

Naik, Shri Maheswar
 Nanjundaiya, Shri B. C.
 Obaidullah Sahib, Shri V. M.
 Panjahazari, Sardar Kaghbir Singh
 Patil, Shri Sonusing Dhansingh
 Pattabiraman, Shri T. S.
 Pawar, Shri D. Y.
 Pustake, Shri T. D.
 Raghavendraraao, Shri
 Rajagopalan, Shri G.
 Rao, Shri V. C. Kesava
 Ray, Shri Nihar Ranjan
 Reddy, Shri S. Channa
 Rukmani Bai, Shrimati
 Saddiqa Kidwai, Begum
 Sahai, Shri Ram
 Seeta Parmanand, Dr. Shrimati
 Sharma, Shri B. B.
 Sharma, Shri Purna Chandra
 Shastri, Pandit Algu Rai
 Singh, Capt. Awadhesh Pratap
 Singh, Thakur Bhanu Pratap
 Singh, Babu Gopinath
 Singh, Shri Ram Kripal
 Singh, Shri Vijay
 Sinha, Shri B. K. P.
 Sinha, Shri R. P. N.
 Sur, Shri M. M.
 Surendra Ram, Shri V. M.
 Suryanarayana, Shri K.
 Tamta, Shri R. P.
 Tayyebulla, Maulana M.
 Tripathi, Shri H. V.
 Valiulla, Shri M.
 Varma, Shri C. L.
 Venkataraman, Shri S.
 Venkataramana, Shri V.
 Wilson, Shri T. J. M.
 Yajee, Shri Sheel Bhadra
 Yashoda Reddy, Shrimati

NOES

Gupta, Shri Bhupesh

Ismail Saheb, Janab M. Muhammed
 Khan, Shri Abdur Rezzak
 Kishen Chand, Shri
 Kunhambu, Shri A. V.
 Kunzru, Shri H. N.
 Rajah, Shri H. D.
 Rath, Shri Abhimanyu

MR. DEPUTY CHAIRMAN: Their
 are 79 for Ayes and 8 for Noes.

The motion was adopted.

5 P.M.

THE DELHI DEVELOPMENT BILL, 1957

THE MINISTER OF STATE IN THE
 MINISTRY OF HOME AFFAIRS: (SHRI B.
 N. DATAR): Mr. Deputy Chairman, I beg to
 move:

"That the Bill to provide for the
 development of Delhi according to plan
 and for matters ancillary thereto, as passed
 by the Lok Sabha, be taken into
 consideration."

So far as this Bill is concerned, there was
 a discussion in regard to the manner in which
 we should have the Delhi Municipal
 Corporation and a separate Delhi Development
 Board while that Bill was under discussion in
 this House. All the same I shall very briefly
 point out the reasons that impelled the
 Government of India to have a separate
 Development Board established for certain
 purposes. We had a Committee appointed in
 1950 under the Chairmanship of Shri Birla for
 finding out how the Improvement Trust in
 Delhi had been working. The report was
 received in 1954 and then the question was
 under consideration. They made a number of
 suggestions one of which was that so far as
 Delhi is concerned, there ought to be a body
 which would be in a position to competently
 and effectively deal with the question of
 development. The development in Delhi is a
 fairly arduous task. You are aware that the
 population of Delhi has been increasing almost
 by leaps and bounds. It was 17 lakhs in 1951
 and in all probability we are having nearly
 a population of either 20 lakhs or just over.
 Now in spite of the Improvement Trust being
 there and there was also a subsequent Delhi
 Development Authority, still matters have not
 improved and the task of development has to
 be systematically carried out. You are also
 aware that so far as Delhi area is concerned, we
 are having a spasmodic and highly

unsystematic development by private owners in particular. That is the reason why the question had to be considered very seriously. Then an Ordinance was passed known as Delhi Development Provincial Authority. Subsequently an Act was passed known as Delhi Controlment of Building Operations Act in 1955. That Act was subsequently extended and the question now arose as to what should be done so far as Delhi area is concerned in respect of matters which deal with the development of Delhi area. The House has already been pleased to pass the Delhi Municipal Corporation Bill and this question of development has now to be considered. So far as this Delhi area is concerned, the first and the most important need is to have a master-plan for the Delhi area. Now it was suggested by this Bill Committee that this question should be dealt with in a very systematic manner and for that, in view of the impending establishment of the Delhi Municipal Corporation, the question arose as to whether all this task can be undertaken by the Delhi Municipal Corporation or there ought to be a separate body for the purpose of carrying on this task. I have already pointed out to this House that in respect of the Delhi Municipal Corporation the matter was already fairly heavy so far as their normal civic duties were concerned and therefore it was considered advisable to have a separate Delhi Development Board and for this purpose this Bill has been brought forward.

