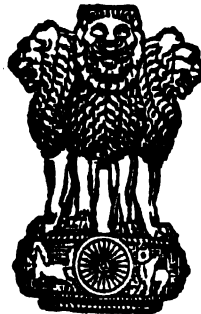


COMMITTEE ON ASSURANCES

(THIRD REPORT)



सत्यमेव जयते

LOK SABHA SECRETARIAT

NEW DELHI

December, 1956

REPORT

CONTENTS

	PAGES
Members of the Committee on Assurances	(ii)
I. Introduction	I
II. Sitings of the Committee	I
III. Assurances given in the House on the 29th September, 1951 during the course of discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill, 1950	1
IV. Dropping of an assurance in public interest	2
V. Consideration of new formula regarding assurances	2
VI. Examination of procedure relating to assurances	2-3
VII. Outstanding assurances	3
VIII. Appendices—	
Appendix I . . . Questionnaire No. 1	7-8
Appendix II . . . Questionnaire No. 2	9—11
Appendix III . . . Replies to Questionnaire No. 1 from the Ministry of Works, Housing and Supply	12—14
Appendix IV . . . Replies to Questionnaire No. 2 from the Ministry of Works, Housing and Supply	15—18
Appendix V . . . Statement regarding outstanding assurances	19

LIST OF MEMBERS OF THE COMMITTEE ON
ASSURANCES

1. Shri K. S. Raghavachari—*Chairman.*
2. Shri Jaswantraj Mehta.
3. Shri T. B. Vittal Rao.
4. Shri K. A. Damodara Menon.
5. Shri A. E. T. Barrow.
6. Shri Anirudha Sinha.
7. Shri Radha Charan Sharma.
8. Shrimati Tarkeshwari Sinha.
9. Pandit Krishna Chandra Sharma.
10. Shri C. P. Matthen.
11. Sardar Iqbal Singh.
12. Shri Basanta Kumar Das.
13. Shri Bhupendra Nath Misra.
14. Shri R. Venkataraman.
15. Pandit Lingaraj Misra.

SECRETARIAT

Shri S. L. Shakdher—*Joint Secretary.*
Shri A. S. Rikhy—*Deputy Secretary.*
Shri V. Narasimhan—*Under Secretary.*

I

INTRODUCTION

1, the Chairman of the Committee on Assurances, having been authorised by the Committee to present the report on their behalf, present this third report of the Committee.

2. After the presentation of their Second Report on the 5th May, 1955, the Committee was reconstituted on the 9th May, 1955 and then again on the 13th June, 1956.

II

SITTINGS OF THE COMMITTEE

3. The Committee held nine sittings (namely, on the 9th September, 1955; 22nd December, 1955; 24th March, 1956; 10th April, 1956; 9th August, 1956; 5th September, 1956; 13th September, 1956 and the 14th and 22nd December, 1956) and considered the nature and extent of implementation of a number of assurances and procedural matters connected with the implementation of assurances.

4. At their sittings held on the 9th September, 1955 and the 22nd December, 1956, the Committee agreed to the deletion of certain assurances which had outlived their utility from the list of pending assurances.

III

ASSURANCES GIVEN IN THE HOUSE ON THE 29TH SEPTEMBER, 1951 DURING THE COURSE OF DISCUSSION ON THE DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL, 1950

5. In connection with the above assurances, the Ministry forwarded a memorandum to the Committee, as also laid the same on the Table of the House on the 3rd April, 1956 indicating the action taken by the various authorities under Government in the matter. Apart from considering this memorandum, the Committee desired to have some further information on certain points before they arrived at a decision with regard to the implementation of these assurances. They, therefore, framed two questionnaires (Appendices I & II) at their sittings held on the 24th March, 1956 and 10th April, 1956. The Ministry furnished the information asked for in the questionnaires (Appendices III & IV). The Committee at their sitting held on the 10th April, 1956 also examined the representatives of the Ministries of Works, Housing and Supply, Health, Rehabilitation and of the Delhi State Government, in order to obtain clarification about certain information contained in their Memorandum.

