



Saturday
22th December, 1956

PARLIAMENTARY DEBATES

HOUSE OF THE PEOPLE

OFFICIAL REPORT

(Part I- Questions and Answers)

1956

**PARLIAMENT SECRETARIAT
NEW DELHI**

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LOK SABHA DEBATES

(Part I—Questions and Answers)

1971

LOK SABHA

Saturday, 22nd December, 1956

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

ORAL ANSWER TO QUESTION

SHORT NOTICE QUESTION AND ANSWER

Case against Vice President of National Mazdoor Union, Mahbubnagar

S.N.Q. No. 14. Shri Kamath : Will the Minister of Railways be pleased to state:

(a) whether it is a fact that the former Minister of Railways advised the withdrawal of the prosecution of the Vice-President of the National Railway Mazdoor Union, Mahbubnagar Branch, for having pulled the alarm chain with a view to warning the railway authorities about the damaged bridge; and

(b) if so, whether the advice has been accepted?

The Deputy Minister of Railways and Transport (Shri Shah Nawaz Khan) : (a) The Minister only suggested to the Andhra Government to consider whether the circumstances justified the withdrawal of the prosecution. The alarm chain was, however, pulled, not for giving a warning that the bridge was damaged. The bridge was not damaged at that time.

(b) Information so far available is that the prosecution case is posted for hearing on 28-12-1956.

Shri Kamath : When exactly did the accident take place, did this disaster occur, and how many hours exactly before this took place was the alarm chain pulled by Shri Shree Hari, Vice-President of the National Railway Mazdoor Union?

Shri Shah Nawaz Khan : The accident took place exactly 22 hours after the chain had been pulled, and it took place on a train which was coming from the opposite direction.

1972

Shri Kamath : Is it not a fact that after the pulled the alarm chain and the railway authorities came on the spot to his compartment, he told them that he had pulled the chain specifically, definitely and only for the purpose of warning them that that bridge was damaged and that trains running along the bridge ran a serious risk?

Shri Shah Nawaz Khan : All I can say at this moment is that the statement, as made by the hon. Member, is not correct. What he said is yet to be verified by the judicial inquiry which is now in progress. Therefore, I would not like to say what he said and what he did not say. But it is not a fact that he said that the bridge was damaged; it was mainly a vague statement that he apprehended some sort of danger.

Shri Kamath : When exactly was the prosecution launched against him? Is it not a fact that even after the prosecution was launched against him, he made a representation to the authorities in the State and, perhaps, here too that he had pulled the chain only for the purpose of warning the authorities that the bridge had been damaged and not for any other purpose? If so, when was the advice by the Minister suggesting to the Government withdrawal of the prosecution tendered?

Shri Shah Nawaz Khan : I could not give the hon. Member the exact dates. But after he had pulled the chain and he was refusing to allow the train to go on a sort of vague assumption that the bridge was not safe, he was removed from the train and was handed over to the police under section 108 of the Indian Railways Act. Thereafter, all the prosecution proceedings etc. have to be launched by the police. It is a concern of the police and of the Government of Andhra; the Railway Ministry are not really concerned with the actual proceedings of the case.

Shri Kamath : The latter part of the question is not answered. I asked whether he made representations to the authorities that he had pulled the chain only for the purpose of warning the authorities concerned, and when the Minister advised the Government that the prosecution should be withdrawn.

Shri Shah nawaz Khan : I could tell him later on, if the hon. Member desires.

Shri Raghavachari : Is there no written record maintained of the statement made by him?

Shri Shah nawaz Khan : He did not make any statement in writing or anything like that.

Shri Raghavachari : I asked whether there was no written record of the statement that he made. When a man makes a statement on such an occasion, officers must have kept some record of what he said.

Shri Shah nawaz Khan : No record of the statement was kept. But I might add that this whole matter is being looked into by a High Court Judge. He will certainly go into all these aspects of the case.

Shri B. S. Murthy : May I know whether there is any favourable reaction on the part of the Andhra Government to the suggestion made by the former Railway Minister?

Shri Shah nawaz Khan : I cannot answer on behalf of the Andhra Government.

Shri T. B. Vittal Rao : Is it a fact that there was cautious driving on this track on account of the rain and consequent breaches in the tanks affecting the railway line?

Mr. Speaker : All that will be the subject-matter of the inquiry.

Shri Shah nawaz Khan : There had been very heavy rainfall on the 1st. After the man had pulled the chain, he was taken off the train and the train started. Shortly afterwards, there was a gateman who had placed a 'fog signal', some sort of cracker that is put on the line when there is any danger. This 'fog signal' went off as a mark of warning that the track was not very safe. The train was stopped. Then they went forward inspecting the track, and at a very slow speed the train went over the track.

I might add that after this incident of chain pulling, 5 other trains passed over this track quite safely.

Shri Krishnacharya Joshi rose—

Mr. Speaker : Enough has been asked about this.

1975

1976

DAILY DIGEST

[Saturday, 22nd December, 1956]

ORAL ANSWER TO QUESTION

COLUMNS

1971-74

S.N.Q.

No.

Subject

14 Case against Vice-President of National
Railway Mazdoor Union, Mahbubna-
gar

1971-74

Saturday
22th December, 1956

LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)



LOK SABHA SECRETARIA.
NEW DELHI

SIX ANNAS (INLAND)

TWO SHILLINGS (FOREIGN)

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LOK SABHA DEBATES

(Part II—Proceedings other than Questions and Answers)

Dated 23.03.20

4071

4072

LOK SABHA

Saturday, 22nd December, 1956

The Lok Sabha met at Eleven of the Clock

[MR. SPEAKER in the Chair]

QUESTIONS AND ANSWERS

(See Part I)

11-09 hrs.

MOTIONS FOR ADJOURNMENT

APPOINTMENT OF A SECOND PAY COMMISSION

Mr. Speaker: I have received notices of two Adjournment Motions. One is from Shri A. K. Gopalan, Shri T. B. Vittal Rao and Shri V. P. Nayar. It says:

"The grave and deep discontent among the Class III and IV Central Government employees resulting in their decision to refuse to receive pay as protest against the failure of the Government to appoint a second Pay Commission and immediate increase in dearness allowance as recommended by the Central Pay Commission".

How is this a matter for a motion for adjournment? Supposing the Class IV and Class III government servants take it into their head one fine morning to say that the Government must appoint another Pay Commission or otherwise they will go on strike, should we go into the matter here? I am really surprised how it arises.

Shri A. K. Gopalan (Cannanore): I want only to show that it is a matter of urgent public importance.....

540 L.S.D.

Mr. Speaker: If one fine morning these people think that there must be increase in their salary etc.

Shri A. K. Gopalan: It is not that, Sir. They are going to take some action.

Mr. Speaker: Let them do so.

Shri A. K. Gopalan: If that is your view, then it is altogether different.

Mr. Speaker: I would put a question and I would like to hear the answer. Some time back they said that their salary is not sufficient and therefore they wanted to have a second Pay Commission. That Pay Commission was refused and now they are going to protest. Does the hon. Member want that we should discuss these threats here?

Shri T. B. Vittal Rao (Khammam): May I make a submission, Sir?

Mr. Speaker: No, no.

Shri A. K. Gopalan: I think you will understand that we in this House, one year ago, had discussed a resolution which suggested that a second Pay Commission must be appointed to look into this question. For the last several months, the Class III and Class IV employees had also agitated. They have sent deputations to Government and now they are going to have some action. As I understand, there are about 15 lakhs of people—Class III and Class IV employees of the Central Government. I want that this House should discuss this and see that this large number of employees do not go into any kind of action. I want the Government to say what they are doing in this matter so that there may not be some crisis arising out of it. It is not as if one fine morning these

[Shri A. K. Gopalan]

people took it into their heads to have some kind of action. This had been discussed before. Even some six or seven months back, the Class III employees had given notice of some action; and, afterwards, on the promise of the Government they stopped going on strike, or something like that. Now, they have given this notice to Government. That is why I say it is not a matter which arises one fine morning. It is a question that has been there for months together and now they are going to have some kind of action.

Mr. Speaker: Notice of strike, is it?

Shri A. K. Gopalan: Not to receive pay; the next step may be strike etc.

Shri T. B. Vittal Rao: May I make a submission before the Minister speaks?

Mr. Speaker: What is it?

Shri T. B. Vittal Rao: The decision not to draw the salary is an expression of the hardship experienced by them. They have made several representations. Now, the prices of foodgrains have increased considerably and the Central Pay Commission's recommendation regarding dearness allowance has not been implemented fully, because the Central Pay Commission said that there should be Rs. 5/- increase in the dearness allowance for every 20 point increase. Now, this increase in cost of living has gone much more than what it was and we were hoping that the prices will come down, as mentioned by the Food Minister, after harvest comes in. The new harvest has come in and yet it is 25 or 30 per cent. more than the price prevailing during the corresponding period of last year when the harvest came in. The real wages of the workers and employees are nearly half of what they were drawing in 1939. If you are pleased to admit this, we will be able to place our figures properly and then the House can come to a decision on that.

The Minister of Home Affairs (Pandit G. B. Pant): I am really surprised that any notice of adjournment motion should have been given regarding these matters, where Government is interested more than anybody else in meeting the legitimate wishes of its employees. It has always been anxious to do the utmost that it can. When other friends express their solicitude for the employees, I do not grudge it. I can only hope that when the time for meeting additional expenditure which any such increase would entail comes, then, there will be no objection from any quarter about the taxes and about other measures that may have to be taken.

So far as this particular motion is concerned, I am not aware of any such threat. But, if there is any such threat, it will not help anybody; it may hamper the cause which people may otherwise wish to help. I do not think that any such motion can be in order. This is the last day of the session. I got it just when I was entering the hall. Otherwise, if Parliament had been continuing and the elections had been approaching nearer, perhaps, spates of adjournment motions would have followed every day. I am glad that it is the last day. While I am prepared to admit that the motion has been made only out of sympathy for these people, I hope they will understand that Government's sympathy is greater and Government alone can give concrete shape to it.

Mr. Speaker: In view of the statement of the hon. Minister and as this is a matter which has to be decided, as the Minister accepts, between the Government on the one side and the employees on the other, I do not think I am called upon to admit this motion. No useful purpose will be served by discussing these matters here. I therefore disallow it.

CLOSURE OF CASHEW NUT FACTORIES IN KERALA

Mr. Speaker: There is another adjournment motion given notice of by Shri Gopalan regarding the—

"serious situation arising out of the closure of Cashewnut factories in Kerala and starting of satyagraha by Cashewnut workers from the 19th December, 1956, in front of the Kerala Government Secretariat, Trivandrum."

Has it been reported anywhere?

Shri A. K. Gopalan: Yes, Sir, it is reported in the papers. I have also got information from the workers there that on the 19th they have started satyagraha. I have also to say that on the 1st the factories had been closed. It had been brought to the notice of the House and the Home Minister that the employers were going to close the factories as a result of which about 50,000 workers, employed in 130 factories would be thrown out of employment. The factories have closed on the 1st December and they have started satyagraha from the 19th December. It will not only affect these factories but there are other allied factories also and the trouble may spread to other industries also. This issue of 50,000 workers being unemployed and starting satyagraha is an issue which, I think, is urgent and of public importance as there is no State Assembly there which can discuss this question and take some action. I hope that you will consider this at least as a matter of urgent public importance.

Shri V. P. Nayar (Chirayinkil): May I submit, Sir.....

Mr. Speaker: Before admission, we hear only one person.

Pandit G. B. Pant: I again do not know how this motion can be admitted. The notice was given at 10-42 while I was on my way to the hall. It was stated by Shri Gopalan that these factories were closed on the 1st December. We have had several discussions in this House on Kerala since then and this question was not raised by anyone.

Shri V. P. Nayar: It was raised.

Pandit G. B. Pant: If it was raised, then, it has already been discussed; if it was not raised, then it cannot be done now.

I am coming to the second thing. This motion is being made because workers have started satyagraha. It is by way of protest against satyagraha. It is not said that anyone has been arrested or punished, but they have gone on satyagraha. I agree with them that it is not a legitimate method of protest, and they should not have gone on satyagraha. How is the Government to blame for their going on satyagraha? I do not know. If anyone on the other side says that the responsibility is theirs, I do not dispute then, but it is not ours.

So far as the facts go, as far as I know—I am speaking offhand—in response to the persistent demands of labour and labour leaders, the cashewnut industry in Kerala was declared as a non-seasonal industry, with the result that the emoluments and the wage bill went up greatly. In consequence of this high cost of labour which the industry had accordingly to incur, several factories closed, and they could not meet the cost. Suggestions were made for reconsidering that decision, but the labour unions or those interested in labour did not agree. The matter is one in which we were interested. We do not want the people to be unemployed. We do not want the industry to suffer. But I do not know if we can be said to be responsible for this.

So far as the fact goes, I am not aware of the satyagraha and I have received no information. But I know this that efforts are being made to bring about a settlement between labour and the managers of the factories. We are extremely anxious that the question should be settled and we would like to give whatever assistance we can. But I hope no encouragement will be given to satyagraha or to similar forms by anyone. As a protest against satyagraha I have no objection, to this, but that cannot be a just ground for admitting a motion for adjournment.

