

RAJYA SABHA

Saturday, the 21st December 1957

The House met at eleven of the clock, Mr. CHAIRMAN in the Chair.

PAPERS LAID ON THE TABLE

AMENDMENTS IN THE PUBLIC DEBT RULES, 1954

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, on behalf of Shri Bali Ram Bhagat I beg to lay on the Table, under sub-section (3) of section 28 of the Public Debt Act, 1944, a copy each of the following Notifications of the Ministry of Finance (Department of Economic Affairs):

(i) Notification S.R.O. No. 2286, dated the 3rd October 1956, publishing an amendment in the Public Debt (Compensation Bonds) Rules, 1954.

(ii) Notification S.R.O. No. 2287, dated the 3rd October 1956, publishing an amendment in the Public Debt (Annuity Certificate) Rules, 1954.

(iii) Notification S. R. O. No. 1156, dated the 6th April 1957, publishing an amendment in the Public Debt (Compensation Bonds) Rules, 1954, [Placed in Library. See No. LT-482/57.]

NOTIFICATIONS UNDER THE SEA CUSTOMS ACT, 1878

SHRI B. N. DATAR: On behalf of Shri Bali Ram Bhagat I further beg to lay on the Table, under sub-section 4) of Section 43B of the Sea Customs Act, 1878, a copy of each of the following Notifications of the Ministry of Finance (Department of Revenue):

(i) Notification No. 251, dated the 6th November 1957, relating to the allowance of drawback in respect of duty-paid foreign Vat Jade Green, 97 R.S.D.—1.

Pyridine base and Chlorosulphonic acid used in the manufacture of Solubilised Vat Green B Type Powder.

(ii) Notification No. 252, dated the 6th November 1957, publishing the Customs Duties Drawback (Dye stuffs) Rules, 1957. [Placed in Library. See No. LT-481/57.]

RESULT OF ELECTION TO THE COIR BOARD

MR. CHAIRMAN: Shri K.P. Madhavan Nair, being the only candidate nominated for election to the Coir Board, is declared duly elected to be a member of the said Board.

THE DELHI DEVELOPMENT BILL, 1957—continued

SHRI KISHEN CHAND (Andhra Pradesh): Mr. Chairman, last evening I was speaking about this Delhi Development Bill and I was pointing out that this separate authority, distinct from the Delhi Municipal Corporation, is an innovation which is not followed in other big cities of the world. It was formerly so in the city of Bombay that they had a separate Improvement Trust, but by experience they came to the conclusion that a separate body is not conducive to the full development of the city and they merged it in the Bombay Municipal Corporation. Similarly, Sir, our experience of the Delhi Improvement Trust has been a sad one. The Delhi Improvement Trust, being a body responsible to nobody mismanaged the affairs of the improvement of Delhi city. The result is, that even now there are cases of 1948 where the people have not received compensation. In the matter of development and improvement of the city, as there was no co-ordinated plan, the record of the Delhi Improvement Trust is not at all satisfactory. When the hon. Minister is going to set up a separate Delhi Improvement

[Shri Kishen Chand.]

Trust consisting of eleven members of whom nine will be either Government officials or nominated people and only two will be representatives elected by the Delhi Municipal Corporation, in a body of such a composition the responsibility will rest only on the Minister as the final appellate authority, and you know, Sir, the hon. the Home Minister is a busy man and he cannot possibly spare the time to look after the details of such a body.

Mr. CHAIRMAN: He has got another Minister and a Deputy Minister.

SHRI KISHEN CHAND: On the other side, Sir, India is a large country and even if the number of hon. the Home Minister and his colleagues in the Home Ministry be increased to the extent of ten, even then he will not be able to find any time to go into the details of the Development Authority of Delhi which is a growing city. There are so many wards and there are many local grievances. How can the representative of a ward approach the hon. Minister with the small, little grievances? If the body was allied to the Delhi Municipal Corporation, it would have been managed by an authority consisting not of eleven people but of about twenty people, the Delhi Municipal Corporation having elected about twelve or thirteen people and the remaining six or seven being officials, and this authority would have been answerable to the Delhi Municipal Corporation. The Delhi Municipal Corporation has got about eighty members representing every ward and every ward representative could be approached by a local member who has a grievance and he can later on bring it to the notice of the Authority. My whole objection is that wherever you set up a small authority which is not responsible to the people or to a larger body, abuse of power takes place. It is the experience everywhere and in spite of the sad experience of the Delhi Improvement Trust the hon. the

Home Minister wants to persist in it solely on the ground that the Delhi Municipal Corporation is already overburdened with work. I know, Sir, that he has two assistants, but may I ask whether it will be more easy for the hon. Minister with his two assistants than for the Delhi Municipal Corporation with about a hundred members to look entirely after the interests of Delhi? It is for hon. Members to decide whether it would have been better if this Delhi Development Authority had been placed under the Delhi Municipal Corporation or under the hon. Minister.

Now I come to other points, to matters of detail, about the composition of the Delhi Development Authority. Out of eleven people only two are elected by the Delhi Municipal Corporation; two are nominated from the Notified Area of New Delhi and the remaining seven are all officials. That is the composition of the body, two nominated by the Central Government and seven appointed by the Central Government holding office at the pleasure of the Central Government. The result will be that it will be an official body.

