

ESTIMATES COMMITTEE
(1978-79)

(SIXTH LOK SABHA)

THIRTY-SIXTH REPORT

MINISTRY OF WORKS AND HOUSING

**DELHI DEVELOPMENT AUTHORITY—
DEMOLITIONS IN UNAUTHORISED COLONIES**

Presented to Lok Sabha on 26th April, 1979



LOK SABHA SECRETARIAT
NEW DELHI

April, 1979/Vaisakha, 1901 (S)

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(1978-79)

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INTRODUCTION

I, the Chairman of Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Thirty-sixth report on the Ministry of Works and Housing—Delhi Development Authority—Demolitions in Unauthorised Colonies.

2. The Committee took evidence of the representatives of the Ministry of Works and Housing, Delhi Development Authority and Delhi Municipal Corporation on 12 April, 1979. The Committee wish to express their thanks to the officers of the Ministry of Works and Housing, Delhi Development Authority and Delhi Municipal Corporation for placing before them the material and information which they desired in connection with the examination of the subject and giving evidence before the Committee.

3. The report was considered and adopted by the Committee on 24 April, 1979.

4. For facility of reference the recommendations/observations of the Committee have been printed in thick type in the body of the Report. A summary of the recommendations/observations is appended to the Report (Appendix).

NEW DELHI;
April 25, 1979
Vaisakha 5, 1901 (S).

SATYENDRA NARAYAN SINHA,
Chairman,
Estimates Committee.

REPORT

INTRODUCTORY

The phenomenon of unauthorised colonies has attracted considerable publicity and attention in Delhi. Most of the colonies are constructed on undeveloped or semi-developed land and have hardly any provision for roads, drains, school sites and other civic and community facilities. The majority of the colonies have come up on lands notified for acquisition by Government and the unscrupulous colonizers, taking advantage of the shortage and the hunger for land and housing, transferred land to the latter and leave them to their fate. According to law, no land could be divided into plots and sold for building purposes, unless its lay out and service plans have been sanctioned by the competent authority and the owner has developed it in accordance with these Plans. Thereafter, the individual plot holder is required to get his building plan sanctioned before starting the construction. In all the unauthorised colonies, these provisions of law have been flagrantly violated. Neither the seller of the land nor the builder of the structure has even cared to submit a formal application to the competent authority.

2. The Central Government recognised long ago the need to plan the development of urban areas and to check the rise in the price of urban land. The DDA which was set up for securing planned development of Delhi was also entrusted the task of development of urban areas and to check the rise in the price of the urban land in Delhi.

The Government's scheme for large scale acquisition, development and disposal of land in Delhi, introduced in 1961, was primarily designed to control and stabilise land prices in the urban areas of Delhi, particularly for the economically weaker sections of society, who were to be given land at pre-determined rates which did not involve profit. The Delhi Master Plan visualised acquisition and development of 30,000 acres of land for residential use in 20 years, i.e. by 1981. In fact, however there was a wide gap between target and achievement. In about 17 years, only 9,800 acres were developed. This slow pace of development of land for residential purposes led to an acute scarcity, which doubtless contributed considerably to the malpractices in the disposal of land by illegal real estate agents.

3. The main policy decisions taken in regard to unauthorised colonies, their regularisation under the Municipal By-laws and their release from the purview of acquisition are summarised below:—

- (a) It was decided in July, 1961 to release from the purview of acquisition built up areas and regularise them provided they are put up before the date of preliminary notification and they could be fitted into the sanctioned regularisation Plan.
- (b) In October, 1966, a comprehensive policy statement was made by the Chief Executive Councillor wherein it was made clear that unauthorised constructions which were located in densely populated areas and were put up before the enforcement of the Master Plan i.e., 1 September, 1962 and did not violate the land use pattern would be considered for regularisation.
- (c) In March, 1969, it was decided by the Government that the Municipal Corporation and Delhi Development Authority should prepare regularisation plans for unauthorised colonies/constructions put up prior to 1 February, 1967 subject to the condition that all such unauthorised colonies/constructions would be acquired and houses/plots leased out to individuals after charging premium equivalent to cost of acquisition and development.
- (d) In February, 1977, it was decided to regularise various unauthorised colonies in Delhi, which had come up till then.
- (e) In December, 1978, Government decided to extend the date of residential structures to be considered for regularisation upto 30th June, 1977.

Growth of Unauthorised Colonies

4. The total number of unauthorised colonies which have come up in Delhi is 495*, out of which 265 colonies fall in the areas under the jurisdiction of D.D.A. and 230 colonies under the Municipal Corporation of Delhi. Asked when these colonies were constructed, the Ministry have in a written reply stated that exact dates of construction in each colony are not known. However, construction in different unauthorised colonies including those in the jurisdiction

* At the time of factual verification, the Ministry informed that according to the latest information, there are 611 unauthorised agglomeration in Delhi including extension of colonies and villages

of Municipal Corporation of Delhi are as under as per the figures available with Delhi Development Authority:—

110 colonies before 1962 (29 under Delhi Development Authority's control).

101 colonies during 1962—69 (30 under Delhi Development Authority's control)

284 colonies after 1969 (206 under Delhi Development Authority's control).

5. Asked to state the number of houses/shops in each of these unauthorised colonies, the Ministry have stated that no statistics are available regarding number of houses/shops in each colony. However as per survey conducted in 1974-75, there were 142,030 structures with a break-up of 1,23,168 residential, 3,258 commercial (besides unplanned commercial establishment along main transport routes), 9698 residential-cum-commercial structures etc. in 471 unauthorised colonies surveyed including those under the jurisdiction of Municipal Corporation of Delhi.

6. The Ministry have informed the Committee that in order to check construction of unauthorised structures, notices were published by the Delhi Development Authority in leading newspapers from time to time that construction on the areas acquired by the Delhi Development Authority would be illegal and people should desist from doing this. It was also published in the newspapers that the sale and purchase of the land notified for acquisition is also illegal.

7. Asked whether details of colonies (like situation, name, etc.) were indicated in those notices, the Ministry have stated that details about colonies were not given in all notices. In certain cases warning against unauthorised constructions in specific areas were also issued, but copies of such advertisements are not readily available.