Shri V. P. Nayar: May I submit a few words? The hon. Minister is not correct.....

Mr. Speaker: The facts are that Shri Gopalan himself admits that in this matter the closure of these factories took place as early as 1st December. Now all the crisis which made this an urgent matter of public importance is the satyagraha started by those people. The hon. Minister has said that in view of the notification declaring this to be a non-seasonal industry, the wages have risen and therefore those people have closed the factories. Is it alleged that any of these cashewnut factories belonged to Government? No.

Shri V. P. Nayar: That is exactly the point.

Mr. Speaker: It is private property and those people have closed the factories.

Shri Punnoose (Alleppey): On a point of order, Sir. When you made that statement from the Chair, I think it affects the fortunes of lakhs of people, and no statements are to be made Sir, which will go adversely against the interests of the workers. These statements made here are going adversely against the interests of the workers.

Mr. Speaker: But I am entitled to make some statement which is correct. I must give my reasons for not admitting this motion. Is it alleged that these are Government factories? No. They are private factories.

Shri V. P. Nayar: Government gave an assurance.....

Mr. Speaker: I am not going to allow a cross-examination now. These are private factories, and not Government factories where Government is responsible directly.

Shri A. K. Gopalan: May I explain the position? They are not Government factories, but the factories were closed because a decision was taken by the Government that it is a non-seasonal industry, and the Government was not able to see that as far as the employers are concerned, it is implemented.

Pandit G. B. Pant: If Shri Gopalan agrees that these factories should be declared as seasonal factories, I would accept his advice. That is the answer. There is no question. Government took that decision thinking that it was correct, but I am prepared to reverse that decision. Do you or do you not agree?

Shri A. K. Gopalan: It is not the workers but it is the employers that do not implement the decision of the Government.

Mr. Speaker: Shri Punnoose wants me to disallow this motion and I disallow this motion.

Shri Velayudhan (Quilon cum Mavelikkara-Reserved-Sch. Castes): I want to raise another point.....

Mr. Speaker: I definitely told Shri Velayudhan when he came to me with an adjournment motion that I will not allow him to raise it. I have disallowed it.

Shri Velayudhan: But it is a very important matter.

Mr. Speaker: The House will proceed with the next item of business.

PAPERS LAID ON TABLE

ANNUAL REPORT OF DAMODAR VALLEY CORPORATION FOR 1955-56 AND AUDIT REPORT THEREON.

The Deputy Minister of Irrigation and Power (Shri Hathi): On behalf of Shri Nanda, I beg to lay on the Table, under sub-section (5) of section 45 of the Damodar Valley Corporation Act, 1948, a copy of the Annual Report of the Damodar Valley Corporation for the year 1955-56 and Audit Report thereon. [Placed in Library. See No. S-608/56.]

APPROPRIATION ACCOUNTS OF DEFENCE SERVICES AND AUDIT REPORT

The Deputy Minister of Finance (Shri B. R. Bhagat): On behalf of Shri T. T. Krishnamachari, I beg to lay on the Table, under article 151(1) of the Constitution, a copy of each of the Appropriation Accounts of the De-

fence Services, 1954-55 and the Audit Report, 1956. [Placed in Library. See No. S-609/56.]

APPROPRIATION ACCOUNTS OF RAILWAYS AND AUDIT REPORT.

Shri B. R. Bhagat: On behalf of Shri T. T. Krishnamachari, I beg to lay on the Table, under article 151 (1) of the Constitution, a copy of each of the Appropriation Accounts, Part I, Part II, Block Accounts Balance Sheets and Profits and Loss Accounts for the year 1954-55 and the Audit Report, 1956 of Railways. [Placed in Library. See Nos. S-610 to 613/56.]

REPORT OF CENTRAL SILK BOARD

Shri Hathi: On behalf of Shri K. C. Reddy, I beg to lay on the Table a copy of the Report on the working of the Central Silk Board for the period from 1st April, 1955 to 31st March, 1956, in pursuance of an assurance given on the 29th July, 1952. [Placed in Library. See No. S-614/56.]

STATEMENT RE REPORTS BY VARIOUS EXPERTS ON KOSI PROJECT

Shri Hathi: I beg to lay on the Table a copy of the statement regarding reports by various experts on the technical soundness of the Kosi Project (1953) Scheme. [Placed in Library. See No. S-615/56.]

STATEMENT RE POINTS RAISED DURING BUDGET DEBATE

Shri Hathi: I beg to lay on the Table a copy of the statement giving information on certain points raised during the Budget Debate on the 2nd and 3rd April, 1956 and not covered by the replies given by the Minister and Deputy Minister of Irrigation and Power. [See Appendix V, annexure No. 130].

MINUTES OF RULES COMMITTEE

Pandit Thakur Das Bhargava (Gurgaon): I beg to lay on the Table, a copy of the minutes of the sittings of the Rules Committee held on the 13th, 14th and 21st December, 1956.

MESSAGES FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

- (i) 'In accordance with the provisions of rule 101 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 18th December, 1956, agreed to the following amendments made by the Lok Sabha at its sitting held on the 10th December, 1956, in the Indian Medical Council Bill, 1956.'

Clause 2

1. That at page 1, line 17—
omit "comprised in the States."

Clause 3

2. That at page 2, line 22—
after "each State" insert:
"other than a Union Territory".

3. That at page 2—
for lines 25 to 27, substitute:

"(b) one member from each University to be elected from amongst the members of the medical faculty of the University by members of the Senate of the University or in case the University has no Senate, by members of the Court;"

4. That at page 2, line 37—
for "six members" substitute
"eight members".

5. That at pages 2 and 3—
omit lines 39 to 42 and 1 to 6
respectively.

6. That at page 3, line 7—
for "The Chairman and Vice-Chairman" substitute "The President and Vice-President".

[Secretary]

Clause 4

7. That at page 3—

for lines 12 to 14, substitute:

"4. (1) An election under clause (b), clause (c) or clause (d) of sub-section (1) of section 3 shall be conducted by the Central Government in accordance with such rules as may be made by it in this behalf, and any rules so made may provide that pending the preparation of the Indian Medical Register in accordance with the provisions of this Act, the members referred to in clause (d) of sub-section (1) of section 3 may be nominated by the Central Government instead of being elected as provided therein."

Clause 7

8. That at page 3, line 30—

for "The Chairman or Vice-Chairman" substitute "the President or Vice-President".

Clause 9

9. That at page 4, lines 32 and 33—

for "The Chairman or Vice-Chairman" substitute "the President or Vice-President".

Clause 10

10. That at page 4—

(i) line 36, for "the Chairman and Vice-Chairman" substitute "the President and Vice-President";

(ii) lines 40 and 41—

for "the Chairman and Vice-Chairman" substitute "the President and Vice President".

Clause 12

11. That at page 5, line 22—

omit "may apply to, or".

Clause 13

12. That at page 6—

for lines 18 to 22, substitute:

"(3) The medical qualifications granted by medical institutions outside India which are included in Part II of the Third Schedule shall also be recognised medical qualifications for the purposes of this Act, but no person possessing any such qualification shall be entitled to enrolment on any State Medical Register unless he is a citizen of India and has undergone such practical training after obtaining that qualification as may be required by the rules or regulations in force in the country or State granting the qualification, or if he has not undergone any practical training in that country or State, he has undergone such practical training as may be prescribed".

Clause 14

13. That at page 6, line 38—

after "Central Government" insert:

"after consultation with the Council".

14. That at page 7, line 6—

for "and for so long as they continue to do such work" substitute "and shall be limited to the period specified in this behalf by the Central Government by general or special order".

Clause 18

15. That at page 8—

(i) lines 4 and 5, for "the Chairman" substitute "the President"; and

(ii) line 9, for "the Chairman" substitute "the President".

Clause 20

16. That at page 9, line 7—

for "and" occurring for the second time substitute "or".

Clause 33

17. That at page 12, lines 24 and 26—

for "the Chairman and Vice-Chairman" substitute "the President and Vice-President".

The First Schedule

18. That at page 14, lines 29 to 33—

- (i) "East Punjab State Medical Faculty. Licentiate in Medicine and Surgery."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 20th December, 1956, agreed without any amendment to the Representation of the People (Miscellaneous Provisions) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 18th December, 1956."

(iii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 20th December, 1956, agreed without any amendment to the

omit "This qualification shall be a recognised medical qualification only when granted after the 20th May, 1952".

19. That at page 14, lines 58 to 61—

omit "This shall be recognised medical qualification only when granted after the 1st April, 1954."

The Third Schedule

20. That at page 18—

after line 43, insert:

L.M.S., East Punjab.. This qualification shall be a recognised one only when granted on or after the 15th August, 1947, to a person other than any person referred to in the entry relating to East Punjab State Medical Faculty in the First schedule, provided he had passed the pre-medical examination."

Kerala State Legislature (Delegation of Powers) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 19th December, 1956."

(iv) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (No. 5) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 19th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(v) "In accordance with the provisions of sub-rule (6) of

[Secretary]

rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 6 Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 19th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(vi) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Appropriation (Railways) No. 7 Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 19th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(vii) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Central Excises and Salt (Second Amendment) Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 19th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir I lay on the Table the following Bills passed by the House of Parliament during the cur-

rent session and assented to by the President during the last week:

- (1) The Ancient and Historical Monuments and Archaeological Sites and Remains (Declaration of National Importance) Amendment Bill, 1956.
- (2) The Industries (Development and Regulation) Amendment Bill, 1956.
- (3) The Representation of the People (Fourth Amendment) Bill, 1956.
- (4) The Hindu Marriage (Amendment) Bill, 1956.

ESTIMATES COMMITTEE

THIRTY-NINTH AND FORTY-FIRST TO FORTY-THIRD REPORTS

श्री ब० गो० मेहता (गोहिलवाड़): अध्यक्ष महोदय, मैं प्राक्कजन समिति की निम्नलिखित रिपोर्ट पेश करता हूँ :-

(१) प्रतिरक्षा मंत्रालय-भारत इन्क्यू-निक्स (प्राइवेट) लिमिटेड-के बारे में उन्तानीसवीं रिपोर्ट।

(२) संचार मंत्रालय-एयर इंडिया इंटरनेशनल कारपोरेशन के बारे में एक-तालीसवीं रिपोर्ट।

(३) सामुदायिक विकास मंत्रालय (सामुदायिक परियोजना प्रशासन) के बारे में बयालीसवीं रिपोर्ट-भाग ३।

(४) संचार मंत्रालय-इंडियन एयरलाइंस कारपोरेशन के बारे में तैंतालीसवीं रिपोर्ट।

COMMITTEE ON SUBORDINATE LEGISLATION

SIXTH REPORT

Shri N. C. Chatterjee (Hooghly): I beg to present the Sixth Report of the Committee on Subordinate Legislation.

CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE

FAIR PRICE SHOPS IN KERALA

Shri A. K. Gopalan (Cannanore): Under rule 216, I beg to call the attention of the Minister of Food and Agriculture to the following matter of urgent public importance and I request that he may make a statement thereon:

"Inadequate arrangements for the distribution of rice in Fair Price Shops in Kerala."

The Deputy Minister of Food (Shri M. V. Krishnappa): Under the present conditions of decontrol, rice moves freely in the country, from one place to another through the normal trade channels. The Kerala State receives substantial supplies from Tanjore district of Madras State and the surplus districts of Andhra Pradesh. In view, however, of the upward trend in prices and to supplement supplies of rice moved through normal trade channels, fair price shops for the sale of rice have been opened all over Kerala State. These fair price shops are being supplied with rice released from Central reserve depots.

Fair price shops were first opened in Trivandrum in June 1956. Since then, the shops have been opened in other districts also. The number of shops now functioning in the State is over 3,000 and more shops are being opened to meet the demand, wherever considered necessary. Steps have been taken for the proper functioning of these shops. The quantity of rice issued from the Central Government depots to these shops during November 1956 was about 25,000 tons.

Adequate arrangements have been made to ensure substantial stocks of rice for meeting the demand of fair price shops in Kerala State. It may be mentioned that during the control period, when Kerala (the former Travancore-Cochin State and Malabar district of Madras State) was under complete statutory rationing, the average monthly offtake of rice in the State was not more than 50,000 tons. Now that free market also

exists in the State, the issue of 25,000 tons of rice by the Government during November 1956 constitutes a very substantial quantity. However, if necessity arises, more rice will be made available for issue. About 45,000 tons of rice are expected to arrive in Kerala ports from various sources during December 1956.

For the last two weeks reports indicate that a steep fall in the prices of rice is reported in important South Indian markets like Trichy and Tanjore (which supply rice to Kerala State). The present rates are Rs. 30 to Rs. 32 for *kuruvai*, and Rs. 43 for *Nellore samba* per bag of two maunds as against Rs. 42 for the former and Rs. 53 for the latter a fortnight back. Even at such low prices, there are no large buyers. The fall in prices is attributed to the anxiety of merchants to dispose of old stocks in view of the impending harvest coupled with lack of demand from Malabar consequent on the opening of fair price shops. That shows that the food position in Kerala is satisfactory.

