

We are working on a formula to ensure remunerative price to the grower and also to see that the industry should be allowed to exist and that they should get about 12 per cent return on their capital investment. We are trying to see that the grower of sugar cane gets a fair price. It is also our concern to see that the sugar industry also thrives and it does not go out of existence.

And then a reasonable return of 12 per cent is worked out. On the basis of that, the levy sugar price has been fixed about which my hon. friends have spoken. That is the basis on which we are working.

As regards the arrears, I agree with the hon. Members that these have caused hardships. The reason is also well-known to the hon. Members. There has been financial credit squeeze by the banks. The production this year is much more than it was last year and the credit that was allowed to the mills by the banks was limited. It was not enough to pay back all the arrears. But, the Government is seized of the matter and the Reserve Bank has already increased the credit limit by Rs. 40 crores and this season we hope that that situation will not be allowed to arise and the growers will get the cane price.

Regarding the excess realisation whether the growers should be given a share of the exports, I want to say that this is done by the S.T.C. and that comes to the revenue; when government spends the whole revenue it is for the welfare of the people as a whole, and farmers as also the growers would benefit.

12.27 hrs.

#### URBAN LAND (CEILING AND REGULATION) BILL

AMENDMENTS MADE BY RAJYA SABHA

MR. SPEAKER: I think we now go to the next item on the agenda.. Shri Raghu Ramaiah.

SHRI K. RAGHU RAMAIAH: rose.

SHRI ERASMO DE SEQUEIRA (Marmagoa): Sir, I rise on a point of order.

THE MINISTER OF WORKS AND HOUSING AND PARLIAMENTARY AFFAIRS (SHRI K. RAGHU RAMAIAH): I have not said anything. Where is the point of order?

SHRI ERASMO DE SEQUEIRA: This is on the Urban Land (Ceiling and Regulation) Bill.

SHRI K. RAGHU RAMAIAH: I have not even started.

MR. SPEAKER: He has not yet started.

SHRI ERASMO DE SEQUEIRA: Sir, I am on a point of order on moving of the amendments.

SHRI S. A. SHAMIM (Srinagar): The Minister is before the House.

SHRI ERASMO DE SEQUEIRA: Sir, if you look to Rule 140. It provides that:

"After the amended Bill has been laid on the Table, any Minister in the case of a Government Bill, or in any other case, any member may, after giving two days' notice, move that the amendments be taken into consideration."

My submission to you is that as long as we try to say to ourselves that we are a House governed by rules, those

[Shri Erasmo de Sequeira]

rules should not be taken for granted. You, Sir, as the Speaker should insist that the prior and formal permission be obtained before any amendment in this fashion is made. To my knowledge, at least to the knowledge of the House, no such permission has been sought from you. I have received these amendments this morning.

MR. SPEAKER: That is the normal rule. But, as you all know, the House is rising to-day. So, two days' availability is not there. So, I have given my consent to him. That should be enough.

SHRI K. RAGHU RAMAIAH: Sir, I thought on the other hand the House would congratulate me for bringing in certain corrections which have been made by Rajya Sabha.

I beg to move.

"That the following amendments made by Rajya Sabha in the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserve the common good, be taken into consideration:—

Clause 2

1. That at page 3, for lines 3 to 10, the following be substituted, namely:—

'(g) "land appurtenant", in relation to any building, means—

(i) in an area where there are building regulations, the minimum

extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres; or

(ii) in an area where there are no building regulations, an extent of five hundred square metres contiguous to the land occupied by such building,

and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land, if any, contiguous to the minimum extent referred to in sub-clause (i) or the extent referred to in sub-clause (ii), as the case may be;

2. That at page 3, for lines 38 and 39, the following be substituted, namely:—

'(n) "urban agglomeration",—

(A) in relation to any State or Union territory specified in column (1) of Schedule I, means,—;

3. That at page 3, after line 50, the following be inserted, namely:—

"(B) in relation to any other State or Union territory, means any area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in Schedule I and the peripheral area therefor shall be one kilometre;"

4. That at page 5, in line 6, the word "and" be deleted.

5. That at page 5, for lines 7 to 10, the following be substituted, namely:—

"(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such building:"

#### Clause 4

6. That at page 7, after line 46, the following be inserted, namely:—

"(1) For the removal of doubts it is hereby declared that nothing in sub-sections (5), (6), (7), (9) and (10) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (ii) or sub-clause (iii) of clause (q) of section 2 as excess vacant land under this Chapter."