The object of the Bill has also been pointed out that they should in the first instance have a Master-plan for Delhi. The manner in which the plan has to be prepared and the way in which it has to be placed before the public has also been described in minute details in the provisions of this Bill. Then after the Master plan has been finalised and published, so that as this Delhi Development Authority is concerned, they would carry on the work of development in certain areas known as notified areas. Now this provision has been purposely put in

because in case the Delhi Municipal Corporation were to think of having their own development programme, then that need not necessarily come in the way of their having to do so. For that purpose it has been considered necessary to have a Delhi Development Board and to have also certain areas marked out as notified area for the purpose that this Delhi Development Authority will devote all its energies and moneys for developing these areas. A question is likely to be asked as to the manner in which this work has to be carried on because in respect of notified areas, the Delhi Development Authority will carry on the work. In respect of the other areas, the proposed Delhi Municipal Corporation will carry on its work, if it is so minded, in other areas. But in all these areas, in order that this work should be carried on in a harmonious manner, a provision has been made in this Bill also so far as both the bodies under this Delhi Development Authority Bill are concerned. There will be a body known as the Delhi Development Authority. On this body, as I shall point out, there would be representation for the Delhi Municipal Corporation. There will be a larger body known as the Advisory Council. There also I would point out how the Municipal Corporation will have its representation and it is expected that in view of this, the work would be carried on in a spirit of cooperation and coordination so far as the task of development is concerned. That is the reason why it was considered advisable to have a separate Bill.

I would now very briefly point out what has been stated in the Bill. Now the Delhi Development Authority is the principal or primary authority which will carry on this work. Naturally this body has to be as small as possible, as compact as possible. What has been decided is that in this body there would be 11 members and so far as the particular manner in which they come is concerned, it would consist of the following members. One

[Shri B. N. Datar.] would be the Chairman, in order again, to have liaison between the Delhi Administration and this Development Board. It was considered advisable that the Administrator—by whichever name he is called, either Chief Commissioner or Lt. Governor or whatever it is—will be the Chairman of this Body. Then there will be a Vice-Chairman to be appointed by the Central Government, a Finance and Accounts Member naturally to be appointed by the Central Government and an Engineer Member also. These persons have to be there because the work that has to be carried on is of a highly technical nature and so these experts have to be on the Delhi Administration. Then it has been pointed out that as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation are to be elected by the Councillors and aldermen of the Corporation. So these would furnish the representation that is necessary in the Delhi Development Authority so far as the Municipal Corporation is concerned.

Then as you are aware, there is an Advisory Committee for the Union territory of Delhi and there will be two representatives of that Advisory Committee also on this Delhi Development Board. And there are two other persons to be nominated by the Central Government. Some times it happens that it would be advantageous to have persons with experience and eminence or persons representing certain interests which ought to find representation. That is the reason why two other persons also are to be nominated by the Central Government, to see to it that there is representation for a class or category of persons whose presence is necessary, representation for whom is necessary on the Delhi Development Authority. Then the Commissioner of the Municipal Corporation of Delhi will also be an *ex-officio* member. Thus you will see that there is, so far as the Municipal Corporation is concerned, in addition to the +v-r> councillors to be

elected from themselves by the Municipal Corporation, the Commissioner also. Therefore, this compact body will constitute the executive authority so far as the working of the Delhi Municipal Authority is concerned.

