

COMMITTEE
ON
GOVERNMENT ASSURANCES

SECOND REPORT
(FOURTH LOK SABHA)

(Presented on the 26th April, 1968)



LOK SABHA SECRETARIAT
NEW DELHI

April 1968/Chaitra 1890 (Saka)

Price : Re. 1.00

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CORRIGENDA

to the

Second Report of the Committee on Government
Assurances (Fourth Lok Sabha)

- Contents page, line 6: For 'implementatio' read
'implementation'
- Contents page, line 7 from bottom : For 'No. 2508'
read 'No. 2506'
- Page 6, para 12, line 4: For 'implemented.' read
'implemented, '
- Page 6, foot-note, item (5), line 2: For 'he' read 'of the'
- Page 14, line 4 from bottom: For 'agred' read 'agreed'
- Page 16, item No. 4, Col. 3, lines 2-3: For 'Ranjit Nagar,
Khampur, Area' read 'Ranjit Nagar/Khampur Area.'
- Page 29, para 7, line 1: For 'persued' read 'perused'
- Page 33, item 6, line 1: Add 'Marg' after 'Hospital'
item 10, line 1: For 'Pusharat' read 'Pursharth'
- Page 34, item 11, line 1: For 'Shri Ashray' read
'Shri Ram Ashray'
- Page 34, item 22, line 3: For 'Jahndewala' read
'Jhandewala'
item 22, line 3: For 'Motia Kahn' read 'Motia
Khan'
- Page 39, para 2, line 4: For 'No. 2508' read 'No. 2506'
- Page 48, last line of Para 2: For 'succeeding' read
'succeeding'
- Page 68, Para 1(i): For second subpara '(b)' read
subpara '(c)'

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PERSONNEL OF THE COMMITTEE

Shri Atal Bihari Vajpayee—*Chairman.*

MEMBERS

2. Shri Maharaj Singh Bharati
3. Shri Abdul Ghani Dar
- *4. Shri Narendra Ramchandraji Deoghare
5. Kumari Kamla Kumari
6. Haji Lutfal Haque
7. Shri V. Mayavan
8. Shrimati Mohinder Kaur
9. Shri C. Muthusami
10. Shri Paokai Haokip
11. Shri S. R. Rane
12. Shri A. S. Saigal
13. Maulana Ishaq Sambhali
- *14. Shrimati Savitri Shyam
15. Shri Ramchandra Ulaka

SECRETARIAT

Shri M. C. Chawla—*Deputy Secretary.*

*Nominated by the Speaker on the 24th November, 1967 *vice* Shri Jagannath Pashadia and Chowdhary Ram Sewak who ceased to be Members of the Committee on their appointment as Deputy Ministers.

REPORT

I. Introduction

1. The Chairman of the Committee on Government Assurances, having been authorised by the Committee to present the Report on their behalf, hereby present this Second Report of the Committee.

2. The Committee was nominated by the Speaker on the 5th April, 1967.

II. Sitzings of the Committee

3. After the presentation of their First Report (Fourth Lok Sabha) on the 19th June, 1967, the Committee held 17 sittings namely, on the 17th and 28th July, 20th, 21st and 22nd September, 23rd, 24th October, 6th and 7th November, 19th December, 1967, 22nd, 23rd and 24th January, 9th and 21st February and 12th and 21st March, 1968. At these sittings, the Committee considered the nature and extent of the implementation of assurances, treatment, or otherwise, of certain replies given during the course of replies to questions or supplementaries thereon as assurances and also reviewed the pending assurances carried forward from the Third Lok Sabha and those given during the First and Second Sessions of the Fourth Lok Sabha. The Committee also considered the representations for non-implementation of the assurances given in the House on the 29th September, 1951 during the course of discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill, 1950 from individuals, displaced persons' associations regarding the regularisation of unauthorised structures put up by the displaced persons in the Capital on Government land before the 15th August, 1950. In this connection, the Committee examined the official and non-official witnesses and also made an on-the-spot visit to the various areas inhabited by the displaced persons in the capital and one of the colonies called 'Pankha Road' being developed on its periphery.

4. The Committee also considered certain procedural matters connected with the implementation of the assurances and suggestions from Government for the dropping of certain assurances and scrutinised the statements laid on the Table by the Minister of Parliamentary Affairs in implementation of assurances given on the floor of the House during the various sessions of Lok Sabha. The relevant minutes of the sittings of the Committee were laid on the Table of the *House from time to time. The observations made by the Committee on the various pending assurances as also the manner in which action thereon should be processed have been indicated in the relevant items in these minutes.

* Minutes of the 3rd and 4th Sitzings held on 17th and 28th July, 1967—laid on 4-8-1967.

Minutes of the 5th, 6th and 7th Sitzings held on 20th, 21st and 22nd September; 8th and 9th sittings held on 23rd and 24th October; 10th and 11th sittings held on 6th and 7th November and 12th sitting held on 19th December, 1967—laid on 23-12-1967.

Minutes of the 13th, 14th and 15th Sitzings held on the 22nd, 23rd and 24th January, 1968; 16th and 17th sittings held on the 9th and 21st February, 1968; 18th and 19th sittings held on the 12th and 21st March, 1968—laid on 26-4-1968.

III. Submission to the Committee of Reports stating the reasons for the delay in the implementation of assurances within the prescribed period of two months

5. At their Fifteenth Sitting held on the 24th January, 1968, while reviewing the pending assurances pertaining to the Second Session, 1967 of the Fourth Lok Sabha, the Committee observed that even after the lapse of about six months, out of a total of 934 assurances culled out from the debates during the Second Session, 1967 of the Fourth Lok Sabha, 401 assurances were still outstanding. They were constrained to note that despite their oft-repeated exhortation that the Ministries/Departments of Government should normally implement all the assurances within a period of two months, as recommended in paras 6 and 7 of their First Report (Fourth Lok Sabha—presented on the 19th June, 1967), these assurances, some of which pertained to matters of larger public importance, had neither been implemented within the stipulated time-limit, nor had any reports indicating the special circumstances for the delay in implementing them been submitted by the Ministries concerned for information of the Committee. The grave concern expressed by the Committee was conveyed to the various Ministries of Government towards the end of January last and they were categorically told that if they did not bestow proper consideration to the implementation aspect and kept the assurances pending indefinitely, the Committee would be constrained to report the matter to the House. The Committee are glad to note that this note of caution sounded to the Ministries did yield some perceptible improvement in the clearance of the pending assurances as would be observed from the following table:

TABLE

Session	No. of assurances referred to Committee of Fourth Lok Sabha	Total No. of assurances given	No. of assurances implemented during the life time of Fourth Lok Sabha	No. of assurances still outstanding
1	2	3	4	5
THIRD LOK SABHA				
5th Session, 1963	1		1	—
7th Session, 1964	4		3	1
8th Session, 1964	1		1	—

1	2	3	4	5
9th Session, 1964 .	1		1	—
10th Session, 1964 .	1		—	1
11th Session, 1965 .	4		4	—
12th Session, 1965 .	2		1	1
13th Session, 1965 .	4		2	2
14th Session, 1966 .	25		21	4
15th Session, 1966 .	20		16	4
16th Session, 1966 .	30		24	6
TOTAL	93		74	19

FOURTH LOK SABHA

1st Session, 1967 .	123	96	27
2nd Session, 1967 .	934	688	246
3rd Session, 1967 .	581	167	414
TOTAL	1638	951	687

Although the Committee are still not quite satisfied with the progress made, nevertheless they would once again impress upon the Executive the sanctity and solemnity which is attached to each and every assurance which is given on the floor of the House and trust that all-out efforts should be made to implement it. While the Committee quite appreciate that some time-lag is bound to entail in the collection of information in certain cases from the State Governments, yet they see no reason why this should happen in the case of the Union Territories and even in some cases when the information has got to be collected from the various Sections/Branches/Attached/Subordinate Offices of the Ministries which are located here itself.

IV. Raising of the maximum time-limit for the implementation of assurances from two to six months

6. At the Seventeenth Sitting held on the 21st February, 1968, the Committee considered the note from the Department of Parliamentary Affairs dated the 3rd February, 1968 (Appendix I) suggesting that the time-limit of two months fixed by the Committee for the

implementation of an assurance should be raised to six months as it was not only inadequate but was necessitated by the present steep rise in the incidence of assurances. The Committee are not convinced of the reasons advanced by that Department for an omnibus raising of the time-limit fixed by the Committee for implementation of the assurance from two to six months. They are of the view that if the time-limit were raised, it would entail longer time to implement the assurances and would thereby not only cause further delay in implementing them, but also defeat the very purpose of asking a question. The Committee note from the analytical statements showing the time taken by the Ministries/Departments of Government appended to their earlier Reports that about 25 percent assurances were implemented within two months and 45 to 50 percent between two to six months and the remaining, in more than six months. They, however, feel that if the Department of Parliamentary Affairs pursued the implementation of the assurances with the Ministries/Departments of Government more vigorously, this could result in improving the percentage of implementation of assurances within two months from 25 to 40. After discussing the pros and cons of this suggestion at some length, the Committee agree that the maximum time-limit might be raised from two to three months instead of six months on an experimental basis. They would, however, like to watch its working for some time before a final decision was taken by the next Committee in the light of the experience thus gained.

V. Direct correspondence by the Committee on Government Assurances with the Ministries in respect of the implementation of the assurances given by Ministers on the floor of the House

7. In paras 8—11 of their First Report, the Committee dealt with at some length the scope of their powers and functions and their competence to address the various Ministries of Government in seeking further information in regard to the implementation of the pending assurances etc. under advice, however, to the Department of Parliamentary Affairs. They then expressed the belief that in the context of the direction given by the former Speaker in this behalf, this would set at rest all doubts and they would continue to function like other Parliamentary Committees and exercise their powers to send for papers, persons etc. as envisaged in Rule 270 of the Rules of Procedure.

8. The Committee, however, note that the Department of Parliamentary Affairs have again raked up this issue (c.f. D.P.A's U.O. Note in Appendix I). While the Committee do not want to join issues with that Department over their competence to act as at present, they would, however, observe that the present working arrangement, whereby all communications addressed by them to the Ministries concerned in the matter of ensuring early implementation of the pending assurances are invariably endorsed to

the Department of Parliamentary Affairs, has stood the test and helped a great deal in the expeditious despatch of Parliamentary business. This doctrine of 'fastening responsibility' fortifies the Committee's stand on the practical working plane inasmuch as it is the Minister concerned who has to answer specific questions in the House to defend his Ministry when statements in implementation of assurances are laid on the Table, or it were the representatives of the Ministry itself who had to appear before the Committee, when examined about the non-implementation of the assurances. This would be amply illustrated by the following paragraphs dealing with the non-implementation of the Gadgil Assurances where the Committee had to examine not only once but twice the representatives of the Ministry and other bodies concerned. **The Committee, therefore, see no reason why they should be precluded from functioning like other Parliamentary Committees within the framework of the Rules of Procedure and Conduct of Business in Lok Sabha. They consider that the present working arrangement does not in the remotest possible manner tend to mitigate any functions of the Department of Parliamentary Affairs in this behalf.**

VI. Non-Implementation of Assurances given in the House on the 29th September, 1951 during the course of discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill, 1950

9. Before the Committee proceed to deal with the circumstances under which they had to re-open the consideration of this matter, they would like to state briefly its background and the subsequent events leading thereto.

The Committee would recall that during the course of the discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill, 1950 the then Minister of Works, Production and Supply, the late N. V. Gadgil, gave on the 29th September, 1951 in Lok Sabha certain assurances (*Appendix II), popularly known as the "Gadgil Assurances" in regard to the regularisation of the structures built by the displaced persons in the capital prior to the 15th August, 1950 or providing alternative accommodation to them.

10. The Committee of the First Lok Sabha After examining this matter thoroughly made certain recommendations in Part VII—paragraphs 16 to 33—of their Second Report (presented to Lok Sabha on the 5th May,

*Reproduce † from Appendix X of the Second Report of the Committee on Assurances—
May, 1955 (pp. 61-62).

1955). This matter was pursued by the successor Committee and finally that Committee in paras 5 and 6 of their Third Report (December, 1956) stated that 'after examining the facts, the Committee came to the conclusion that the assurances had been satisfactorily implemented.'

11. Despite the dropping of these assurances by the Committee in their Third Report (December, 1956), representations continued to be received regarding their non-implementation, but no action was taken thereon in view of the decision of the Committee referred to above and all these representations were forwarded to Government for necessary action. In 1959, when on receipt of a representation from one of the affected parties, the question of proper implementation of the Gadgil Assurances was again taken up, the Committee at their sitting held on the 14th August, 1959 *inter alia* made the following recommendations in para 9 of the Minutes* of that sitting:

"The Committee felt that the assurances had been dropped by the Committee on Government Assurances of the First Lok Sabha on the understanding that action was being taken by the Ministry to regularise such constructions. But as that expectation had not materialised, the Substance of the assurance had not been fulfilled. The Committee were of the view that the finalisation of the Master Plan for Delhi should not bar the regularisation of such constructions, for the Master Plan was in no way in the picture in 1951, when these assurances were given."

12. The matter, however, continued to be raised in Lok Sabha in the form of questions** and sensing the strong feeling in the House that the Gadgil Assurances given on the 29th September, 1951 regarding the rehabilitation of displaced persons had not been fully implemented. Government appointed a Committee on the 11th July, 1960 under the Chair-

†The salient features of their recommendations are recapitulated as below :

"37. In conclusion, the Committee would recommend that Government should in addition to instituting an enquiry into the reasons for the failure to implement these assurances satisfactorily and to ascertain the officers responsible therefor, now take immediate steps to see—

- (1) that amount of the *ex-gratia* payment is paid without further delay;
- (2) that the value of land on 'no-profit-no-loss basis' is fixed satisfactorily wherever necessary;
- (3) that the procedure prescribed in the assurances should be strictly followed in regard to the structures which have not yet been demolished in order to save as many of them as possible;
- (4) that wherever land in the locality from which the structures have been removed is still available, offer of allotment be made on 'no-profit no-loss basis' to those persons who formerly had their structures there; and
- (5) that in the Allotment Committee now functioning for this purpose, representatives he displaced persons should also be associated."

*Full text of Minutes of the Sitting held on 14-8-1959 reproduced in Appendix III.

**1. Starred Question No. 887, dt. 15-12-1959.

2. Starred Question Nos. 1100, 1116 and 1119, dt. 25-3-1960.

manship of Shri Anil K. Chanda, the then Deputy Minister of Works, Production and Supply (hereinafter called the 'Chanda Committee') to go into the regularisation of unauthorised structures put up by the displaced persons on Government land prior to the 15th August, 1950 *vide* Gazette Notification No. 26/15/60-Acc, dated the 11th July, 1960. The Report of this Committee however, never saw the light of the day, and the matter continued to agitate the minds of the affected parties.