7. That at page 8,—

(i) in line 7, insert "or" at the end;

(ii) after line 7, the following be inserted, namely:—

"(iii) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities."

#### Clause 6

8. That at page 9, in line 6 for the word "sub-section" the word "section" be substituted.

9. That at page 9, in lines 12 and 13, the words and bracket "sub-clause (i) of" be deleted.

#### Clause 7

10. That at page 10, in line 39, for the word "persons" the word "person" be substituted.

#### Clause 15

11. That at page 15, in line 10, after the word "authority" the words "or by purchase or otherwise" be inserted.

#### Clause 22

12. That at page 19, in line 19, for the words "for such purpose" the words "for such purpose and where the competent authority is not so satisfied and does not so permit, the provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit." be substituted.

#### Clause 27

13. That at page 21, in line 28, after the words, "time being in force," the word "but subject to the provisions of sub-section (3) of Section 5 and sub-section (4) of section 10," be inserted.

#### Clause 38

14. That at page 25, lines 40 to 45 be deleted.

15. That at page 26,—

(i) in line 1, for the brackets and figure "(2)" the following be substituted, namely:—

"Offences 38. (1)";  
and  
punishments.

[Shri K. Raghuramaiah]

(ii) in line 6, for the brackets and figure "(3)", the brackets and figure "(2)" be substituted;

(iii) in line 11, for the brackets and figure "(4)", the brackets and figure "(3)" be substituted; and

(iv) in line 16, for the brackets and figure "(5)", the brackets and figure "(4)" be substituted.

#### Schedule I

16. That at page 36, in line 15, for the figure and word "8 Kms" the figure and word "8 Kms\*" be substituted.

17. That at page 36, after line 45, the following be inserted, namely:—

"\*Where any land within the peripheral area of eight kilometres is covered by water (Whether by inland waters or sea or creek), the peripheral area shall be extended beyond such water to a further distance equal to the distance measured across and occupied by such water."

Sir, before you place the motion before the House for discussion, it is my duty to explain to the House the purpose of these amendments which are to be brought up now for consideration. They are essentially three in character—one relates to the special feature of Bombay. Bombay, as you all know, is an island surrounded by water and its peripheral area is 8 k.m. We have to make clear that the sea is not to be counted. That is a very necessary amendment. Yesterday, the Minister from Bombay came. Although the Bill was with them for a long time they also forgot that there is sea. You cannot blame us; we can not anticipate all that. The other thing is that in villages there are no building regulations. So, as the Bill stands, a person in village would have got lesser than a person in town where there are no building regulations. We

have to rectify that. Somebody spoke very much about Delhi. In Delhi, the land is not owned but it is only possessed. So, we have taken into consideration that fact. Therefore, we are now making-up those lacunae which is very necessary and essential. I would beg of the House to accept them.

MR. SPEAKER: Motion moved:

"That the following amendments made by Rajya Sabha in the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomerations to subserv the common good, be taken into consideration:—

#### Clause 2

1. That at page 3, for lines 3 to 10, the following be substituted, namely:—

'(g) "land appurtenant", in relation to any building, means—

(i) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres; or

(ii) in an area where there are no building regulations, an extent of five hundred square metres contiguous to the land occupied by such building,

and includes, in the case of any building constructed before the ap-

45 R.S. Amendments to MAGHA 17, 1897 (SAKA) R.S. Amendments to 46  
*Urban Land (Ceiling & Regulation) Bill—*  
*agreed to* *Urban Land (Ceiling & Regulation) Bill—*  
*agreed to*

pointed day with a dwelling unit therein, and additional extent not exceeding five hundred square metres of land, if any, contiguous to the minimum extent referred to in sub-clause (i) or the extent referred to in sub-clause (ii), as the case may be;