6. After examining all the facts, the Committee came to the conclusion that the assurances had been satisfactorily implemented.

IV

DROPPING OF AN ASSURANCE IN PUBLIC INTEREST

7. In regard to a pending assurance, the Speaker forwarded to the Committee for its consideration a communication, he had received from the Minister of Parliamentary Affairs to the effect that it was not in the public interest to disclose the information promised in answer to the original question. The Committee agree that it is within the rights of Government not to disclose information in public interest and recommend that the assurance may be dropped. The Committee feel that in cases of doubt the Committee should refer such matters to the Speaker for guidance.

V

CONSIDERATION OF NEW FORMULA REGARDING ASSURANCES

8. The Committee at their sitting held on the 22nd December, 1955 considered the following formula suggested by the Department of Parliamentary Affairs in regard to the implementation of assurances :

"An assurance should be deemed to have been satisfactorily implemented when information furnished in implementation of it is of such content as would not have caused an assurance to arise if it had been given at the time of answering a question on the floor of the House."

9. While the Committee agreed to bear the above suggestion in mind in considering the nature and extent of implementation of assurances, they decided that each case should be decided on its own merits. In this connection, the Committee felt that it was always open to Government to bring to the notice of the Committee any facts which they desired the Committee to be seized of with respect to any specific assurance.

VI

EXAMINATION OF PROCEDURE RELATING TO ASSURANCES

10. At their sitting held on the 13th September, 1956, the Committee re-examined the procedure relating to assurances and arrived at the following conclusions :—

- (i) As a Parliamentary Committee it is their primary responsibility on behalf of Lok Sabha to watch the implementation of assurances. In accordance with the decision of the Committee (as embodied in their First Report), the Lok Sabha Secretariat will assist them in their function by exercising a test check on the lists of assurances furnished by the Department of Parliamentary Affairs with a view to see whether all assurances of a substantial character have been incorporated in the lists.
- (ii) The Committee should be the final authority to decide :
 - (a) whether a statement made by a Minister constitutes an assurance ;

- (b) whether an assurance has been satisfactorily implemented ; and
- (c) whether the implementation has taken place within a reasonable time.

VII

OUTSTANDING ASSURANCES

11. A statement showing the number of assurances which are yet to be implemented by Government is appended to this Report (Appendix V).

12. The Committee feel that if the implementation of assurances is delayed beyond a reasonable time they lose all their value and public interest. They would, therefore, reiterate the recommendation made in their first report that an assurance given by Government in Lok Sabha should normally be fulfilled within two months unless the matter involved is such that it requires a longer period for implementation in which case the circumstances should be explained to the Committee and a time limit within which the assurance would be implemented by Government indicated to the Committee.

K. S. RAGHAVACHARI,

Chairman, Committee on Assurances

NEW DELHI;

The 22nd December, 1956.

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K. S. RAGHAVACHARI,

Chairman, Committee on Assurances

NEW DELHI;

The 22nd December, 1956.

APPENDICES

APPENDIX I

(See para. 5)

ASSURANCES GIVEN IN THE HOUSE ON THE 29TH SEPTEMBER, 1951
DURING THE COURSE OF DISCUSSION ON THE DELHI PREMISES
(REQUISITION AND EVICTION) AMENDMENT BILL, 1950

QUESTIONNAIRE NO. I

Question No. 1.

In regard to the Allotment Committee, reconstituted after the formation of a separate Government in Delhi to make recommendations in respect of the preparation of a sector-wise plan for the removal of constructions erected on public land before the 15th August, 1950, it has been stated by the Ministry of Works, Housing and Supply on page 4 of their statement that the Committee has been meeting from time to time. It has been further stated that the Delhi State Government, who are now in charge of the Rehabilitation and Relief, had prepared a sector-wise plan on the recommendation of this Committee and the plan had been approved by the Ministry of Rehabilitation.

The Committee on Assurances desire to have the following information :—

- (i) The number of meetings held by the reconstituted Allotment Committee ;
- (ii) Nature of business transacted at these meetings ;
- (iii) The main factors taken into account by the reconstituted Allotment Committee in drawing up the sector-wise plan.

