

LOK SABHA  
THE SLUM AREAS (IMPROVEMENT AND  
CLEARANCE) AMENDMENT  
BILL, 1963

**(Report of the Joint Committee)**

*(Presented on the 18th December, 1963)*



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LOK SABHA SECRETARIAT  
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**JOINT/SELECT COMMITTEE REPORTS**  
**PRESENTED TO LOK SABHA DURING THE**  
**YEAR 1963.**

Sl.No.	Name of the Report	Date of Presentation.
1.	The Administrators-General Bill, 1962 (Report of the Select Committee)	25-1-1963
2.	The Constitution (Fifteenth Amendment) Bill, 1962 (Report of Joint Committee)	8-3-1963
3.	Joint Committee on the Constitution (Fifteenth Amendment) Bill, 1962 - <u>EVIDENCE.</u>	-do-
4.	The Constitution (Sixteenth Amendment) Bill, 1963 (Report of the Joint Committee)	18-3-1963
5.	The Government of Union Territories Bill, 1963 (Report of the Joint Committee)	15-4-1963
6.	The Major Port Trusts Bill, 1962 (Report of the Select Committee)	13-8-1963
7.	Select Committee on the Major Port Trusts Bill, 1962 - <u>EVIDENCE</u>	-do-
8.	The Christian Marriage and Matrimonial Causes Bill, 1962 (Report of the Joint Committee)	26-11-1963
9.	Joint Committee on the Christian Marriage and Matrimonial Causes Bill, 1962 - <u>EVIDENCE.</u>	-do-
10.	The Companies (Amendment) Bill, 1963 (Report of the Select Committee)	9-12-1963
11.	Select Committee on the Companies (Amendment) Bill, 1963 - <u>EVIDENCE.</u>	-do-
12.	The Slum Areas (Improvement and Clearance) Amendment Bill, 1963 (Report of the Joint Committee)	18-12-1963

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✓ **THE SLUM AREAS (IMPROVEMENT AND CLEARANCE)  
AMENDMENT BILL, 1963**

✓ **COMPOSITION OF THE JOINT COMMITTEE**

*Lok Sabha*

✓ **Shri M. Thirumala Rao—Chairman**

**MEMBERS**

2. Shri Dinen Bhattacharya
3. Chodhury Brahm Perakash
4. Shri Yudhvīr Singh Chaudhary
5. Shri Ganapati Ram
6. Maharani Gayatri Devi of Jaipur
7. Shri Shiv Charan Gupta
8. Pandit Jwala Prasad Jyotishi
9. Shri Narayan Sadoba Kajrolkar
10. Shri Mehr Chand Khanna
11. Shri Mohan Swarup
12. Shri P. S. Naskar
13. Shri Kashi Nath Pandey
14. Shri Sidheshwar Prasad
15. Dr. P. Srinivasan
16. Shri Naval Prabhakar

*Rajya Sabha*

17. Mirza Ahmed Ali
18. Shri Dharam Prakash
19. Kakasaheb Kalelkar
20. Shri Piare Lal Kureel Urf Talib
21. Shri N. Sri Rama Reddy
22. Shri Santokh Singh
23. Kumari Shanta Vasisht
24. Shrimati Tara Ramchandra Sathe.

**DRAFTSMEN**

1. Shri V. N. Bhatia, *Joint Secretary and Draftsman, Ministry of Law.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

**REPRESENTATIVES OF THE MINISTRY**

1. Shri Prem Krishen, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
2. Shri R. F. Isar, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
3. Shri Savitri Prasada, *Housing Commissioner, Ministry of Works, Housing and Rehabilitation.*

**SECRETARIAT**

Shri G. V. Mirchandani—*Under Secretary.*

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## REPORT OF THE JOINT COMMITTEE

1. The Chairman of the Joint Committee to which the Bill\* to amend the Slum Areas (Improvement and Clearance) Act, 1956, was referred, having been authorised to submit the report on their behalf, present this their report, with the Bill as amended by the Committee annexed thereto.

2. The Bill was introduced in Lok Sabha on the 17th September, 1963. The motion for consideration of the Bill was moved in Lok Sabha by Shri P. S. Naskar, Deputy Minister in the Ministry of Works, Housing and Rehabilitation, on the 21st November, 1963. An amendment to the motion for reference of the Bill to a Joint Committee of the Houses was moved by Shri Naval Prabhakar on the 21st November, 1963 and was discussed and adopted on the same day (Appendix I).

3. Rajya Sabha discussed and concurred in the said motion on the 2nd December, 1963 (Appendix II).

4. The message from Rajya Sabha was reported to Lok Sabha on the 3rd December, 1963.

5. The Committee held four sittings in all.

6. The report of the Committee was to be presented by the 9th December, 1963. As the Committee felt that it would not be possible for them to complete their work by that time, they, at their first sitting held on the 7th December, 1963, decided to ask for an extension of time for presentation of their report upto the 18th December, 1963. Necessary motion was brought before the House and adopted on the 9th December, 1963.

