they were taken over by Government. Now, why did the Government take them over? Government wanted to take them over because, since Delhi became the capital, it expanded very rapidly, new suburbs came into existence. These suburbs, like New Delhi, Delhi Cantonment, had to be serviced. Therefore, the Government wanted to extend the water works and proposed that a Joint Water and Sewage Board should be established. The Delhi Municipal Committee were unwilling to accept this proposal because they feared that this would lead to a rise in the cost of production. However, after protracted negotiations for three years, the Chief Commissioner gave a guarantee to the Delhi Municipal Committee and on the basis of the guarantee an agreement was made. This guarantee was incorporated in the Act of 1926. I need not read the guarantee because the Deputy Minister has just now mentioned the terms

of the guarantee. The understanding between Delhi Municipality and the Government was that if the rate came to over three annas per 1000 gallons then the difference would be paid by the Central Government to the Water and Sewage Board. So, it appears that there is a clear legal obligation on the part of the Central Government to pay this amount to the Water and Sewage Board.

Apart from legal considerations, let us study the question on merits. The apprehension of the Delhi Municipality that the cost of production will increase has been justified. It is rather surprising that the cost of production has increased because when water is pumped in a larger volume the cost of production should be on an economic scale, that is it should go down. Instead of the cost of production going down, it has increased continuously. The figures submitted by the Delhi Municipality go to show that the cost of production in 1938 was 1.95 annas it went down a little the next year in the second and third year it came up to 2.03 annas. From 1942-43 it goes on steadily increasing. Then the next leap in the rise comes in 1948-49 when it rises to 3.48 annas. It is very interesting to note that at this time, that is in 1948-49, the Central Government started thinking about getting relieved of this liability. In 1951 the Government brought forward a Bill for amending this Act. But the Delhi Municipality made very strong representations, as a result of which this Bill was withdrawn.

The second argument of the Government is this, why should any preferential treatment be meted out to the Delhi Municipality when other local bodies are paying their full share? True. The difference is that the water-works were initially set-up by the Delhi Municipality and not by other local bodies. So, the Delhi Municipality is on a different footing altogether. This argument would have been justified if the treatment meted out by the Government to the other

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local bodies had been the same. Unfortunately, there is a difference between the treatment meted out to these local bodies and the D.M.C. For instance, greater concessions are being granted by the Central Government to the other local bodies. In 1950, Rs. 20 lakhs were made available to the Road Fund. Out of these 20 lakhs only 1.5 lakhs was spent for the roads in Old Delhi and the rest for the roads in New Delhi. The New Delhi Municipality has been given a licence for electricity distribution, as a result of which the New Delhi Municipality has an income of Rs. 25 lakhs a year. Old Delhi has been asking for this licence and it has been persistently refused.

Then, so far as educational grants are concerned, New Delhi schools get a grant of 75 per cent. for aided schools and 50 per cent. for Municipal whereas Old Delhi gets only 28 per cent. from the Government for the schools they run. In a similar way, even the Notified Areas are treated in a better way than Old Delhi Municipality. Even with regard to *nazul* lands the Notified Areas get the income from *nazul* lands within their areas; whereas in the old Delhi area, the *nazul* lands were taken over by the Government in 1924 and they were promised compensation. They were given compensation only for five years and after that it has been stopped in spite of representations by the D.M.C. Therefore, there has been a difference between the treatment meted out to Old Delhi Municipality and to the other local bodies.

I can give many more details like that but I do not wish to refer to them because other hon. Members are going to speak. But, let us take an overall picture of Delhi city and see how the Delhi Municipality is functioning. Delhi city has had a very large influx of population in recent years; most of these people are poor and destitute. Most of them have no place to live. They have no houses where they can have water and other sanitary arrangements. They go to the streets and

pavements for these facilities. They do not pay for the water they use as they use water from the public hydrants. As a result a very large number of people use free water and the Municipality is unable to charge them.

Then, there are one lakh houses in Delhi; out of these one lakh houses only 40,000 have water connection. Let us take the question of water meter. The Old Delhi Municipality has been trying to fix water meters in all these houses. They could not do so because of war time and financial difficulties and various other reasons. So, out of these 40,000 houses only 25,000 have got water meters. That goes to show that a very large number of houses are not charged for the water used in them.

Secondly, much of the filtered water is being misused. People living on the streets and pavements take all their requirements of water, for drinking, for washing and bathing and everything free because they have no houses. I will take you to localities in the city where you can see the appalling state in which people live. They use filtered water for all purposes, for drinking and washing and even for cattle. If there are sufficient houses and if proper arrangements are made for water, then the Municipality can take payment for the use of the filtered water which is now being misused. Then there are so many dairies all over the city. The proposal is there to shift these dairies outside Delhi. But till they are shifted they use filtered water from the hydrants for the cattle. The condition of Delhi city is now too good, the roads, the lanes the drainage—all need to be improved. Much greater facilities need to be provided for the educational and health requirements of the city. Therefore the responsibility of the D.M.C. is tremendous. The Municipality have to find resources for meeting all their financial needs. As far as the income of the Municipality is concerned, they have tamed the people beyond their

ability to pay. The representation of the D.M.C. reveals that the income of the Municipality was Rs. 42.41 lakhs in 1943-44 and has risen today to Rs. 175 lakhs. But even then there is shortage of funds and the Municipality would like to levy new taxes. They have been asking for permission to include new items of taxation, mentioned in the first and second lists of the Schedule but permission has not been given.

Then comes another question, a larger question; what about the Delhi Administration? There is tremendous confusion. In Delhi there are so many administrative bodies with conflicting interests and overlapping functions. We have got the Delhi State, a C Class State with very limited powers. We have the Delhi Municipality; we have the New Delhi Municipality and the other local bodies. Then there is the Improvement Trust, an autonomous body and dealing with land. There is the Electricity and Power Board, another autonomous body. A lot of trouble has been going on in the Electricity and Power Board. Members of the Board are appointed for a short term of two years hence they have no sustained interest in the work. Continuous trouble between the workers and management goes on. There is no rational functioning of that body. Only a few months ago, I took some complaints to Shri Gulzari Lal Nanda because that board is under him. Then, there is the Water and Sewage Board. Thus there are too many authorities functioning in different ways, pulling at each other and what is the result? People do not get efficient service while the taxes weigh heavily on them. They have to meet the expenses of the different bodies. There is a wilderness or a forest of institutions with conflicting authorities and conflicting spheres of work. We want rationalisation in the Delhi Administration. This question is being asked by all Delhi citizens. We think of rationalisation in the textile mills as a result of which we had a two month strike to the detriment of labour

but when we need rationalization and the betterment of the citizens, that cannot be done. I therefore, think it is very wrong to bring forward Bills in this piecemeal fashion. We have to think of the overall picture for Delhi. What different organisations should be maintained, what should be their sphere of work and what taxes should be levied from the people, should be decided once for all.

