

**COMMITTEE
ON
GOVERNMENT ASSURANCES
(1995-96)**

**TENTH LOK SABHA
THIRTY-SIXTH REPORT
ON**

- (i) Policy on Urban Land Ceiling.
- (ii) Trijunction of Delhi Development Authority, Constitution of Shim Clearance Improvement Board in National Capital Territory Region.
- (iii) Industrial Plots to Workers of Sewa Park (Asha Vibhav Prabhav), Delhi.



(Presented in Lok Sabha on December 22, 1995)

**LOK SABHA SECRETARIAT
NEW DELHI**

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**COMPOSITION OF THE COMMITTEE ON
GOVERNMENT ASSURANCES
(1995-96)***

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Gurcharan Singh Dadhahoor
4. Shri Santosh Kumar Gangwar
5. Shri P.P. Kaliaperumal
6. Shri Prabhu Dayal Katheria
7. Shri Harpal Singh
8. Smt. Suryakanta Patil
9. Shri Shashi Prakash
10. Shri V. Sreenivasa Prasad
11. Shri J. Chokka Rao
12. Shri Asht Bhuja Prasad Shukla
13. Shri Ummareddy Venkateswarlu
14. Shri V.S. Vijayaraghavan
- 15.** Shri Shailendra Mahto

SECRETARIAT

Smt. Reva Nayyar	— <i>Joint Secretary</i>
Shri P.D.T. Achary	— <i>Director</i>
Shri Mange Ram	— <i>Under Secretary</i>

* The Committee was nominated by the Speaker w.e.f. 4 February, 1995 and as published para 3723 of Lok Sabha Bulletin Part-II dated 13.2.1995.

** Nominated to the Committee on 9 August, 1995 as published *vide* para 4164 of Lok Sabha Bulletin Part-II dated 9.8.1995.

INTRODUCTION

I, Chairman of the Committee on Government Assurances having been authorised by the Committee to submit the Report on their behalf, present this Thirty-sixth Report of the Committee on Government Assurances.

2. The Committee (1995-96) was constituted on February 4, 1995.

3. The Committee at their Sitting held on March 22, 1995 reviewed the pending assurances of Eighth Lok Sabha (1984-89). The Committee decided to take the oral evidence of the representatives of the Ministry of Urban Affairs and Employment. On September 5, 1995, the Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment and the Delhi Development Authority on the following pending issues:—

- (i) Policy on Urban Land Ceiling;
- (ii) Trifurcation of Delhi Development Authority Constitution of a Slum Clearance/Improvement Board in National Capital Territory Region; and
- (iii) Industrial Plots to Weavers of Sawan Park (Ashok Vihar Phase-IV), Delhi.

4. At their Sitting held on December 19, 1995 the Committee considered and adopted the Draft Thirty-sixth Report.

5. The Minutes of the aforesaid sittings of the Committee form part of the Report (Appendices).

6. The conclusions/observations of the Committee are contained in this Report.

7. The Committee wish to express their thanks to the officials of the Ministry of Urban Affairs and Employment and Delhi Development Authority for their cooperation.

NEW DELHI;
December 19, 1995

Agrahayana 28, 1917(S)

BASUDEB ACHARIA,
Chairman,
Committee on Government Assurances.

REPORT

(I) POLICY ON URBAN LAND CEILING

1. On April 6, 1987, the following Unstarred Question No. 557 given notice of by Shri Hussain Dalwai, M.P., was addressed to the Minister of Urban Development:—

“(a) whether Union Government propose to revise their policy on urban land ceiling; and
(b) if so, the details thereof?”

2. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:—

(a) & (b): Certain proposals to amend the Urban Land (Ceiling & Regulation) Act, 1976 are under the consideration of Government.”

3. Reply to the question was treated as on assurance and was required to be implemented within three months from the date of the reply i.e. by July 5, 1987.

4. On July 27, 1987, the following Unstarred Question No. 52 given notice of by Shri K.N. Pradhan, M.P., was addressed to the Minister of Urban Development:—

“(a) whether the National Commission on Urbanisation has submitted its final report;
(b) if not, the time by which it will be submitted; and
(c) the action taken so far by Government on interim report of the Commission?”

5. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:—

“(a) No, Sir.
(b) The final report is expected to be submitted by 31st March, 1988.
(c) Copies of the Interim Report of the Commission was forwarded to all the States and Union Territories and Ministries and Departments of the Government of India for their comments. Replies from a number of States and Union Territories and Central Ministries and Departments are still awaited. Meanwhile, in the light of the recommendations contained in the Interim Report of the Commission and other relevant considerations, proposals for the amendment of the Delhi Rent Control Act, 1958 and the Urban Land (Ceiling & Regulation) Act, 1976 are under process.”

6. Reply to parts (b) and (c) of the question was treated as an assurance and was required to be implemented within three months from the date of the reply *i.e.* by October 26, 1987.

7. On July 27, 1987, the following Unstarred Question No. 79 given notice of by Shri Narsinh Makwana, MP, was addressed to the Minister of Urban Development:—

- “(a) the acreage of land acquired in various States under the Urban Land Ceiling Act, 1976;
- (b) the extent to which work of distribution of land so acquired has been done according to the Act and the acreage of land distributed and yet to be distributed;
- (c) the acreage of land released under sections 20 and 21 of the Act, separately; and
- (d) the details of the complaints received in regard to which the States have taken a decision against the spirit of this Act and whether any action has been taken to annul this decision?”

8. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:—

- “(a) According to the information received from concerned State Governments/Union Territories, 14,845.93 acres of land have been acquired under the Act.
- (b) As per the information received from various State Governments/Union Territories, 3,341.24 acres of land has either been placed at the disposal of public agencies/Improvement Boards or allotted to Co-operative Housing Societies.
- (c) State Governments/Union Territories have intimated that 1,19,889.38 acres under section 20 and 9,301.58 acres under section 21 have been exempted under the Act.
- (d) Several suggestions have been received for amending the Act from the State Governments/Public Organisations/Eminent Professionals. They generally relate to certain anomalies and lacunae in the Act as well procedural difficulties. These suggestions would be kept in view while considering amendments to the Act.”

9. Reply to the question was treated as an assurance and was required to be implemented within three months from the date of reply *i.e.* by October 26, 1987.

10. On November 23, 1987, the following Unstarred Question No. 274 given notice of by Shri Hussain Dalwai, MP and Professor Parag Chaliha, MP was addressed to the Minister of Urban Development:—

- “(a) whether Union Government propose to amend the provision of existing law on the Urban Land Ceiling;
- (b) the reasons for tardy implementation of the Act;

(c) when this proposal is likely to be brought before Parliament; and

(d) what are the impediments that came in the way of early solution of the existing lacunae in the Urban Land Ceiling Act?"

11. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:

"(a), (b), (c) and (d): The State Governments and Union Territories Administrations, in which the Act is in force, have from time to time brought to the notice of the Central Government, certain practical and procedural difficulties in the implementation of the Act. The Government is considering the revision of the Act with a view to making it more effective. The amending Bill would be introduced as soon as a final decision is taken in the matter and procedural formalities are completed."

12. Reply to the question was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by February 22, 1988.

13. On December 7, 1987, the following starred Question no. 440 given notice of by Shri Satyendra Narayan Sinha, MP, was addressed to the Minister of Urban Development:—

“(a) whether Government propose to encourage Housing Boards to sell built houses on long term instalment basis to middle class people;

(b) if so, whether Housing Financial Institutions will help to acquire built houses on long term instalments; and

(c) whether private housing agencies would also be involved in similar programmes?"

14. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:

"(a) Housing is in the State Sector. Several State Governments through Housing Boards and other agencies are implementing housing schemes for the Middle Income Groups;

(b) and (c): The Housing and Urban Development Corporation (HUDCO) is also providing loan assistance to these agencies for construction of houses for middle income and other income groups. It has also been decided to set up a National Housing Bank which will promote Housing Finance Institutions at the base level for providing home loans to individuals. In addition, the Government is also encouraging housing activities by providing facilities to cooperatives and individuals."

15. During the course of supplementaries on the question, Shri K.S. Rao, MP, raised a point for the Government to think in terms of liberalising the Urban Land (Ceiling & Regulation) Act so that the housing problem could be solved to a great extent.