7. At their first sitting held on the 7th December, 1963, the Committee decided to invite memoranda/representations from public bodies and associations by the 11th December, 1963 and to issue a press communique for the purpose.

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\*Published in the Gazette of India, Extraordinary, Part II Section 2, dated the 17th September 1963.

8. At the first sitting of the Committee some members desired to visit a few slum areas and improvement projects undertaken by the Government in Delhi in order to familiarise themselves with the problem. Nine members of the Committee accordingly visited on the 13th December, 1963 certain slum areas, transit camps and improvement projects undertaken in Delhi (Appendix III).

During their visit to the slum areas etc., the members questioned in detail the officers and others concerned whom they met and elicited first hand information regarding the areas involved, facilities at transit camps, approximate cost of, and time likely to be taken in completing, the respective improvement projects and other connected matters.

9. Four memoranda/representations on the Bill were received by the Committee from different associations and public bodies (Appendix IV).

10. The Committee considered the Bill clause-by-clause at their second and third sittings held on the 14th and 16th December, 1963, respectively.

11. The Committee considered and adopted their report on the 17th December, 1963.

12. The observations of the Committee in regard to the changes proposed in the Bill are detailed in the succeeding paragraphs.

13. *Clause 2.*—The proposed definition of the term 'work of improvement' has been elaborated to include, besides 'provision of latrines', 'conversion of dry latrines into water-borne latrines' as well.

The term 'land', which has been used in the principal Act as well as in the amendments thereto proposed in the Bill, has been defined on the lines of the definition of that term contained in the Land Acquisition Act, 1894.

14. *Clause 12.*—The Committee feel that the increased annual rent liability of the tenant in respect of a building in a slum area let to him after the execution of any work of improvement, to the extent of seven and a half per cent of the cost of the work of improvement and the cost of land acquired for the purpose and, the annual rent liability, if the building has been re-erected, to the extent of seven and a half per cent of the cost of reconstruction and the cost of land, is on the high side and beyond the means of slum dwellers to pay. The Committee have, therefore, reduced the same, in cases where

any work of improvement has been executed, to six per cent of the cost of the work of improvement and the cost of land acquired for the purpose, and in cases where the building has been re-erected, to four per cent of the cost of reconstruction and the cost of land.

The clause has been amended accordingly.

15. *Clause 18.*—The Committee feel that in the proposed sub-section (2) of Section 36, for the words 'a District Judge' the words 'an Additional District Judge' be substituted to make it clear that delegation may be made to an Additional District Judge also.

16. The Joint Committee recommend that the Bill, as amended, be passed.

NEW DELHI;  
The 17th December, 1963.

M. THIRUMALA RAO,  
Chairman,  
Joint Committee.



## MINUTE OF DISSENT

While agreeing with the objects of the proposed Bill, I would like to have the following suggestions considered since in my opinion certain provisions in the Bill are contrary to the objects.

*Clauses 6 and 7.*—For quick and effective execution of the work of slum clearance and redevelopment, the procedure open to the Competent Authority is by way of direct acquisition of the entire area and redevelopment according to a proper plan. The law at present does not provide for this and it was anticipated that any amendment of the present Act would take this major factor into consideration. Unfortunately, however, the proposed amending clause also ignores this aspect and on the contrary perpetuates the earlier weakness of the Act in that the first opportunity of redevelopment is given to the owner.

In clause 7 the intention is only for exceptional cases and that also is limited to circumstances where the owner does not commence the work of redevelopment of land according to the Plan.

In my opinion, clause 6 should be altogether deleted because no slum clearance or redevelopment can feasibly be done by any private owner of the land which is already open. As such I would suggest to provide in the amending Act the direct acquisition and redevelopment of the slum clearance area by the Competent Authority in the first choice.

There is another important aspect, *viz.*, where will the existing occupants of the building go and reside during the transitory period? Whose responsibility is it to give them alternative accommodation to which they are supposed to shift in view of the redevelopment of the area? In this case I suggest that a clear provision should be made for the interim accommodation.

In any scheme of redevelopment of the area, a substantial percentage of the existing population will be rendered surplus to be housed elsewhere. Under the amending clause 6 giving the first choice to private interests to redevelop the land, it is not clear as to the fate of this population rendered surplus not only with regard to transit camps but also for permanent resettlement.

All these factors will indicate that redevelopment of any slum clearance area can only be achieved by the Competent Authority directly acquiring the area and assuming the responsibility for transit camps and resettlement of surplus families. My suggestion is therefore to provide such procedures in the amending Bill.

*Clause 12 and other consequential clauses.*—Provisions in clause 12 not only leave large population on the road without accommodation in transit camps but also that the entire procedure for replacement in occupation of the building after the completion of the work will subject them to sufficient risk even after the owner has reconstructed or redeveloped the area. The procedure for determination of the rent would cause additional and prolonged litigation. Besides, in case, the owner backs out of the commitment made at the time of vacation of the present tenements and after re-construction lets out the premises to somebody else, there is no provision whereby under the Law the owner can be compelled to take back these very tenants. Prosecutions can serve no useful purpose worth it.