For a long time discussion has been going on about giving Delhi Municipality the status of a Corporation. If the Delhi Municipality is going to be raised to the status of a Corporation, then what is the hurry about this amending Bill? Let the Corporation come into existence; let us see what is the final picture of the whole administration. Then these changes can come about. I feel that the Central Government has a firm obligation to pay this money to the Delhi Joint Water and Sewage Board. It is wrong on the part of the Government to get out of their legal obligation by bringing about this amendment.

Secondly, it should wait till the Corporation has come into being and then decide what it should do. The burden on the Delhi Municipality is already very heavy. We should rather help the Delhi Municipality to function as a first class municipality. I am ashamed of Delhi town and it has not got garden houses as in New Delhi! Even in New Delhi, things are becoming bad. The other day I went to Vinaynagar. I saw the backyard of the market, which was in a filthy state. If you want to make Delhi a beautiful town, you have to help the Delhi Municipality to function properly and give first class service to its citizens. So, instead of putting more financial burden on the Delhi Municipality, the Central Government should help it. My fear is that if this measure is passed, if this extra financial burden is placed on the Delhi Municipality for all I know, they may cut down some of the hydrants—there are about 150 hydrants which serve the poorer people. If some of

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the hydrants are cut down, it will add to the acute distress of the people. As it is, there is water scarcity in the poor areas and the trouble would increase if some hydrants are cut down. Therefore, I consider this Bill as very inopportune. It can very well wait till the Corporation comes into being.

Shrimati Renu Chakravartty (Basirhat): The Delhi Joint Water and Sewage Board (Amendment) Bill seems to be a very innocuous one, but it raises certain principles which I want this House to consider, not only from the point of view of the Delhi Municipality but of the responsibility which the State has towards helping to improve the standard of health of the citizens of big cities. Actually, I remember during the discussion on the Health budget this year, there was concentrated attack on the question of how to tackle the problem of drinking water. The question of water is of fundamental importance though it may sound very simple, and Rajkumariji at that time agreed that this was going to be one of the basic things which her Ministry and the Government in general were going to tackle. If this is so and the water supply is going to be one of main concerns of the Government, I think that this Bill is completely in contradiction to that intention, and it really shows how Government makes all sorts of promises and then, in practice, negatives them. I come from a very big city and I know there is great difficulty about water supply. It is not only a question of drinking water problem in the villages but also in big cities. In my city, for example, it is a scandalous state of affairs so far as this problem is concerned, and in Delhi too. I know—although in New Delhi, the place where we live, we have plenty of water—there is quite a good deal of difficulty in getting drinking water. In the case of this Bill I am not going to raise the question as to the adequacy or inadequacy of water. What I want

the House to consider is how far Government must carry out its responsibility in helping the municipalities and local self-governing organisations, in being able to give a good supply of water at the cheapest possible rates to its citizens. The question whether the Delhi Municipal Committee can raise further taxation or not has already been raised by my friend, Shrimati Sucheta Kripalani. As far as we are concerned, I think that taxation, especially on an essential commodity—and of course, water is one of the principal ones—is something that we should not even think about, because, as has already been shown, taxation really takes away immediately from the purchasing power of the people. The whole purpose of our planning or the crux of our planning has been to increase the purchasing power of the people, cut down on non-essentials, cut down wastefulness, but on essential goods not to tax further. In the case of the Delhi Municipal Committee, they have already shown by telling facts and figures how the high incidence of taxation has come into existence, and they have also shown how even the water rates, metered and unmetered, have been raised again and again. The metered rates went up from five annas per million gallons in 1944, to eight annas in 1946. There is no difference between the water rates paid by New Delhi and those paid by Old Delhi, and yet we know there is a great difference between the two. The unmetered water rate was Rs. 2 in 1943, it rose to Rs. 3 in 1946, and they have calculated the figures to show that the incidence of taxation per capita in 1953-54 was Rs. 11-10-8, as compared to Rs. 5-2-3, in 1943-44. These are very telling figures and we have to consider whether we should advise them to further increase their rates. Generally, we find that in the neighbouring States where there are municipalities, on capital cost half the sum is given as grant and the other half is taken as loan. If that were to be done in this case, even today, from the

figures that have been given by the Delhi Municipal Committee, we can see that the rates would have been below three annas per million gallons, above which the Central Government have to pay subsidy. For instance, in 1953-54, the total expenditure was Rs. 35,20,000. The entire amount for capital works has been taken on loan at the present moment at a high rate of interest, which is Rs. 6 per Rs. 100 and that comes to Rs. 12,58,000. If we calculate the half as grant and the other half as loan, then that amount would have been reduced to about Rs. 7,00,000, and on the basis of water supply of 16,785 million gallons, the final issue rate would have been less than three annas. I think the hon. Deputy Minister, when she proposed this Bill to the House, has given certain wrong conceptions, namely, that the rates have been increasing because we have had to pay the workers at a higher rate, etc., etc. That may be one of the items, but we could still have given the workers a higher rate of wages without going beyond annas three per million gallons if the capital loan had been divided as half grant and half loan, which would have immediately lowered the expenditure on repayment both of interest and principal. Further, we should give Delhi Municipality the same facilities as are given to similar institutions in the neighbouring States. There all capital costs are given as half grant and half loan. If we had given half the amount as grant, then three annas per million gallons would have been the rate for water supply and the Central Government would not have had to incur such a large amount of expenditure as paying excess. Therefore, I do feel that this is a very important consideration that Government have to take into account. In the Local Self-Government Conference which was held recently in Simla, there was a resolution on this subject and it stated that this is what should be done on capital cost. If this is the idea of the Conference over which Rajkumariji presided, I think it is

only right that before you come before the House, you must give proper thought and attention to the resolutions which have been passed by the collective wisdom of the representatives of local self-government in the entire country. It is absolutely wrong on our part at this moment to try to pass this Bill because there will be further taxation on the water supply by the Delhi Municipality, and naturally there will be some resentment and suffering experienced by the people when there is a tax on such an essential commodity as water.

