

# **ESTIMATES COMMITTEE**

## **(1980-81)**

**(SEVENTH LOK SABHA)**

### **FOURTH REPORT**

#### **MINISTRY OF WORKS AND HOUSING**

**Action taken by Government on the recommendations contained in the Thirty-sixth Report of the Estimates Committee (Sixth Lok Sabha) on the Ministry of Works and Housing—DDA—Demolitions in Unauthorised Colonies.**



*Presented to Lok Sabha on*

**LOK SABHA SECRETARIAT  
NEW DELHI**

*November, 1980/Agrahayana, 1902 (S)*

*Price : Rs. 1.20*

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# C O R R I G E N D A

to

the Fourth Report of Estimates Committee on Action taken by Government on the recommendations contained in the Thirty Sixth Report of the Estimates Committee (Sixth Lok Sabha) on the Ministry of Works and Housing - DDA - Demolitions in Unauthorised Colonies.

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(1980-81)

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22. Dr. Shankar Dayal Sharma
23. Shri Virbhadra Singh
24. Shri R. S. Sparrow
25. Dr. Subramaniam Swamy

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\*Elected w.e.f. 12-8-1980 *vice* Shri T. R. Shamanna resigned.

26. Shri Tariq Anwar
27. Shri R. L. P. Verma
28. Shri D. P. Yadav
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Shri K. S. Bhalla—*Chief Financial Committee Officer.*

Shri H. C. Bahl—*Senior Financial Committee Officer.*



STUDY GROUP 'H'  
OF  
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(1980-81)

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6. Shri Nawal Kishore Sharma
7. Shri Virbhadra Singh
8. Shri R. S. Sparrow
9. Shri D. P. Yadav

## INTRODUCTION

I, the Chairman of the Estimates Committee having been authorised by the Committee to submit the Report on their behalf, present this Fourth Report on action taken by Government on the recommendations contained in the Thirty-Sixth Report of the Estimates Committee (Sixth Lok Sabha) on the Ministry of Works & Housing—Delhi Development Authority—Demolitions in Unauthorised Colonies.

2. The Thirty-Sixth Report was presented to Lok Sabha on 26 April, 1979. Government furnished their replies indicating action taken on the recommendations contained in that Report between 26 November, 1979, and 20 September 1980. The replies were examined by Study Group 'H' of Estimates Committee (1980-81) at their sitting held on 5 November, 1980. The draft Report was adopted by the Estimates Committee (1980-81) on 24 November, 1980.

3. The Report has been divided into following chapters :—

I. Report.

II. Recommendations that have been accepted by Government.

III. Recommendations which the Committee do not desire to pursue in view of Government's replies.

IV. Recommendations in respect of which replies of Government have not been accepted by the Committee.

V. Recommendations in respect of which final replies of Government are still awaited.

4. An analysis of action taken by Government on the recommendations contained in the Thirty-Sixth Report of the Estimates Committee (Sixth Lok Sabha) is given in Appendix. It would be observed therefrom that out of twelve recommendations made in the Report ten recommendations i.e. about 84 per cent have been accepted by Government and the Committee do not desire to pursue one recommendation i.e. 8 per cent in view of the Government reply. Final reply in respect of one recommendation i.e. 8 per cent is still awaited.

NEW DELHI;  
November 27, 1980

S. B. P. PATTABHI RAMA RAO  
Chairman,

Agrahayana 6, 1902 (Saka)

*Estimates Committee*

## CHAPTER I

### REPORT

This report of the Committee deals with the action taken by government on the recommendations contained in the 36th Report (Sixth Lok Sabha) on the Ministry of Works and Housing—Delhi Development Authority—Demolitions in Unauthorised Colonies which was presented to Lok Sabha on 26 April, 1979.

2. Action Taken notes have been received in respect of all the recommendations contained in the report.

3. Action Taken notes on the recommendations of the Committee have been categorised as follows:—

(i) recommendations that have been accepted by Government  
Sl. No. 1-6, 9-12 [10 recommendations—Chapter II]

(ii) recommendations which the Committee do not desire to pursue in view of Government's replies.

Sl. No. 7 [1 recommendation—Chapter III]

(iii) recommendations in respect of which action taken replies have not been accepted by the Committee.

Nil (Chapter IV)

(iv) recommendations in respect of which final replies of Government are still awaited.