Situation obtaining in Delhi reveals that plots leased out under Jhuggi Jhonpri Scheme were transferred to non-allottees and also tenements built for Slum Dwellers were either rented out to non-allottees as sub-tenants or in the case of hire purchase, allotments transferred to non-allottees.

I therefore suggest that provision should be incorporated in the Statute against any sub-letting or transfer of ownership of tenements or plots allotted to the slum dwellers with necessary penal clauses.

NEW DELHI;  
*The 18th December, 1963.*

DINEN BHATTACHARYA.

**THE SLUM AREAS (IMPROVEMENT AND CLEAR-  
ANCE) AMENDMENT BILL, 1963**

(AS REPORTED BY THE JOINT COMMITTEE)

[Words side-lined or underlined indicate the amendments suggested  
by the Committee; asterisks indicate omissions.]

A

**BILL**

to amend the Slum Areas (Improvement and Clearance) Act, 1956.

BE it enacted by Parliament in the Fourteenth Year of the  
Republic of India as follows:—

1. (1) This Act may be called the Slum Areas (Improvement and  
Clearance) Amendment Act, 1963.

Short title  
and com-  
mencement.

5 (2) It shall come into force on such date as the Central Govern-  
ment may, by notification in the Official Gazette, appoint.

96 of 1956.

2. In section 2 of the Slum Areas (Improvement and Clearance)  
Act, 1956 (hereinafter referred to as the principal Act),—

Amendment  
of section 2.

10 (i) for clauses (e) and (f), the following clauses shall be  
substituted, namely:—

‘(e) “land” includes benefits to arise out of land, and  
things attached to the earth or permanently fastened to any-  
thing attached to the earth;

(f) “occupier” includes—

15 (a) any person who for the time being is paying or  
is liable to pay to the owner the rent or any portion of  
the rent of the land or building in respect of which such  
rent is paid or is payable;

20 (b) an owner in occupation of, or otherwise using  
his land or building;

(c) a rent-free tenant of any land or building;

(d) a licensee in occupation of any land or building;

and

(e) any person who is liable to pay to the owner damages for the use and occupation of any land or building;’;

\* \* \* \* \*

(ii) after clause (i), \* \* \* the following clause shall be inserted, namely:—

‘(j) “work of improvement” includes in relation to any building in a slum area the execution of any one or more of the following works, namely:—

(i) necessary repairs; 10

(ii) structural alterations;

(iii) provision of light points, water taps and bathing places;

(iv) construction of drains, open or covered;

(v) provision of latrines, including conversion of dry latrines into water-borne latrines; 15

(vi) provision of additional or improved fixtures or fittings;

(vii) opening up or paving of courtyards; 20

(viii) removal of rubbish; and

(ix) any other work including the demolition of any building or any part thereof which in the opinion of the competent authority is necessary for executing any of the works specified above.’

Amendment  
of section 4.

3. In section 4 of the principal Act,— 25

(a) to sub-section (1), the following proviso shall be added, namely:—

“Provided that where the owner of the building is different from the owner of the land on which the building stands and the works of improvement required to be executed relate to provision of water taps, bathing places, construction of drains, open or covered, as the case may be, provision of water-borne latrines or removal of rubbish and such works are to be executed outside the building, the notice shall be served upon the owner of the land.”; 30

(b) in sub-section (2), after the word “building”, the words “or the land on which the building stands” shall be inserted. 35

4. In section 5 of the principal Act,—

Amend  
of secti

(a) in sub-sections (1) and (2), after the words “owner of the building” wherever they occur, the words “or of the land on which the building stands, as the case may be,” shall be inserted;

5 (b) sub-section (3) shall be omitted.

5. After section 6 of the principal Act, the following section shall be inserted, namely:—

Insertion of  
new section  
6A.

10 “6A. (1) The competent authority may, by notification in the Official Gazette, direct that no person shall erect any building in a slum area except with the previous permission in writing of the competent authority.

Restriction  
on building,  
etc., in slum  
areas.

15 (2) Every notification issued under sub-section (1) shall cease to have effect on the expiration of two years from the date thereof except as respects things done or omitted to be done before such cesser.

20 (3) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such information in respect of the erection of the building to which the application relates as may be prescribed.

(4) On receipt of such application, the competent authority, after making such inquiry as it considers necessary, shall, by order in writing,—

25 (a) either grant the permission subject to such terms and conditions, if any, as may be specified in the order; or

(b) refuse to grant such permission:

30 Provided that before making an order refusing such permission, the applicant shall be given a reasonable opportunity to show cause why the permission should not be refused.