The other reason for increase in expenditure that they have shown is that New Delhi has been expanding further and further. Now, the actual water works is situated to the north of Delhi and in order to give these new extensions in New Delhi, new reservoirs have to be constructed and new mains have to be put in, and as a result, the capital cost has gone up. Each time this capital cost has been obtained through a loan and on that loan there has been a high rate of interest and so the total expenditure goes up. In 1938-39, the rate was 1.59 annas per million gallons, and the figure for 1954-55 was 3.29 annas which is a big jump, taking for granted that we have had a very big increase of population. I feel that it is no use bringing up arguments and saying that other bodies are able to pay and so why should not the Delhi Municipal Committee also pay. The answer had already been given by Shrimati Sucheta Kripalani. She had shown how the other bodies did not own the water works. They also got some preferential treatment with regard to schools, educational institutions, electricity licensing board, etc. The Delhi Municipal Committee on the other hand comes forward and says: you have taken away many sources such as Nazul lands from which we formerly used to get some income and we do not have them now. Therefore, the tussle goes on and in between it is the people who suffer. But I do not agree with them that they must be given the right to tax further. I do

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agree to their having a share in the entertainment tax but they want to tax further in other directions. I think that it is not right. My reaction is that on essential commodities like water, people should not be taxed further.

The last point which I should like to make is this. It is very necessary to have some sort of a decision as to what kind of administration you are going to set up for Delhi and New Delhi. This conflict goes on constantly. One does not know what to do. There are so many municipalities, boards, etc., and the administrative expenditure is going up and up. Until this is done, on the one hand we shall be trying to curtail expenditure by saying: why should the Government incur this extra expenditure on water according to the terms of the agreement in 1928. But on the other hand we shall be duplicating our expenditure by not rationalising the various boards and units that have been set up by Delhi and New Delhi. I think that is the most important question which has to be decided once and for all by the Government.

Lastly, Sir, you will be surprised to know that after we have all spoken so vehemently there are no amendments. Why are there no amendments? There can be no amendments for the simple reason that the most important clause is clause 9. That clause has not been amended. There is no possibility of our putting in any amendment. If clause 9 had been there, we would have amended it that there should be a loan of Rs. 2.5 lakhs and 2.5 lakhs grant. If that had been there, all the calculations would have been different from the three annas rate on which the Central Government has to incur expenditure. We should, therefore, reject this Bill and ask the Government to bring forward a Bill which will be much more in keeping with the spirit of the times. We must help the local self-government bodies to be able to give all the

amenities of life without any new taxation measures. They should be helped to give health and education facilities and other social and civic amenities which at the moment they are not always able to do. With these words, I oppose this Bill.

श्री राजा रमण (दिल्ली नगर) : यह बिल जो आज सदन के सामने है, उसके विषय में मेरे से पूर्व दो संसद् की सदस्यों ने अपने विचार सदन के सामने रखे हैं। यह हमारी बदीकस्मती है कि इस छोट से बिल में जो बातें रखी गई हैं, उनके विषय में हमारे द्वारा विचार विरोध सामने रखा जाय। मगर जिन हालात में यह बिल सामने आ रहा है और जो दिक्कतें पुरानी दिल्ली में रहने वाले लोगों को हैं, या जो दिल्ली म्युनिसिपल कमिटी के अधीन जनता रहती है, उनको भांगनी पड़ती है उनको सामने रखते हुये हमें विवश होकर कुछ बातें इस बिल के खिलाफ कहने की हिम्मत होती है। हम यह चाहते हैं कि हमारी सरकार जो जनता की सरकार है और जनता के दुखों को हमेशा दूर करने का प्रयत्न करती है, उन बातों पर गौर करे और उन पर गौर करने के बाद इस बिल में चाहे संशोधन किया जाय और चाहे इसे वापिस लिया जाय और चाहे इसे ठहराया जाय।

मेरे समझता है कि संसद् के सभी सदस्यों को इस बात का पूरा परिचय है कि पुरानी दिल्ली की इस समय क्या हालत है और उसको जब हम सामने रखते हैं तो हमें यह सोचना पड़ता है कि कोई भी ऐसा कार्य जो विधेयक के रूप में हो, चाहे अन्य किसी रूप में, जो सदन के सामने जाता है कि जिससे जनता की परेशानी बढ़े, तो उसका विरोध करना हमारे लिए अनिवार्य होना चाहिये।

हम देखते हैं कि इस विधेयक के अनुसार सरकार यह चाहती है कि जो एग्रीमेंट उसने दिल्ली म्युनिसिपल कमिटी से बहुत बर्ष पहले किया था और उस एग्रीमेंट के मुताबिक जो पानी की दर दिल्ली म्युनिसिपल कमिटी को देनी पड़ती थी, वह भविष्य में न रहे बल्कि जो रकम

स्वर्च के अनुसार आती हो उसी के मुताबिक पानी का रेट कमेटी को देना पड़े। हमारा कहना यह है कि दिल्ली म्युनिसिपल कमेटी एक ऐसी संस्था है कि जिस संस्था को सरकार से पर्याप्त सहायता नहीं मिलती है और उसके साधन अब्बा आमदनी सीमित हैं और साधनों पर प्रतिबंध लगा हुआ है। उन प्रतिबंधों के कारण जो म्युनिसिपल कमेटी की आमदनी होनी चाहिए थी, वह नहीं होती है। आज आप देखते हैं कि सारे भारतवर्ष में जो बड़े बड़े शहर हैं, वहां की म्युनिसिपैलिटीयों की आमदनी के साधन बिजली का वितरण, पानी का वितरण, जमीनों की बिक्री होते हैं, यह तीनों जरिये यहां पर केंद्रीय सरकार के हाथ में हैं और उन से जितनी भी आमदनी किसी एक म्युनिसिपैलिटी को हो सकती है, उससे दिल्ली की म्युनिसिपैलिटी वंचित है। बार बार यह प्रश्न दिल्ली की सरकार के सामने और भारत सरकार के सामने लाया गया लेकिन इस प्रश्न पर एक ही उत्तर कमेटी को मिलता रहा है कि यह साधन केंद्रीय सरकार अपने ही हाथ में रखेगी। नतीजा उसका यह है कि उनकी शक्ति बहुत सीमित है और इस कारण दिल्ली में रहने वाली लगभग ६ लाख जनता की ठीक सेवा नहीं हो पाती और तकलीफें बढ़ती जाती हैं। यहां सैकड़ों ऐसी जगहें हैं कि जहां पर इंसान हैवान से भी बुरी तरह रहते हैं। उनके पास न कोई पानी पहुंचता है और न बिजली और न उनके पास कोई अच्छा स्वच्छ मकान है कि जिन मकानों के अन्दर रह कर वह अपनी जिन्दगी को एक इंसानी जिन्दगी की तौर पर बसर कर सकें। आज चारों तरफ से मैं यह देखता हूँ कि इस बात पर बहुत दुःख प्रकट होता है परन्तु हालत वैसी ही बनी है।