It has also been stated in the statement by W.H. & S. Ministry that the Delhi State Government had been advised to reconstitute the Committee mentioned above so as to conform to the letter of the assurance. The date from which the Committee would be reconstituted and would start functioning, may be intimated.

Question No. 2.

With regard to *ex-gratia* grant for constructions which were demolished or removed, it has been stated by the Ministry of Works, Housing and Supply at page 7 of the statement that about 2400 displaced persons who had squatted before 15-8-50 were given assistance by allotment of land, hutment grant of Rs. 30/-, financial assistance to the extent of Rs. 500/- in cash or in form of building materials. The note below this however states that the hutment grants and financial assistance were adjustable against verified claims. The Committee feel that the Govern-

ment had promised an out-right *ex-gratia* grant and there was no question of its being set-off against verified claims. They, therefore, feel that the adjustment of hutment grant and financial assistance against verified claims is not in accordance with the assurance given on the floor of the House.

Question No. 3.

It has been stated at page 8 of the statement that 119 constructions which were fairly good and with some modifications could be made to comply with Municipal Laws, were regularised. The Committee desire to know the steps which were taken to ensure that buildings were not demolished without making certain that they could not fairly comply or with suitable modifications would not be made fairly to comply with the Municipal requirements and town improvement plan etc. The number of constructions which were thus dismantled for non-compliance with Municipal bye-laws etc. should be intimated.

Question No. 4.

In regard to the allotment of land on "no-profit no loss" basis it has been stated by the Ministry of Works, Housing and Supply on page 8 of the note that the costs have been worked out. The Committee feel that the rates fixed on 'no-profit no-loss' basis, *vide* Ministry of Health letter No. F. 14-27/54-ISG. dated the 19th November, 1955 are rather high. The Committee desire to have the following information :—

- (i) The details of calculations for fixing the price of land on "no-profit no-loss" basis ;
- (ii) The rates at which the lands in question were originally acquired by the Government ;
- (iii) Current market price of the lands in question.

APPENDIX II

(See para. 5)

ASSURANCES GIVEN IN THE HOUSE ON THE 29TH SEPTEMBER, 1951
DURING THE COURSE OF DISCUSSION ON THE DELHI
PREMISES (REQUISITION AND EVICTION) AMENDMENT
BILL, 1950

QUESTIONNAIRE NO. 2

One of the assurances given at the time of passing the Delhi Premises (Requisition and Eviction) Amendment Bill 1950 was to the effect that—

“in every case where any construction is demolished or removed, rehabilitation grant *ex-gratia* is also made to the displaced person either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case.”

According to the evidence so far presented to the Committee in the form of either memoranda or personal statements by the representatives of W.H.S., Delhi Improvement Trust and Relief & Rehabilitation Ministry, it appears, that assistance was given under two main heads :

- (i) Cheap Tenements Scheme under which displaced persons, who had squatted on Government land either before 15-8-1950 or after 15-8-1950 till the time of survey in 1952 were given plots of land and hutment grant of Rs. 30/- and financial assistance to the extent of Rs. 500/- in cash or in the form of building material, the hutment grant and the financial assistance mentioned above being, however, adjustable against verified claims.
- (ii) An *ex-gratia* grant at the scale laid down in letter No. F.14-27/54-LSG(I) dated the 19th November, 1955 to all those persons who had squatted on land before 15-8-50 and whose structures were demolished or removed.

2. The Committee note that the first grant popularly known as the “Cheap Tenements Scheme” grant was part of a general scheme applicable to all displaced persons and strictly speaking had no direct connection with the assurance which had been given by Shri Gadgil, Minister for W.H. & S. Besides, this assistance cannot be termed as *ex-gratia* when it has been made adjustable against verified claims.