RULES COMMITTEE

SEVENTH REPORT

Pandit Thakur Das Bhargava (Gurgaon): I beg to move:

"That this House agrees with the Seventh Report of the Rules Committee laid on the Table of the House on the 21st December, 1956."

Mr. Speaker: The question is:

"That this House agrees with the Seventh Report of the Rules Committee laid on the Table of the House on the 21st December, 1956."

The motion was adopted.

PERSONAL EXPLANATION
BY A MEMBER

Shri I. Eacharan (Ponnani—Reserved—Sch. Castes): Sir, on 19th December, 1956, on the discussion on the Kerala State Legislature (Delegation of Power) Bill, 1956, in the Lok Sabha, the hon. Member, Shri Velayudhan has stated about me in the following terms:

"Take for instance the case of my friend and colleague, Shri Eacharan, who represents the Pulaya community. He now becomes a Scheduled Tribe. That is an advancement made by this Government, if it is so. A Scheduled Caste man becomes a Scheduled Tribe man. I do not know what further he will become. Will he become a tribal or barbarous person?"

What he has said about me is incorrect. I do not belong to the *Pulaya* community but belong to the *Kanakkan* community which is even now included among the Scheduled Castes. I am strongly of the view that the *Pulaya* community which was one among the Scheduled Castes should remain in the same list of Scheduled Castes and not among the Scheduled Tribes as included in the latest order of 1956 and I have made a representation to get the *Pulaya* community included in the Scheduled Castes as, otherwise they will not be able to contest the coming general elections from the seats reserved for the Scheduled Castes.

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): As a matter of personal explanation, I would like to state that even though I mistook Shri Eacharan to come from the *Pulaya* Community, my statement would not make him a *Pulaya* at all. It is a legal matter... (Interruptions.)

Shri B. S. Murthy (Elluru): What is this 'barbarous person'?

Mr. Speaker: He has not given any personal explanation. He made a mistake and straightaway he should say so. This is not the way in which to answer and to say: 'even though I call him a *Pulaya*, I do not make him a *Pulaya*.'

Shri Velayudhan: I was going to say something more.

Mr. Speaker: Why should he say this? He ought to have said: 'I am sorry to have called him a *Pulaya*.'

Shri Velayudhan: I was about to say something but he interrupted..

Mr. Speaker: Notwithstanding my calling him a *Pulaya*, he is not a *Pulaya*—why should he make that statement?

Shri Velayudhan: I am giving a personal explanation.

Mr. Speaker: I am not going to allow the personal explanation. The hon. Member is going beyond bounds. He ought not to have started: 'notwithstanding the fact I called him a *Pulaya*, it does not make him a *Pulaya* and he does not cease to be some other'. This is not a proper preamble.

Shri Velayudhan: Will you agree with me.... (Interruptions.)

Mr. Speaker: I do not agree.

Shri Velayudhan: I am happy that Shri Eacharan wanted to correct this information. Still my statement is not in any way derogatory.... (Interruptions.) Be patient. I am sorry that I mistook him as a *Pulaya*. But, at the same time, he himself joined me to put this majority community on the Scheduled Caste that has become a Scheduled Tribe now. He agrees with me about it. There is a lot of agitation not only among us but among other friends also.

Shri B. S. Murthy: The word 'barbarous' may be deleted from the proceedings.

Table

Mr. Speaker: He withdraws it, he is sorry for it.

Shri Velayudhan: Shri Murthy does not know anything.

RE PAPER LAID ON THE TABLE

Shri Kamath (Hoshangabad): Sir, may I make an earnest request to you? The other day, the Minister of Parliamentary Affairs laid on the Table a copy of the Delimitation Order according to the rules of the House for the information of the House. When a document is laid on the Table of the House, a copy or perhaps two or more copies are placed in the Library. That has not been done. Only one copy was laid here and I do not know whether it is on the Table today. There are no copies in the library at all. So, will you kindly direct the Minister and the Government to see to it that two or more copies are kept in the Library? It is an important document. 500 Members are interested in the document. We must have adequate copies before we adjourn for the recess.

Shri U. M. Trivedi (Chittor): This is a matter of grave concern to all of us. Somehow or the other, the Members of the Congress Party have got hold of the Delimitation Orders long before they came.... (Interruptions.)

Some Hon. Members: No, no.

Mr. Speaker: I am really sorry. The hon. Members are all responsible. This statement has been made repeatedly. The only point is this. The other day I have said that in view of the fact that a large number of people are interested, a number of copies of the Delimitation Order, placed on the Table of the House, may be made available, if possible, to the hon. Members and if not possible a number of copies may be placed in the Library.

Shri Kamath: Before this evening?

Mr. Speaker: I shall try.

BUSINESS OF THE HOUSE

Shri Kamath (Hoshangabad): Regarding the Order Paper, may I make a request? Yesterday, I made a request that, with regard to the discussion of my motion, it may be the penultimate item in the List. You will be pleased to see that the three or four Bills will take about seven hours. According to the Business Advisory Committee's Report, there are six hours for the first two Bills and an hour each for the last two Bills. I do not know what will happen, because it is now 11-30. If you can kindly direct that the U.P.S.C. discussion should be taken up at least after the first two Bills are over, I shall be grateful to you.

The Minister of Home Affairs (Pandit G. B. Pant): The time allotted may again be curtailed for these Bills and you may find time. The Bills, would not, I think, provoke any fierce controversy. They ought not to. So, it can be taken up earlier.

Mr. Speaker: The House will sit as long as is necessary to dispose of all the items in the Order Paper.

FARIDABAD DEVELOPMENT CORPORATION BILL**AMENDMENTS MADE BY RAJYA SABHA
AGREED TO**

The Deputy Minister of External Affairs (Shri Anil K. Chanda): Sir, on behalf of Shri Mehr Chand Khanna, I beg to move:

'That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration.

'New Clause. 31A

That at page 7—

after line 36, the following new clause 31A be inserted:

31A. Removal of disqualification for membership of Parliament.—It is hereby declared that the office of the member of the Corporation shall not

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disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

"This Bill to provide for the establishment and regulation of a trading Corporation for the purpose of carrying on and promoting trade and industry in the town of Faridabad, assisting in the rehabilitation of displaced persons settled therein and for matters connected therewith was passed by the Lok Sabha on 26th November, 1956. Thereafter it was considered in the Rajya Sabha on 13th and 14th December. The Rajya Sabha has, however, passed the Bill subject to an amendment which I have already read. This amendment has been accepted in order to enable Members of both Houses of Parliament to accept membership of the Corporation. In this way we will be able to associate responsible members of public in the affairs of the Corporation. It is requested that the amendment made by the Rajya Sabha may be approved.

Mr. Speaker: Motion moved:

"That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration:

'New Clause 31A

That at page 7—

after line 36, the following new clause 31A be inserted:

31A. Removal of disqualification for membership of Parliament.—It is hereby declared that the office of the member of the Corporation shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

Shrimati Renu Chakravartty (Basirhat): I only want to ask one question. It is now stated that anybody who belongs to the Faridabad Development

Corporation can stand for both Houses of Parliament. I would like to know why the Government had not inserted this earlier. The reason for it I presume is, in the Corporations which are public concerns of utility we thought it fit that persons connected with such Corporations should not be eligible to stand as Members of Parliament. In this particular case I do not see any reason why people who will be on the Board of the Faridabad Development Corporation should not fall within the same category. What exactly is the reason, I want to know. Why did not the Government think it necessary earlier, and why should they be regarded as a special case and allowed to stand as Members of Parliament?

Shri V. P. Nayar (Chirayinkil): I also want to seek one information. I want to know whether, as the Corporation at present is constituted, either the Minister for Rehabilitation or the Deputy Minister for Rehabilitation is a member of that Corporation.

Pandit Thakur Das Bhargava (Gurgaon): So far as this question of offices of profit is concerned, the House is fully aware that our hon. Speaker appointed a Committee known as the Committee on Offices of Profit. They produced a report which is lying with the Government for action. In that Report, in para 84, the recommendation was this:

"The Committee have subjected the material received to a very careful scrutiny and have come to the conclusion that such frequent scrutiny will have to be undertaken in the case of committees which have escaped their notice or which may come into existence in future. In order to preserve a uniform method and approach to these problems, the work of such scrutiny will have to be undertaken by a permanent committee. The Committee, therefore, recommend that a Standing Parliamentary Committee might be constituted to undertake this work of

continuous scrutiny in respect of offices of profit. The Committee might be composed of Members of Parliament of both the Houses to be appointed by the Speaker of the Lok Sabha and the Chairman of the Rajya Sabha."

Then, in paragraph 85 they say:

"All proposed appointments of Members of Parliament to any office or membership of any committee, commission or other body should be communicated along with relevant material about composition of the Committee, etc. to the Standing Parliamentary Committee, which would examine carefully the character of the committee or office and the nature of duties that a Member of Parliament will have to discharge. Any future legislation undertaken affecting such offices or committees should be placed before this Committee for opinion and its views should be duly considered before the Bill is brought before Parliament. The Speaker of the Lok Sabha and the Chairman of the Rajya Sabha may also, in their discretion, refer such matters to the Standing Parliamentary Committee for eliciting their opinion."

According to the recommendations of this Committee, a Standing Parliamentary Committee was to be appointed to go into these matters and then make their recommendations with regard to a particular committee suggesting whether such exemptions should be made or not.

Then, in conclusion the Committee was of this opinion:

"The Committee by way of conclusion recommend that Government might draft and introduce a comprehensive Bill embodying such of the suggestions of the Committee as are acceptable to them as early as possible. The said Bill also ought to have schedules enumerating in detail the different offices which do not incur disqualification, offices for which exemption has to be granted and offices which would disqualify Members."

I understand, when the original Bill came before us there was no provision in the Bill regarding this matter. It was expected that if the Government wanted to appoint some Members of this House on that Board they should have enacted a provision that Members from this House and the other House will be appointed on that Board. In the absence of any such provision, the question arises whether any Member appointed as such will incur disqualification or not.

In regard to this matter, when the Committee was considering these questions it laid down certain principles, and we have to test this matter in the light of those principles. On page 11, paragraph 9 of their Report Part II-A they say:

"The Committee considered the following two propositions which could be treated as guiding principles for determining disqualification:

- (i) Membership of Committees likely to place a member in a position of influence, authority or prestige or enabling him to distribute favours or patronage.
- (ii) Membership of Committees possessing executive, judicial or legislative powers or powers of disbursement of funds etc."

Then in paragraph 12 they say:

"As regards the point at para 9(ii) above the Committee thought that the constitution of the various Committees should be examined to see:

- (i) Whether the membership of Committees carries executive, legislative or judicial powers.
- (ii) Whether the membership of Committees confers powers of disbursement of funds, lands, licenses, telephones etc.
- (iii) Whether membership of Committees gives powers of appointments, grant of scholarships etc."

It is in the light of these three principles given in the Report of this Committee, which took great pains to see what ought to be the matters that have to be considered in relation to

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granting such exemptions from disqualification, that we have to see what are the powers of this Board. The powers of the Corporation and the Board are given in section 3 of the Faridabad Development Corporation Bill, 1955 which runs thus:

"With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf there shall be established a Corporation by the name of the Faridabad Development Corporation."

Later on, in section 13 where the powers and functions of the Corporation are given, it is specifically stated:

"It shall be the general duty of the Corporation to carry on and promote trade, business and industry in Faridabad, to assist in the rehabilitation of displaced persons settled therein and to manage and develop the property of the Union vested in the Corporation."

In section 14 it is said:

"(1) The Corporation may exercise all such powers as may be necessary or expedient for the purpose of carrying out its functions under this Act.

(2) Without prejudice to the generality of the foregoing provision such power shall include the power—

(a) to acquire and hold such property, both movable and immovable, as the Corporation may deem necessary for efficiently performing its functions under this Act and to make improvements in such property and to transfer by way of sale, lease or otherwise any such property;

(b) to carry on or promote trade, business or industry;

(c) to give financial or other assistance to persons to enable them to carry on trade, business or industry in Faridabad primarily

ly with a view to providing employment to, and rehabilitating, displaced persons settled therein;

(d) to construct or cause to be constructed residential or other buildings and to sell or let such buildings or cause them to be sold or let, on such terms as may be prescribed;

(e) to advance loans on such terms and for such purposes as may be prescribed;

(f) to supply or cause to be supplied, in accordance with the law for the time being in force, electrical energy for domestic and industrial purposes at reasonable rates;

(g) to take such other measures as the Corporation may deem necessary for the rehabilitation of displaced persons settled in Faridabad;

(h) to take such steps as may be necessary for improving the economic and social conditions of the inhabitants of Faridabad."

