

CHAPTER XII

DELHI

580. The proposals which have been made in the two preceding Chapters involve a rejection of the demand for the creation of the Hariana prant or a Greater Delhi State. Quite independently, however, of any decision affecting the areas adjoining it, the future of Delhi has to be determined primarily by the important consideration that it is the seat of the Union Government.

581. The present set-up of Delhi State, it may be stated, is even more anomalous than that of other Part C States in that, within the narrow ambit of powers delegated to these States, the legislative authority of Delhi is subject to certain special limitations. The subjects specifically excluded from the purview of the State Legislature include law and order, local self-governing institutions, the Improvement Trust and other statutory boards regulating certain public utility services in Delhi and New Delhi.¹

582. This peculiar 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. How unrealistic the present situation is, will be clear from the strong opposition of the State Government to the establishment of a corporation in Delhi, in spite of the fact that there is every justification for setting up a corporation for a big urban area like Delhi, which is rapidly growing in importance and where health and sanitation are raising immense problems. It is interesting to note that the main ground on which opposition to a corporation is based is that, with the creation of a legislature and a popular government in this predominantly urban State, establishment of a corporation is not feasible. This, in a way, illustrates the problem of Delhi State.

583. 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

¹. The Government of Part C States Act, 1951, Section 21.

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.

584. 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. In France, for example, there is a greater degree of central control over Paris than over other municipalities. In England, the police administration of the metropolitan area is directly under the control of the Home Secretary, who does not exercise similar powers in respect of other municipal areas. Apart from reasons which are peculiar to each country or city, there are some general considerations necessitating special arrangements in respect of national capitals. Capital cities possess, or come to possess, some degree of political and social predominance. They are seats of national governments, with considerable property belonging to these governments. Foreign diplomatic missions and international agencies are located in these capitals. They also become centres of national culture and art. So far as federal capitals are concerned, there is also an additional consideration. Any constitutional division of powers, if it is applicable to units functioning in the seats of national governments, is bound to give rise to embarrassing situations. Practice in other countries, administrative necessity and the desirability of avoiding conflicting jurisdictions, all point to the need for effective control by national governments over federal capitals.

585. It may be recalled that the desirability of excluding the seat of the Central Government from 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. It was then considered essential that the Supreme Government should not be associated with any particular Provincial Government and it was also felt that the removal of the Central Government from Calcutta would materially facilitate the growth of local self-government on

sound and safe lines. "It is generally recognised", observed the Government of India in their Despatch to the Secretary of State dated 25th August, 1911, "that the capital of a great central Government should be separate and independent, and effect has been given to this principle in the United States, Canada, and Australia". The Secretary of State for India, in his reply to this Despatch, put the case for undivided Central control over the capital more succinctly:

he arrangement, as you frankly describe it, is a bad one for both Governments, and the Viceroy for the time being is inevitably faced by this dilemma, that either he must become Governor-in-Chief of Bengal in a unique sense, or he must consent to be saddled by public opinion both in India and at home with direct liability for acts of administration or policy over which he only exercises in fact the general control of a supreme Government. The local Government, on the other hand, necessarily suffers from losing some part of the sense of responsibility rightly attaching to it as to other similar administrations".

586. 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.

587. 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. It has, however, been suggested that New Delhi should be regarded as the national capital over which the Union Government might have full control. The real issue, therefore, so far as the future of Delhi is concerned is whether a line of demarcation should be drawn between New Delhi and Old Delhi and the two units be placed under two separate administrations.

588. It may be recalled that, when in 1912 the Imperial capital was transferred to Delhi, the question of the extent of territory to be included in the Delhi Province was discussed between the Central Government and the Punjab Government. "The extent of territory to be included in the new province" was determined, according to the Government of India, "by the impossibility of excluding old

Delhi, whose interests are intertwined with those of the new city, and by the expediency of including a small margin over and above the actual limits of the Imperial capital".¹ The total population of the two areas, old Delhi and new Delhi taken together, at that time was only 2,32,837.² Since then the two parts of the city have rapidly developed and Delhi is now an integrated and vast metropolis with an urban population of nearly a million and a half.³ From the point of view of law and order, the social life of the people, trade and commerce and common public utility services, old Delhi and New Delhi now constitute one integrated unit and it will be wholly unrealistic to draw a line between the two. Both the areas are rapidly expanding and satellite townships are developing on the outer peripheries of both old Delhi and New Delhi. The anomaly of treating the two areas separately is illustrated by the fact that even under the existing arrangements Delhi Fort had to be declared as an area outside the jurisdiction of Delhi Government for purposes of the Warrant of Precedence. It will also be of interest to note that, when in 1949, the Government of India decided to exclude New Delhi from the jurisdiction of the corporation proposed for old Delhi, the kind of corporation envisaged was regarded as 'truncated', 'moth-eaten' and not 'sufficiently inspiring'. If there is objection to the two areas being treated as two distinct units in the civic field, there will be even less justification for the assumption that administratively they can be placed under two different governments.

589. If it is conceded that the national capital has to be under the effective control of the national government and both New Delhi and old Delhi have to be treated as a single unit for administrative purposes, there will be little scope for difference of opinion on its future administrative pattern.

590. As we have observed earlier, Delhi is essentially urban in character. It has a rural belt which was acquired to meet its requirements as the seat of the Imperial Government. The rural areas, however, to the extent that they are not indispensable for the future urban expansion and development of Delhi, can be retroceded to the parent state or states.

591. In devising a system of government for Delhi, therefore, we must take into account primarily the requirements and aspirations of a cosmopolitan urban population. Urban problems such as slum

¹. Memoranda submitted by the Government of India to the Indian Statutory Commission, Vol. IV, p. 356.

². 1911 Census.

³. Exact figure—1,437,134 according to the 1951 Census.

clearance, reconstruction, city planning, recreation, transportation, and primary and secondary education, all fall within the domain of municipal finance and enterprise. If we are to be guided by these clear considerations as well as by the experience of other advanced countries, municipal autonomy for Delhi in the form of a corporation would appear to be the most appropriate method of meeting and reconciling the broader requirements of the national Government as well as the local needs and the wishes of the people.

592. One of the main reasons advanced by the Delhi Government against the establishment of a municipal corporation is that the financial resources of Delhi State cannot maintain a popular government as well as a municipal corporation. As under our recommendations, a separate state government for Delhi will no longer be required, this objection will cease to have any validity.

593. 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 U.S.A. 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.

594. We do not feel called upon to go into the question whether, in the event of our recommendation being accepted, the municipal set-up of Delhi should follow a two-tier model on the lines of the London County Council or whether there should be one or two corporations of the pattern already under the consideration of the Government of India. These are matters for the consideration of the Government.