

## INAUGURAL ADDRESS

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It is indeed a great pleasure to me to be asked to inaugurate this Seminar on "Law and Urbanization", which has been sponsored by the Indian Law Institute, New Delhi. It is in the fitness of things that this Seminar should meet in Allahabad in the State of Uttar Pradesh, which is the most populous State in the Union and which has, I believe, a larger number of urban centres than any other State in the Union.

The Seminar is of great topical interest for urbanization has been growing in India during the last half century. This will be apparent if one looks at the census figures for the last sixty years ending with 1961. These figures show that population of class I cities, *i.e.*, cities with a population of one lakh or more, has increased six-fold. This increase in population poses a great many problems, which is the purpose of this Seminar to deal with. But it will help in the understanding and solution of problems that arise on account of this expansion of urban population, if we analyse the basic factors which are responsible for this expansion. One such basic factor is the growth of urban economy during this period and specially the emergence of new industrial towns clustered round great industrial undertakings. This has been particularly so in the last twenty years since independence, when we have established a large number of industries, as, for example, at Durgapur, Rourkela and Bhilai to mention only a few. The establishment of such industries has resulted in the growth of towns depending on the existence of such industries.

Another basic factor which has influenced the expansion of urban population during this period with regard to existing towns has been the movement of population from villages to cities, and particularly to larger cities. This is a phenomenon which is going to persist in the near future and we may expect more and more movement from villages to cities. Part of it is due to natural process, for the existing towns as they expand need more labour to man the various services that have to be provided with the expansion of population. But besides this natural process there is in India another great incentive for the movement of population from the villages to the cities. That, unfortunately, is the absence or near absence of what one may call the amenities of modern life in our villages. The result of lack of such facilities has been that

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people move on to towns and cities in the expectation of being able to have the basic amenities of modern life. In most of our villages, we have no electricity, no running water, no roads, little education facilities, little facilities for entertainments and no conservancy arrangements. These are factors which are resulting in movement of people from village to cities, even though there may not be place for them in the cities. This creates problems which the city municipalities and other authorities have to face and which they find difficult to solve. This movement of population is likely to persist in the future unless we are able to provide for the minimum basic amenities of modern life in our villages. Further this movement is given a fillip, as people from villages who have already migrated to cities and who have friends and relations in the villages, go to their villages for holidays and so on and speak of conditions of life in cities and opportunities for getting employment which are almost non-existent in villages. Further, as population increases in the villages and the available land remains the same, there is pressure on the village economy which cannot sustain the expansion of population, for there is little scope for employment in our villages except in the matter of agriculture and perhaps some small-scale industries. The result of this has been that in the past there has been migration of population from the villages to the cities ; and this trend is bound to continue in the future and may even be accelerated unless something is done to check the population expansion in India. The problems that have arisen in the past on account of this movement of population from villages to cities are thereby likely to be accentuated in the future. It is in this background that Seminars (like this) which focus attention on these problems and which, I hope will help towards the solution of some of them are of great topical interest.

It is proposed to discuss some of these problems during this Seminar. You will hear in detail about these problems, the difficulties, that they create and the solutions that might be attempted, during the course of this Seminar. I, therefore, propose to refer only to some of them briefly.

The very first problem that arises when there is expansion of population in cities not only by natural process (namely, by births among the city-population itself) but also by migration of adults from villages to cities, is one of housing. This housing problem particularly with respect to those who shift from the villages to the cities is very acute. So far as those who are born in the cities are concerned, difficulties are not so great, for at any rate their parents living in cities have some kind of housing accommodation or other at their disposal. Even in this respect in some of the larger cities the problem of housing is acute. But when we add to this the increase in the population of a city due to migration of adults from villages, who have no place whatsoever in the city to live in, the difficulties indeed become very great. In larger cities we have started hearing of what are called pavement dwellers who have no houses whatsoever, not even a

room where they can live in the city. Then there is the problem of those who put up shacks and huts (*jhopris* and *jhuggis* as they are called in Delhi) wherever they like whether on public land or any other land, which they happened to find vacant in the city. The impact of this is not merely on the housing problem in the city but also on sanitation with a consequent hazards to the health of the already existing city population.

Another problem that arises in this connection is the problem of land in cities. The city is usually a municipality or corporation with fixed boundaries where such amenities as the municipality or the corporation can provide are available in some form or other and to some extent or other. But with the expansion of population this limited area within the municipality or corporation is not able to provide enough land for building more houses, even if there is the will and the means to do so ; in consequence the area of the city has to be increased and what was formerly rural area included within the area of the municipality or corporation. This raises various legal problems, which this Seminar is going to discuss during its sessions. With the increase in the area of the municipality or corporation, the peripheral population grows more and more and distances from the periphery to the centre of the city become greater and greater. This raises problems of transport from the periphery to the centre of the city. The bigger the city, the greater is the problem of transport. I do not propose to refer to any particular city in India in this connection but you will certainly recall to mind some of our larger cities where this problem is very acute in spite of bus services and even local train services.