My humble submission is, judging from the powers which have been given to this Corporation I feel that the Corporation shall have to exercise such powers as specifically come within the prohibition given in the Report of the Committee on Offices of Profit. They shall have powers to settle persons, to advance loans, employ persons and do all such other things. It means that they will be exercising executive functions and other financial functions; such functions as will give to the members of the Corporation powers of patronage, powers of dispensing gifts etc. It means that they will be exercising such functions as do not ordinarily fall within the purview of the powers of the Members of this House.

Judged from this standpoint, I feel that if a Standing Parliamentary Committee was appointed such a Committee will in no case grant exemption in a case of this nature. I, therefore, think that we should not accept this recommendation of the Rajya Sabha, if we really look to the principles which are given in this Report. I think nothing would have been lost if the

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Rajya Sabha would not have just incorporated this provision in the Bill. After all, a Parliamentary Committee is going to be appointed very soon and they would be entrusted with such functions to find out whether this is particularly an office in which disqualification should be incurred or not. It is their function. I also understand that a Bill also has been prepared by the Government and that they want to bring this Bill as soon as possible in this House. When this Bill is coming, we ought not to decide this question, nor because it will be a specialised function of that Committee to decide this question. If we are going to decide this question, we have only to go by the principles which are given in this report. Judged from the principles which we have incorporated in this report—and I happened to be the Chairman of this Committee—I must submit that according to me, the functions are such that they will certainly call for incurring of disqualification in a Member who accepts this office.

We do not know what the Members will get by way of remuneration for such office. But we have also set a ceiling so far as the remuneration is concerned. We have said that no Member of this House should get more than Rs. 21 per diem if he is working there. I do not know what will happen to the emoluments of the Members of this Committee also. As a matter of fact, full data are not available before us. At the same time, the powers given to the members of the Corporation are such that, in my humble opinion, we should not be justified to say that disqualification shall not be incurred.

I would further submit that nothing will be lost if we do not pass this provision here and keep it back. After the Bill has been brought in by the Government or after the Parliamentary Committee has been constituted then the matter may be referred to that Committee and in accordance with their opinion we may adopt such provisions as are suitable when the time is ripe for it. I would, therefore,

submit that we should not support this recommendation of the Rajya Sabha.

Shri Raghavachari (Penukonda): I wish to oppose the acceptance of this clause. Even when I had the opportunity to speak on the Representation of the People (Miscellaneous Provisions) Bill, I voiced the same feeling that Pandit Thakur Das Bhargava has now expressed. When the Committee on Offices of Profit has, after elaborate labours, recommended the appointment of a special committee and also recommended a comprehensive legislation as regards offices of profit, I plead that this matter is to be postponed now.

The Government, as and when an occasion arises, comes forward without a proper view of the whole situation and puts in a clause in almost every kind of legislation saying that the office mentioned in the Bill is not an office of profit. The whole purpose and the express requirements of the Constitution that there should be a comprehensive legislation as regards offices of profit—a duty and a responsibility which is cast on this House and, I dare say, on the Government also—have been very conveniently neglected and not minded at all. Whenever an occasion arises, the Government add a clause and say, "this is not an office of profit".

As the previous speaker has pointed out, the very purpose why we do not want Members of Parliament to be on committees where there is not only an element of profit involved but also other elements are involved, is this: The position of Members of Parliament in such committees is very undesirable, because it is a position from which they can distribute favours and patronages. When a person who has that opportunity or that position, naturally,—though the individual himself may not try to make some profit out of it,—he is in a position of influence, and that position is one which makes the ordinary man in the country to look to him as a person for favours. Therefore, the voter or any member of the public is there-

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by affected; thus, the public interest is affected. It is undesirable in the public interests that Members of Parliament should be occupying positions of this kind which are positions of embarrassment.

After all, let us take this particular case. Supposing one of us is appointed a member of that Corporation. That member has certainly a position of advantage over all the rest who are not members of that committee and if that particular member happens to stand for election in that particular area, naturally all those people may expect or hope for some kind of advantage through him and the member concerned is in an advantageous position; so many things for supporting his candidature could be had. What a wide gate is thus opened through this provision of law?

Then I wish to ask this. Is there so much of dearth of human material in India that only Members of Parliament should be represented on one or more of these bodies? Are there human beings who are competent and who can assist the nation by doing this work? What is this craze for monopolising almost everything by a few people who have had the opportunity or the advantage of becoming Members of the Houses of Parliament? Are there none who are competent? Why do you want to put a Member of Parliament, either of this House or of the other House, into every place and then say, "this is not an office of profit." Is this a monopoly business or a trade? To my mind, there is very much to be said against the acceptance of this amendment, and the more so because, there is no need that Members of Parliament should be on these committees. There is no such requirement. All of a sudden, you feel that a particular person should be a member of a committee and you also feel that tomorrow he will be disqualified because of his membership of the committee, you want to come forward with such a provision at this late hour.

Further, they always argue that the existence of a provision does not mean that a Member of Parliament would be nominated. If a Member of Parliament is not going to be nominated, then, why do you have such a provision at all? To me, it looks as if you are putting the cart before the horse and then the horse before the cart—one after the other—and finally you want to have a monopoly only for the Members of Parliament. I do not wish to say that it is only the present Government or the present political party that might abuse or misuse such provisions. I oppose this on principle, whatever be the party, this thing should not be encouraged.

Finally, I wish to say that I am surprised that the upper House consisting of elderly gentlemen could not have realised the danger of such a clause about the offices of profit; Do they themselves desire to be exempted? I submit that these seats of patronage must be the last things that should be offered as a temptation to Members of the two Houses. They have made these recommendations probably because—I may be pardoned for saying so. I may be wrong and I wish I am wrong—It is probably because that that House consists of Members who are there out of patronage, they want to distribute this patronage to us also. I am, on principle, certainly against the inclusion of such a clause. It is going to be a very bad precedent we are seeking to create. We must be above board, and like Caesar's wife, we must be above suspicion.

Shri K. K. Basu (Diamond Harbour): Mr. Speaker, I fully join in the general chorus of protest that has been voiced on this particular amendment that has been suggested by the other House. I myself had the good fortune of working in the Committee on Offices of Profit and I must say that under the chairmanship of Pandit Thakur Das Bhargava we went through practically all types of offices of profit and the committees thereon.

not only under the Central Government but under the various State Governments also. We all expected that on the basis of the report made by us, a comprehensive legislation would have come wherein a Parliamentary Committee would have been constituted to go into each case and Judge it on merits.

We are trying to develop Faridabad by constituting a Corporation and settling the refugees there on suitable occupations. Much has been said about it. Whenever any person comes from outside this country, we take him to Faridabad because we feel that there has been at least an attempt to settle the refugees on proper lines. Of course, we ourselves have many criticisms about it, but I shall not go into them now.

What I feel about this provision is that it is a very dangerous thing. We want persons who can really devote more or less their whole time for work in Faridabad. As you are well aware, membership of Parliament presupposes that the Member should be working here, unlike some who are absent for almost 50 or more per cent of the total number of days of sittings of the House, and the Members are engaged in work in their constituencies during the off-session. If he is to do any service in running the Faridabad Development Corporation, then he will fail to discharge adequately his responsibilities as a Member of Parliament. Of late, the executive power has been increasing, possibly because of our Five Year Plan etc., and you have yourself put forward very good suggestions that Members of Parliament should function more in committees, so that parliamentary control over the executive becomes much more real.

12 hrs.

I feel that the change made by the Rajya Sabha should not be allowed. I do not know how the other House can come to this conclusion that it is absolutely necessary that the person who is connected with the Faridabad Development Corporation should also

have membership of the Parliament. As Mr. Raghavachari has very pertinently put it, only if there are whole-time members of the Corporation, the plan with regard to the Corporation can be successfully implemented. If the members devote all their energies to that work, most of criticisms levelled against the Corporation time and again can be stopped. We wish that the Corporation should be improved. Similarly, a Member of Parliament, if he is to discharge the responsibility cast on him by the electorates, should devote all his time and energy to parliamentary work. Therefore, I very strongly oppose the suggestion that there should be immunity for the person who is a member of the Corporation to sit in the Parliament. Of course, there may be one or two individuals who may not be susceptible to evil influences. Panditji has elaborately dealt with the powers that a member of the Corporation will have. Therefore, there is every likelihood that he will fall a prey to the bestowing of favours etc. Also, when the same area forms a part of a parliamentary constituency, he will be in a rather adversely advantageous position compared to the other candidates who may stand from the same area.

Therefore, I feel that for the sake of the proper functioning of democracy and for protecting our infant democracy, if I may say so, from the criticisms that may be levelled against it by the members opposite, it is absolutely necessary that we should not pass the amendment made by the other House. Otherwise, there is the possibility of the members of the Corporation misusing the powers and falling a prey to the temptation. Therefore, I submit to the Government that for the proper functioning of our parliamentary system, they should withdraw this amendment and should not try to push it through this House.

With these words, I oppose the amendment.

The Minister of Works, Housing and Supply (Sardar Swaran Singh): Mr. Speaker, as already explained by my colleague when he first made a

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speech, the suggestion that came in the course of the discussion in the other House was to the effect that normally Members of Parliament had been functioning as members of this Corporation. Now that it is formally being declared that a Member will be deemed to be a public servant, it will create some complication if this matter is not placed beyond any pale of doubt. Unless it is categorically declared that his functioning as a member of the Corporation will not incur any disqualification, there is a risk of his incurring the disqualification. The Members in the other House insisted that it should be specifically provided that it should not operate as a disqualification. There was a consensus of opinion that Members should be able to function on this Corporation and, if I may add, the contribution that Members of Parliament have formerly made in the matter of the administration of the work of this Corporation has been very valuable. With your permission, I may say that we had from 1952 to 1954 Pandit H. N. Kunzru, Member of Parliament and also Shrimati Sucheta Kripalani as members serving on this Board. So, it is quite clear that there was no question of distributing any patronage nor was there any occasion for the Members opposite to raise the objection that we were in any way trying to put in our own people.

Pandit Thakur Das Bhargava: There was no Corporation then; the Corporation is going to be constituted under this Act.

Sardar Swaran Singh: The fact that it was not a regular corporation, but a development board, is still more important. Association with the development board certainly confers a little greater administrative power to the person who is a member of that board, as distinguished from the Corporation. This is only a legal entity which is being created. The functioning of the development board even before was almost on a par with this.

Pandit Thakur Das Bhargava: Then we had a Bill protecting them.

Sardar Swaran Singh: That is exactly the point I want to bring out. As Pandit Bhargava has pointed out, the membership of the development board did not constitute a disqualification, because there was a special legislative measure which protected the members. Therefore, the membership of the board did not result in incurring any disqualification. That protective measure is expiring this year and it is necessary that a special provision should be made, so that there may not be any doubt on that score.

I would add that the association of Members of Parliament with an activity of this type is really good for a variety of reasons. The public viewpoint is available and there are other advantages. Some general questions have been raised by Pandit Bhargava, namely, the over-all question is also being examined as to what should really be the scope of the limitation in the matter of incurring disqualification. If that matter is being examined in a general way separately, there is nothing to prevent placing this matter beyond any pale of doubt by enacting specifically that membership of this Corporation should not constitute a disqualification. Among the members who are now functioning, Shrimati Sucheta Kripalani is still a member of this board and she continues to be such, although she has ceased to be a Member of this House.

What I want to add is that it is very necessary that Members of Parliament should really be associated with an activity of this nature. I can well appreciate this self-denying ordinance that the Members want to impose against them; but, I want to assure the hon. Members opposite that it is because of the desire to associate non-official opinion that Members of Parliament are associated with this. Certainly, none of the Congress Members of Parliament have been made members of this Corporation. So, I submit that the Rajya Sabha has rightly made this suggestion and I would press that this little change that

has been adopted by the other House should also be approved by this House.

Before concluding, I want also to add that it is necessary that this Bill should be placed on the statute-book. The very time-table is of such a nature that this will not become law unless we take it back there. It will really be very embarrassing if this is not approved by this House. I would, therefore, suggest that the change which has been made by the other House may be accepted.

Pandit Thakur Das Bhargava: It has fallen from the hon. Minister that we should see that the progress of the Bill is not stopped. I am one with him. I am anxious that this Faridabad Development Corporation Bill should be passed as soon as possible. But may I make one suggestion for his consideration? After this Bill is passed he will kindly see that this matter is gone into by the Committee. If the Committee feels that there is no disqualification it may be agreed to; otherwise another amending Bill may be brought declaring this to be not an office of profit.

After all judging from the principles we have adopted this post comes under disqualification, and you will be stultifying the entire purpose of the report of the Committee on office of profit. So far as the progress of the Faridabad Development Corporation is concerned we must do everything to see that it is established as soon as possible. Therefore, if he agrees to this, I will certainly withdraw my opposition to it, for the time being.

Sardar Swaran Singh: So far as this point is concerned, it is Government's desire that this association should be there. But if the Committee which has been mentioned by Pandit Thakur Das Bhargava comes to the conclusion that this would be a disqualification, we would either not appoint any M.Ps. or we can amend this. This is only an enabling clause. This does not mean that straightway M.Ps. would be appointed.