Then, Sir, I come to the duties. If you see the duties of this body, well, it has a whole lot of duties in which it will clash with the duties and the exercise of authority by the Delhi Municipal Corporation. The main function of any Corporation is to grant permission for the construction and alteration of houses, permission for new constructions and permission for development of an area. Now you have got two authorities, the Delhi Municipal Corporation and the Delhi Development Authority, both of them simultaneously having the same jurisdiction over the same area and the power to grant permission for constructions. One comes under the idea of development; the other comes under the normal carrying out of the functions of a municipality. Therefore there will be continuous clash

between the two authorities. I thought that if the two authorities had similar powers, the area of their operation might at least be demarcated. For example, the Delhi Development Authority should not have any powers with regard to constructions inside the Delhi city or with regard to improvements inside the Delhi city. It will have authority over the area outside the Delhi urban area, and the rural area attached to the Delhi Municipal Corporation. So if there is a jungle development programme in the rural area round about the Delhi urban area and there is a complete programme of development, of laying out new roads, new plots for construction, in so far as that area is concerned, the Delhi Development Authority may have the final voice. Whereas all the urban area, where houses have been constructed and are in existence, if there is any question of improvement, alteration or construction in that area, that must be under the Delhi Municipal Corporation. If the power is divided in this way between the Delhi Municipal Corporation and the Delhi Development Authority, there would have been no clash of interests, but in the present circumstances there will be clash of interests.

Then, Sir, there is the question of the advisory council. Here also it is an advisory council of only twenty-one. If the advisory council was given some powers and its strength increased to the extent of about a hundred people representing the various wards of the urban area as well as the rural area, it would have been a representing body similar to the Delhi Municipal Corporation. I would humbly suggest to the hon. the Home Minister that if he wants to retain this as a separate Bill I would request him to increase the size of the advisory council to such an extent that it becomes almost co-terminus with the Delhi Municipal Corporation with about a hundred people representing various areas and various interests.

If there is such a body, it can certainly control the Delhi Development Authority.

Then I come to one or two other items. Now, there is a thing like betterment levy. In a big city like Delhi, apart from the development of the areas surrounding the urban area, inside the city certain slum areas will be cleared; where the roads are very narrow or twisted and curved, in such areas the roads will have to be widened; certain properties will be acquired. In Delhi city, in fact in the old city, there are hardly any big landlords. Generally in the old city there are people with one house—and a small one at that—part of it occupied by themselves and a small part rented at about Rs. 15, Rs. 20 or Rs. 30 to two or three tenants. In such a case, supposing the Development Authority widens the road and a house which was behind comes on the road—they are small houses built on probably 50 sq. yards, houses in which the owner and the tenant together possibly pay a rent of Rs. 50—that house comes on the main road and its value has increased on the main road the Development Authority says, 'Your house is on the main road and its value has increased, therefore you must pay a betterment charge.' You know that the land prices in Delhi are very high and even if that is about 50 sq. yards, immediately a demand of Rs. 20,000 is made from the owner of that house which was till then on a back street. It is on account of development, on account of the widening of the road that it comes on to the main road and if you suddenly ask him to pay Rs. 20,000 the result will be that you will be depriving him of the property. I suggest that where a road is widened you take something besides the road, say, 15 or 20 feet on each side for the purpose of shops for subsequent sale. If you do not do that and if the owner of a house in a back street suddenly becomes the owner of a house on the main road and if you levy a better-

[Shri Kishen Chand.]
 ment charge you will probably deprive him of his house because he will not be able to pay this betterment levy and he will have to sell his property. Sir, arguments will be advanced about the big landlords and land owners but I maintain that in the city of Delhi—in the old city—there are exceedingly small houses. If a census is taken you will find that not more than a few persons have more than one house.

MR. CHAIRMAN: Hurry up, Mr. Kishen Chand.

SHRI KISHEN CHAND: So I say this is unfair.

Then I would like that every member of this Development Authority, which is a small body, should give a declaration that he has no interest in any widening of roads, he has no interest in any development. You know, Sir, in the case of the Delhi Improvement Trust . . .

SHRI N. RAMAKRISHNA IYER (Madras): No personal interest.

SHRI KISHEN CHAND: Yes; that is what I say. In the case of the Delhi Improvement Trust so many difficulties arose because some interested people were employed there and in consideration of their interest they widened certain roads and developed certain other areas. I should like to know what steps have been taken against it. Sir, there should have been a clause in this Bill that any person who is a member of the Development Authority should have no interest—no personal interest of course—either directly or through certain relations, in the development of any part or in the widening of any part or in any clearance work and so on, otherwise, a small body like this is going to abuse its power.

Sir, there are many other clauses but as you are forcing me to hurry up, I will simply say that now that

this Bill has come up and the hon. Minister is not going to alter it, let him in the administration of this measure extend the size of the advisory council to such an extent that proper supervision over this Authority is ensured. Thank you, Sir.

MR. CHAIRMAN: Shri Awadeshwar Prasad Sinha. He is not here. Mrs. Munshi.

Now, you must be brief. I am asking the Minister to wind up at half past eleven.

