

HOUSE OF THE PEOPLE

THE DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL, 1950

(REPORT OF THE SELECT COMMITTEE)



PARLIAMENT SECRETARIAT
NEW DELHI.

Aug, 1951

REPORTS OF SELECT COMMITTEE PRESENTED

TO PARLIAMENT IN - 1951.

S. No.	Short title of the Bills.	Date of introduction. (Presentation) 3.	Date of Publica- tion. (in the Gazette) 4.
1.	The Port Trusts and Ports (Amendment) Bill, 1950.	7- 2-51.	24-2-51.
2.	The Representation of the People (No.2) Bill, 1950.	31, 3-51.	14-4-51.
3.	The Finance Bill, 1951.	21- 4-51.	24-4-51.
4.	The Constitution (First Amendment) Bill, 1951.	25- 5-51.	2-6-51.
5.	The State Financial Corporations Bill, 1951.	10- 8-51.	25-8-51.
6.	The Tariff Commission Bill, 1951. ✓	-do-	-do-
7.	The Forward Contracts (Regulation) Bill, 1950.	20- 8-51.	1- 9-51.
8.	The Indian Companies (Amendment) Bill, 1951. ✓	30- 8-51.	8- 9-51.
9.	The Evacuee Interest (Separation) Bill, 1951.	10- 9-51.	29- 9-51.
10.	The Benares Hindu University (Amendment) Bill, 1951.	7- 9-51.	29- 9-51.
11.	The Aligarh Muslim University (Amendment) Bill, 1951.	-do-	-do-
12.	The Press (Incitement to Crime) Bill, 1951.	27-9-51.	6-10-51.
13.	The Industries (Development and Control) Bill, 1949.	24- 9-51.	-do-
14.	The Plantations Labour Bill, 1951. ✓	29- 9-51.	13-10-51.

1.	2.	3.	4.
15. The Delhi Premises (Requisition and Bisectio) Amendment Bill, 1951.	10- 9-51.	22- 9-51.	
16. The Displaced Persons (Debts Adjustment) Bill, 1951.	1-10-51.	20-10-51.	
17. The Notaries Bill, 1951.	4-10-51.	-do-	

THE DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL, 1950

REPORT OF THE SELECT COMMITTEE

WE, the undersigned, members of the Select Committee to which the Bill further to amend the Delhi Premises (Requisition and Eviction) Act, 1947, was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

Clause 1.—We have substituted the figures “1951” for the figures “1950”.

Clause 2.—We consider that the power to recover rent and damages as an arrear of land revenue should not be restricted to Government premises only but should also be extended to the premises belonging to any municipality and to any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out by, the Improvement Trust. We have, therefore, substituted the expression “public premises” for “Government premises”.

We are also of opinion that all the processes which are available for the recovery of land revenue should not be available for the recovery of rent and damages under this clause. We have therefore specified the processes which may be issued by inserting a new sub-clause (4).

We have also made a slight drafting change to make our intention clear.

We consider that cases of displaced persons should be sympathetically considered and we recommend to the Government that in the case of displaced persons who are in unauthorised occupation of Government premises, all arrears of damages up to 15th August, 1949, should be remitted and that the balance should be recovered in easy instalments, varying from 12 to 24 instalments, having regard to the circumstances of each case. We further recommend that even in respect of tenants who are displaced persons, arrears of rent should be recovered in easy instalments. We hope that it would be found possible to persuade the municipalities and Improvement Trust also to follow a similar policy in respect of remission of arrears of rent and damages and recovery of the same in easy instalments. It is in this hope that we have agreed to the definition of public premises.

Clause 3.—We have substituted the expression “public premises” for “Government premises” and have defined that expression in the *Explanation* to sub-section (1). The other changes made are merely consequential.

The main purpose of amending section 11 of the Act is to empower the Government to evict, without going through the usual civil court proceedings, unauthorised occupants of vacant Government land. As a large number of displaced persons would be adversely affected, we appointed a special committee to go into the question. We have considered the report of the special committee. We agree that such powers should be vested in the Government, but we are anxious that the exercise of these powers should not result in undue hardship to the displaced persons and that the displaced persons should not be put to unnecessary loss as a result of the demolition of structures put up by them.

We are of opinion that Government should exercise its powers under this clause having due regard to certain broad principles which we propose to recommend to the Government. We consider that it may not be expedient to incorporate these principles in the Bill; but we trust that the

Government would give the following assurances in Parliament and we recommend accordingly that—

(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 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 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 the Chairman—
ex-officio,

(2) Secretary, Local Self-Government to the
Chief Commissioner,

(3) a representative of the Ministry of Re-
habilitation,

(4) a representative of the Improvement
Trust,

(5) a representative of the Delhi Municipa-
lity, and

(6) two representatives nominated by the
Central Government in the Ministry of Works,
Production and Supply to represent displaced per-
sons.

} **Members.**

(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;

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

✓ (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 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 occupied any public land or constructed any building or part of a building on such land at any time between the 15th August, 1950, and the 1st January, 1951, he shall, after three 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, occupies or has occupied any public land or constructs 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 removed and he shall not be entitled to any compensation or alternative accommodation;

(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 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;

(5) in all cases mentioned above—

(a) "public land" shall mean any land belonging to, or taken on lease or requisitioned by, the Central Government or any land belonging to a municipality or any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out by, the Improvement Trust;

(b) "alternative accommodation" shall mean—

- (i) either a building or a part of a building; or
- (ii) a plot of land with a reasonable grant for the construction of a building thereon.

Note.—(1) In providing alternative accommodation under item (i), regard will be had to the number of persons in the

family of the evicted person and the accommodation in the construction demolished.