8. The Committee enquired about the machinery set up by D.D.A. to watch and check the growth of unauthorised colonies in its development areas. The Committee have been informed by the Ministry that in order to check the growth of unauthorised structures, the responsibility for reporting such new structures was that of the land owning agencies of the Delhi Development Authority. These agencies were responsible for reporting all new structures and after orders for demolition were passed by the concerned Executive Officer of the land owning agency, demolition was carried out by the demolition

squad of the Delhi Development Authority. Apart from this, the Development Area Cell of the Delhi Development Authority also had its own field staff and various cases of fresh unauthorised construction were reported by this field staff to the Executive Officer (DA) for taking action under the Delhi Development Act. Moreover, a control room was set up in the office of the Delhi Development Authority to receive information from the public regarding encroachments taking place in the areas under the management and control of the Delhi Development Authority.

9. The Committee desired to know the details of the land owning agencies and a number of unauthorised structures reported by each of them and the action taken on the reports. In a written reply the Ministry have stated that land placed at the disposal of the Delhi Development Authority by the Government of India or Delhi Administration is managed by the following agencies:—

- (i) *New Leases Section*.—All lands transferred to the D.D.A. under Section 22(i) of the Delhi Development Act are managed by this Branch.
- (ii) *Lands Section*.—All old nazul lands vested in the D.D.A. are looked after by this Branch.
- (iii) *Horticulture Department*.—All lands transferred under Section 22(i) of the Delhi Development Act which are to be maintained as 'Green' are developed by Horticulture Department which is responsible for its management.
- (iv) *Land Sales Branch (Residential)*.—Lands allotted under Nazul-II scheme for residential schemes are administered and managed by this Branch.
- (v) *Commercial Estates Branch*.—All lands meant for disposal as commercial plots/properties are managed by this Branch.
- (vi) *Lands Sales Branch (Industrial)*.—Nazul-II lands meant for development as Industrial plots are managed by this Branch.
- (vii) *Housing*.—In the lands within the Group Housing Pockets management of the land is the responsibility of this Department.
- (viii) *Development Areas Cell*.—This Cell is responsible for checking unauthorised construction in Development

Areas of the D.D.A. on private lands in accordance with the provisions of the Delhi Development Act, 1957.

- (ix) *Engineering Department*:—Lands placed at the disposal of Engineering Department for development are managed by this Department till the schemes are fully developed and handed over to various administrative branches.

Land Protection Branch

Unauthorised constructions are reported to the Land Protection Branch by these land owning agencies. The records of unauthorised structure reported by each of the agency is not maintained separately. Reports of encroachments are sent as and when encroachments notices and after obtaining demolition orders of the competent authority, the files are sent to land protection Branch for its implementation.

10. The number of reports received regarding unauthorised encroachments are—

..	1977 (from May)	..	12,898
	1978	..	13,448
	1979 (upto February)	..	,464

11. The Land Protection Branch merely carries out the work of removal of encroachments and demolition of unauthorised constructions which is not done by other land owning agencies. It has been set up with a view to strengthen the arrangements for speedier action for removal of unauthorised construction in view of the latest policy of the Government not to tolerate such construction beyond what can be regularised.

12. The Ministry have also informed the Committee that steps have been taken to strengthen the Land Protection Branch of the Delhi Development Authority so that timely reports are received about the encroachments which may be taking place.

13. Clarifying the procedure adopted for deciding encroachment cases, the Vice-Chairman, Delhi Development Authority stated during evidence that "under the Public Premises Eviction Act, and Delhi Development Act, there is a quasi-judicial body which is the competent authority which is vested with powers by notification and gazette. They have held hearings in accordance with the normal court procedures and they give opportunities to the opposite parties and pass orders. A quasi-judicial body cannot itself act as its own.

The Land Protection Branch acts as halliff which carries out the orders of the court. The Head of the unit is the Deputy Director (Development Areas) and under him, he has Estate Officers. At the present moment, there are three Estate Officers and a move has been made to increase it to six and that is under examination."

14. When asked whether the Estate Officers are following a uniform policy in deciding encroachment cases, the Vice-Chairman, Delhi Development Authority stated that "this being a quasi-judicial function, I would not like to comment on that because their orders are subject to appeal under law, to Collector (Nazual) and there is a normal presumption under the Evidence Act. There are appeals to the Collector (Nazual) and there are also proceedings in courts."

Control Room:

15. The Ministry have also stated that a control room for receiving complaints on encroachments/unauthorised constructions from the public was set up by the Delhi Development Authority on 23-4-77. Year-wise complaints received are as follows:—

<i>Year</i>	<i>No. of complaints.</i>
1977	.. 743
1978	.. 357
1979	.. 64

16. Asked about the action taken on the complaints, the Ministry have stated—

"Separate record of action taken on complaints received from control room are not maintained. After complaints received in the control room, these are sent to the concerned land owning agencies which then after processing these complaints pass these on, for removal action to the Land Protection Branch".

17. The Committee asked how the Ministry would explain the growth of so many unauthorised colonies in spite of the responsibility assigned to land owning agencies of the D.D.A. the Development Area Cell and Control Room of the D.D.A. for reporting the construction of unauthorised colonies. The Ministry have stated in a written reply that:—

- (i) The main reasons for encroachments and unauthorised constructions is the influx of a very large number of

population from rural areas or other parts of the country in Delhi. It was estimated in 1975 that there was a need for about 90,000 dwelling units per annum in Delhi whereas the total construction has been about 15,000 houses per annum only. It is because of this pressure on land that encroachments and unauthorised constructions occur. It is the experience that unauthorised colonies come up in land which have yet to be acquired and which are notified under section 4 and 6 or on private land. D.D.A. cannot take any action for removal of such unauthorised encroachments. Action can be taken only after the land has been vested in the Authority.

