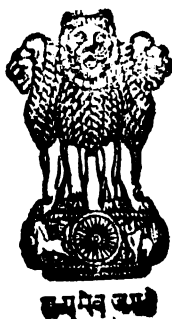


LOK SABHA

THE DELHI DEVELOPMENT BILL, 1957

(Report of the Joint Committee)

PRESENTED ON THE 11TH NOVEMBER, 1957.



LOK SABHA SECRETARIAT
NEW DELHI
November, 1957!

LIST OF SELECT/JOINT COMMITTEE REPORTS
PRESENTED TO LOK SABHA DURING FIRST, SECOND
AND THIRD SESSIONS OF SECOND LOK SABHA, 1957.

FIRST SESSION

<u>S.NO.</u>	<u>TITLE</u>	<u>DATE OF PRESENTATION</u>
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NIL

SECOND SESSION

- | | | |
|----|---|-------------|
| 1. | The Wealth-Tax Bill, 1957 (Report of the Select Committee) | 17 - 8 - 57 |
| 2. | The Expenditure-Tax Bill, 1957 (Report of the Select Committee) | 26 - 8 - 57 |

THIRD SESSION

- | | | |
|----|---|--------------|
| 1. | The Navy Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
| 2. | The Delhi Development Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
| 3. | The Delhi Municipal Corporation Bill, 1957 (Report of the Joint Committee) | 11 - 11 - 57 |
| 4. | The Mines and Minerals (Regulation and Development) Bill, 1957. (Report of the Joint Committee) | 16 - 12 57 |
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THE DELHI DEVELOPMENT BILL, 1957.

Composition of the Joint Committees

Shri Govind Ballabh Pant—*Chairman.*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jwala Prasad Jyotishi
16. Shri Sunder Lal
17. Shri Ram Shanker Lal
18. Shri Sumat Prasad
19. Shri C. Nanjappan
20. Shri Mahadevappa Rampure
21. Shri Jaswantraj Mehta
22. Shri Shivram Rango Rane
23. Shrimati Renu Chakravartty
24. Chaudhary Pratap Singh Daulta
25. Shri Surendranath Dwivedy
26. H.H. Maharaja Pratap Keshari Deo
27. Shri Ignace Beck
28. Shri Arjun Singh Bhadauria
29. Shri D. R. Chavan

- 30. Shri B. Pocker
- 31. Shri B. N. Datar

Rajya Sabha

- 32. Shri M. C. Shah
- 33. Shri Deokinandan Narayan
- 34. Shri Santosh Kumar Basu
- 35. Shri Awadheshwar Prasad Sinha
- 36. Shri Algu Rai Shastri
- 37. Shri Hira Vallabha Tripathi
- 38. Shri Onkar Nath
- 39. Begum Saddiqa Kidwai
- 40. Shri V. M. Surendra Ram
- 41. Shri Mohamed Valiulla
- 42. Dr. Raj Bahadur Gour
- 43. Shri N. B. Deshmukh
- 44. Shri Kishen Chand
- 45. Prof. A. R. Wadia.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

Shri A. L. Rai, *Under Secretary.*

Report of the Joint Committee

I, the Chairman of the Joint Committee to which the *Bill to provide for the development of Delhi according to plan and for matters ancillary thereto was referred, having been authorised to submit the report on their behalf, present this their report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in the Lok Sabha on the 7th September, 1957. The motion for reference of the Bill to a Joint Committee of the Houses (*vide* Appendix I) was moved by the Home Minister, Shri Govind Ballabh Pant, on the 9th September, 1957 and was discussed in the Lok Sabha and adopted on the same day.

3. The Rajya Sabha discussed and concurred in the said motion on the 13th September, 1957 (*vide* Appendix II).

4. The Committee held five sittings in all.

5. The Committee at their first and second sittings, held on the 9th and 10th October, 1957, had a preliminary discussion on the provisions of the Bill.

6. At the third sitting held on the 11th October, 1957, the Committee heard the evidence tendered by Shri R. N. Agarwala, President, Delhi Municipal Committee.

7. The Committee have decided to lay the evidence tendered before them on the Table of the House *in extenso*.

8. The Committee considered the Bill clause by clause at their sitting held on the 19th October, 1957.

9. One Memorandum from the Delhi State Housing Association, Delhi on the Bill was received by the Committee and was placed in the Parliament Library.

10. The Committee considered and adopted the Report on the 8th November, 1957.

11. The observations of the Committee with regard to the principal changes proposed in the Bill are detailed in the succeeding paragraphs.

12. *Clause 2.*

*Item (f).—*In this definition “water supply” has also been included.

*Published in Part II, Section 2 of the Gazette of India Extraordinary, dated the 7th September, 1957.

Item (j).—The definition has been given in full instead of making a reference to the Punjab Act.

13. *Clause 3—sub-clause (3).*—The Committee feel that the membership of the Delhi Development Authority should be raised by four members, two to be chosen by the Delhi Advisory Committee and the remaining two to be nominated by the Central Government.

The Committee further feel that from sub-clause (3) (b) the words “from amongst officers of that Government” should be omitted.

The clause has been amended accordingly.

Sub-clause (7).—The Committee feel that the term of office of the representatives of the Municipal Corporation should be raised to four years.

The clause has been amended accordingly. The other amendments made in the clause are of a drafting nature.

14. *Clause 5.*—The Committee feel that the term of office of the elected members of the Advisory Council should be raised to four years.

The clause has been amended accordingly. The other amendments made in the clause are of a consequential or drafting nature.

15. *Clause 10 (New clause).*—The Committee consider that before preparing any plan finally, and submitting it to the Central Government for approval, the Authority should publish the draft plan for inspection, inviting objections and suggestions.

The new clause has been inserted accordingly laying down the procedure to be followed in the preparation and approval of plans.

16. *Clause 12 (Original clause 11)—sub-clause (5).*—The Committee feel that any development work already begun by a local authority should also be exempted from the requirement of the clause.

The clause has been amended accordingly.

17. *Clause 13 (Original clause 12).*—The Committee feel that if any application for permission is rejected by the Authority, the reasons should be recorded in writing.

The clause has been amended accordingly.

18. *Clause 14 (New clause).*—The Committee feel that it should be specifically provided in the Bill that after the coming into operation of any of the plans in a zone, no one should use any land or building otherwise than in conformity with the plan, save as expressly permitted.

The clause has been inserted accordingly.

19. *Clause 29 (Original clause 27).*—Sub-clause (2) has been inserted to provide for punishment in cases where any land or building is used in contravention of clause 14.

20. *Clause 35 (Original clause 33).*—The clause has been recast to make the intention clear.

21. *Clauses 37 to 40 (Original clause 35).*—The Committee feel that betterment charges should be determined once for all and should not be spread over a term of years and that in case the owner of the land refuses to accept the betterment charges determined by the Authority the matter should be referred to a board of arbitrators for determination.

Provision has been made in this respect in these clauses.

22. *Clause 53 (Original clause 48).*—The Committee feel that it should be made clear that nothing in the Bill affect the operation of the Slum Area (Improvement and Clearance) Act, 1956.

The Clause has been amended accordingly.

23. *Clause 56 (Original clause 51).*—The Committee feel that the rules under the Act should lay down the qualifications and disqualifications applicable to members of the Authority or the Advisory Council.

A new item has accordingly been inserted in this clause.

24. The Joint Committee recommend that the Bill as amended be passed.

NEW DELHI;
The 11th November, 1957.

GOVIND BALLABH PANT
Chairman,
Joint Committee.

Minute of Dissent

We append this note of dissent because we strongly oppose the basic scheme of things underlying this Bill, *i.e.*, the setting up of a separate body to undertake the development of Delhi—a job primarily that of the Municipal Corporation of Delhi. This dual authority we consider as harmful both for the development of healthy local self-government as well as for the development of Delhi itself.

The underlying principle of the Bill is that the initiative for towns planning has to come “from the top” rather than “below” which is the local body. This superior position is wrong in principle. We oppose this.

The argument is often advanced that local self-governments have failed in development work. But the reason for this is cogently put by B. R. Kagal in his “Report on Town and Village Planning in India” [Health Survey & Development (Bhore) Committee Report, 1946 Volume III, p. 85], where he says:

“If local self-governments have failed, the governments’ share in that failure due to errors of omission and commissions cannot be entirely disowned.” For example, slums are a result of industrial development. The site for the factory is planned, not the housing for labour. Moreover local governments are not provided with necessary finance and the technical know-how. If government would give the Corporation such aid as it is going to give to the Delhi Development Authority, developmental work would go on far more efficiently.

Bhore Committee has discussed this question in detail, and has gone into the functions of the Improvement Trusts both in Calcutta and in Delhi and has come to the conclusion that separate existence of these Trusts results in the maintenance of separate supervisory staffs by the two authorities for the exercise of similar functions....” (Vol. II, p. 225). Having examined the question, the Bhore Committee comes to the firm conclusion that “Housing is but a part of the wider problems of environmental hygiene for the solution of which the local health authority must remain primarily responsible”. (*Ibid.* page 226.) All that the Bhore Committee conceded to the Provincial Governments was that they had to decide whether “the present system” of separate Improvement Trusts “should continue for the time being” and, therefore, there could be no question of perpetuating them.

Dealing with the situation in foreign lands, Bhore Committee tells us (Volume II, page 238, para 22) that "in England, local authorities have been responsible, for nearly a century, for the control of state aided housing". A similar position obtained in Holland and Germany where the Corporations were responsible for all housing.

The Local Self-Government Expert Committee appointed by the Government of U.P. emphatically recommended that "all improvement trusts in the province should be abolished and the provisions of the Improvement Trusts Act should be incorporated in the Municipalities Act....." (as quoted by Shri Bartiwala in his minutes of Dissent—Local Finances Enquiry Committee Report, page 385).

The Kale Committee appointed by the Government of Bombay to enquire into the affairs of Local Bodies and the administrative Enquiry Committee have both strongly recommended that these separate *ad hoc* bodies should go and the finances placed at their disposal should be transferred to the statutory bodies concerned.

Venkatappa Committee on the integration and coordination of local bodies in Mysore recommends more or less to the same effect.

The Corporation of Calcutta Investigation Commission (1950) also recognised the fact that Improvement Trusts were more "adjuncts to the corporation" and were performing the duties which are legitimately the domain of the municipal authorities.

