

# Delhi: Imperial Capital in Making (Town Planning)

## Development Phase III

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No city can be planned only by positioning government officials and instituting Government buildings. Realizing this point British Indian Government did contemplate how to accommodate mercantile class and other non-officials in the capital city which was in offing. In those days centering the Great Railway Junction and largest distributing market official and Mercantile populace had settled around Civil Lines of Delhi, but the area was not sufficient and in the wake of new Imperial Capital in making led to influx non-officials to trade, for whom there was dearth of room for settling in.

Moreover, merchants were alarmed at the increase in the expenses they had to meet in the shape of high rents for office and godown premises in the city and heavy odds were faced in obtaining bungalow accommodation. In a resolution passed by Punjab Chambers of Commerce on 21st February, 1913 it was noted :

"The Committee understood that the selection of a site for the new building required for the purposes of the Government of India consequent on the removal of the Capital of India from Calcutta to Delhi is still open question. The present opportunity is therefore taken to lay before Government the claims of the mercantile and non-official community to consideration (sic) in respect to the accommodation which should be provided for them in the plan that may be adopted . . . . It is most desirable that in the plan, which is ultimately adopted, there should be ample room for expansion in all directions and particularly in the quarters set aside for the resident of non-officials so that they may be able to obtain bungalows at all times at a reasonable rental".

Furthermore, the Chamber of Commerce had observed that 'It is obvious that unless sufficient space is allotted for the building of bungalows which will be available for non-officials—a fictitious value and high rents will at once follow on the fixing of the site for New Delhi'.

On controlling the high rental value H. Wheeler observed on 28th February 1913 that '... out of New Delhi the needs of the mercantile and non-official community shall not be overlooked and that room shall be left for expansion in order that rents may not be unduly enhanced. Thus was the accommodating trend for the mercantile populace the British adopted;

Another main question propped up was "want of new

legislation to secure control over land in the environs of new city of Delhi". Hailey made suggestions in this regard that only the lance actually required for the site of the Imperial Capital (Presumably with additional area for the future expansion) should be acquired and that in regard to areas in the environs of the Capital acquisition would be unnecessary. In Hailey's words as he recorded '... but power to prevent the erection of new buildings and to prohibit nuisance and obstruction should be secured by legislative. Thus Viceroy's attention was drawn and he had asked for detailed analysis of this point.

To examine the then existing laws steps were taken to redefine laws like 'Indian Works of Defence Act (Act VII to 1903)'. This law imposed restrictions on the use of enjoyment of land in the vicinity of works of defence (or land intended to be used or acquired for the purpose) in order that such lands might be kept free from building or other obstruction, and laid down the machinery for the assessments of damages on account of such imposition. The restrictions were to be imposed with the connected land within 2000, 1000 and 500 yards from the crest of the outer parapet of the work, but this act was not sufficient to cover the needs of Imperial Enclave and its surroundings. Thus, Government called for new legislation to cover the need. But the prevailing Cantonment Act (Act XC of 1910) was found suitable as the recorded documents speak :

"The Cantonments Act is more suitable in matter. The local Government can, with the previous sanction of the Governor General in Council declare any place in which any of His Majesty's regular forces are quartered to be a cantonment, and can define its limit. The Act provides for a machinery consisting of cantonment magistrate and a cantonment authority for the purposes of control and of issuing and enforcing orders under Sec. 23 the Governor General in Council can extend to the whole or any part of a cantonment any enactment for the time being in force in any municipality in British India. Under Section 24, it is further provided that the Governor General in Council can make rules to regulate certain matters. Under Sec. 24(12) to (31) the matter in regard to which rules can be made are enumerated, and these matters are of the kind in regard to which it is desirable to retain control in the Imperial Enclave and the area adjoining it. Section 26 gives a

useful power to extend to any area beyond the cantonment, but in its vicinity any of the enactments extended to the cantonment under section 23. The Cantonment code was drawn up in exercise of the power conferred by Sec. 23 or any of the rules applied to the cantonment under section 24. The Cantonment code was drawn up in exercise of the power conferred by Sections 23, 26 and 27 of the Act XIII of 1899 (The old cantonment Act); these sections correspond to Sections 23, 24 and 25 of the present Cantonment Act of 1910".

But Imperial Government suggested that a Town Planning Act should be formulated to govern the City building process of New Delhi. The general principle of a town-planning scheme was identified which encompasses distribution of lands, notifying the scheme of development of the Capital area.

In a government memorandum it is noted that "redistribution means the pooling of land of different owners and the allotment to them, after making such provision as may be permitted in the Act for lands required by the local authority of plots reconstituted in more convenient form for building sites, or for any object in furtherance of a town planning scheme".

For proper execution of Town Planning scheme development taxes in addition to the land revenue were proposed to be imposed by local authorities which would further the expenditure balance in Imperial Capital.

Several clauses and directives were passed by Imperial Government, extracts of which are given below from recorded Archival documents. These following lines are historically most important which will help us to understand the British administrative policies between the lines.

1. The Act to be applicable to such portions of the area (Delhi and surroundings) under Imperial administrations as it may from time to time be extended by the Governor General in Council.

A local authority to be constituted for such area with power to make a town planning scheme. Such local authority to be appointed by the Governor General in Council. This local authority to be subject to a controlling authority similarly appointed.

3. The local authority to be empowered to declare by notification in the manner prescribed, its intention to make a town-planning scheme for the whole or any part of such area; the notification to be accompanied by such general plans and information as may be prescribed by rules.

Such declaration to be made, with the previous sanction

of the Governor General in Council, either *suo motis* (sic) or by order of the controlling authority of a requisition made to it by person owning more than half of the area in respect to which the declaration to be made.