15A. In reply, the then Minister of Urban Development (Shrimati Mohsina Kidwai) gave the following reply:

"It is under consideration, both the amendment of the Land Ceiling Act as well as the Rent Control Act. If you recall, the National Commission on Urbanisation had also recommended for certain Acts to be amended to give a boost to the housing construction."

16. The above reply of the Minister was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by March 6, 1987.

17. On March 7, 1988, the following Unstarred Question No. 1789 given notice of by Shri Kamal Nath, MP, was addressed to the Minister of Urban Development:—

"(a) whether the Federation of Indian Chambers of Commerce and Industry has called upon Government for a thorough review of the Urban Land (Ceiling and Regulation) Act, 1976 to accelerate the construction activity;

(b) if so, the broad outlines of the suggestions made;

(c) the reaction of Government thereto; and

(d) the total hectares of excess land which was expected to become available after the law came into force in 1976 as compared to the surplus land actually acquired and vested with State Governments and Union Territories."

18. The then Minister of Urban Development (Shrimati Mohsina Kidwai) gave the following reply:

"(a), (b) and (c): A seminar on New Opportunities for House construction activity was organised by Federation of Indian Chambers of Commerce and Industry in New Delhi on 29.6.1987. Various legislations affecting the housing sector including the Urban Land (Ceiling and Regulation) Act, 1976 was discussed and the suggestions made by them regarding the Urban Land (Ceiling & Regulation) Act, 1976 are contained in Annexure-I. Proposals for amendment to the Act are already under consideration of the Government and the suggestions made in the Seminar would be kept in view at the time of finalising the amendments;

(d) According to the information received from various State Governments etc., vacant land to the extent of 1,70,238.70 hectares has been declared as surplus under the Act. Out of this, 20,667.19 hectares of excess vacant land has been acquired and vested with the State Governments/Union Territories, so far."

19. Reply to parts (a), (b) and (c) of the question was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by June 6, 1988.

20. On March 1, 1989, the following Unstarred Question No. 105 given notice of by Prof. Ramkrishna More and Shri Banwari Lal Purohit, MPs was addressed to the Minister of Urban Development.

“(a) whether Maharashtra Government has chalked out a scheme of mass Housing Programme in the State as per lines of the national policy;

(b) if so, whether Union Government have extended any kind of assistance to the Maharashtra Government to boost housing programme in the State; and

(c) if so, the details thereof?”

21. The then Minister of Urban Development (Shrimati Mohsina Kidwai) gave the following reply:

“(a), (b) & (c): It is reported by the State Government that the Maharashtra Housing and Area Development Authority is formulating a mass housing programme. The State Government have not sought any assistance from the Union Government at this stage.”

22. During the course of the supplementaries on the question Shri K.S. Rao, MP while referring to the emphasis laid down by the Government in that year's Budget on the housing sector, asked for amendments in the Urban Land Ceiling Act to allow houses to come up in a big way not only in Maharashtra but also in various parts of the country.

23. In reply the Minister stated as follows:

“.....that the Land Ceiling Act is under consideration of the Government.”

24. Reply to the supplementary question was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by May 31, 1989.

25. On March 1, 1989, the following Unstarred Question No. 1096 given notice of by Shri Mohammad Mahfooz Ali Khan, MP was addressed to the Minister of Urban Development:

“(a) whether any review has been made recently of the Urban Land (Ceiling & Regulation) Act, 1976 to assess the achievements made with regard to the principal objectives of the Act;

(b) if so, the shortcomings, if any, identified by Government in the implementation of the Act; and

(c) whether Government propose to make any changes in the Act, if so, the steps contemplated in this direction?”

26. The Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:

“(a) to (c): The question of amendment to the Urban Land (Ceiling & Regulation) Act, 1976 is under consideration of the Government.”

27. Reply to the question was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by May 31, 1989.

28. On May 3, 1989, the following Unstarred Question No. 7881 given notice of by Professor Narain Chand Parashar, MP referring to the reply given to SQ No. 354 on August 22, 1988 was addressed to the Minister of Urban Development:

“(a) whether the amendment in the definition of certain terms used in the Urban Land (Ceiling and Regulation) Act, 1976 like family, vacant land, apurtenant land and delegation of certain powers to the State Governments have been identified by the States for proper implementation of this Act;

(b) if so, whether Union Government have accepted the suggestions for undertaking a comprehensive qualitative review of the amendment of the Act;

(c) if so, the exact details thereof; and

(d) if not, whether any efforts are being made to arrive at a broad consensus on the solution of the identified problems and the difficulties in the implementation of this Act?”

29. The then Minister of Urban Development (Shrimati Mohsina Kidwai) gave the following reply:

“(a), (b), (c) and (d) The question of making amendments to the Urban Land (Ceiling & Regulation) Act, 1976 is under consideration of the Government.”

30. Reply to the question was treated as an assurance and was required to be implemented within three months from the date of the reply i.e. by August 2, 1989.

31. The Committee of Government Assurances (1990-91) examined the representatives of the Ministry of Urban Development (now Urban Affairs and Employment) at their sitting held on March 6, 1990 in regard to two assurances given on April 6, 1987 and on July 27, 1987 in reply to SQ No. 557 and USQ No. 79 respectively which remained pending.

32. The Committee recorded the following observations in their 10th Report of Ninth Lok Sabha presented to the House on January 4, 1991:

“The Committee note that in the last four years the Government have been considering the question of amendment of Urban Land (Ceiling & Regulation) Act, 1976 and still the Government have not

come out with any concrete proposals in this regard. It appears that no serious thought has been given to such an important matter and the things have been allowed to drift by the Government. The Committee are surprised to note that despite the comments furnished by the State Government in 1987, no decision has so far been taken by the Union Government about the amendments proposed to be incorporated in the Act. The Committee emphasise that the Government should finalise the proposed amendments quickly and bring forward the necessary Bill before the Parliament in the next Session keeping in view the urgency of re-distribution of Urban Land due to the pressure on land in urban areas."

33. Since the assurance remained pending, the Committee on Government Assurances (1991-92) at their sitting held on January 20, 1992 reviewed this assurance alongwith other pending assurances of the Eighth Lok Sabha. The Committee made their observations in the Third Report of the Committee presented to the Lok Sabha on April 21, 1992 to expedite implementation of the assurance.

34. The assurance was again reviewed at the sitting of the Committee on Government Assurances (1995-96) held on March 22, 1995 alongwith other assurances of Eighth Lok Sabha which remained unfulfilled. The Committee decided to pursue this assurance and also decided to take oral evidence of the representatives of the Ministry of Urban Affairs and Employment.

35. The Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment in connection with these assurances at their sittings held on July 18, 1995 and September 5, 1995 respectively.

36. At the outset, the Committee desired to know the difficulties in implementing those assurances regarding Urban Land (Ceiling & Regulation) Act, 1976. In reply, the Secretary, Ministry of Urban Affairs and Employment deposed as follows:—

"We have furnished to the Committee a chronological sequence of events about the subject being taken up regarding the amendment of the Act (Annexure-II). There are both practical and procedural difficulties in implementing the assurance. It is realised by everyone both in Parliament and also in the State Legislatures that it would be necessary to bring in number of changes to cater to the requirements.

From 1987 onwards, we have been going to the root of the matter to consider what possible amendments and in what fashion they can be made. One reason for the late finalisation is that we had to have the largest possible consultation. It is a very important subject which goes to the root of certain issues as to how the surplus land should be deployed by the Government for the purpose of preventing concentration of land in certain hands, how to utilise the land for social purpose etc. So, we have given the entire history of it. A couple of

times, it has gone to the Cabinet where they felt that it should be looked at different angles. Since any Bill in this regard to be presented to Parliament would also require the approval of at least two State Governments, it was felt necessary that we should have consultation and discussions with the various State Governments, that is, the Chief Secretaries and the Chief Ministers. Therefore, consultations were held with the State Chief Secretaries and the feedback obtained from each State has been used as inputs for the formulation of the principals of the amendment. The latest position is that this exercise is over. We have reached the stage of drafting the amended Bill to be approved by the Government. I understand that the Minister of Parliamentary Affairs has also initiated a dialogue with the major Opposition Parties to get the feedback on their own. On the basis of it, the Government of India would take a final decision on this issue."