13. It was in reply to Unstarred Question No. 2506 on the 7th September, 1962 regarding laying of a copy of the Report of the Chanda Committee on the Table of the House that the Minister of Works, Housing and Rehabilitation stated that the Report was under consideration of Government and as soon as decisions were reached on the report, a note indicating the decisions taken would be placed on the Table of the House. This reply which was treated as an assurance was implemented on the 22nd February, 1963 when a statement showing the action taken in implementation thereof was laid on the Table of the House (Appendix IV).

14. The question of non-implementation of these assurances was reopened by the Committee on receipt by the Chairman of a representation from one Shri K. C. Jain in June, 1967. More representations from individuals/associations of displaced persons (Appendix V) on the subject were also received by the Committee during August, 1967 to March, 1968. A list of points/complaints made by them are also set forth in Appendix VI for facility of reference.

15. In order to have a correct appraisal of the problem, the Committee at their Fourth Sitting held on the 28th July, 1967 called for comments of the Ministry of Works, Housing and Supply on the various issues raised in the representation and also a copy of the Report of the Chanda Committee referred to in para 12 above along with a statement showing the action taken thereon by Government.

16. The Committee at their Sixth Sitting held on the 21st September, 1967 considered the two communications (Appendices VII & VIII) received from the Ministry of Works, Housing and Supply and the replies to some questions on the subject answered in Lok Sabha in 1959 and 1960 referred to therein. As they did not feel satisfied with the stand taken by the Ministry neither in supplying a copy of the Chanda Committee Report to them nor laying a copy thereof on the Table in reply to USQ No. 7910 on the 3rd August, 1967, the Committee sent for the representatives of the Ministry and examined them at their Seventh Sitting held on the 22nd September, 1967. At this sitting, the Committee again called upon the representatives of the Ministry to furnish to them a copy of the Chanda Committee Report in pursuance of the provisions of Rule 270 of the Rules of Procedure and Conduct of Business in Lok Sabha.

17. At their Eighth Sitting held on the 23rd October, 1967, the Committee also heard the individuals|associations of displaced persons from whom representations in regard to non-implementation of the Gadgil Assurances had been received by them. During the course of examination, one of the witnesses produced a copy of the Chanda Committee Report duly authenticated by him.

18. The Committee, therefore, enquired the reasons from the Ministry for not supplying to the House or the Committee a copy of the Chanda Committee Report which was found with some interested parties.

19. The Committee also made an on-the-spot study of the following impugned areas inhabited by the displaced persons in the capital and its periphery on the 6th November, 1967:

- (i) Poorvi Marg Area
- (ii) Pusa Road Area
- (iii) Faiz Road Area
- (iv) Nehru Parbat Area
- (v) Aram Bagh Place Area
- (vi) Panchkuin Road Area
- (vii) Gurdwara Bangala Sahib Area

20. During the visit, the representatives of the Poorvi Marg and the Main Faiz Road areas requested the Committee that the alternative plans submitted by them might be considered and the lay-out plans under the Master Plan of these areas suitably modified so as to save the demolition of their houses.

21. The Ministry of Works, Housing and Supply forwarded a Note stating their comments on the representations made to the Committee together with a copy of the Chanda Committee Report and also furnished their comments on the original representations on the 21st October, 1967 (Appendix IX) and their further comments on the Supplementary representations were also received on the 14th November, 1967 (Appendix X).

22. As regards the Chanda Committee Report, the Committee observe that the Report of this Committee which was submitted to Government on the 31st March, 1962 was not laid on the Table of the House despite a number of questions having been put from time to time. This was not even made available to the Committee, till such time, the Committee asserted its right to call for it. It is unfortunate that while the Government in their wisdom were all along reluctant to part away with this Report, it passed into the hands of some of the interested parties and a copy of it was even submitted to the Committee by one of the displaced persons who appeared before the Committee on the 23rd October, 1967 on his own volition. When the Government were asked to clarify their position in

regard to the non-supply of a copy of the Chanda Committee Report to the Committee in the first instance, they stated that the only reason for not supplying a copy of the Report was that it was not considered relevant to the point at issue. Later on, as regards the leakage of this Report the Ministry stated that the matter has been carefully examined but it has not been found possible to determine the point at which the leakage occurred and how a copy of the Report came to be in possession of an outside party (Appendix XI). The Committee are unhappy over the perfunctory manner in which the whole affair regarding the treatment of the Chanda Committee Report had been handled right from the beginning to the end.

23. At their Twelfth Sitting held on the 19th December, 1967, the Committee after discussing the contents of the representation dated the 12th December, 1967 received from Shri K. C. Jain decided that a copy of the representation might be forwarded to the Ministry of Works, Housing and Supply asking them to pend any further action in regard to the threatened eviction of the displaced persons coming under the Gadgil Assurances and the demolition of their structures, till such time as the Committee were able to finalise their conclusions in this behalf.

24. The Committee are glad to note that the Ministry of Works, Housing and Supply had accordingly directed the authorities concerned to pend further action in regard to the removal of the unauthorised occupants on Government land covered under the Gadgil Assurances.

25. In their representations addressed to the Committee, the individuals/associations of displaced persons concerned had complained that even after a lapse of 20 years the Gadgil Assurances had not been implemented and not only the unauthorised structures built by them before the 15th August, 1950 had not been regularised, but constructions put up by several displaced persons had been demolished.

26. On the matter being referred to them, the Ministry of Works, Housing and Supply informed the Committee that the Gadgil Assurances had been satisfactorily implemented except in a few isolated cases where the sites occupied by them could not be regularised on account of their not conforming to the Town Improvement Plans/Master Plan/Zonal Plans of the area. The Ministry also stated that the concerned displaced persons were advised from time to time to approach the authorities for allotment of alternative accommodation but they did not either do so or they did not accept the alternative sites/accommodation offered to them.

27. The same position was reiterated by the Ministry's representatives before the Committee on the 22nd September, 1967. The Committee were further informed on the 9th February, 1968 that their stand had been and it had been made known to the Committee that the Government had fulfilled the Gadgil Assurances except in a few cases which they were ready

to consider and rehabilitate the displaced persons concerned according to their policy under the jhuggies and jhonparies scheme.

28. The Committee note that in 1959, when the matter was reopened by the then Committee they felt that the assurances had been dropped by the Committee of the First Lok Sabha *vide* Third Report—December, 1956 on the understanding that action was being taken to regularise such structures and Government land was being given to the displaced persons who had built structures/houses thereon before the 15th August, 1950 on no-profit no-loss basis.

29. After examining the official and non-official witnesses and making the on-the-spot study visit of the various areas in the capital, the Committee have come to the conclusion that by and large the Gadgil assurances have not been implemented in letter and spirit. The Committee are also distressed to observe that after obtaining a clearance from the Committee on Assurances in their Third Report—December, 1956 to the effect that the assurances had been satisfactorily implemented, no serious effort was made by the authorities concerned either to regularise the constructions built by the displaced persons before the 15th August, 1950 or to provide alternative accommodation to them on developed land as far as practicable, near the place of business or employment of displaced persons as envisaged in the Gadgil Assurances given in the House on the 29th September, 1951.

30. The displaced persons have stated in their representations that instead of implementing the Gadgil Assurances, they were being penalized by way of proceedings being instituted against them in the Courts of Estates Officers under the Public Premises Eviction Act, 1958. Moreover, damages ranging from Rs. 20,000 to over Rs. 1,00,000 were being imposed/recovered from them at exorbitant rates which were in excess of those charged by the Delhi Development Authority in the same/nearby locality and were higher than the rents in the same locality for built-up accommodation.

31. In a note submitted to the Committee, Government have stated that cases of these displaced persons who had failed to act upon the advice of the authorities concerned or had failed to accept the alternative accommodation offered to them, had to be treated according to the normal procedure. In such cases damages for unauthorised occupation of Government land were recovered on the basis of prevailing market values of land, which were revised from time to time. The rates for recovery of damages were usually double the rates for allotment of land in various localities. The Committee were further informed that as damages were calculated at twice the normal economic rent, it followed that for long period of breach *i.e.* 15 to 20 years, the damages would come to fairly substantial amounts.

32. In their representations, the displaced persons/associations of displaced persons stated that some of the displaced persons had been allowed to complete the construction of their houses according to a letter dated

the 3rd July, 1948 from Shri M. S. Randhawa, the then Deputy Commissioner, Delhi (copy reproduced in Appendix XII)* and later on, they were declared eligible displaced persons by the Chanda Committee under the Gadgil Assurances. As regards the charging of damages from eligible displaced persons, the representative of the Delhi Development Authority informed the Committee that the damages were charged for unauthorised use of land and not for the houses or structures built thereon. The eligibility was a different matter which meant eligibility for alternative accommodation. There was a schedule of rates for charging damages which they had prescribed for the use of land and it was only a nominal charge to ensure that the ownership of land rested in the public authorities. Further if Government land was given on lease, then ground rent was charged and when it was not given on lease damages were charged from the unauthorised occupant.

33. In regard to the charging of different rates of damages by different authorities, the Committee learn from the Delhi Development Authority that originally that Authority was charging damages for unauthorised occupation of Government land, but later on, the Land and Development Office also fixed some rates which were not exactly the same as those charged by Delhi Development Authority. When the Committee expressed concern over two sets of rates of damages being levied in such cases in the capital by two different bodies, they were told that efforts were being made to streamline or standardise the rates of damages levied/charged by the Delhi Development Authority and those by the Land and Development Office and Government were trying to eliminate some of the causes for which different rates of damages were charged from unauthorised occupants of Government land. **The Committee trust that Government would before long introduce a uniform rate for levying such charges and thus do away with such an anomalous position.**

34. It was also brought to the notice of the Committee by the persons concerned that notices of eviction were first served on the displaced persons by one authority and they were asked to go to another body who would allot them alternative sites. **The Committee are unable to appreciate the manner in which the Gadgil Assurances are stated to have been implemented and how the affected persons are sent from post to pillar. They deplore the lackadaisical manner in which the whole affair has been handled by Government.**

35. It was also brought to the notice of the Committee by the displaced persons in their representations that the land under their occupation was being allotted to schools to justify the demolition of structures put up by them without even considering the allotment of alternative plots/houses to them as laid down in the Gadgil Assurances.

*As submitted to the Committee by Nehru Parbat Pursharth Association, Upper Ridge Road, Karol Bagh, New Delhi, with their Memorandum dated the 23rd October, 1967.

36. In this connection, however, the Ministry contended that the allegation is misconceived as after the Master Plan came into force in September, 1962, the land use of the sites unauthorisedly occupied by those persons is to be determined in accordance with that plan or the Zonal Plans of the areas.

37. It would be relevant to quote here the following excerpts from the Second Report of the Committee of the First Lok Sabha:

"32....The Committee have not also been shown any evidence to indicate that the Town Improvement Plan could not be so modified as required in the Assurance No. 1(e)* as to save some more of these structures.

Moreover, the Committee referred to in item 1 (e) of the assurance has not functioned as promised in the assurance. It appears that a High Power Committee was appointed in 1952 and it met twice only, viz. on the 8th March, and on the 5th July, 1952. This Committee did not have three Members of Parliament as promised in the assurance. After the second meeting, the Committee was dissolved and the work taken over by the Delhi State Government. It was the term of this assurance that it will be this Committee who should examine the question as to what extent the various buildings failed to comply with the Municipal requirements and Town Improvement plans and what suitable alteration thereof could be made to these buildings. The failure to continue this Committee meant in effect the failure to protect the interests of the displaced persons through their representatives of high authority."

38. The position as stated by the Ministry in 1956 in respect of implementation of item 1 (e) of the Gadgil Assurances, when these assurances were dropped, and as now intimated by the Ministry is as under:

"In accordance with assurances given by Shri Gadgil, a Committee was set up in November, 1951, and it met twice on the 8th March, 1952 and 5th July, 1952. It consisted of the Ministers for Health, Rehabilitation, Works, Production and Supply, the Chief Commissioner, Delhi, the Chairman, Delhi Improvement Trust (now Delhi Development Authority) and three Members of Parliament. In both the meetings, the Committee discussed and approved certain proposals for modifying the town improvement plans so as to avoid, as far as possible, the demolition or removal of constructions. The Committee made it clear that the structures which could be made to comply with the Municipal bye-laws and town improvement plans by certain alterations

* See Appendix II.

and modifications would be retained. There were, however, about 95 per cent of the unauthorised structures which did not conform to the bye-laws.”.

It thus follows from the above that the matter remained where it was more than a decade ago and no headway or any serious efforts seem to have been made to clinch the issue involved in these assurances and remove the state of suspense and thus settle it once for all.

39. In 1959, when this matter was re-opened, the Committee of Second Lok Sabha were of the view that the finalisation of Master Plan for Delhi should not bar the regularisation of such constructions as the Master Plan was in no way in the picture in 1951 when these assurances were given.

40. The Committee note that in the Master Plan which came into force in 1962, where a school or a playground had been shown, displaced persons had built residential houses there long ago (in 1948—50) and the late N. V. Gadgil *inter alia* gave assurances in 1951 that:

“In the case of constructions which comply with the Municipal requirements but not with the Town Improvement Plans, such plans shall be so modified as to avoid, as far as practicable, the demolition or removal of the constructions.”.

41. During the examination of the non-official witnesses and on-the-spot study visit by the Committee, the displaced persons of the Poorvi Marg (now Gangaram Hospital Marg) area and the representatives of the Self-Rehabilitated Displaced Persons' Association of Main Faiz Road area urged the Committee that their alternative plans as mentioned below might be considered and the lay-out plans under the Master Plan suitably modified so as to save the demolition of their houses:—

- (i) an offer to leave a strip of 20 feet of land or more in front of the bungalows on Poorvi Marg was made by one of the representatives of the area to be absorbed in the proposed widening of the road; and
- (ii) a suggestion was made and a plan later on submitted by the representative of the Displaced Persons' Association for the construction of a parallel road behind the row of about 50 houses on the main Faiz Road.

When these propositions were put forth to the Ministry, they contended as below:—

- (i) “. . . According to the Master Plan, the entire land lying between Upper Ridge Road, Shanker Road, Gangaram Hospital Marg and Pusa Road is designated for recreational purposes. Apart from the fact that a strip of 20 feet of the land covered by these bungalows would be needed for the widening of the Gangaram Hospital Marg, the existence of these bungalows at the present site would be in conflict with

the land-use prescribed in the Master Plan, which has statutory application. As a very special case, the Delhi Development Authority had agreed that six schools of an area of about 1½ acres each be permitted to come up in this recreational area fronting Pusa Road. These educational institutions have either come up or are expected to come up in the course of a few years.