Shri N. C. Chatterjee (Hooghly): All that we want is that this should be subject to revision in the event of the Parliamentary Committee recommending that a disqualification would attach to the Faridabad Development Corporation membership.

Sardar Swaran Singh: If the Committee comes to the conclusion that this would operate as a disqualification, we shall accept that and we shall make the necessary changes in that enactment.

Pandit Thakur Das Bhargava: So Government undertakes that after this is enacted, they will place it before the Committee and act according to the advice of the Committee.

Sardar Swaran Singh: I am not sure about the mechanics to be adopted. If the Committee comes to the conclusion that this should operate as a disqualification, Government will certainly bow to the wishes of the Committee. As a Parliamentary Committee they are the best judges as to what should be a matter for disqualification.

Pandit Thakur Das Bhargava: The point is whether Government will put this matter before the Committee or not? It is for Government to do. The Committee by itself cannot go into the question. Government should place it before the Committee and abide by their judgment.

Sardar Swaran Singh: I do not know what the hon. Member means by pressing this point further. It is immaterial whether Government places this matter before the Committee or the Committee *suo motu* takes it up.

Here is a legislative measure approved by Parliament. If after this the Committee comes to the conclusion that the membership of this Corporation would incur disqualification, nothing prevents either the Parliament or the Government from coming forward and making suitable amendment in the Act, or not appointing M.Ps. It is easy for Government not to appoint M.Ps. I would submit that

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there is no point of controversy in this matter. If the Committee comes to the conclusion that membership of this Corporation is an office which would incur disqualification, then there are two courses open. If there is a sitting Member, we shall say, all right, you make way, because the committee feels that a Member of Parliament should not be a Member here and a disqualification would be incurred by him. Or if it is considered necessary that a suitable amendment should be made in the Act, that also can be done. I would submit there is no further point which needs clarification.

Pandit Thakur Das Bhargava: Sardar Sahib does not see my point. So far as this Bill is concerned, we are anxious to pass it, because we want that the Faridabad Development Corporation should be established as soon as possible. If the Government undertake that they will seek the opinion of the Committee in regard to this matter and bring an amendment, if necessary, then alone will we be satisfied. The Committee by itself cannot go into this question. The Committee will be concerned with matters that are placed before it by Government. We have already examined about two hundred cases and reported on them. But this Corporation was not in existence then, and we had no right then to go into the matter. At the same time this is a matter which should be gone into by the Committee with a view to seeing whether it is a post which will incur disqualification. All that we want is an assurance from the hon. Minister that he will get this examined by the Committee.

Shri N. C. Chatterjee: May I make a submission? Removal of disqualification comes within the purview of the Committee. But unless Government is prepared to give an assurance that in spite of the enactment, this matter will come within the purview of the Committee, the committee cannot take cognizance of the matter and they will have no jurisdiction over it. The only assurance that we are asking for is

that in spite of the passing of this parliamentary statute today the committee will have full competence and that will be placed before them, so that their considered verdict may be placed before Government and Government will act according to the decision of that Committee.

Sardar Swaran Singh: This is a continuing committee?

Mr. Speaker: This Committee is constituted by the Speaker and it has sent its report. If any particular matter arises, it can be sent back to the committee. I believe the committee's recommendation is that a standing committee of the House should be appointed to which all matters of this kind may be referred. There are certain basic principles which have been enunciated here. Exemptions will not be granted in their case. It is for that purpose a committee has been appointed to find out how far the offices will conflict with the principles that have been laid down. That is the scope of that committee.

Sardar Swaran Singh: May I clarify our position? It is not Government's intention to place on the statute-book a provision if either the parliamentary committee or any other standing committee which the hon. Speaker might appoint to keep a watch upon that question comes to a contrary conclusion. This is really an enabling measure. If the House wants an assurance that merely because it has been approved, it should not be regarded as concluded, that is not the stand that Government is going to take. It is for the hon. Speaker to appoint that standing committee and to remit any matter to that committee and this matter could also be, if the Speaker and the House so wishes, be remitted to that committee. What I wish to assure is that we would not take any legalistic stand that because Parliament has approved therefore that matter is concluded.

Shri Raghavachari: The hon. Minister says that he agrees with the principle urged by the opposition, but that he has no time. Why does he not at least give an assurance that he is not going to exercise the right to appoint members of the Houses on this Committee till the Committee recommended to be constituted by the report of the Office of Profit Committee, is constituted and recommends such action.

¶ The Minister of Home Affairs

(Pandit G. B. Pant): I had no intention of intervening in this debate, but a few insinuations have been made as though Government was anxious somehow to entangle Members of Parliament and to thrust them into this Committee. That seems to me to be a misconceived notion. The clause did not form part of the Bill as it was introduced in the House by Government. Nor was this amendment moved by Government in the Upper House. A Member of the Opposition moved the amendment, and the Government accepted it. At least we are not the sinners. We only bowed to the wish of the Opposition in the Upper House. And I think where a provision in the Bill has been adopted by the Upper House, we should handle the matter a bit tenderly and not deal with it in such a way as though there is some evil design behind it. That would not be quite dignified. On merits we may disagree or agree. But we have to bear in mind that this clause forms part of the Bill which has been sent to this House by the Upper House. So we must consider the matter dispassionately before we reject it.

After all, it is a question which affects the privileges of the Members of this House. If the Members do not want it, if they think that it should disqualify them, Government won't force its views on them. It has perfect confidence in the hon. Members of this House and it can trust them implicitly. It does not think that their attitude towards public questions would in the least be affected one way or the other before being appointed Members of these Committees.

But there is another point too which this House might consider. It is this, that this is not a commercial organisation. This is not a corporation meant for purposes of running any industry which will bring profit, whether to the State or to an individual. It is more or less a philanthropic organisation meant for the rehabilitation of the displaced persons. Government is interested in doing all it can for their relief and for rehabilitating them. In such a philanthropic task, all would perhaps like to co-operate and actively help the Members and others on whom such a responsibility is imposed. But if hon. Members want to deny themselves that privilege, they are welcome to take a decision that way. This Corporation has been running at a loss, and public funds are suffering that loss. I would have thought that the Members of Parliament would like to be in such a body to see that all waste is eliminated, that the Corporation is run in an economic way, and that public money is used in a most prudent manner. It will be in the interests of this House to have a link for supervising the operations of this organisation and for effecting all possible economy.

But, all the same, as I said, the option rests with the hon. Members of this House. Whether any Committee is appointed for this purpose alone, or whether any other Committee be there which is dealing with matters of this type, we will be glad to refer it to that Committee and abide by its decision. We have no desire to impose it on the House. If a special Committee is appointed only for this purpose, even there we would not come in the way. If the House does not want it, of course we would like to abide by the wishes of the House in that matter. But this matter particularly affects the privileges of the House, and if the House does not want such a provision it will certainly be taken out later.

I hope this will satisfy the hon. Members.

Mr. Speaker: The question is:

"That the following amendment made by Rajya Sabha in the Faridabad Development Corporation Bill, 1956, be taken into consideration.

"That at page 7, after line 36, the following new clause 31A be inserted:

'New Clause 31A

'31A. Removal of disqualification for membership of Parliament.—It is hereby declared that the office of the member of the Corporation shall not disqualify its holder for being chosen as, or for being, a member of either House of Parliament."

The motion was adopted.

Shri Anil K. Chanda: Sir, I beg to move:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

Mr. Speaker: The question is:

"That the amendment made by Rajya Sabha in the Bill be agreed to."

The motion was adopted.

Mr. Speaker: So the amendment is agreed to.

**DELHI (CONTROL OF BUILDING
OPERATIONS) CONTINUANCE BILL**

The Minister of Home Affairs
(**Pandit G. B. Pant**): Sir, I beg to move:*

"That the Bill to continue the Delhi (Control of Building Operations) Act, 1955, for a further period, as passed by Rajya Sabha, be taken into consideration."

This motion is essentially of a formal character. There is nothing controversial about it, and I hope it will be adopted without any discussion.

A Bill was passed last year just about this time for controlling the constructional activities in Delhi and also for regulating them. That Bill was to be replaced by a permanent Act. It was then enacted only for one year. Its life is almost coming to an end. It was adopted, I think, on the 20th of December last year, and on the 1st of January it will cease to have any effect.

The Bill was passed about a year ago in order to prevent the bad laying of plan, haphazard construction of buildings, the growth of colonies of a slum character or of a sub-standard nature. It was enacted with a view to ensure the development and expansion of Delhi according to plan. Subsequently a planning organisation was set up, and that planning organisation has done very useful work. A Master Plan has been prepared for Delhi, and sanction has been given for a number of private colonies. The models have been prepared, and the evil which had been rife for a pretty long time has now been put an end to.

This Bill, which was passed last year, would have been replaced by another Act by this time. But in the meanwhile this House decided that a Corporation should be set up for Delhi. So, this matter has to be held over till the Corporation has taken a final shape. The responsibility of looking after the buildings and maintaining the dignity of this metropolis will primarily fall on the Corporation. Whether a permanent Development Authority will still be necessary, and if so, what should be its specific functions will have to be determined in the light of the scheme of a Corporation, as it is finally accepted. So, it has been necessary to extend the life of the existing Act. I am accordingly proposing that an year's extension may be given, so that it may be kept alive till the 1st of January, 1958. I hope the House will agree. //

*Moved with the recommendation of the President.

Mr. Speaker: Motion moved:

"That the Bill to continue the Delhi (Control of Building Operations) Act, 1955 for a further period, as passed by Rajya Sabha, be taken into consideration."

Shri Radha Raman (Delhi City): Sir, I fully support the Delhi (Control of Building Operations) Continuance Bill and that it should be extended to another year, as proposed by our hon. Home Minister. I have been watching that there has been haphazard growth of our cities, Old Delhi and New Delhi, and these areas are fastly developing into slums. People especially in the outskirts of those areas are living in inhuman conditions and if they are allowed to live in that condition, it would be really unfair for them as well as for the Government which administers. I, however, feel that there should be some caution with regard to the exercise of powers in respect of the control of building operations in the cities of Old Delhi and New Delhi. I have seen that immediately after this Act came into force, there was complete stoppage of the construction work that was going on in the city. As you know Delhi is fastly expanding and thousands of new buildings are coming into existence. There are colonies—some are private and some are co-operative societies—owned—and it is absolutely necessary that in order to allow the expansion of the increasing population to have living space or to have good houses, that there should be sufficient scope both for private as well as Governmental activities, so that the acute-ness and shortage of houses is met. I only want that the hon. Home Minister may take into consideration the fact that this control of building operations should not in any way affect the natural growth of the town and should not obstruct the natural construction work that is required for the increasing population of the cities of Old Delhi and New Delhi.

I have received a number of complaints from parties; they are individual parties as well as colonization

parties. I do not favour them and I do not think that so far as the private agencies are concerned, they should be allowed to make a profit and a mass wealth by selling lands at very high rates; they purchase them at cheap rates and sell them at high rates and they allow the construction in a haphazard manner. I am in perfect agreement with the hon. Home Minister when he said that there should be a control of building operations, but at the same time, I am very much afraid that in case this control is restricted or rather there are obstructions or there is a delay in passing the plans which are required to be passed, in order to construct new buildings, there will be a lot of difficulty for the population which is already suffering on account of an acute shortage of built houses. I would therefore lay emphasis on this point that in implementing the provisions of this Bill, due care should be taken that the natural growth of the townships and also of the Cities of Old Delhi and New Delhi and such other areas as can be utilised for other private construction or even Governmental constructions is allowed and there is quick and expeditious passing of plans. I also wish to say that there should be a rather expeditious finalization of the master plan, as over and over again, it has been mentioned that there is a master plan for Delhi. I understand that an interim plan is already prepared, but the final plan is yet to be prepared and it has to come before this House. I only want that even the interim plan or the master plan should be expedited and there should be quickness generally in order to finalize them, because much of the construction work is already over or is unduly delayed to the disadvantage of the increasing population of Delhi. With these words, I just commend that this Bill should be adopted and the date should be extended to another year, as proposed by the hon. Home Minister.