37. When asked what were the salient features of the proposals made by the Government, the Secretary stated:—

"I would like to submit that till the Cabinet approves it, we do not know what is the final shape of it. But the point is that it was felt that the Urban Land Ceiling Act has not served the purpose for which it was enacted. A very large area which has been found surplus has been actually taken over by different State Governments and put into very limited public use. The purpose of this amendment is to remove the practical and procedural drawbacks by simplifying and streamlining this by limiting it to selected urban conglomerations and giving a clear focus to the definition; to make the process of payment of compensation more effective; to limit the discretionary powers and de-regulation of the vacant land. One important thing which is contemplated in this amendment is to allow some sort of a development and creation of a fund which can be used for specific purposes of EWS and the Low-Cost Housing Scheme. Then, there is the decentralisation of powers. Basically, a large number of clauses will undergo changes. A number of discussions had taken place. There might be some areas which need further clarification."

38. When the Committee desired to know whether the various State Governments also desired to have such amendments in the present Act, it was informed that almost all the State Governments supported the amendments. It was also stated that some of the States also wanted the whole Act to be repealed. The reasons for such amendments were stated to be restrictions in building-activities, unjustifiably low price of vacant land taken over, time consuming procedures and discretionary powers available for exercising authority in case of acquisition and exemption.

39. The Committee were informed that all these things have been taken care of while preparing the proposal and that various political parties have been asked to give the comments on the proposal.

40. When the Committee pointed out that undue delay has taken place in deciding to amend the Act, the Secretary stated that due to a lot of lacunae in the Act, the same were required to be corrected. Further he explained that it was a very important subject and had a wide ranging impact on the economy and required the widest possible consultation to evolve a consensus to the maximum extent possible to get an input from all agencies to make the amendment comprehensive. The Secretary also stated that delay was essentially due to the fact that the Government wanted to have the views of the major political parties before it was presented to the Parliament.

41. When the Committee queried whether the proposal submitted before the Committee of Secretaries earlier in 1987 and that which was submitted presently was same, the Secretary explained:

"The thing is that this exercise has been going on for the last six to seven years. At every stage and at every discussion, different suggestions have come. It is not that as if one Bill was presented and that Bill got changed. It is a gradual changing process. We have accommodated different points of views and made out an amendment which caters to various lacunae which we have noticed so far. Cabinet has decided to get the views from different political parties and the Parliamentary Affairs Minister has initiated this process. This is a decision which ultimately Cabinet alone can take."

42. The Committee thereafter enquired if the National Commission on Urbanisation also suggested or recommended some amendments in the Urban Land (Ceiling & Regulation) Act. To it, the witness in the Ministry of Urban Affairs and Employment (Shri A.P. Sinha, Joint Secretary) replied that the Commission had submitted a report in 1988. The major recommendation was regarding reviewing the provisions about discretionary exemption from the ceiling law as the Commission felt that the powers to exempt surplus land from the ceiling Law had not been utilised effectively and in productive manner. Instead of getting the land under the ceiling, the ceiling Law had been used more for exempting land from ceiling.

43. The Committee also desired to know whether the suggestions given during the meeting of the leaders of the political parties had been incorporated in the proposed bill or whether a revised Cabinet note was being prepared for submission to the Cabinet. In reply, the Committee was informed that they had not yet received the minutes of that meeting held with the political parties. The representative, however, stated that every suggestions would be examined and wherever warranted, the same would be incorporated.

44. When asked about the fulfilment of those long pending assurances on the subject, the representative submitted that they were not in a position to give any time frame for fulfilling the assurances. However, an

assurance was given that they would expedite all action necessary to give the final decision of the Government in the matter.

45. The Committee note that the issue of amending the Urban Land (Ceiling & Regulation) Act, 1976 has been pending with the Union of India since 1987. The plea of the Ministry of Urban Affairs and Employment to justify the delay is that they had to consult a number of agencies as amendments in the Act has wide ranging effect on the economy of the country.

46. The Committee note that the questions were raised in the House with the object of preventing the concentration of land in certain hands and making land available for social purposes. The Committee understand the complex nature of the issue but cannot under-estimate the urgency of the issue. Consequently the Committee do not appreciate the logic in taking long time to incorporate the necessary amendments in the Act. The Committee feel that the reasons for the delay are unconvincing. The Committee feel that the Union of India has perhaps thought it better to keep the issue pending in the guise of discussions with the Committee of Secretaries, Group of Ministers, State Governments, Chief Ministers' Conference, Chief Secretaries of all the States, Housing Ministers Conference, Ministry of Agriculture, Industry, Home Affairs, Defence, Law and Justice, Inter-State Council and political parties etc. The Committee fail to understand the reason for not adopting a straight forward policy of inviting suggestions from the State Governments and the political parties to pin-point the sections of the present Urban Land (Ceiling and Regulation) Act, 1976 before inviting the general comments from the State Governments on the Act. Had this straight forward approach been adopted, the assurances could have been fulfilled long back and the Act could have played an effective role in preventing the concentration of land in certain hands and make the land available for social purposes.

47. The Committee were informed that there are large number of lacunae in the present Act and these are to be corrected to make the Act more effective. But the Committee have found the Government wanting in taking quick decisions. More than 8 years have been spent in exercise of bringing amendments which casts shadows on the intention of the Government.

48. The Committee were also informed that the discussions were held recently with the political parties but the minutes of the meeting were to be received. The Committee desire that all the suggestions made from all quarters must be considered early and incorporated in the draft Bill which may be introduced in the Parliament without further loss of time.

(II) TRIFURCATION OF DELHI DEVELOPMENT AUTHORITY

49. On November 16, 1988, the following Unstarred Question No. 744 given notice of by Shri Harihar Soren, MP, was addressed to the Minister of Urban Development:-

- “(a) whether the proposal to trifurcate the Delhi Development Authority has not materialised as yet;
- (b) if so, the reasons for delay;
- (c) the time by which the proposal is expected to be implemented;
- (d) the details of steps taken in this regard; and
- (e) the composition of the two board for housing and slums and the pattern of their functioning.”

50. The then Minister of State in the Ministry of Urban Development (Shri Dalbir Singh) gave the following reply:

- “(a) Yes, Sir
- (b) Some of the modalities of DDA are still being worked out;
- (c) Considering the nature of the decision and series of steps both legislative and administrative, that are required to be taken, it is difficult to indicate a firm time frame;
- (d) the work of maintenance of resettlement colonies has already been transferred from DDA to MCD with effect from 1.6.1988 in pursuance of the decision to rationalise the working of DDA;
- (e) a final decision on these matters has not yet been taken.”

51. The reply to parts (a), (b), (c) and (e) of the question was treated as an assurance and was required to be implemented within three months from the date of assurance given i.e. February 15, 1989.

52. Since the assurance remained pending, the Committee on Government Assurances (1991-92) at their sitting held on January 20, 1992 reviewed this assurance alongwith other pending assurances of the Eighth Lok Sabha. The Committee made their observations in the Third Report of the Committee presented to the Lok Sabha on April 21, 1992 to expedite implementation of the assurance.

53. The assurance was again reviewed at the sitting of the Committee on Government Assurances (1995-96) held on March 22, 1995 alongwith other assurances of Eighth Lok Sabha which remained unfulfilled. The Committee decided to pursue this assurance and also decided to take oral evidence of the representatives of the Ministry of Urban Affairs and Employment.

54. Since the assurance remained pending, the Committee took the oral evidence of the representatives of the Ministry of Urban Affairs and Employment to know the reasons for the delay in implementation of the assurance at their sitting held on September 5, 1995.

55. At the outset, the Committee desired to know the legislative and

administrative difficulties for not taking a final decision regarding trifurcation of the DDA into Housing Board, Slum Board and DDA. In reply, the Secretary, Ministry of Urban Affairs and Employment showed his inability to give any time frame. When asked the reason for it, he replied that the decision to trifurcate DDA was taken in 1987 as at that time the DDA was involved in three prominent activities, namely housing, slums and other activities like land acquisition and development. The Committee was also informed that the Cabinet approved the proposals for re-organisation and re-structuring of DDA on 21 September 1987 *vide* case on 369/2487 and the same was conveyed in O.M. No. 24OM/87(i).