3. As regards *Ex-Gratia* grant, the Committee desire to have the following intimation:

- (i) Reasons for the undue delay in laying down the scale for the grant of *Ex-Gratia* payment to displaced persons who had squatted on land before 15-8-1950 and whose constructions were demolished and who therefore came within the purview of the assurance given on the Floor of the House.
- (ii) Whether any detailed valuation of the structures of the displaced persons mentioned above had been done strictly at the time of the demolition so that they could be paid according to the scale laid down by the Ministry of Health *vide* their letter No. F. 14-27/54-LSG(I) dated the 19th November, 1955.
- (iii) The number of persons covered by the assurance who have been given grants both under the "Cheap Tenements Scheme" and *Ex-Gratia* amount as per scale laid down in the Ministry of Health letter No. F. 14-27/54 LSG(I) dated the 19th November, 1955.

4. In the above context, the committee would like to draw specific attention to the answer that had been given to the Committee by the Land and Development Office earlier with reference to a query—

"As L. & D.O. was not aware of the Government's intention to pay any compensation, etc., to any squatter who had unauthorisedly raised any structure on Government land the value of the demolished houses was never assessed, nor were the evictees, for the same reasons, asked to intimate the cost of their houses."

(Para 29 of the Second Report of the Committee on Assurances)

5. According to the assurance given on the floor of the House, steps were required to be taken to ensure that buildings were not demolished without making certain that they would not fairly comply or with suitable modifications would not be made fairly to comply with the Municipal requirements and town improvement plans etc. The Committee had therefore desired to know the number of structures which were dismantled for non-compliance with Municipal requirements, etc. It has been stated in reply that no building has so far been demolished for non-compliance with the municipal bye-laws and that buildings were demolished only in cases where the land was required for public purposes. In amplification of the above the Chairman of the Delhi Improvement Trust in his evidence before the Committee on 10-4-56 had given verbally some details of the 650 houses which had been demolished. But no detailed reasons for demolition of the following structures were given :

Land & Development Office	1096
Delhi Municipal Committee	24
New Delhi Municipal Committee	3459

The Committee desire that a detailed statement showing broadly the reasons because of which the structures falling under the above mentioned authorities were demolished should be furnished. The Delhi Improvement Trust should also send a similar statement in respect of 650 houses which were demolished by them.

6. In the above context, the Committee would like to particularly draw attention to the observation which is stated to have been made at the first meeting of the Committee appointed for making alterations to the town improvement plans to the effect that about 95 per cent. of the unauthorised constructions were such that they did not conform to the bye-laws.

[Page 9 of the statement received from W.H.S. Ministry along with their O.M. No. WII-25(2)/55, dated the 23rd December, 1955]. It has, however, now been stated that no building or structures has been demolished for non-compliance with bye-laws and that the structures were demolished only where the land was required for public purposes, *e.g.*, widening of roads etc. The above two statements should be reconciled.

APPENDIX III

(See para. 5)

ASSURANCES GIVEN IN THE HOUSE ON THE 29th SEPTEMBER, 1951
DURING THE COURSE OF DISCUSSION ON THE DELHI PREMISES
(REQUISITION AND EVICTION) AMENDMENT BILL, 1950

REPLIES TO QUESTIONNAIRE NO. 1 FROM THE MINISTRY OF WORKS, HOUSING AND SUPPLY

Question No. 1.

- (i) 9.
- (ii) The Committee formulates schemes of allotment to the squatters and displaced persons in other categories.
- (iii) Availability of alternative accommodation placed at the disposal of the State Government by the Ministry of Rehabilitation.

Efforts are made to accommodate the squatters as near the place of squatting as possible unless the clearance of any particular locality is urgently desired by the local body on account of congestion or traffic requirements.

The Allotment Committee has been reconstituted to conform to the letter of the assurance and Sarvashri Jaspal Rai Kapur and Achint Ram, Members of Parliament, have since been included in the Committee as nominees of the Ministry of Works, Housing and Supply.

Question No. 2. |

The assurance given by Shri Gadgil was to the effect that in every case where any construction is demolished or removed, rehabilitation grant ex-gratia is made to the displaced persons either in cash or in the shape of building materials, or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case. The words underlined are significant. Realisation of the rehabilitation grant given to the squatters out of verified claims in cases in which claims are accepted is not against the letter and the spirit of the assurance given.

Question No. 3.

Buildings were demolished only in those cases where the land on which they stood was required & acquired for public purpose. No building has so far been demolished for non-compliance with municipal bye-laws.