Sl. No. 8 [1 recommendation—Chapter V]

#### *Preventing Unauthorised Constructions*

#### **(Recommendation No. 12—Para 69)**

4. In their report the Committee stressed on the importance of timely and effective measures to prevent encroachments and unauthorised construction. In the Committee's view 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 utter disregard on the part of the DDA for human suffering that followed in the wake of demolitions. The Committee emphasized the need for foolproof arrangements for detecting the encroachments or unauthorised construc-

tion at the very start and for stopping them relentlessly then and there. The Committee suggested that in this task not only should the DDA tolerate any negligence on the part of their officers but they should also invoke public cooperation in nipping such illegal activity in the bud. It was urged on the DDA that demolition of an unauthorised structure was a much more painful and agonising act than relentless prevention of such a construction, as demolition caused unmeasurable misery and immense hardship to the affected families, besides causing huge social loss in terms of money and building material. The Committee observed that this human anguish and social loss could be avoided only if DDA and their officials kept unremitting vigil on encroachments and unauthorised constructions and prevented people from indulging in such illegal activities. The Committee recommended that the DDA should strengthen their preventive machinery and sternly check construction of unauthorised structures and thus ensure that later on they were not called upon to perform the unpleasant duty of demolishing these structures. The Committee wished to judge the DDA's efficiency not by the number of demolitions made but the number of demolitions avoided by timely preventive action.

5. In their action taken reply (November, 1979), the Ministry of Works and Housing stated that necessary instructions have been issued to the Delhi Administration, Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Committee. The Delhi Development Authority has strengthened its Land Protection Squad and has also alerted all of its Land Owning/Managing Agencies to detect the unauthorised constructions/encroachments taking place in the initial stages.

6. The Ministry have further stated (September 1980) that action against land racketeers and the persons who are indulging in unauthorised construction has been geared up. A special cell under the supervision of Deputy Commissioner of Police has been set up by the Lt. Governor, Delhi and the D. D. A. have lodged 59 complaints under section 9 of Delhi Lands (Restriction on Transfer) Act, 1972 during the period from March to August, 1980. The offence was cognisable and the persons concerned have been arrested by the Police in a number of cases. According to the Ministry this had a statutory effect and the problem of illegal sale of Land has been controlled to a great extent. Unauthorised constructions were also removed in Haiderpur and Shalimar Bagh areas during the month of May-June 1980.

7. The Ministry have added that preventive measures such as fencing of the area, warning by installing notice boards, deployment of large number of watch and ward staff, regular patrolling by Demolition Squad, etc. were being taken.

8. The Ministry have also informed the Committee that during the current calendar year (1980), 1584 acres of land were acquired and taken over. Awards for the remaining lands notified under section 4 and 6 of the Land Acquisition Act, 1894, located within the urbanisable limits were being finalised. In the opinion of the Ministry this would also help a great deal in checking illegal sale of notified land as well as unauthorised construction.

9. The Committee hope that as a result of strengthening of its administrative machinery, and other preventive measures taken as also the legal action taken against land racketeers, unauthorised constructions would be detected and prevented at the very start and the misery and hardship caused to the affected persons by demolition of such structures later on would be avoided. The Committee cannot, however, over-emphasize the need for continued vigilance on this front on the part of Delhi Development Authority and other authorities as the efficiency of the DDA would be judged not by the number of demolitions made but by the number of demolitions avoided by timely preventive action.

10. The Committee would like to emphasise that they attach the greatest importance to the implementation of the recommendations accepted by Government. They would, therefore, urge that Government should keep a close watch so as to ensure expeditious implementation of the recommendations accepted by them. In cases where it is not possible to implement the recommendations in letter and spirit for any reason, the matter should be reported to the Committee in time with reasons for non-implementation.

11. The Committee also desire that final reply in respect of the recommendation contained in Chapter V of this Report may be furnished to the Committee expeditiously.

## **CHAPTER II**

### **RECOMMENDATIONS THAT HAVE BEEN ACCEPTED BY GOVERNMENT**

#### **Recommendation SL. No. 1 (Para 49—59)**

The Committee notes 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.

According to the Law, no land could be divided into plots and sold for building purposes unless its layout 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.

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.

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 Commission. 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.