इस विधेयक के द्वारा केंद्रीय सरकार और दिल्ली म्युनिसिपल कमेटी के बीच में जो समझौता हुआ उसे समाप्त किया जा रहा है। यह समझौता काफी सोच विचार के पश्चात हुआ और उक्त बातों को दृष्टि में रखते हुए हुआ जहां अन्य कमेटीयों से स्वर्च के अनुसार पानी की दर ली जाती है वहां दिल्ली म्युनिसिपल कमेटी से ली

जाना प्रीत हजार गैलन से अधिक नहीं लिया जाता। इस विधेयक के द्वारा स्वर्च के अनुसार समझौते विपरीत दिल्ली म्युनिसिपैलिटी से वार्षिक मांगा जायगा। मैं यह समझता हूँ यह बिलकुल अनुचित है। सन् १९२५ में जो समझौता हुआ था उस को आज ठुकराया जा रहा है, केंद्रीय सरकार को दिल्ली के हालात को देखते हुए दिल्ली म्युनिसिपैलिटी को सहायता देनी चाहिये परन्तु विधेयक के द्वारा जो सहायता उस समय दी गई थी, उस को भी आज वापिस लिया जा रहा है।

1 P.M.

ऐसा करने का नतीजा सामुहिक यह होगा कि दिल्ली की जनता को, जिस को बैसे ही पानी की कमी का अनुभव है, और भी ज्यादा कष्ट उठाना पड़ेगा क्योंकि म्युनिसिपल कमेटी पानी की दर बढ़ाने पर बाध्य होगी और यह एक ऐसी सस्ती होगी, ऐसी तकलीफ होगी जिस को दिल्ली की आम जनता बर्दाश्त कर सकेगी, इस में मुझे शक है। मैं यह समझता हूँ कि कोई भी सरकार यदि इस प्रकार के समझौते करती है और जिन विचारों के अधीन वह समझौते होते हैं, जब तक वह विचार कायम रहते हैं, तब तक उस को उन समझौतों को निभाना चाहिये। आज तक आप के सामने जो आंकड़े रखे गये हैं उन से यह पता चलता है कि पिछले ५, ६ वर्षों में, जब से निर्यात में कुछ इजाफा हुआ, पानी जो निर्यात म्युनिसिपल कमेटी पहले देती रही है और जो आज तमाम स्वर्च को ले कर पड़ता है, उस में बहुत थोड़ा सा फर्क पड़ता है और सारी रकम जो कि इस मद में हमारी केंद्रीय सरकार को दिल्ली म्युनिसिपल कमेटी पर स्वर्च करनी पड़ेगी वह २, २ लाख के बीच में आती है। हो सकता है कि यह रकम आगे कुछ थोड़ी ज्यादा हो जाय, लेकिन यह इतनी थोड़ी रकम है कि इस बात का ध्यान करते हुए कि ६, १० लाख जनता इस से लाभ उठाती है केंद्रीय सरकार को ऐसा विधेयक लाकर हमें इसे मंजूर करने के लिये बाध्य नहीं करना चाहिये।

हम यह भी जानते हैं कि दिल्ली के भविष्य के सम्बन्ध में अनेक प्रकार की चर्चा चल रही

[श्री राधा रमण]

हैं। वह कहना कीठन है कि इसका भविष्य क्या रहता है। दिल्ली में कारपोरेशन हो यह भी चर्चा चल रही है और इसका फंसला जल्दी ही होने वाला है फिर सरकार इस विधेयक को इतनी जल्दी में क्यों पास कराना चाहती है। मैं समझता हूँ कि अगर मैं अपनी स्वास्थ्य मंत्राणी जी या उपमंत्राणी जी से यह दस्तावेज करूँ तो बिलकुल बाजब होगा कि इस विधेयक को यहां ला कर वह इतनी जल्दी इस को हम से पास कराने की कोशिश न करें।

सार दिल्ली शहर के अन्दर कुछ इलाके ऐसे हैं जहां दूसरी और तीसरी मंजिल तक पानी नहीं पहुंच पाता और पानी का हाहाकार खास तौर से गर्मी में रहता है। ऐसे मौकों पर और इन हालात में जब कि हम देखते हैं कि शहर के लोगों को इतनी तकलीफें हैं और हम पूरी तौर पर उन को पानी नहीं पहुंचा सकते हैं, यह दानिशमंदी होगी कि हम इस विधेयक को पास करने पर इसरा न करें और दिल्ली वालों की तकलीफों को न बढ़ायें।

अन्त में मेरी स्वास्थ्य मंत्राणी जी से फिर यह प्रार्थना है कि वह आज इस विधेयक को इस सदन में पास न करें, बल्कि इस को और ज्यादा गौर के साथ और ज्यादा अच्छे तरीके पर ठहर कर लायें। जल्दी करने से जनता की तकलीफें बढ़ जायेंगी और आम लोगों में असंतोष होगा।

श्री जयल प्रभाकर (बाह्य दिल्ली-रक्षित-अनुसूचित जातियाँ) : यह जो विधेयक हमारे सम्मुख है, देखने में तो ठीक है और इस में केवल यही है कि जो २ आ० की एक दर मुकदर की गई थी, यदि वह २ आ० तक रहेगी तो म्युनिसिपल कमिटी उसे बढ़ाई करेगी, और यदि २ आ० से ऊपर उस की कीमत जायेगी तो वह भारत सरकार देगी। यह मसला हमारे सामने है।

मैं इस सदन को बताना चाहता हूँ कि दिल्ली म्युनिसिपल कमिटी का जो खेव है उस में नई दिल्ली की तरह की अवस्था नहीं है। उस में सब तरह के आदमी रहते हैं। पर दिल्ली