- (ii) The encroachment removal programme/demolition programme is fixed in a Co-ordination Committee presided over by the Municipal Commissioner in which representatives of D.D.A., M.C.D. and N.D.M.C. and Police participate. The programmes are chalked out 14 days in advance in order to give the police sufficient time to assess the problem from the point of view of law and order maintenance. It happens some time that during this period people manage to get stay orders against demolitions.
- (iii) Several colonizers started construction after obtaining stay orders from the court of law and in the course of time it became difficult to remove them because of human considerations.
- (iv) Occasionally demolitions operations have to be postponed because of law and order problem or because of apprehension of law and order problem. At times action cannot be taken due to the absence of police force. This gives the encroachers sufficient time to complete their constructions and initiate legal action to save their illegal encroachments.
- (v) During rainy season and winter when the cold is extreme, demolition of residential structures is postponed on humanitarian grounds.
- (vi) There is a provision in Delhi Development Act that after passing the demolition order—the encroacher has to be given minimum of five days for removing the encroachments voluntarily. In almost all the cases the encroachers manage to get the stay order from the Court of law.

18. The Ministry however admitted that "the land owning agencies failed to function properly and effectively in checking the growth of the unauthorised colonies. This may be due to inadequacy of their organisation compared to the magnitude of the problem."

19. In regard to the building activity under the control of Municipal Corporation, the Commissioner, Municipal Corporation, Delhi stated that all unauthorised construction were booked, but "demolitions could not be undertaken because of the fact that it was unauthorised construction on a massive scale". **FIXING OF RESPONSIBILITY ON FIELD STAFF.** Asked whether any enquiry into the construction of unauthorised colonies was made and responsibility fixed, the Ministry have stated that:—

"no enquiry has been conducted into the construction of unauthorised colonies to fix responsibility on any officer."

20. Asked why no steps have been taken to fix specific responsibility against the concerned staff, the Ministry have stated that—

"no action against staff has been taken so far as no such case has been found where unauthorised constructions have not been reported in time or the reports have been inordinately delayed. The need for fixing responsibility and taking suitable action against the staff against whom any negligence in detecting and removal of unauthorised construction is established, has been stressed by the Lt. Governor of Delhi."

21. Asked whether it was not correct that no unauthorised construction could be possible without the knowledge or connivance of field staff, the Ministry have stated in a written reply that "the possibility of the unauthorised construction coming up with the knowledge and even connivance of the field staff cannot always be ruled out."

22. The Vice-Chairman, Delhi Development Authority, during the course of evidence have stated that so far as the development areas are concerned the D.D.A. had "absolutely a diffused or sometimes 'nil' responsibility" assigned to officials. He added that in sharp contrast the Municipal Corporation divided area under their jurisdiction into zones and they have certain field staff within the zones who are supposed to perform a number of functions. The D.D.A. did not have such a system.

23. Explaining further, he stated that only when from time to time on a purely *ad hoc* basis the reports came about unauthorised constructions, spasmodically action was initiated by the officers concerned. He admitted that "where a specific area or a zone is not assigned or where a specific responsibility is not assigned it is difficult to pinpoint the responsibility."

24. Regarding the steps taken to overcome this lacuna, the Vice-Chairman, Delhi Development Authority stated that they have now divided Delhi into four zones and posted zonal officers. They have been given necessary field staff also. He added that "we are now having systematic patrolling of these areas and systematic reporting unauthorised constructions."

Legal Constraints

25. It has been stated by the Ministry that the absence of the provisions to the following effect in the Delhi Municipal Corporation Act, 1957, Punjab Municipal Act, 1911, Delhi Development Act, 1967 and the Public Premises (Eviction of Unauthorised Occupants) Act, 1977 are considered as constraints in dealing with the problem of unauthorised construction in Delhi:—

- (i) Encroachment on public land and unauthorised construction is not a cognizable offence. The existing provisions for removal of unauthorised construction after service of show cause notices are not proving a sufficient deterrent against such unauthorised activities.
- (ii) The persons undertaking unauthorised construction take advantage of the provisions for issue of show cause notices and followed by notice for removal of the unauthorised construction to get stay orders from the courts in the intervening period.
- (iii) There is no provision against grant of any *ex-parte* stay orders against removal of any encroachment from public land and demolition of unauthorised construction.

26. The Ministry have also stated that proposals for amendment of the aforesaid enactments on these lines are under consideration. On the Committee's enquiring since when this proposal has been under consideration the Ministry have stated that "the matter has been under consideration since September, 1978 when the need for strengthening the law on the subject was stressed in a meeting held under the Chairmanship of the Prime Minister to consider measure-

to deal with the problem of unauthorised construction and encroachments on public land in Delhi. The details were thereafter worked out by the Delhi Development Authority and Municipal Corporation of Delhi and New Delhi Municipal Committee and were referred to the Government through the Delhi Administration by the end of November, 1978. The Ministry of Home Affairs and Ministry of Law had been consulted on certain tentative proposals worked out for undertaking the necessary legislation. The matter is now being processed further in the lights of the comments of the Ministry of Home Affairs and Ministry of Law; and the Metropolitan Council is required to be consulted before taking the matter to the Cabinet."

Demolitions

27. At the instance of the Committee the Ministry furnished the following statement indicating the number of structures removed during the year 1973 to 1978:

Year	No. of pucca/semi-pucca houses demolished	Remarks
1. 1973	2602	including Jhuggies.
2. 1974	7013	Do.
3. 1-1-75 to 24-6-75	1259	Do.
4. 25-6-75 to 31-12-75	4529	Pucca/semi-puca.
5. 1976	5198	Do.
6. 1977	Nil.	..
7. 1978	105	Do.
TOTAL	20646	

28. Asked about the number of houses demolished without notice, the Ministry have replied that "it is not possible to indicate the number of houses demolished without any notice". During evidence, the Vice-Chairman, DDA, agreed that there was need to have a monitoring system to know the details of the demolitions-operations.

29. The Committee drew attentions of the Ministry to the observations of the Shah Commission of Enquiry made in their Report-II (April 1978) that "the Commission has before it a number of cases of demolitions in several localities in which the normal and established local processes were not complied with. Very often demolitions were undertaken for considerations which were political and not infrequently whimsical."

30. The Ministry have informed the Committee that the Government have accepted the findings, observations and recommendations of the Shah Commission."

Water Supply and Electricity connections to unauthorised structures

31. The Committee noticed from the information furnished by the Ministry that the local bodies had provided water and electricity connections roads and other civil amenities in unauthorised colonies. House tax was also collected in respect of many houses.