- (ii) “ Faiz Road forms part of the inner Ring Road as described in the Master Plan and its right of way is 150 feet. The unauthorised construction on the eastern side of this Road falls in the area which has been reserved for schools in Jhandewala ‘D’ Block and no part of it is intended for recreational ‘Green’ use.

42. The Committee are, therefore, constrained to observe that the Gadgil Assurances had not been taken into consideration while preparing the Master Plan and that there was no effective co-ordination between the various Ministries/Departments of Government and Delhi Administration while formulating the Master Plan. It appears all authorities were quite oblivious of the obligations cast on them to implement the solemn assurances given by the late N. V. Gadgil, the then Minister in-charge in Parliament.

43. The displaced persons concerned also complained in their representations to the Committee that Government have taken a decision to treat all squatters, whether displaced or local inhabitants, as *Jhuggi and Jhonparie* dwellers to be removed without any human consideration to transit camps.

44. The Ministry of Works, Housing and Supply while forwarding a copy of the Chanda Committee Report referred to in para 21 above, stated that this Report was finalised in March, 1962, and it was considered at a meeting presided over by the Minister for Works, Housing and Rehabilitation on the 20th September, 1962, when the Chief Commissioner, Delhi, as well as the representatives of the Delhi Development Authority, Municipal Corporation of Delhi and New Delhi Municipal Committee were present. It was agreed at the meeting that the *Jhuggies and Jhonparies* Removal Scheme would provide accommodation for all persons including those who had squatted on public land prior to 1960 and were covered by the Gadgil Assurances. It was also noted in this connection that the Reha-

bilitation Ministry had already provided for practically all the displaced persons. In view of the above position, the Government decided as under:

“These displaced persons covered by the Gadgil Assurances, who have not so far been provided for by the Rehabilitation Ministry, should be dealt with under the *Jhuggie & Jhonpries* Scheme, and particular cases may be dealt with in the light of the land-use and other recommendations of the Master Plan.

The provision under the *Jhuggies & Jhonpries* Scheme should be made first for the displaced persons for whom alternative accommodation has to be found and only then for other unauthorised occupants of public land.”

The above decision of the Government was laid on the Table of the Lok Sabha on 22nd February, 1963, in fulfilment of the assurances made in reply to Unstarred Question No. 2506 answered on the 7th September, 1962, referred to para 13 above.

45. The Committee regret to note that the second sub-para *ibid* enunciating the Government's stand on this crucial issue did not find a place in the statement as originally laid on the Table of the House on the 22nd February, 1963 in fulfilment of the assurance relating to the decision taken on the Report of the Chanda Committee.

46. It follows from the above that Government seem to have become wise later only and by equating these displaced persons who came to Delhi in the wake of the Partition of the country, they are trying to wriggle out of their responsibility of rehabilitating them. It would be a travesty of facts if these displaced persons were to meet the same fate as those who migrated to Delhi and squatted on public land in the capital and thus made themselves eligible for alternate accommodation. The Committee would reiterate that the two types of squatters are distinct from each other and they see no reason why they should be covered through a package deal in the form of providing alternate sites under the *Jhuggie & Jhonpries* Removal Scheme.

47. The Chanda Committee in para 3 of their Report stated that there were 1195 eligible displaced persons (excluding Ahata Kidara for which the number of squatters was not given) who had squatted on Government land and were covered under the Gadgil Assurances. The Committee made specific recommendations in respect of nine areas—4 areas to be allotted to the squatters with/without development of those areas and

squatters of 5 areas to be provided with alternative accommodation as under:

S. No.	Name of Area	Gist of the Recommendation
1	2	3
1	Poorvi Marg	Alternative plots may be given to 5 eligible displaced persons in New Rajinder Nagar.
2	Pusa Road Corner Plot	This plot may be re-developed and subdivided into 7 plots of 200 sq. yds. and allotted to 7 occupants of the plot.
3	Area between Faiz Road and M. M. Road in various Blocks of Jhandewala Estate called Nehru Parbat, Ashok Nagar, Guru Nanak Pura, Tilak Nagar, Ticoni Pahari.	Alternative plots may be allotted to approximately 1,000 eligible displaced persons near Ranjit Nagar—Khampur.
4	Main Faiz Road	Alternative plots may be given to about 50 eligible squatters in Ranjit Nagar, Khampur, Area.
5	Subhash Nagar (Area bounded by Faiz Road, Hardhayan Singh Road, Iahi Bakash Road and Piyare Lal Road)	This area proposed to be developed by D. D. A. should be re-developed with plots of 80 sq. yds. and allotted to bulk of 130 eligible refugees and balance of eligible displaced persons, if any, should be accommodated in Ranjit Nagar—Khampur Area.
6	Ahata Kidara	As proposed by D.D.A., this area should be planned and re-developed with plots of 100 sq. yds. and allotted to displaced persons.
7	Corner plot on Panchkuan Road—(Star of India College)	The whole triangular plot of land may be allotted to the displaced person concerned subject to fulfilment of certain conditions.
8	India National School and College near Gurdwara Bangla Sahib	Alternative plot of 0.3 acre may be allotted to Shri Sawan Singh, Principal of the College—subject to fulfilment of certain conditions.
9	Motor Garage near Hanuman Temple—Irwin Road	Plot of land in Jhandewala—E-Block may be allotted to the displaced person concerned—subject to fulfilment of certain conditions.

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10 Other Areas .

While handling re-settlement of squatters, Govt. should deal with the squatters, eligible for benefits under the Gadgil Assurances, sympathetically and extend all benefits assured in the said assurances to them.

48. The Committee recommend that as far as possible the recommendations as made in the Report of the Chanda Committee which was appointed by Government themselves for the purpose should be implemented without any further delay and this problem which has become sore by efflux of time is settled once for all and the state of suspense in which thousands of displaced persons and their families are living for the last more than two decades is resolved.

49. It was also brought to the notice of the Committee that the Chanda Committee did not visit certain areas, for instance Aram Bagh area and as such the Committee did not make any recommendation in respect thereof.

50. The Committee are of the view that the recommendation contained in para 3-10 of Chanda Committee Report covers all such areas and should be implemented by Government.

51. The Committee were informed that some displaced persons in Poorvi Marg area, Pusa Road etc. were in unauthorised occupation of as much as 1,700 to 3,800 square yards of land and as such it was not possible to regularise such plots. The plots offered to the displaced persons ranged between 80 to 100 square yards only. **The Committee after considering this matter carefully recommend that parity should be maintained in regard to the area of plots to be given/offered to the displaced persons with that given/allotted to the displaced persons before 1957 in the various Colonies built by the Ministry of Rehabilitation.**

52. The Pandoo Nagar Welfare Association represented to the Committee that after Partition of the country, they had rehabilitated themselves on Nehru Parbat, Upper Ridge Road, Karol Bagh before the 15th August, 1950 and were covered under Gadgil Assurances given on the floor of the House on the 29th September, 1951 but were evicted by force without any notice on the 31st May, 1965 and were shifted to plots measuring 25 sq. yds. each in Pandoo Nagar after their houses worth several thousands of

rupees were demolished. They requested that they may be allotted 125 sq. yds. of land at their present site instead of 25 sq. yds. now allotted to them.

53. The Ministry of Works, Housing and Supply informed the Committee that these people were removed under the *Jhuggis and Jhonparis* Removal Scheme and were settled in Pandoo Nagar (West Patel Nagar). They also stated that their request to increase the area of plot from 25 sq. yds. to 125 sq. yds. which was not permissible under the scheme, could not be acceded to.

54. In regard to the area of plots to be allotted, the Committee would reiterate that the area of plots allotted to displaced persons covered under the Gadgil Assurances should be in the same range as allotted to the displaced persons in different Rehabilitation colonies built for displaced persons.

55. Here too, the Committee would observe that they do not see eye to eye with the decision of the Ministry of Works, Housing & Supply that those displaced persons who were covered under the Gadgil Assurances should be dealt with under the *Jhuggie and Jhonparies* Removal Scheme which, according to their reading, should cover only those persons who had come from different places in the country and had put up structures/houses in the capital unauthorisedly.

56. In their representation, Shri Ram Ashray Sharnarathi Association, Subzi Mandi, Delhi have stated that a number of displaced persons were still in *Khokhas* in Aryapuri, Subzimandi area. The shops in the nearby Indra Market had been allotted to Ghantaghar squatters and some were auctioned but not allotted to squatters in Aryapuri.

57. The Committee are informed that the Municipal Corporation, Delhi were examining the question of rehabilitation of the *khokha-wakas*, who were covered under the Gadgil Assurances in consultation with the Delhi Administration and the Delhi Development Authority and the provision of alternative accommodation to them was under active consideration. The Committee trust that they would not be disturbed till alternative accommodation was provided to them.

58. The Committee were further informed by the representative of the Municipal Corporation of Delhi who appeared before them at their sitting held on the 9th February, 1968 that there were about 11 such persons in Aryapuri, Sabzimandi; but on a recent survey, it had been found that there were 625 such persons. He added that they proposed to provide shop plots to them in the *Jhuggi and Jhonpari* colonies, where originally there was no provision for such shops.

59. The Committee observe that the contention of the Ministry that there were only a few isolated cases which were to be rehabilitated under the Gadgil Assurances has been countered by the statement made by the representative of the Municipal Corporation of Delhi to the effect that on a recent survey, it has been found that there were 625 such persons who were to be provided alternative plots/sites.

60. In view of the above and what has been stated in paras 26, 27 and 47 *ibid*, the Committee have come to the conclusion that there are even now a large number of eligible displaced persons who are still to be rehabilitated under the Gadgil Assurances. In order to liquidate this long outstanding problem, the Committee recommend that the Ministry of Rehabilitation should coordinate the work of rehabilitation of the remaining displaced persons with other Ministries/Departments of Government/Delhi Administration.

VII. Conclusion

61. After having considered the matter carefully in all its aspects, the Committee urge the Government to take a humanitarian view of the whole problem/ instead of dehabilitating those who rehabilitated themselves more than two decades ago with their own efforts and, as transpired in the course of evidence, with the tacit approval of the then Deputy Commissioner and Chief Commissioner, Delhi when things were in a fluid state and the refugee problem had assumed serious proportions. This problem has been dragging on almost for more than two decades. It would certainly bring ruination to these families if their cases were not considered sympathetically in the context of the circumstances in which no decision could be taken to resettle them, as far as possible in close proximity of their present structures in consonance with the letter and spirit of the assurances given on the floor of the House by the late N. V. Gadgil. The Commmittee have earlier observed that even this aspect was lost sight of at the time of formulation of the Master Plan. The Committee are further distressed to point out that the representatives of the Ministry when they appeared before them on 9th February, 1968 at one stage held out assurances to resettle some of the affected persons in Pusa Road corner plot, Subhash Nagar and Ranjit Nagar near Shadi Pur Depot, but later on they seem to have resiled from that position and have now come forward with a proposal of giving plots to them in Pankha Road colony—a far flung place from the capital. The Committee are quite conscious of the hardships which these unfortunate persons will be subjected to/ when their structures are demolished and they are shifted to the new sites where even the basic amenities of life are non-existent, which the Committee happened to visit for a while to

acquaint themselves about their location and how they were coming up-
 The Committee would, therefore, strongly recommend that Government
 should reconsider the whole matter keeping in view the humane aspect of
 the problem and do their best to implement the solemn assurances which
 had been given on the floor of the House by the late N. V. Gadgil as far
 as possible and explore all avenues as to how best these affected persons
 could be resettled.

NEW DELHI;

ATAL BIHARI VAJPAYEE,

April 2, 1968.

Chairman,

Chaitra 13, 1890 (Saka)

*Committee on Government
 Assurances.*

APPENDICES

APPENDIX I

(Vide paras 6 & 8 of Report)

DEPARTMENT OF PARLIAMENTARY AFFAIRS

SUBJECT: *Maximum time-limit during which an assurance given to the Lok Sabha should be implemented.*

The attention of the Lok Sabha Secretariat is invited to their O.M No. 12-1 (15)/68-Q, dated 25th January, 1968. In this connection, the Minister of Parliamentary Affairs has addressed his colleagues to expedite implementation of pending assurances and he proposes to lay a set containing implementation Reports during the first week of the ensuing session.

2. The Committee on Government Assurances have fixed a maximum period of two months for the implementation of an assurance. Where, however, it is not possible for a Ministry to comply with this requirement the Committee desire that the matter should be reported to them with the reasons for the delay, so that they could judge how far it was beyond the power of the Ministry to implement the assurances either within the specified period or in an adequate manner. Experience has, however, shown that the time-limit fixed for implementing an assurance is not adequate as in quite a number of cases, the information is required to be collected from various sources, located over a wide area and the collection and processing of information takes time. In certain cases investigation reports are to be given, which also take time. It is, therefore, felt that a maximum period of about six months or so for implementation of an assurance in the normal course, will be more realistic from the practical point of view. Recently, another important Parliamentary Committee viz. Public Accounts Committee, has raised the time-limit for submission of implementation reports on its recommendations from 3 months to 6 months. In the matter of assurances, there is one additional factor which seems to necessitate such a change. The incidence of assurances has registered a steep rise during the first year of the Fourth Lok Sabha. As many as 1621 assurances were culled out during 1967 which is considerably higher than the corresponding figure for any one year during the last 10 years. For comparison, it may be stated that 655 assurances were given in 1957 (first year of the Second Lok Sabha) and 854 in 1962 (first year of the Third Lok Sabha). Statement of assurances culled out from 1957 onward is given as Annexure. In view of the facts stated above, the Lok Sabha Secre-

tariat are requested kindly to place the matter for raising the time-limit suitably for implementing the assurances before the Committee.

3. Attention is also invited to this Department's U.O. No. 5(21)/66-PA, dated 6th May, 1967, regarding the procedure to be followed in dealing with the assurances.

Sd/-

Deputy Secretary.

Lok Sabha Secretariat (Question Branch)

D.P.A.U.O. No. 4(5)|68-Impln.,

dated the 3rd Feb., 1968

APPENDIX II

(Vide para 9 of Report)

[Reproduction of Appendix X to the Second Report of the Committee on Assurances—May, 1955]

Assurances given by the Minister of Works, Production and Supply on the 29th September, 1951 during the course of the Debate on the Delhi Premises (Requisition and Eviction) Amendment Bill, 1950.