Question No. 4.

A statement showing the required information is attached. (Annexures I & II).

ANNEXURE I

Serial. No.	Name of the Scheme	Area for allotment in sq. yds.	Value to the Trust on no-profit-no-loss basis	Money value of area in Col 3-4	Market value of land per sq. yd.	Proposed relative value per sq. yd. on no-profit-no-loss basis	Remarks
1.	Motia Khan Dump.	36,784	13 4 0	Rs. 4,87,388	30 (C)	Rs. 12 10 0	Arithmetical Mean of land/per sq. yd. cost the Trust (on no-profit-no-loss basis)— Total of Col: 5-22,77,767 Total of Col: 3-1,46,447
2.	Moti Nagar on Rohtak Road	5,400	15 9 0	84,038	30 (R)	12 10 0	
3.	Western Extension Area	20,000	15 9 0	3,11,250	30 (R) 50 (C)	12 10 0 21 0 0	
4.	Jhandewala 'E' Block	24,730	8 14 0	2,19,479	35 (R)/(C)	14 12 0	
5.	Paharganj (Original Road)	1,100	4 11 0	5,156	60 (C)	25 4 0	—Rs. 15/9/- per sq. yd.
6.	Ahata Kidara.	9,700	28 9 0	2,77,056	24 (R)	11 0 0	Value to the Trust on no-profit-no-loss basis of 1 sq. yd. in each area (i.e. 9 sq. yds. in all) will be 9 x Rs. 15/9/- Rs. 140/1/- while the market value of these 9 sq. yds. as per total of Col: 6 is Rs. 337/-.
7.	Roshanara Extension	37,478	8 9 0	3,20,905	24 (R)	11 0 0	The ratio is —
8.	Northern City Extension	4,100	8 5 0	34,081	24 (R)	11 0 0	
9.	Paharganj Circus	7,155	75 4 0	5,38,414	80 (C)	33 10 0	

Rs. 140/1/-
337/-
—0.42

** R—Residential, C—Commercial.

The figures in Col: 7 are obtained by multiplying those in Col: 6 by 0.42.

ANNEXURE II

Statement showing the estimated loss to the Trust account by allotment of Trust land on no-profit-no-loss basis.

Serial No.	Name of the Scheme.	Area.	Market value of the land per sq. yd.	Total cost.	Proposed no-profit-no-loss value per sq. yd.	Total cost on no-profit-no-loss basis.
1	2	3	4	5	6	7
1.	Roshanara Extension	37,478	24 0 0	8,99,272 0 0	11 0 0	4,12,258 0 0
2.	Northern City Extension No. II.	4,100	24 0 0	98,400 0 0	11 0 0	45,100 0 0
3.	Paharganj Circus Scheme	7,155	75 4 0	5,38,413 12 0	33 10 0	2,40,586 14 0
TOTAL				<u>15,36,285 12 0</u>		<u>6,97,944 14 0</u>
Total loss to the Trust				Rs. 15,36,285/12/- minus	Rs. 8,38,340 14 0	Rs. 6,97,944/14/-

APPENDIX IV

(See para. 5)

ASSURANCES GIVEN IN THE HOUSE ON THE 29th SEPTEMBER, 1951
DURING THE COURSE OF DISCUSSION ON THE DELHI PREMISES
(REQUISITION AND EVICTION) AMENDMENT BILL, 1950

REPLIES TO QUESTIONNAIRE NO. 2 FROM THE MINISTRY OF WORKS, HOUSING AND SUPPLY

Para. 3.