2. That at page 3, for lines 38 and 39, the following be substituted, namely:—

(n) "urban agglomeration",—

(A) in relation to any State or Union territory specified in column (1) of Schedule I, means,—;

3. That at page 3, after line 50, the following be inserted, namely:—

"(B) in relation to any other State or Union territory, means any area which the State Government may, with the previous approval of the Central Government, having regard to its location, population (population being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in Schedule I and the peripheral area therefor shall be one kilometre;"

4. That at page 5, in line 6, the word "and" be deleted.

5. That at page 5, for lines 7 to 10, the following be substituted, namely:—

"(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such building:"

Clause 4

6. That at page 7, after line 46, the following be inserted namely:—

"(11) For the removal of doubts it is hereby declared that nothing in sub-sections (5), (6), (7), (9) and (10) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (ii) or sub-clause (iii) of clause (q) of section 2 as excess vacant land under this Chapter."

7. That at page 8,—

(i) in line 7, insert "or" at the end;

(ii) after line 7, the following be inserted, namely:—

"(iii) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities."

Clause 6

8. That at page 9, in line 6, for the word "sub-section" the word "section" be substituted.

9. That at page 9, in lines 12 and 13, the words and bracket "sub-clause (ii) of" be deleted.

Clause 7

10. That at page 10, in line 39, for the word "persons" the word "person" be substituted.

[Mr. Speaker]

Clause 15

11. That at page 15, in line 10, after the word "authority" the words "or by purchase or otherwise" be inserted.

Clause 22

12. That at page 19, in line 19, for the words "for such purpose" the words "for such purpose and where the competent authority is not so satisfied and does not so permit, the provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit." be substituted.

Clause 27

13. That at page 21, in line 28, after the words "time being in force," the words, "but subject to the provisions of sub-section (3) of section 5 and sub-section (4) of section 10," be inserted.

Clause 38

14. That at page 25, lines 40 to 45 be deleted.

15. That at page 26,—

(i) in line 1, for the brackets and figure "(2)" the following be substituted, namely:—

"Offences and 38 (1);  
punishments.

(ii) in line 6, for the brackets and figure "(3)" the brackets and figure "(2)" be substituted;

(iii) in line 11, for the brackets and figure "(4)" the brackets and figure "(3)" be substituted; and

(iv) in line 16, for the brackets and figure "(5)" the brackets and figure "(4)" be substituted.

SCHEDULE I

16. That at page 36, in line 15, for the figure and word "8 Kms" the figure and word "8Kms" be substituted.

17 That at page 36, after line 45, the following be inserted, namely:—

"\*Where any land within the peripheral area of eight kilometres is covered by water (whether by inland waters or sea or creek), the peripheral area shall be extended beyond such water to a further distance equal to the distance measured across and occupied by such water."

SHRI ERASMO DE SEQUEIRA (Marmagao): Mr. Speaker, it is now more than clear that what we were saying when this Bill was before this House in its first passage, that this Government had not applied its mind to it at all before coming forward to the House, has now been proved by what was done during its passage through the Upper House, because having moved many more amendments than there were clauses, the Government having moved these in this House, went to our elders and moved 17 other amendments. During the last tenure of this Bill in this House, I had said that not only had this Government ceased to think about measures before coming to this House, but in the House itself it appeared to have ceased to listen, ceased to hear, and ceased to consider what we were saying.

In those circumstances, I had suggested that they should go to the people at the end of the term, and enable the people to choose a good government instead of having what we are having now (*Interruptions*). Because if it is only that the form of the passage of the Bill is being followed, and the substance is being scattered like the ashes of a dead institution, then we might just as well not waste

our time, and their time. They can just raise their hands and call this a law. To my mind, it is nothing except a steamroller without direction.