श्रीमती लीलावती मुन्शी (राजस्थान)
 अध्यक्ष महोदय, इस बिल का मैं स्वागत करती हूँ और मैं आशा करती हूँ कि इससे हमारा दिल्ली शहर बड़ा अच्छा बनेगा। मुझे इसके सम्बन्ध में एक दो बातें कहनी हैं। एक तो इसमें लोकल अथॉरिटीज को ठीक से डिफाइन नहीं किया गया है। बहुत से विभाग जैसे निर्माण विभाग, प्राप्ति विभाग, स्वास्थ्य विभाग वगैरह से लोगों को बहुत उलझन होती है। इसके बारे में मैं फिर पीछे कहूँगी। लोगों की फरियाद है कि हाई हैण्डनेस भी इसमें बहुत होती है।

श्री किशन चन्द : अब भी है।

श्रीमती लीलावती मुन्शी : मेरी मंशा है कि दिल्ली शहर बड़ा अच्छा बने। नन्दा जी ने भी दो तीन साल पहले कहा था कि हम रूरल हाउसिंग बनायेंगे, अर्बन हाउसिंग बनायेंगे, स्लम क्लियरेंस करेंगे। बड़ी बड़ी कांफ्रेंसें हुई थी और उसमें मास्टर प्लान के लिये भी चर्चा हुई थी। उसके बाद भी दिल्ली के बहुत से भाग ऐसे हैं जैसे पहले थे, वैसे अब भी हैं। एक मोठ मस्जिद ग्राम नार्थ ब्लाक से पांच मील पर है। सन् १९३७ में ब्रिटिश गवर्नमेंट ने उस ग्राम को पांच पानी

के टैप दिये थे और आज तक उसमें पाच पानी के टैप ही हैं। वहाँ जनसंख्या बढी है, मगर पानी के और टैप नहीं दिये गये हैं। इसके अलावा ऐसे ग्राम और भी बहुत हैं।

यहाँ बहुत से कानून बनते हैं। मैं बहुत संक्षेप में कहना चाहती हूँ, क्योंकि आपने कहा है। मैं इसके बारे में दोहराना नहीं चाहती। यहाँ कानून बना दिये जाते हैं, मगर यहाँ विलम्ब और कई प्रकार के दोष हैं ऐसी लोगों की फ़रियाद है। मैं जानना चाहती हूँ कि जो पुराना प्राविजनल डेवलपमेंट बोर्ड था उसने क्या क्या अब तक किया? अब नया बोर्ड होने के बाद इतनी आशा जरूर की जा सकती है कि सब बातों का जल्दी फ़ैसला होगा और सभी मामलों का निपटान शीघ्र होगा।

एक दूसरी बात यह कही जाती है कि गरीबों के घर तोड़ तो दिये जाते हैं पर आप उनके बजाय नये घर बनाने नहीं देते। कितने लोग ऐसे हैं जो अपना घर बनाना चाहते हैं और जब वे अपने घर का नक्शा भेजते हैं तो उसको जल्दी पास करना चाहिये, उस पर कोई जल्दी फ़ैसला करना चाहिये। लेकिन महीनो तक, सालों तक वह काम चलता रहता है। उसका कोई फ़ैसला नहीं होता और आफ़िस में आदमी को टहलना पड़ता है। इसके बारे में कोई रिड्रेस होना चाहिये। जो ग़लत फ़ैसला ऐडमिनिस्ट्रेशन करे उससे लोगों को कुछ रिड्रेस मिले। इसमें एक फाइनेंस आफ़िसर रखा गया है, जिसका सम्बन्ध सब से रहता है। इन सब बातों में बहुत देरी होती है। एक ने दूसरे के पास भेजा, दूसरे ने तीसरे के पास भेजा और फिर एक जगह से दूसरी जगह धक्का लगाया, इस रीति से हर बात में विलम्ब होता है। किसी को शीघ्रता से निपटान करने का

खयाल नहीं होता। उनको जितनी जितनी ज्यादा डिले करे उतना ज्यादा फायदा होता है, ऐसा उन लोगों का खयाल है। टेकनिकल चीज होती है, नानटेकनिकल आदमी समझने नहीं है और पीछे कुछ राय देते हैं। इसमें बहुत देरी होती है। सबॉर्डिनेट आफ़िसर को सब प्रोपोजल दिये जाते हैं। आफ़िसर खुद देखते नहीं हैं, उनके पास बहुत काम होता है। तो सब कामों में जितनी वहाँ देरी होती है और एक आफ़िस में दूसरे आफ़िस में जाने के चक्कर में जो एक आदमी पड़ता है, उसके लिए कुछ करना चाहिये। यह मेरा खुद का अनुभव है। यहाँ एक बिल्डिंग बनाने के सम्बन्ध में मैंने यह अनुभव किया था कि एक प्लान कई अथॉरिटीज के पास गया था। यदि छोटी सी एक टेकनिकल मिस्टेक हो तो बगैर यह बताये कि भूल क्या है, कैसे ठीक की जा सकती है, यह कह दिया जाता है, कि ठीक नहीं है, वहाँ ले जाओ। इस तरह होता यह है कि एक जगह से दूसरी जगह धक्का लगा दिया और दूसरी से तीसरी जगह धक्का लगा दिया।