32. Asked whether these civic amenities were provided and house tax collected by DMC with the approval or knowledge of DDA|Delhi Administration etc., the Ministry have stated that according to the Delhi Municipal Corporation "they (Corporation) provided the civic amenities and levied the house tax in accordance with the Resolution of the Corporation and provisions of the D.M.C. Act 1957 respectively. They have not stated that they did so with the approval or knowledge of DDA|Delhi Administration etc. However, the DDA/Delhi Administration might have become aware of the provision of civic amenities and levying of house tax by the Municipal Corporation of Delhi in the unauthorised colonies in the normal course of their functioning."

33. During evidence, the Secretary, the Ministry of Works and Housing stated that:—

"While I agree that there is always need for a better coordination between these two bodies, (DMC & DDA) between any two bodies concerned with administration of city, I do want to submit that giving water connections and collection of house-tax are desirable because keeping these people without water would be a hazard not only to them but to the other people living in authorised colonies as well.... Collection of house-tax from them is desirable because they should contribute to the civic coffers."

34. In this regard, the Commissioner, DMC, stated during evidence that:—

"This has been a matter of controversy in the past because when we have to give connections for water or electricity, whether it is residential house or shop or whether it is a question of encroachment the pressure is that this is such a basic, elemental and fundamental facility that it must be provided on humanistic considerations and that the procedure, for providing these basic amenities should not

be made so long winded and the papers should not have to pass through so many hands that the whole thing becomes a source of delay, annoyance and corruption."

35. Asked whether provision of such amenities did not amount to condonation of the unauthorised construction made till that point of time and encourage further construction in the unauthorised colony, the Ministry have contended that "the assessment of house-tax and provision of civic amenities does not validate and unauthorised construction put up without getting the building plan sanctioned in accordance with law".

The Ministry however admitted that "provision of civic amenities would naturally give stimulus to building activity in an area". The Committee enquired whether the house owners were intimidated at the time of extending the water and electricity connections and civic amenities that the mere extension of these facilities did not confer any right on the owners or amount to approval of these unauthorised structures. The Ministry have stated that according to the Municipal Corporation of Delhi this was not done as there was no such provision in the D.M.C. Act, 1957.

36. During evidence, the Commissioner, DMC, stated that such an intimation to the owners can be given. He added that "I do not know how the public will react to it." The Secretary, Works and Housing however opined that there was 'no harm' in giving such an intimation. He felt that "probably it would be a good thing".

37. The Committee desired to know how the Ministry could justify demolition of unauthorised structures after having condoned or encouraged the unauthorised construction. The Ministry have stated that "it is precisely for these reasons that Government have decided to regularise unauthorised colonies *vide* the orders contained in this Ministry's letter No. J-13036-44/77-DDIB of 16.2.77 as amplified by their letter of 6-12-1978. At the same time it was made quite clear in the letter dated 16-2-77, that "Govt. will not countenance any activity or action on the part of any individual or body to put up fresh structures whether in the existing unauthorised colonies or in any other areas within or outside the urbanisable limits of Delhi. Any attempt in this direction will be viewed seriously and defaulters will be dealt with severely". This policy has been publicly reiterated both in Parliament and outside Parliament from time to time." The fact that the Municipal Corporation of Delhi have been charging house tax in respect of unauthorised constructions, does not absolve such construction from demolition if they were put up after 30-6-1977 upto which the Government have-

decided to regularise residential constructions in unauthorised colonies.

Regularisation of Unauthorised Colonies

38. The Ministry have also informed the Committee that 110 colonies (including 29 of DDA) were regularised before 1962 and 64 colonies (including 15 of DDA) were regularised during 1962—72. The Government have decided in February 1977 that all the unauthorised colonies in Delhi would be regularised. Subsequently, by an order dated 6 December 1978, the Ministry communicated the decision of the Government that the Government's decision to approve the unauthorised colonies would cover residential structures that were constructed before 30th June, 1977.

39. Regarding the steps taken to regularise the unauthorised colonies, the Ministry have stated that physical surveys of 213 colonies have been conducted by the Delhi Development Authority, besides socio-economic surveys of 50 colonies. They are also trying to finalise and approve regularisation plans of 50 colonies. The process of regularisation includes physical survey, earmarking of areas for roads, services, community facilities etc. and preparation and approval of layout plans. The process is time consuming as the number of colonies is large.

40. The Ministry have also stated that the colonies put up after 30 June, 1977 will not be regularised. List of such colonies coming up after 30-6-1977, has not been maintained. Asked as to how in the absence of information about the number of constructions coming up after June 1977, DDA proposed to implement the decision that unauthorised colonies constructed after June, 1977 would not be regularised, the Ministry have stated that a list of all colonies that came into existence before June 1977 has been maintained. After June 1977 continuous action to remove encroachment from Development Areas at initial stages is being taken without giving opportunity for unauthorised colony as a whole to come up. As soon as construction starts it is possible by inspection at site an local inquiry to know the period when a particular construction was started. Sometimes examination of building material like bricks also indicates the probable date of construction.

41. Explaining further, the Vice-Chairman, DDA, during evidence stated that a very "detailed survey has been done of all unauthorised colonies. We have pinpointed all the existing structures and, as against the base map, we can compare them with the new structures that come up. The zonal officers have now been given

very specific directives about the structures that have come up. For example, in Govindpuri itself, which the Committee visited, about a month before their visit, 43 more new structures had come up; in Kalkaji when such new colonies were made, they were demolished. As such, regular reports are now coming back so as to ensure that no new structures come up. About a week ago, in Hari Nagar, similar operations had been carried out. This has become a fairly systematic business."

Development Plans for unauthorised colonies

42. The Delhi Development Authority has so far regularised 51 unauthorised colonies. According to the information furnished by the DDA during an on-the-spot visit to unauthorised colonies by the Committee, development plans for 51 colonies have been drawn up. As per these plans, out of 16,806 structures in these 51 colonies, 966 structures are proposed to be demolished to facilitate construction of roads, parks, schools, etc.

43. The residents' association of the Gautamnagar Colony informed the Study Group of the Committee during their visit to this colony that the colony lacks basic civic amenities like drinking water, sewerage, facilities, pucca roads|streets etc.