I would like you to look at the amendments. Please look at the definition of 'land appurtenant'. This is amendment No. 1. As you know, the ceiling does not apply, according to the Bill as it is now, to any existing building and land appurtenant thereto. Look at the definition of 'land appurtenant':

'"land appurtenant" in relation to any building, means—

(1) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres....'

What the Government, in effect, is saying in this definition is that the city shall act against its own building regulations, because if the building regulations of a Master Plan provide that, say, for a particular building or a particular skyscraper the percentage of land that should be kept free is more than 500 sq. metres or more than 1,000 sq. metres for an existing building, the Government is saying that this shall not be the area kept, but what is above the limit now fixed shall be vacant land.

This is not a far-fetched problem. I will give the hon. Minister an example. In many cities of this country, in regard to building construction law, as any architect will tell him, the drafting of law is not merely a matter of knowledge of the drafting process, which Shri Raghuram very well knows from his previous experience, but it also involves a certain amount of technical expertise from an architect and from a town planner whom

obviously the Government has not consulted on this Bill. As I was saying, this happens in many cases. Suppose it is provided that 40 per cent of the land on which a building shall be constructed is to be kept free under the floor space area ratio. Suppose on a piece of land somebody constructs a building there are many many buildings in the city, especially skyscrapers, where the floor area on the ground is 1,000 sq. metres, or 1,500 sq. metres, 2,000 sq. metres or even 3,000 sq. metres—multi-flat storeys. Then what happens? The area of roadways alone around such a building will, in many cases, be almost twice 2,000 sq. metres or 4,000 sq. metres. But under the law as it comes, that building will be allowed to keep only 1,000 and the other 3,000 will disappear. The result is that the roadways of a building will become vacant land."

This is a law which is unenforceable. I cannot think of any other word than 'crazy' to describe it. Look at what they have provided under 'what may be constructed'. It is suggested that no building shall be built, in other than class A cities, with an area above 500 square meters, for a dwelling unit. 500 sq. metres for a dwelling unit is factory, not a house. Even if you have 16 bed rooms you cannot cover 500 sq. metres; it is either a palace or a factory. That is the kind of short-sightedness that the government has displayed in this House.

What is the great hurry for passing this? They have already provided that whatever enactment comes, will have retrospective effect, from the date of its introduction. Why is it necessary for them to steamroller like this and come with a law which nobody can implement? This is not urban ceiling; this is urban disaster.

Therefore, I say to the government that even now, even at this belated stage, they should put on their thinking caps which have been put off since

[Shri Erasma de Sequeira]

the emergency, and they should consider referring this Bill to a select committee.

Every single party, every single section in this House agrees to the principle or urban ceiling. Some of us may have a different approach about how to achieve that; government had tried to achieve the objective through physical means which is, to my mind, wrong; I do feel that they should achieve it through taxation. But granting this, within that method, let us have a law, let us talk about a provision so that once we pass it, it is an enforceable Act; because all that we will do is that in one case we will have buildings without roads leading to them and in another case you will utilise all the exemptions and for the utilisation of those exemptions there will be increase in corruption, as we all know. Instead of a laudable ceiling, you will have some kind of urban mad house in this country. Therefore, I say even now, that the government should think of coming forward with a motion for referring this Bill to a select committee.

SHRI DINEN BHATTACHARYYA (Serampore): Before he replies, I want clarification on amendments Nos. 14 and 15. Amendment 14 seeks to delete clause 38(1) which provides for punishment of offences. I do not know for what reason he is now going back on that in respect of those who violate the ceiling laws. Amendment No. 15 is consequential.

SHRI K. NARAYANA RAO (Bobbili): Sir, I have a few observations to make in respect of amendment No. 1. To understand by observations I request the hon. Minister to look at page 5, definition of vacant land. Sub-clause (ii) of clause 2 (q) says land occupied by any building which has been constructed before, or is being constructed on, the appointed day

with the approval of the appropriate authority, if any, and the land appurtenant to such building. What flows from amendment No. 1 is that the building area and the open space will be deemed not vacant land, similarly appurtenant land is not vacant land.