[The assurances were in the terms of recommendations contained in the Select Committee's Report on the above Bill.]

1. Where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land before the 15th August, 1950 such persons shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled:—

- (a) a sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi, on the recommendations of the Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation; and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the Central Government in the Ministry of Works, Production and Supply to represent the interests of displaced persons.

NOTE:—The Allotment Committee as reconstituted would consist of:

- (1) The Deputy Commissioner of Delhi as Chairman—*ex-officio*.
 - (2) Secretary, Local Self-Government to the Chief Commissioner,
 - (3) a representative of the Ministry of Rehabilitation,
 - (4) a representative of the Improvement Trust,
 - (5) a representative of the Delhi Municipal Committee, and
 - (6) two representatives nominated by the Central Government in the Ministry of Works, Production and Supply to represent displaced persons.
- (b) where eviction is necessary, the alternative accommodation should be provided on developed land and, as far as practicable,

near the place of business or employment of the displaced persons.

- (c) In every case where any construction is demolished or removed, rehabilitation grant *ex-gratia* is also made to the displaced persons either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case.
- (d) In the case of constructions which comply, or fairly comply or with suitable modifications may be made fairly to comply with the Municipal Requirements and Town Improvement plans (where such plans exist), the value of the land in unauthorised occupation shall be assessed, on no-profit no-loss basis having regard to the cost of the acquisition and development of the land and the displaced person would be given an option to purchase the site occupied by him against payment in easy instalments of the value of the land assessed and on condition of paying the ground rent for the time being in force.

Where the displaced person is unable to purchase the site occupied by him by reason of his inability to pay the purchase money or otherwise, the provisions of clauses (b) and (c) shall apply, and he shall not be evicted unless alternative accommodation is provided and a rehabilitation grant is made.

- (e) In the case of constructions which comply with the Municipal requirements but not with the Town Improvement plans, such plans shall be so modified as to avoid, as far as practicable, the demolition or removal of the construction; and where the plan is modified and the construction is not demolished or removed the provisions of clause (d) shall apply.

NOTE:—For the above purpose, a committee consisting of the following persons shall be formed, namely:—

- (1) the Hon. Minister for Health,
- (2) the Hon. Minister for Works, Production and Supply,
- (3) the Hon. Minister of State for Rehabilitation,
- (4) three members of Parliament nominated by the Central Government, and
- (5) one representative of the Improvement Trust, Delhi.

2. Where any displaced person, without being authorised to do so has before the 15th day of August, 1950, occupied any land other than public

land or constructed any building or part of a building on such land, the Central Government will endeavour to bring about a settlement between such person and the owner of the land and if no settlement is arrived at, such person may be evicted and such construction may be removed but he will be provided by the Central Government with a plot of land, as far as practicable, near the place of business or employment of the displaced person, and in deserving cases, rehabilitation grant will be given to him.

APPENDIX III

(vide para 11 of Report)

Extract from the Minutes of the Fourteenth Sitting of the Committee held on the 14th August, 1959.

* * * * *

Assurances given in the Lok Sabha by Shri N. V. Gadgil, the then Minister of Works, Production and Supply on the 29th September, 1951 during discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill.

2. At the outset the Chairman explained the circumstances in which the assurances were given by Shri N. V. Gadgil, the then Minister of Works, Production and Supply in Lok Sabha on the 29th September, 1951 during the course of discussion on the Delhi Premises (Requisition and Eviction) Amendment Bill, and the manner in which these assurances were pursued by the Committee from time to time.

3. The Chairman mentioned that the assurances given by the Minister were in terms of the recommendations contained in the Report of the Select Committee on the Delhi Premises (Requisition and Eviction) Amendment Bill. These assurances comprised of five parts two of which were to the following effect:—

“(d) In the case of constructions which comply or with suitable modifications may be made fairly to comply with the Municipal Requirements and Town Improvement plans (where such plans exist), the value of the land in unauthorised occupation shall be assessed, on *no-profit no-loss basis* having regard to the cost of the acquisition and development of the land and the displaced persons would be given an option to purchase the site occupied by him against payment in easy instalments of the value of the land assessed and on condition of paying the ground rent for time being in force.

Where the displaced person is unable to purchase the site occupied by him by reason of his inability to pay the purchase money or otherwise, the provisions of clauses (b) and (c) shall apply, and he shall not be evicted unless alternative accommodation is provided and a rehabilitation grant is made.

(e) In case of constructions which comply with the Municipal requirements but not with the Town Improvement plans, such

plans shall be so modified as to avoid, as far as practicable, the demolition or removal of the construction; and where the plan is modified and the construction is not demolished or removed the provision of clause (d) shall apply."

(Appendix X of the Second Report of Committee on Government Assurances.)

4. The Committee on Government Assurances of the First Lok Sabha had fully gone into the implementation of the above assurances as well as other three assurances of the Minister.

5. The Committee on Government Assurances of the First Lok Sabha had issued a number of questionnaires on the subject and examined in detail the material furnished by the Ministry of Works, Housing and Supply in response thereto. They had also examined representatives of the Ministry of Works, Housing and Supply, Health and Rehabilitation, Chairman of Delhi Improvement Trust etc. and Representatives of the Self-Rehabilitated Displaced Persons Association, Delhi. The Committee were on the whole satisfied with the formula of "no profit no loss basis" devised by the Delhi Improvement Trust for the purposes of fixation of price of land for sale to squatters who had occupied the land before the 15th August, 1950. The Committee had been informed by the Ministry of Works, Housing and Supply in a note received under their Office Memorandum No. WII-25(2)|55 dated 23rd December, 1955, that "119 constructions which were fairly good and with some modifications could be made to comply with municipal requirements and town improvement plans, the land on which such unauthorised constructions exist was allotted to the owners. 113 cases were regularised after the regulations were relaxed. Regularising further constructions in a similar way is under the active examination of the authorities concerned. A Committee consisting of representatives of the Ministry of Health, Ministry of Rehabilitation, Chairman Delhi Improvement Trust, Secretary, Department of Relief and Rehabilitation, Delhi State and the Superintending Engineer, Delhi State, are examining in detail each and every case."

6. It was in the light of the foregoing considerations that the Committee of the First Lok Sabha recommended to the House in their Third Report, presented on 22nd December, 1956, that "after examining all the facts, the Committee came to the conclusion that the assurances had been satisfactorily implemented."

7. The Committee then persued the comments sent by the Ministry of Works, Housing and Supply *vide* their Office Memo. No. 26|21|59-Acc. dated the 13th August, 1959, on the latest representation from the General Secretary, Self-Rehabilitated (Displaced Persons) Association, New Delhi on the question of regularisation of constructions built by displaced persons in the following areas:

76 (aii) LS—3.

- (1) Pusa Lane (On the junction of Arya Samaj Road and Pusa Road);
- (2) Subhash Nagar (Area bounded by Faiz Road, Hardhian Singh Road, Illahi Baksh Road and Pearey Lal Road);
- (3) Main Faiz Road (From Link Road junction to its crossing at Original Road);
- (4) Nehru Parbat, Ashok Nagar and Guru Nanak Pura (Area bounded by Faiz Road, Original Road, Ridge Road and Link Road);
- (5) Tilak Nagar (Area bounded by Original Road, Faiz Road, Roh-tak Road and Ridge Road).
- (6) Ticoni Pahari (Area bounded by Faiz Road, Rohtak Road and M. M. Road).

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8. The Committee noted that the Ministry of Works, Housing and Supply had *inter alia* stated that "as to the question of regularisation, it will be appreciated that the matter is already connected with the Master Plan regularising the orderly development of Delhi and New Delhi. The Plan is at present in the final stages and until the details thereof are available, it will obviously not be possible for the authorities concerned to take any action regarding regularisation of the unauthorised constructions in the various areas. It may further be explained that the unauthorised constructions can be regularised if the same comply or fairly comply or with suitable modifications may be made fairly to comply with the municipal requirements and the town improvement plans. The basic condition regarding regularisation is, therefore, the shape of the town improvement plan, details of which are not as yet available."

9. The Committee felt that the assurances had been cropped by the Committee on Government Assurances of the First Lok Sabha on the understanding that action was being taken by the Ministry to regularise such constructions. But as that expectation had not materialised the substance of the assurance had not been fulfilled. The Committee were of the view that the finalisation of the Master Plan for Delhi should not bar the regularisation of such constructions, for the Master Plan was in no way in the picture in 1951, when these assurances were given.

10. Since the Committee on Government Assurances of First Lok Sabha had already dropped the assurances, the consensus of opinion among the Members was to seek the advice of the Speaker in the matter before they reopened the question of implementation of the assurances given by Shri Gadgil with regard to regularisation of houses built by the displaced persons before the 15th August, 1950.

11. The Committee accordingly authorised the Chairman to approach the Speaker in the matter.

APPENDIX IV

(vide para 13 of Report)

Statement laid on the Table on 22-2-1963

Second Session, 1962 of the Lok Sabha Ministry of Works, Housing and Rehabilitation.

S. No.	Date and reference	Subject	Promise made	When & how fulfilled	Remarks
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Asking

Date of fulfilment : 5-2-63

15 Unstarred Question No. 2506/- dated the 7th September, 1962 by Shri S.M. Banerjee

(a) whether a Committee was constituted under the Chairmanship of Shri Anil K. Chanda, former Deputy Minister of Works, Housing and Supply, for implementing the assurances given by Shri Gadgil to displaced persons who occupied land in Delhi in an unauthorised manner before 15th August 1956;

(b) if so, who were the members of the Committee;

1	2	3	4	5	6
		<p>(c) what is the report of the Committee and;</p> <p>(d) whether a copy of the report will be laid on the Table.</p>	<p>(c) and (d) The Committee's report is under consideration. As soon as decisions are reached on the report a note indicating the decisions taken will be placed on the Table of the House.</p>	<p>(c) and (d) Government have decided that those displaced persons, covered by the Gadgil Assurances, who have not so far been provided for by the Rehabilitation Ministry, should be dealt with under the jhuggies and jhoppies Scheme, and that particular cases should be dealt with in the light of the land-use and other recommendations of the Master Plan. Necessary instructions have been issued in this connection to the concerned authorities.</p>	

APPENDIX V

(vide para 14 of Report)

List of Representations received by the Committee from Individuals/Associations of displaced persons on the Gadgil assurances given in the House on the 29th September, 1951.

Sl. No.	Name and Address	Date of representation
1	Shri K. C. Jain, 65B, Arambagh Place, New Delhi	1st June 1967.
2	Shri Ram Singh, Vice-President, Self Rehabilitated (D. Ps) Association, T-2315, Faiz Road New Delhi-5	2nd August, 1967
3	(i) Shri Narinder Nath, T-B5, Poorvi Marg, Pusa Road, New Delhi	4th August, 1967
	(ii) Shri Manohar Lal Gujral, TB-4, Poorvi Marg, New Delhi-5	NIL
4	Shri D. P. Divan, Secretary, Self Rehabilitated (D. Ps) Association, Karol Bagh, New Delhi-5	16th August, 1967
5	Shri Sardar Singh Kakkar, No. 31/3, Ganga Ram Hospital Marg, New Delhi	27th July, 1967
6	Shrimati Shakuntala Devi Ganga Ram Hospital, New Delhi	—
7	Shri C. S. Oberai, Secretary, Self Rehabilitated (D.Ps) Association, T-2315, Faiz Road, Kaorl Bagh, New Delhi	8th September, 1967
8	Shri K. C. Jain, 65-B, Arambagh Place, New Delhi-1	19th October, 1967
9	(i) Manohar Lal Gujral, TB-4, Poorvi Marg, Pusa Lane, New Delhi	
	(ii) Narinder Kumar Abhott, TB-5, Poorvi Marg Puse Lane, New Delhi-5	9th October, 1967
10	Nehru Parbat Pusharat Association, T/1902, Upper Ridge Road, Karol Bagh, New Delhi-5	23rd October, 1967

1	2	3
11	Dr. Manohar Lal Zohar, Secretary, Shri Ashray Sharnarshi Association, T/445, Arya Para, Subzi Mandi, Delhi	19th October, 1967
12	(i) Imperial Shovel Works, Pusa Road, New Delhi-5 (ii) Shri Dwarka Das S/o Shri Gokat Chand, Opp. No. 4, Pusa Road, New Delhi-5 (iii) Paul Engineers, Pusa Road, New Delhi-5	23rd October, 1967
13	Shri C. S. Oberai, Secretary, Self-Rehabilitated (D. P.s) Association, T-2315, Faiz Road, Karol Bagh, New Delhi-5	7th November, 1967
15	President, Pandoo Nagar Welfare, Association A-32, J.J. Colony, Pandoo Nagar, (East Patel Nagar), New Delhi-8	4th November, 1967
16	Shri Milkhi Ram Jaswant Singh, TB-1, Pusa Road, Delhi	7th November, 1967
17	—do—	13th November, 1967
18	Shri K. C. Jain, 65-B, Arambagh Place, New Delhi-1	12th December, 1967
19	Shri K. C. Jain, 65-B, Arambagh Place, New Delhi-1	18th January 1968
20	Shri Abdul Ghani Dar M.P. (representation on behalf of Star of India College, Panchkuin Road, New Delhi)	18th February, 1968
21	Shri Sewan Singh, Retired Headmaster, Flat No. 17 (DR) Krishna Market, Lajpat Nagar, New Delhi	22nd February, 1968
22	Shri Harbhajan Singh Sodhi, President, The Refugees Old Motor Parts Dealers Association (Regd.), Jahndewala Road, Motia Khan, New Delhi	21st March, 1968

APPENDIX VI

(Vide para 14 of Report)

List of points/complaints made by the individuals/associations of displaced persons in their representations referred to in Appendix V.

- (i) Houses have not been regularised under the Gadgil Assurances even though 20 years have since elapsed.
- (ii) Government has not implemented assurances given on the floor of the Parliament at the time of passage of the Delhi premises (Requisition and Eviction) Amendment Bill, 1950, which were based on the recommendations of the Select Committee to whom the Bill had been referred.
- (iii) Several Constructions had been demolished.
- (iv) It has been told that the Gadgil Assurances had been implemented and Government has been given the certificate to that effect, by the Third Assurances Committee (1st Lok Sabha).
- (v) Structures in Moti Nagar on Rohtak Road have been regularised by the Delhi Development Authority and the Land and Development Officer has not done any thing in any locality.
- (vi) Government have now taken a decision to treat all squatters whether displaced persons or local inhabitants as Jhuggies Jhonparies Dwellers to be removed without any human consideration, to transit camps of 25 sq. yds.
- (vii) Instead of implementing the assurances, the displaced persons who had constructed these houses are being penalised by way of proceedings against them under the Public Premises Eviction Act; recovery of damages ranging from Rs. 20,000 to over Rs. 1,00,000 at exhorbitant rates which are in excess of those charged by Delhi Development Authority in the same/nearby locality for built up accommodation.
- (viii) Land under their occupation is being allotted to schools etc. to justify destruction of the structures put up by the displaced persons without even considering alternatives as laid down in the Gadgil Assurances.
- (ix) 125 sq. yds. of land should be allotted to displaced persons in Pandoo Nagar, instead of 25 sq. yds. already allotted to them.