Another problem that arises is the problem of planning. As the city expands those in authority cannot permit haphazard growth, for that raises so many other problems with respect to roads, sanitation, market facilities, educational facilities and so on, which are the basic minimum amenities of modern civilised life in a city. In consequence, there has to be planning when the boundaries of a municipality or corporation have to be expanded. We have a number of Town Planning Acts in various parts of the country. The difficulties of two planning under those Acts are indeed great and can only be fully understood by those who have had occasion to deal with town planning schemes. How complex are the problems and how long is the time taken over preparation of even a modest town planning scheme, is known to those who have had anything to do with town planning. With the expansion of boundaries of a municipality or corporation these problems become more and more difficult and have to be tackled in a way that would provide for amenities of modern life to the expanding population of the city.

Another question which arises when one has to deal with an expanding city population is whether this planning has to be done by private enterprise or in the public sector. If it is left to private enterprise, the result may not be very satisfactory, for private enterprise has to find land to

develop colonies and that raises innumerable questions relating to property rights. The other solution is that planning should be done in the public sector through public authorities. That raises a large number of questions not the least of which is the question of financing these projects by public bodies. Probably you all know that public bodies, like municipalities and corporations, have not the financial resources, which are required for purposes like these. Increase in taxation therefore becomes necessary while planning is being done in the public sector. That is why in many Town Planning Acts you find that people who own land, which is undeveloped and whose land is included in a town planning scheme, have to pay what are called betterment charges, because their land, after improvements have been made, would be more valuable as house site. These again raise problems for the town planners, for the property owners do not like to pay all these charges, even on the expectation that their land would increase in value on the scheme going through. Some of them have to part with lands in the interest of the scheme and that interferes with the right to hold property and raises questions as to payment of compensation. There we come across Articles 19 and 31 of the Constitution. These Articles also may sometime come in the way of the schemes propounded and the difficulties raised by them have to be solved.

We are a quasi-federal State with distribution of legislative powers between the Centre and the States. In dealing with the question relating to urbanisation and town planning, the Central Government, State Governments and the local authorities have all to cooperate. The large financial resources required are generally beyond the means of local bodies. In many cases they are also beyond the means of the State authorities. So we see many a time that the Central Government has to provide funds necessary for town planning. There have been many such provisions in the past by the Central Government by which funds have been placed at the disposal of the State authorities for purposes of housing schemes in the matter of industrial housing and low-income group housing. These require delicate negotiations between the Central Government and the State Governments in order that urban development may proceed quickly as the city population grows.

The provision for finances having been made, there arise problems of how to administer the schemes. These require an administrative structure which would carry through the schemes of urbanisation to meet the expansion of population. We have in this connection in many States administrative bodies, called Improvement Trusts and others of the same kind. These bodies have to be created by laws passed by the States and have to be armed with legal authority to deal with problems arising out of planning. They naturally have to interfere with the property rights of individuals which have the protection of Arts. 19 and 31 of the

Constitution. Laws have to be enacted which necessarily interfere with the property rights of individuals. These laws have naturally to pass the test provided by Art. 19(5) of the Constitution which lays down that nothing in Art. 19 (1) (f) of the Constitution, shall prevent the State from making any law imposing reasonable restrictions on the exercise of any of the rights conferred by that clause in the interests of the general public. Many such laws when they are passed are attacked by individual property owners on the ground that they are unconstitutional and impose unreasonable restrictions on the exercise of the citizen's right to acquire, hold and dispose of property. These legal hurdles have to be overcome before any town planning scheme can get under way. But even after the legal hurdles have been overcome and the laws passed by the State are upheld as constitutional, the great problem of administering these complex laws which strike a delicate balance between the right of the individual and the necessities of public good has to be undertaken. This requires a body of efficient personnel in public service who are experienced in the field of town planning to carry out schemes that are eventually approved. This also requires a degree of integrity and devotion to duty on the part of public servants who have to administer these schemes in order that results may be achieved in as short a time as possible. It further requires on the part of the citizens of this country some sense of sacrifice of their individual right in the interest of common good, for it has not been unknown that one cantankerous citizen standing on the letter of the law and defending his right to property irrespective of the need for the public good can hold up beneficial schemes for long periods of time through resort to law courts. If the trend of movement from villages to cities continues, as it is expected to continue, and if the stream of such movement becomes larger in volume than at present, as it is expected to be, all these problems will be accentuated further. That will require an amount of concerted effort on behalf of all from the Central Government down to smallest municipality, from the topmost public servant to the lowest in the department dealing with town planning and will also require a sense of public duty and public good in the citizens of this country so that they may be able to subordinate their individual interests to the common good to some extent at least. This Seminar, I understand, is discussing all these problems and, I hope, it will be able to come to some conclusions that might be of help to future town planners in our country.