56. The Secretary further added that in 1991, it was however, felt that the housing sector cannot sustain entirely or solely through government activities. As a result, the idea of Housing Board had been given up in 1991. The Committee was also informed that this decision was taken in subsequent deliberations and in the context of the National Housing Policy Sector to a greater extent in the construction of houses *vide* D.O.No.Secy/UD/1821-F/91 dated September 30, 1991 communicated to the Cabinet Secretary.

57. In regard to the Slum Board, the Secretary explained that the Government had thought of establishing a separate Board for slum with a view to looking after their upgradation and resettlement. The Secretary added that for this purpose a draft Bill had been prepared and sent to different departments and the National Capital Territory of Delhi for their comments. As the National Capital Territory of Delhi has its own legislature, an Advisory Committee to look into the question of Slum was constituted by it also and the National Capital Territory was also thinking of bringing a Bill in this regard. The Secretary further stated that subject of slum has since been taken over by Municipal Corporation of Delhi and Delhi Development Authority in September 1992.

58. When asked what would be the role of Central Government in regard to Slum Board, the Secretary stated:

"In any case the Government of India will have to execute the programmes through the field agencies in the State. Now, what exactly will be the agency through which this policy will be implemented is what is to be seen. What has been originally contemplated was to have a board. But since the Government of Delhi is also considering the same thing, we will have to get it examined in the light of the legislative roles of the Union Government and the State Government, and with respect to allocation of functions on what particular agency should deal with this subject."

59. On November 29, 1995, statements showing action taken by the Government on various assurances, promises and undertakings were laid in

Lok Sabha. One of these statements included the assurances in question. The text of the implementation report is reproduced below:—

“In the context of the National Housing Policy and the approach to involve the private sector to a greater extent in the construction of houses, a view has since been taken that ~~no~~ separate Housing Board is necessary.

The constitution of the slum Clearance/Improvement Board is under consideration.”

60. The assurance has been treated as partly implemented.

61. The Committee note that proposal for re-organisation and restructuring of DDA sent to the Cabinet had been approved by it on September 21, 1987. Subsequently in 1991, the Cabinet did not find the proposal feasible, as the Government felt that the housing sector cannot sustain entirely or solely through Government activities but involvement of private sector to a great extent was required. The Committee, however, note that this fact has been conveyed to the House only on November 29, 1995 when a statement was laid stating the fact that a view had been taken that no separate Housing Board was necessary. The Ministry have taken four years to lay a statement on the floor of the House. The Committee strongly feel that the Government should not act in a lackadisical manner and fulfil their duty in all seriousness towards the Parliament.

62. The Committee desire that the Government should discharge their accountability to the House.

63. The Committee also note that in regard to constitution of a Slum Clearance/Improvement Board, the Ministry of Urban Affairs and Employment has not made any significant progress. The only action the Union Government has taken is that the subject of slum has been transferred to Municipal Corporation of Delhi. The Committee observe that with the constitution of Government of National Capital Territory of Delhi, the matter has again been hanging fire. The delay in the matter has given a doubt in the mind of the Committee that no concrete and sincere efforts have been devised in the matter. The Committee feel that the Ministry has taken the issue very lightly and has not realised the urgency for constituting a Slum Clearance/Improvement Board in the National Capital Territory Region.

64. The Committee note that Union Government has to execute the programmes through the field agencies in the State. The Committee like the Union Government to resolve this issue urgently in consultation with the Government of National Capital Territory of Delhi.

65. The Committee wish that the matter may be accorded priority and the assurance may be fulfilled within one month from the date of presentation of this Report.

**(III) INDUSTRIAL PLOTS TO WEAVERS OF SAWAN PARK
(ASHOK VIHAR PHASE-IV)**

66. On December 7, 1994 in pursuance to reply given to USQ No. 3175 dated 22.11.1993 (Annexure III) the following Unstarred Question No. 24 given notice of by Shri Shashi Prakash, MP was addressed to the Minister of Urban Development:—

- “(a) whether a list has been prepared by the DDA for allotment of industrial plots to 650 weavers of Sawan Park in Delhi;
- (b) if so, the details thereof including the target dates for allotment; and
- (c) whether a separate cell is being created to expedite the allotment?”

67. The then Minister of State in the Ministry of Urban Development (Shri P.K. Thungon) gave the following reply:—

- “(a) Yes, Sir.
- (b) In the judgement in Civil Writ Petition No. 4106/91, the Hon'ble High Court of Delhi granted liberty to DDA to recheck the list and accordingly, the list of 650 persons has been checked and the fact of payment is now under verification. The target date for completing the entire exercise is the 12th December, 1994;
- (c) No, Sir.”

68. Reply to part (b) of the question was treated as an assurance and was meant to be implemented within three months from the date of the reply i.e. by March 6, 1995.

69. Since the assurance remained pending, the Chairman, Committee on Government Assurance (1995-96) desired to know the reasons for the delay in implementation of the assurance and as such the representatives of the Ministry of Urban Affairs & Employment and Delhi Development Authority were called to appear before the Chairman, Committee on Government Assurances, in his Chamber on March 20, 1995. The then Secretary, Ministry of Urban Affairs and Employment and the then Vice-Chairman, Delhi Development Authority deposed before the Chairman.

70. The Vice-Chairman, DDA informed that allotment-cum-demand letters were issued to 921 residents in the year 1988 after verification of the documents in two instalments, firstly to 650 and thereafter to 271 eligible jhuggi dwellers. As per the letter each eligible jhuggi dweller was required to pay Rs. 15,000/- plus interest. The terms and conditions for eligibility for allotment of 32 sq. metres was that 1st instalment was to be deposited within 7 days from the date of issue of the terms and the rest on later dates in 4 instalments. He further stated that on the basis of some complaints received, an enquiry was conducted in 1991 by the Sub-Divisional Magistrates on the orders of the then Chairman, DDA. The

Sub-Divisional Magistrate after the enquiry curtailed the list of 921 persons to 482 and a draw of lots of these persons was held on November 25, 1991.

71. It was also informed that some of the persons whose names were not included in the draw approached the High Court of Delhi which directed DDA on July 30, 1993 to give allotment to 650 original eligible allottees within six months from the date of Judgement. The High Court also directed DDA to recheck the list within three months of the judgement. The operative portion of the judgement of the Hon'ble High Court of Delhi dated 30.7.1993 as submitted by the Ministry of Urban Affairs & Employment *vide* O.M.No. 4/11012/9/95-PLT dated 4 July 1995 is reproduced below:

"We will therefore, allow the writ petition and will quash the draw of lots held on 25 November, 1991 for allotment of plots in Wazirpur Phasc-IV confined to 482 persons. A Mandamus is issued to the first respondent to make allotment in the first instance to 650 persons who had been issued demand-cum-allotment letters and who had made payment in terms thereof. However, liberty is granted to the first respondent to recheck that list after due notice to all those persons falling in that list of 650 persons on the basis of the scheme that it was for resettlement of all the weavers living in jhuggi jhompris is Sawan Park earlier to 1985 and that those Weavers had not been allotted any plot by the DDA, Municipal Corporation of Delhi or any other local authority in the Union Territory of Delhi. This list shall be finalised within a period of three months from today and allotment made within six months from today. Petitioners will be entitled to costs. Counsel fee Rs. 5,000/- Rule is made absolute."

72. Instead of executing the orders of High Court, DDA approached the Supreme Court on November 7, 1993. the Supreme Court however, dismissed the Special Leave Petition filed by DDA and upheld the orders of High Court, Delhi in February, 1994 and granted three months time to DDA to make allotment to 650 persons.

73. The Vice-Chairman, DDA further stated that on May 31, 1994, a four Member Committee was constituted in DDA to check the eligibility of 650 jhuggi dwellers for alternative accommodation and only 489 persons were found eligible by that Committee. On December 12, 1994, a draw was again held for allotment of plots in Phase-IV, Ashok Vihar, Delhi. At that time only four persons were found to be eligible as they were able to pay 1st instalment within seven days of the issue of allotment-cum-demand letters. With a view to covering all the eligible 489 persons, it was informed that the Vice-Chairman, DDA in consultation with the Chairman, DDA (L.G. of Delhi) gave relaxation on the criteria for making payment of 1st instalment from 7 to 30 days. Thus 439 persons were found eligible for the allotment. It was also apprised that letters

regarding plot numbers allotted to the individual have also been issued. The Vice-Chairman, DDA also apprised that a contempt petition was pending for hearing in the High Court of Delhi on March 28, 1995.