44. The residents of the colony have already paid two instalments of development charges, but no development activities have been started by D.D.A.

45. The representative of the D.D.A. informed the Study Group of the Committee that they had prepared the development plan for this colony. According to this plan only 24 structures (14 semi-pucca and 10 kacha) were to be demolished for widening of roads. The representatives of D.D.A. assured that they would re-examine and modify the development plans if possible to save even these houses. The representatives of the DDA further explained that even those houses which came in the way of the roads being widened as shown in the development plan, would not be demolished for the present. However, whenever the existing houses were proposed to be demolished by the owners themselves for reconstruction, the reconstruction of houses (it may be after 10, 20, 25 years) would have to be done in consonance with the development plans of the area and the owners would be required to give the requisite set back to provide for the widening of roads. The residents were not aware of this concession which they welcomed.

Visit to Govindpuri

46. During the visit of the Study Group of the Committee to Govindpuri, the representative of the DDA informed the Committee that as per the new development plan prepared by DDA for this colony, about 338 structures were proposed to be demolished to give way for roads, parks, schools etc. The representatives of the residents of this colony informed the Committee that this would cause hardship to the residence. The Vice-Chairman, D.D.A. explained that the development plan had been published and that the purpose of publishing the development plans was to invite public opinion so as to ensure that the development plans caused least hardship to the residents. He stated that the DDA would re-examine the plan and try to re-adjust the position of parks schools, so as not to demolish the existing structures as far as possible. Even the demolition of structures for widening of roads would be kept to the minimum. He added that it would be in the interest of the residents if the roads were sufficiently wide to allow public vehicles like ambulance, fire-brigade etc. in case of emergency.

47. During the visit of the Study Group of the Estimates Committee to Gautamnagar and Govindpuri the Study Group noticed that the residents were very much apprehensive about the extent of demolitions proposed under the new development plans for their colonies.

48. Asked to explain the procedure followed for finalising the development plans of the unauthorised colonies, the Vice-Chairman, D.D.A. stated during evidence that "First, after a survey lay-out is prepared, it goes to the Authority for tentative approval, and then it is made available for inspection and objections are invited (In fact, we are issuing a press note now, because it is only recently that the Authority approved the plans). Objections are invited and, after giving a full hearing to the people and trying to accommodate them to the extent possible, the Plans are finalised." He however, added that "those area which are needed for certain vital public facilities would naturally have to be acquired. For example, a school or a dispensary has to come up in the colony. So far as street widening is concerned if there is a main street which can given access to fire-brigade, etc. we will not disturb the layout. The purpose is not merely to have a plan and go and demolish. . . The standards have been very substantially reduced and the total number of structures to be demolished may not come to 5 per cent in a really badly affected colony. We want to avoid demolition of structures because we have to pay compensation and this would also cause hardship."

49. The Committee note that at present there are 495 unauthorised colonies in Delhi out of which 265 colonies fall under the jurisdiction of the Delhi Development Authority and 230 colonies under the Municipal Corporation of Delhi. Of these 495 colonies, 110 colonies came up before 1962 i.e., before approval of the Master Plan, 101 colonies between 1962 and 1969, and 284 colonies after 1969.

50. According to the Law, no land could be divided into plots and sold for building purposes unless its lay out and service plans have been sanctioned by the competent authority and the owner has developed the land in accordance with these plans. Thereafter, the individual plot holder is required to get his building plan sanctioned before starting the construction. In all the unauthorised colonies, these provisions of law have been flagrantly violated. Neither the seller of the land nor the builder of the structure is stated to have submitted a formal application to the competent authority.

51. According to the Ministry, notices were published by Delhi Development Authority in leading newspapers from time to time that construction on the areas acquired by Delhi Development Authority would be illegal and people should "desist" from making any construction there. It was also published that the sale and purchase of the land notified for acquisition was illegal.

52. The Committee are informed that the details of the colonies, like their names, situation etc. where sale, purchase and construction were sought to be prohibited were not mentioned in all the notices published in the newspapers. This, in the opinion, of the Committee was a serious omission. In the absence of such vital information in the notices, the people could not be expected to know where precisely the sale, purchase and construction were prohibited. The Committee would like the DDA to learn a lesson from the past mistakes.

53. The Committee feel that the DDA should give wide publicity to educate the people about the areas with full details where construction is prohibited. They should also put up notice boards near such areas, warning people against encroachment or unauthorised construction.

54. Large vacant spaces are open invitations to the people in need of shelter to occupy the vacant land and put up unauthorised structures there. Following the maxim 'Prevention is better than

'Cure' the Delhi Development Authority would do well to put up fencing around vacant land under their control so as to prevent entry of unauthorised persons there for the purpose of encroachments and unauthorised construction.

55. In order to check the growth of unauthorised structures, responsibility for reporting such structures is vested in 8 land owning agencies of the Delhi Development Authority. Apart from this, Delhi Development Area Cell of the DDA which has its own field staff, is also assigned the responsibility of reporting cases of fresh encroachments. Besides, these agencies, a Control Room for receiving complaints from public on encroachments/unauthorised constructions has been working since April, 1977. The reports on unauthorised constructions are made by the land owning agencies to the Land Protection Branch who takes further action to remove the unauthorised encroachments. The fact that as many as 385 unauthorised colonies have come up in Delhi after 1962 is an ample proof that the machinery set up by the DDA has utterly failed in checking the encroachments and unauthorised structures. And this failure has been admitted by the Ministry.

56. Though the Delhi Development Authority have set up an elaborate machinery to prevent encroachment and unauthorised construction, no enquiry has been conducted so far to fix responsibility on any officer for the failures and lapses which led to the growth of unauthorised colonies and structures. According to the Vice-Chairman of Delhi Development Authority "DDA had absolutely a diffused or sometimes nil responsibility assigned to officials". The Ministry have also admitted that "the possibility of the unauthorised constructions coming up with the knowledge and even connivance of the field staff cannot always be ruled out". The Committee are shocked that inspite of the fact that the Delhi Development Authority were aware of the unauthorised constructions going on for several years, they did not care to assign clear responsibility to the field agencies under their control. The result was that enormous and haphazard growth of unauthorised constructions continued unchecked with the possible connivance of officials of the DDA.