Then I would point out that in clause 5, it has been stated that attached to the Delhi Municipal authority there should be an Advisory Council—a larger body—whose advice would be sought so that whatever is done by the Delhi Development Authority will also have the imprint and the support of the public and other quarters because this work has to be carried on with the largest measure of co-operation from different quarters. Therefore, this body will consist of 21 members. The Chairman of the Authority will be there as also two persons with knowledge of town planning or architecture, to be nominated by the Central Government. This has been provided for so that the work that has to be carried out will be not only good but also have artistic value. Then there will be one representative of the Health Services of Delhi Administration, four representatives of the Municipal Corporation of Delhi. Then there are the three statutory bodies associated with the proposed Delhi Municipal Corporation and for that, there will be three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee. And how they have to be elected has been pointed out. Then three persons are to be nominated by the Central Government of whom one shall represent the interests of commerce and industry, one the interests of labour in Delhi »nd four persons from the technical departments of the Central Government. Then three Members of Parliament are to be there. Members of Parliament also will have representation and there should be three of them so far as this body is concerned.

In the next chapter, it is pointed out how the master plan has to be

prepared, how the zonal development will be done, the manner in which it has to be circulated, the manner in which it is to be prepared and the manner in which the views of the public are to be ascertained. All these have been described so that in addition to the master plan having the imprint and the wisdom of all field experts, would have the imprint and the support from the public as well, which is absolutely essential in these days of democracy and that is the reason why the method of publication has been dealt with with meticulous care.

Then the development of lands has also to be taken into account. In particular, I would invite the attention of hon. Members to the question of the acquisition and disposal of land. So far as this is concerned, it has been the common experience of all that these acquisition proceedings under the Land Acquisition Act take an [abnormally long, an inordinately long period of time. That is the reason why complaints have been forthcoming that the matter is not receiving early attention. Therefore, what was done was, while taking into account the interests of the persons whose land was likely to be acquired, all principles of speedy implementation of execution and acquisition have been adopted and that is the reason why under this chapter of this Bill we have got the whole law of acquisition properly and concisely and precisely laid down here.

One or two points I would like to point out in this connection. One of them is the question of compensation. So far as compensation for land to be acquired is concerned, naturally this matter has been considered by Parliament on a number of occasions and we have been hearing of the establishment of a Delhi Municipal Corporation since October 1955. Therefore expectations arose in various quarters that Delhi was going to be developed and naturally the matter did not stop with more expectations, but people indulged in speculations also. Therefore after this date it is likely there

has been needless inflation in prices. This also has to be taken into account. The question arose as to what should be the principle for determining the compensation that the Delhi Development Authority will have to give to acquire land. Therefore, taking all these circumstances into consideration, the Government of India came to the conclusion that in this case we should take the 1st of October, 1955 as the material date. The ordinary date that is generally taken into account in acquisition proceedings is the date of the acquisition. Here in this case, the date of acquisition would be some date after this Bill comes into operation and actually when the Delhi Development Authority considers it necessary to acquire the land. But if the date of such notification is taken into account, then we shall not be having a correct estimate of the proper price of the land. The price must have been inflated. That is the reason why we have taken as the material date or the vital date the 1st of October, 1955. But in order that no injustice should be occasioned to the interests of the private owners, what has been done is to lay down that the price on that date of notification will also be taken into account and then one-fourth of this price will be added on to the market price on the 1st of October, 1955. That is to say, the difference or 25 per cent would be added on to it. Also the actual cost of construction in certain cases has to be taken into account. In *bona fides*, certain persons may have started constructions or improvements of buildings etc. Then naturally they will be entitled to the cost of such constructions. Thus you will find that the compensation will be the market price as on the 1st of October, 1955, plus one-fourth of the price on the date of notification, if there has been any increase, plus the cost of construction etc. But in certain cases, it is quite likely that there might be certain lands which have not been the subject-matter of speculation at all. Suppose, for example, we have to take or rather this Development Board has

[Shri B. N. Datar.] to take certain lands from certain areas which have not been the subject-matter of such speculation. In that case, the actual price, the market price on the date of the notification would be taken into account. This alternative has been provided and the rule has been laid down that whichever is less will be taken.