4. Within a period to be prescribed of the notification of the declaration to make a town planning scheme the local authority with approval of the controlling authority, to publish a provisional scheme for the area included in such declaration.

5. The scheme to prevail for any or all of the matter referred to in the schedule to the Act and such other matter not inconsistent with the purpose of the Act as may be prescribed, to be accompanied by such plans and estimates as may be prescribed by rules under the Act. Such matters would be the construction, diversion and alteration of roads and communications, the construction and alteration of building sites whether intended for building in the immediate future or of the reservation of land for open spaces, gardens, recreation grounds, school, markets and public purposes of all sorts, drainage; lighting and water supply the preservation of objects of historical interest or natural beauty, the assessment and the distribution of a development tax, redistribution of sites prescriptions as regards the number and nature of buildings allowed in specified areas and the purpose to which specified area may (sic) may not be appreciated.

6. The scheme to apply to land which are likely to be used for building purposes. Land likely to be used for building purposes to include any land likely to be used for the purpose of providing open spaces, roads, streets, parks, or for the purpose of executing any work upon or under the land indicated in a town planning scheme. The scheme to be capable of extension to a piece of land already built on, or to a piece of land not likely to be used for building purposes, which is so situated with regard to any land likely to be used for building purposes that in the opinion of the controlling authority it ought to be so included and the controlling authority to be authorised to include in the scheme provisions for the demolition or alternation of any buildings thereon as far as they may be necessary to carry the scheme into effect.

#### 7. Contents of the Scheme

Power to be given to prescribe generally by rules under the Act the information to be contained in the provisional scheme, and the plans and estimate to accompany it. In particular to prescribe that the scheme should specify the restrictions to be imposed on the number of buildings to be erected on a given area, and the height and character of house buildings, and should contain

estimates of the cost of development with and without redistribution, estimates of the amount of compensation, likely to be paid by local authority for acquisition of total development tax to be distributed over the area left with, or allotted under redistribution, to the owner, and other details necessary for a full comprehensive of the scheme.

#### 8. Discussion of the Scheme

Provision to be made by rules under the Act for securing co-operation on the part of local authority with the owners and other persons interested in the land proposed to be included in the scheme at every stage of the proceedings, by means of conferences or such other means as many be prescribed.

#### 9. Redistribution

(a) Power to be given to propose redistribution in the scheme for a portion or the whole of the area, on the application of more than half the owners. When required number of owners are unwilling to come to such an agreement, power to be given to the controlling authority to disclose that redistribution is necessary to the success of the scheme. On such declaration redistribution is necessary to the success of the scheme, on such declaration redistribution to be included in the scheme. Where redistribution is ordered or of selling their land to the authority at a price to be settled by agreement or by the arbitrator on a consideration of the value of such as building site or otherwise before the date of declaration of intention to prepare a town planning scheme.

(b) The plan of redistribution to provide for the reconstitution of plots for building plots and for the free transfer to the local authority of an area not exceeding 30% of the area to which the scheme applies for any purpose connected with the scheme and for the remission or reduction in consideration and such transfer of the development tax on any other land of the same owner. Provided that no agreement for such reduction or remission should be made unless the loss caused by such transfer will exceed the profit that will accrue to such person by the enhancement owing to the operation of the scheme of the value of any other land owned by such person. The plots to be allotted to the original owners as far as possible in the same proportion as the original ownership, and the main portions of the allotted plots kept in the same proportion (sic) as the original ownership, and the main portion of the allotted plots kept in the same positions as the original plots.

9 (d) When a reconstituted plot cannot be used for building purposes such plot not to be allotted but to be offered, in the first place, to the owner of an adjointly plot at a price to be fixed by the arbitrator or acquired for the local authority cost of compensation for such

acquisition not being taken into account when assessing the development tax.

After notification the local authority to have power to remove, pull down, destroy, stop, or alter any building or work be given (sic) or proceeded with which in whole or part in opinion of the local authority to be recorded in a finding, contravenes the scheme, or for which a commencement certificate has not been obtained.

No person to be entitled to compensation for such action, and expenses, incurred by the local authority to be recoverable from the persons in default. But compensation to be claimable as regards work done before the date of notification of the scheme for the purpose of finishing a building legem (sic), or executing a contract entered into before the date of declaration of intention to prepare a town-planning scheme. Any question arising as to whether a building contravenes a scheme, or whether any provision has not been complied with, to be determined by the local authority.

#### 13. Acquisition

Any land required for acquisition by a local authority under a scheme in which redistribution is not included and any land under a redistribution scheme in excess of 30 per cent of the local area to be acquired by the arbitrator at the valuation placed on it by him for a building site before the date of declaration of intention to prepare as schemed.

The total amount of compensation not to be paid in cash whether under a redistribution scheme or not, but the amount allowed credited against the holders, contribution to the scheme, 15% compensation should be added in cases where the allotted plots, valued as is less than the value of the original plot.

Thus British pondered in several sphere of town planning. It is very important to read British mind what has explicitly recorded by L.C. Porter before we switch over to give a detailed thought on Town Planning in Development Phase IV the following extracts is given what I understand is a turning point of History.

"I doubt if there will ever be efficient administration in a big native city without an autocratic office, with a health officer and engineers as his subordinates, and purely advisory council on which all interests would be represented, and not only the Banya and landlord."

#### References :

1. Delhi—Deposit Feb. 1913 No. 1
2. Home Deptt. Proceeding March, 1913 No. 15.
3. Home Deptt. Delhi 22 Feb. 1913 No. 13
4. Letter L C. Porter dated 8th Feb. 1912.  
(Access to National Archives of India is gratefully acknowledged)