(5) Nothing contained in sub-section (1) shall apply to—

35 (a) any works of improvement required to be executed by a notice under sub-section (1) of section 4 or in pursuance of an undertaking given under sub-section (2) of section 7; or

(b) the erection of any building in any area in respect of which a slum clearance order has been made under section 10.”.

Amendment  
of section  
10.

6. In section 10 of the principal Act, for sub-section (7), the following sub-section shall be substituted, namely:—

“(7) Subject to the provisions of this Act, where a slum clearance order has become operative, the owner of the land to which the order applies may re-develop the land in accordance with plans approved by the competent authority and subject to such restrictions and conditions (including a condition with regard to the time within which the re-development shall be completed), if any, as that authority may think fit to impose: 5

Provided that an owner who is aggrieved by a restriction or condition so imposed on the user of his land or by a subsequent refusal of the competent authority to cancel or modify any such restriction or condition may, within such time as may be prescribed, appeal to the Administrator and the Administrator shall make such order in the matter as he thinks proper and his decision shall be final.” 15

Substitution  
of new  
section for  
section 11.  
Power of  
competent  
authority to  
re-develop  
clearance  
area.

7. For section 11 of the principal Act, the following section shall be substituted, namely:—

“11. (1) Notwithstanding anything contained in sub-section (7) of section 10, the competent authority may at any time after the land has been cleared of the buildings in accordance with a slum clearance order but before the work of re-development of that land has been commenced by the owner, by order, determine to re-develop the land if that authority is satisfied that it is necessary in the public interest to do so. 20

(2) Where land has been cleared of the buildings in accordance with a slum clearance order, the competent authority, if it is satisfied that the land has been, or is being, re-developed by the owner thereof in contravention of plans approved by the authority or any restrictions or conditions imposed under sub-section (7) of section 10 or has not been re-developed within the time, if any, specified under such conditions, may, by order, determine to re-develop the land: 25 30

Provided that before passing such order, the owner shall be given a reasonable opportunity to show cause why the order should not be passed.” 35

Amendment  
of section  
13.

8. To section 13 of the principal Act, the following proviso shall be added, namely:—

“Provided that where on any representation from the competent authority, the Central Government is satisfied that any 40 such land or any portion thereof is unsuitable for the purposes

mentioned in this section, the Central Government may use the land or allow it to be used for such other public purpose or purposes as it may deem fit.”.

9. In section 15 of the principal Act, in sub-section (6),—

Amendment  
of section  
15.

(i) in the first proviso, for the words “in such proportion as he considers reasonable:”, the words “in the same proportion as the market price of the land bears to the market price of the building on the date of the acquisition.” shall be substituted;

(ii) the second proviso shall be omitted.

10. For section 19 of the principal Act, the following section shall be substituted, namely:—

Substitution  
of new  
section for  
section 19.

“19. (1) Notwithstanding anything contained in any other law for the time being in force, no person shall, except with the previous permission in writing of the competent authority,—

Proceedings  
for eviction  
of tenants  
not to be  
taken with-  
out permis-  
sion of the  
competent  
authority.

(a) institute, after the commencement of the Slum Areas (Improvement and Clearance) Amendment Act, 1963, any suit or proceeding for obtaining any decree or order for the eviction of a tenant from any building or land in a slum area; or

(b) where any decree or order is obtained in any suit or proceeding instituted before such commencement for the eviction of a tenant from any building or land in such area, execute such decree or order.

(2) Every person desiring to obtain the permission referred to in sub-section (1) shall make an application in writing to the competent authority in such form and containing such particulars as may be prescribed.

(3) On receipt of such application, the competent authority, after giving an opportunity to the parties of being heard and after making such summary inquiry into the circumstances of the case as it thinks fit, shall by order in writing, either grant or refuse to grant such permission.

(4) In granting or refusing to grant the permission under sub-section (3), the competent authority shall take into account the following factors, namely:—

(a) whether alternative accommodation within the means of the tenant would be available to him if he were evicted;

(b) whether the eviction is in the interest of improvement and clearance of the slum areas;

(c) such other factors, if any, as may be prescribed.

(5) where the competent authority refuses to grant the permission, it shall record a brief statement of the reasons for such refusal and furnish a copy thereof to the applicant.”

Substitution of new section for section 20.

11. For section 20 of the principal Act, the following section shall be substituted, namely:—

Appeals.

“20. Any person aggrieved by an order of the competent authority refusing to grant the permission referred to in sub-section (1) of section 6A or referred to in sub-section (1) of section 19 may, within such time as may be prescribed, prefer an appeal to the Administrator and the Administrator may, after hearing the appellant, decide such appeal and his decision shall be final.”

15

Insertion of new sections 20A and 20B.

12. After section 20 of the principal Act, the following sections shall be inserted, namely:—

Restoration of possession of premises vacated by a tenant.

“20A. (1) Where a tenant in occupation of any building in a slum area vacates any building or is evicted therefrom on the ground that it was required for the purpose of executing any work of improvement or for the purpose of re-erection of the building, the tenant may, within such time as may be prescribed, file a declaration with the competent authority that he desires to be replaced in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be.