Delhi Municipal Organisation Enquiry Committee also said that the existence of separate *ad hoc* Improvement Trust led to the "possibility of the Weakening of the general municipal government structure in respect of the services left to the direct control of the municipal authority through lack of public interest."

The minute of dissent attached to the above report by Sir Arthur Dean, Mr. V. S. Mathur, and Mrs. Hanna Sen also emphasises this point and it says, "Obviously however, their (*ad hoc* bodies') existence would militate against the popular control for the functions are primarily and patently municipal."

Thus we firmly believe in what eminent authorities on local self government have to say that given the aid which the Government generally extended to Improvement Trust or is going to extend to the Delhi Development Authority, such service could be handled more efficiently by the Delhi Municipal Corporation itself.

The experience of Bombay teaches us that a separate existence of Improvement Trusts was far from being helpful, a positive obstacle in the way of Improvement. The Bombay Corporation has therefore assumed the sole responsibility for the obligation of the city Improvement Trust and now an "Improvements Committee",

an authority under the Corporation does the job. The dual authority has been done away with.

The experience in Delhi itself is sufficiently bitter. The grievances against Delhi Development (Provisional) Authority have been mounting. The civic Affairs Committee memorandum has emphatically demanded that Corporation should take over the Development Authority.

Even the Jaundice Committee Report has suggested in section 91 (page 41) that control on construction of Buildings should vest in the Corporation.

However, existence of a dual authority could in no way be justified not only because it cuts across the roofs of the authority of Local Self-Government but also because it leads to bureaucratic red tape and unnecessary friction between the two authorities. We therefore oppose the very scheme envisaged in the bill. Our opinion is that Development should be an authority under the Corporation and not a separate body.

If there must be a separate body for Development as envisaged in the Bill, our suggestion would be to see that this body should represent public opinion to the largest measure possible. This was also the opinion of the Delhi Improvement Trust Enquiry Committee: "The local bodies should of course be well represented on the Authority. Since the primary aim of city planning is social and convenience and utility of the largest number is the main test of all city planning, public opinion, should be well represented on the Authority through a non-official majority." It is for this reason that we would suggest the Advisory Council as envisaged in the Bill, should become the authority with the inclusion of seven instead of four members to be elected from among the Corporation Councillors and including all the members elected from Delhi to Lok Sabha and Rajya Sabha. The Authority as envisaged in the Bill should become the executive or standing committee of the Authority as suggested by us.

The main objection to the present constitution of the Authority as envisaged in clause 3, is that overwhelming weightage is in the hands of nominated members. We had suggested that at least 5 members should be elected from among the councillors of the Corporation from among whom at least one representative should come from the rural areas, two other members representing New Delhi and Cantonment areas should be elected from among the 10 electoral college members as constituted under clause 506 of the Delhi Corporation Bill.

In Chapter III, clause 7 the time limit for submission of Master Plan should not be left vague and "within a period of one year" or words to that effect should be inserted, because this has already been long delayed.

In Chapter IV, clause 13, we consider that after refusal of permission to develop land in a development area, the person concerned should have the right of appeal to some body other than the Authority.

In Chapter V we would like to stress that on question of giving compensation special consideration must be given to the small agriculturists whose land is his sole means of livelihood and those of small means who owns a piece of land and building which they use as their place of residence. While agreeing that the compensation to be paid to the richer section should be nominal when acquisition is for public purposes, the past experience has been that often the poor are left completely destituted while the richer classes by their social and economic pull are able to enter prolonged litigation and by other means get their compensation enhanced. Therefore we had suggested statutory protection in Clause 14 after (5) (a) after the words "no allowance shall be made on account of acquisition being made compulsory" the following be added: "except in cases where (1) the owner is an agriculturist and the entire land on which depends his sole means of livelihood is acquired or where any portion of land belonging to an agriculturist whose total ownership of land does not exceed ten acres and (2) the owner possesses a sole house not exceeding Rs. 10,000/- in value of land and building wherein he resides and uses as his dwelling place.

We feel strongly that the policy of slum clearance whereby slums are demolished and slum dwellers forced miles out far from their natural areas of livelihood is a wrong development policy, and as far as possible cheap tenements should replace slums where the slums dwellers can get accommodation within their means. We therefore desired Clause 21 (2) to be amended so that after line 15 these words are added: "and in the case of slum tenants, the Authority shall as far as possible erect cheap labour tenements for their housing at rates within their means, or if necessary at subsidised rates". After line 21 the following should be added:

"Provided that in the case of slum clearance those who are owners of buildings valued at less than Rs. 10,000/- which was the only building they possessed and which they used as a dwelling place, he should be given the land at a subsidised rate."

The Birla Committee has pointed out how the Delhi Improvement Trust allowed lands to fall into hands of speculators because

nothing was permitted to be done unless an immediate concrete financial return at highest possible rate was forecast. They also stated that "if slums are cleared and new standard tenements are constructed, the dehousing people will not be in a position to occupy them without assistance. What is therefore essential is to build subsidised houses costing in rent not more than Rs. 10/- or Rs. 12/- per month. Until this happens the slums can never be cleared".

Regarding betterment levy we are against the principle of charging this before completion of betterment when the benefits are already being enjoyed to stretch this to include schemes which have not been completed is incorrect, and we therefore oppose this principle.

Lastly regarding the finances of the Authority while we firmly believe the Corporation should not be denuded of any one of its resources, there should be statutory guarantee for transfer of certain returns from duties and taxes to the Authority from Central Government, and not leave it entirely to a scheme of things where for every amount the Authority has to go to Government.

NEW DELHI;
The 9th November, 1957.

RENU CHAKRAVARTTY.
NARSING RAO DESHMUKH.
RAJBAHADUR GOUR.
PRATAP SINGH DAULTA.

THE DELHI DEVELOPMENT BILL, 1957

ARRANGEMENT OF CLAUSES

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THE DELHI DEVELOPMENT BILL, 1957

(AS AMENDED BY THE JOINT COMMITTEE)

(Words *sidelined* or *underlined* indicate the amendments suggested by the Committee; asterisks indicate omissions)

5

A

BILL

to provide for the development of Delhi according to plan and for matters ancillary thereto.

BE it enacted by Parliament in the Eighth Year of the Republic
10 of India as follows:—

CHAPTER I

PRELIMINARY

1. (1) This Act may be called the Delhi Development Act, 1957. Short title,
extent and
commence-
ment.

(2) It extends to the whole of the Union territory of Delhi.

15 (3) It shall come into force on such date as the Central Govern-
ment may, by notification in the Official Gazette, appoint.

2. In this Act, unless the context otherwise requires,—

Definitions.

20 (a) “amenity” includes road, water supply, street lighting,
drainage, sewerage, public works and such other convenience as
the Central Government may, by notification in the Official
Gazette, specify to be an amenity for the purposes of this Act;

25 (b) “building” includes any structure or erection or part of
a structure or erection which is intended to be used for residen-
tial, industrial, commercial or other purposes, whether in actual
use or not;

(c) "building operations" includes rebuilding operations, structural alterations of or additions to buildings and other operations normally undertaken in connection with the construction of buildings;

(d) "development" with its grammatical variations means the carrying out of building, engineering, mining or other operations in, on, over or under land or the making of any material change in any building or land and includes redevelopment;

(e) "development area" means any area declared to be a development area under sub-section (1) of section 12, 10

(f) "engineering operations" includes the formation or laying out of means of access to a road or the laying out of means of water supply;

(g) "means of access" includes any means of access whether private or public, for vehicles or for foot passengers, and includes a road; 15

(h) "regulation" means a regulation made under this Act by the Delhi Development Authority constituted under section 3;

(i) "rule" means a rule made under this Act by the Central Government; 20

(j) "to erect" in relation to any building includes—

(i) any material alteration or enlargement of any building,

(ii) the conversion by structural alteration into a place for human habitation of any building not originally constructed for human habitation, 25

(iii) the conversion into more than one place for human habitation of a building originally constructed as one such place,

(iv) the conversion of two or more places of human habitation into a greater number of such places, 30

(v) such alterations of a building as affect an alteration of its drainage or sanitary arrangements, or materially affect its security,

(vi) the addition of any rooms, buildings, houses or other structures to any building, and 35

(vii) the construction in a wall adjoining any street or land not belonging to the owner of the wall, of a door opening on to such street or land;

(k) "zone" means any one of the divisions in which Delhi may be divided for the purposes of development under this Act. 40

CHAPTER II

THE DELHI DEVELOPMENT AUTHORITY AND ITS OBJECTS

3. (1) As soon as may be after the commencement of this Act, the Central Government shall, by notification in the Official Gazette, constitute for the purposes of this Act an authority to be called the Delhi Development Authority (hereinafter referred to as the Authority).

(2) The Authority shall be a body corporate by the name aforesaid having perpetual succession and a common seal with power to acquire, hold and dispose of property, both movable and immovable and to contract and shall by the said name sue and be sued.

(3) The Authority shall consist of the following members, namely:—

(a) a chairman who shall be the administrator of the Union territory of Delhi, *ex officio*;

(b) a vice-chairman to be appointed by the Central Government; * * * *

(c) a finance and accounts member to be appointed by the Central Government;

(d) an engineer member to be appointed by the Central Government;

(e) as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the councillors and aldermen of the Corporation from among themselves;

(f) two representatives of the Advisory Committee in respect of the Union territory of Delhi constituted by the President by notification of the Government of India in the Ministry of Home Affairs, No. 19/30/56—SRI, dated the 8th November, 1956, to be elected by the members of that Committee from among themselves;

(g) two other persons to be nominated by the Central Government; and

(h) the Commissioner of the Municipal Corporation of Delhi, *ex officio*.

(4) The vice-chairman, the finance and accounts member and the engineer member shall be whole-time paid members of the Authority and shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and governed by such con-

ditions of service as may be determined by rules made in this behalf.