74. After hearing the facts, the Chairman, Committee on Government Assurances impressed upon DDA to take liberal approach to accommodate all the 650 persons as per the orders of the High Court, Delhi and all should be given possession by June 30, 1995. The Chairman of the Committee also desired that DDA should charge interest for the late payments of the 1st, 2nd, 3rd and 4th and 5th instalments. The Vice-Chairman, DDA however stated that they would have to check up the payments and calculate the interest.

75. The Ministry of Urban Affairs & Employment through an O.M.No.4-11012/9/95-PLT dated July 4, 1995 submitted a brief which stated that the jhuggis of the weavers were situated on a piece of land, part of which was earmarked for construction of a Zonal Plan Road and SW Drains. As such, the scheme of rehabilitation of weavers families in Sawan Park was prepared by DDA and approved *vide* Res. No. 192 dated 29.10.1984. Initially based on the report of the local associations, a list of 949 persons was prepared and 759 plots each measuring 32 sq.m. were developed by DDA in Wazirpur Phase-IV out of which only 677 plots were available. In case of remaining 82 plots, some litigations were going on. These plots, according to DDA, were meant for mixed land use where the allottees would be allowed to carry on their weaving business. It has further been stated that the scheme had not so far been implemented because a final list of eligible persons could not be finalised.

76. According to the same note the work of calculation of balance premium and interest for belated payment has been completed and verified from the Finance Department. Final demand-cum-allotment letters have been issued by the prescribed date of 30th June, 1995.

77. In the previous appearance before the Assurances Committee, the Chairman desired that the remaining 50 cases should also be considered favourably. The Vice-Chairman, Delhi Development Authority assured that the sentiments of the Hon'ble Chairman would be communicated to Lt. Governor, Delhi. In due deference to the view-point of the Hon'ble Chairman, the cases of 50+1 (one defaulter out of 439) persons are under consideration by the competent authority.

78. Despite the undertaking given by the officials of the Ministry of Urban Affairs & Employment and the DDA to the Chairman, Committee on Government Assurances, the assurance remained unimplemented. It was therefore, decided to examine the representatives of the Ministry of Urban Affairs and Employment alongwith the officials of DDA at the sitting of the Committee held on September 5, 1995.

79. The Committee pin-pointed that the work of allotment of alternate plots to the weavers of Sawan Park was to be completed by June 30, 1995

and the 50 cases were also to be cleared by that time and enquired about the difficulty for not completing the job well before the scheduled time, as was decided at the meeting held between the then Vice-Chairman, DDA and then Secretary in the Ministry of Urban Affairs & Employment with the Chairman, CGA on March 20, 1995. In reply, the Vice-Chairman, Delhi Development Authority deposed as under:—

“This is a case where not only we have fulfilled the assurance given in the House but also the assurance that was given to you personally. This is a case where we have gone beyond that.

In the previous meeting you had desired that the remaining 51 cases where the people have deposited their money after the due date of 30 days must be completed. When we submitted the cases to the Lt. Governor, who is the Chairman of the Authority, he appreciated the position and with the approval, that assurance has also been fulfilled. In these cases the draw has been held for 51 people and the demand letters had also been issued to them. We have given a note regarding that also. There are some people who had deposited the money in time but there are some other people who had deposited the money late. This assurance given to you personally as the Chairman of the Committee has also been fulfilled.”

80. The Committee note that DDA had decided to shift Jhuggies Jhompries from Sawan Park Weavers Colony before 1984 with a view to utilising part of the land under their possession for construction of a zonal plan road and Sewerage Water Drain. Consequently, a scheme for rehabilitation of weavers' families in Wazirpur Phase-IV was formulated by DDA and plot measuring 32 sq.m. each was developed. But the Committee observe that despite a good beginning, the Jhuggies-jhompries dwellers of Sawan Park could not be rehabilitated due to one reason or the other during the last decade. The Committee are distressed to note that unduly long time has been taken in finalising the list of eligible allottees. Initially based on the request of the local associations, a list of 949 persons was prepared but the allotment-cum-demand letters were issued only to 921 eligible jhuggi dwellers in two batches — first to 650 and thereafter to 271. The list was later decreased to 482 persons in 1991 as a result of the enquiry conducted by the Sub-Divisional Magistrate on receipt of complaints by the Lt. Governor. The Committee also observe that some jhuggi dwellers challenged that very list in the Delhi High Court and the High Court directed DDA to make allotment to 650 jhuggi dwellers in the first instance who had been issued demand-cum-allotment letters and who had made payment according to the terms laid down under the Scheme. The Court also directed DDA to finalise the list of eligible jhuggi dwellers amongst 650 after re-checking within three months and the allotment be made within six months from 30 July, 1993 i.e. from the date of the judgement.

81. The Committee note that a Special Leave Petition was filed by DDA in the Supreme Court against the High Court's judgement but the same was not entertained and the judgement of High Court was upheld. The Committee do not understand the logic of the DDA in filing the Special Leave Petition in Supreme Court and find the action as extraneous and unwarranted.

82. The Committee observe that the DDA issued possession letters to only 489 of 650 persons. The Committee reiterate that possession letters be issued to all including the remaining 161 persons also and this Committee may be informed about the progress made in the matter. The Committee urge the Government not to harass the innocent poors which may compel them to knock at the door of the Court for relief and justice. The Committee thus like the Government to favourably decide the case of other **jhuggi** dwellers also who were originally amongst 921 and were served allotment-cum-demand letters so that the purpose for which the land under the possession of these **jhuggi** dwellers be got vacated and made available for public amenities at the earliest as envisaged. The Committee will appreciate if the physical possession of the plots is given to all these persons in one stroke at the earliest.

NEW DELHI;
December 19, 1995

Agrahayana 29, 1917(S)

BASUDEB ACHARIA,
Chairman,
Committee on Government
Assurances.

APPENDIX I

Minutes of the Meeting held on March 20, 1995 with the Chairman, Committee on Government Assurances in Room No. 143, Parliament House, New Delhi

Following officers were present in the meeting with the Chairman, Committee on Government Assurances, held in his Chamber in connection with pending assurance given on December 7, 1994 in reply to Unstarred Question No. 24 regarding industrial plots to weavers of Sawan Park.

Ministry of Urban Development

1. Dr. J.P. Singh, Secretary
2. Shri Ashok Pahwa, Additional Secretary
3. Shri R.K. Singh, Director (DD)

Delhi Development Authority

4. Shri S.P. Jakhanwal, Vice Chairman
5. Shri K.N. Khandelwal, Finance Member
6. Shri S. Roy, Commissioner (LD)
7. Shri V.M. Bansal, Commissioner-cum-Secretary
8. Shri S.M. Gupta, Chief Legal Adviser
9. Shri V.K. Jain, Deputy Director (Indl)

LOK SABHA SECRETARIAT

1. Shri Madan Lal, Assistant Director
2. Km. J.C. Namchyo EQ(CGA)

At the outset, the Secretary, Ministry of Urban Development (DDA) narrated the background for rehabilitating the poor weavers living in jhuggis of Sawan Park, Delhi. It was informed that a decision was taken by DDA in 1985 to give alternative plots measuring 32 sq. meters to each resident of Sawan Park in lieu of his jhuggi.

The Vice-Chairman, DDA then mentioned that allotment-cum-demand letters were issued to 921 residents in two instalments—firstly to 650 and thereafter to 271 eligible jhuggi dwellers. As per the letter each eligible jhuggi dweller was required to pay Rs. 15,000/- plus interest. The terms and conditions for eligibility for allotment of 32 sq. meters was that the 1st instalments was to be deposited within 7 days from the date of issue of the terms and the rest on later dates in 4 instalments.

On the basis of some complaints received, an enquiry was conducted in 1991 by the Sub-divisional Magistrate on the orders of the then Chairman, DDA. The Sub-divisional Magistrate curtailed the list of 921 persons to 482 and a draw of plots of these persons was held on November 25, 1991.

It was informed that some of the persons whose names were not included in the draw approached the High Court of Delhi which directed DDA on July 30, 1993 to give allotment within six months from the date of judgement to 650 original eligible allottees. The High Court also directed DDA to recheck the list within three months of the judgement. But DDA approached the Supreme Court on November 7, 1993. The Supreme Court while dismissing the Special Leave Petition filed by DDA upheld the orders of High Court Delhi in February, 1994 and gave extension of three months time to DDA to make allotment to 650 persons.