After all, Sir, it is true that Government have to pay compensation but Government should not be compelled to pay compensation which is fanciful and which is based on considerations which are not legitimate. A private owner also is entitled to a proper price, not necessarily an inflated price occasioned by considerations that are other than legitimate. That is the reason why this principle has been introduced and to this extent there has been a departure from what the Joint Select Committee did. The whole question was considered by the Government and this amendment was incorporated in the Bill when it was before the Lok Sabha. That has been accepted by that hon. House and is being placed here for consideration by this House. Other consequential amendments have been made. It is not necessary for me to go into the accounts. The Development Authority will have the right to levy what is known as betterment tax which will be levied once. The principles in that regard have been given as also other supplemental and miscellaneous provisions. Under these circumstances, Sir, I believe that the Bill as it has been passed by the Lok Sabha is a more improved one. In other respects, the provisions are the same so far as the Joint Select Committee's recommendations are concerned and, therefore, Sir, I am confident that this House will accept this particular Bill.

Mr. DEPUTY CHAIRMAN: Motion moved:

"That the Bill to provide for the development of Delhi according to plan and for matters ancillary thereto, as passed by the Lok Sabha, be taken into consideration."

Shri JUGAL KISHORE (Punjab): Mr. Deputy Chairman, it is really a good fortune that the Delhi Development Bill as passed by the Lok Sabha is now before this august House. It is an admitted fact that there is acute housing scarcity in the Capital. It is true that the Government is very anxious to solve this problem. The Delhi Improvement Trust Enquiry Committee under the Chairmanship of Shri G. D. Birla was set up and the Committee, after due enquiry, submitted its report. The Government accepted the recommendations and constituted the Delhi Development (Provisional) Authority towards the end of 1955. It was hoped that this centralised authority would inspire confidence, but people are astonished when they find that there is great public dissatisfaction in regard to its working. The D.D.P.A. did not at all avail of the benefit of the cooperation of the private sector, and there are serious complaints of favouritism in its handling of applications for sanctioning layout plans. The articles published in "Naujawan Mazdoor" dated the 14th December, 1957 under the heading "Will Prime Minister look into Man made housing scarcity in Delhi. Grave allegations against D. D. P. A. Favouritism towards D. L. P." etc., require Government's immediate attention. Government should immediately appoint an enquiry committee consisting of Members of Parliament experts and publicmen to enquire into the allegations of favouritism, nepotism, abuse of authority and present administration of D.D.P.A. The persons who are found guilty should be brought to book and there should be no mercy. It is most unfortunate that Government spokesmen give evasive replies and do not place before the House the real facts. I can quote specific instances but it will take sufficient time and I do not wish to raise the question of privilege. To rush through such an important Bill without placing complete facts is a great disadvantage to the public and a grave breach of responsibility placed on our

shoulders by our electorate. My Hon. friends, the other Members of the House, might deal with the different aspects of the Bill but I would press before the House the urgent necessity of a complete report of the past working of the D.D.P.A. and a thorough enquiry into their deeds and doings, so that justice may be meted out to all concerned. There should be no favoured monopolisation and monopopolistic trade in the matter of development of lands for housing purposes. I would also press for a provision in the Delhi Development Bill that no person who is directly or indirectly interested in the colonising business should be appointed or nominated, as the case may be, a member of the Delhi Development Authority and should be liable to be removed if from office of his interest is found even after his appointment. This is highly necessary, Sir, because past expedience has shown that the Chairman of the lay-out plans Sub-Committee and a member of the Delhi Development (Provisional) Authority was interested in the colonising business. Owing to such unfair policies and discrimination, there is a spirit of despair. It is also against all canons of justice and fairness. This has injured public interest and defeated the purpose for which the D.D.P.A. was constituted on the recommendations of the Delhi Improvement Trust Enquiry Committee.

I hope, Sir, that these defects will find no place in the working of the Delhi Development Authority and I fully support the Bill.

MR. DEPUTY CHAIRMAN: Shri Kailash Bihari Lall.

(*Shri Kishen Chand also stood up.*)

Do you want to speak, Mr. Kishen Chand?

SHRI KISHEN CHAND (Andhra Pradesh): Yes, Sir.

MR. DEPUTY CHAIRMAN: You (Mr. Lall) can speak after Mr. Kishen Chand, tomorrow.