(5) The members specified in clause (e), clause (f) and clause (g) of sub-section (3) may be paid from the funds of the Authority such allowances, if any, as may be fixed by the Central Government in this behalf. 5

(6) The vice-chairman, the finance and accounts member, the engineer member and the two members referred to in clause (g) of sub-section (3) shall hold office during the pleasure of the Central Government and the two representatives of the Advisory Committee of Delhi referred to in clause (f) of sub-section (3) shall hold office for so long only as they continue to be members thereof. 10

(7) Save as provided in sub-section (8) a representative of the Municipal Corporation of Delhi shall hold office for a term of four years from the date of his election to the Authority and shall be eligible for re-election: 15

Provided that such term shall come to an end as soon as he ceases to be a councillor or an alderman of the said Corporation.

(8) A representative of the Municipal Corporation of Delhi elected under clause (e) of sub-section (3) to fill a casual vacancy shall continue in office for the remainder of the term of the member in whose place he is elected. 20

(9) A member other than an *ex officio* member may resign his office by writing under his hand addressed to the Central Government but shall continue in office until his resignation is accepted by that Government. 25

(10) No act or proceedings of the Authority shall be invalid by reason of the existence of any vacancy in, or defect in the constitution of, the Authority.

Staff of the
Authority.

4. (1) The Central Government may appoint two suitable persons respectively as the secretary and the chief accounts officer of the Authority who shall exercise such powers and perform such duties as may be prescribed by regulations or delegated to them by the Authority or the chairman. 30

(2) Subject to such control and restrictions as may be prescribed by rules, the Authority may appoint such number of other officers and employees (including experts for technical work) as may be necessary for the efficient performance of its functions and may determine their designations and grades. 35

(3) The secretary, chief accounts officer and other officers and employees of the Authority shall be entitled to receive from the funds of the Authority such salaries and such allowances, if any, and shall be governed by such conditions of service as may be determined by regulations made in this behalf.

5. (1) The Authority shall, as soon as may be, constitute an Advisory advisory council for the purpose of advising the Authority on the preparation of the master plan and the zonal development plans and generally on the planning of development of Delhi and on such other matters arising out of, or in connection with, the administration of this Act as may be referred to it by the Authority.

(2) The advisory council shall consist of the following members, namely:—

(a) the chairman of the Authority, *ex officio*, who shall be the president;

(b) two persons with knowledge of town planning or architecture to be nominated by the Central Government;

(c) one representative of the Health Services of Delhi administration to be nominated by the Central Government;

(d) four representatives of the Municipal Corporation of Delhi to be elected by the councillors and aldermen from among themselves;

(e) three persons representing the Delhi Electric Supply Committee, the Delhi Transport Committee and the Delhi Water Supply and Sewage Disposal Committee of the said Corporation, of whom—

(i) one shall be elected by the members of the Delhi Electric Supply Committee from among themselves;

(ii) one shall be elected by the members of the Delhi Transport Committee from among themselves; and

(iii) one shall be elected by the members of the Delhi Water Supply and Sewage Disposal Committee from among themselves;

(f) three persons to be nominated by the Central Government of whom one shall represent the interests of commerce and industry and one, the interests of labour, in Delhi;

(g) four persons from the technical departments of the Central Government to be nominated by that Government; and

(h) three members of Parliament of whom two shall be members of the House of the People and one shall be a member of the Council of States to be elected respectively by the members of the House of the People and the members of the Council of States.

(3) The Council shall meet as and when necessary and shall have the power to regulate its own procedure.

(4) An elected member shall hold office for a term of four years from the date of his election to the council and shall be eligible for re-election:

Provided that such term shall come to an end as soon as the member ceases to be a member of the body from which he was elected.

Objects of
the Authority.

6. The objects of the Authority shall be to promote and secure the development of Delhi according to plan and for that purpose the Authority shall have the power to acquire, hold, manage and dispose of land and other property, to carry out building, engineering, mining and other operations, to execute works in connection with supply of water and electricity, disposal of sewage and other services and amenities and generally to do anything necessary or expedient for purposes of such development and for purposes incidental thereto:

Provided that save as provided in this Act, nothing contained in this Act shall be construed as authorising the disregard by the Authority of any law for the time being in force.

CHAPTER III

MASTER PLAN AND ZONAL DEVELOPMENT PLANS

Civic survey
of, and
master plan
for, Delhi.

7. (1) The Authority shall, as soon as may be, carry out a civic survey of, and prepare a master plan for, Delhi.

(2) The master plan shall—

(a) define the various zones into which Delhi may be divided for the purposes of development and indicate the manner in which the land in each zone is proposed to be used (whether by the carrying out thereon of development or otherwise) and the stages by which any such development shall be carried out; and

(b) serve as a basic pattern of frame-work within which the zonal development plans of the various zones may be prepared.

Zonal development
plans.

8. (1) Simultaneously with the preparation of the master plan or as soon as may be thereafter, the Authority shall proceed with the preparation of a zonal development plan for each of the zones into which Delhi may be divided.

(2) A zonal development plan may—

- 5 (a) contain a site-plan and use-plan for the development of the zone and show the approximate locations and extents of land-uses proposed in the zone for such things as public buildings and other public works and utilities, roads, housing, recreation, industry, business, markets, schools, hospitals and public and private open spaces and other categories of public and private uses;
- (b) specify the standards of population density and building density;
- 10 (c) show every area in the zone which may, in the opinion of the Authority, be required or declared for development or re-development; and
- (d) in particular, contain provisions regarding all or any of the following matters, namely:—
 - 15 (i) the division of any site into plots for the erection of buildings;
 - (ii) the allotment or reservation of land for roads, open spaces, gardens, recreation grounds, schools, markets and other public purposes;
 - 20 (iii) the development of any area into a township or colony and the restrictions and conditions subject to which such development may be undertaken or carried out;
 - (iv) the erection of buildings on any site and the restrictions and conditions in regard to the open spaces to be maintained in or around buildings and height and character of buildings;
 - 25 (v) the alignment of buildings on any site;
 - (vi) the architectural features of the elevation or frontage of any building to be erected on any site;
 - 30 (vii) the number of residential buildings which may be erected on any plot or site;
 - (viii) the amenities to be provided in relation to any site or buildings on such site whether before or after the erection of buildings and the person or authority by whom or at whose expense such amenities are to be provided;
 - 35 (ix) the prohibitions or restrictions regarding erection of shops, workshops, warehouses or factories or buildings of a specified architectural feature or buildings designed for particular purposes in the locality;
 - 40 (x) the maintenance of walls, fences, hedges or any other structural or architectural construction and the height at which they shall be maintained;

(xi) the restrictions regarding the use of any site for purposes other than erection of buildings; and

(xii) any other matter which is necessary for the proper development of the zone or any area thereof according to plan and for preventing buildings being erected haphazardly in such zone or area.

Submission
of plans to
the Central
Government
for approval.

9. (1) In this section and in sections 10, 11, 12 and 14 the word "plan" means the master plan as well as the zonal development plan for a zone.

(2) Every plan shall, as soon as may be after its preparation, be submitted by the Authority to the Central Government for approval and that Government may either approve the plan without modifications or with such modifications as it may consider necessary or reject the plan with directions to the Authority to prepare a fresh plan according to such directions.

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Procedure to
be followed
in the pre-
paration and
approval of
plans.

10. (1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

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(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits any land touched by the plan is situated, to make any representation with respect to the plan.

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(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

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(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section.

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Date of
operation of
plans.

11. Immediately after a plan has been approved by the Central Government, the Authority shall publish in such manner as may be

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prescribed by regulations a notice stating that a plan has been approved and naming a place where a copy of the plan may be inspected at all reasonable hours and upon the date of the first publication of the aforesaid notice the plan shall come into operation.

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CHAPTER IV

DEVELOPMENT OF LANDS

12. (1) As soon as may be after the commencement of this Act the Central Government after consultation with the Authority * * * may, by notification in the Official Gazette, declare any area in Delhi to be a development area for the purposes of this Act:

Declaration of development areas and development of land in those and other areas.

Provided that after the establishment of the Municipal Corporation of Delhi no such declaration shall be made except after consultation with that Corporation also.

(2) Save as otherwise provided in this Act, the Authority shall not undertake or carry out any development of land in any area which is not a development area.

(3) After the commencement of this Act but before the coming into operation of any of the plans in a zone no development of land in any development area in the zone shall be undertaken or carried out by any person or body (including a department of Government) unless permission for such development has been obtained in writing from the Authority.

(4) After the coming into operation of any of the plans in a zone no development of land shall be undertaken or carried out—

(a) in any development area in the zone—

(1) by the Authority itself except in accordance with such plans;

(2) by any person or body (including a department of Government)—

(i) except in accordance with such plans; and

(ii) unless permission for such development has been obtained in writing from the Authority;

(b) in any area other than a development area in the zone, by any person or body (including a department of Government) except in accordance with such plans.

(5) Notwithstanding anything contained in sub-sections (3) and (4) development of any land begun by any department of Government or any local authority before the commencement of this Act may be completed by that department or local authority without compliance with the requirements of those sub-sections.

Application
for per-
mission.

13. (1) Every person or body (including a department of Government) desiring to obtain the permission referred to in section 12 shall make an application in writing to the Authority in such form and containing such particulars in respect of the development to which the application relates as may be prescribed by regulations. 5

(2) Every application under sub-section (1) shall be accompanied by such fee as may be prescribed by rules:

Provided that no such fee shall be necessary in the case of an application made by a department of the Government.

(3) On the receipt of an application for permission under sub-section (1), the Authority after making such inquiry as it considers necessary in relation to any matter specified in clause (d) of sub-section (2) of section 8 or in relation to any other matter, shall, by order in writing, either grant the permission, subject to such conditions, if any, as may be specified in the order or refuse to grant such 15 permission:

Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(4) Where permission is refused, the grounds of such refusal shall 20 be recorded in writing and communicated to the applicant in the manner prescribed by regulations.

(5) The Authority shall keep in such form as may be prescribed by regulations a register of applications for permission under this section. 25

(6) The said register shall contain such particulars including information as to the manner in which applications for permission have been dealt with as may be prescribed by regulations and shall be available for inspection by any member of the public at all reasonable hours on payment of such fee not exceeding rupees five as 30 may be prescribed by regulations.

(7) Where permission is refused under this section, the applicant or any person claiming through him shall not be entitled to get refund of the fee paid on the application for permission but the Authority may, on an application for refund being made within 35 three months of the communication of the grounds of the refusal under sub-section (4) direct refund of such portion of the fee as to it may seem proper in the circumstances of the case.