(2) On receipt of such declaration, the competent authority shall by order require the owner of the building to furnish to it, within such time as may be prescribed, the plans of the work of improvement or re-erection of the building and estimates of the cost thereof and such other particulars as may be necessary and shall, on the basis of such plans and estimates and particulars, if any, furnished and having regard to the provisions of sub-section (3) of section 20B and after holding such inquiry as it may think fit, provisionally determine the rent that would be payable by the tenant if he were to be replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1).

(3) The rent provisionally determined under sub-section (2) shall be communicated in the prescribed manner to the tenant and the owner.



(4) If the tenant after the receipt of such communication intimates in writing to the competent authority within such time as may be prescribed that when he is replaced in occupation of the building in pursuance of the declaration made by him under sub-section (1), he would pay to the owner until the rent is finally determined under section 20B the rent provisionally determined under sub-section (2), the competent authority shall direct the owner to place the tenant in occupation of the building after the completion of the work of improvement or re-erection of the building, as the case may be, and the owner shall be bound to comply with such direction.

20B. (1) Where any building in a slum area is let to a tenant after the execution of any work of improvement or after it has been re-erected, the rent of the building shall be determined in accordance with the provisions of this section. Rent of  
in slum  
areas.

(2) Where any such building is let to a tenant other than a tenant who is placed in possession of the building in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall be liable to pay to the owner—

(a) if there is a general law relating to the control of rents in force in the area in which the building is situated and applicable to that building, the rent determined in accordance with the provisions of that law;

(b) if there is no such law in force in such area, such rent as may be agreed upon between the owner and the tenant.

(3) Where any such building is let to a tenant in pursuance of a direction issued under sub-section (4) of section 20A, the tenant shall, notwithstanding any law relating to the control of rents in force in the area, be liable to pay to the owner—

(a) if any work of improvement has been executed in relation to the building, an annual rent of a sum equivalent to the aggregate of the following amounts, namely:—

(i) the annual rent the tenant was paying immediately before he vacated the building for the purpose of execution of the work of improvement;

(ii) six per cent. of the cost of the work of improvement; and

(iii) six per cent. of a sum equivalent to the compensation payable in respect of any land which may have been acquired for the purpose of effecting such improvement as if such land were acquired under section 12 on

the date of the commencement of the work of improvement;

(b) if the building has been re-erected, an annual rent of a sum equivalent to four per cent. of the aggregate cost of reconstruction of the building and the cost of the land on which the building is re-erected. 5

*Explanation.*—For the purposes of this clause, the cost of the land shall be deemed to be a sum equivalent to the compensation payable in respect of the land if it were acquired under section 12 on the date of commencement of the reconstruction of the building. 10

(4) The rent payable by a tenant in respect of any building under sub-section (3) shall, on an application made by the tenant or the owner, be determined by the authority referred to in sub-section (5): 15

Provided that an application for determination of such rent by the owner or the tenant shall not, except for sufficient cause, be entertained by such authority after the expiry of ninety days from the completion of the work of improvement or re-erection of the building, as the case may be. 20

(5) The authority to which the application referred to in sub-section (4) shall be made, shall be—

(a) where there is a general law relating to the control of rents in force in the area in which the building is situate, the authority to whom applications may be made for fixing of rents of buildings situate in that area; and for the purpose of determining the rent under this section that authority may exercise all or any of the powers it has under the said general law; and the provisions of such law including provisions relating to appeals shall apply accordingly; 25 30

(b) if there is no such law in force in that area, such authority as may be specified by rules made in this behalf by the Central Government and such rules may provide the procedure that will be followed by that authority in determining the rent and also for appeals against the decision of such authority. 35

(6) Where the rent is finally determined under this section, then the amount of rent paid by the tenant shall be adjusted against the rent so finally determined and if the amount so paid falls short of, or is in excess of, the rent finally determined, the tenant shall pay the deficiency, or be entitled to a refund, as the case may be." 40

13. In section 21 of the principal Act,—

Amendment  
of section  
21.

(i) for the words "execution of any decree or order under any law for the eviction", the words "eviction under any law" shall be substituted;

5 (ii) for the words "the Delhi Improvement Trust", the words "the Delhi Development Authority" shall be substituted.

14. In section 27 of the principal Act, for the words "No building or land", the words "Save as provided in this Act, no building or land" shall be substituted. Amendment of section 27.

10 15. In section 28 of the principal Act, after the words "specified in the order", the words "and for the purpose of such eviction may use or cause to be used such force as may be necessary" shall be inserted. Amendment of section 28.

15 16. In section 32 of the principal Act, in sub-section (1), for the words "does any act in contravention of", the words "fails to comply with" shall be substituted. Amendment of section 32.

17. Section 33 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment of section 33.

20 "(2) For the purpose of causing any building to be demolished under sub-section (1), the competent authority may use or cause to be used such force as may be necessary."