57. The Committee are shocked at such an incompetent and irresponsible handling of affairs by the DDA. Admittedly, responsibility and accountability of officers in the matter of unauthorised construction was almost 'nil'; connivance was not ruled out. From all this the Committee cannot but conclude that there was an atmosphere of utter permissiveness in the DDA and prevention of

encroachments and unauthorised construction, it appears, was nobody's business. The Committee cannot too strongly condemn this state of affairs.

58. The Committee have been informed that Delhi has now been divided into 4 zones under separate zonal officers who have been given necessary field staff for systematic patrolling and reporting of unauthorised construction. The Committee desire that DDA should learn lessons from the past failures and assign specific responsibility at each level in the zone and sub-zones for reporting and checking encroachments/unauthorised construction; the responsibility should be spelt out in concrete terms; all reports of encroachments/unauthorised constructions should be made in writing and duly dated. Any failure, negligence or delay on the part of field officers in this regard should be viewed seriously.

59. The Committee take serious note of the statement made by the Ministry that connivance of DDA Staff at unauthorised construction cannot be ruled out. This is a sad reflection on the competence of senior officers under whose nose such collusive activities take place with impunity. The Committee would like the DDA to keep a constant vigil on the performance of field staff and sternly deal with those members of the Staff who are found to have connived at encroachments and unauthorised constructions.

60. The cases of unauthorised construction are heard and decided by Estate Officers who are Quasi-judicial officers. The Committee are informed that there are three Estate Officers doing this work and there is a move to increase their number to six. The Committee need hardly stress that the encroachment cases should be processed and decided according to uniform criteria. The Committee would therefore like to suggest that the Government may consider drawing up suitable guidelines, in consultation with the competent authority under the Public Premises Eviction Act, in this regard which will achieve the twin objectives of ensuring uniformity of quasi-judicial procedure and satisfying the affected persons.

61. The Committee have been informed that there are some legal constraints in dealing with the problem of unauthorised construction in Delhi. These constraints enabled the colonisers and purchasers of plots to obtain stay orders from Courts and continue unauthorised constructions. By the time the stay orders were got vacated, it was too late to remove structures because of human

considerations. Certain proposals for the amendments of the enactments have been under consideration since 1978. The Committee are unable to appreciate as to why these legal constraints have been allowed to continue so far. The Committee would stress that necessary legislative measures may be brought forward to overcome these legal constraints at the earliest so as to ensure that there are no legal loopholes facilitating the growth of unauthorised colonies.

62. The Committee note that in most of the unauthorised colonies, electricity and water connections were given and house tax was collected by the Delhi Municipal Corporation. It is stated that the Delhi Municipal Corporation did not consult Delhi Development Authority or the Delhi Administration before providing these civic amenities to the residents of unauthorised colonies. The Ministry have conceded that the provision of civic amenities would naturally give stimulus to building activities in unauthorised colonies although the assessment of house tax and provision of such civic amenities do not validate an unauthorised construction. The Committee regret the lack of coordination between the D.D.A. and the Delhi Municipal Corporation in this regard. The Committee note, that according to the representative of Delhi Municipal Corporation, water electricity is "such a basic elemental and fundamental facility that it must be provided on humanistic consideration". The Committee feel that if new water and electricity connections have got to be provided in the unauthorised colonies, the minimum that should be done to discourage unauthorised construction is that at the time of providing these connections the owners should be categorically informed in writing that the provision of these amenities will not give them any right to claim validation of unauthorised construction at a later date.

63. The Committee are informed that D.D.A. have decided to regularise all the unauthorised constructions which came up before 30th June, 1977. In pursuance of this decision the Delhi Development Authority have carried out detailed surveys of all unauthorised colonies and prepared development plans for 51 colonies. During their visit to Gautam Nagar—an unauthorised colony which has now been decided to be regularised the Study Group of the Committee were informed by the representatives of the residents that the colony lacked basic civic amenities like drinking water, sewerage, pucca road and streets etc., though they had already paid two instalments of development charges. The residents were also very much upset about the possibility of some of the houses being demolished under the new development plan prepared by the D.D.A. The representative of D.D.A. stated that according to the development

plan prepared by the Delhi Development Authority only about 24 structures (14 semi-pucca and 10 kacha) were likely to be demolished for widening of roads. He, however, assured the D.D.A. would re-examine and modify the development plan, if possible to save even these houses. The representative of the D.D.A. further explained that even those houses which came in the way of widening of roads, as shown in the development plan, would not be demolished for the present. As and when the owners of these houses decided to demolish their houses for reconstruction, the reconstruction of the houses would have to be done in consonance with the development plan and the owners would be required to give the requisite set-back to provide for the widening of roads. The residents felt considerably relieved at this assurance. Similarly during their visit to Govind Puri—another such colony the Study Group were informed that in the new development plan, schools and parks etc., were proposed to be provided at places where at present there were built-up houses. The representative of the D.D.A. gave an assurance that they would re-examine the plan and, if possible so readjust the provision for parks and schools that the existing built-up area might not be effected.

64. From the visit to these unauthorised colonies since regularised, the Committee have come to the conclusion that there is a big communication gap between the Delhi Development Authority and the residents of these colonies. The residents, it appears, are not fully aware of the development plans of their colonies drawn up by the Delhi Development Authority. They have also not been apprised of the policy decision taken by the D.D.A. not to demolish houses for widening of roads till the owners of those houses themselves chose to demolish them for reconstruction. While welcoming the clarifications and assurances given by the representatives of the DDA during on-the-spot visit, which would no doubt have gone a long way in allaying the fears of the residents, the Committee feel that D.D.A. should have themselves been more careful and drawn up the development plans in such a way that there should have been minimum of interference with the built-up areas and thus avoided causing mental agony to the residents. The Committee strongly recommend that development plans of the unauthorised colonies should be given wide publicity. Objections should be invited and considered sympathetically. Plans should be so adjusted as to cause minimum of interference with the existing built-up area. Policy decisions taken by the D.D.A. not to demolish houses for widening of roads should be widely publicised and the representatives of the residents of these colonies taken into full confidence not only after the drawing up of the development plans, but

even before this exercise. The Committee feel that the standard of amenities like roads, schools, parks, should be kept flexible so as to cause minimum of dislocation in the existing set-up in the colonies.