### Reply of the Government

Action against land racketeers and the persons who are indulging in unauthorised construction has been geared up. A special cell under the supervision of Deputy Commissioner of Police has been set up by the Lt. Governor, Delhi and the D. D. A. have lodged 59 complaints under section 9 of Delhi Lands (Restriction on Transfer) Act, 1972 during the period from March to August, 1980. The offence is cognisable and the persons concerned have been arrested by the Police in a number of cases. This had a salutary effect and the problem of illegal sale of land has been controlled to a great extent. Unauthorised constructions were also removed in Haiderpur and Shalimar Bagh areas during the month of May-June 1980.

Preventive measures such as fencing of the area, warning by installing notice boards, deployment of large number of watch and ward staff, regular Petrolling by Demolition Squad, etc. are being taken.

During the current calendar year (1980), 1584 acres of land has been acquired and taken over. Awards for the remaining lands notified under section 4 and 6 of the Land Acquisition Act, 1894, located within the urbanisable limits are being finalised. This will also help a great deal in checking illegal sale of notified land as well as unauthorised construction.

(Min. of W&H OM No. K-11011/32/78-DDVA dt. 20-9-80)

### Recommendation Sl. No. 2 (Para 53)

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

### Reply of the Government

Publicity is being given about the areas where construction is prohibited. Notices have been published in the newspapers fortnightly for educating the people about the various provisions of Law regarding sale, purchase etc. of Government lands. Action for putting up notice boards near such areas is also being initiated. Recently instructions have been given for putting up a notice board in an area near Shastri Park in trans-Yamuna area.

(Min. of W&H OM No. K-11011/32/78-DDVA dt. 7-9-79)

**Recommendation Sl. No. 3 (Para 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 as so as to prevent entry of unauthorised persons there for the purpose of encroachments and unauthorised construction.

**Reply of the Government**

Care is being taken to fence all the area belonging to the Delhi Development Authority to prevent encroachments. Apart from this regular watchmen are also posted in different areas to see that encroachments do not take place.

(Min. of W&H O.M. No. K-11011/32/78-DDVA, dated 7-9-1979)

**Recommendation Sl. No. 4 (Para No. 55—57)**

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.

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.

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.

#### **Reply of the Government**

Action is being taken to see that field staff does not connive at encroachments and unauthorised constructions.

(Min. of W.&H O.M. No. K-11011/32/78-DDVA, dated 7-9-1979)

#### **Recommendation Sl. No. 5 and 6 (Para No. 58-59)**

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.

Action is being taken to get all the reports regarding encroachments etc. in time from various agencies. A return has been prescribed for the Engineering Wing regarding encroachments in the areas handed over for development or construction etc. which is now being received regularly by land Protection Branch.

### **Reply of the Government .**

(Min. of W&H O.M. No. K-11011/32/78-DDVA, dated 7-9-1979)

### **Further Information asked for**

The Ministry may please intimate whether this system is working well and whether any negligence of field staff has come to notice; if so, what action has been taken?

LSSOM No. 34/2/EC/79, dated February 5, 1980.

### **Further Reply of the Government**

The Delhi Development Authority has intimated that the system is working well and no instance of negligence on the part of field staff has come to its notice.

(Ministry of Works and Housing O.M. No. K-11011/32/78-DDVA,  
dated 4th March, 1980)

### **Recommendation Sl. No. 9 (Para 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. 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 DDA 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 construc-

tion 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.

### **Reply of the Government**

Necessary instructions have been issued to the Delhi Development Authority, Delhi Administration, Municipal Corporation of Delhi and New Delhi Municipal Committee, as recommended by the Estimates Committee.

(Min. of W&H O.M. No. K-11011/32/78-DDVA, dated 24-10-79)

### **Recommendation SL. No. 10 (Para 63 and 64)**

Para 63: The Committee are informed that DDA have decided to regularise all the unauthorised constructions which came up before 30th June, 1977. In pursuance of this decision the DDA 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 DDA. The representative of DDA stated that according to the development plan prepared by the DDA only about 24 structures (14 semi-pucca and 10 kacha) were likely to be demolished for widening of roads. He, however, assured that the DDA would re-examine and modify the development plan, if possible to save even these houses. The representative of the DDA 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 representatives of DDA gave an assurance that they would re-examine the plan and, if possible so re-adjust the provision for parks and schools that the existing built-up area might not be affected.

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 decisions taken by the DDA not to demolish houses for widening of roads, till the owners of these houses themselves choose 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 DDA 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 recommended that development plans of the unauthorised colonies should be given wide publicity. Objections should be invited and considered sympathetically. Plans should so adjusted as to cause minimum of interference with the existing built-up areas. Policy decisions taken by the DDA 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.