- (x) A number of displaced persons are still in Khokhas in Arayapuri. The shops in the nearby Indra Market have been allotted to Ghantaghar squatters and some auctioned but not allotted to squatters in Aryapuri.

APPENDIX VII

(Vide para 16 of Report)

MOST IMMEDIATE

No. L-15(13)67

Government of India

MINISTRY OF WORKS, HOUSING AND SUPPLY

Department of Works and Housing

New Delhi, dated September 12|13, 1967.

OFFICE MEMORANDUM

SUBJECT: Action taken on the Report of the Committee constituted on the 11th July, 1960, under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister of Works, Housing and Supply to review *inter alia* the cases of unauthorised structures put up by displaced persons on Government lands prior to the 15th August, 1950 etc.

The undersigned is directed to refer to O.M. No. 12-1(4)|67-Q, dated August 9, 1967, from the Lok Sabha Secretariat, on the subject mentioned above, and to say that the position about the implementation of the Gadgil assurances referred to by Shri K. C. Jain, in his representation dated June 1, 1967, addressed to the Chairman, Committee on Assurances, Lok Sabha, was intimated to the Lok Sabha from time to time in replies to various Parliament Questions. Further, on the basis of a statement furnished by this Ministry to the Lok Sabha Secretariat on the implementation of the Gadgil Assurances, the Committee on Assurances, in their 3rd Report of December, 1956, came to the conclusion that the assurances had been satisfactorily implemented.

2. The whole matter, including the Chanda Committee Report, was carefully considered by the Government in December, 1962, when the Master Plan of Delhi had become law and come into force. The decision taken by the Government was that those displaced persons who were covered by Gadgil Assurances and who had not been provided for by the Ministry of Rehabilitation should be dealt with under Jhuggis and Jhonpris Removal Scheme and particular cases should be dealt with in the light of the land-use and other recommendations of the Master Plan. According to the land-use prescribed in the Master Plan|Zonal Plan of the areas referred to in Shri K. C. Jain's letter dated June 1, 1967, the sites in question

are required for schools, widening of roads etc., or have to be kept 'green'. As such, these sites cannot be permitted to be used for construction of houses. Structures already standing on the sites are, therefore, required to be removed and necessary action in this behalf would be taken after alternative sites are offered to the persons concerned by the Municipal Corporation of Delhi under the Jhuggies and Jhonpris Removal Scheme. In one case of unauthorised occupation of Government land on Panchkuin Road the party has gone to the court and the matter is *sub-judice*.

3. In view of the position explained above, the Chanda Committee's Report is not considered relevant to the point at issue and as such copies of the Report are not being sent to the Lok Sabha Secretariat.

Sd.|- M. BHATTACHARYYA,
Deputy Secretary to the Govt. of India.

To

The Lok Sabha Secretariat,
(Shri M. C. Chawla, Deputy Secretary),
Parliament House,
New Delhi-1.

APPENDIX VIII

(Vide para 16 of Report)

MOST IMMEDIATE

Government of India

MINISTRY OF WORKS, HOUSING AND SUPPLY

No. L-15(13)/67

New Delhi, 18th September, 1967.

SUBJECT: Action taken on the Report of the Committee constituted on the 11th July, 1960 under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister of Works, Housing and Supply to review *inter alia* the cases of unauthorised structures put up by displaced persons on Government lands prior to the 15th August, 1950 etc.

The undersigned is directed to refer to u.o. No. 12-I(4)/67-Q, dated the 14th September, 1967 from the Lok Sabha Secretariat, on the subject mentioned above, and to say that the Lok Sabha was kept informed about the implementation of the Gadgil Assurances in replies to the following Questions:

- (i) Starred Question No. 887 asked by Pandit Thakur Das Bhargava, answered on the 15th December, 1959.
- (ii) Starred Question Nos. 1100, 1116 and 1119 asked by Pandit Thakur Das Bhargava, answered on the 25th March, 1960.

2. The decision taken by Government in 1962 in the context of the Master Plan of Delhi was laid on the Table of the Lok Sabha on 22nd February, 1963 in fulfilment of the Assurance made in reply to the Unstarred Question No. 2508, answered on the 7th September, 1962 as reproduced in Appendix III to the Lok Sabha Secretariat's O.M. No. 12-1(4)/67-Q, dated the 9th August, 1967.

Sd/- P. K. SEN,

Joint Secretary to the Govt. of India.

The Lok Sabha Secretariat,

(Shri M. C. Chawla, Deputy Secretary),

Parliament House,

New Delhi-1.

APPENDIX IX

(Vide para 21 of Report)

MINISTRY OF WORKS, HOUSING AND SUPPLY

SUBJECT: Representations made to the Committee on Government Assurances regarding alleged non-implementation of Gadgil Assurances.

1. During its sitting held on the 22nd September, 1967, the Committee on Government Assurances examined five representations submitted to it regarding alleged non-implementation by the Government Assurances given by Shri N. V. Gadgil, the then Minister of Works, Production and Supply in the Lok Sabha on the 29th September, 1951, while moving consideration of the Delhi Premises (Requisition and Eviction) Amendment Bill 1951, which was subsequently passed by the Parliament. It was alleged in the representations that the Assurances given by the Minister based on the following recommendations of the Select Committee appointed by the Parliament had not been fulfilled:

“(3) Where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land before the 15th August, 1950, such person shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled, namely:—

- (a) A sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi, on the recommendation of the Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation; and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the Central Government in the Ministry of Works, Production & Supply to represent the interests of displaced persons;

NOTE:—The Allotment Committee as reconstituted consists of—

1. Deputy Commissioner of Delhi as the Chairman-*ex-officio*;
2. Secretary, Local Self Government to the Chief Commissioner;
3. A representative of Ministry of Rehabilitation;
4. A representative of Improvement Trust;
5. A representative of the Delhi Municipal Corporation; and

6. Two representatives nominated by the Central Government in the Ministry of Works, Production and Supply to represent displaced persons.
- (b) Subject to the provisions of clauses (d) and (e), alternative accommodation is provided on developed land and, as far as practicable, near the place of business or employment of displaced persons;
- (c) In every case where any construction is demolished or removed, rehabilitation grant *ex-gratia* is made to the displaced persons either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case;
- (d) In the case of constructions which comply, or fairly comply, or with suitable modifications may be made fairly to comply with the municipal requirements and Town Improvement Plans (where such plans exist), the value of the land in unauthorised occupation shall be assessed, on a no-profit-no-loss basis, having regard to the cost of the acquisition and development of the land and the displaced person would be given an option to purchase the site occupied by him against payment in easy instalments of the value of the land assessed and on condition of paying the ground rent for the time being in force and on such other conditions restricting the transfer of the land as may be specified in this behalf by the Central Government; and where the displaced person is unable to purchase the site occupied by him by reason of his inability to pay the purchase money or otherwise, the provision of clauses (b) and (c) shall apply, and he shall not be evicted unless alternative accommodation is provided and a rehabilitation grant is made;
- (e) In the case of constructions which comply with the municipal requirements but not with the Town Improvement plans, such plans shall be so modified as to avoid, as far as possible, the demolition or removal of the construction; and where the plan is modified and the construction is not demolished or removed, the provisions of clause (d) shall apply;

NOTE:—For the purpose of modifying the Town Improvement plans, a committee consisting of the following persons shall be formed, namely—

1. The Hon'ble Minister for Health;

2. The Hon'ble Minister for Works, Production and Supply;
3. The Hon'ble Minister of State for Rehabilitation;
4. Three members of Parliament to be nominated by the Central Government; and
5. One representative of the Improvement Trust, Delhi.

2. The Gadgil Assurances and the position about their implementation as furnished to the Lok Sabha Sectt. in 1956 is indicated below:—

Assurance	Implementation
(1) Where any displaced person, without being authorised to do so; occupies or has occupied any public land or has constructed any building or part of a building on such land at any time after the 1st January, 1951, he shall, after ten days notice, be summarily evicted and such construction shall be summarily removed and he shall not be entitled to any compensation or alternative accommodation.	The Government was more lenient and provided all persons with alternative accommodation (without making distinction between the Categories of squatters mentioned in assurances at (1) and (2) who were included in the survey conducted by the Govt. in the end of 1951 and beginning of 1952.
(2) Where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land at any time between 15th August, 1950, and 1st January, 1951, he shall after 3 months notice be evicted and such construction shall be removed and he shall not be entitled to any compensation or alternative accommodation.	
(3) Where any displaced person, without being authorised to do so, has occupied any public land or constructed any building or part of a building on such land before 15th August, 1950, such person shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled, namely:—	The first Allotment Committee was constituted on 14-2-1951, under the Chairmanship of the Deputy Commissioner, Delhi which, among others, consisted of two Members of the Lok Sabha, as representatives of displaced persons. With a change in the set up of the Delhi Administration, as a separate State of Delhi, "Rehabilitation" became a transferred subject and the Govt. of Delhi decided
(a) a sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi on the re-	

commendation of the Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation; and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the Central Government in the Ministry of Works, Production and Supply to represent the interests of displaced persons;

to reconstitute the Allotment Committee representing, among others, their Minister of Rehabilitation, two M.L.As. and one Member of Parliament.

NOTE.— The Allotment Committee as reconstituted would consist of :—

- (1) The Deputy Commissioner of Delhi as the Chairman-ex-officio.
- (2) Secretary, Local Self Government to the Chief Commissioner;
- (3) a representative of the Ministry of Rehabilitation ;
- (4) a representative of the Improvement Trust;
- (5) a representative of the Delhi Municipality ; and
- (6) two representatives nominated by the Central Govt. in Ministry of W.P.&S. to represent displaced persons.

Being incharge of the Rehabilitation and Relief, the then Delhi State Government had prepared a sector wise plan on the recommendation of the Committee, which was duly approved by the then Union Ministry of Rehabilitation for its implementation.

- (b) Subject to the provisions of clauses (d) and (e), alternative accommodation is provided on developed land, and, as far as practicable, near the place of business or employment of the displaced person.

Alternative accommodation had, as far as practicable, been provided near the place of business or employment of displaced persons, but it was not possible to do so in all cases because unauthorised squatting had taken place mainly near the crowded localities of the city and developed plots to rehouse displaced persons were not available in such localities. The

persons displaced from there had been given alternative accommodation in a number of Rehabilitation Colonies. About 27,700 persons had been given alternative accommodation or aid for rehabilitation. Of these 20,500 squatted before 15th August, 1950, and 7200 after that date. The remaining families who were removed were either ineligible for or did not accept alternative accommodation offered to them. In addition to the above, the Delhi Municipal Committee also provided accommodation to 2,278 refugee shop-keepers.

In certain cases, where the displaced persons wanted a plot in the area from which they were displaced, eligibility chits for a plot in that area, after the area was developed, was given to them.

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

It may be mentioned here that no compensation for structures demolished was contemplated in the assurance given by Shri Gadgil. What was contemplated was a rehabilitation grant *ex-gratia* so that a poor person who had spent most of his savings or earnings in putting up an unauthorised structure should not be left destitute and some kind of grant should be made to him so that he could be rehabilitated himself. In 7200 cases of displaced persons who squatted after 15-8-1950, but were included in 1952 survey conducted by the Delhi State Government, they were provided a plot of land measuring 100 sq. yds., a

hutment grant of Rs. 30/- and financial assistance to the extent of Rs. 500/- either in cash or in the form of material. About 2400 displaced persons who squatted before 15-8-50 and were thus eligible for the rehabilitation grant under the assurance given by Shri Gadgil and were entitled to built up accommodation preferred this form of assistance and accepted the plots of land and the hutment grant of Rs. 30/- and the financial assistance to the extent of Rs. 500/- in cash or in the form of building material (The hutment grant and the financial assistance mentioned above were adjustable against verified claims).

(1) In the case of constructions which comply fairly or comply, or with suitable modifications may be made fairly to comply with the municipal requirements and Town Improvement plans where such plans exist, the value of the land in unauthorised occupation shall be assessed on a no-profit-no-loss basis, having regard to the cost of acquisition and development of the land and the displaced person would be given an option to purchase the site occupied by him against payment in easy instalments of the value of the land assessed and on condition of paying the ground rent for the time being in force and on such other conditions restricting the transfer of the land as may be specified in this behalf by the Central Government ; and where the displaced person is

119 constructions which were fairly good and with some modifications could be made to comply with municipal bye-laws were regularised. In the case of constructions which complied with the municipal requirements and town improvement plans, the land on which such unauthorised constructions existed was allotted to the owners. 113 cases were regularised after the regulations were relaxed.

In regard to the allotment of land on a 'no profit no loss' basis, the Ministry of Health *vide* their letter No. F. 14-27/54-LSG, dated the 19th November, 1955, addressed to the Chief Commis-

unable to purchase the site occupied by him by reasons of his inability to pay the purchase money or otherwise the provision of clauses (b) and (c) shall apply, and he shall not be evicted unless alternative accommodation is provided and a rehabilitation grant is made.

- (e) In the case of constructions which comply with the municipal requirements but not with the Town Improvement plans, such plans shall be so modified as to avoid, as far as practicable, the demolition or removal of the construction; and where the plan is modified and the construction is not demolished or removed, the provisions of clause (d) shall apply.

NOTE.—For the purpose of modifying the Town Improvement Plans, a Committee consisting of the following persons shall be formed, namely:—

1. The Hon'ble Minister of Health;
2. The Hon'ble Minister of Works, Production & Supply;
3. The Hon'ble Minister of State for Rehabilitation;
4. Three Members of Parliament to be nominated by the Central Government; and
5. One representative of the Improvement Trust, Delhi.

sioner, Delhi, fixed rates of land for allotment to the eligible squatters. The rates of land for residential purposes varied between Rs. 11/- per sq. yd. and Rs. 14/12 per sq. yd. and for commercial purposes it varied between Rs. 21/- and Rs. 33/10 per sq. yd.