Pandit Thakur Das Bhargava (Gurgaon): Sir, in regard to this Bill, last

[Pandit Thakur Das Bhargava]

time when it was introduced and passed in this House, it was said that the whole work will be accelerated and there will be no delays. Fears were expressed in this House that so far as the stopping of the building operations was concerned, it will create some difficulties and at the same time put some obstacles in the progress of building construction. At that time, it was explained that it was only an interim thing and much time will not be lost and so far as future buildings were concerned there was a provision for giving permission to build also. Now, I find that the only hitch is that the Corporation is coming into existence and it will be entrusted with this work, and we do not know what form this building operations Committee will take. This question of buildings in Delhi is a matter which has been pending for a long time in this House. Efforts were made previously and private persons did not come forward to build houses because of the Rent Control Act and at that time, also when we debated that question it was suggested in this House as in all other countries, also in India and especially in Delhi, there should be house building corporations which may be given full opportunity and impetus to help house building activities. Now, I find that every house owner and all persons who are interested in building houses feel this difficulty because the whole of the building operations are stopped. Permission is not given to build houses. It may be, after all, good to build the houses. Plans are being prepared for slum clearance and steps are being taken. If all this is done, the housing problem may be solved to a certain extent in a manner which we all like. Today, we have got the Slum Clearance Bill and another Bill. From the provisions of these Bills, I find that there will be no acceleration of these activities. On the contrary, all the provisions contained in these Bills have a tendency to check the future building programme of the people of Delhi. They say that there is a master plan

which is not yet ready. It is said that there is an interim plan. We have heard of that plan and seen something about it in the papers. There is no doubt that it is a very ambitious plan. I do not know whether it will succeed. When the Birla Committee was appointed, three Members of the Committee went into the question of the housing problem in Delhi and they had something to say about the Improvement Trust also. The Improvement Trust was charged with the building programme of Delhi. We know what they did, and the expressions used in relation to the work of the Improvement Trust which are contained in the Birla Committee's report. Any Member who takes pains to study the Birla Committee's report must come to the conclusion that the Improvement Trust was badly condemned. After all these years, we have not seen any improvement in the building activities in Delhi. Now that this matter is being taken up seriously by the Government and the responsibility has been placed on one authority for looking after this programme, we may expect that some improvement will come about.

When I consider the magnitude of the problem set out in the Birla Committee report, I find that Rs. 85 crores was then reported to be required. For slum clearance work, I think now at least Rs. 150 crores will be required. I shudder to think how this entire problem will be solved. I have an apprehension that the entire problem will take a very long time to be solved, and at the same time, will not be solved unless the Government take the co-operation of the public of Delhi, at least of the house owners of Delhi. Unless there is the co-operation of the house owners, unless the Government and the house owners try together to see that houses are built, I do not see any hope in the near future for these poor people, who are living in the slums, getting

better healthy houses. I have often been wondering how these slums will be cleared. When we come to the next Bill, we shall consider the question. So far as this Bill is concerned, though nothing will be lost by prolonging the time, I would request the Member in Charge to kindly see that permissions and relaxations might be given more easily and people may be enabled to build houses in cases where there is no harm in building them. Because, today, there is entire stoppage of building operations. Even in places where the Government itself or the Improvement Trust had ordered the building of houses, the people are not able to build houses. I would therefore request the Government, if it agrees, to give an assurance that it will see that so far as proper houses are concerned, there will be no objection to progressing with the building. This control on building operations should not result in the total stoppage of building operations. I would suggest that a small sub-committee can be appointed to go into the question of giving permission and allowing relaxation in the building of houses so that the housing situation may ease. After all, when a person begins to slim, if he does not slim under proper conditions, he dies. This control tantamounts to stoppage of all operations. All along, building operations may be allowed to continue in cases where there is no practical obstacle. To stop all building operations will not be right. Now that the date is going to be extended to 1st January, 1958, I would request that efforts may be made to have the other organisation as soon as the Corporation Bill is passed. I expect that after that, the Delhi (Control of Building Operations) Bill will be replaced by another Bill which will give us an organisation which will take up the building operations in Delhi. I only want that the matter may not be delayed. What is more necessary is, as long as this Bill continues, steps may be taken to see that in cases where permissions and relaxations may be given, they may be given easily.

श्री नवल प्रसाद (बाह्य दिल्ली, रक्षित, अनुसूचित जातियाँ) : अध्यक्ष महोदय, यह एक साधारण बिल है। इसमें केवल अवधि बढ़ाने की बात है। दिल्ली के अन्दर जो अवाधुनिक मकानों का निर्माण हो रहा है उसी को रोकने के लिए गतवर्ष यह बिल लाया गया था। उस वक्त भी यह प्रार्थना की गयी थी कि एक वर्ष की अवधि बहुत कम है, लेकिन उस वक्त इस बात पर ध्यान नहीं दिया गया। यह हर्ष का विषय है कि इसकी अवधि एक वर्ष के लिए और बढ़ायी जा रही है। इस एक वर्ष की अवधि में मैंने दिल्ली डेवलपमेंट प्रावीजनल आथॉरिटी का सदस्य होने के नाते जो देखा और सुना है वह मैं आपके सामने रखना चाहता हूँ। इस बिल में आथॉरिटी को केवल यह अधिकार दिया गया है कि कोलोनाइजर्स अपनी जमीन के जो ले आउट भेजते हैं उनको पास कर सके। जब आथॉरिटी उन ले आउट्स को पास कर देती है तो कोलोनाइजर्स प्लाट बेचना शुरू कर देते हैं। लेकिन आथॉरिटी को यह अधिकार नहीं है कि वह कोलोनाइजर्स को उस जमीन का सुधार या विकास के लिए कुछ कह सके। कोलोनाइजर्स एक एग्रीमेंट पर साइन करवा लेते हैं और उसके बाद प्लाट बेचने शुरू कर देते हैं। बे प्लाट बेच दिये जाते हैं और उनका रुपया ले लिया जाता है। उसके बाद प्लाट होल्डर्स उस कोलोनाइजर के पीछे-पीछे घूमते हैं और यदि वे दिल्ली डेवलपमेंट प्रावीजनल आथॉरिटी के पास जाते हैं तो वहां उनसे कहा जाता है कानून है आथॉरिटी को दखल देने का कोई प्रावीजन नहीं है और इस तरह से उनकी वहां पर सुनवाई नहीं होती। अब यह उस कोलोनाइजर की मर्जी पर है कि वह उस जमीन का विकास चार साल में करे या पांच साल में तो यह एक देखने की बात है और यह एक गम्भीर बात है।

12-46 hrs.

[SHRIMATI RENU CHARAVARTY in the
Chair.]

वह गरीब आदमी जिनको शहर के अन्दर मकान नसीब नहीं होता जिस

[श्री नवल प्रभाकर]

तिस तरह कुछ पैसा जोड़कर बाहर कोलोनाइजर्स से प्लॉट खरीद लेते हैं। जब ये लोग प्लॉट खरीदते हैं तो इनके मन में अपने मकान का एक स्वप्न होता है और वे सोचते हैं कि उनका मकान बनेगा। लेकिन जब वे मकान बनाने की स्टेज पर आते हैं तो उनको अनेकों कठिनाइयों का सामना करना पड़ता है। जैसे ही ये लोग प्लॉट खरीदते हैं इनका उसकी कीमत का २५ प्रतिशत दे देना पड़ता है। उसके बाद कुछ किस्तों के अनुसार देना पड़ता है। अब आप देखें कि वह कोलोनाइजर आठ या चार आने गज के हिसाब से जमीन खरीदता है और अपने ले आउट में दिल्ली डेवेलपमेंट आथॉरिटी के आदेश के अनुसार सड़कों और नालियों, पाकों और स्कूलों आदि के लिए जगह छोड़ देता है और उसीके अनुसार नक्शे पर लाइन बना दी जाती है। उसके बाद आथॉरिटी उस ले आउट को पास कर देती है। आथॉरिटी के अधिकार में और कोई बात नहीं है। जां अधिनियम में अधिकार उनको दिये गये हैं उनसे वे बाहर नहीं जा सकते। जैसे ही उस कोलोनाइजर का ले आउट पास हो जाता है वह दूसरे ही दिन से १५ और १६ रुपया गज के हिसाब से प्लॉट बेचना शुरू कर देता है। अब आप देखिये कि उसने आठ आना गज जमीन ली और अगर उसमें से आधी भी सड़कों आदि के लिए छोड़ दी तो बाकी जमीन उसे एक रुपये गज पड़ी। वह उसको १५ या १७ रुपये गज बेचता है और २५ प्रतिशत कीमत फौरन ले लेता है यानी साढ़े तीन या चार रुपये गज के हिसाब से कीमत फौरन ले लेता है। उसके बाद बाकी कीमत किस्तों में दी जाती है। वह एक दो किस्तें भी वसूल कर लेता है। अगर उसके बाद वह उस जमीन का विकास न करे और उसे छोड़ जाये तो आथॉरिटी के पास कोई अधिकार नहीं है कि उससे उस जमीन का विकास करवा सके। प्लॉट होल्डर बेचारे गरीब होते हैं। उनके पास इतना रुपया नहीं होता कि जो वह कोलोनाइजर के ऊपर मुकदमा चला

सकें। कोलोनाइजर लाखों का आदमी होता है। अगर उसके ऊपर मुकदमा भी चलाया जाये तो कहां तक चलाया जाये। इसलिए मेरी प्रार्थना है कि सरकार प्लॉट होल्डर्स को कठिनाई को भी ध्यान में रखे और इस कानून में कुछ ऐसा सुधार किया जाये कि आथॉरिटी को यह अधिकार हो कि वह कोलोनाइजर्स से उस जमीन का विकास करवा सके, या उनसे पैसा लेकर खुद विकास कर सके। इसमें ऐसा प्रावजन किया जाये कि अगर एक खास समय में जमीन का विकास न किया जाये तो आथॉरिटी कोलोनाइजर से पैसा लेकर उस जमीन का विकास कर दे।

दूसरा मेरा यह सुझाव है कि मकानों के नक्शे जल्दी पास किये जायें। मैंने पहले भी सुझाव दिया था कि सरकार को माडल मकानों के नक्शे तैयार कराने चाहिए। मैंने आथॉरिटी की कमेटी में भी यह सुझाव रखा था और कहा था कि इस पर ध्यान दिया जाये। उस समय जो डी० डी० पी० ए० के आक्टिवेट थे उन्होंने कहा था कि सुझाव अच्छा है। लेकिन उसको आज तक कार्यान्वित नहीं किया गया है। उन्होंने कहा कि अलग-अलग कोलोनीज हैं और उनमें अलग-अलग तरह के प्लॉट्स हैं। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि मान लीजिए एक कालोनी में १५० गज का एक प्लॉट है और वह एक तरह की लम्बाई और चौड़ाई का है और दूसरी कालोनी में किसी दूसरी तरह का एक प्लॉट है। उन सबको देखते हुए कोलोनाइजर्स को कहा जाय कि इन-इन आधारों पर एक स्टैंडर्ड प्लैन बना दिया जाय और उसकी बहुत सी कापियां निकाल दी जायें। एक बार मुझे बताया गया कि सौ वर्ग गज के प्लॉट का एक स्टैंडर्ड प्लैन बनाया गया है, जो कि चार आने में बेचा जायगा। इस पर मुझे बहुत खुशी हुई, लेकिन आज तक मैं उसको देख नहीं सका हूँ और न ही उसको कार्यान्वित किया गया है। अतः माननीय मंत्री जी से मेरी प्रार्थना है कि हम प्लॉट-होल्डर्स की इस तरह

की सुविधाओं का ध्यान रखें और विकास आथारिटी को इस तरह के आदेश दिए जायें कि जो मकान बनाने वाले हैं, उनको इस प्रकार की सहायता दी जाय।

इसके बाद मैं देहात के सम्बन्ध में कुछ कहना चाहता हूँ, क्योंकि विकास आथारिटी का अधिकार देहात पर भी है। देहात के लोग दुखी हैं। पिछली बरसात में वहाँ पर मकान अन्धधुंध गिर गए, लेकिन अगर कोई दीवार भी खड़ी करना चाहता है, तो उसको नोटिस चला जाता है। मेरा निवेदन यह है कि देहाती लोग बहुत जानकारी नहीं रखते हैं। नोटिस मिलने पर वे आते हैं और उन्हें बड़ी परेशानी का सामना करना पड़ता है। बहुत से देहातियों ने नए मकान बनवाने के लिए नक्शे दिए हैं, लेकिन उनके सामने बड़ी दिक्कतें आती हैं। उनको कहा जाता है कि कानूनों से पूछा जायगा और यह देखा जायगा कि वह लाल डोरे-रेड लाइन-में है या नहीं। जब से यह आथारिटी बनी है, देहात में एक भी मकान नहीं बन सका है। आप उनके सामने कोई भी शर्त रखिए, वे उन सबको मानने के लिए तैयार हैं। आप उनको कहिए कि गली जीस फीट की रखी जाय, वे चालीस फीट की रख देंगे। लेकिन उनको मकान बनाने की इजाजत होनी चाहिए। उनके पशुओं को बांधने के लिए कोई जगह नहीं है। मेरी प्रार्थना है कि देहात वालों की सुख-सुविधा का ख्याल रखा जाय। इस सम्बन्ध में एक केस मुझे मालूम है। १९४७ में एक हरिजन ने अपने घर के आगे डेढ़ फीट ऊँची चारदीवारी बना ली थी। उसको नोटिस दे दिया गया। वह नोटिस लेकर मेरे पास आया। मैंने आथारिटी वालों से कहा कि यह बात गलत है और डेढ़ दो फीट की चारदीवारी बनाने पर कोई प्रतिबन्ध नहीं है। इस पर उन्होंने वह केस विद्वद्ग कर लिया, लेकिन दूसरे दिन उसके बड़े भाई के नाम नोटिस दे दिया गया। वह व्यक्ति फिर दौड़ा आया। इसके बाद तीसरे