श्री किशन चन्द : छः महीने क वास्ते।

श्रीमती लीलावती मुंशी : हर कोई आदमी तो यह नहीं जानता कि सही रास्ता क्या है और बहुत सी टेकनिकल बातों को न जानने के कारण भूल कर ही जाता है। रूल्स भी रोज बदलते रहते हैं, ऐक्ट्स भी बदलते रहते हैं और लोगों को सही सही मालूम नहीं रहता कि हमें रूल्स के मुताबिक क्या करना है। इसका परिणाम यह होता है कि मामला यहाँ से वहाँ चला जाता है। एक जगह से धक्का खाकर दूसरी जगह जाना, एक आफ़िस से आकर दूसरे आफ़िस में जाना, ये सब बातें होती रहती हैं। तो यह बात ठीक नहीं है। आप जानते हैं, दाम कितनी

[श्रीमती लीलवती मुंशी]

जल्दी बढ़ते जा रहे हैं। सन् १९५५ में जितने दाम होंगे, दो साल बाद आज दुगने हो गये हैं और इसलिये अगर दो, दो साल तक आप नक्शे पास न करें और इतनी देर तक किसी आदमी को आज्ञा न मिले तो उसमें तो उसका दिवाला ही निकल जाता है।

यहां कंपेंसेशन प्रोसीजर भी बहुत लम्बा रखा है और इसके बारे में श्री किशन चन्द ने भी अभी कहा कि कई ऐसे लोग हैं कि जिनको कंपेंसेशन जीवन भर नहीं मिला है। प्रैक्टिस में तो कंपेंसेशन इतनी आरविट्टेरिली दिया जाता है कि बहुत मामूली दाम मिलते हैं, जैसा कि डिप्लोमेटिक एन्क्लेव या जोर बाग इत्यादि में हुआ है। आपने थोड़े आनों में जमीन ले ली और हजारों की कीमत पर उसे बेचा और जिन से जमीन ली, उन बेचारों को क्या दिया? कितनी ही जगहों पर कंपेंसेशन तो मिला ही नहीं है, कितनी ही जगह जिन लोगों से आपने लैंड ऐक्विजिशन की है, उनको कंपेंसेशन अभी तक नहीं मिला है। इसलिये बिल में जो कंपलसरी ऐक्विजिशन है और जो "नो राइट ऑफ अपील" है, उसके बारे में हमें सोचना चाहिये, ऐसा मैं चाहती हूं।

कंपेंसेशन आपने १९५५ के रेट पर लगाया है। अगर आप उनको सस्ते दाम में सीमेंट दें, लोहा दें और सब बिल्डिंग मैटीरियल दें, तब तो मैं मानती हूं कि १९५५ का रेट ठीक है अन्यथा १९५५ के बाद अब यहां लोहा, सीमेंट और सभी बिल्डिंग मैटीरियल्स के दाम ऊपर चढ़ गए हैं। मैं समझती हूं कि अब आप इसमें १९५५ के रेट से जो कंपेंसेशन दे रहे हैं, यह कोई न्यायसंगत नहीं है।

इसलिए संक्षेप में मेरा इतना ही कहना है कि प्रोसीजर का कंप्लीकेशन हटाना चाहिये और सरलता से काम चलाना चाहिये। जिन जिन बातों से इंपेडमेंट पैदा होता है उन सब को इसमें से निकाल देना चाहिये और जो नये रूल्स वगैरा बनने वाले हैं, वे ऐसे बनने चाहिये कि हमारा जो मकसद है वह सफल हो। इतना कह कर मैं समाप्त करती हूं।

SHRI KAILASH BIHARI LAL (Bihar): Mr. Chairman, at the very outset I beg to say that I am supporting the Bill, but at the same time I would like to make some observations—of course, not in the hope that it will be changed even if the whole House combined, not to speak about myself, would like to bring about a change in the Bill even by a comma or a full stop. I think it is never possible to bring about any change so far as I remember from my experience and my observations. I beg to make it quite clear that it is not with the hope that I will be able to bring about any amendment at present that I speak, but I hope that my observations will be taken note of and in the practical working of the Act it may be so enforced that people's misery may be lessened.

MR. CHAIRMAN: Let us now come to the observations.

SHRI KAILASH BIHARI LALL: In the beginning I would like to say that this Bill proposes two bodies, one, the Authority body and the other, the Advisory Council. As I have seen—even in the Minutes of Dissent some of the Members have suggested it—what should have been really the Advisory Body has been made the Authority body and the real Authority body, when we are so much wedded to democracy, has been made the Advisory body. And this is because we are still going on in the footsteps of the previous regime of the bureaucracy. Of course, it is not at all with any intention of

making any aspersion, nor do I ever think of speaking anything in opposition to our Government. I say our Government, that should be noted. I never make any suggestion in opposition to Government, just as the other party, the Opposition party, here might be doing. But I will be failing in my duty if I did not point out certain things and at least I have thought of bringing it to the notice of our leader, Pandit Govind Ballabh Pant, whom I really look upon with worshipful regard since he was my leader even in the old Assembly, when he was deputy leader of the party. So, I cannot describe with what great regard I look upon him. But really I have not been convinced that the thing should be as it is going on even in the regime of Pandit Govind Ballabh Pant. It is for the reason that I have not been convinced that I place it before you. Maybe I may be wrong; maybe I may be convinced later on. But today as I am not convinced I want to lay bare my heart before our Government, that this should not be as it has been provided here. Our leaders, or those of our Ministers who are in charge of such business, they go by any draft that is put before them. It is no aspersion that I say. It may be they might have devoted their mind according to the light they might have received from their Secretary. They might have agreed honestly with them. But I want to place my idea before the House. And if at all we were given the liberty of voting, I think, most of the Members would decide it otherwise, with the real Advisory body. In these days of democracy, when we are wedded to democracy, when we are repeating the 'mantra' of democracy, we should be at least regretful of this fact that the servants are given the first place. The representatives of the people should have the first place and those who are servants should have been given the second place. The real authority body can be composed of only the independent class of people, as it has been shown in the Advisory Body. But we are in the habit of moving in the old footsteps. It has