### **Reply of the Government**

The DDA has intimated that action will be taken to increase the publicity in regard to its policies about the unauthorised colonies, collection of development charges etc. It has also invited objections/suggestions from the residents of the unauthorised colonies and their "Resident Associations" while considering the question of regularisation of unauthorised colonies in Delhi. These objections/suggestions received from the residents/resident associations of such colonies are under scrutiny of the Screening Committee

appointed by the Vice-Chairman of the DDA which includes Planners of TCPO, DDA as members. Some non-official members of the DDA are also associated with the Committee. The DDA has also intimated that the dislocation of the existing set-up in such unauthorised colonies is kept to the minimum while approving the development/lay-out plans of these colonies.

So far draft lay-out plans of 118 unauthorised colonies have been prepared by DDA. Objections/suggestions have been invited from public on the draft so prepared. The plans would be finally notified by DDA as approved plans after screening these objections/suggestions..

(Min. of W&H O.M. No. J-11011/32/78/DDVA, dated 20-9-1980)

#### **Recommendation Sl. No. 11 (Paras No. 65 to 68)**

The Committee note that the Central Government had recognised long ago the need to plan the development of area 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 of houses 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 irresponsible 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 formalities 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 programme 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.

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.

### **Reply of the Government**

The DDA started construction of flats of various categories in 1967, but could construct only 33,238 flats upto 1977-78 giving an annual average of 3300. However, during 1977-78, it strengthened its resources, through debentures, loans from the HUDCO etc., and accelerated its building activities constructing 10,989 flats/tenaments of various categories in 1978-79. Its target for 1979-80 is 42762 housing units. Similarly the annual estimates for 1980-81, 1981-82 and 1982-83 are now being put at 40,000 houses of various categories per year. The achievement of these targets is, however, subject to the availability of funds and building material like steel, cement, bricks etc. During 1979-80 it has floated two schemes viz. General Registration Scheme under the new pattern during September, 1979 and IIIrd Self-Financing Scheme in November, 1979. Under the General Registration Scheme on new pattern, 1979, about 1.70 lakhs persons have got themselves registered with the DDA for various categories of flats. The number of registrants under the IIIrd Self-Financing Scheme for which applications are still being received by the DDA, will be limited to 10,000 for various types of flats under the Scheme. The registration under the two schemes indicates restoration of peoples faith in the DDA and the demands of the flats of various categories in the Capital, which the DDA is expected to meet during the coming few years. The targets for the construction of the houses as stated in para 1 above, have been fixed keeping in view the demands of the flats of various categories, as reflected by the number of registrants under the two schemes floated during the year.

2. As part of its construction programme, the DDA has introduced a novel scheme for providing skeleton houses for the poorest section of society. This is a novel concept. Under this scheme, the development of sites and services (i.e. provision of basic infrastructure) would be done by the DDA while the main structure on the

plinth area would be raised by the individuals through self help. This scheme, which is a part of the construction programme of the DDA during 1979-80, is estimated to cover 4000 houses.

[Ministry of Works & Housing O.M. No. K-11011/32/78-DDVA  
dated 24-10-1979]

**Recommendation, (Sl. No. 12, Para No. 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 fool-proof 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 officer 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 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.

**Reply of the Government**

Necessary instructions have been issued to the Delhi Administration, Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Committee. The Delhi Development

Authority has stated that it has strengthened its Land Protection Squad and has also alerted all of its Land Owning/Managing Agencies to detect the unauthorised constructions/encroachments taking place in the initial stages. The details of some other preventive steps taken in this direction have been given in the reply to Recommendation No. 1 (Paras 49—52).

[Ministry of Works & Housing O.M. No. K-11011/32/78-DDVA,  
dated 20-9-1980]

#### **Comments of the Committee**

Please See para 4 to 9 of the Report—Chapter I.



### **CHAPTER III**

#### **RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF GOVERNMENTS REPLIES**

##### **Recommendation (SI. No. 7 Para No. 60)**

The cases of unauthorised construction are hard 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.

##### **Reply of Government**

The cases of unauthorised constructions are dealt with in three different ways:—

- (i) Removal of fresh unauthorised constructions on Government land without notice;
- (ii) Removal of unauthorised constructions under the Public Premises (Eviction of Unauthorised Occupants) Act; and
- (iii) Removal of unauthorised constructions by following the procedure laid down under section 30 of Delhi Development Act.