दिन उसकी माँ के नाम नोटिस जारी कर दिया गया। देहात वालों को इस प्रकार की बहुत सी दिक्कतों का सामना करना पड़ता है। मैं चाहता हूँ कि इस सम्बन्ध में देहात वालों का ख्याल ध्यान रखना चाहिए। वे बहुत पढ़े-लिखे लोग नहीं होते हैं और हमारे शहर की जो बातें हैं, कानून की जो बातें हैं, उनको वे बहुत ज्यादा नहीं समझते हैं। मैं समझता हूँ कि देहात के लिए कानून कुछ सरल होना चाहिए। उनको बता देना चाहिए कि इन इन आधारों पर आप मकान बना सकते हैं।

अन्त में मैं यह कहना चाहता हूँ कि स्लमज की जिम्मेदारी दिल्ली में जहाँ इम्प्रूवमेंट ट्रस्ट पर थी, वहाँ आथारिटी के कुछ नीचे के स्टाफ पर भी आती है। इस सम्बन्ध में किया क्या जाता है? अगर कोई आदमी मकान बना लेता है और नीचे के स्टाफ के आदमी वहाँ पर जाते हैं, तो वह उनको दो, चार पाँच रुपए दे देता है। तब वे कहते हैं कि बना लो, कोई हर्ज नहीं है, आखिर देखने वाले तो हम ही हैं। वह बेचारा कुछ समझता नहीं है और दो महीने के बाद नोटिस आ जायगा, इस बात का ख्याल नहीं करता है और मकान बना लेता है। इम्प्रूवमेंट ट्रस्ट के जमाने में भी इसी तरह मकान बने हैं—उनकी देख-रेख में, निगरानी में ये सब मकान बने हैं। दिल्ली में जितनी भी गन्दी बस्तियाँ आबाद हुई हैं, उन सबमें इम्प्रूवमेंट के छोटे-छोटे अधिकारियों—जमादारों और इन्स्पेक्टरों वगैरह—का दोष है, जिनकी ड्यूटी तो यह है कि गलत तौर पर मकान बनने वाले को रोकें, लेकिन वे मकान बनाने के वक्त तो रोकते नहीं हैं, लेकिन बाद में नोटिस लेकर चले जाते हैं और वह बेचारा घबरा जाता है।

ये कुछ तथ्य हैं, जो कि मैंने आपके सामने रखे हैं। मैं उम्मीद करता हूँ कि माननीय मंत्री जी इन पर ध्यान देंगे और इस तरह से लोगों की सुख-सुविधा का ध्यान रखेंगे।

श्रीमती कमलेश्वरी शाह (जिला गडवाल-पश्चिम व जिला टिहरी गडवाल व जिला बिजनौर-उत्तर) : श्रीमती सभापति महोदया आज जो भवन निर्माण का प्रश्न हमारे सामने है, उसके सम्बन्ध में मंत्री महोदय से कुछ नम्र निवेदन करना चाहती हूँ।

सब से पहले तो मैं यह कहना चाहती हूँ कि जहाँ भवन निर्माण के लिए स्थान चुना जाता है, वहाँ सबसे पहले अगर पानी का प्रबन्ध किया जाय, तो बहुत उत्तम होगा। इससे यह सहायित होगी कि निर्माण में भी बाधा नहीं पड़ेगी और घर बन जाने पर पानी मिल सकेगा। आज कठिनाई यह है कि जहाँ घर बन रहे हैं, वहाँ पानी नहीं पहुँच रहा है। कई जगह मकान बने तीन-तीन, चार-चार वर्ष हो गए हैं, लेकिन वहाँ पानी नहीं पहुँच रहा है। कहीं कहीं हैड-पम्प हैं, लेकिन साधारणतया पानी की सुविधा नहीं है। आज दिल्ली के चारों ओर बस्तियाँ बन रही हैं। इसलिए यह भी आवश्यक है कि यमुना नदी से पानी निकालने का प्रबन्ध भी कई स्थानों पर होना चाहिए। अगर सब स्थानों पर पानी की व्यवस्था कर दी जायगी, तो वहाँ पर रहने वाले ठीक तरह से रह पायेंगे, साफ रह पायेंगे और उनको किसी प्रकार की असुविधा नहीं होगी।

दूसरा प्रश्न रोशनी का है। अगर बिजली न हो, तो चोरी का डर होता है और कई प्रकार के नुक्सान का डर होता है। इसलिए रोशनी भी सब जगह पहुँचानी चाहिए। हमारे यहाँ इतने बड़े-बड़े बाग़ बन रहे हैं। आशा की जाती है कि उनसे हमारी बिजली की आवश्यकता पूरी हो जायगी। इस समय तो रोशनी की बड़ी दिक्कत है।

हमारे देश में भी सड़कें बड़ी खराब हालत में हैं और नई बस्तियों तक नहीं पहुँचती हैं। मंत्री महोदय से मेरी प्रार्थना है कि जो ले-आउट किया जाता है, उसमें सबसे पहले

पानी आए। जब तक पानी न पहुँचे, तब तक खाली मकान बनाने से कोई फायदा नहीं होगा। ज्यादा से ज्यादा नींव खोदी जा सकती है, लेकिन मकान बनाने के लिए पानी की अत्यन्त आवश्यकता होती है। इसलिए पानी का सबसे पहले प्रबन्ध किया जाय। चाहे छोटी-छोटी कालोनीज के लिए—दो सौ, तीन सौ, अथवा एक हजार घरों के लिए—बिजली के पम्प का प्रबन्ध कर दिया जाय। बिजली की भी बड़ी जरूरत होगी, लेकिन सबसे पहले पानी पहुँचाना अत्यन्त आवश्यक है।

मैं अपने अनुभव के आधार पर यह कह सकती हूँ कि ठेकेदारों को किसी भी निर्माण कार्य को देना बहुत ही बुरी बात है और यह मैं इसलिए कहती हूँ कि ठेकेदार तिगुना दाम लगाते हैं और फिर भी उनके द्वारा बनाए हुए मकान बिल्कुल अच्छे और मजबूत नहीं होते हैं। मैं अपने अनुभव की बात आपके सामने रखना चाहती हूँ। एक मकान बनवाने के सम्बन्ध में मैंने डिस्ट्रिक्ट इंजिनीयर से एस्टीमेट बनवाया। यह १६५० की बात है। उसने तेरह हजार रुपए का एस्टीमेट दिया, लेकिन जब मैंने अपनी पर्सनल सुपरविजन में डेवी बेजिज पर मकान बनवाया तो वह पाँच हजार रुपए में बन गया। १६५० में ठेकेदार लोग ७० परसेन्ट लेते थे, लेकिन अब तो वे लोग २०० परसेन्ट तक लेते हैं और उसमें भी वृद्धि हो रही है। इस हालत में किसी निर्माण-कार्य को ठेकेदार को देना कहां तक उचित है। श्रीमती जी, आपके द्वारा मंत्री महोदय से मेरा निवेदन है कि वह इस प्रकार की व्यवस्था करे कि गरीब जनता के कमाए हुए धन का सदुपयोग हो सके। मैं जानती हूँ कि उनको हर तरह से इसका विचार है और रहेगा कि हर एक कार्य ठीक तरह से हो, लेकिन बीच में जो गड़बड़ होती है, उसको किस तरह से दूर किया जाय, इसका कोई उपाय करना चाहिए।

जब कोई प्राईवेट आदमी कोई निर्माण का काम करवाते हैं, तो वह बड़ी कम कीमत

में हो जाता है। सरकारी आदमी को विश्वास ही नहीं होता कि इतनी कम कीमत में काम कैसे हो सकता है। मेरा निवेदन यह है कि अगर इसके लिए कोई विशेष निर्माण विभाग भी कायम करना पड़े, तो भी इसमें फायदा रहेगा। यह सम्भव है कि उस निर्माण विभाग में भी कुछ गड़बड़ हो, लेकिन फिर भी आपके से भी ज्यादा बचत होगी। मेरा अनुरोध है कि मेरे इस सुझाव पर विचार किया जाय।

मैं एक निवेदन यह भी करना चाहती हूँ कि हम जो काम करवाना चाहते हैं, उनको करवाने के लिए हमें कितने ही लोगों के पास जाना पड़ता है, और बहुत ढील होती है। बिजली का कनेक्शन लेने के लिए किसी के पास जाना पड़ता है, पानी का लेने के लिए किसी दूसरे के पास जाना पड़ता है, नक्शा पास करवाना हो तो तीसरे के पास जाना पड़ता है। अब इन लोगों के हाथों में अगर कुछ दे दिया जाता है तो काम बन जाता है लेकिन अगर कुछ दिया नहीं जाता है तो काम बनने की आशा बहुत ही कम होती है या बहुत देरी से काम बनता है। जब कुछ दिया नहीं जाता है तो पता नहीं वे कागजों और फाइलों को कहां डाल देते हैं कि वे मिलते ही नहीं हैं। मैं चाहती हूँ कि इसका इलाज भी मंत्री महोदय करें। हम तो यही कह सकते हैं कि हमें बहुत ही मुश्किल का सामना करना पड़ता है। मैं आपको अपनी ही बात बतलाती हूँ। गौतम नगर में मुझे अपना घर बनवाये आज कोई तीन साल हो गए हैं। मुझे आज तक पानी का कनेक्शन नहीं मिला है, सीवेज कनेक्शन नहीं मिला है, बिजली और सड़क नहीं मिली है और इन सब चीजों के न मिलने का कारण यह है कि मैंने किसी के हाथ पर कुछ नहीं रखा है। आज मैं यह जानती हूँ कि घूस लेना और घूस देना जुर्म है और मैंने किसी को कुछ दिया नहीं है जिसका यह परिणाम है इस तरह से जो लोग कानून के अनुसार कार्य करते हैं, वे तो देखते रह जाते हैं और उनका काम नहीं बनता है लेकिन जो लोग कानून के खिलाफ कार्य करते

हैं उनका काम बन जाता है। तो आपको इन सब बातों पर विचार कर लेना चाहिये और इनको हल करने का कोई न कोई उपाय आप ही निकाल सकते हैं।

13 hrs.

बाकी जहां तक रलम्स का ताल्लुक है, उनके बारे में जब दूसरा बिल आएगा तो मैं निवेदन करूंगी।

Shri C. K. Nair (Outer Delhi): I rise to support this Bill which seeks to extend the period of the control of building operations in Delhi. I must congratulate Government on their having moved in this direction, for the improvement of Delhi.

After the attainment of freedom, for the last eight or nine years, no activity was noticed in this direction, except perhaps through the Rehabilitation Ministry. It is a happy augury that three Bills relating to this matter have been brought forward almost simultaneously, one for slum clearance, another for the protection of tenants, and the third for the extension of the control over house-building activities. All these are welcome.

But what I fear is that this extension by one year may not be sufficient. Considering the sluggishness of the Ministry, or, if I may say so, of the departments concerned, I do not think that we shall be able to bring out a successful programme of improvement within one year or even after one year. Anyhow, it is welcome; in fact, the shorter the period, the more welcome it will be, because that gives us the hope that the full plan will be before the public very soon.

While supporting this Bill, we are, however, very sore about one thing, and that is that the shortage of housing in Delhi is still very keenly felt, and the house rents are still running very high. Several crores of rupees have been spent through the Rehabilitation Ministry for constructing so many new colonies, and yet the shortage of houses is still there. Therefore, Government should take special care not to check every sort of build-

[Shri C. K. Nair]

ing operation; unless the operation interferes with the future planning, it should be allowed.

In this connection, I want to make a special appeal on behalf of the village people. They are the persons who are most hard hit by these control operations. Suppose they want to put up one or two houses, or ten or fifteen in a village because the population in the villages is also increasing, they cannot do so; in fact, they are not allowed even to build a small wall. Most of them are illiterate; they have to take so much pain to walk all the distance from their villages to the town in order to find out the concerned office; and these offices also are not easily accessible to them. So, I would appeal to Government to have a separate section of the Delhi Development Provisional Authority to deal with these building operations in villages very quickly, so that the villagers are not put to great hardships. I feel also that there is not much difficulty in allowing them to build, because the building operations in the urban areas are not going to be extended immediately to villages at long distances. But, as it is, even people in distant villages are put to great difficulties. I hope Government will take special care to remedy their difficulties. It is not at all difficult; if the authorities concerned sit with the representatives of the villagers like us and discuss the whole matter, then it would be possible for us to evolve in just one or two weeks a very useful and practical plan for the villages. I hope this matter will receive the serious consideration of Government.

As far as possible, building operations should not be discouraged but encouraged, except where it is very essential to put a ban or have special control.

Rajmata Kamlendu Mati Shah referred to the present high cost of building. I completely agree with her. I may be pardoned, if I say that

even the fresh tempo of activities, that is found in the departments concerned is due to the great activity started by the Bharat Sewak Samaj. They have given a new fillip to the idea of slum clearance and the development of the Delhi city. Especially, the improvement of *katras* was undertaken by the Health Ministry on the one side, and by the municipality and the Bharat Sewak Samaj on the other. It will be clearly seen that whereas the other two bodies spent more than Rs. 5,000 or Rs. 7,000 on a building, the Bharat Sewak Samaj could do much better work with Rs. 2,500 only. This is the average cost which the Bharat Sewak Samaj had to incur.