pained me. I have realised that. I do not know what the independent minded Members of the House think about it. There is no doubt about it that we are going to vote for this. But let us remember to whom we are going to vote. We are not going to vote for our Minister who comes from our ranks, but we are going to vote for the bureaucracy, which is ruling over us. It may be a bitter thing for me to say it, but it is so. And I say this only in the hope that in future you will correct it.

do not support a particular clause . . .

AN HON. MEMBER: Conscience!

SHRI KAILASH BIHARI LALL: My hon. friend challenges the conscience. It is not a question of challenging the conscience; it is a question of challenging the very Constitution that the party government is based upon.

MR. CHAIRMAN: Let us now proceed with the Bill.

SHRI KAILASH BIHARI LALL: Now, Sir, I want to finish with only one observation. Even as it is, this Advisory body, as it has taken so many people from different sections, should have taken at least one agriculturist, whose land is involved, whose land is going to be acquired. I think perhaps the hon. Minister will think over this and give his observations as to how he has thought of protecting the interests of or having direct contact with those people whose interests he is going to acquire.

So far as the purpose of the Bill is concerned, I will revert to the old story of the Delhi Improvement Trust about which my friend Mr. Kishen Chand has also said something. Of course I would not have said anything about it, but the Development Authority will be doing things and acquiring land in the same way as the Improvement Trust did. Of course it is quite true that it is in accordance with the recommendations of the Delhi Improvement Trust Enquiry Commit-

[Shri Kailash Bihari Lall.]
tee that this Authority has been thought of and has been brought into existence. But what difference does it make? That is the question before us. We have seen what the Delhi Improvement Trust has done. We have seen what the Enquiry Committee has observed about the way in which the Delhi Improvement Trust worked.

Now I want to know what safeguard you have thought of in this Development Authority, because the Development Authority will come into being in accordance with the recommendations of the Delhi Improvement Trust Enquiry Committee. The Improvement Trust Enquiry Committee has said "planning is a means to an end, and it would be unfortunate if the administrative machinery is so worked that planning becomes not merely a means to an end but an end in itself. We therefore recommend the constitution of a centralised authority which will plan the schemes and will have the necessary powers to control and supervise the development but which will not undertake development itself except for certain restricted purposes as specified above. Only when the owner would like to develop the land within a prescribed period, the authority may do the same at its cost and may recover it from the owner or keep it as a first charge on the developed land together with interest at a reasonable rate." This is the main purpose of this Development Authority. But I am apprehensive what it will do. In this very report you have seen that the Delhi Improvement Trust degenerated into a profiteering body. I will be taking the time of the House if I go into details and perhaps, the Chair would not like me to do so, but perhaps we seldom have as damaging reports against Government bodies in this country as this report. It has said that the body degenerated into a profiteering body and it aimed at only acquiring land at a low price and then selling it for the sake of making profit. I want to know what is the

safeguard that you are proposing with regard to this eventuality.

Sir, there is already a hue and cry. Some people came to me this morning with their representations. Of course I had no time to go through their representations. They have brought to me complaints with regard to the way in which compensation is given. I confess frankly I have not gone through their petitions. I have not read them in detail. I have not also gone through the Select Committee report in detail. But I can say this much that the way in which you are still proposing to go is the way of profiteering. You must give adequate safeguards and give the people proper assurance that there will be no spirit of profiteering, and you must see to the real interests of Delhi's development.

I am speaking today, Sir, with some experience. I am on the Delhi Development Provisional Authority, and I have got some experience of the working of that body. There the members are mostly Government servants, and they have to toe the line laid down by Government in respect of any purpose. But there are three Members of Parliament represented there, and we have seen on most occasion that we three have failed. We are helpless even there and we three persons cannot do anything.

Similarly, here in this body, I find that this Authority has been kept as a purely Government servant body. Even with regard to the Advisory Council it is not clearly stated what matters will be brought before it. It is of course constituted with the same purpose of advising this Authority but it is not clear what things will be brought before the Advisory Council.

One thing which I would like to impress upon the hon. Minister is that they should have some regard for the feelings of the people as to how they are going to be treated under this new body. This new body has been created because it was said once that there were so many advisory bodies, that

they wielded influence and exercised it in such a way that the people suffered, that works were delayed and no work was executed properly. It was further said that if there was one body, that arrangement would be suitable. Even now we see that the Master Plan has not still been prepared, and it is not even stated by the hon. Minister how much time it will take for the Master Plan to be ready. God knows when it will be ready. It goes on getting delayed from one year to two years, from two years to three years, and so on. That delay in the Plan is also the cause of delay in other things, so much so that one person said that his land had been acquired in 1948 but he had not been paid the money yet. God knows why he has not been paid. Such complaints in the matter of acquisition of land have become proverbial with the Delhi Improvement Trust. Those things should not be inherited by this body. That is what I want to say.