User of
land and
buildings in
contravention
of plans.

14. After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or building in that 40 zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use upon such terms and conditions as may be prescribed by regulations made in this behalf any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force.

CHAPTER V

ACQUISITION AND DISPOSAL OF LAND

15 15. (1) If any land is required by the Authority for purposes of development or any other functions of the Authority under this Act, the Authority may acquire such land by publishing in the Official Gazette a notice specifying the particular purpose for which such land is required and stating that the Authority has decided to acquire the land in pursuance of this section. Compulsory acquisition of land.

15 (2) Before publishing such notice, the Authority shall call upon the owner of the land and any other person who in the opinion of the Authority may be interested therein, to show cause why the land should not be acquired.

20 (3) After considering the cause, if any, shown by the owner of the land and by any other person interested therein and after giving such owner and person an opportunity of being heard, the Authority may pass such orders as it deems fit.

(4) When a notice under sub-section (1) is published in the Official Gazette, the land shall on and from the date of such publication, vest absolutely in the Authority free from all encumbrances.

25 16. (1) Where any land is acquired by the Authority under this Act, the Authority shall pay for such acquisition, compensation the amount of which shall be determined in accordance with the provisions of this section. Compensation for compulsory acquisition of land.

30 (2) Where the amount of compensation can be determined by agreement between the Authority and the person to be compensated, it shall be determined in accordance with such agreement.

35 (3) Where no such agreement can be reached, the Authority shall refer the case to the collector for determination of the amount of compensation to be paid for such acquisition as also the person or persons to whom such compensation shall be paid.

(4) Before finally determining the amount of compensation, the collector shall give an opportunity to every person to be compensated to state his case as to the amount of compensation.

(5) In determining the amount of compensation, the collector shall be guided by the following principles, namely:—

(a) no allowance shall be made on account of the acquisition being compulsory;

(b) the value of the land shall, subject as hereinafter provided, be taken to be the amount which the land if sold in the open market by a willing seller might be expected to realise: 5

Provided that the collector shall be entitled to consider all returns and assessments of capital value for taxation made or acquiesced in by the person to be compensated; 10

(c) the value of the land under clause (e) shall be determined on the assumption that permission for development under this Act would be granted only for development within the range of existing use of the land at the time of its acquisition and would not be granted for any other development; 15

(d) the special suitability or adaptability of the land for any purpose shall not be taken into account if that purpose is a purpose to which it would be applied only in pursuance of statutory powers, or for which there is not a market apart from the special needs of a particular purchaser or the requirements of 20 any department of Government or any local or public authority;

(e) where the value of the land is increased by reason of the use thereof or of any premises thereon in a manner which could be restrained by any court, or is contrary to law, or is detrimental to the health of the inmates of the premises, or to 25 public health, the amount of that increase shall not be taken into account.

(6) For the purpose of determining the amount of compensation—

(a) the collector shall have the power to require any person to deliver to him such returns and assessments as he considers necessary; 30

(b) the collector shall also have the power to require any person known or believed to be interested in the land to deliver to him a statement containing, as far as may be practicable, the 35 name of every other person having any interest in the land as co-owner, mortgagee, tenant or otherwise, and the nature of such interest, and of the rents and profits (if any) received or receivable on account thereof for three years next preceding the date of the statement. 40

45 of 186c.

(7) Every person required to deliver a return, assessment or statement under sub-section (6) shall be deemed to be legally bound to do so within the meaning of section 175 and section 176 of the Indian Penal Code.

5 (8) The collector may hear expert witnesses if it be necessary to do so in any particular case.

(9) The collector shall be entitled to enter on and inspect any land which is the subject of proceedings before him.

(10) The collector shall dispose of every case referred to him 10 under sub-section (3) for determination of compensation as expeditiously as possible and in any case within such time as may be prescribed by rules.

(11) The collector shall determine the amount of costs incurred in any case disposed of by him under this section, and by what 15 persons and in what proportions they are to be paid.

17. (1) Any person aggrieved by the decision of the collector determining the amount of compensation may within sixty days from the date of such decision appeal to the court of the district judge of Delhi. Appeal to the district judge against decision of the collector.

20 (2) The decision of the court of the district judge on such appeal, and subject only to such decision, the decision of the collector determining the amount of compensation shall be final and shall not be questioned in any court.

18. If any dispute arises as to the apportionment of compensation 25 among persons claiming to be entitled thereto the Authority shall refer such dispute for the decision of the court of the district judge of Delhi and the decision of that court thereon shall be final. Disputes as to apportionment of the compensation.

19. (1) Where the amount of compensation is determined by agreement, the Authority shall pay such amount to the person or 30 persons entitled thereto. Payment of compensation or deposit of the same in court.

(2) Where the amount of compensation is determined by the collector under the provisions of section 16, the Authority shall tender payment of the compensation determined to the persons entitled thereto according to such determination and shall pay to them unless 35 prevented by some one or more of the contingencies mentioned in the next sub-section.

(3) If the persons entitled to compensation according to the decision of the collector do not consent to receive it, or if there be no person competent to alienate the land or if there be any dispute 40 as to the title to receive the compensation, the Authority shall deposit the amount of the compensation in the court of the district judge of Delhi:

Provided that any person admitted to be interested may receive such payment under protest as to the sufficiency of the amount of compensation:

Provided further that nothing herein contained shall affect the liability of any person who may receive the whole or any part of any compensation determined under this Act, to pay the same to the person lawfully entitled thereto.

Investment
of the amo-
unt of com-
pensation
deposited in
court.

20. Where any amount of compensation has been deposited in court under section 19, the court may either of its own motion or on the application made by or on behalf of any party interested or claiming to be interested in such amount, order the same to be invested in such Government or other approved securities as it may think proper, and may direct the interest or other proceeds of any such investment to be accumulated and paid in such manner as will, in its opinion, give the parties interested therein the same benefit therefrom as they might have had from the land in respect whereof such amount has been deposited or as near thereto as may be.

Disposal of
land by the
Authority.

21. (1) Subject to any directions given by the Central Government under this Act, the Authority may dispose of—

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(a) any land acquired by it without undertaking or carrying out any development thereon; or

(b) any such land after undertaking or carrying out such development as it thinks fit,

to such persons, in such manner and subject to such covenants and conditions as it considers expedient for securing the development of Delhi according to plan.

(2) The powers of the Authority with respect to the disposal of land acquired by it under this Act shall be so exercised as to secure, so far as practicable, that persons who are living or carrying on business or other activities on land so acquired shall, if they desire to obtain accommodation on land belonging to the Authority and are willing to comply with any requirements of the Authority as to its development and use, have an opportunity to obtain thereon accommodation suitable to their reasonable requirements on terms settled with due regard to the price at which any such land has been acquired from them:

Provided that where the Authority proposes to dispose of by sale any land without any development having been undertaken or carried out thereon, it shall offer the land in the first instance to the persons from whom it was acquired, if they desire to purchase it subject to such requirements as to its development and use as the Authority may think fit to impose.

(3) Nothing in this Act shall be construed as enabling the Authority to dispose of land by way of gift, mortgage or charge, but subject as aforesaid reference in this Act to the disposal of land shall be construed as reference to the disposal thereof in any manner, whether by way of sale, exchange or lease or by the creation of any easement right or privilege or otherwise.

22. (1) The Central Government may, by notification in the Nazul lands Official Gazette and upon such terms and conditions as may be agreed upon between that Government and the Authority, place at the disposal of the Authority all or any developed and undeveloped lands in Delhi vested in the Union (known and hereinafter referred to as "nazul lands") for the purpose of development in accordance with the provisions of this Act.

(2) No development of any nazul land shall be undertaken or carried out except by, or under the control and supervision of, the Authority after such land has been placed at the disposal of the Authority under sub-section (1).

(3) After any such nazul land has been developed by, or under the control and supervision of, the Authority, it shall be dealt with by the Authority in accordance with rules made and directions given by the Central Government in this behalf.

(4) If any nazul land placed at the disposal of the Authority under sub-section (1) is required at any time thereafter by the Central Government, the Authority shall, by notification in the Official Gazette, replace it at the disposal of that Government upon such terms and conditions as may be agreed upon between that Government and the Authority.

CHAPTER VI

FINANCE, ACCOUNTS AND AUDIT

23. (1) The Authority shall have and maintain its own fund to which shall be credited— Fund of the Authority.

(a) all moneys received by the Authority from the Central Government by way of grants, loans, advances or otherwise;

(b) all fees and charges received by the Authority under this Act;

(c) all moneys received by the Authority from the disposal of lands, buildings and other properties, movable and immovable; and

(d) all moneys received by the Authority by way of rents and profits or in any other manner or from any other source.

(2) The fund shall be applied towards meeting the expenses incurred by the Authority in the administration of this Act and for no other purposes.

(3) The Authority may keep in current account of the State Bank of India or any other bank approved by the Central Government in this behalf such sum of money out of its fund as may be prescribed by rules and any money in excess of the said sum shall be invested in such manner as may be approved by the Central Government.

(4) The Central Government may, after due appropriation made by Parliament by law in this behalf, make such grants, advances and loans to the Authority as that Government may deem necessary for the performance of the functions of the Authority under this Act; and all grants, loans and advances made shall be on such terms and conditions as the Central Government may determine.

Budget of
the Authority.

24. The Authority shall prepare in such form and at such time every year as may be prescribed by rules a budget in respect of the financial year next ensuing showing the estimated receipts and expenditure of the Authority and shall forward to the Central Government such number of copies thereof as may be prescribed by rules.

Accounts and
audit.

25. (1) The Authority shall maintain proper accounts and other relevant records and prepare an annual statement of accounts including the balance-sheet in such form as the Central Government may by rules prescribe in consultation with the Comptroller and Auditor-General of India.

(2) The accounts of the Authority shall be subject to audit annually by the Comptroller and Auditor-General of India and any expenditure incurred by him in connection with such audit shall be payable by the Authority to the Comptroller and Auditor-General of India.

(3) The Comptroller and Auditor-General of India and any person appointed by him in connection with the audit of accounts of the Authority shall have the same right, privilege and authority in connection with such audit as the Comptroller and Auditor-General of India has in connection with the audit of the Government accounts and, in particular, shall have the right to demand the production of books, accounts, connected vouchers and other documents and papers and to inspect the office of the Authority.