म्युनिसिपल कमिटी के खेव में अधिकांश गरीब लोग रहते हैं। कुछ ऐसी बस्तियां हैं जो गरीब मजदूरों की हैं। उन गरीबों और मजदूरों में यह समझ नहीं है कि वह अपने यहां नल लगवा सकें और नल लगवा कर उस से पानी ले सकें। इस लिये उन तमाम स्थानों पर दिल्ली म्युनिसिपल कमिटी ने नल लगाये हुए हैं जिन का व्यवहार वह गरीब लोग करते हैं। इस विधेयक को पास करने का परिणाम यह होगा कि दिल्ली म्युनिसिपल कमिटी के ऊपर कुछ लाख रुपयों का बोझ आ जायेगा और वह पानी की सप्लाई में कटौती करने के साधन ढूँढेगी। और ऐसे साधनों को ढूँढने के लिये जिन लोगों ने नल के कनेक्शन लिये हुए हैं, उन को तो वह काट नहीं सकेगी, हो सकता है कि कुछ रेंट बढ़ा दें, लेकिन जो लोग पैसा नहीं दे सकते हैं और जो फ्री पानी ले रहे हैं, जो निःशुल्क पानी प्राप्त करते हैं, उन के प्रयोग के नलों को कम कर दिया जायेगा। इस के कारण यह होगा कि लोगों में असन्तोष की भावना जायेगी, और उन में एजिटेशन होगा, वह प्रदर्शन बगैरह करेंगे और दूसरों में भी असन्तोष की भावना बढ़ेगी। चन्द लाख रुपयों के लिये इतना बड़ा असन्तोष हमारी सरकार उत्पन्न करे, यह कोई सभ्य वाली बात हमें दृष्टिगत नहीं होती है। अतः मैं माननीया मंत्राणी जी से यह प्रार्थना करूँ कि या तो वह इस विधेयक को वापस ले लें या उस पर पुनः विचार करें और इस को एक अच्छे ढंग में इस सभा के अन्दर पेश करने की कृपा करें। दिल्ली म्युनिसिपल कमिटी के कुछ सीमित साधन हैं और उन सीमित साधनों से ही वह पैसा इकट्ठा कर सकती है। इन साधनों में से एक तो टर्मिनल टैंक्स हैं जिस के जरिये से जो चीजें बाहर से आती हैं उन पर साधारण सी चुंगी लगती है और उस से पैसा इकट्ठा किया जाता है। इस के अलावा हाउस टैंक्स जो हैं वह आज अपनी पूरी सीमा तक पहुंच चुका है और इस टैंक्स को अब और ज्यादा बढ़ाया नहीं जा सकता है। इसी तरह से और जितने भी टैंक्स हैं वे पहले से ही इतने ज्यादा बढ़ चुके हैं कि न तो उन में और

ब्यादा बढ़ावरी की गुंजाइश ही हैं और न जनता ही इन को बरदाश्त करने के काबिल हैं। अतः अगर यह सोचा जाए कि टैंक्स को कुछ और बढ़ा कर दिल्ली म्युनिसिपल कमिटी अपना काम चला लेंगी तो मेरे विचार में यह असम्भव सी बात हैं। हां कुछ दूसरे टैंक्स लगाने के लिए दिल्ली म्युनिसिपल कमिटी ने कुछ सुझाव भारत सरकार की स्वीकृति के लिये भेजे थे लेकिन भारत सरकार ने उस की इन तजवीजों को ठुकरा दिया है और कहा है कि उन के लिये यह सम्भव नहीं है कि वे ऐसे टैंक्स लगाने की स्वीकृति दें। अतः मैं माननीय मंत्रीजी जी से प्रार्थना करता हूँ कि वह उन गरीब लोगों का अवश्य ख्याल रखें जाँ कि दिल्ली म्युनिसिपल कमिटी के खर्च में रहते हैं और उन की भलाई को ध्यान में रखते हुए इस बिल को पास न करवायें। यह बात तो आप निश्चित सी हो समझिये कि जैसे ही यह बिल पास हो जाएगा तो सब से पहले दिल्ली म्युनिसिपल कमिटी को निगाह उन नलों में से कुछ को बन्द कर देने की तरफ जायेंगी जहाँ से कि आज तक गरीब लोगों को मुक्त पानी मिलता था। इस लिये मैं मंत्रीजीजी से प्रार्थना करूँगा कि वह या तो इस विधेयक को बिल्कुल ही वापस ले लें और यदि उन के लिये इस विधेयक को वापस लेना सम्भव न हो तो मेरी प्रार्थना है कि इस के ऊपर पुनः विचार कर के फिर इस को इस सदन में लाया जायें।

Shri S. C. Samanta (Tamluk): First of all, let us see the conditions when this Delhi Joint Water and Sewage Board Act was passed. At that time, there was so much difficulty of water supply and drainage. The Central Government had also some instruments by which water supply was being made. The Delhi Municipal Committee had some, but for want of co-ordination, water supply as well as sewage system were not at all satisfactory. So, an Act, which is now going to be amended, was passed. At the time when this Board was formed, the Board had to take all the properties belonging both to the Central Government and the Delhi Municipal

Committee on the condition that the price of the property will be paid in 50 years in half-yearly instalments, to the Central Government and the Delhi Municipal Committee, the interest being six per cent. per annum. That period of fifty years has not elapsed. In the Act there was a provision that this Board should calculate the cost and the cost will be recovered from the Delhi Municipal Committee and other constituents that receive the benefits. But in the case of the Delhi Municipal Committee, the Government came forward, because they found it will be impossible for the Delhi Municipal Committee to pay the charges that will have to be incurred by the Committee. So, the Central Government came forward and said that an amount calculated at three annas per thousand gallons or any amount that is greater than this amount and which is payable by the Delhi Municipal Committee to the Board, will be borne by the Central Government. Since 1926, the Central Government is paying the amount whenever there is a deficit on the part of the Delhi Municipal Committee.

Now, at a time when there is so much of expansion of Delhi city as well as New Delhi city for the purposes of rehabilitating the displaced persons, when thousands of houses are being constructed and water connections are being given, if the Central Government recedes and backs away from helping the Board in the work which is so important at present, it will not be proper. The Central Government has helped the refugees in all possible ways and they have to some extent been rehabilitated in New Delhi and Delhi and the remaining refugees are also to be rehabilitated. When houses are being built for them, there should be water connections. So, how can, at this moment, the Delhi Municipal Committee bear all the expenses that will be incurred by this Board for water supply and sewage purposes? Is it possible for the Delhi Municipal Com-

[Shri S. C. Samanta]

mittee to bear all these burdens at present? So, let Government think over it and at least wait up to the time when the refugees are completely rehabilitated.

Shri B. S. Murthy (Eluru): So, they will have to wait till the rains come!

Shri S. C. Samanta: As and when the city is expanding day by day,—and we hope that the cost of living of the inhabitants will increase—then the Government may come forward to shake off the responsibilities that they have been discharging since 1926. I think it will be better for the Government to give good thought over this question or else the Delhi Municipal Committee will be forced to extract the money to be paid to the Board through taxation. It has no other alternative. That taxation will have to be borne by the poor public in general. At this moment, when the Central Government is spending so much for rural water supply and urban water supply, why, in Delhi State alone, the grant that was given for water supply should be discontinued? It is not the opportune moment to do so. Therefore, the Government should think over the matter and do the needful.