(Time bell rings.)

MR. CHAIRMAN: Listen to me. We have given one hour and thirty minutes. We have twenty minutes more, and the Second Reading and Third Reading have to take place.

SHRI KAILASH BIHARI LALL: Sir, I was to have spoken yesterday. But I was asked to wait till today. Others were given much time to speak in the meantime although I had told the Secretary that this was the only Bill on which I wanted to speak.

MR. CHAIRMAN. All right. You are spending a lot of time on general observations.

SHRI KAILASH BIHARI LALL: Give me ten minutes or at least five minutes.

MR. CHAIRMAN: Two minutes.

SHRI KAILASH BIHARI LALL: One matter for which I should thank the Minister is that all the previous

notifications, which were made as early as the end of 1938, are going to be scrapped in the face of this quite new provision about the acquisition of land under this Act. So far as this Bill is concerned, which is going to be enacted very soon, it is self-contained and all those provisions of the Trust Act and other Acts that were applicable have been superseded now. By the repeal of those two Acts they have already ceased to have any effect. That will give some relief to the people because it has been a curse to the Delhi Improvement Trust as well as to the people that notifications that were made as early as 1938 were being carried on as the Government intended to acquire these lands.

Those Notifications were in effect and they were to be made to the people in disposing of the land or in dealing with their land as they would have land and other things. When this Act comes into operation those Notifications will be scrapped and the people will have a chance to develop their land according as this Bill provides or the Government will have a fresh right to make Notifications, serve notices and acquire the land as they have provided in this Bill. At least, I hope the Home Minister will make this point clear to the people. These Notifications had brought out thousands of cases in the courts and the Delhi Improvement Trust has no business except to fight in the courts. Now, these things will go away and they will start with a clean slate dealing with people by a fresh process of acquisition and doing justice to the people by paying them compensation according to this and there will be no spirit of taking advantage of those Notifications in order to bargain and profiteer in the matter of acquiring lands and depriving the people of their just money.

MR. CHAIRMAN: That will do.

SHRI KAILASH BIHARI LALL: I have to sit because the Chair is pressing me

RAJKUMARI AMRIT KAUR (Punjab) Sir, I am glad to have the opportunity of saying just a few words and I will take a very few minutes to support this Bill

It was my privilege to bring in a Bill before this House which was called the Delhi Development Authority Bill and it was brought in at that time and passed by both Houses on the express understanding that, before the year was out, only one Authority—this permanent Delhi Development Authority—would be brought into being. Therefore, I welcome this Bill very greatly

A great deal has been said about the sins of the former Delhi Improvement Trust. I have had to defend that body on many occasions before this House and before the Lower House also, simply because it is so easy to criticise what a body does regardless of the limitations under which it has to work and regardless always of the annoyance which that body is subjected to by people who simply disobey the existing laws and make progress impossible. It is not only the Improvement Trust that can be accused of profiteering, but more so the people who bought land, who refused to build on that land because they wanted to make profits. They were profiteers, but that the Improvement Trust was a profiteering body, I deny

Now, the Authority is not going to consist of only members of the bureaucracy. We have got wedded to certain slogans and this is one of them, bureaucracy. All the servants of Government are bureaucrats, supposed to be working against the best interests of the people. I do deny that charge on their behalf. The Chairman now is going to be the administrator of the Union territory of Delhi, *ex officio*. A vice-chairman will be appointed by the Central Government. A finance and accounts member and an engineer member have to be there. Then the Municipal Corporation of Delhi will have two of its members. These cer-

tainly won't be "bureaucracy". Then the representatives of the Advisory Committee will also be on it. They certainly won't be "bureaucracy". But these persons will be nominated by the Central Government and in addition, there will be this advisory body which is going to consist of knowledgeable people who will be at all times competent to advise the actual Authority

My contention is that in an administration, the fewer the people you have on your executive authority, the better and the quicker does the work get through. Therefore, I have no reason to share any of the feelings of apprehension that have been put forward before this House

The present Authority—the Delhi Development Authority—has been criticised for delays, but I am sure that the delays that the Delhi Development Authority has had to contend against have been due again and again to the disobedience of the existing laws by people who build without permission, who build not according to plans and who do all kinds of things to harass the Authority. I am delighted that one Authority has come in for the whole of Delhi. We had far too many such. They had created a muddle in Delhi and been responsible for creating slums and unless this Authority is allowed to function—and I do hope it will be allowed to function—in a proper way, I see no hope of ever improving Delhi

A Master Plan, they say with a certain amount of sarcasm, may take ten years to prepare. Well, Master Plans for capitals do take time. But a skeleton plan is already before us and I suggest that we again give the Members opportunities to go and look at this Master Plan. The interest that should be displayed in Delhi is not displayed by Members, but when any Bill comes up, it will always get criticisms of this kind

I am very glad that this Bill has come. There is really nothing controversial in it and I give it my support.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI B. N. DATAR): Sir, I have very little to add because many points have already been answered by Rajkumariji. Now, may I point out to this House that, so far as this Bill is concerned, it is not being rushed through at all? The Bill has been fully considered by the Joint Select Committee. It has passed the other House and therefore, the charge of rushing through the Bill, may I point out, is without any foundation.