Now, there are two issues. A person may have a couple of houses. So far as the appurtenant area is concerned, this amendment has not considered a large vacant land for the disposal. I think I have made the point clear. If there is a dwelling unit on the land, then 500 sq. metres will be allowed, that will come round about one thousand square metres. They will be enjoyed by the person who is owing. Therefore, my humble submission is: Is it serving the purpose of equitable distribution? On the contrary, you are giving bonus unnecessarily to those who are owning one or two buildings plus 500 square meters for nothing. I have a great doubt about the constitutionality of it. During the emergency it is one thing but after the emergency is over, it will be clear violation of the Article 14. I hope the hon. Minister will seriously consider this point.

SHRI K. RAGHU RAMAIAH: Sir, I will first tackle Mr. Sequeira's point. He said that the Government should put its thinking cap on. It is a good compliment which I would like to reciprocate. I would advise him to put his cap on because it looks as though he has read the amendment without his cap on. His speech has nothing to do with the amendment. He has gone into the Original Bill as passed by this House. He has said that the building regulations are to be restricted to 500 square metres and that the government is going against the building regulations. It ought to and that is according to the present social condition. You cannot have building regulations now for 1000 or 2000 square metres which would help the black-marketeers and the racketeers. We



want to curb the wastage of land and if the regulations can be so modified as to make more land available to the weaker sections of the community, you cannot blame the Government for it. This is consistent with the policy of socialism. Now, the other point he raised was about the plinth area. Please put your cap again on and read the relevant clause. You are not bound to build on all the 500 square metres. It is up to 500 square metres. In your wisdom you can make it in hundred square metres. Now that point is disposed of.

About the penal provision, you kindly read clause 15. It reads like this.

"15(1) If, or after the commencement of this Act, any person acquires by inheritance..."

Then it has to be accounted for. When I read the clause very carefully the night after the Bill was passed here, I discovered that a man has to account for what he inherits, or what is gifted to him. But there is no reference to purchases. A man has to account also for what he subsequently purchases. Therefore we have amended clause 15. This is by way of abundant caution we want to ensure that the purchase made by him subsequently also is accounted for and all the relevant sections of the clauses of the Bill will apply to that also. Because we have done this, there is no need for 38(1). 38(2) covers this point. Once you give an account of it, then any false statement therein is covered by 38(2).

SHRI N. K. P. SALVE (Betul): Supposing the person owns more than two-hundred houses. A person in Nagpur owns 200 houses in a row, in a most expensive locality. Is he entitled to retain 50,000 square metres?

SHRI K. RAGHU RAMAIAH: He is entitled to retain for each house the area specified hereunder. But he will bleed through the nose. The scheme

of the Act is not to disturb the existing houses physically and not to divide the houses by metes and bounds. Then the problem is how to deal with it. A man may have 2 or 4 or 10 or even 200 houses. We are going to give guidelines to the State Governments to levy such a dose of taxation on those houses that he will not think it worth while to keep the houses and he will sell them one by one. You can ask, why we are not doing it ourselves. By the resolutions passed by various State Assemblies, we are not competent to do it. We are only authorised to regulate the ceiling on property, not taxation on property.

SHRI DINEN BHATTACHARYYA: For Union Territories, you are responsible.

SHRI K. RAGHU RAMAIAH: For that. I will do what they do.

SHRI K. NARAYANA RAO: My point is, you are now giving an additional benefit of 500 sq.m. apart from the one which he is entitled to under the Act.