(4) The accounts of the Authority as certified by the Comptroller and Auditor-General of India or any other person appointed by him in this behalf together with the audit report thereon shall be forwarded annually to the Central Government and that Government

shall cause a copy of the same to be laid before both Houses of Parliament.

26. The Authority shall prepare for every year a report of its activities during that year and submit the report to the Central Government in such form and on or before such date as may be prescribed by rules, and that Government shall cause a copy of the report to be laid before both Houses of Parliament. Annual report.

27. (1) The Authority shall constitute for the benefit of its whole-time paid members and of its officers and other employees in such manner and subject to such conditions, as may be prescribed by rules, such pension and provident funds as it may deem fit. Pension and provident fund.

19 of 1925.

(2) Where any such pension or provident fund has been constituted, the Central Government may declare that the provisions of the Provident Funds Act, 1925, shall apply to such fund as if it were a Government Provident Fund.

CHAPTER VII

SUPPLEMENTAL AND MISCELLANEOUS PROVISIONS

28. The Authority may authorise any person to enter into or upon any land or building with or without assistants or workmen for the purpose of— Powers of entry.

(a) making any enquiry, inspection, measurement or survey or taking levels of such land or building;

(b) examining works under construction and ascertaining the course of sewers and drains;

(c) digging or boring into the sub-soil;

(d) setting out boundaries and intended lines of work;

(e) making such levels, boundaries and lines by placing marks and cutting trenches;

(f) ascertaining whether any land is being or has been developed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted; or

(g) doing any other thing necessary for the efficient administration of this Act:

Provided that—

(i) no such entry shall be made except between the hours of sunrise and sunset and without giving reasonable notice to the occupier, or if there be no occupier, to the owner of the land or building;

(ii) sufficient opportunity shall in every instance be given to enable women (if any) to withdraw from such land or building;

(iii) due regard shall always be had, so far as may be compatible with the exigencies of the purpose for which the entry is made, to the social and religious usages of the occupants of the land or building entered. 5

Penalties.

29. (1) Any person who whether at his own instance or at the instance of any other person or any body (including a department of Government) undertakes or carries out development of any land in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted, shall be punishable with fine which may extend to ten thousand rupees, and in the case of a continuing offence, with further fine which may extend to five hundred rupees for every day during which such offence continues after conviction for the first commission of the offence. 10 15

(2) Any person who uses any land or building in contravention of the provisions of section 14 or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees. 20

(3) Any person who obstructs the entry of a person authorised under section 28 to enter into or upon any land or building or molests such person after such entry shall be punishable with imprisonment for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both. 25

Order of demolition of building.

30. (1) Where the erection of any building in any development area has been commenced and completed in contravention of the master plan or zonal development plan or without the permission referred to in section 12 or in contravention of any condition subject to which such permission has been granted, any officer of the Authority empowered by it in this behalf may, in addition to any prosecution that may be instituted under this Act, make an order directing that such erection shall be demolished by the owner thereof within such period not exceeding two months as may be specified in the order, and on the failure of the owner to comply with the order, the officer may himself cause the erection to be demolished and the expenses of such demolition shall be recoverable from the owner as arrears of land revenue: 30 35 40

Provided that no such order shall be made unless the owner has been given an opportunity to show cause why the order should not be made.

(2) Any person aggrieved by an order under sub-section (1) may appeal to the chairman of the Authority against the order within thirty days from the date thereof; and the chairman may after hearing the parties to the appeal either allow or dismiss the appeal or may reverse or vary any part of the order.

(3) The decision of the chairman on the appeal and subject only to such decision the order under sub-section (1), shall be final and shall not be questioned in any court.

31. (1) Where the erection of any building has been commenced as described in section 30 but has not been completed, the Authority may, in addition to any prosecution that may be instituted under this Act, make an order requiring the building operations in relation to such erection to be discontinued on and from the date of the service of the order.

Power of Authority to stop building operations.

(2) Any person failing to comply with an order under sub-section (1) shall be punishable with fine which may extend to two hundred rupees for every day during which the non-compliance continues after the service of the order.

(3) No compensation shall be claimable by any person for any damage which he may sustain in consequence of the discontinuance of the erection of any building.

32. (1) If the person committing an offence under this Act is a company, every person, who, at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Offences by companies.

Provided that nothing contained in this sub-section shall render any such person liable to any punishment provided in this Act if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1) where an offence under this Act has been committed by a company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of, any director, manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.—For the purposes of this section—

(a) “company” means a body corporate and includes a firm or other association of individuals; and

(b) “director” in relation to a firm means a partner in the firm.

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Fines when realised to be paid to Authority.

33. All fines realised in connection with prosecutions under this Act shall be paid to the Authority.

Composition of offences.

34. (1) The Authority or any person authorised by it by general or special order in this behalf may either before or after the institution of the proceedings compound any offence made punishable by 10 or under this Act.

(2) Where an offence has been compounded, the offender, if in custody shall be discharged and no further proceedings shall be taken against him in respect of the offence compounded.

Default powers of Authority.

35. (1) If the Authority after holding a local inquiry or upon 15 report from any of its officers or other information in its possession, is satisfied that the owner of any land in a development area has failed to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided or to carry out any development of the land for which permission has been obtained 20 under this Act, it may serve upon the owner a notice requiring him to provide the amenity or carry out the development within such time as may be specified in the notice.

(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice, then, the 25 Authority may itself provide the amenity or carry out the development or have it provided or carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section the Authority shall afford reasonable opportunity to the owner of the 30 land to show cause as to why such action should not be taken.

(3) All expenses incurred by the Authority or the agency employed by it in providing the amenity or carrying out the development together with interest at such rate as the Central Government may by order fix, from the date when a demand for the expenses is made until payment may be recovered by the Authority 35 from the owner as arrears of land revenue.

36. Where any area has been developed by the Authority, the Authority may require the local authority within whose local limits the area so developed is situated, to assume responsibility for the maintenance of the amenities which have been provided in the area by the Authority and for the provision of the amenities which have not been provided by the Authority but which in its opinion should be provided in the area, on terms and conditions agreed upon between the Authority and that local authority; and where such terms and conditions cannot be agreed upon, on terms and conditions settled by the Central Government in consultation with the local authority on a reference of the matter to that Government by the Authority.

Power of Authority to require local authority to assume responsibility for amenities in certain cases.

37. (1) Where as a consequence of any development scheme having been executed by the Authority in any area, the value of any property in that area, in the opinion of the Authority, has increased or will increase, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development scheme.

Power of Authority to levy betterment charges

(2) Such betterment charge shall be an amount equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner.

38. (1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 37.

Assessment of betterment charge by Authority.

(2) The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 39.

Settlement
of betterment
charge by
arbitrators.

39. (1) For the determination of the matter referred to in sub-section (4) of section 38, the Central Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land. 5

(2) The arbitrators shall follow such procedure as may be prescribed by rules made in this behalf. 10

(3) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail and that decision shall be the award of the arbitrators.

(4) If any arbitrator dies, resigns, or is removed under sub-section (5) or refuses, or neglects in the opinion of the Central Government, to perform his duties or becomes incapable of performing the same, then the Central Government shall forthwith appoint another fit person to take the place of such arbitrator. 15

(5) If the Central Government is satisfied after such inquiry as it thinks fit—

(a) that an arbitrator has misconducted himself, the Central Government may remove him from his office; 20

(b) that the award of the arbitrators has been improperly procured or that any arbitrator has misconducted himself in connection with such award, the Central Government may set aside the award. 25

(6) An award which has not been set aside by the Central Government under clause (b) of sub-section (5) shall be final and shall not be questioned in any court.

(7) The provisions of the Arbitration Act, 1940, shall not apply to arbitration under this section. 30

Payment of
betterment
charge.

40. (1) The betterment charge levied under this Act shall be payable in such number of instalments and each instalment shall be payable at such time and in such manner as may be fixed by regulations made in this behalf. 35

(2) Any arrear of betterment charge shall be recoverable as an arrear of land revenue.

41. (1) The Authority shall carry out such directions as may be issued to it from time to time by the Central Government for the efficient administration of this Act. Control by
Central Gov-
ernment.

5 (2) If in, or in connection with, the exercise of its powers and discharge of its functions by the Authority under this Act, any dispute arises between the Authority and the Central Government the decision of the Central Government on such dispute shall be final.

10 42. The Authority shall furnish to the Central Government such reports, returns and other information as that Government may from time to time require. Returns and
information.

43. (1) All notices, orders and other documents required by this Act or any rule or regulation made thereunder to be served upon any person shall, save as otherwise provided in this Act or such rule or regulation, be deemed to be duly served— Service of
notices, etc;

15 (a) where the person to be served is a company if the document is addressed to the secretary of the company at its registered office or at its principal office or place of business and is either—

(i) sent by registered post, or

20 (ii) delivered at the registered office or at the principal office or place of business of the company;

(b) where the person to be served is a partnership, if the document is addressed to the partnership at its principal place of business, identifying it by the name or style under which its business is carried on, and is either—

(i) sent by registered post, or

(ii) delivered at the said place of business;

30 (c) where the person to be served is a public body or a corporation or society or other body, if the document is addressed to the secretary, treasurer or other head officer of that body, corporation or society at its principal office, and is either—

(i) sent by registered post, or

(ii) delivered at that office;

35 (d) in any other case, if the document is addressed to the person to be served and—

(i) is given or tendered to him, or

(ii) if such person cannot be found, is affixed on some conspicuous part of his last known place of residence or

business, if within the Union territory of Delhi or is given or tendered to some adult member of his family or is affixed on some conspicuous part of the land or building to which it relates, or

(iii) is sent by registered post to that person.

5

(2) Any document which is required or authorised to be served on the owner or occupier of any land or building may be addressed "the owner" or "the occupier", as the case may be, of that land or building (naming that land or building) without further name or description, and shall be deemed to be duly served—

10

(a) if the document so addressed is sent or delivered in accordance with clause (d) of sub-section (1); or

(b) if the document so addressed or a copy thereof so addressed, is delivered to some person on the land or building or, where there is no person on the land or building to whom it can be delivered, is affixed to some conspicuous part of the land or building.

(3) Where a document is served on a partnership in accordance with this section, the document shall be deemed to be served on each partner.