Sufficient care is being taken to see that the correct procedure as laid down in the P.P. Act or Delhi Development Act, is followed by the concerned officers and the evictees are given alternative allotments etc. if they are eligible for that.

[Ministry of Works & Housing O.M. No. K-11011/32/78-DDVA,  
dated 7-9-1979]

### **Further information asked for**

The Ministry may please intimate whether suitable guidelines as suggested by the Committee have been drawn up and issued in order to achieve the twin objectives of uniformity of quasi-judicial procedure and satisfying the affected persons.

(L.S.S. O.M. No. 34/2/EC/79, dated February 2, 1980.)

### **Further reply of the Government**

The matter has been examined but it is not considered appropriate to lay down any guidelines for the Estate Officers when the detailed procedure to be followed by them has already been laid down under the Public Premises (Eviction of Unauthorised Occupants) Act, especially in view of the following reasons:—

- (i) Executive guidelines to the Estate Officer may be construed to be interfering with the quasi-judicial process laid down in the Public Premises (Eviction of Unauthorised Occupants) Act.
- (ii) Public Premises (Eviction of Unauthorised Occupants) Act is applicable all over India and covers unauthorised occupation of public premises belonging to various departments and of different categories. A uniform procedure for dealing with such unauthorised occupation by the Estate Officer which includes issue of notices, opportunity to show-cause to the affected persons and service of formal orders before eviction, etc. is already laid down in the Act. Even otherwise the majority of the cases of eviction under the Act e.g. Government employees continuing in Government's accommodation after retirement, transfer, etc. do not involve allotment of any alternative sites and the question of providing any satisfaction to such unauthorised occupants other than giving them due notice and opportunity to show-cause before eviction does not arise. Similarly, in the Delhi Development Act, 1957 also, procedure for issue of notices or opportunity to show-cause against demolition, removal, etc. is already laid down.
- (iii) In cases where alternative sites are to be allotted, e.g., under the J.J.R. Scheme operative in Delhi, the Delhi

Development Authority has already stated that sufficient care is being taken to see that correct procedure as laid down in the Public Premises (Eviction of Unauthorised Occupants) Act or Delhi Development Act is followed by the concerned officer and the evictees are given alternative allotment, etc. if they are eligible for the same.

(Min. of W & H O.M. No. K-11011/32/78-DDV-A, dated 13-3-1980)

## **CHAPTER IV**

**RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF  
GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE  
COMMITTEE.**

**—NIL—**

**CHAPTER V**  
**RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES**  
**OF GOVERNMENT ARE STILL AWAITED**

**Recommendation: Sl. No. 8, (Para No. 61)**

The Committee have been informed that there are some legal constraints in dealing with the problem of unauthorised constructions 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.

**Reply of the Government**

Certain legislative measures are already under consideration, in consultation with Ministry of Law and Ministry of Home Affairs, in this behalf.

(Min. of W. & H. O.M. No. K-11011/78-DDVA, dated 7-9-1979).

**Further information asked for**

The Ministry may please intimate the progress made in this regard.

(L.S.S. O.M. No. 34/2/ES/79, dated February, 5, 1980)

**Further reply of Government**

The matter is still under consideration of the Government.  
Ministry of Works and Housing O.M.No. K-11011/32/78-DDUA dated  
4th March, 1980.

NEW DELHI;  
November 17, 1980

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(Agrahayane 1902 (S))

S. B. P. PATTABHI RAMA RAO,  
Chairman

Estimates Committee.

## APPENDIX

*Vide* Introduction to Report)

Analysis of the action taken by Government on the recommendations contained in the 36th Report of the Estimate Committee (Sixth Lok Sabha)

I. Total number of recommendations . . . . .	12
II. Recommendations which have been accepted by Government ( <i>Vide</i> recommendations No. 1 to 6, 9 to 12)	
Number . . . . .	10
Percentage . . . . .	84
III. Recommendations which the Committee do not desire to pursue in view of the Government's replies ( <i>Vide</i> recommendation No. 7)	
Number . . . . .	1
Percentage . . . . .	8
IV. Recommendations in respect of which replies of Government have not been accepted by the Committee . . . . .	Nil
V. Recommendations in respect of which final replies of Government are still awaited. ( <i>Vide</i> recommendation No. 8)	
Number . . . . .	1
Percentage . . . . .	8