It was also informed that on May 31, 1994, a four Member Committee was constituted in DDA to check the eligibility of 650 Jhuggi dwellers for alternative accommodation and that Committee found only 489 persons eligible. On December 12, 1994 a draw was again held for allotment of plots in Phase-IV, Ashok Vihar, Delhi-52. Only four persons were found to be eligible as they were able to pay 1st instalment within seven days of the issue of allotment-cum-demand letters. With a view to covering all the eligible 489 persons, the Vice-Chairman in consultation with the Chairman, DDA (LG of Delhi) gave relaxation on the criteria for making payment of 1st instalment from 7 to 30 days. Thus 439 persons in all were found eligible out of 489 persons for the allotment. It was also apprised that letters regarding plot numbers allotted to the individual have also been issued. The Vice-Chairman, DDA also apprised that a contempt petition was pending for hearing in the High Court of Delhi on March 28, 1995.

After hearing the officials from the Ministry of Urban Development and the Delhi Development Authority, the Chairman, Committee on Government Assurances, however, insisted that DDA should accept liberal approach to accommodate all the 650 persons as per the orders of the High Court Delhi and all should be given possession by June 30, 1995. The Chairman of the Committee also desired the DDA might charge interest for the late payments of the 1st, 2nd, 3rd, 4th and 5th instalments. The Vice-Chairman, DDA informed that they would have to check up the payments and calculated the interest thereon

and to complete this work it would take one month's time. The Chairman directed that DDA should complete this work before March 28, 1995 positively.

The Chairman also directed to give possession to each person whose name appeared in the list of 650 persons before the end of June, 1995 at the latest and furnish the implementation Report.

The Vice Chairman, DDA, atlast, agreed to extend the list from 439 to 489 persons as per the Surveyer Report in the first instance and agreed to complete this work before the end of June, 1995.

It was also accepted that the possession would be given to the allottees against the Jhuggies. The Chairman directed Secretary, Urban Development and the Vice-Chairman, DDA to furnish following details to the Lok Sabha Secretariat:—

- (i) List of 650 persons as per the judgement of the Delhi High Court.
- (ii) Survey Report of Shri G.C. Sachdeva, Deputy Director (Survey I).
- (iii) List of 489 persons alongwith the details of plot number.
- (iv) Total number of plots available for allotment in Phase-IV, Ashok Vihar to these weavers.
- (v) Site plan of the colony.
- (vi) List of showing the names of persons and plot nos. for whom draw was held and letter of intimation issued.

The Chairman also directed them to intimate this Secretariat about the progress made in this regard upto March 28, 1995.

The representatives agreed to furnish the same to the Committee.

The meeting then adjourned.

APPENDIX II

Minutes

THIRD SITTING

Minutes of the Sitting of the Committee on Government Assurances held on Wednesday, March 22, 1995 in Committee Room No. 'B', Parliament House Annexe, New Delhi.

The Committee met on Wednesday, March 22, 1995 from 15.00 hours to 16.00 hours.

PRESENT

CHAIRMAN

Shri Basudeb Acharia

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Shri J. Chokka Rao

SECRETARIAT

Shri Murari Lal — *Joint Secretary*

Shri Madan Lal — *Assistant Director*

2. The Committee considered the draft Twenty Seventh Report of the Committee on Government Assurances and adopted the same. The Committee authorised the Chairman to present the Report of the Committee during the current Budget Session.

3. The Committee, thereafter, took up for consideration Memorandum No. 110 containing a batch of 59 pending assurances of Eighth Lok Sabha pertaining to the Department of Energy, Ministries of Defence, Environment and Forests, Finance, Health and Family Welfare, Home Affairs, Human Resource Development, Labour, Railways, Steel, Surface Transport, Urban Development and Welfare. After reviewing all the 59 assurances, the Committee decided to take oral evidence of the Ministries of Finance and Urban Development.

4. The Committee also took stock of the remaining 27 assurances of the Eighth Lok Sabha. The Committee was informed that implementation Reports in respect of 16 assurances had already been laid on the Table of the House by the Ministry of Parliamentary Affairs. 11 assurances were,

however, still pending. The Committee decided to review the second batch of 11 pending assurances later on.

5. The Committee was also informed that the Secretary of the Ministry of Labour and the Secretary, Ministry of Urban Development appeared before the Chairman of the Committee on March 13 and March 20, 1995 respectively in respect of non-implementation of the following two pending assurances:—

- (i) an assurance given on December 9, 1994 in reply to USQ No. 576 regarding Child Labour (Prohibition & Regulation) Act, 1986; and
- (ii) an assurance given on December 7, 1994 in reply to USQ No. 24 regarding allotment of plots to the weavers of Sawan Park, Delhi.

6. The Committee was apprised by the Chairman that the Secretary, Ministry of Labour, assured the Chairman that a Bill regarding Child Labour (Prohibition & Regulation) Act, 1986 would be introduced during the current Budget Session of Parliament.

7. The Chairman also informed that the Secretary the Ministry of Urban Development and the Vice Chairman, Delhi Development Authority had stated that alternate plots would be allotted to the weavers of Sawan Park latest by the end of June, 1995.

8. The Committee then adjourned.

APPENDIX III

Minutes

FIFTEENTH SITTING

Minutes of the Siting of the Committee on Government Assurances held on September 5, 1995 in Committee Room No. '62', Parliament House Annexe, New Delhi.

The Committee met on Tuesday, September 5, 1995 from 15.00 hours to 16.30 hours.

PRESENT

Shri Basudeb Acharia — *Chairman*

MEMBERS

2. Shri Gurcharan Singh Dadhahoor
3. Shri Santosh Kumar Gangwar
4. Shri Harpal Panwar
5. Shri Shashi Prakash
6. Shri J. Chokka Rao
7. Shri Asht Bhuja Prasad Shukla
8. Shri Ummareddy Venkateswarlu
9. Shri V. S. Vijayaraghavan

SECRETARIAT

1. Shri Mange Ram — *Under Secretary*
2. Km. J.C. Namchyo — *Committee Officer*

Ministry of Urban Affairs & Employment

1. Shri C. Ramachandran — *Secretary*
2. Shri N. P. Singh — *Addl. Secretary*
3. Shri A. P. Sinha — *Joint Secretary*
4. Shri M. S. Srinivasan — *Joint Secretary*
5. Shri R. K. Singh — *Director*
6. Shri O. P. Agarwal — *Director*

Delhi Development Authority

7. Shri Anil Kumar — *Vice Chairman*.

2. The Committee took oral evidence of the representatives of the Ministry of Urban Affairs and Employment in connection with the non-implementation of the following assurances:—

1. Policy on Urban Land Ceiling.
2. Trifurcation of DDA.
3. Allotment of plots to Sawan Park Weavers.

At the outset the Committee drew the attention of the representative of the Ministry of Urban Affairs and Employment to a number of assurances pending on the subject of Urban Land (Ceiling & Regulation Act). When the Committee desired to know the difficulties in implementing those assurances, the Secretary, Ministry of Urban Affairs & Employment deposed as follows:—

“We have furnished to the Committee a chronological sequence of events about the subject being taken up regarding the amendment of the Act. There are both practical and procedural difficulties in implementing the assurance. It is realised by everyone both in Parliament and also in the State Legislatures that it would be necessary to bring in a number of changes to cater to the requirements.

From 1987 onwards, we have been going to the root of the matter to consider what possible amendments and in what fashion they can be made. One reason for the late finalisation is that we had to have the largest possible consultation. It is a very important subject which goes to the root of certain issues as to how the surplus land should be deployed by the Government for the purpose of preventing concentration of land in certain hands, how to utilise the land for social purpose etc. So, we have given the entire history of it. A couple of times, it has gone to the Cabinet where they felt that it should be looked at different angles. Since any Bill in this regard to be presented to Parliament would also require the approval of at least two State Governments, it was felt necessary that we should have consultation and discussions with the various State Governments, that is, the Chief Secretaries and the Chief Ministers. Therefore consultations were held with the State Chief Secretaries and the feedback obtained from each State has been used as inputs for the formulation of the principles of the amendment. The latest position is that this exercise is over. We have reached the stage of drafting the amended Bill to be approved by the Government. I understand that the Minister of Parliamentary Affairs has also initiated a dialogue with the major Opposition Parties to get the feedback on their own. On the basis of it, the Government of India would take a final decision on this issue.”