SHRI K. RAGHU RAMAIAH: You are talking of the 500 sq. m. mentioned in the amendment. Originally it was suggested to the government that the existing buildings should be left untouched whatever be the area. That was one opinion. The other opinion was that the existing buildings should be divided. A *via media* has to be found. So, it was said that the land occupied by the building and the land appurtenant which has to be kept vacant under the building regulations should not be taken into account. But we are not allowing all that land. We say, not exceeding 500 sq. m. If the building regulation says that 2000 sq. m. are to be kept vacant, we say, we will allow only 500 sq. m. As a concession, we said, another 500 sq. m. in each case. That is the original scheme. Then we discovered that in the rural areas there are no building regulations. So, if we left

[Shri K. Raghu Ramaiah]

the Bill as it was, a man in an urban area will get a building plus 1000 sq. m. but in the rural area he will get only 500 sq. m. and nothing more. So, we wanted to remove that inequality and we said, if there are no building regulations, a building plus 1000 sq. m. should be allowed.

SHRI K. NARAYANA RAO: I am confining myself to one house, 500 sq. m. will be deemed to be not vacant land. In addition to that, if I am having any vacant land, I am entitled to 500 sq. m. more. Is it the intention,

SHRI K. RAGHU RAMAIAH: That is not in the intention nor the provision in the Bill. In calculating whether a man should have a vacant land of 500 sq. m. we take into account what he already has. If he has anything above 500 sq. m. he would not get any new vacant land. All the land occupied by the building, the land appurtenant to that, all will be taken into account. If what he has exceeds 500 sq. m. he would not get an inch more.

MR. SPEAKER: The question is.

"That the following amendments made by Rajya Sabha in the Bill to provide for the imposition of a ceiling on vacant land in urban agglomerations, for the acquisition of such land in excess of the ceiling limit, to regulate the construction of buildings on such land and for matters connected therewith, with a view to preventing the concentration of urban land in the hands of a few persons and speculation and profiteering therein and with a view to bringing about an equitable distribution of land in urban agglomera-

tions to subserve the common good, be taken into consideration:—

Clause 2

1. That at page 3, for lines 3 to 10, the following be substituted, namely:—

'(g) "land appurtenant", in relation to any building, means—

(i) in an area where there are building regulations, the minimum extent of land required under such regulations to be kept as open space for the enjoyment of such building, which in no case shall exceed five hundred square metres; or

(ii) in an area where there are no building regulations, an extent of five hundred square metres contiguous to the land occupied by such building,

and includes, in the case of any building constructed before the appointed day with a dwelling unit therein, an additional extent not exceeding five hundred square metres of land. If any, contiguous to the minimum extent referred to in sub-clause (i) or the extent referred to in sub-clause (ii), as the case may be;

2. That at page 3, for lines 38 and 39, the following be substituted, namely:—

'(n) "urban agglomeration",—

(A) in relation to any State or Union territory specified in column (1) of Schedule I, means,—;

3. That at page 3, after line 50, the following be inserted namely:—

"(B) in relation to any other State or Union territory, means any area which the State Government may, with the previous approval of the Central Government having regard to its location, population (popula-

tion being more than one lakh) and such other relevant factors as the circumstances of the case may require, by notification in the Official Gazette, declare to be an urban agglomeration and any agglomeration so declared shall be deemed to belong to category D in Schedule I and the peripheral area therefore shall be one kilometre;"

4. That at page 5, in line 6, the word "and" be deleted.

5. That at page 5, for lines 7 to 10, the following be substituted, namely:—

"(ii) in an area where there are building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day with the approval of the appropriate authority and the land appurtenant to such building; and

(iii) in an area where there are no building regulations, the land occupied by any building which has been constructed before, or is being constructed on, the appointed day and the land appurtenant to such build.

#### Clause 4

6. That at page 7, after line 46, the following be inserted, namely:—

"(11) For the removal of doubts it is hereby declared that nothing in sub-sections (5), (6), (7), (9) and (10) shall be construed as empowering the competent authority to declare any land referred to in sub-clause (u) or sub-clause (iii) of clause (q) of section 2 as excess vacant land under this Chapter."