Even where the town planners have managed with their schemes to see that the city expands properly and is provided with the necessary housing accommodation and other amenities, like sanitation etc., more problems will arise after the city has actually expanded. It is not enough that the expansion should have been provided. That of course is necessary for without the minimum expansion the new population coming to the city will have no place to live. After this expansion has been provided and capital expenditure found for it, there will be the problem of maintaining what

has been provided. As we visualise the experience of the city, the question of maintaining what has been provided including amenities of modern life will become even more important. That means an efficient local administration, able to maintain what has once been provided. That will require that members of our local bodies should be persons of integrity and character, devoted to the task of seeing that their city is maintained in the highest state of efficiency in the matter of such amenities as a modern city requires. They may have to increase taxes in order to meet charges due to expansion of the city. They may have to provide for rent control in order that the greed of individuals may not negate the advantages due to town planning. With the increase in population the labour population also is bound to increase and that will bring in the necessity of providing labour colonies and of looking after the welfare of labour. That will also need promulgation of health laws to avoid outbreak of disease. The local administration will also have to provide for zoning law and will have to see that haphazard shifting of, say industrial units into residential areas, does not take place, as further expansion of population results from natural causes. Another problem that will arise would be the prevention of pollution of air and water in the interest of the health of the community. These are all problems which become more and more complex as the city expands in size. They call for a body of members of the local administration who will be imbued with the duty of maintaining their city as a model providing for all amenities of modern life with an orderly expansion for future purposes, as population grows in course of time.

Though this Seminar is concerned with the question of urbanization, it seems to me that it may perhaps devote some of its time to consider the question whether something cannot be done to reduce the flow of population from villages to cities. The population of cities grows by natural process as births take place in cities. To that natural process of growth is added in India, the further process of movement of population from villages to cities. There will always be some movement from villages to cities, but it seems to me that the movement in India is much more than it should be and the main reason for that appears to be the absence of all those amenities in our villages which modern life requires. Should not we do something which will reduce this movement from the villages to the cities by providing modern amenities of life in as many of our villages, particularly the larger ones, as we can? It is true that this problem of providing amenities in villages does not directly arise before this Seminar; even so it seems to me that unless we do something to provide for the basic minimum amenities of life in our larger villages or in as many of them as we can, the difficulties arising out of constant movement of population from villages to cities at a scale greater than it should be will always be present, with us and will always make the task of those in-charge of administering cities difficult. That is a problem to which this Seminar might turn its attention. It might recommend to

Central Government and State Governments to provide basic amenities in our larger villages or to as many as they can, in the form of electricity, running water, sanitation, educational facilities, entertainment facilities, so that unnecessary movement of population from villages to cities may be stopped.

The last problem that naturally arises with the expansion of the city is the problem of criminal administration. As population grows naturally and as more and more people drift from villages to cities, there are bound to be some who are anti-social and who resort to criminal acts, like theft and so on, in order to exist. It is well-known that there is greater incidence of crime in larger cities. That would require an efficient police force to deal with such crimes and an efficient administration to check it. We may very well in this connection take counsel from the administration in other larger cities of the world, like London, New York, Paris, Tokyo and so on. It stands to reason that persons living in cities expect to be protected while they carry on their ordinary vocations. The greater the city, the more is the number of people living therein who may be taking to crime, and this requires an efficient police administration to keep the crime in check and to punish the wrong-doer.

There are then the problems which I find that this Seminar is going to consider in the next four days. A number of papers have been written and will be read at the Seminar. I take this opportunity of thanking all those who have taken the trouble to write papers and come to this Seminar. I have no doubt that there will be fruitful discussion leading to some conclusions which might be of use to the Central and State Governments in connection with this problem. I wish you all success in your discussion here.

Before I close, I wish, as President of the Indian Law Institute, to thank the Chief Justice of the Allahabad High Court and the Judges thereof for the great interest they have taken in the organisation of this Seminar. I must also express my thanks to the Advocate General and the Advocates of the Allahabad High Court for the great help they have given in connection with this Seminar. I also express my thanks to the Government of Uttar Pradesh for the help extended to this Seminar. Without their help and co-operation it would not have been possible to hold this Seminar at all in this holy city of Allahabad.

I have great pleasure in inaugurating this Seminar on "Law and Urbanization" and have no doubt that your discussion will yield fruitful results which would be of help to the Central Government and State Governments and to all those who are interested in this subject.