Then, a number of hon. Members suggested that interested persons, persons who are interested in their own interests, should not have any share or should not be members of this body. May I point out that this is a general principle which is always accepted. So far as the present body is concerned, care would be taken to see that a person who has any personal interest will not generally be either . . .

(Interruptions)

SHRI KISHEN CHAND: Even indirectly.

MR. CHAIRMAN: Directly or indirectly.

SHRI B. N. DATAR: Directly or indirectly. I am prepared to give that assurance because that person in principle, directly or indirectly, will not be either a member of the Delhi Development Authority or the Advisory Council. Therefore, Sir, it is not necessary to put it down in the form of an amendment because the principle has been generally accepted.

Then, my hon. friend, Shri Kishen Chand, contended that there was likely to be a clash between the Delhi Municipal Corporation and the Delhi Development Authority. May I point out to him that it has been clearly provided both in this Act as also in the other Act that it would be open to the Delhi Municipal Corporation to choose their own places for development consistent with what is being done under

the Master Plan and the Delhi Development Authority will be developing only those areas which have specifically been mentioned as 'Notified Areas'? It is open to the Delhi Municipal Corporation to develop the other areas if they so please.

Secondly, Sir, so far as these two bodies are concerned, we have introduced a number of measures according to which there will be full co-ordination between these two. Both in the Delhi Development Authority as also in the Advisory Council, there has been considerable representation given to the Municipal Corporation. In fact, it may be noted that the Commissioner . . .

SHRI KISHEN CHAND: Two out of eleven.

SHRI B. N. DATAR: . . . is himself an *ex officio* member we have got. My hon. friend was not correct in saying that out of eleven, only two were elected. We have the Advisory Committee as well and they would also be represented in the Delhi Development Authority. Under these circumstances, it would not be proper to have a large body like the one that the hon. Member has in view. His contention is that there ought to be a similar body consisting of about a hundred or so and that it should also carry on its work. May I point out that this is a specialised body which has to deal with certain special and highly technical matters like the preparation of a Master Plan and like the development of certain notified authorities? Now in this Council, Sir, we have got representation from various wards, and therefore their advice will be of great use to the Delhi Development Authority.

Then it was contended that so far as the betterment levy was concerned, that ought not be levied at all. May I point out that if for example on account of certain acts done by the Delhi Development Authority the value of a particular property

[Shri B N Datar]
increases—for example it was far away in a lane and then it comes prominently on a public street—then naturally its rental value as also its property value increases, and therefore the Delhi Development Board should have the right to impose this betterment levy? Under these circumstances it would not be wrong at all to do so

So far as the compensation is concerned, I had already pointed out yesterday the principles—why a particular date was fixed as a vital date, and thereafter in case there was any increase, then one-fourth of the increase plus the cost of construction have also to be added on. Under these circumstances I may point out to Shrimati Lilavati Munshi, Sir, that we shall take into account all the suggestions that she has so constructively made. So far as the working of the Delhi Development Authority is concerned, we shall see to it that the work is carried on immediately. My hon friend, Shri Kishen Chand, contended that it might take ten years. But I can assure him that this work has to be finished as early as possible, and therefore the whole task will be performed quite expeditiously, and there is no reason to believe that either there will be any conflict or that the work will not be carried on expeditiously. Under these circumstances, Sir, I believe that the Bill as it has emerged from the Lok Sabha is the one that ought to be accepted by this hon House.

MR CHAIRMAN The question is

“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.”

The motion was adopted

MR CHAIRMAN We shall now take up clause by clause consideration

Clause 2 was added to the Bill

MR CHAIRMAN On clause 3 there is one amendment. Mr Dube, do you wish to move your amendment in view of the assurance given by the hon Minister?

SHRI BODH RAM DUBE Sir, in view of the assurance given by the hon Minister, I do not wish to move my amendment.

Clause 3 was added to the Bill

Clauses 4 to 60 were added to the Bill

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

SHRI B N DATAR Sir, I move

‘That the Bill be passed.’

MR CHAIRMAN Motion moved

“That the Bill be passed.”

SHRI BHUPESH GUPTA (West Bengal) Sir, I wanted to say something in the first reading itself, but I knew that there would not be much for me to say, because our case has already been stated in the Minutes of Dissent submitted by four Members of our Party who participated in the Joint Select Committee. I wish I could share the delight of hon Shrimati Rajkumari Amrit Kaur. I wish also I could share the optimism that she had displayed over this matter. Sir, we have criticised the Bill on a point of principle and from practical considerations. After all we find that all the opinions expressed on this particular question go against the stand that the Government has taken on this Bill. There are reports of the Bhoré Committee, Kale Committee, Local-Self-Government Experts Committee and the Delhi Municipal Organisation Enquiry Committee. There are also reports of the Corporation of Calcutta Investigation Committee and some other Committee, and all these committees had occasion to deal with the steps why such an independent and separate authority should be created.

to deal with the construction and development of towns and cities. Sir, all of them expressed their opinion against the arrangement that we have provided for in this Bill. As far as the other countries are concerned, I do not know which country they follow for the present over this matter, because in financial matters, I know which country they follow. But in such matters which country they follow exactly, I do not know. If we were to look into what is happening in the United Kingdom, there we will find that such an arrangement is very much resented. The local authority is very much invested with the power of development and the activities that are envisaged in this Bill to be undertaken by the Delhi Development Authority. In France and other countries also we find that the tendency is not to shrink the authority and power of the local organisations and local bodies, but to expand them, and such expansion always includes such activities as are provided for in this Bill. In our country too we have got very unhappy experience over this matter. In the Calcutta Corporation you find the Improvement Trust functioning as a kind of judge. In Bombay the experience has been better. And there we find a kind of bureaucratisation. Hon. Shrimati Rajkumari Amrit Kaur has said that every Government officer is not a bureaucrat. That way we do not look at it. You see there are certain situations in which you become certain things. And we know some very good people. When they come to the Ministry, they become a sort of good people, and when they go out, they become another type of people. Not because the person, herself or himself, is bad. But it will all depend on the situations in which a particular person is placed. That is the point.