In accordance with assurances given by Shri Gadgil, a Committee was set up in November, 1951, and it met twice on the 8-3-52 and 5-7-52. It consisted of the Ministers for Health, Rehabilitation, Works, Production & Supply, the Chief Commissioner, Delhi, the Chairman, Delhi Improvement Trust (now Delhi Development Authority) and three Members of Parliament. In both the meetings, the Committee discussed and approved certain proposals for modifying the town improvement plans so as to avoid, as far as possible, the demolition or removal of constructions. The Committee made it clear that the structures which could be made to comply with the Municipal bye-laws and town improvement plans by certain alterations and modifications would be retained. There were, however, about 95% of the unauthorised structures which did not conform to the bye-laws. At the second meeting of the Committee, the representatives of the Delhi State Government stated that in view of the change in the set up of the Delhi Administration, "Rehabilitation" had become a "transferred-subject" and, therefore, the entire problem of rehabilitation should be handed over to them.

and they would honour the assurance given by the Minister for Works, Production & Supply. This was agreed to.

4. Where any displaced person without being authorised to do so, has, before the 15th day of August, 1950, occupied any land other than public land or constructed any building or part of a building on such land, the Central Government will endeavour to bring about a settlement between such person and the owner of the land and if no settlement is arrived at, such person may be evicted and such construction may be removed but he will be provided by the Central Govt. with plot of land, as far as practicable, near the place of business or employment of the displaced person, and in deserving cases rehabilitation grant will be given to him.

No displaced person squatting on private land had approached the Government for any relief.

5. Arrears upto July, 1948, had already been accepted for write-off. In regard to arrears upto 31st August, 1949, it was assured that the matter would be considered sympathetically and at any rate in hard cases relief would be given.

(N.B.— Actually, in the Report of the Select Committee, the recommendation was that arrears of damages upto 15th August, 1949, would be remitted. But Shri Gadgil in his speech stated that “the Select Committee recommended that arrears upto the 31st August, 1949, should be written off”).

On the basis of the Survey completed early in 1952, it was decided to give a more liberal relief than that promised by the Gadgil Assurance and damages were written off in the cases of all squatters upto the 31st December, 1951 instead of upto 31st August, 1949. The total amount of such damages not claimed was approximately Rs. 20 lakhs for the period 1-1-48 to 31-12-51. Even though Shri Gadgil's Assurance was limited to giving relief to displaced persons who squatted before the 15th August, 1950, relief was given to all displaced persons who were included in the survey of the Government of Delhi State in 1952, so that even such displaced persons who squatted after 15th August, 1950, but had occupied Govt.

premises or land before the date of the Survey in 1952, obtained relief in respect of 'damages' in the same way as persons who squatted before the 15th August, 1950.

As stated above, the above position was brought to the notice of the Lok Sabha and on this basis the Committee on Assurances in their third report of December, 1956 came to the conclusion that the assurances had been satisfactorily implemented. Subsequently in pursuance of another assurance given in the Lok Sabha, a Committee under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister of Works, Housing & Supply was constituted in July, 1960. The terms of reference of this Committee and the action taken by Government on their report is indicated in the succeeding paragraphs.

3. After hearing the representatives of this Ministry on 22-9-67, the Committee on Government Assurances desired that they should be furnished with a copy of the Report dated 31st March 1962 of the Committee headed by Shri Anil K. Chanda, the then Deputy Minister of Works, Housing & Supply, which had been appointed by Government *inter alia*—

- (a) to review the cases of unauthorised structures put up by the displaced persons on Government land prior to 15th August, 1950 and to examine which of them comply or fairly comply or with suitable modifications may be made fairly to comply with the municipal requirements and Town Improvement standards; and
- (b) to take proper steps for the expeditious regularisation of unauthorised structures which fulfil the minimum prescribed requirements.

4. The Committee further desired to have additional particulars/information as to

- (i) the detailed comments on the various points raised in the representations received by the Committee from Shri Sardar Singh Kakar and others;
- (ii) cases where plans of constructions at Panchkuin Road were passed by N. D. M. C. but Govt. had refused to approve the same;

- (iii) number of cases of unauthorised occupations and constructions which had been decided by the Land and Development Officer in accordance with Gadgil Assurances;
- (iv) regularisation of structures in Moti Nagar on Rohtak Road;
- (v) displaced persons sent to Camps on the periphery;
- (vi) number of persons evicted from unauthorised structures and rehabilitated so far and the balance left over;
- (vii) notices on occupants of unauthorised structures on Govt. lands with their dates; and
- (viii) implementation of the Gadgil Assurances.

5. Subsequently, the Committee received 5 more representations and desired that the detailed comments of this Ministry be also furnished on these representations.

6. The following comments are offered on the various points mentioned in para 3 to 5 above:

Para 3 above—A copy of the Report* is enclosed. This Report was finalised in March, 1962, and it was considered at a meeting presided over by the Minister for Works, Housing & Rehabilitation on 20th September 1962, when the Chief Commissioner, Delhi, as well as the representatives of the Delhi Development Authority; Municipal Corporation of Delhi and New Delhi Municipal Committee were present. It was agreed at the meeting that the Jhuggis & Jhopries Scheme would provide accommodation for all persons including those covered by Gadgil Assurances, who had squatted on public land to 1960. It was also noted in this connection that the Rehabilitation Ministry had already provided for practically all the Displaced Persons. In view of the above position, the Government decided as under—

“Those displaced persons covered by the Gadgil Assurances, who have not so far been provided for by the Rehabilitation Ministry, should be dealt with under the Jhuggis & Jhopries Scheme, and particular cases may be dealt with in the light of the land-use and other recommendations of the Master Plan.

The provision under the Jhuggis & Jhopries Scheme should be made first for the displaced persons for whom alternative accommodation has to be found and only then for other unauthorised occupants of public land.”

The above decision of the Government was laid on the Table of the Lok Sabha on 22nd February, 1963, in fulfilment of the assurance made in reply to the Unstarred Question No. 2506 answered on 7th September, 1962.

*Not appended hereto.

Point at (6) above:—Position in this regard has already been explained in para 6 above.

Point at (7) above:—Cases of those displaced persons who have failed to act upon the advice of the authorities concerned or have failed to accept the alternative accommodation, have to be treated according to the normal procedure. In such cases damages for unauthorised occupation of Govt. land are recovered on the basis of prevailing market values of land which are revised from time to time. The rates for recovery of damages are usually double the rates for allotment of land in different localities.

Point at (8) above:—The allegation is misconceived as after the Master Plan came into force in September, 1962, the land use of the sites unauthorisedly occupied by those persons is to be determined in accordance with that Plan or the Zonal plans of the areas.

Point at (9) above:—The regularisation of all unauthorised structures covered by the Gadgil Assurances was subject to the municipal requirements/Town Improvement Plans/Master Plan/Zonal Plans being satisfied.

Point at (10), (11) & (12) above:—As already explained above, the regularisation of the structures had to be determined taking into consideration the land use prescribed in the Town Improvement Plans/Master Plan/Zonal Plans. The structures could not be regularised as they were not in accordance with the land use laid down in these plans. Giving of water and electric connections by the local bodies has hardly any bearing on the points at issue. Government is fully aware of the Supreme Court's decision regarding certain clauses of the Punjab Act and its bearing on the relevant clauses of the Public Premises Eviction Act, 1958.

Point at (13) above:—This particular area is under the jurisdiction of the Municipal Corporation of Delhi and the comments of that Body are being obtained.

Detailed position of the case of each representationist has been explained in Annexure I.

The points mentioned in Shri M. N. Naghnor's letter will be covered by the explanation given in paras 2 and 3 above.

Point (ii) under para 4 above:—There is only one such case on Panchkuin Road, viz., that of the Star of India College. This case is however, *sub-judice*, hence no comments can be offered at present.

Point (iii) under para 4 above:—The Land & Development Officer has not regularised any unauthorised structures put up by the displaced persons on land under his control because the land use prescribed under the Town

Improvement Plans/Master Plan/Zonal Plans did not permit their being regularised. He, however, advised the concerned displaced persons to approach the Municipal Corporation of Delhi for alternative accommodation under the Jhuggi & Jhonpri Scheme and wrote to the Municipal Corporation of Delhi also simultaneously to offer alternative accommodation to them. The offer of alternative accommodation was, however, generally refused by the parties.

Point (iv) under para 4 above:—Information has been sought herein in respect of the structures regularised and cases in which permission had not been granted by the Land & Development Office though the Delhi Development Authority had approved them. The position is indicated below:—

- (1) Delhi Development Authority has regularised 51 cases.
- (2) Moti Nagar on Rohtak Road is under the jurisdiction of the Delhi Development Authority and as such the question of regularisation of structures here by the Land & Development Office does not arise.

Point (v) under para 4 above:—About 178 families who were not covered by the Gadgil Assurances. (About 782 eligible families who were evicted from Purana Qila in October, 1963 were allotted alternative accommodation in the various Rehabilitation Colonies in Delhi).

Point (vi) & (viii) under para 4 above:—The position in this regard has already been explained in para 2 above.

Point (vii) under para 4 above:—The requisite information is given in Annexure II.

ANNEXURE I

DETAILED POSITION WITH REGARD TO THE INDIVIDUAL CASES IN RESPECT OF WHICH REPRESENTATIONS HAVE BEEN SUBMITTED TO THE COMMITTEE ON GOVERNMENT ASSURANCES

I. The four representations received from S/Shri Ram Singh, D. P. Diwan, C. S. Oberoi and Duli Chand complaint about the non-regularisation of the structures put up by the displaced persons under the Gadgil Assurances

The area having been cleared of squatters and handed over to schools; and the evictees shunted out 25 sq. yds. plots under the Jhuggi & Jhonpri Removal Scheme. About 30-40 houses covered by the Assurances have been left over.

These representations relate to the unauthorised occupation by Displaced Persons on land on Faiz Road under the control of the Delhi Development

Authority. Faiz Road forms part of the inner Ring Road as described in the Master Plan and its right of way is 150'. The unauthorised construction on the eastern side of this Road falls in the area which has been reserved for schools in Jhandewala 'D' Block and no part of it is intended for recreational 'Green' use. The work of development of this area in terms of the Master Plan has already been taken up and the plots have also been allotted to the various educational institutions. Construction on some of these plots has also been started. A good deal of the area under the unauthorised construction would be required for widening of the road. In the circumstances it will not be possible to regularise the existing unauthorised constructions.

A few representatives of the Self-Rehabilitated (Displaced Persons) Association had met the Vice-Chairman of the Delhi Development Authority and the position was duly explained to them. They were advised to apply for alternative allotment under the D.D.A. residential schemes in Janakpuri and Wazirpur. They were also told that their requests, if duly made, could also be considered for allotment of flats under the D.D.A. hire-purchase scheme.

II. Joint representation of S/Shri Narinder Nath and Manohar Lal Gujral and the other from Shri Sardar Singh Kakkar relate to unauthorised structures on Poorvi Marg.

According to the official records, 5 structures were built unauthorisedly prior to 15-8-1950 on Poorvi Marg as under:—

- (i) Bungalow No. 1 built by Shri Jaswant Singh.
- (ii) Bungalow No. II built by Shrimati Shakuntla Devi.
- (iii) Bungalow No. III built by Shri Sardar Singh Kakkar.
- (iv) Bungalow No. IV built by Shri M. L. Gujral.
- (v) Bungalow No. V built by Shri Narinder Nath, S/o Shri P. N. Abbot.

On a representation made during 1949 to the then Minister for Relief & Rehabilitation on behalf of the Displaced persons who had built unauthorisedly pucca structures on Govt. land, it was decided, after taking into account the acute housing position then prevailing, that the 5 squatters mentioned above alongwith a few others should be permitted to continue at the existing sites temporarily for a period of three years. Accordingly, temporary leases were offered to these squatters for three years from 1-9-48 on payment of prescribed ground rent. These offers were, however, not accepted by the squatters on the ground that the lease period was short and the rent was excessive. The squatters also did not vacate the premises occupied by them. Their further representations were duly considered and the Government informed each of the five unauthorised squatters on 13-10-53, that the land in their occupation was not available for allotment to them.

permanently for residential purpose and that they should vacate the sites in occupation and apply for alternative accommodation to the Delhi Administration. As this advice was not accepted by them, notices of eviction under the Govt. Premises Eviction Act were issued to them by the Collector at the end of 1953. Soon thereafter, the squatters filed appeals against these notices before the Chief Commissioner, Delhi and obtained stay orders against removal of their unauthorised structures. The squatters represented in appeal that the existing sites on which they had built structures should be allotted to them on no-profit no-loss basis on the basis of the assurances given in the Parliament. It was further argued that they had again represented their case to the Govt. for allotment of these sites in terms of the Gadgil Assurances and pending decision of the Govt. the appeal cases should be adjourned. The Chief Commissioner did not accept their request to keep the appeals pending indefinitely and dismissed them on 27-5-55. While dismissing the appeals, the Chief Commissioner, however, remarked that further consideration should be given to the cases of the applicants for being accommodated on the land in terms of the assurances given in the Parliament.

The matter was further considered by the Government in order to determine whether the structures unauthorisedly built on Govt. land could be regularised. The then Town Planning Sub-Committee in its meeting held on 20-4-55 had recommended that the existing structures should be demolished as the site underneath had been earmarked for public institution, etc. and not for residential buildings. Besides, the existing structures did not fit in with the surrounding area. The Sub-Committee, therefore, felt that the owners should be given land elsewhere. Subsequently, the Delhi Development Sub-Committee in its meeting held on the 30th August, 1955 considered the above recommendations and referred the matter back to the Town Planning Sub-Committee for reconsideration. The latter Committee in its meeting held on 4-11-55 reiterated its earlier recommendation that the unauthorised houses should not be allowed to stay on the present sites. In view of further representations received from the squatters, the Delhi Development Sub-Committee referred the matter again to the Town Planning Sub-Committee. In its meeting held on 9-9-58, the Town Planning Sub-Committee again recommended that the occupants of the five houses built unauthorisedly on Govt. land on Poorvi Marg should be given notices of eviction.

The matter was finally reviewed by the Ministry of Works, Housing and Supply on 23-5-59 when it was decided that the buildings constructed unauthorisedly should be got demolished and *ex-gratia* payment made to the occupants thereof through the Ministry of Rehabilitation in accordance with the principles laid down for such payments. One of the representationists

was informed on 29-2-59 to vacate the existing site within 7 days of the notice failing which he would be evicted forcibly at his own risk and cost.

As further representations continued to be made to the Govt. from several squatters about non-fulfilment of Gadgil Assurances, the question of regularisation of all such unauthorised structures including the ones on Poorvi Marg had again been considered by Government but as the structures were encroaching on the right of way of Poorvi Marg, it was necessary to remove them for effecting widening of the Poorvi Marg to meet the growing traffic needs; and as such, these could not be regularised.