(2) In providing alternative accommodation under item (ii), reasonable time will be given to the evicted person to construct the building and he shall not be evicted until the expiry of such time;

(6) for the removal of doubts, it may be stated—

(a) that alternative accommodation shall be provided against payment of such sum and in such instalments as may be fixed in this behalf by the Central Government in the Ministry of Rehabilitation, and in particular—

(i) where alternative accommodation is a building to be let out, rent will be payable by the occupant;

(ii) where alternative accommodation is a plot of land or building to be purchased, the price will be payable in easy instalments;

(b) that where any construction is to be demolished or removed, the displaced person may have it demolished himself and may, whether it is demolished by the Government or by himself, remove the building materials for personal use.

2. The Bill was published in Part II, Section 2 of the Gazette of India, dated the 19th August, 1950.

3. We think that the Bill has not been so altered as to require circulation under rule 77(4) of the Rules of Procedure and Conduct of Business, in Parliament, and we recommend that it be passed as now amended.

B. R. AMBEDKAR.
 N. V. GADGIL.
 AJIT PRASAD JAIN.
 JASPATROY KAPOOR.
 MIHIR LAL CHATTOPADHYAY.
 SUCHETA KRIPALANI.
 TAJAMUL HUSAIN.
 S. N. BURAGOHAIN.
 T. R. DEOGIRIKAR.
 SATISH CHANDRA.
 JAYASHRI RAIJI.
 *GURMUKH SINGH MUSAFIR.
 SITA RAM S. JAJOO.
 T. N. SINGH.
 THAKUR DAS BHARGAVA.
 TEK CHAND.
 *ACHINT RAM.
 RAJ BAHADUR.
 *S. P. MOOKERJEE.
 HUKAM SINGH.
 SHYAMNANDAN MISHRA.
 RAM SUBHAG SINGH.
 DESHBANDU GUPTA.
 BHOPINDER SINGH MAN.
 M. C. REDDY.

NEW DELHI;

The 10th September, 1951.

* Subject to a minute of dissent.

Minute of Dissent

We are appending this small note with a view to have slight modification in certain clauses of the assurances to be given to Parliament which the Select Committee has recommended to the Government.

(1) In para. 2(c) in the end add:

“and in no case it would be less than the amount actually spent by a displaced person on that construction.”

(2) In para. 2(d) in the end add:

“In case the Government is not prepared to pay him the full value of the construction standing on that land he shall be entitled to sell the building to any displaced person who is prepared to purchase the land under that construction on the terms offered by the Government.”

AGHINT RAM.

GURMUKH SINGH MUSAFIR.

S. P. MOOKERJEE.

NEW DELHI:

The 10th September, 1951.

THE DELHI PREMISES (REQUISITION AND EVICTION) AMENDMENT BILL, 1951.

(AS AMENDED BY THE SELECT COMMITTEE)

(Words *sidelined or underlined* indicate the amendments suggested by the Committee.)

A

BILL

further to amend the Delhi Premises (Requisition and Eviction) Act, 1947.

BE IT enacted by Parliament as follows:—

1. **Short title.**—This Act may be called the Delhi Premises (Requisition and Eviction) Amendment Act, 1951.

2. **Insertion of new section 10A in Act XLIX of 1947.**—After section 10 of the Delhi Premises (Requisition and Eviction) Act, 1947 (hereinafter referred to as the principal Act), the following section shall be inserted, namely:—

“10A. *Power to recover rent or damages in respect of public premises as arrears of land revenue.*—(1) Subject to any rules that may be made in this behalf by the Central Government by notification in the Official Gazette, any sum due by way of rent in respect of any public premises which is in arrear may, subject to the provisions of sub-section (4), be recovered by the competent authority from the person liable to pay the same, in the same manner as an arrear of land revenue.

(2) Where any person is in unauthorised occupation of any public premises, the competent authority may, in the prescribed manner, assess such damages on account of the use and occupation of the public premises as he thinks fit and may, by notice served by post or in such other manner as may be prescribed by rules made in this behalf, order that person to pay the damages within such time as may be specified in the notice.

(3) If any person refuses or fails to pay the damages within the time specified in the notice under sub-section (2), the damages may, subject to the provisions of sub-section (4), be recovered in the same manner as an arrear of land revenue.”

(4) Notwithstanding anything contained in section 67 of the Punjab Land Revenue Act, 1887 (Punjab Act No. XVII of 1887), any sum due by way of rent or damages may be recovered only by any one or more of the following processes, namely:—

(a) by service of a writ of demand on the defaulter;

(b) by distress and sale of his moveable property and uncut or ungathered crops; and

(c) by proceeding against the immovable property of the defaulter.

3. Amendment of section 11, Act XLIX of 1947.—In section 11 of the principal Act,—

(i) in sub-section (1)—

(a) for the words "Government premises" wherever they occur, the words "public premises" shall be substituted;

(b) for the *Explanation*, the following *Explanation* shall be substituted, namely:—

Explanation.—In this section and section 10A, "public premises" means any premises or land belonging to, or taken on lease or requisitioned by, the Central Government or any premises requisitioned by the competent authority under this Act or any premises or land belonging to any municipality or any land belonging to the Improvement Trust, Delhi, whether such land is in possession of, or leased out, by the Improvement Trust";

(ii) in sub-sections (1A) and (3) for the word "premises" the words "public premises" shall be substituted.

4. Amendment of section 12, Act XLIX of 1947.—In sub-section (2) of section 12 of the principal Act, after clause (d), the following clause shall be inserted, namely:—

"(dd) the manner in which damages for unauthorised occupation may be assessed and the matters which may be taken into account in assessing such damages and for appeals against such assessment.

PARLIAMENT OF INDIA

Report of the Select Committee on the Bill further to
amend the Delhi Premises (Requisition and
Eviction) Act, 1947.

(As amended by the Select Committee)

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