Shrimati Chandrasekhar: All the hon. Members are in favour of the continuance of the existing statutory provision and for the liability on the Central Government. This is quite understandable because no local body would willingly undertake to make payments which were hitherto made by the Central Government.

Mr. Deputy-Speaker: What is the average amount of contribution per annum?

The Minister of Revenue and Civil Expenditure (Shri M. C. Shah): It comes to about Rs. 2½ lakhs on an average, the amounts being Rs. 1,90,000, Rs. 1,88,000 and Rs. 2,71,000 in recent years.

Mr. Deputy-Speaker: Is it a very big sum for the Central Government?

Shri M. C. Shah: May I just explain in a few minutes?

Mr. Deputy-Speaker: Does the hon. Deputy Minister of Health agree?

Shrimati Chandrasekhar: Yes.

Shri M. C. Shah: The issue is very simple. The question is whether this water supply constitutes a service to be taxed or not. If the water supply constitutes a service to be taxed, then, all local authorities all over the country, as I know, always get what they spend on the water supply. They may not make any profit. As a matter of fact, the Delhi Joint Water and Sewage Board does not make any profit. They supply water; they have to incur expenditure and therefore that must be paid. In the Delhi Municipality there are about one lakh houses all of which get water-supply, but only 31,000 houses have got water connections, out of which only 18,000 have metre connections. Nearly 69,000 houses have been drawing water from public hydrants and they do not pay anything for this. If you go to all other big cities, you will find that whenever water is taken by the inhabitants from public hydrants, they have to pay something as a general water rate. The houses with no water connections cannot go without water: they get water supply from the public hydrants. Therefore, there must be some tax levied from all those people who have not got water connections and who use the public taps. They have to pay a general water rate. It may be a very small sum, but they have to pay it.

With regard to the expansion of water supply schemes in the city, naturally the State Government and the Central Government will give grants or loans. That is for expansion schemes and that cannot be mixed up with the question at issue. The point at issue is about the supply of water to the inhabitants of the city and not expansion of water supply schemes. Of course the State Government and

the Central Government will have to make provisions for the expansion of water supply schemes, but here is a question whether that service should not be paid for. As I said earlier, there should not be any profit out of this water supply; but the actual cost must be paid by those who get the water. I think there is a confusion of thought here. Government do not propose to levy more than what is actually to be paid to the Water and Sewage Board. The question is, why should the Government all the time indefinitely be paying the cost of the water supply. There is no legal obligation, because we have already consulted the Law Ministry. The matter was considered so many times since 1951 and the Government came to the conclusion that....

Shri C. K. Nair (Outer Delhi): There is a legal obligation; it is stipulated in the Act.

Shri M. C. Shah: The Law Ministry has been consulted and we have been advised that there is no legal obligation.

Shri C. K. Nair: The legal obligation is there.

Shri M. C. Shah: If there is a legal obligation, then the Delhi Municipality will have a right to go to a court of law and get the amount from the Central Government. This matter is being discussed for the last four or five years since 1951, and the Government have come to the conclusion, after consulting the Law Ministry, that there is no legal obligation; there is no justification whatsoever to continue this grant to the Delhi Municipality to cover the expenditure incurred in supplying water. I think it is the duty of the Delhi Municipal Committee to find ways and means to collect this extra sum that it will have to pay to the Water and Sewage Board.

Shri C. K. Nair: There is a clear stipulation in the Act that the excess amount of 3 annas per thousand gallons will be met by the Government of India. Therefore, to say that there

is no obligation is not acceptable. Of course you can say we want to bid good-bye to this obligation. Don't say that there is no legal obligation.

Shri M. C. Shah: I am clear on this point; we have consulted the Law Ministry and they have advised that there is no legal obligation. The Government agreed to pay this additional sum in 1926 under certain circumstances. Now, the circumstances have completely changed. At that time the Government never thought that there would be any additional sum to be paid; but because of a certain rise in the cost of materials, as was explained by the hon. Deputy Minister, this additional sum had to be paid; also there was an increase in the payment of the wages fixed by the Central Pay Commission to the personnel. Because of all these there was a rise in the amount to be paid. There is no justification whatsoever at present to continue to pay a grant that was necessary at the time of passing the Act—in 1926. Therefore, I say that there is no legal obligation and the obligation under the 1926 Act is to be done away with by this amendment. This is the reason for bringing this amending Bill before the House.

Shri C. K. Nair rose—

Mr. Deputy-Speaker: Order, order. Evidently there is some confusion here. What the hon. Minister means is that there is no contractual obligation; there is no *quid pro quo*. But under this Act the Central Government has undertaken voluntarily the liability to contribute. If this Act is scrapped, they will not be liable to pay at all. But so long as the Act stands there, they are bound to pay. If the Central Government has signed a *quid pro quo*, it will have no right to scrap this Act: even if they scrap this Act, the Delhi Municipal Committee will have the right to go to a court of law. One is for a consideration and the other is a voluntary payment. The hon. Minister feels that there is no longer any just-

[Mr. Deputy-Speaker:]

allocation for this voluntary subsidy to be continued after so many years, from 1925; but it is a matter for the House to consider. All that the hon. Minister wants to say is that there is no legal obligation. But so long as the statute is there, he is bound to pay. Therefore, he is trying to scrap the statute. But under certain circumstances even this cannot be done if the Municipal Committee has rendered something to the Government in consideration of which the Government has undertaken to pay this. That will be a different matter altogether, in which case the Government cannot get over that liability by merely coming to this House and saying that it will not pay; possibly the matter may have to be decided in a court of law.

Shri B. S. Murthi: Apart from this legal obligation, what about moral obligation?

Shri M. C. Shah: There is no moral obligation.

An Hon. Member: What about social obligation?

Shri M. C. Shah: The Government agreed to pay this amount to the Delhi Municipal Committee under certain circumstances existing then. Now we say that the circumstances have changed, and we feel that it is the duty of the Delhi Municipal Committee to pay this. That is why we have brought this amending Bill before the House. As I was saying, there are one lakh houses out of which only 31,000 houses pay taxes. The other 69,000 houses do not pay any tax whatsoever.

श्री नवल प्रभाकर : जिन घरों का आप बिल कर रहे हैं, वे तो अन-एथोराइज्ड कंस्ट्रक्शन हैं। अगर आप उन पर टैक्स लगाना चाहते हैं, तो लगा लीजिए।

Mr. Deputy-Speaker: Order, order.