18. Section 36 of the principal Act shall be re-numbered as sub-section (1) thereof and after sub-section (1) as so re-numbered, the following sub-section shall be inserted, namely:— Amendment of section 36.

30 "(2) The Administrator may, by notification in the Official Gazette, delegate, subject to such conditions, if any, as may be specified in the notification, any power exercisable by him under sub-section (7) of section 10, section 15, section 20 and section 30, to any officer not below the rank of an Additional District Judge."

19. After section 37 of the principal Act, the following section shall be inserted, namely:— Insertion of new section 37A.

35 "37A. Save as otherwise expressly provided in this Act, no civil court shall have jurisdiction in respect of any matter which the competent authority or any other person is empowered by or under this Act, to determine and no injunction shall be granted by any court or other authority in respect of any action taken or Bar of jurisdiction.

to be taken in pursuance of any power conferred by or under this Act.”.

Amendment  
of section  
40.

20. In section 40 of the principal Act,—

(i) in sub-section (2),—

(a) after clause (b), the following clauses shall be inserted, namely:— 5

“(bb) the form in which an application under sub-section (3) of section 6A shall be made and the information to be furnished and the fees to be levied in respect of such application; 10

(bbb) the manner in which inquiries may be held under sections 15 and 19;”;

(b) in clause (d), after the words “be followed”, the words “and the factors to be taken into consideration” shall be inserted; 15

(c) in clause (e), for the word and figures “section 20”, the words, figures and brackets “sub-section (7) of section 10 or section 20” shall be substituted;

(d) after clause (e), the following clauses shall be inserted, namely:— 20

“(ee) the time within which a declaration may be filed under sub-section (1) or an intimation may be sent under sub-section (4) of section 20A and the fees, if any, to be levied in respect of such declaration;

(eee) the time within which plans, estimates and 25 other particulars referred to in sub-section (2) of section 20A may be furnished;

(eeee) the procedure to be followed by the competent authority for fixing the provisional rent under sub-section (2) of section 20A; 30

(eeeee) the manner in which the rent provisionally determined under section 20A shall be communicated to the tenants and owners;

(eeeeee) the matters in respect of which provision may be made under sub-section (5) of section 20B;” 35

(ii) for sub-section (3), the following sub-section shall be substituted, namely:—

“(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days 40 which may be comprised in one session or in two successive

5 sessions, and if, before the expiry of the session in which it is so laid or the session immediately following, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule."

## APPENDIX I

(Vide para 2 of the Report)

### Motion in Lok Sabha for reference of the Bill to Joint Committee

"That the Bill to amend the Slum Areas (Improvement and Clearance) Act, 1956 be referred to a Joint Committee of the Houses consisting of 24 members, 16 from this House, namely:—

1. Shri Dinen Bhattacharya
2. Chodhury Brahm Perakash
3. Shri Yudhvīr Singh Chaudhary
4. Shri Ganapati Ram
5. Maharani Gayatri Devi of Jaipur
6. Shri Shiv Charan Gupta
7. Pandit Jwala Prasad Jyotishi
8. Shri Narayan Sadoba Kajrolkar
9. Shri Mehr Chand Khanna
10. Shri Mohan Swarup
11. Shri P. S. Naskar
12. Shri Kashi Nath Pandey
13. Shri M. Thirumala Rao
14. Shri Sidheshwar Prasad
15. Dr. P. Srinivasan, and
16. Shri Naval Prabhakar  
and 8 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the 9th December, 1963;

that in other respects the Rules of Procedure of this House relating to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House recommends to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 8 members to be appointed by Rajya Sabha to the Joint Committee."

## **APPENDIX II**

(Vide para 3 of the Report)

### **Motion in Rajya Sabha**

"That this House concurs in the recommendation of the Lok Sabha that the Rajya Sabha do join in the Joint Committee of the Houses on the Bill to amend the Slum Areas (Improvement and Clearance) Act, 1956, and resolves that the following members of Rajya Sabha be nominated to serve on the said Joint Committee:—

1. Mirza Ahmed Ali
2. Shri Dharam Prakash
3. Kakasaheb Kalelkar
4. Shri Piare Lal Kureel Urf Talib
5. Shri N. Sri Rama Reddy
6. Shri Santokh Singh
7. Kumari Shanta Vasisht
8. Shrimati Tara Ramchandra Sathe."

✓ **APPENDIX III**

✓ (*Vide* para 8 of the Report)

**List of Members who visited certain slum areas and improvement projects in Delhi on the 13th December, 1963.**

✓ *Names of Members*

<b>LOK SABHA</b>	<b>RAJYA SABHA</b>
1. Shri Ganapati Ram	6. Shri Dharam Prakash
2. Shri Mohan Swarup	7. Kakasaheb Kalelkar
3. Shri Kashi Nath Pandey	8. Shri Piare Lal Kureel <i>Urf</i> Talib
4. Shri Sidheshwar Prasad	9. Kumari Shanta Vasisht
5. Shri Naval rabha ar	

✓ *Places Visited*

1. Turkman Gate Transit Camp
2. Dujana House (near Jama Masjid)
3. Serai Topkhana
4. Serai Phoos
5. Transit Camp (near Serai Phoos)
6. Katra Gouri Shanker (near Filmistan)
7. Najafgarh Colony.