SHRI KISHEN CHAND: Mr. Deputy Chairman, in considering this Bill, we have first of all to consider whether there was any need for having a separate Bill or whether this should have been put in under the Delhi Municipal Corporation. That is the first point and the hon. Minister, while introducing this Bill, said that suitable replies were given when discussion took place on the Delhi Municipal Corporation Bill. Secondly, he said, that there was a report by the Birla Committee which was appointed in 1950. The Report was submitted in 1955 and one of the recommendations was that a body was required to effectively and competently deal with the question of development. He added that the work of the Delhi Municipal Corporation would be very heavy and that, therefore, this should be a separate body. Now, Sir, my first contention will be to prove that this is not right in principle and that this practice of having separate bodies is going to lead to conflict and obstacles in the path of the development. It is going to cause great hardship to the citizens of Delhi who have got property, not huge property but one house or a small house or just a small piece of land. It is going to cause hardship to such people because there will be duality of authority, the authority of the Delhi Municipal Corporation and the authority of the Delhi Development Authority. Now, Sir, it has been said that a separate body is needed to effectively and competently deal with this problem. I do not understand this. The Delhi Municipal Corporation is supposed to manage and handle the Delhi Electricity system. It is not the Corporation which will manage this affair. It will have a committee consisting of some experts, some elected Members of the Corporation and some other people. The Delhi Municipal Corporation will manage the transport services, the water and sewage arrangements, etc. The Corporation will perform all these functions not by directly looking into the details but by entrusting the work to a committee. Similarly, Sir, it was our contention that this

[Shri Kishen Chand.] Development Authority should also be a committee appointed by the Delhi Municipal Corporation looking after the development work of Delhi. The argument that the Delhi Municipal Corporation has got a very heavy duty to perform and, therefore it cannot look after the Delhi Development work does not hold water. It is saying something like this, that this Parliament has got so much of heavy work that it should not have any Centrally administered areas, as the work relating to such areas, cannot be looked after. This Parliament has got certain Central duties and it has got to look after even the minutest details of Centrally administered areas. When we have developed this method of committees, when we can create *ad-hoc* bodies and committees to look after specific duties, perform specific duties, I do not see any reason why the hon. Minister should presume that having another committee of the Delhi Municipal Corporation looking after this development work of Delhi would be too heavy a piece of work for the Municipal Corporation and that the Corporation cannot perform it. Sir, we have already repeated the arguments and I do not want to repeat those arguments. Look at any big city of any foreign country. Look at the City of London. You cannot possibly imagine that in the City of London, you can have a body for the civic amenities of the people residing in the Metropolitan City and keep a separate authority for the development of it. The same thing cannot be said about . . .

SHRI P. S. RAJAGOPAL NAIDU (Madras): Sir, I rise on a point of order. The hon. Member who is on his legs was a member of the Joint Select Committee and he never save any dissenting minute. Can he oppose the Bill now? I would like to know that Sir.

SHRI KISHEN CHAND: Sir, when the Select Committee discussion went on . . .

SHRI P. S. RAJAGOPAL NAIDU: Sir, I want a ruling from the Chair on the point.

MR. DEPUTY CHAIRMAN: A very relevant objection.

SHRI KISHEN CHAND: I am answering the objection he has raised.

MR. DEPUTY CHAIRMAN: You will not be right in criticising a report to which you are a party . . .

SHRI P. S. RAJAGOPAL NAIDU: And to which he has not appended any Minute of Dissent.

SHRI KISHEN CHAND: In the Joint Select Committee meeting I continuously went on raising this point till the last minute and for certain private reasons I had to go away from the last meeting of the Select Committee and I did not know when the report was passed for submission.

MR. DEPUTY CHAIRMAN: Have you appended a Minute of Dissent?

SHRI P. S. RAJAGOPAL NAIDU: He has not done it.

SHRI KISHEN CHAND: I have not signed it nor have I appended a Minute of dissent. I was not present at the meeting when it was finally passed.

SHRI BHUPESH GUPTA (West Bengal): It should not be supposed that he supports the majority report of the clock till eleven of the clock on Saturday the 21st December, 1957
SHRI KISHEN

: When I was not present in the last meeting when the majority report was signed it automatically follows that I had not got the opportunity for expressing my views. I had some other work and I could not attend. It is only on account of that that I have not sent in amendments.

MR. DEPUTY CHAIRMAN: You can continue to-morrow. The House stands adjourned till 11 A.M. tomorrow.

The House adjourned at thirty-two minutes past five.