When asked what was the salient features of the proposals made by the Government, the Secretary stated:—

"I would like to submit that till the Cabinet approves it, we do not know what is the final shape of it. But the point is that it was felt that the Urban Land Ceiling Act has not served the purpose for which it was enacted. A very large area which has been found surplus has been actually taken over by different State Governments and put into very limited public use. The purpose of this amendment is to remove the practical and procedural drawbacks by simplifying and streamlining this by limiting it to selected urban conglomerations and giving a clear focus to the definition; to make the process of payment of compensation more effective; to limit the discretionary powers and de-regulation of the vacant land. One important thing which is contemplated in this amendment is to allow some sort of a development and creation of a fund which can be used for specific purposes of EWS and the Low-Cost Housing Scheme. Then, there is the decentralisation of powers. Basically, a large number of clauses will undergo changes. A number of discussions had taken place. There might be some areas which need further clarification".

When the Committee desired to know whether the various State Governments also desired to have such amendments in the present Act, it was informed that almost all the State Governments supported the amendments. It was also stated that some of the States also wanted the whole Act to be repealed. The reasons for such amendments were stated to be restrictions in building activities, unjustifiable low price of vacant land taken over, time consuming procedures and discretionary powers available for exercising of authority in case of acquisition and exemption.

The Committee were informed that all these things have taken care of while preparing the proposal and that various political parties have been asked to give the comments on the proposal.

When the Committee pointed out that undue delay has taken place in deciding to amend the Act, the Secretary stated that due to a lot of lacunae in the Act, the same were required to be corrected. Further he explained that it was a very important subject and had a wide ranging impact on the economy and required the widest possible consultation to evolve a consensus to the maximum extent possible to get an input from all agencies to make the amendment comprehensive. The Secretary also stated that delay was essentially due to the fact that the Government wanted to have the views of the major political parties before it was presented to the Parliament. As such, he added that from 1987 to 1995, they had discussions at different levels including State Governments and that in July 1995 it was with the Cabinet for consideration and which decided to consult all major political parties in the matter.

When the Committee queried whether the proposal submitted before the Committee of Secretaries earlier in 1987 and that which was submitted presently was same, the Secretary explained:

"The thing is that this exercise has been going on for the last six to seven years. At every stage and at every discussion, different suggestions have come. It is not that as if one Bill was presented and that Bill got changed. It is a gradual changing process. We have accommodated different points of views and made out an amendment which caters to various lacunae which we have noticed so far. Cabinet has decided to get the views from different political parties and the Parliamentary Affairs Minister has initiated this process. This is a decision which ultimately Cabinet alone can take."

The Committee, thereafter, enquired if the National Commission on Urbanisation also suggested or recommended some amendments in the Urban Land (Ceiling and Regulation) Act. To it, the witness in the Ministry of Urban Development and Employment (Shri A. P. Sinha, Joint Secretary) replied that the Commission has submitted a report in 1988. The major recommendation was regarding reviewing the provisions about discretionary exemption from the ceiling law as the Commission felt that the powers to exempt surplus land from the ceiling Law had not been utilised effectively and in productive manner. Instead of getting the land under the ceiling, the ceiling Law had been used more for exempting land from ceiling.

The Committee thereafter desired to know whether the suggestions given during the meeting of the leaders of the political parties had been incorporated in the proposed bill or whether a revised Cabinet note was being prepared for submission to the Cabinet. In reply, the Committee was informed that they had not yet received the minutes of that meeting held with the political parties. The representative, however, stated that every suggestion would be examined and wherever warranted, the same would be incorporated.

When asked about the fulfilment of those long pending assurances on the subject, the representative submitted that they were not in a position to give any time frame for fulfilling the assurances. However, an assurance was given that they would expedite all action necessary to give the final decision of the Government in the matter.

The Committee, desired that long pending assurances should be fulfilled at the earliest.

The Committee thereafter took up the pending assurance regarding Trifurcation of the Delhi Development Authority (DDA). When the Committee enquired about the legislative and administrative difficulties for not taking a final decision regarding trifurcation of the DDA into Housing Board, Slum Board and DDA, the Secretary, Ministry of Urban Affairs and Employment showed his inability to give any time frame and when asked the reason for it, he replied that the decision to trifurcate DDA was taken in 1988, as at that time the DDA was involved in three prominent activities, namely housing, slums and other activities like land acquisition

and development. But since 1991, there has been change in that thinking as it was felt that the housing sector cannot sustain entirely or through government activities. As a sole result, the idea of Housing Board had been given up in 1991. In regard to the Slum Board the Secretary explained that the Government had thought of establishing a separate board for slum with a view to looking after their upgradation and resettlement. The Secretary added that for this purpose a draft Bill had been prepared and sent to different departments and the National Capital Territory of Delhi for their comments. As the National Capital Territory of Delhi has its own legislature an Advisory Committee to look into the question of Slum was constituted by it also and the National Capital Territory was also thinking of bringing a Bill in this regard. The Secretary further stated that subject of slum has been taken over by MCD from DDA in September, 1992 in the interim period.

When asked what would be the role of Central Government in regard to Slum Board, the Secretary stated:

“...In any case the Government of India will have to execute the programmes through the field agencies in the State. Now, what exactly will be the agency through which this policy will be implemented is what is to be seen. What has been originally contemplated was to have a board. But since the Government of Delhi is also considering the same thing, we will have to get it examined in the light of the legislative roles of the Union Government and the State Government, and with respect to allocation of functions on what particular agency should deal with this subject.”

Thereafter the Committee pin pointed that the work of allotment of alternate plots to the weavers of Sawan Park was to be completed by June 30, 1995 and the 50 cases were also to be cleared by that time and enquired about the difficulty for not completing the job well before the scheduled time, as was decided at the meeting held between the then Vice Chairman, DDA and the then Secretary in the Ministry of Urban Affairs & Employment with the Chairman, CGA on March 20, 1995. In reply, the Vice Chairman, Delhi Development Authority deposed as under:

“This is a case where not only we have fulfilled the assurance given in the House but also the assurance that was given to you personally. This is a case where we have gone beyond that.

In the previous meeting you had desired that the remaining 51 cases where the people have deposited their money after the due date of 30 days must be completed. When we submitted the cases to the Lieutenant Governor, who is the Chairman of the Authority, he appreciated the position and with the approval that assurance has also been fulfilled. In these cases the draw has been held for 51 people and the demand Letters had also been issued to them. We have given

a note regarding that also. There are some people who had deposited the money in time but there are some other people who had deposited the money late. This assurance given to you personally as the Chairman of the Committee has also been fulfilled."

The Committee thereafter desired to know the time that would be required to give possession to the allottees. To this the witness further clarified :—

"There is not even a single case where the delay had taken place. Earlier in the case of 438 people, notices had been issued. Out of them, 428 people had deposited the money. And again out of those 428 people lease papers had already been issued to 115 people. Now, they may come to us after getting their papers stamped. Thereafter, the papers would be executed and the possession given. In 51 cases, the Demand Letters have been issued. This had been done only after the draw was held in the last week of July. In the month of August, all the Demand Letters would be issued. As far as other cases are concerned the same process will be followed. As soon as they complete their formalities, they will get the possession. So, I would urge again that this assurance has been fulfilled and we have tried to do our best."

Asked how much time would be taken in handing over possession the witness stated:—

"....It is only a question of a week and the possession would be given."

The Committee then adjourned.

APPENDIX IV

(Vide Para 5 of the Introduction)

Minutes

TWENTY-FIRST SITTING

Minutes of the Twenty-First Sitting of the Committee on Government Assurances held on December 19, 1995 in Committee Room 'C', Parliament House Annexe, New Delhi

The Committee met on Tuesday, December 19, 1995 from 15.00 hours to 16.00 hours. The following Members were present:—

PRESENT

Shri Basudeb Acharia—Chairman

MEMBERS

2. Shri Vishveshwar Bhagat
3. Shri Santosh Kumar Gangwar
4. Shri Prabhu Dayal Katheria
5. Shri Shashi Prakash
6. Shri J. Chokka Rao
7. Shri Asht Bhuja Prasad Shukla
8. Shri V. S. Vijayaraghavan

SECRETARIAT

1. Smt. Rewa Nayyar	— <i>Joint Secretary</i>
2. Shri P.D.T. Achary	— <i>Director</i>
3. Shri Mange Ram	— <i>Under Secretary</i>
4. Km. J. C. Namchyo	— <i>Committee Officer</i>

2. The Committee considered the draft Thirty-Sixth Report of the Committee and adopted the same. The Committee authorised the Chairman to present the Report during the Current Winter Session.