✓  
**APPENDIX IV**

(Vide para 9 of the Report)

**Statement of Memoranda/Representations received by the Joint  
Committee**

Sl. No.	Nature of document	From whom received	Action taken
1.	Memorandum	The Communist Party, Delhi	Circulated to members of the Committee.
2.	Do.	Municipal Corporation of Delhi.	Do.
3.	Representation	The Automobile Association of Upper India, New Delhi.	Do.
4.	Do.	Delhi House Owners' Federation, New Delhi.	Mentioned in the Committee.

**APPENDIX V**  
**MINUTES OF THE SITTINGS OF THE JOINT COMMITTEE ON**  
**THE SLUM AREAS (IMPROVEMENT AND CLEARANCE)**  
**AMENDMENT BILL, 1963.**

**I**

**First Sitting**

The Committee met on Saturday, the 7th December, 1963 from 10.30 to 11.28 hours.

**PRESENT**

Shri M. Thirumala Rao—*Chairman*

**MEMBERS**

*Lok Sabha*

2. Shri Dinen Bhattacharya
3. Shri Ganapati Ram
4. Shri Shiv Charan Gupta
5. Pandit Jawala Prasad Jyotishi
6. Shri Mehr Chand Khanna
7. Shri Kashi Nath Pandey
8. Shri Naval Prabhakar

*Rajya Sabha*

9. Kakasaheb Kalelkar
10. Shri Santokh Singh
11. Shrimati Tara Ramchandra Sathe

*Draftsman*

Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

**REPRESENTATIVES OF THE MINISTRY**

1. Shri R. F. Isar, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
2. Shri Savitri Prasada, *Housing Commissioner, Ministry of Works, Housing and Rehabilitation.*

**SECRETARIAT**

Shri G. V. Mirchandani—*Under Secretary.*

2. The Committee held a preliminary discussion on the programme to be adopted by them.

3. The Committee felt that it would not be possible for them to complete their work and present their Report to the House by the 9th December, 1963. The Committee, therefore, decided to ask for extension of time for presentation of their Report upto the 18th December, 1963. The Chairman and, in his absence, Shri Kashi Nath Pandey were authorised to move the necessary motion in the House.

4. The Committee decided that a Press Communique be issued inviting public bodies and associations desirous of presenting their views before the Committee in respect of the Bill to send written memoranda/representations thereon to the Lok Sabha Secretariat by the 11th December, 1963. The Committee authorised the Chairman to decide, after the receipt of memoranda etc., whether any party should be called to give oral evidence before the committee.

5. A few members desired to visit some slum areas and improvement projects undertaken by the Government in Delhi. The Minister of Works, Housing and Rehabilitation offered to make arrangements for about ten members to visit certain areas in Delhi on the 13th December, 1963. It was decided that members interested in visiting such areas might assemble at Gate No. 1, Parliament House, at 14:30 hours on that date.

6. The Committee then adjourned to meet again on Saturday, the 14th December, 1963, at 14.30 hours.

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## II

### Second Sitting

The Committee met on Saturday, the 14th December, 1963 from 14.40 to 17.45 hours.

#### PRESENT

Shri M. Thirumala Rao—*Chairman*

#### MEMBERS

*Lok Sabha*

2. Chodhury Brahm Perkash

3. Shri Ganapati Ram

4. Shri Shiv Charan Gupta
5. Pandit Jawala Prasad Jyotishi
6. Shri Mehr Chand Khanna
7. Shri Mohan Swarup
8. Shri Kashi Nath Pandey
9. Shri Sidheshwar Prasad
10. Shri Naval Prabhakar

*Rajya Sabha*

11. Shri Dharam Prakash
12. Kakasaheb Kalelkar
13. Shri N. Sri Rama Reddy
14. Shri Santokh Singh
15. Kumari Shanta Vasisht
16. Shrimati Tara Ramchandra Sathe

*Draftsman*

Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

REPRESENTATIVES OF THE MINISTRY

1. Shri Prem Krishen, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
2. Shri R. F. Isar, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
3. Shri Savitri Prasada, *Housing Commissioner, Ministry of Works, Housing and Rehabilitation.*

SECRETARIAT

Shri G. V. Mirchandani—*Under Secretary.*

2. The Chairman informed the Committee that nine members of the Committee had on the 13th December, 1963 visited certain slum areas and improvement projects undertaken by Government in Delhi.

