

10 November 2003

Mr P K Vishwanathan  
Secretary, Legal Department  
Ministry of Law and Justice  
4<sup>th</sup> floor, Shastri Bhawan  
New Delhi

Sub: Free and Compulsory Education for Children Bill and Delhi statehood Bill: Possible conflicts with Delhi Development Act, 1957

Dear Mr Vishwanathan,

I am writing to bring to your attention two points of what appear to me to be conflicts between Bills that I understand from news reports are to be tabled in Parliament in the forthcoming session and Delhi Development Act of 1957.

1. s.14 of the Free and Compulsory Education for Children Bill 2003 provides for free education to BPL children to maximum extent of 20% by private unaided schools. The legal regime flowing from Delhi Development Act provides for free ships to extent of 25% for children from EWS (economically weaker sections). The proposed Bill, in effect, downsizes the benefits to which poor children are entitled in law in Delhi. In purely procedural terms s.11A process, inclusive of Public Notice, is pre-required by DD Act before the legal regime flowing from it can be modified.
2. s.4(3) of Delhi Statehood Bill reportedly defines the Master Plan as any plan that provides for land uses, building regularisation or any other control norms for the development of the State of Delhi. This definition is inconsistent with the definition set out in Delhi Development Act and this inconsistency is problematic since land has been compulsorily acquired under DD Act for 40 years only for development according to Plan (as duly defined in Delhi Development Act of 1957).

Already the Delhi Cooperative Societies Bill was passed by Delhi Assembly on 29.08.03 even after the concerned Minister had admitted to conflict with DD Act and lapse on mandatory Public Notice process under s.11A despite requests on 28.08.03 that it not be tabled.

This is to request you to kindly have these points examined and, if I should be writing to anyone else, to please let me know.

Thanking you,

Yours sincerely

Gita Dewan Verma / Planner

B.Arch (SPA, gold medalist); M.Planning (SPA, gold medalist); PG Dip-Research (IHS-Rotterdam, top rank); Dip-Training (DoPT)  
Formerly: Senior Fellow (HUDCO-HSMI), Visiting Faculty (SPA, TVB-SHS), Consultant (DfID, IHSP, Nuffic, UNICEF, etc)  
Currently: Independent planning researcher and writer and planning consultant exclusively to citizens' groups

cc:

**Secretary, Ministry of HRD**  
(for information re no.1 above)

**Secretary, Ministry of Home Affairs**  
(for information re no.2 above)

**Secretary, Ministry of Urban Development**  
(for information, in continuation of correspondence re Cooperative Bill)

**Shri K.Chakraborty, Deputy Secretary, Lok Sabha Secretariat**  
(with request for hearing by Standing Parliamentary Committee examining DDA functioning)