65. The Committee note that the Central Government had recognised long ago the need to plan the development of urban areas in Delhi. The Delhi Master Plan (1961) visualised acquisition and development of 30,000 acres of land for residential use in 20 years (i.e. by 1981). The Committee regret to note that in about 17 years, only 9800 acres were developed. It was estimated in 1975 that there was a need for about 90,000 dwelling units per annum in Delhi whereas the total construction has been only about 15000 houses per annum. Such a slow pace of development of land and such a wide gap between demand and availability of houses could not but lead to encroachments and unauthorised constructions at massive scale for which DDA also cannot escape responsibility.

66. Shelter, like food, is a basic and irrepressible human need. It cannot be controlled or suppressed by issue of orders as was sought to be done in Delhi by DDA. If shelter is not provided at reasonable cost by public authorities to the low income families these families cannot but be driven into the unscrupulous hands of the operators in the clandestine and illegal urban land market and are left with no other alternative but to resort to encroachments in public land and unauthorised construction.

67. The Committee feel that encroachments and unauthorised constructions cannot be checked only though legal sanctions which, no doubt, help to a limited extent. The real solution to this problem lies in launching massive time-bound programmes of land development and house construction well before the actual demand and to make available the land sites and ready-made houses to the needy families at reasonable price.

68. The Committee would like to be informed of the future projections of demand for houses and house sites as assessed by DDA and the year-wise targets drawn up for meeting the demand. The Committee hope that the DDA, which has so far failed to meet the housing demand of the rising population, will at least now rise to the occasion and fulfil the role expected of it.

69. The Committee attach the highest importance to timely and effective measures to prevent encroachments and unauthorised construction. They feel that every unauthorised structure and every

act of demolition of such a structure should be deemed to be a conclusive proof of the DDA's negligence, if not incompetence, their connivance, if not collusion and the utter disregard on the part of the DDA for human suffering that follows in the wake of demolitions. The Committee cannot over-emphasize the need for foolproof arrangements for detecting the encroachments or unauthorised construction at the very start and for stopping them relentlessly then and there. In this task not only should the DDA not tolerate any negligence on the part of their officers but they should also invoke public cooperation in nipping such illegal activity in the bud. The DDA should remember that demolition of an unauthorised structure is a much more painful and agonising act than relentless prevention of such a construction. Demolition causes unmeasurable misery and immense hardship to the affected families, besides causing huge social loss in terms of money and building material. This human anguish and social loss can be avoided only if DDA and their officials keep an unremitting vigil on encroachments and unauthorised constructions and prevent people from indulging in such illegal activities. The Committee trust that the DDA will strengthen their preventive machinery and sternly check construction of unauthorised structures and thus ensure that later on they are not called upon to perform the unpleasant duty of demolishing these structures. The Committee would like to judge the DDA's efficiency not by the number of demolitions made but by the number of demolitions avoided by timely preventive action.

NEW DELHI;
April 25, 1979.

Vaisakha 5, 1901 (S).

SATYENDRA NARAYAN SINHA.

Chairman,

Estimates Committee.

APPENDIX I

Summary of Recommendations/Observations

S.No.	Para No.	Recommendations/Observations of the Report
(1)	(2)	(3)
1	49-52	The Committee are informed that the details of the colonies, like their names, situation etc. where sale, purchases and construction were sought to be prohibited were not mentioned in all the notice published in the newspapers. This, in the opinion, of the Committee was a serious omission. In the absence of such vital information in the notices, the people could not be expected to know where precisely the sale, purchase and construction were prohibited. The Committee would like DDA to learn a lesson from the past mistakes.
2	53	The Committee feel that the DDA should give wide publicity to educate the people about the areas with full details where construction is prohibited. They should also put up notice boards near such areas, warning people against encroachment or unauthorised construction.
3	54	Large vacant spaces are open invitations to the people in need of shelter to occupy the vacant land and put up unauthorised structures there. Following the maxim 'Prevention is better than Cure' the Delhi Development Authority would do well to put up fencing around vacant land under their control so as to prevent entry of unauthorised persons there for purpose of encroachments and unauthorised construction.

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The fact that as many as 385 unauthorised colonies have come up in Delhi after 1962 is an ample proof that the machinery set up by the construction has utterly failed in checking the encroachment has utterly failed in checking the encroachments and unauthorised structures. And this failure has been admitted by the Ministry.

Though the Delhi Development Authority have set up an elaborate machinery to prevent encroachment and unauthorised construction, no enquiry has been conducted so far to fix responsibility on any officer for the failure and lapses which led to the growth of unauthorised colonies and structures. According to the Vice-Chairman of Delhi Development Authority "DDA had absolutely a diffused or sometimes nil responsibility assigned to officials."

The Ministry have also admitted that "the possibility of the unauthorised constructions coming up with the knowledge and even connivance of the field staff cannot always be ruled out." The Committee are shocked that in spite of the fact that the Delhi Development Authority were aware of the unauthorised constructions going on for several years, they did not care to assign clear responsibility to the field agencies under their control. The result was that enormous and haphazard growth of unauthorised constructions continued unchecked with the possible connivance of officials of the DDA.

The Committee are shocked at such an incompetent and irresponsible handling of affairs by the DDA. Admittedly, responsibility and accountability of officers in the matter of unauthorised construction was almost 'nil'; connivance was not ruled out. From all this the committee cannot but conclude that there was an atmosphere of utter permissiveness in the DDA

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and prevention of encroachments and unauthorised construction, it appears, was nobody's business. The Committee cannot too strongly condemn this state of affairs.

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The Committee have been informed that Delhi has now been divided into 4 zones under separate zonal officers who have been given necessary field staff for systematic patrolling and reporting of unauthorised construction. The Committee desire that DDA should learn lessons from the past failures and assign specific responsibility at each level in the zone and sub-zones for reporting and checking encroachments/unauthorised construction; the responsibility should be spelt out in concrete terms; all reports of encroachments/unauthorised constructions should be made in writing and duly dated. Any failure, negligence or delay on the part of field officers in this regard should be viewed seriously.