Shri M. C. Shah: I have got nearly 25 years' experience of local bodies; what they do in other places is that

they levy a water rate from the inhabitants who use the public hydrants. So, I do not say that they should pay as much tax as those living in houses with water connections pay. But there should be some sort of a general water rate being levied all over the country. The Delhi Municipal Committee should collect this from those who take the water, though it may be a very small sum. But of course there is no question of not supplying water. For expanding the water supply schemes naturally the Municipality can come to the State Government and the Central Government for subsidies, grants, or loans. They can get grants, 50 per cent. loans and so on. All these things are there for the Delhi Municipal Committee, but for the servicing at least the entire expenditure should be met by the Municipal Committee. That is the only simple reason for which this amending Bill has been brought forward.

Sardar A. S. Saigal (Bilaspur): I want to ask one question.

Shrimati Renu Chakravarty rose

Mr. Deputy-Speaker: All of them can simultaneously ask questions; I have no objection. Let the hon. Deputy Minister also speak. Then, I shall allow questions.

Shrimati Chandrasekhar: Shrimati Renu Chakravarty mentioned that the concern of the Health Ministry is to look after the water supply of the people. She must be aware of the national water supply and sanitation schemes according to which loans were given to the urban areas to the extent of Rs. 12.86 lakhs and also Rs. 6 lakhs to the rural areas....

Shri M. C. Shah: Crores.

Shrimati Chandrasekhar:....I am sorry, crores, in the shape of subsidy to the rural areas.

Shri S. S. More: May I rise on a point of order? Can a person sitting in the Official Gallery make a correction or a suggestion?

Shri M. C. Shah: I made the correction.

Shrimati Chandrasekhar: It was just a slip of the tongue.

Shri S. S. More: I heard it.

Mr. Deputy-Speaker: Normally no person who is sitting in the Gallery should loudly instruct. Any other hon. Member may go there, the Whip can go there. They are there to give instructions. In this case, possibly he thought that we won't hear. Hereafter such open or loud statements ought not to be made.

Shrimati Chandrasekhar: Besides, the cost of water supply in Delhi has not increased very much. It has risen only from 1 anna 9 pies to 3.29 annas whereas if we look at other municipalities, the rates have ranged from 4½ annas to one rupee.

There was another point raised about the differential or partial treatment meted out to the Delhi Municipality whereas other local bodies are given preferential treatment about educational grant, etc. These are matters which are not relevant at this stage. If all these things are brought to the notice of the Ministry, when they are taken up again, they will be considered carefully. I do not think the Government have ever refused any loan to the Delhi Municipal Committee for metering the houses. Besides, the house tax is very low in Delhi. About 10 per cent. for water tax will not be too much.

Mr. Deputy-Speaker: Have the Government given any instructions to the Municipality to impose water tax?

Shrimati Chandrasekhar: Yes; they have been given.

In conclusion I can say that this financial stringency of the Delhi Municipal Committee can be met by levying a general tax or particular tax on meters and they can make a revenue and meet the deficiency without

depending upon the Central Government for continuing the liability.

Shrimati Renu Chakravartty: What we are really concerned is that the water rate should not be increased.

Mr. Deputy-Speaker: The hon. Member may kindly put a question.

Shrimati Renu Chakravartty: I just spoke one sentence so that the question may be clear. Unless the capital cost which is there already is reduced by making half loan and half grant, how can the water rates be reduced, and kept below 3 annas per 1000 gallons? That is the point. In future you may adopt this policy that we shall give half loan and half grant. Even then, that would mean that the loan amount would be added to the capital cost at a higher rate of interests. We must be assured by the Ministry that some sort of an amendment will also come to this effect.

Shrimati Sucheta Kripalani: That was the agreement.

Shri M. C. Shah: So far as Delhi is concerned, there is a special arrangement. Everywhere, the local bodies make arrangements for their water supply. They enter into a contract with some other agency. In Delhi, there is the Joint Water and Sewage Board. The only question is this. If the Joint Water Supply and Sewage Board makes any profit over the final issuing rate, there is a point in what the hon. Lady Member has said. What I mean about expansion is suppose they want to lay water pipes, or want to have more reservoirs or something of that sort in order to make water supply easier to all the residents, for these capital works, they can get a grant and a loan. So far as the supply from the Jumna is concerned, that is being managed by the Joint Water Supply and Sewage Board which is a separate body altogether. As I have already explained, if anybody can show that there is a heavier cost in running the Water Supply and Sewage Board, that cost can be reduced and then naturally the price of 3 annas can

[Shri M. C. Shah]

be reduced. You have to look into the accounts of the Joint Water Supply and Sewage Board, which supplies water to so many local authorities.

सरकार ए० एस० सङ्गल : डिप्टी मिनिस्टर साहब ने अभी जवाब दते हुए बताया कि दिल्ली म्युनिसिपैलिटी में जो लोग रहते हैं उनमें से बहुत बड़ी तादाद ऐसे लोगों की हैं जिनके मकानों में पाइप नहीं लगे हैं। कुछ थोड़े से लोगों ने अपने यहां पाइप लगाये हुए हैं और वह लोग मीटर के जरिये से रेंट अदा करते हैं। मैं यह जानना चाहता हूं कि जिन लोगों ने अपने यहां पाइप नहीं लगाये हुए हैं और जो जनरल पाइप से पानी लेते हैं उनमें कितनी तादाद उन रिपब्लिशियों की हैं जो दिल्ली में आकर बसे हैं।

Shri M. C. Shah: As a matter of fact, there are 1 lakh houses. Out of them, 31,000 houses have water connection, and 69,000 houses have no water connection. I have no grievance about that. Even out of these 31,000 houses, about 18,000 have meter connection; others have not got it. What I urged before the House was that these 69,000 houses get water supply from the water received from the Joint Water Supply and Sewage Board, but they may not pay any rates. There are special water rates when there is water connection in the house or there is a meter connection and the charges are paid per thousand gallons. There is also a general water rate, which is at a very low level, to be paid by those who take water from the hydrants and other places. After all, water is supplied by the Delhi Municipality, after obtaining it in lump from the Joint Water Supply and Sewage Board. Those who take water from their water connections in their houses, have to pay a higher rate; if they take by meter, they pay a higher rate. Those who take from public hydrants shall have to pay something. It would have to be found out by the Delhi Municipal Committee as to what the rate will be in new Delhi. It may be Re. 1 or Rs. 2/- per house,

according to the means and according to the expenses incurred by the Delhi Municipal Committee. They may not make any profit from that. I say no profits should be made from water supply. At least, they must meet the cost that the Delhi Municipality has to pay to the Joint Water Supply and Sewage Board. That is my plea.