7. That at page 8,—

(i) in line 7, insert "or" at the end;

(ii) after line 7, the following be inserted, namely:—

"(iii) possesses such land but owns the building, the possession being as a tenant under a lease or as a mortgagee or under an irrevocable power of attorney or a hire-purchase agreement or partly in one of the said capacities or partly in any other of the said capacity or capacities."

#### Clause 6

8. That at page 9, in line 6, for the word "sub-section" the word "section" be substituted.

9. That at page 9, in lines 12 and 13, the words and bracket "sub-clause (i) of" be deleted.

#### Clause 7

10 That at page 10, in line 39, for the word "persons" the word "person" be substituted.

#### Clause 15

11. That at page 15, in line 10, after the word "authority" the words "or by purchase or otherwise" be inserted.

#### Clause 22

12. That at page 19, in line 19, for the words "for such purpose" the words "for such purpose and where the competent authority is not so satisfied and does not so permit, the provisions of sections 6 to 14 (both inclusive) shall, so far as may be, apply to the statement filed under sub-section (1) and to the vacant land held by such person in excess of the ceiling limit." be substituted.

#### Clause 27

13. That at page 21, in line 28, after the words "time being in force," the words, "but subject to the provisions of sub-section (3) of section 5 and sub-section (4) of section 10," be inserted.

#### Clause 38

14. That at page 25, lines 40 to 45 be deleted.

[Mr. SPEAKER in the Chair]

15. That at page 26,—

- (i) in line 1, for the brackets and
- (ii) in figure "(2)" the following  
be substituted, namely:—

"Offences 38. (1)";  
and punishments.

- (ii) in line 6, for the brackets and  
figure "(3)", the brackets and  
figure "(2)" be substituted;

- (iii) in line 11, for the brackets and  
figure "(4)", the brackets and  
figure "(3)" be substituted;  
and

- (iv) in line 16, for the brackets and  
figure "(5)" the brackets and  
figure "(4)" be substituted.

#### SCHEDULE I

16. That at page 36, in line 15, for  
the figure and word "8 Kms" the figure  
and word "8 Kms" be substituted.

17. That at page 36, after line 45, the  
following be inserted, namely:—

"\*where any land within the peri-  
pheral area of eight kilometres is  
covered by water (whether by in-  
land waters or sea or creek), the peri-  
pheral area shall be extended be-  
yond such water to a further distance  
equal to the distance measured across  
and occupied by such water"

The motion was adopted

MR. SPEAKER The question is:

#### Clause 2

1. That at page 3, for lines 3 to 10,  
the following be substituted, name-  
ly:—

'(g) "land appurtenant", in rela-  
tion to any building, means—

- (i) in an area where there are  
building regulations, the mini-  
mum extent of land required  
under such regulations to be

kept as open space for the en-  
joyment of such building,  
which in no case shall exceed  
five hundred square metres; or

- (ii) in an area where there are  
no building regulations, an ex-  
tent of five hundred square  
metres contiguous to the land  
occupied by such building.

and includes, in the case of any build-  
ing constructed before the appointed  
day with a dwelling unit therein, an  
additional extent not exceeding five  
hundred square metres of land, if any,  
contiguous to the minimum extent re-  
ferred to in sub-clause (i) or the extent  
referred to in sub-clause (ii), as the  
case may be;

2. That at page 3, for lines 38 and  
39, the following be substituted, name-  
ly:—

(n) "urban agglomeration",—

- (A) in relation to any State or Uni-  
on territory specified in column  
(1) of Schedule I means,—;

3 That at page 3, after line 50, the  
following be inserted, namely .—

"(B) in relation to any other State  
or Union territory, means any area  
which the State Government may,  
with the previous approval of the  
Central Government, having regard  
to its location, population (population  
being more than one lakh) and such  
other relevant factors as the circum-  
stances of the case may require by  
notification in the Official Gazette,  
declare to be an urban agglomera-  
tion and any agglomeration so decla-  
red shall be deemed to belong to  
category D in Schedule I and the  
peripheral area therefor shall be  
one kilometre;"

4. That at page 5, in line 6, the word  
"and" be deleted.