3. The Committee then took up clause-by-clause consideration of the Bill.

4. *Clause 2.*—The following amendment was accepted:

Page 2, line 16, after "latrines" add—

"including conversion of dry latrines into water-borne latrines"

The Committee decided that a definition of the term "land" should also be included in the Bill on the lines of the definition of that term contained in the Land Acquisition Act, 1894.

5. *Clauses 3 to 11.*—The clauses were adopted without amendment.

6. *Clause 12.*—Consideration of the clause was not concluded.

7. The Committee then adjourned to meet again on Monday, the 16th December, 1963 at 15.00 hours.

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### III

#### Third Sitting

The Committee met on Monday, the 16th December, 1963 from 15.05 to 15.30 hours.

#### PRESENT

Shri M. Thirumala Rao—*Chairman*

#### MEMBERS

#### *Lok Sabha*

2. Chodhury Brahm Perakash
3. Shri Ganapati Ram
4. Shri Shiv Charan Gupta
5. Pandit Jawala Prasad Jyotishi
6. Shri Mehr Chand Khanna
7. Shri Kashi Nath Pandey
8. Shri Sidheshwar Prasad
9. Dr. P. Srinivasan
10. Shri Naval Prabhakar

#### *Rajya Sabha*

11. Shri N. Sri Rama Reddy
12. Shri Santokh Singh
13. Kumari Shanta Vasisht
14. Shrimati Tara Ramachandra Sathe

**Draftsmen**

1. Shri V. N. Bhatia, *Joint Secretary & Draftsman, Miny. of Law.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

**REPRESENTATIVES OF THE MINISTRY**

1. Shri Prem Krishen, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
2. Shri R. F. Isar, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
3. Shri Savitri Prasada, *Housing Commissioner, Ministry of Works, Housing and Rehabilitation.*

**SECRETARIAT**

Shri G. V. Mirchandani—*Under Secretary.*

2. The Committee resumed clause-by-clause consideration of the Bill.

3. *Clause 12.*—Further consideration of the clause was taken up. The following amendments were accepted:

(1) Page 7,

(i) line 37, for "seven and a half per cent" substitute "six per cent"

(ii) line 39, for "seven and a half per cent" substitute "six per cent"

(2) Page 8, line 4, for "seven and a half per cent" substitute "four per cent"

4. *Clauses 13 to 20.*—The clauses were adopted without amendment.

5. Clause 1, the Title and the Enacting Formula were adopted without amendment.

6. The Bill as amended was adopted.

7. Draftsman was directed to make drafting or consequential changes in the Bill wherever necessary in the light of amendments accepted by the Committee.

8. The Committee then adjourned to meet again on Tuesday, the 17th December, 1963 at 14.45 hours to consider their draft report.

### Fourth Sitting

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The Committee met on Tuesday, the 17th December, 1963 from 14.45 to 15.05 hours.

#### PRESENT

Shri M. Thirumala Rao—*Chairman*

#### MEMBERS

##### *Lok Sabha*

2. Shri Dinen Bhattacharya
3. Shri Shiv Charan Gupta
4. Pandit Jwala Prasad Jyotishi
5. Shri Mehr Chand Khanna
6. Shri P. S. Naskar
7. Dr. P. Srinivasan
8. Shri Naval Prabhakar

##### *Rajya Sabha*

9. Kakasaheb Kalelkar
10. Shri Santokh Singh

##### *Draftsmen*

1. Shri V. N. Bhatia, *Joint Secretary and Draftsman, Ministry of Law.*
2. Shri R. V. S. Peri Sastry, *Deputy Draftsman, Ministry of Law.*

#### REPRESENTATIVES OF THE MINISTRY

1. Shri R. F. Isar, *Joint Secretary, Ministry of Works, Housing and Rehabilitation.*
2. Shri Savitri Prasada, *Housing Commissioner, Ministry of Works, Housing and Rehabilitation.*

#### SECRETARIAT

Shri G. V. Mirchandani—*Under Secretary.*

2. The Committee adopted the Bill, as amended, with the following further amendment:

Page 9, line 30, for "a District Judge" substitute "an Additional District Judge"

3. The Committee then considered and adopted the draft report with the addition of the following paragraph:

"*Clause 18.*—The Committee feel that in the proposed subsection (2) of Section 36, for the words 'a District Judge' the words 'an Additional District Judge' be substituted to make it clear that delegation may be made to an Additional District Judge also."

4. The Chairman announced that the minutes of dissent, if any, might be sent to the Lok Sabha Secretariat so as to reach them by 10.30 hours on Wednesday, the 18th December, 1963.

5. The Committee authorised the Chairman and, in his absence, Shri Shiv Charan Gupta to present the Report on their behalf.

6. The Committee also authorised Kakasaheb Kalelkar and, in his absence, Shri Santokh Singh to lay the Report on the Table of Rajya Sabha.

7. The Chairman announced that the Report would be presented to Lok Sabha on the 18th December, 1963 and laid on the Table of Rajya Sabha on the same day.

The Committee then adjourned.