20

(4) For the purpose of enabling any document to be served on the owner of any property the secretary to the Authority may by notice in writing require the occupier (if any) of the property to state the name and address of the owner thereof.

(5) Where the person on whom a document is to be served is a minor, the service upon his guardian or any adult member of his family shall be deemed to be service upon the minor.

25

(6) A servant is not a member of the family within the meaning of this section.

Public notice
how to be
made known.

44. Every public notice given under this Act shall be in writing over the signature of the secretary to the Authority and shall be widely made known in the locality to be affected thereby by affixing copies thereof in conspicuous public places within the said locality, or by publishing the same by beat of drum or by advertisement in local newspaper or by any two or more of these means, and by any other means that the secretary may think fit.

30

35

Notices, etc.,
to fix
reasonable
time.

45. Where any notice, order or other document issued or made under this Act or any rule or regulation made thereunder requires anything to be done for the doing of which no time is fixed in this Act or the rule or regulation, the notice, order or other document shall specify a reasonable time for doing the same.

40

46. All permissions, orders, decisions, notices and other documents of the Authority shall be authenticated by the signature of the secretary to the Authority or any other officer authorised by the Authority in this behalf. Authentification of orders and documents of the Authority.

5 47. Every member and every officer and other employee of the Authority shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code. Members and officers to be public servants.
45 of 1860.

48. No court inferior to that of a magistrate of the first class shall try an offence punishable under this Act. Jurisdiction of courts.

10 49. No prosecution for any offence punishable under this Act shall be instituted except with the previous sanction of the Authority or any officer authorised by the Authority in this behalf. Sanction of prosecution.

5 50. Notwithstanding anything contained in section 32 of the Code of Criminal Procedure, 1898, it shall be lawful for any court of a magistrate of the first class to pass any sentence authorised by this Act in excess of its powers under the said section. Magistrate's power to impose enhanced penalties.
5 of 1898.
15

51. No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act or any rule or regulation made thereunder. Protection of action taken in good faith.

20 52. The Authority may, by notification in the Official Gazette, direct that any power exercisable by it under this Act except the power to make regulations may also be exercised by such officer or local authority as may be mentioned therein, in such cases and subject to such conditions, if any, as may be specified therein. Power to delegate.
96 of 1956.

25 53. (1) Nothing in this Act shall affect the operation of the Slum Areas (Improvement and Clearance) Act, 1956. Effect of other laws.

(2) Save as aforesaid, the provisions of this Act and the rules and regulations made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law.

30 (3) Notwithstanding anything contained in any such other law—

(a) when permission for development in respect of any land has been obtained under this Act such development shall not be deemed to be unlawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has not been obtained;

35

(b) when permission for such development has not been obtained under this Act, such development shall not be deemed

to be lawfully undertaken or carried out by reason only of the fact that permission, approval or sanction required under such other law for such development has been obtained.

Savings.

54. Nothing in this Act shall apply to—

(a) the carrying out of works for the maintenance, improve-⁵ment or other alteration of any building, being works which affect only the interior of the building or which do not materially affect the external appearance of the building;

(b) the carrying out by any local authority or by any department of Government of any works for the purpose of ins-¹pecting, repairing or renewing any drains, sewers, mains, pipes, cables or other apparatus including the breaking open of any street or other land for that purpose;

(c) the erection of a building, not being a dwelling house if such building is required for the purposes subservient to agri-¹⁵culture;

(d) the erection of a place of worship or a tomb or cenotaph or of a wall enclosing a graveyard, place of worship, cenotaph or *samadhi* on land which at the commencement of this Act is occupied by or for the purpose of such worship, tomb, cenotaph, ²⁰graveyard or *samadhi*;

(e) the excavations (including wells) made in the ordinary course of agricultural operations; and

(f) the construction of unmetalled road intended to give access to land solely for agricultural purposes.

25

Plans to
stand mod-
ified in
certain cases.

55. (1) Where any land situated in any area in Delhi is required by the master plan or a zonal development plan to be kept as an open space or unbuilt upon or is designated in any such plan as subject to compulsory acquisition, then, if at the expiration of ten years from the date of operation of the plan under section 11 ³⁰or where such land has been so required or designated by any amendment of such plan, from the date of operation of such amendment, the land is not compulsorily acquired under the provisions of this Act or, as the case may be, of any other law relating to acquisition of immovable property, by the authority for the time ³⁵being charged with the development of the area in which the land is situated, the owner of the land may serve on the authority a notice requiring his interest in the land to be so acquired.

(2) If the authority for the time being charged with the development of the area fails to acquire the land within a period of six ⁴⁰months from the date of receipt of the notice, the master plan or,

as the case may be, the zonal development plan shall have effect, after the expiration of the said six months as if the land were not required to be kept as an open space or unbuilt upon or were not designated as subject to compulsory acquisition.

- 5 56. (1) The Central Government, after consultation with the Authority, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act: Power to make rules.

Provided that consultation with the Authority shall not be necessary on the first occasion of the making of rules under this section, 10 but the Central Government shall take into consideration any suggestions which the Authority may make in relation to the amendment of such rules after they are made.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following 15 matters, namely:—

(a) the manner of election of representatives of the Municipal Corporation of Delhi under clause (e) of sub-section (3) of section 3;

20 (b) the qualifications and disqualifications for being chosen as, and for being, members of the Authority or the Advisory Council;

(c) the salaries, allowances and conditions of service of the whole-time paid members of the Authority;

25 (d) the control and restrictions in relation to appointment of officers and other employees;

30 (e) the form and content of the master plan and a zonal development plan and the procedure to be followed in connection with the preparation, submission and approval of such plans and the form, and the manner of publication, of the notice relating to any such plan in draft;

(f) the local inquiries and other hearings that may be held before a plan is approved;

35 (g) the periodical amendment of the master plan and a zonal development plan, the period at the expiration of which such amendment may be taken up, the procedure to be followed in making such amendment and the date of operation of such amendment;

40 (h) the fee to be paid on an application for permission under sub-section (1) of section 13 and the factors and circumstances to be taken into consideration in determining such fee;

(i) the time within which cases referred to the collector under sub-section (3) of section 16 for determination of compensation shall be disposed of;

(j) the manner in which nazul lands shall be dealt with after development;

(k) the procedure for referring any matter to the Central Government under section 36 for settlement of terms and conditions subject to which a local authority may be required to assume responsibility for amenities in any area;

(l) the procedure to be followed by arbitrators in the determination of betterment charge;

(m) the sum of money that may be kept in current account;

(n) the form of the budget of the Authority and the manner of preparing the same;

(o) the form of the balance-sheet and statement of accounts;

(p) the form of the annual report and the date on or before which it shall be submitted to the Central Government;

(q) the manner of constitution of the pension and provident funds for whole-time paid members and officers and other employees of the Authority and the conditions subject to which such funds may be constituted;

(r) any other matter which has to be, or may be, prescribed by rules.

Power to
make
regulations.

57. (1) The Authority may, with the previous approval of the Central Government, make regulations consistent with this Act and the rules made thereunder, to carry out the purposes of this Act, and without prejudice to the generality of this power, such regulations may provide for—

(a) the summoning and holding of meetings of the Authority, the time and place where such meetings are to held, the conduct of business at such meetings and the number of members necessary to form a quorum thereat;

(b) the powers and duties of the secretary and chief accounts officer of the Authority;

(c) the salaries, allowances and conditions of service of the secretary, chief accounts officer and other officers and employees;

(d) the procedure for the carrying out of the functions of the Authority under Chapter III;

(e) the form in which any application for permission under sub-section (1) of section 13 shall be made and the particulars to be furnished in such application;

(f) the terms and conditions subject to which user of lands and buildings in contravention of plans may be continued;

(g) the manner of publication of the notice under section 15;

(h) the manner of communicating the grounds of refusal of permission for development;

5 (i) the form of the register of applications for permission and the particulars to be contained in such register;

(j) the management of the properties of the Authority; and

(k) the time and manner of payment of betterment charge;

10 (l) any other matter which has to be, or may be, prescribed by regulations.

(2) Until the Authority is established under this Act, any regulation which may be made under sub-section (1) may be made by the Central Government; and any regulation so made may be altered or rescinded by the Authority in exercise of its powers under sub-section (1).

30 53. All rules and regulation made under this Act shall be laid for not less than thirty days before each House of Parliament as soon as may be after they are made and shall be subject to such modifications as Parliament may make during the session in which they are so laid or the session immediately following. Laying of rules and regulations before Parliament.

25 54. (1) Where the Central Government is satisfied that the purposes for which the Authority was established under this Act have been substantially achieved so as to render the continued existence of the Authority in the opinion of the Central Government unnecessary, that Government may by notification in the Official Gazette declare that the Authority shall be dissolved with effect from such date as may be specified in the notification; and the Authority shall be deemed to be dissolved accordingly. Dissolution of the Authority.

(2) From the said date—

30 (a) all properties, funds and dues which are vested in, or realisable by, the Authority shall vest in, or be realisable by the Central Government;

(b) all nazul lands placed at the disposal of the Authority shall revert to the Central Government;

35 (c) all liabilities which are enforceable against the Authority shall be enforceable against the Central Government; and

40 (d) for the purpose of carrying out any development which has not been fully carried out by the Authority and for the purpose of realising properties, funds and dues referred to in clause (a), the functions of the Authority shall be discharged by the Central Government.

Repeal, etc.
and savings

60. (1) As from the date of the constitution of the Authority,—

- (a) the United Provinces Town Improvement Act, 1919, shall cease to have effect in the Union territory of Delhi; and
- (b) the Delhi (Control of Building Operations) Act, 1955, shall stand repealed.

U. P. Act
VIII of 1919,
53 of 1955.

5

(2) Notwithstanding the provisions of sub-section (1)—

(a) every officer and other employee serving under the Delhi Improvement Trust or the Delhi Development (Provisional) Authority immediately before the date of the constitution of the Authority shall, on and from such date, be transferred to and become an officer or other employee of the Authority with such designations as the Authority may determine and shall hold office by the same tenure, at the same remuneration and on the same terms and conditions of service as he would have held the same if the Authority had not been constituted, and shall continue to do so unless and until such tenure, remuneration and terms and conditions are duly altered by the Authority:

10

15

Provided that any service rendered by any such officer or other employee before the constitution of the Authority shall be deemed to be service rendered under it.