Shri Radha Raman: I wish to make a submission. The hon. Minister has been pointing out that there are nearly 37,000 houses which have meter connection out of one lakh houses.

Shri M. C. Shah: I said 31,000 houses have water connection.

Shri Radha Raman: I know that in many houses they want to have water connection. In many cases, the difficulty is obvious. They are *katras* or big places where thousands of people are living. There is a tug-of-war between the landlords and the tenants. You may have also noticed in the newspapers recently that we have been crying about these slums to be cleared. In such slums you will find only the public hydrant is being used though the people there want to have connections, but the present laws of the municipality are a hindrance and they are not able to take individual water connections.

And then again, many of these houses of which he is talking are in a very poor and dilapidated condition and no individual connections are possible. Regarding the meters, during the war the meters were not available, but now all speed is being shown in order to get more meters installed. But, unless the mains are laid there and the other formalities are gone through, it is not possible to have them. So, I only request you, Sir, that in view of the views we have expressed, we will expect that the Health Ministry will not press for the Bill to be passed.

Shri R. S. Murthy: I want a clarification.

Mr. Deputy-Speaker: No, I will not allow any speeches now.

Shri B. S. Murthy: No speech, only a question.

Mr. Deputy-Speaker: What is the question?

Shri B. S. Murthy: The question is this. I want to know whether the Government have consulted the Delhi Municipality before bringing this Bill here, and if the Bill is passed here and the regular monetary help is denied to the Municipality, will there be a regular supply of water, or will there be a breakdown.

Shrimati Chandrasekhar: There will be no breakdown. The Delhi State Government and also the Delhi Municipal Committee have been consulted in this matter and only after consultation we have brought this Bill.

Another thing. I did not answer a point. Shrimati Renu Chakravartty said that the Local Self-Government Ministers' conference at Simla passed a resolution or recommended that they should be given not only loans, but grants for water works. But the actual recommendation of the conference was that cities with a population above 25,000 should be given only loans as against the present practice of grants being given only to small cities.

Mr. Deputy-Speaker: The question is:

"That the Bill further to amend the Delhi Joint Water and Sewage Board Act, 1928, for certain purposes, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Enacting Formula and Clause 1

Amendments made: (i) Page 1, line

1.
for "Fifth Year" substitute "Sixth Year".

(ii) Page 1, line 4,
for "1954" substitute "1955".
[Shrimati Chandrasekhar]

Clause 1, as amended, the Enacting Formula, as amended and the Title were added to the Bill.

Shrimati Chandrasekhar: I beg to move:

"That the Bill, as amended, be passed".

Mr. Deputy-Speaker: The question is:

"That the Bill, as amended, be passed".

Those in favour will say "Aye".

Some Hon. Members: Aye.

Mr. Deputy-Speaker: Those against will say "No".

Some Hon. Members: No.

Mr. Deputy-Speaker: The "Ayes" have it.

Shrimati Renu Chakravartty: The "Noes" have it. We demand a Division.

Mr. Deputy-Speaker: Division I am not going to allow.

Shrimati Renu Chakravartty: You cannot allow it now, you can allow it later.

Shri C. K. Nair: I wanted to speak, but before that you put it to vote.

Mr. Deputy-Speaker: I am sorry, it is finished. It is only a question of standing on formalities, that it ought not be put to the vote of the House now, but we should wait till 2-30 to do so. The matter will be merely put to vote.

Sardar A. S. Saigal: Voting will take place after 2-30 and you have done it at 1-45.

Mr. Deputy-Speaker: Therefore, I have put it off.

Shrimati Sucheta Kripalani: It was done so quickly that people did not understand that the third reading was over.

Mr. Deputy-Speaker: There is nothing. Enough has been said in the other readings. Hon. Members will only repeat themselves.

CODE OF CIVIL PROCEDURE
(AMENDMENT) BILL

The Minister in the Ministry of Law (Shri Pataskar): I beg to move:

"That the Bill further to amend the Code of Civil Procedure, 1908, be referred to a Joint Committee of the Houses consisting of 45 Members, 30 from this House, namely, **Shri Upendranath Barman**, **Shri Debeswar Sarmah**, **Shri Chimanlal Chakubhai Shah**, **Shri U. R. Bogawat**, **Shri T. R. Neswi**, **Shri C. D. Gautam**, **Shri Hana-mantrao Ganeshrao Vaishnav**, **Shri Radhelal Vyas**, **Chaudhri Hyder Husein**, **Dr. Kailas Nath Katju**, **Shri Shobha Ram**, **Shri Kailash Pati Sinha**, **Shri Tek Chand**, **Shri K. Periaswami Gounder**, **Shri Paidi Lakshmayya**, **Shri Digambar Singh**, **Shri George Thomas Kottu-kapally**, **Shri Lokenath Mishra**, **Shri Ganeshi Lal Chaudhary**, **Shri Ram Sahai Tiwari**, **Shri N. Rachiah**, **Dr. A. Krishnaswami**, **Shri Bhawani Singh**, **Shri Sadhan Chandra Gupta**, **Shri S. V. L. Narasimham**, **Shri K. M. Vallatharas**, **Shri K. S. Raghava-chari**, **Shri Bijoy Chandra Das**, **Shri N. R. Muri-swamy** and the Mover, and 15 Members 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 15th November, 1955;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will 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 Members to be appointed by Rajya Sabha to the Joint Committee."

This is a Bill to amend the Code of Civil Procedure, that is, a Bill to amend the law relating to the procedure of the courts of civil judicature in our country. There are in all 18 clauses in the Bill and they cover about 24 changes proposed in the Code.

Section 133 of the Code authorises a State Government by notification in the Gazette to exempt from personal appearance in court any person whose rank in the opinion of such Government entitled him to the privilege of exemption. The Rajasthan High Court has recently held that this provision is *ultra vires* on the ground that it offends against article 14 of the Constitution. The amendment proposed in clause 14 of the Bill seeks to amend the section so as to make it constitutionally valid. So, this is a necessary change.

Article 133 of the Constitution gives power to the Supreme Court to hear appeals from any judgment, decree or final order of a High Court if the High Court has certified as laid down in that section. Section 109 of the Civil Procedure Code while providing for such appeals only refers to appeals from decrees, or final orders, but not to judgments. So, there is some sort of a difference in the wording used. It is therefore sought to clarify the position by the addition of clause 12 which is intended to bring section 109 of the Code in line with article 133 of the Constitution. This is also more or less a formal change.

Section 39 of the Civil Procedure Code relates to transfer of decrees of