The Committee take serious note of the statement made by the Ministry that connivance of DDA staff at unauthorised construction cannot be ruled out. This is a sad reflection on the competence of senior officers under whose nose such collusive activities take place with impunity. The Committee would like the DDA to keep a constant vigil on the performance of field staff and sternly deal with those members of the staff who are found to have connived at encroachments and unauthorised constructions.

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The cases of unauthorised construction are heard and decided by Estate Officers who are quasi-judicial officers. The Committee need hardly stress that the encroachment cases should be processed and decided according to uniform criteria. The Committee would therefore like to suggest that the Government may consider draw-

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| 8 | 61 | ing up suitable guidelines, in consultation with the competent authority under the Public Premises Eviction Act, in this regard which will achieve the twin objectives of ensuring uniformity of quasi-judicial procedure and satisfying the affected persons. |
| | | The Committee have been informed that there are some legal constraints in dealing with the problem of unauthorised construction in Delhi. Certain proposals for the amendments of enactments have been under consideration since 1978. The Committee are unable to appreciate as to why these legal constraints have been allowed to continue so far. The Committee would stress that necessary legislative measures may be brought forward to overcome these legal constraints at the earliest so as to ensure that there are no legal loopholes facilitating the growth of unauthorised colonies. |
| 9 | 62 | The Committee note that in most of unauthorised colonies electricity and water connections were given and house tax was collected by the Delhi Municipal Corporation. The Ministry have conceded that the provision of civic amenities would naturally give stimulus to building activities in unauthorised colonies. The Committee feel that if new water and electricity connections have got to be provided in the unauthorised colonies, the minimum that should be done to discourage unauthorised construction is that at the time of providing these connections the owners should be categorically informed in writing that the provision of these amenities will not give them any right to claim validation of unauthorised construction at a later date. |
| 10 | 63-64 | The Committee are informed that D.D.A. have decided to regularise all the unauthorised constructions which came up before 30th June, 1977. |
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In pursuance of this decision the Delhi Development Authority have carried out detailed surveys of all unauthorised colonies and prepared development plans for 51 colonies. From the visit to the unauthorised colonies of Gautam Nagar and Govind Puri since regularised, the Committee have come to the conclusions that there is a big communication gap between the Delhi Development Authority and the residents of these colonies. The residents, it appears, are not fully aware of the development plans of their colonies drawn up by the Delhi Development Authority. They have also not been apprised of the policy decision taken by the D.D.A. not to demolish houses for widening of roads till the owners of those houses themselves chose to demolish them for reconstruction. While welcoming the clarifications and assurances given by the representatives of the D.D.A. during on-the-spot visit, which would no doubt have gone a long way in allaying the fears of the residents, the Committee feel that D.D.A. should have themselves been more careful and drawn up the development plans in such a way that there should have been minimum of interference with the built-up areas and thus avoided causing mental agony to the residents. The Committee strongly recommend that development plans of the unauthorised colonies should be given wide publicity. Objections should be invited and considered sympathetically. Plans should be so adjusted as to cause minimum of interference with the existing built-up area. Policy decisions taken by the D.D.A. not to demolish houses for widening of roads should be widely published and the representatives of the residents of these colonies should be taken into full confidence not only after the drawing up of the development plans, but even before this exercise. The Committee feel that the standard of amenities like roads, schools, parks, should be kept flexible so as to cause minimum of dislocation in the existing set-up in the colonies.

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The Committee note that the Central Government had recognised long ago the need to plan the development of urban areas in Delhi. The Delhi Master Plan (1961) visualised acquisition and development of 30,000 acres of land for residential use in 20 years (i.e. by 1981). The Committee regret to note that in about 17 years, only 9800 acres were developed. It was estimated in 1975 that there was a need for about 90,000 dwelling units per annum in Delhi whereas the total construction has been only about 15,000 houses per annum. Such a slow pace of development of land and such a wide gap between demand and availability could not but lead to encroachments and unauthorised constructions at massive scale for which DDA also cannot escape responsibility. Shelter, like food, is a basic and irrepressible human need. It cannot be controlled or suppressed by issue of orders as was sought to be done in Delhi by DDA. If shelter is not provided at reasonable cost by public authorities to the low income families, these families cannot but be driven into the unscrupulous hands of the operators in the clandestine and illegal urban land market and are left with no other alternative but to resort to encroachments on public land and unauthorised construction. The Committee feel that encroachments and unauthorised constructions cannot be checked only through legal sanctions which, no doubt, help to a limited extent. The real solution to this problem lies in launching massive time-bound programmes of land development and house construction well before the actual demand and to make available the land sites and ready made houses to the needy families at a reasonable price.

The Committee would like to be informed of the future projections of demand for houses and house sites as assessed by DDA and the year-wise targets drawn up for meeting the demand. The Committee hope that the DDA, which has so far failed to meet the housing demand of the

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rising population, will at least now rise to the occasion and fulfil the role expected of it.

Preventive Steps

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The Committee attach the highest importance to timely and effective measures to prevent encroachments and unauthorised construction. They feel that every unauthorised structure and every act of demolition of such a structure should be deemed to be a conclusive proof of the DDA's negligence, if not incompetence, their connivance, if not collusion and the utter disregard on the part of the DDA for human suffering that follows in the wake of demolitions. The Committee cannot over-emphasize the need for foolproof arrangements for detecting the encroachments or unauthorised construction at the very start and for stopping them relentlessly then and there. In this task not only should the DDA not tolerate any negligence on the part of their officers but they should also invoke public cooperation in nipping such illegal activity in the bud. The DDA should remember that demolition of an unauthorised structure is a much more painful and agonising act than relentless prevention of such a construction. Demolition causes unmeasureable misery and immense hardship to the affected families, besides causing huge social loss in terms of money and building material. This human anguish and social loss can be avoided only if DDA and their officials keep an unremitting vigil on encroachments and unauthorised constructions and prevent people from indulging in such illegal activities. The Committee trust that the DDA will strengthen their preventive machinery and sternly check construction of unauthorised structures and thus ensure that later on they are not called upon to perform the unpleasant duty of demolishing these structures. The Committee would like to judge the DDA's efficiency not by the number of demolitions made but by the number of demolitions avoided by timely preventive action.