Notices of eviction had in the meanwhile been issued in August/September, 1962 on the squatters of Poorvi Marg under the P.P.E. (Eviction of Unauthorised Occupation) Act, 1958. After Government's decision that the displaced persons covered by Gadgil Assurances, who had not been provided with alternative accommodation should be dealt with under the J. & J. Scheme, all the squatters covered by the Gadgil Assurances including the five squatters of Poorvi Marg were individually addressed on 26-3-63 to approach the Municipal Corporation of Delhi for obtaining alternative accommodation and also to vacate the existing sites. Simultaneously the Municipal Corporation of Delhi was advised to provide early alternative accommodation to the squatters so that physical eviction could be undertaken after the alternative accommodation was arranged. The accommodation offered by the Municipal Corporation of Delhi was, however, generally refused by the squatters.

The present position of unauthorised occupation of land by individual squatters is indicated below:—

(1) Shri Jaswant Singh S/o Shri Milkhi Ram:

Notice of eviction under the Act was issued on 29-8-62. An order of eviction was passed by the Estate Officer on 23-3-67. Shri Jaswant Singh filed an appeal against this order before the Additional District Judge on 25-5-67. The appeal is still pending but stay order has been issued by the Additional District Judge.

The proceedings for recovery of damages for unauthorised occupation of Govt. land for the period from 1-1-52 to 31-12-63 for an area measuring 2150 sq. yds. were also initiated under the Act on 24-12-63. An order was passed by the Estate Officer on 23-3-67 assessing Rs. 84,456/- as damages. Shri Jaswant Singh has gone in appeal against this order and the case is still pending before the Additional District Judge. Meanwhile a stay order has been issued by the Additional District Judge for stay of recovery of the amount.

(2) Shri. Shakti Shakti Devi:

Notice of eviction under the Act was issued on 29-8-62. Notice for recovery of damages amounting to Rs. 12,816.98 was issued on 21-12-63. Both the cases are still pending before the Estate Officer.

(3) Shri Sardar Singh Kakkar:

Notice of eviction under the Act was issued on 29-8-62. An order of eviction was passed by the Estate Officer on 25-6-65. Shri Kakkar filed an appeal against this order before the Additional District Judge on 20-7-65 which was dismissed. Thereafter, Shri Kakkar filed a Writ Petition in the High Court which was dismissed on 12-10-65. The Estate Officer thereafter passed an order on 3-12-65 authorising eviction and taking over possession of the site by an official of the Land and Development office with the assistance of Police Mobile Demolition Squad, Delhi. Two-third of the area was got cleared under a joint operation on 24-9-66 and was handed over to the Municipal Corporation of Delhi. The remaining 1/3rd of the area could not be got cleared due to illness in this family.

The proceedings for recovery of damages for unauthorised occupation of Govt. land for the period from 1-1-52 to 31-12-63 for an area measuring 3804 sq. yds. were also initiated on 11-12-63. Another notice for recovery of damages for the period from 1-1-64 to 14-1-66 was also issued on 5-10-66. The amount claimed as damages is Rs. 1,88,797.01 plus Rs. 35,909.76 *i.e.* a total of Rs. 2,24,706.77. The proceedings in both the cases are pending before the Estate Officer.

(4) Shri M. L. Gujral:

Notice of eviction under the Act was issued on 29-8-62. Notice for recovery of damages amounting to Rs. 70,599.60 for the period from 1-1-52 to 31-12-63 for the site measuring 1600 sq. yds. was issued on 24-12-63. Another notice for recovery of damages amounting to Rs. 2,772.09 for the period from 13-11-59 to 30-6-63 for unauthorised occupation of additional Government land measuring 187 sq. yds. was issued on 11-6-63. All the three cases are pending before the Estate Officer.

(5) Shri Narinder Nath S/o Shri P. N. Abbot:

Notice of eviction under the Act was issued on 29-8-62. Notice for recovery of damages amounting to Rs. 69,771.44 for the period from 1-1-52 to 31-12-63 for the site measuring 1404 sq. yds. was issued on 11-12-63. Another notice for recovery of damages amounting to Rs. 13,233.76 for a further period from 1-1-64 to 1-4-66 for the same site was issued on 20-10-66. All the three cases are pending before the Estate Officer.

In their representations, S/shri M. L. Gujral and Narinder Nath have made certain further allegations. These allegations together with comments thereon are stated below:—

- (i) Proceedings have been instituted against them in the Estate Officer's Court for summary trials and he has been issuing harsh, illegal, oppressive, vague judgments without considering the evidence tendered before him.

These allegations are without any basis. As stated above, no final order of eviction or recovery of damages has yet been passed by him mostly due to the dilatory tactics adopted by these two persons during the last five years. The Estate Officer has been giving both these persons ample opportunities as provided under the Act to defend their cases and to tender proper evidence.

- (ii) Heavy damages are being levied and their recovery is being threatened as arrears of land revenue. These damages are alleged to be far in excess of the damages prescribed by the Delhi Development Authority for similar localities and in some cases even higher than the rents applicable to built-up accommodation.

No order for recovery of damages has yet been passed by the Estate Officer in these two cases. The claim of the Government is based on the market value of land in different localities and damages are claimed at double the ordinary rates. These rates have been prescribed to act as deterrent against the unauthorised occupation of Govt. land. The large amount of damages in these cases are due to the fact that the area under the unauthorised occupation is large and the unauthorised occupation has continued for a long period.

- (iii) No distinction is being made between the squatters of 1948 and those of 1966.

This allegation is not correct. The Govt. have already decided that the Displaced Persons who occupied Govt. land prior to 15-8-50 and are covered by Gadgil Assurances are to be given preference in the allotment of alternative accommodation under the J. & J. Removal Scheme. Besides, the persons who squatted on Govt. land during 1966 are not eligible for any alternative accommodation under J. & J. Removal Scheme.

- (iv) Sites under the occupation of the persons covered by the Gadgil Assurances are being deliberately allotted to schools and others to justify the demolition of the existing structures without offering alternative accommodation.

This allegation is also without justification. The sites occupied unauthorisedly both by S/shri M. L. Gujral and Narinder Nath in Poorvi Marg are

required for widening of Poorvi Marg for its growing traffic needs. The alternative accommodation which the Govt. have offered under the J. & J. Removal Scheme is not acceptable to both these parties.

In his representation dated 27-7-67, Shri Sardar Singh Kakkar has made some further allegations. The points raised and our comments thereon are stated below:—

- (i) Structures built by him unauthorisedly on Govt. land should not be demolished because these conform to the rules and regulations of the Delhi Municipal Committee. The existing site should be allotted to him after recovering the price thereon.

In accordance with the Select Committee's report which forms the basis of Gadgil Assurance the existing structures could be regularised only if these conformed both to the municipal requirements and Town Improvement Standards. The site beneath the structures was not approved for residential purposes by the Town Planning Sub-Committee. As also stated by the Chanda Committee's Report land beneath the structures is required for the widening of the Poorvi Marg and as such cannot be permitted for residential purposes.

- (ii) During 1948, he constructed 4 bungalows Nos. TB 3, 4, 5 and 6 on Poorvi Marg. His bungalow No. TB 6 was demolished by New Delhi Municipal Committee on 23rd August, 1948 but he continues to remain owner of the remaining three bungalows in which electricity and water connections have been duly provided by the N.D.M.C.

This allegation is not borne out by paragraph 3 of his representation in which he states that while the possession of bungalow No. 3 is with him, the possession of bungalows No. 4 and 5 is with Shri M. L. Gujral and Shri Narinder Nath S/o. Shri P. N. Abbot. The representations of these two persons against eviction have already been dealt with above. The fact that the N.D.M.C. have provided water and electricity connections to Shri Kakkar and other squatters on unauthorised land, does not confer any right of ownership or lease on the land under unauthorised occupation.

- (iii) The appeal filed by Shri Sardar Singh Kakkar against the Union of India was decided in his favour on 27th May, 1955.

As already stated above, the appeal preferred by Shri Kakkar against the notice of eviction served on him was dismissed. The recommendations of the Chief Commissioner to the Govt., namely that every consideration should be given to the applicants for being accommodated on the site

under his possession was duly considered by the Government, but was not accepted as the site was required for widening of the Poorvi Marg in the interest of Town Planning requirements.

(iv) A lease for 3 years of the site was offered to Shri Kakkar on 28th April, 1949.

As already stated above, a temporary lease for three years was offered from 1st September, 1948 to Shri Kakkar and other squatters, in order to prevent hardship to them and to enable them to make alternative arrangements. The terms of the lease were, however, not accepted by them. In any case, the offer of a temporary lease did not confer any right on Shri Kakkar and others and after the expiry of the prescribed period, the unauthorised squatters including Shri Kakkar were required to vacate the premises occupied by them.

(v) Shri Kakkar was harassed by the ex-Minister, Shri Mehr Chand Khanna; he was put in prison for two days; he has been reduced as pauper and he is being constantly harassed.

These are vague allegations on which no comments can be offered.

(vi) As the Supreme Court has declared Public Premises Eviction Act, 1961 as *ultra-vires*, the proceeding pending against him for damages under the Act should be quashed.

The statement made by Shri Kakkar is incorrect. He is being proceeded under the P.P.E. (Eviction of Unauthorised Occupants) Act, 1958. This Act has not been declared *ultra-vires* so far by any court.

III. Representations of M/s. Paul Engineers, Imperial Showel Works and Shri Dwarka Dass.

According to the official records prepared in August 1948, even though two persons namely, L. Durga Dass and L. Dwarka Dass were reported to have put up unauthorised structures on Government land on Pusa Road, they were evidently running on joint concern namely, Imperial Showel Works. Accordingly, a temporary lease for three years was offered on 7th May, 1949 in the name of Shri Durga Dass only. He alone would thus be covered by the Gadgil Assurances. The concern of M/s. Paul Engineers evidently came into existence after 15th August, 1950 and as such are not covered by the Gadgil Assurances. The sites occupied by these three concerns/persons have been earmarked for construction of school and approach road to the school under the Town Planning Regulations and as such cannot be allowed to remain with the Institutions/persons for running of workshops/residences etc. Notices of eviction under the Public Premises (Eviction of unauthorised Occupants) Act, 1958, were issued

against Shri Durga Dass, Prop. M/s. Imperial Showel Works, Shri Dwarka Dass and Shri Vishwa Nath and others, Prop. M/s. Paul Engineers, on 27th June 1962. The orders of eviction were passed by the Estate Officer against all of them on 16th January 1963. The parties filed an appeal against the order of the Estate Officer in the Court of Additional District Judge, which were also dismissed on 29th January 1964. Thereafter, the parties filed a writ petition in the High Court, which has not yet been decided. Meanwhile, the eviction proceedings had been stayed under the orders of the High Court.

The Municipal Corporation of Delhi were also advised on 26th March 1963 to offer alternative accommodation under the J&J. Removal Scheme to Shri Durga Dass, Prop. of M/s. Imperjal Showel Works, New Delhi and M/s. Paul Engineers, New Delhi. The Delhi Development Authority were also requested on 5th March 1964 to consider them for offer of alternative accommodation at suitable alternative sites. It is for the parties concerned to pursue the matter further with the authorities if they are interested in obtaining allotment of alternative land.

IV. Representation dated 4th October 1967 of Shri Piara Lal, Shri Jiwan Dass and Shri Ram Chand, Arambagh Place, New Delhi

There are five squatters on Government land in Arambagh as stated below:—

- (1) Shri Sham Chand Jain, S/o Munshi Lal (since deceased).
- (2) Shri Jiwan Dass, S/o Master Mool Chand.
- (3) Shri Piara Lal, S/o Master Mool Chand.
- (4) Shri Ram Chand, s/o Master Mool Chand.
- (5) Shri Shiv Dayal, s/o Bal Chand (since deceased).

All the above squatters have been occupying Government land unauthorisedly from 1948-49 and are covered by the Gadgil Assurances. In fact, a temporary lease for three years was offered to them on 7th May 1949 on payment of prescribed rent in view of the difficult housing position then prevailing in the city. This offer was, however, not accepted by any of the parties on the ground that the lease period was short and the rent was excessive. The squatters, however, did not vacate the premises occupied by them. Their further representations for being permitted to continue at the existing site were duly considered but were not accepted. The site is required for the construction of school and approach road to the school in accordance with the provisions made in the Master Plan. Notices for eviction of all the five unauthorised squatters were issued in August, 1962. The orders of eviction were passed against all the squatters on 10th April 1967. The squatters, thereafter, filed an appeal in the Court of

Additional District Judge, Delhi. The appeals preferred by the first four parties including Shri Jiwan Dass, Piara Lal and Shri Ram Chand are still pending. The appeal in the case of Shri Shiv Dayal Sethi has been dismissed by the Additional District Judge. He has not filed any writ petition in the High Court so far.

Meanwhile, Municipal Corporation of Delhi were also requested to provide alternative accommodation to these five squatters (covered by the Gadgil Assurances), under the J. & J. Removal Scheme. The accommodation offered by the Corporation was, however, not acceptable to these persons.

Proceedings for recovery of damages under the Act have also been initiated against all the five squatters. Excepting the case of Shri Sham Chand Jain, in which case the amount of damage has been assessed at Rs. 29,082.47 Paise, the other cases are still pending before the Estate Officer.

V. Representation dated 4th October 1967 of Dr. M. L. Johar, Delhi

This representation relates to the provision of alternative shops to the displaced persons squatting in Aryapura, Subzimandi, Delhi. The land is under the Jurisdiction of Municipal Corporation of Delhi. The Corporation has been requested to give the necessary comments.

VI. Representations of Smt. Shakuntala Devi and Shri Jaswant Singh (received subsequently)

These have been dealt with in detail against II above.

ANNEXURE III

List of Persons who are covered under Gadgil Assurances showing the dates of issue of Eviction Notice by the Estate Officer of this office.

S. No.	Name	Area	Date of issue of eviction notices	Remarks
1.	Shri Jaswant Singh Milkhi Ram.	Poorvi Marg	29-8-1962	
2.	Smt. Shakuntala Devi	Do.	29-8-1962	Proceedings pending with the Estate Officer.