The position is as follows :—

- (i) The delay is largely attributable to the very complicated nature of the problem and the number of agencies involved. Also the matter had to be examined in great detail, and one of the major causes of delay was the formation of the Delhi State Government and taking over of responsibility by that Government in this regard and the necessity to consult that government before issuing orders.
- (ii) Valuation was done by the D.I.T. before demolishing the unauthorised structures. As regards the other agencies, the position is that the unauthorised structures which they demolished were mostly temporary *khokas* (Wooden Structures) put up by the squatters on roadsides, streets, mosques, public gardens, temples, graveyards, etc. and the dismantled material were removed by the squatters. It is relevant to mention in this connection that these squatters are not entitled to *ex-gratia* payment in terms of orders issued by the Ministry of Health on 19-11-55.
- (iii) No *ex-gratia* payment has so far been made and the amounts to be paid in each case are being worked out by the Delhi State Government. It is, however, not possible to state as to how many of the persons entitled to *ex-gratia* payment have been given grants under the "Cheap Tenements Scheme", as no record was kept about the actual date of unauthorised squatting by the displaced persons (included in the 1952 Survey) who were given such grants.

LAND AND DEVELOPMENT OFFICE

Para. 5.

Out of the 1096 structures, 405 were in graveyards etc. and remaining 691 were on the Government nazul land. They were all purely

temporary structures, the removal of which was undertaken by the Rehabilitation Ministry in their sectorwise programme of rehabilitating displaced persons squatting in various places in Delhi. The dismantled material were invariably removed by the squatters.

DELHI IMPROVEMENT TRUST

A statement (*vide* Annexure) is enclosed indicating the reasons for which the 650 unauthorised constructions were removed by the Trust.

D.M.C. AND THE N.D.M.C.

The unauthorised structures were in public places like roads, streets, public gardens etc. and were removed in the interest of public health and sanitation.

Para 6.

The statement made before the first meeting of the Committee appointed for making alterations in the town improvement plans, etc. referred to the constructions as then existed. The other statement made is in respect of the constructions which have been demolished. The question as to whether a particular construction which was demolished conformed to the Municipal bye-laws or not was never examined, and as and when the land on which these constructions stood was required for a public purpose, such as, widening of the roads, construction of rehabilitation markets, rehabilitation colonies etc., steps were taken to demolish such constructions and clear the land for that purpose.

ANNEXURE

DELHI IMPROVEMENT TRUST

Statement indicating the purpose for which the unauthorised constructions were removed by the Trust

Name of the Scheme	Approx. No. of structures demolish- ed on a date prior to 15-8-50	Purpose for which the lands under unauthorised struc- tures were required
<i>Nazul.</i>		
1. Jhandewala Block 'E'	230	For execution of the scheme (After development, about one half of the area was offered to the Rehabn. Ministry for rehabilitation of displaced persons. Since then 33 plots have been placed at the disposal of the State Rehabn. Ministry for allotment to eligible persons evicted from this area and a scheme has also been submitted to Govt. for accommodating the squatters along the M. M. Road, in a part of the remaining area).¶
2. Jhandewala Block 'B'	30	For execution of the scheme.
3. Andha Mughal	32	For construction of subsidized houses for slum evictees.
4. Motia Khan Dump	20	For execution of the scheme. (The structures removed fell in the alignment of roads and other services required to be provided there).
5. Western Extension Area 'I' Block.	5	For construction of subsidized houses for slum evictees.
6. Motia Khan A.R.P. Quarters	94	The land was required by the Rehabilitation Ministry for construction of quarters for displaced persons.

Name of the Scheme	Approx. No. of structures demolished on a date prior to 15-8-50	Purpose for which the lands under unauthorised structures were required
7. Moti Nagar on Rohtak Road	4	For execution of the scheme which was designed to accommodate the existing squatters in a planned manner. The houses demolished came in the alignment of the roads etc.
8. Bapu Nagri	35	For construction of a by-pass road to link Lower Bela Road with the National Highway.
<i>Trust.</i>		
1. Paharganj Circus	12	For execution of the Scheme.
2. Ahata Kidara	10	Do.
3. Damdama	178	For execution of the Roshanara Extension Scheme in which Damdama Lies.
TOTAL	650	

APPENDIX V

(See para. 11)

Statement regarding outstanding Assurances

Session	Period of Session	Number of Assurances outstand- ing
Ninth	21st February to 7th May, 1955	31
Tenth	25th July to 1st October, 1955	30
Eleventh	21st November to 23rd December, 1955	20
Twelfth	15th February to 30th May, 1956	166
Thirteenth	16th July to 13th September, 1956	214
	TOTAL	<hr/> 461