20

Provided further that the Authority may employ any such officer or other employee in the discharge of such functions under this Act as it may think proper and every such officer or other employee shall discharge those functions accordingly;

(b) anything done or any action taken (including any appointment, delegation, notification, order, scheme, permission, rule, bye-law, regulation or form made, granted or issued) under any of the aforesaid Acts, shall, so far as it is not inconsistent with the provisions of this Act, continue in force and be deemed to have been done or taken under the provisions of this Act unless and until it is superseded by anything done or any action taken under the said provisions;

25

30

(c) all debts, obligations and liabilities incurred, all contracts entered into and all matters and things engaged to be done by, with or for the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall be deemed to have been incurred, entered into or engaged to be done by, with or for the Authority;

35

(d) all properties movable and immovable vested in the Delhi Improvement Trust or the Delhi Development (Provisional) Authority shall vest in the Authority;

40

(e) all rents, fees and other sums of money due to the Delhi Development Trust or the Delhi Development (Provisional) Authority shall be deemed to be due to the Authority;

(f) all suits, prosecutions and other legal proceedings instituted or which might have been instituted by, for or against the Delhi Improvement Trust or the Delhi Improvement (Provisional) Authority may be continued or instituted by, for or against the Authority.

45

APPENDIX I

(Vide para 2 of the Report)

*Motion in the Lok Sabha for reference of the Bill to
Joint Committee*

"That the Delhi Development Bill, 1957, be referred to a Joint Committee of the Houses consisting of 45 members; 30 from this House, namely:—

1. Dr. P. Subbarayan
2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhury Brahm Perakash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shrimati Subhadra Joshi
8. Shri P. Hanmanth Rao
9. Shri Kailash Pati Sinha
10. Shri Shree Narayan Das
11. Shri Satis Chandra Samanta
12. Shri Tayappa Hari Sonavane
13. Shri Mathew Maniyangadan
14. Pandit Jwala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Ram Shanker Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Mahadevappa Rampure
20. Shri Jaswantraj Mehta
21. Shri Shivram Rango Rane
22. Shrimati Renu Chakravartty
23. Chaudhary Pratap Singh Daulta
24. Shri Surendranath Dwivedy
25. H. H. Maharaja Pratap Keshari Deo
26. Shri Ignace Beck

27. Shri Arjun Singh Bhadauria

28. Shri D. R. Chavan

29. Shri B. Pocker, and

30. Shri B. N. Datar

and 15 members from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the first day of the next Session;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees will apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of members to be appointed by Rajya Sabha to the Joint Committee."

APPENDIX II

(*Vide* para 3 of the Report)

Motion in the Rajya Sabha

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to provide for the development of Delhi according to plan and for matters ancillary thereto, and resolves that the following members of the Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Shri M. C. Shah
2. Shri Deokinandan Narayan
3. Shri Santosh Kumar Basu
4. Shri Awadheshwar Prasad Sinha
5. Shri Algu Rai Shastri
6. Shri Hira Vallabha Tripathi
7. Shri Onkar Nath
8. Begum Saddiqua Kidwai
9. Shri V. M. Surendra Ram
10. Shri Mohamed Valiulla
11. Dr. Raj Bahadur Gour
12. Shri N. B. Deshmukh
13. Shri Kishen Chand
14. Prof. A. R. Wadia
15. Shri Govind Ballabh Pant."

APPENDIX III

MINUTES OF THE JOINT COMMITTEE ON THE DELHI DEVELOPMENT BILL, 1957.

I

First Sitting

The Committee met from 12.00 hours to 13.45 hours on Wednesday, the 9th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jwala Prasad Jyotishi
16. Shri Sunder Lal
17. Shri Ram Shankar Lal
18. Shri Sumat Prasad
19. Shri C. Nanjappan
20. Shri Jaswantraaj Mehta
21. Shri Shivram Rango Rane
22. Chaudhary Pratap Singh Daulta

23. Shri Surendranath Dwivedy
24. H.H. Maharaja Pratap Keshari Deo
25. Shri Ignace Beck
26. Shri Arjun Singh Bhadauria
27. Shri D. R. Chavan
28. Shri B. N. Datar

Rajya Sabha

29. Shri M. C. Shah
30. Shri Deokinandan Narayan
31. Shri Santosh Kumar Basu
32. Shri Awadheshwar Prasad Sinha
33. Shri Algu Rai Shastri
34. Shri Onkar Nath
35. Begum Saddiqa Kidwai
36. Shri V. M. Surendra Ram
37. Shri Mohamed Valiulla
38. Dr. Raj Bahadur Gour
39. Shri N. B. Deshmukh
40. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri A. V. Pai, *Secretary, Ministry of Home Affairs.*

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee had a preliminary discussion on the provisions of the Bill.

3. The Committee then adjourned to meet again at 15.00 hours on Thursday, the 10th October, 1957.

II

***Second Sitting**

The Committee met from 15.10 hours to 19.00 hours on Thursday the 10th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jwala Prasad Jyotishi
16. Shri Ram Shankar Lal
17. Shri C. Nanjappan
18. Shri Jaswantraj Mehta
19. Shri Shivram Rango Rane
20. Chaudhary Pratap Singh Daulta
21. Shri Surendranath Dwivedy
22. H. H. Maharaja Pratap Keshari Deo
23. Shri Ignace Beck
24. Shri Arjun Singh Bhadauria

25. Shri D. R. Chavan

26. Shri B. N. Datar

Rajya Sabha

27. Shri M. C. Shah

28. Shri Deokinandan Narayan

29. Shri Santosh Kumar Basu

30. Shri Awadheshwar Prasad Sinha

31. Shri Algu Rai Shastri

32. Shri Onkar Nath

33. Begum Saddiqa Kidwai

34. Shri V. M. Surendra Ram

35. Shri Mohamed Valiulla

36. Dr. Raj Bahadur Gour

37. Shri N. B. Deshmukh

38. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

SECRETARIAT

Shri N. N. Mallya, *Deputy Secretary.*

2. The Committee had further preliminary discussion on the provisions of the Bill.

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6. The Committee then adjourned to meet again at 15.00 hours on Friday, the 11th October, 1957.

*Paras 3 to 5 which deal with the Delhi Municipal Corporation Bill, 1957, have not been included in this Minutes.

III

***Third Sitting**

The Committee met from 15·10 hours to 16·00 hours and 17·45 hours to 20·00 hours on Friday, the 11th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Shri Mathew Maniyangadan
15. Pandit Jwala Prasad Jyotishi
16. Shri Ram Shankar Lal
17. Shri Sumat Prasad
18. Shri C. Nanjappan
19. Shri Jaswantraj Mehta
20. Shri Shivram Rango Rane
21. Chaudhary Pratap Singh Daulta
22. Shri Surendranath Dwivedy
23. H. H. Maharaja Pratap Keshari Deo
24. Shri Ignace Beck
25. Shri Arjun Singh Bhadauria

- 26. Shri D. R. Chavan . .
- 27. Shri B. Pocker
- 28. Shri B. N. Datar

Rajya Sabha

- 29. Shri M. C. Shah
- 30. Shri Deokinandan Narayan
- 31. Shri Santosh Kumar Basu
- 32. Shri Awadheshwar Prasad Sinha
- 33. Shri Onkar Nath
- 34. Shri Mohamed Valiulla
- 35. Dr. Raj Bahadur Gour
- 36. Shri N. B. Deshmukh
- 37. Shri Kishen Chand.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*
Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

* * *

6. The Committee then heard the evidence tendered by Shri R. N. Agarwala, President, Delhi Municipal Committee.

* * *

*Paras 2 to 5 and 7 which deal with the Delhi Municipal Corporation Bill, 1957, have not been included in this Minutes.

IV

Fourth Sitting

The Committee met from 14·45 hours to 18·20 hours on Saturday, the 19th October, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Dr. P. Subbarayan
3. Shrimati Sucheta Kripalani
4. Shri Radha Raman
5. Choudhury Brahm Perakash
6. Shri C. Krishnan Nair
7. Shri Naval Prabhakar
8. Shrimati Subhadra Joshi
9. Shri P. Hanmanth Rao
10. Shri Kailash Pati Sinha
11. Shri Shree Narayan Das
12. Shri Satis Chandra Samanta
13. Shri Tayappa Hari Sonavane
14. Pandit Jwala Prasad Jyotishi
15. Shri Sunder Lal
16. Shri Ram Shanker Lal
17. Shri C. Nanjappan
18. Shri Jaswantraj Mehta
19. Shri Shivram Rango Rane
20. Shrimati Renu Chakravartty
21. Chaudhary Pratap Singh Daulta
22. Shri Surendranath Dwivedy
23. Shri Arjun Singh Bhadauria
24. Shri D. R. Chavan
25. Shri B. Pocker
26. Shri B. N. Datar

Rajya Sabha

27. Shri M. C. Shah
28. Shri Deokinandan Narayan
29. Shri Santosh Kumar Basu
30. Shri Algu Rai Shastri
31. Shri Hira Vallabha Tripathi
32. Shri Onkar Nath
33. Begum Saddiqa Kidwai
34. Shri Mohamed Valiulla
35. Dr. Raj Bahadur Gour
36. Shri N. B. Deshmukh.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

Shri A. V. Venkatasubban, *Deputy Secretary, Ministry of Health.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee took up clause by clause consideration of the Bill.

3. *Clause 1.*—The clause was adopted without any amendment.

4. *Clause 2.*—The following amendment was accepted:

In page 2, line 8,

after "road" insert "and the laying out of means of water supply."

The Committee felt that definition of the words "to erect" in item (j) should be given in full.

Subject to the above the clause was adopted.

5. *Clause 3.*—The Committee felt that the membership of the Delhi Development Authority should be raised by four out of which two should be elected by Delhi Advisory Committee and two members to be nominated by the Central Government.

The following amendments were accepted:—

(i) In page 2, line 37,

Omit "from amongst officers of that Government"

(ii) In page 3,

for lines 3-6, substitute—

"(e) as and when the Municipal Corporation of Delhi is established, two representatives of that Corporation to be elected by the members from among themselves; and"

(iii) In page 3, line 22,

for "three" substitute "four"

(iv) In page 3, line 26,

for "councillor" substitute "member"

The draftsman was directed to recast the clause accordingly.