1	2	3	4	5
3.	Sh. M. L. Gajral .	Pobitvi Marg	29-8-1952	Proceedings pending with the Estate Officer.
4.	Sh. Narinder Nath Abbot	Do.	29-8-1962	Do.
5.	Sh. Sardar Singh Kakkar	Do.	29-8-1962	
6.	Sh. Durga Dass . . .	Pusa Road	27-6-1962	
7.	Sh. Jivan Dass . . .	Arami Bagh	August, 1962	
8.	Sh. Piara Lal . . .	Do.	Do.	
9.	Sh. Ram Chand . . .	Do.	Do.	
10.	Sh. Sham Chand . . .	Do.	Do.	
11.	Sh. Shiv Dayal Sethi	Do.	Do.	
12.	Shri A. N. Dhawan of Star of India College	Panchkuin Road.	22-10-1962	

APPENDIX X

(Vide para 21 of Report)

Ministry of Works, Housing and Supply

Subject—Representations made to the Committee on Government Assurances regarding alleged non-implementation of Gadgil Assurances.

This Ministry's comments on the six representations received, subsequent to the submission of the earlier note to the Committee on Government Assurances on 21st October 1967, on the subject mentioned above, are as follows:—

1. *Representation of Shri Sawan Singh, Headmaster, Flat No. 17 (D.R.), Krishna Market, Lajpat Nagar, 1, New Delhi-14.*

The main representation of Shri Sawan Singh is more against the recovery of damages for running a school on Government land between Gurdwara Bangla Sahib and Y.M.C.A. than about allotment of alternative land under the Gadgil Assurances. He has stated that appeals were issued by Government and other people for setting up of a good institution and he had started a school with the permission of the New Delhi Municipal Committee and the Director of Horticulture, Central P.W.D. He has also mentioned in his appeal to the Land and Development Officer that in accordance with the Notification of the Ministry of Works and Housing, published in the *Hindustan Times* on 23rd October, 1965, the damages from displaced persons should be charged with effect from 1st January, 1959, and not from earlier date. He has also stated that the Chanda Committee had recommended the allotment of plot of land to him in Lajpat Nagar III.

In this connection, it may be stated that land, measuring 1.628 acres, near Bangla Sahib, was unauthorisedly occupied by Shri Sawan Singh with effect from 9th May 1949 for running three Educational Institutions. According to the copy of the Resolution of New Delhi Municipal Committee, produced by Shri Sawan Singh, it is observed that he was granted a permission to pitch three tents for six months with effect from 9th August 1949. No further permission by the Committee seems to have been granted to him. Further, this Ministry is not aware of any appeals etc. having been issued by the Government for setting up of Institutions by Shri Sawan Singh.

As the site was required for allotment to Bhai Vir Singh Memorial, eviction proceedings were started against Shri Sawan Singh and he was

evicted from the site on 22nd June 1962. He was asked to pay damages of Rs. 2,23,511.15 Paise. But later on his representations, a very lenient view was taken and his unauthorised stay on Government land was regularised as if it were a case of allotment on temporary basis to a recognised school (even though his School was not a recognised one) and he was asked to pay only the normal rent, i.e. @Rs. 41.66 per acre, per month, which comes to Rs. 8,527.55P. for the period from 1.1.52 to 22.6.62. His representation now seems to be against charging of this greatly reduced rent by the Government. His request for charging of damages with effect from 1.1.59 cannot be agreed to because he does not fall under the category of small squatters, etc. Moreover, as stated above, only normal ground rent has been charged from him and not damages which are recovered at double the normal rates.

He is also not covered by the recommendations made by Chanda Committee, in regard to recovering of damages; that Committee had recommended recovery of damages upto 3 years only from squatters who had occupied land measuring 100 sq. yards or less. Shri Sawan Singh had occupied land measuring 1.628 acres. Moreover, the letter, (enclosed as Annexure I) on the basis of on which the Notification referred to by Shri Sawan Singh seems to have been issued, does not bracket Shri Sawan Singh with other squatters to whom the benefit of recovery of damages with effect from 1.1.59 is to be given. In that letter, it was specifically mentioned that the case of Shri Sawan Singh, as well as a few other cases, should be considered on merits.

In view of the position explained above, it would be observed that the Government have shown much concession to Shri Sawan Singh and are recovering normal rent for the occupation of land in spite of the fact that he had unauthorisedly occupied the site. There is, therefore, no justification in his representation.

As regards the recommendations of the Chanda Committee for providing of alternative land to him it may be stated that the Committee had recommended, as follows:—

“INDIAN NATIONAL SCHOOL AND COLLEGE: It was found that the above school was functioning near Gurdwara Bangla Sahib, The Committee was informed that a 0.3 acre plot in Lajpatnagar III Neighbourhood was acceptable as an alternative accommodation to the Principal. The Committee recommends the allotment of the 0.3 acre plot in Lajpat Nagar III Neighbourhood to Shri Sawan Singh, Principal of India National School and College for the purpose of the said educational institution (subject to verification of his eligibility) on the terms and conditions envisaged in the Gadgil Assurance.

A specific provision that the plot recommended for allotment should be used for running the said educational institution should be made in the lease deed while making the allotment." Accordingly an offer of allotment of land in Lajpat Nagar III was made to Shri Sawan Singh, subject to the condition that he had not got any Rehabilitation benefit. On verification, Shri Sawan Singh had admitted that he had received an advance of Rs. 5,000/- from the Ministry of Rehabilitation against the compensation due to him, for his daughter's marriage. In view of this, he became ineligible for the allotment of land in Lajpatnagar.

Other points in his representation are vague and no comments can be offered.

2. *Representation of Shri K. C. Jain, 65-B, Aram Bagh Place, New Delhi.*

Shri K. C. Jain has represented that the house constructed by him in Arambagh Place may be regularised by amending the Master Plan of Delhi. In this connection, it may be stated that Shri K. C. Jain is the son of Shri Sham Chand Jain, who, along with others, constructed house in Aram Bagh Place area in the year 1948-49. The position in respect of these squatters has already been intimated to the Lok Sabha Secretariat at PP 12-13 of Annexure I of the earlier Note. The land occupied by these persons is required for the construction of school and approach road to the school in accordance with the provisions made in the Master Plan. The amount of damages in the case of Shri Sham Chand Jain (father of Shri K. C. Jain) has been assessed at Rs. 29,082.47. Shri Jain, among others, was offered alternative accommodation by the Municipal Corporation under the J&J Removal Scheme, but it was not accepted by him. The position about the rate of recovery of damages has already been explained in para 5(ii) at p 8 of Annexure I of the earlier Note. The amount of damages has been accumulating as the unauthorised occupants are prolonging their stay on Government land.

3. *Shri Manohar Lal Gujaral, TB-4, Poorvi Marg, and Shri Narinder Kumar Abbot, TB-5, Poorvi Marg, New Delhi.*

The position about the unauthorised occupations of land on Poorvi Marg, New Delhi, and of the specific points raised by SIs M. L. Gujaral and Narinder Kumar has been indicated at pp2 to 5 and pp 7 to 9 of Annexure I of the earlier Note. There is no new point in this representation requiring fresh comments.

4. *M/s. Imperial Shoval Works, M/s. Paul Engineers. Shri Dwarka Das S/O Shri Gokal Chand.*

The position about these representationists has already been given at pp 10-12 of Annexure I of the earlier Note.

With regard to para 2 of their representation dated the 23rd October, 1967, wherein they have stated that in 1949, the Government had decided to lease out the plots it may be stated that the Chief Commissioner, Delhi had agreed on 7-5-49, to grant a temporary lease to 30 persons with effect from 1-9-48, for a period of 3 years, with a clear condition that the expiry of 3 years period from 1-9-48, the structures erected on the site would become the absolute property of the Government. At that time Shri Durga Dass was in occupation of only 384 sq. ft. of land, which he was utilising for residential purposes. Shri Durga Dass had accepted the conditions and although he deposited a sum of Rs. 19.87, as security, he did not pay the grand rent. The other 29 squatters to whom similar offers had been made did not accept the temporary lease and as such the matter was not, pursued further. It may also be pointed out that Shri Durga Dass had subsequently extended the area under his unauthorised occupation from 384 sq. ft. to 1803 sq. yds. and, instead of utilising it for residential purposes, also started utilising it for commercial purposes. With regard to para 6 of his representation, it may be mentioned that the Land & Development Officer made enquiries only to determine whether these persons had got benefits from the Ministry of Rehabilitation or not. This enquiry was made to determine their eligibility for provision of accommodation under the J&J Removal Scheme.

5. *Representation of Dr. M. L. Johar, Secretary, Shri Ram Ashrya, Sharanarathi Association, Subzi Mandi, Delhi.*

This area falls under the administrative control of the Municipal Corporation of Delhi. The *khokhawalas* in Arya Pura are like similar *khokhawalas* in other parts of Delhi, who had to be rehabilitated, but have not yet been provided with alternative accommodation. Some of these persons were accommodated in markets, like Indra Market, Ashoka Market, Lehna Singh Market, shops on Roshanara Road, but all the persons could not be accommodated as the number of shops was less than the number of persons to be rehabilitated. The Corporation is examining the question of rehabilitating the *khokhawalas*, who are covered under the Gadgil Assurances, in consultation with the Delhi Administration and the Delhi Development Authority. It has, however been decided that all these *khokhawalas*, including those on road berms, would not be disturbed till alternative shops have been provided to them. The question of provision of alternative accommodation to them is under active consideration, of the M.C.D.

6. *Representation of Shri Dulichand President, Nehru Parbat Pursharth Association, Upper Ridge Road, Karol Bagh, New Delhi.*

This area is under the control of the Delhi Development Authority. The position about the earlier representation of Shri Duli Chand, among others, has been explained at p 1 to Annexure I of the earlier Note.

The statement that some members of the association have been allotted by the Ministry, the site occupied by them at present in the name of Pir Rattan Shah Dargah is not correct. Payment of municipal dues etc. by these persons being more than the cost of land occupied by them is not relevant to the point under consideration.

ANNEXURE I

Copy of letter No. 8|11|64-L, dated the 15th October, 1965 from the Ministry of Works & Housing, to the Land and Development Officer, New Delhi and copy endorsed to Ministry of Finance (DSD), New Delhi, etc.

SUBJECT:—Recovery of damages from the squatters on the Government land—rates and procedure thereof.

I am directed to say that the question of fixation of rates and the period for which damages should be recovered from the squatters on Government land has been under consideration of Government for some time past. The following decision has since been taken:—

(i) The squatters should be divided into the following three categories:—

(a) Residential squatters.

(b) Squatters who are petty shopkeepers (*i.e.* those who are running petty shops for sale of grocery and sundry articles for meeting the daily needs of the squatters of the locality This should also include dairywalas having not more than two cattle).

(b) Commercial squatters, who are doing substantial business, such, as, shopkeepers, cabinet makers, owners of workshops, fuel depot holders, and dairywalas having more than two cattle etc.

(ii) No recovery need be made from the residential squatters and petty shopkeepers covered by categories (a) and (b) above, who are to be removed under the Jhuggis and Jhopris removal Scheme. The petty shopkeepers will also be removed under the Scheme along with the residential squatters.

(iii) Damages should be recovered from the commercial squatters falling under category (c) with effect from the 1st January, 1959 or from the date of occupation, whichever is later, at rates comparable to those

adopted by the Delhi Development Authority. The Land and Development Officer should draw up a schedule of rates accordingly for this purpose.

(iv) The proceedings already instituted under the public premises Eviction Act in the Court of Estates Officer in respect of the squatters under categories (a) and (b) above may be withdrawn and in respect of other cases, the charges may be calculated under the new procedure mentioned in (iii) and action taken for recovery of the same.

(v) Cases like the Star of India College on Puchquin Road, Ice Factory of Shri Amrit Rai Gandhi on Curzon Road, squatters near Janki Devi College on Purvi Marg, and cases of Sawan Singh and Bhai Sunder Dass etc. should not be covered by the above decisions. These cases are to be examined on merits.

APPENDIX XI

(Vide para 22 of Report)

I

No. L-15(13)/67

GOVERNMENT OF INDIA

MINISTRY OF WORKS, HOUSING AND SUPPLY

(Department of Works and Housing)

New Delhi, October 28, 1967

OFFICE MEMORANDUM

SUBJECT: *Action taken on the Report of the Committee constituted on the 11th July, 1960, under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister of Works, Housing and Supply to review inter alia the cases of unauthorised structures put up by the displaced persons on Government lands prior to the 15th August, 1950.*

The undersigned is directed to refer to correspondence ending with Lok Sabha Secretariat O.M. No. 12-1(4)/67-Q., dated October 24, 1967 on the above subject and to state as follows:

2. Attention is invited to this Ministry's O.M.No.L-15(13)|67 dated September 13, 1967. In this O.M. it was stated that in view of the position explained therein the Chanda Committee Report was not considered relevant to the point at issue and as such copies of the Report were not being sent to the Lok Sabha Secretariat. It is re-iterated that this was the only reason which prompted this Ministry in not agreeing to place the Report before the Committee on Government Assurances.

3. As regards the alleged leakage of the Chanda Committee Report the matter is being investigated and a further report will be sent to the Lok Sabha Secretariat in due course. It might be stated that the Report was not a classified document.

Sd|- (M. Bhattacharayya)
Deputy Secretary.

To

The Lok Sabha Secretariat,
(Shri M. C. Chawla, Deputy Secretary),
NEW DELHI.

No. L-24(1)|67

GOVERNMENT OF INDIA

MINISTRY OF WORKS, HOUSING AND SUPPLY

New Delhi, January 3, 1968.

OFFICE MEMORANDUM

SUBJECT: *Action taken on the Report of the Committee constituted on the 11th July, 1960, under the Chairmanship of Shri Anil K. Chanda, the then Deputy Minister of Works, Housing and Supply to review inter alia the cases of unauthorised structures put up by the displaced persons on Government lands prior to the 15th August, 1950.*

The undersigned is directed to refer to Lok Sabha Secretariat Office Memorandum No. 12-1(4)/67-Q, dated November 24, 1967 on the subject mentioned above and to state that the matter has been carefully examined but it has not been possible to determine the point at which the leakage had occurred and how a copy of the report came to be in possession of an outside party.

Sd/- (M. Bhattacharyya)

Deputy Secretary to the Government of India

To

The Lok Sabha Secretariat
(Shri M. C. Chawla, Deputy Secretary).
NEW DELHI.

APPENDIX XII

(Vide para 32 of Report)

Copy of order of Shri M. S. Randhawa, D.C. of Delhi dated 3-7-1948.

Only those houses which are nearing completion and are only to be roofed should be allowed to be completed. Please make a local inspection and decide on the spot.

Sd/- M. S. Randhawa, D.C. Delhi.

Date 3-7-48.

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PUBLISHED UNDER RULE 382 OF THE RULES OF PROCEDURE AND CONDUCT OF
BUSINESS IN LOK SABHA (FIFTH EDITION) AND PRINTED BY THE GENERAL MANAGER,
GOVERNMENT OF INDIA PRESS, MINTO ROAD, NEW DELHI.