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3. The Committee decided to undertake on the spot Study Tour to Calcutta, Sikkim, Shillong and Gauhati in the 3rd week of January, 1996. The Committee decided to hold their next sitting on Thursday, December 21, 1995 at 15.00 hours for the purpose of taking oral evidence of the Ministry of Communications.

The Committee then adjourned with a vote of thanks to the chair.

*Annexure referred to in reply to Parts (a), (b) & (c) of Lok Sabha
Unstarred Question No. 1789 for 7th March, 1988*

Suggestions made in the Seminar on New Opportunities for House Construction Activity organised by Federation of Indian Chambers of Commerce and Industry, New Delhi on 29-6-87 regarding Urban Land (C&R) Act, 1976.

1. Quick sanctions must be given to schemes of group housing both in public and private sectors.
2. Owners having extra open space should be allowed to construct housing units as per sanctioned plans. Government should permit the holder of the plan to utilise the same if necessary within a given time schedule.
3. Clubbing of husband, wife and minor children for purpose of owning vacant land was not proper in view of the fact that the children who are minor would grow in course of time and would need accommodation.
4. Husband, wife with separate income and minor children should be treated as separate entities.
5. Considering the importance of safeguarding urban environment, small parts of excess vacant land should be exempted from the purview of the Act.
6. Government has large areas of vacant land at its disposal in and around big cities. Such land may be released to private developers who may be allowed to construct and sell residential houses to needy persons.
7. Appropriate conditions could be laid down regarding eligible income groups.
8. Ceilings prescribed in the Act should not be applicable to the land held by Industry.
9. Industry should be given special incentives to shift away from congested areas. The land thus vacated could be used for constructing houses.
10. A time limit should be prescribed for grant of approval. If the same is not adhered to, approval should be deemed to have been given.

STATEMENT

Action taken after April, 1987 to fulfill pending assurances in Lok Sabha

April 1987 The matter relating to amendments to Urban Land Ceiling act was placed before the Committee of Secretaries. The Committee considered the proposals and suggested some modifications.

19.6.87 A Supplementary Note was considered by the Committee of Secretaries and it was decided that a Note for the Cabinet be brought by this Ministry.

1.2.88 A Note for the Cabinet was prepared containing various proposals for amendment to the Act. The Cabinet considered the Note and appointed a Group of Ministers to examine the Note.

27.4.88 The Group of Ministers considered the Note and desired that a qualitative review should be undertaken in consultation with the State Governments, and another detailed Note should be submitted.

25.11.88 A Detailed Note on the basis of the suggestions received from the State Governments, was prepared and submitted.

13.12.88 The Group considered the Note and desired some more information in respect of the proposals for the amendment to the Act.

16.8.89 Another separate Note containing the information desired by the Group of Ministers was prepared and submitted for the consideration of the Group of Ministers.

11 & 12 June 1990 Chief Ministers' conference — amendments to the Urban Land Ceiling Act were discussed.

11.7.90 Chief Secretaries of all the States where Urban Land Ceiling Act is applicable were requested to furnish proposals for making amendment to the Act.

10 & 11 Oct. 1990 Housing Ministers Conference held in New Delhi, amendments to the Urban Land Ceiling Act were discussed.

3.10.90 Draft Cabinet Note containing various amendment proposals was circulated to the M/o Agriculture, Industry, Home Affairs, Defence, Law & Justice, etc., for eliciting their views

21.8.91 The proposals already formulated were reviewed and another Draft Cabinet Note was prepared and circulated to above Ministries for eliciting their views.

9.1.92 Note for the Cabinet containing amendments to the Act was submitted for the consideration of the Cabinet.

6.2.92 The Cabinet considered the Note dated 9.2.92 and decided that the matter may be discussed in a conference of Chief Ministers to elicit their views on the proposals.

7.3.92 The Chief Ministers Conference was held in New Delhi to discuss the amendment proposals to the Act.

15.5.92 On the basis of discussions held in Chief Ministers' Conference, the amendment proposals to the Act were modified/revised and a revised Note for the Cabinet circulated to various Ministries for obtaining their views.

1.6.92 Another revised Note for the Cabinet containing amendment proposals was submitted for the consideration of the Cabinet.

18.6.92 The Cabinet considered the Note dated 1.6.92 and decided that the matter may be referred to Inter State Council. In the meantime, Law Ministry was consulted and it was found that reference to the Inter State Council is not legally necessary. The Cabinet Secretary desired that a meeting may be convened of the Chief Secretaries of those States which initially resolved to have this act passed by the Parliament.

24.8.92 Inter State Council was requested to keep the matter in abeyance and not to circulate the Note.

29.8.92 Meeting of the Chief Secretaries of 11 States was convened under the Chairmanship of the Cabinet Secretary.

14.9.92 Revised Note for the Cabinet was submitted containing amendment proposals taking into the views expressed in the Chief Secretaries meeting. The possibility of repealing the Central act was also one option suggested for consideration. It was also proposed that guidelines be issued to the State Govts. for granting exemption under Section 20 on the lines of the amendment proposals relating to granting exemption to industries and also to vacant land holders for developing their excess vacant land at per a scheme or as per Master Plan provisions.

12.10.92 The proposals were considered by the Cabinet and it was decided that the matter may, in the first instance, be looked into by a Group of Ministers.

22.2.93 The Group of Ministers desired additional information and also a paper on the pros and cons of the policy issues relating to ceiling on urban land.

20.1.94 A Note containing the information desired by the Group of Ministers was submitted for consideration of the Group.

7.2.94 The Group of Ministers considered the Note dated 20.1.94, and approved the amendment proposals. It was also directed that a Note for the Cabinet may be submitted soon. The proposals to repeal the Act was, however, not approved by the Group of Ministers.

1.3.94 Draft Note for the Cabinet containing amendment proposals circulated to various concerned Ministries for eliciting their views on the proposals.

28.12.94 Draft Note for the Cabinet dated 1.3.94 was revised in the light of the comments received from various Ministries, particularly the M/o Law, Justice and Company Affairs. The Revised draft note for the Cabinet circulated among the Ministries/Deptts., concerned with the amendment proposals, for their comments.

17.7.95 Note for the Cabinet submitted to the Cabinet Secretariat.

28.7.95 Consideration of the Note dated 17.7.95 was deferred by the Cabinet.

Lok Sabha

**UNSTARRED QUESTION NO. 3175
TO BE ANSWERED ON DECEMBER 22, 1993**

Allotment of Plots to Weavers

3175. SHRI SHASHI PRAKASH:

Will the Minister of URBAN DEVELOPMENT be pleased to state:

- (a) the industrial plots to be allotted by DDA to the weavers of Delhi for their resettlement as per Delhi High Court judgement dated July 30, 1993;
- (b) the number of applicants who have been found eligible as per the judgement; and
- (c) the time by which the plots are likely to be allotted?

ANSWER

MINISTER OF STATE IN THE MINISTRY OF URBAN DEVELOPMENT AND MINISTER OF STATE IN THE MINISTRY OF WATER RESOURCES (SHRI P.K. THUNGON): (a) Hon'ble High Court of Delhi, vide its judgement dated 30.7.93 has directed to make allotment to 650 persons;

(b) A mandamus has been issued to the DDA to make allotment in the first instance to 650 persons who had been issued allotment-cum-demand letters and who had made payment in terms thereof. However, liberty has been granted to the DDA to recheck that list after due notice to all those persons falling in that list of 650 persons on the basis of the scheme that it was for resettlement of all the weavers living in juhuggies jhompris in sawan park earlier to 1985 and that those weavers had not been allotted any plot by the DLA, MCD or any other local authority in the Union Territory of Delhi;

(c) Against the above judgement of Hon'ble High Court an SLP has been filed in the Supreme Court. Further action could be taken after decision on the S.L.P.

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