SHRI H. D. RAJAH (Madras): That is the case everywhere.

SHRI BHUPESH GUPTA: Sir, the provision here is for bureaucratic authority. I do not see as to why the Government should not have accepted

our suggestion with regard to enlarging the elective element in the Advisory Council, and as far as the other Authority is concerned, it is packed with Government nominees, and with all his best interests I know that Mr. Datar and his department will never be able to choose the right type of people; because they are the creatures of a conditioned administration. Therefore, Sir, I know that bureaucracy will remain. Even when they had an advisory body, they could have put in more people. Instead of four members, they could have had seven. This suggestion was made, but I do not know why that was not accepted.

Now, Sir, about the drawing up of the Plan, it should come from the bottom, not from the top. We have seen the masterly delay that has been displayed in the case of the so-called Master Plan, and we also know that if matters are left in the hands of this particular body, there will also be an expansion of masterly bureaucracy and indifference to the interests of the people. We have no doubt about it. We shall come to grips with it, and we shall have occasion to shed our tears. That we know. Therefore, Sir, we are very strongly opposed to this. I am saying this to minimise the danger that is there. Now if I do not criticise the bureaucrats, they will be more and more bureaucratic. I am trying to say something which might prevent them from going too far along those lines.

Then, Sir, with regard to slum clearance and other things, what we need is a proper type of assurance. We hear big speeches made by big men of the country about slum clearance. Some people do not like the sight of the slums. And then what happens is that slums are pulled out and the inhabitants there are left to arrange for their shift themselves. Nobody knows where they go. No alternative accommodation is found for them. No proper financial relief or material relief is given to them, because somebody has thought that a big idea has to be put into execution

[Shri Bhupesh Gupta.]
 regardless of human suffering it causes. Now, Sir, I am not as such opposed to slum clearance. I do want these shameful slums to be eliminated. But at the same time I want that the Government should arrange some alternative accommodation for those people who are to vacate their slums. Responsibility should be taken also in this regard. But that is not done. I do not know whether the Government is going to do that.

Then, Sir, with regard to compensation, well compensation here is a very vague term. If compensation has to be provided for, then what is necessary is to ensure adequate and fair compensation to the small agriculturists and other small men, and nominal compensation to the rich people. But the Government functions in the opposite direction, i.e., more money to the rich, and as far as the small men are concerned, their interests are absolutely disregarded. These are some of the criticisms that I want to make about this Bill.

(Time bell rings.)

SHRI KAILASH BIHARI LALL:
 Sir, I do not want to make any observations on this Bill. But I only want to point out that the hon. Minister said that he would correct the mistake that he had committed during the course of discussion on this Bill which was referred to the Select Committee. He had, in his reply, put some words in my mouth which had been uttered by some other Member. So I thought . . .

MR. CHAIRMAN: (To the hon. Minister) You attributed some words which he never uttered.

Shri B. N. DATAR: That is quite correct, Sir.

MR. CHAIRMAN: The question is:

"That the Bill be passed."

The motion was adopted.

THE APPROPRIATION (No. 5) . BILL, 1957

THE MINISTER OF FINANCE (SHRI T. T. KRISHNAMACHARI): Sir, I beg to move:

"That the Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the service of the financial year 1957-58, as passed by the Lok Sabha, be taken into consideration."

Sir, this Bill arises out of the Supplementary Demands of Rs. 1.42 crores voted by the Lok Sabha on 14th December and the expenditure of Rs. 31.64 crores 'charged' on the Consolidated Fund of India as detailed in the Supplementary Demands Statements presented to the House on 3rd September, 1957 and 6th December 1957.

The total additional expenditure is of the order of Rs. 33.06 crores of which Rs. 32.55 crores will be met from revenue and the balance of Rs. 11 lakhs from Capital. The reasons for the Demands have been explained in the foot-notes of the Supplementary Demands Statements. I do not therefore propose to take the time of the House in dealing at length with them except to mention briefly, that the total additional commitments, comprise of Rs. 31.44 crores for increased allotments to States party as a result of the Finance Commission's recommendations and partly on account of the additional excises approved by Parliament in the last session and Rs. 1.07 crores for meeting the expenditure on the newly created Administrative Unit of Naga Hills-Tuensang Area. The House will recall that this Unit of Naga Hills-Tuensang Area has been set up with effect from 1st December, 1957, under the provisions of the Naga Hills-Tuensang Area Act, 1957. The provision included for this purpose has been adopted on the basis of the existing provision in the budget of the Assam Government for the Naga Hills District and in Grant No. 23 Tribal Areas for the Tuensang area.