6. *Clause 4.*—The clause was adopted without any amendment.

7. *Clause 5.*—The following amendments were accepted:—

(i) In page 4, line 28,

for "councillors" substitute "members"

(ii) In page 5, lines 11-12,

for "required to do so by the Authority" substitute "necessary".

(iii) In page 5, line 13,

for "three" substitute "four"

The clause as amended was adopted.

8. *Clauses 6 to 9.*—These clauses were adopted without any amendment.

9. *New Clause 9 A.*—The following new clause was adopted:—

In page 7,

after line 22, insert—

"9A. Procedure to be followed in the preparation and approval of plans.—(1) Before preparing any plan finally and submitting it to the Central Government for approval, the Authority shall prepare a plan in draft and publish it by making a copy thereof available for inspection and publishing a notice in such form and manner as may be prescribed by rules made in this behalf inviting objections and suggestions from any person with respect to the draft plan before such date as may be specified in the notice.

(2) The Authority shall also give reasonable opportunities to every local authority within whose local limits and land touched by the plan is situated, to make any representation with respect to the plan.

(3) After considering all objections, suggestions and representations that may have been received by the Authority, the Authority shall finally prepare the plan and submit it to the Central Government for its approval.

(4) Provisions may be made by rules made in this behalf with respect to the form and content of a plan and with respect to the procedure to be followed and any other matter, in connection with the preparation, submission and approval of such plan.

(5) Subject to the foregoing provisions of this section the Central Government may direct the Authority to furnish such information as that Government may require for the purpose of approving any plan submitted to it under this section."

10. *Clause 10.*—The clause was adopted without any amendment.

11. *Clause 11.*—The following amendment was accepted:—

In page 8, lines 21-22,

after "Government" insert "or any local authority"

The clause as amended was adopted.

12. *Clause 12.*—The Committee felt that the reason for the refusal of the application should be recorded in writing.

The draftsman was directed to include a suitable provision accordingly.

13. *New Clause 12A.*—The following new clause was adopted:—

In page 9,

after line 22, insert—

"12A. User of land and buildings in contravention of plans.—After the coming into operation of any of the plans in a zone no person shall use or permit to be used any land or buildings in that zone otherwise than in conformity with such plan:

Provided that it shall be lawful to continue to use any land or building for the purpose and to the extent for and to which it is being used upon the date on which such plan comes into force upon such terms and conditions as may be prescribed by regulations made in this behalf."

14. *Clause 13.*—The clause was adopted without any amendment.

15. *Clause 14.*—The Committee felt that it should be made clear that the provisions of the Slum Clearance Act would not be affected by the provisions of this Act.

Subject to this the clause was adopted.

16. *Clauses 15 to 26.*—These clauses were adopted without any amendment.

17. *Clause 27.*—The following amendment was accepted:—

In page 16,

after line 36, insert—

“(1A) Any person who uses any land or building in contravention of the provisions of section 12A or in contravention of any terms and conditions prescribed by regulations under the proviso to that section shall be punishable with fine which may extend to five thousand rupees.”

The clause as amended was adopted.

18. *Clause 28.*—The following amendment was accepted:—

In page 17, line 1,

after “any building” insert “in any development area”

The clause as amended was adopted.

19. *Clauses 29 to 32.*—These clauses were adopted without any amendment.

20. *Clause 33.*—The following amendments were accepted:—

(i) In page 18, lines 31-32,

for “to carry out any development of land which in the opinion of the Authority ought to be carried out or”
substitute “to provide any amenity in relation to the land which in the opinion of the Authority ought to be provided or to carry out any development of the land.”

(ii) In page 18,

for lines 36-38, substitute—

“(2) If any such amenity is not provided or any such development is not carried out within the time specified in the notice,

then, the Authority may itself carry it out or have it carried out through such agency as it deems fit:

Provided that before taking any action under this sub-section the Authority shall afford reasonable opportunities to the owner of the land to show cause as to why such action should not be taken."

The clause as amended was adopted.

21. *Clause 34.*—The clause was adopted without any amendment.

22. *Clause 35.*—The following amendment was accepted:—

In pages 19-20,

for lines 16-40 and 1-13, *substitute—*

"35. Power of Authority to levy betterment charges.— (1) Where as a consequence of any development scheme having been executed by the Authority in any area, the value of any property in that area, in the opinion of the Authority, has increased or will be increased, the Authority shall be entitled to levy upon the owner of the property or any person having an interest therein a betterment charge in respect of the increase in value of the property resulting from the execution of the development scheme.

(2) Such betterment charge shall be an amount equal to one-third of the amount by which the value of the property on the completion of the execution of the development scheme estimated as if the property were clear of buildings exceeds the value of the property prior to such execution estimated in like manner.

35A. Assessment of betterment charge by Authority.—(1) When it appears to the Authority that any particular development scheme is sufficiently advanced to enable the amount of the betterment charge to be determined, the Authority may, by an order made in this behalf, declare that for the purpose of determining the betterment charge the execution of the scheme shall be deemed to have been completed and shall thereupon give notice in writing to the owner of the property or any person having an interest therein that the Authority proposes to assess the amount of the betterment charge in respect of the property under section 35.

(2) The Authority shall then assess the amount of betterment charge payable by the person concerned after giving such person an opportunity to be heard and such person shall, within three months from the date of receipt of the notice in writing of such assessment from the Authority, inform the Authority by a declaration in writing that he accepts the assessment or dissents from it.

(3) When the assessment proposed by the Authority is accepted by the person concerned within the period specified in sub-section (2) such assessment shall be final.

(4) If the person concerned dissents from the assessment or fails to give the Authority the information required by sub-section (2) within the period specified therein the matter shall be determined by arbitrators in the manner provided in section 35B.

35B. Settlement of betterment charge by arbitrators.— (1) For the determination of the matter referred to in sub-section (4) of section 35A, the Central Government shall appoint three arbitrators of whom one at least shall have special knowledge of the valuation of land.

(2) The arbitrators shall follow such *procéduré* as may be prescribed by rules made in this behalf.

(3) In the event of any difference of opinion among the arbitrators the decision of the majority shall prevail.

(4) If any arbitrator dies, resigns, or is removed under sub-section (5) or refuses, or neglects in the opinion of the Central Government, to perform his duties or becomes incapable of performing the same, then the Central Government shall forthwith appoint another fit person to take the place of such arbitrator.

(5) If the Central Government is satisfied after such inquiry as it thinks fit that an arbitrator has misconducted himself, then, it may remove him from his office.

(6) If the Central Government is satisfied after such inquiry as it thinks fit that the award of the arbitrators has been improperly procured or that any arbitrator has misconducted himself in connection with such award, the Central Government may set aside the award.

(7) An award which has not been set aside by the Central Government under sub-section (6) shall be final and shall not be questioned in any court.

(8) The provisions of the Arbitration Act, 1940 shall not apply to arbitration under this section.

35C. Payment of betterment charge.—(1) The betterment charge levied under this Act shall be payable in such number of instalments and instalment shall be payable at such time and in such manner as may be fixed by regulations made in this behalf.

(2) Any arrear of the betterment charge shall be recoverable as an arrear of land revenue."

23. *Clause 36 to 50.*—These clauses were adopted without any amendment.

24. *Clause 51.*—The following amendment was accepted:—

In page 24,

after line 32, insert—

“(bb) qualifications and disqualifications applicable to members of the Authority or the Advisory Council in their appointment and continuance as members.”

The clause as amended was adopted.

25. *Clauses 52 to 55.*—These clauses were adopted without any amendment.

26. The Committee then adjourned to meet again at 15.00 hours on Friday, the 8th November, 1957.

V

FIFTH SITTING

The Committee met from 16.20 hours to 16.40 hours on Friday,
the 8th November, 1957.

PRESENT

Shri Govind Ballabh Pant—*Chairman*

MEMBERS

Lok Sabha

2. Shrimati Sucheta Kripalani
3. Shri Radha Raman
4. Choudhury Brahm Perakash
5. Shri C. Krishnan Nair
6. Shri Naval Prabhakar
7. Shri Kailash Pati Sinha
8. Shri Shree Narayan Das
9. Shri Satis Chandra Samanta
10. Shri Tayappa Hari Sonavane
11. Pandit Jwala Prasad Jyotishi
12. Shri Sundar Lal
13. Shri Ram Shanker Lal
14. Shri C. Nanjappan
15. Shri Shivram Rango Rane
16. Shrimati Renu Chakravartty
17. Chaudhary Pratap Singh Daulta
18. Shri Surendranath Dwivedy
19. Shri Ignace Beck
20. Shri Arjun Singh Bhadauria
21. Shri B. Pocker
22. Shri B. N. Datar

Rajya Sabha

23. Shri M. C. Shah
24. Shri Deokinandan Narayan
25. Shri Santosh Kumar Basu
26. Shri Awadheshwar Prasad Sinha
27. Shri Algu Rai Shastri
28. Shri Onkar Nath

29. Begum Saddiqa Kidwai
30. Shri Mohamed Valiulla
31. Dr. Raj Bahadur Gour
32. Shri N. B. Deshmukh
33. Prof. A. R. Wadia.

DRAFTSMAN

Shri S. P. Sen Verma, *Additional Draftsman, Ministry of Law.*

REPRESENTATIVES OF MINISTRIES AND OTHER OFFICERS

Shri Hari Sharma, *Joint Secretary, Ministry of Home Affairs.*

Shri P. R. Nayak, *O.S.D. (Corporation), Ministry of Home Affairs.*

Shri P. N. Singhal, *Deputy Secretary, Ministry of Home Affairs.*

SECRETARIAT

Shri A. L. Rai, *Under Secretary.*

2. The Committee adopted the Bill as amended.
 3. The Committee considered the draft Report and adopted the same.
 4. The Committee felt that the memorandum on the Bill received by the Committee from the Delhi State Housing Association, Delhi should be placed in the Library for reference of members of the two Houses.
 5. The Committee authorised the Chairman to present the Report on their behalf.
 6. The Committee also authorised the Chairman to lay the Report on the Table of the Rajya Sabha.
 7. The Committee then adjourned at 16.40 hours.
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