Similarly, you know how the work on the Shahdara bund was entrusted to the Bharat Sewak Samaj. They saved more than Rs. 5 lakhs to Government, because they had undertaken to build it at 25 per cent. less than the estimated cost; actually, they have saved something more for the villagers and labourers, as a result of their activities.

Therefore, it is very necessary, as Rajmata Kamlendu Mati Shah has urged, that we must create some such organisation where there will be the least exploitation, and where the construction work will be carried on more efficiently through conscientious workers, thus resulting in expeditious work at a lower cost. I would make a special request to Government to look into this matter. The Bharat Sewak Samaj is now going to create even a cadre of overseers to undertake such works of improvement, and they must be encouraged and not discouraged.

Perhaps, the House does not know that when the question of entrusting the Shahdara bund was mooted up, the Railway Board immediately protested against it; the Central Public Works Department also opposed the idea. But only the Irrigation Ministry took up the matter and handed

over the work to the Bharat Sewak Samaj, and they did the work so wonderfully well that even in the first test of the biggest flood of this century that huge bund has stood very well. I think that alone is a good proof of how we can really carry on the work at a lesser cost and more quickly and efficiently too. So, I would appeal to Government to look into this suggestion also.

I would like to have some clarification regarding the progress made during the last year, in the matter of construction of houses. I would like to know, compared to the previous year, how many constructions had been stopped and how many had been allowed to be completed, because the department concerned is more interested in stopping the activities. Of course, they may be engaged in the construction activities under the new scheme. But still existing construction activities should not be stopped.

With these words, I support this Bill.

Pandit G. B. Pant: So far as my proposal for the extension of the life of the existing Act just by one year is concerned, the House is in agreement with it.

Certain observations and suggestions have been made. I welcome them. We cannot make any changes in the parent Act now. But I hope that the suggestions that have emanated from hon. Members, who have given thought to this question and who have had personal experience with regard to matters which are, in a way, connected with the object and purpose of this Bill, will receive attention at the hands of the Delhi Development Authority and also of the Ministries concerned.

I may just say that if there is any difficulty in the working of this Authority, then it should be possible for the members, some of whom happen to be here, to give thought to those matters and to set them

right. As hon. Members may be aware, this Authority consists of twelve members, of whom only four can be officials, and eight are non-officials, three being Members of this House and two of the Delhi State legislature as it was, who will continue to be members; then the Chairman of the Municipal Board of Delhi, the President of the New Delhi Municipality, the President of the Delhi Municipality and Chairman of the Delhi Improvement Trust. In any case, it should be possible for this Authority, which has a majority of the representatives of the people, to take all relevant factors into account and to see that the provisions of the Act are carried out in a satisfactory manner.

The bustees in the villages are excluded from the scope of this Act, and I do not see that any vexation should be caused to persons living in villages so far as the reconstruction or repairs of the existing houses are concerned. If there has been any misunderstanding in this regard, then that should be removed.

I also agree with the view that there should be some model plans for buildings and also that such methods should be adopted as would result in speed and also in economy. The more public cooperation can be ensured for these purposes, the more will it prove fruitful. I personally welcome that idea.

I do not think that many of the buildings in Delhi proper are affected by this Act, as it applies mostly to open spaces. But it is necessary that the Act should be enforced in a considerate way and no inconvenience should be caused to the people on account of the provisions of this Act, which was placed on the Statute-book in order to ensure their convenience and the expansion and development of Delhi.

I understand that according to the present practice too, some security has to be deposited by the persons

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whose plans for colonies are approved. So far 23 plans have been approved. I have an impression that something between 3,000 and 4,000 houses have been constructed—I would call them tenements rather—for the poorer section of the community. With regard to those tenements, the Government paid half of the rent so that the occupants may not be put to heavy burden on account of the rents that have to be paid for such tenements.

It is our desire that Delhi should be a model city and that every effort should be made to provide adequate accommodation for the people living in Delhi and those who are coming here everyday. The task, however, is a colossal one and it is likely to take some time.

I am really glad that all these three Bills are before the House today. I have been particularly interested in them, and it has been my desire that these Bills should be enacted during this session so that we may take practical measures to remove the many hardships and difficulties from which the people of Delhi suffer.

Mr. Chairman: The question is:

"That the Bill to continue the Delhi (Control of Building Operations) Act, 1955, for a further period, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

Clauses 2 and 1, the Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill be passed".

Mr. Chairman: The question is:

"That the Bill be passed".

The motion was adopted.

SLUM AREAS (IMPROVEMENT AND CLEARANCE) BILL.

Mr. Chairman: The House will now take up the Slum Areas (Improvement and Clearance) Bill and the Delhi Tenants (Temporary Protection) Bill, both together. The Business Advisory Committee has allocated 6 hours for discussion of both the Bills. So I propose that we do not divide up the time just now. Let us start now. As far as amendments go, the Delhi Tenants (Temporary Protection) Bill has a larger number of amendments tabled to it. So I would request the House, considering that we shall have to sit till we finish the work of the House, that Members themselves may put a check as to the time allotment. Let us pass the Slum Areas (Improvement and Clearance) Bill in a shorter time than the other Bill which seems to be more debatable Bill with a larger number of amendments.

Now, we shall take up the first Bill.

Shri U. M. Trivedi (Chittoor): How can these two Bills be taken together?

Mr. Chairman: They will not be taken together. Let me explain.

Pandit Thakur Das Bhargava (Gurgaon): When the time was allotted, this was not within our mind that both would be taken together. They are absolutely two separate Bills. The one has nothing to do with the other.

Mr. Chairman: Let me explain. My intention was that we should not divide up the time—say three hours for the first Bill and three hours for the other Bill. The House will remember that six hours have been allotted for both Bills. We shall take up the Bills separately. But I should like the House to remember that there are a large number of amendments to the second Bill, as it seems to be a more controversial Bill. Considering the fact that we will have to finish the work of the House today, whatever be the time we have to sit up, I would request Members to curtail their speeches to as short a time as possible.

The Minister of Home Affairs
(Pandit G. B. Pant): I beg to move:

"That the Bill to provide for the improvement and clearance of slum areas in certain Union territories and for the protection of tenants in such areas from eviction, as passed by Rajya Sabha, be taken into consideration".

This Bill, as I have just stated, has already been passed by the Rajya Sabha. It is a very wholesome measure and I trust that every hon. Member of this House will be in sympathy with the object that this Bill seeks to achieve.

Delhi is the metropolis of our country. It has been attracting large numbers since it was selected as the capital of India. The numbers now living in Delhi have swollen during the last 15 or 20 years and much more so since 1946. The partition of the country also added to the weight of numbers that Delhi had been bearing even previously. Since then, other factors have come into play and there is a regular, ceaseless inflow of people into Delhi from all parts of the country. It attracts men and women even from other far-fetched countries which are situated at considerable distances from our own. It is regrettable, but perhaps, to some extent unavoidable that Delhi should be tremendously overcrowded.

Hon. Members may be aware that ordinarily, according to normal standard, there should be no more than 200 souls to an acre. The density figure for Delhi comes to 600; that is the average density of population. But, so far as the slum areas are concerned, it goes up to nearly 2,500 an acre. That hardly comes to 2 sq. yds. to one individual that lives there. But even if a man be regarded nothing better than a biped, he would still need more than 2 sq. yds. But, sometimes, men are huddled with horses and other animals. The tenements in which they have to live are deplorable in shape and also dangerous to life in many cases. The slum areas are abominable. They are a menace

to life and morals, besides being even dangerous to safety itself.

So, it is necessary to remedy this state of affairs. At present, there are 500 acres roughly under slums. The population living in slums comes to nearly 2 lakhs; that is, about 40,000 families are somehow managing to exist in these slums. They are dilapidated; they are not repaired; they do not possess the amenities of life even in a minimum measure. There are no drains, no electric points, no lights, no water-taps and the condition of the dwellers, who have to live in such slums, can well be imagined. So, this Bill seeks to remove this evil. It will, considering the magnitude of the problem, take some time to effectively carry out the plan that is embodied in this Bill. But a beginning has already been made and we hope that vigorous measures will be taken in order to restore some sort of decency of life to the large numbers who are living under unimaginable conditions in these areas today. This Bill enable the Government to ask the owners of these slums to provide necessary amenities; the cost will be realised from them. It also empowers Government to order them to repair these slums and to take other measures that may be essential for the convenience of the dwellers of these slums. It also authorises Government to acquire slum areas, the land on which slums had been built and are standing today. So, this is a step in the desired direction. No differences of opinion can possibly exist with regard to such a measure. It is essentially humanitarian and intended to ensure the minimum standard of living for the people who suffer from poverty and who have to labour hard from day to day, sometimes right up to midnight. They deserve the sympathy of everyone.

Some compensation will be given to the owners of the slums when they are completely acquired. The Bill provides for the payment of 60 times the monthly rent by way of compensation. As the slums are lacking in

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the necessary provision for amenities, taxes have to be paid, collection charges have to be incurred and repairs must be carried. So, some deduction has to be made out of the rent on these counts. Besides, the rents realised from the slums are exorbitant, unconscionable and excessive because were there should have been only 20 families living, there, nearly 100 to 150 families live and so the rent collected thus is much more than one would have got if the land had been used by for legitimate and not for unsocial purposes. So, in fixing the compensation the amount that could legitimately have been earned if proper and just use had been made of the land has also to be taken into consideration. So, bearing all these facts in mind, this formula has been devised for payment of compensation for the land that will be acquired from the owners of slums. They have collected large sums during the last 15 years; and they have in a way exploited the situation in a merciless way. So a provision has been made for compensation nevertheless. I hope the House will approve of the Bill and there will not be any prolonged discussion over this.

Mr. Chairman: Motion moved:

"That the Bill to provide for the improvement and clearance of slum areas in certain Union territories and for the protection of tenants in such areas from eviction, as passed by Rajya Sabha, be taken into consideration."

पंडित ठाकुर दास भार्गव : सभापति महोदया, यह बिल जिस गरज से हमारे सामने आया है, उस गरज के लिए मैं होम मिनिस्टर साहब को तहेदिल से मुबारकबाद देता हूँ।

जो साहब बाहर से आते हैं और जो साहब बहाल रहते हैं दोनों के नुकते खयाल से, दिल्ली की हालत आजके दिन नागफतेबेह है। हमारे 18 वर्ष के 27,99,797 इतनी गंदी और

खराब हो यह हमारे लिए शर्म की बात है। अगर दिल्ली राजधानी न भी होती तो भी इस दिल्ली के साथ बहुत से लोगों को दिली मुहब्बत है। जहाँ तक मेरा ताल्लुक है मैं इसे भारत की राजधानी के भलावा, अपने हरियाना का सबसे बड़ा शहर समझता हूँ। सन् १९११ से पहले दिल्ली में हरियाना के यह जिले शामिल थे और यह दिल्ली कमिशनरी के अंदर थे और अभी तक बहुत से सिविल केसेज के जजमेंट में हिसार, करनाल और गुड़गांव वगैरह को प्रोलड देहली की टेरिटरी के नाम से याद किया जाता था और यह उस समय की बात है जब कि दिल्ली राजधानी नहीं थी और कलकत्ते में राजधानी थी। उस समय यह सारा हरियाना हर एक चीज का मरकज था, तिजारत का सिविलिजेशन का और दीगर दूसरे चीजों का। आज जो दिल्ली में गंदी बस्तियों की सफाई की और सरकार की दृष्टि गई है और इन स्लम्स की सफाई के बास्ते जो उसकी कोशिश है, उसका हम स्वागत करते हैं और दिल्ली को दुस्त और साफ करने की हमारी सबकी स्वाहिशात भी उनके साथ वाबस्ता है।

13-32 hrs.

[SRI BARMAN in the Chair.]

आज हम देखते हैं कि दिल्ली की हालत पहले के मुकाबले ज्यादा खराब होती चली जा रही है और दिल्ली की आबादी रोज-बरोज तरक्की पर है और पिछले चन्द एक सालों में पार्टीशन के बाद उसकी आबादीको तो इस कदर तरक्की हुई है कि जिस में अनप्रीसीडेंटिड इनक्वीज कहा जा सकता है। और पिछले तीन सालों में हम समझते हैं कि दिल्ली की आबादी १७ लाख से बढ़ कर २० लाख तक हो चुकी है। जब हम दिल्ली के चारों तरफ निगाह उठाते हैं तो देखते हैं कि उन जगहों पर जहाँ पहले बीराना था अब वहाँ पर अच्छी-अच्छी गवर्नमेंट बिल्डिंग्स खड़ी हैं और यह देख कर हमारी तबियत खुश हो जाती है कि दिल्ली में क्या ही शानदार

और आलीशान इमारतें बन गयी हैं या दन रही हैं मानों महल खड़े हों और वह महल हमारे सबके लिए फसू की बात है। रिजर्व बैंक और दूसरी कितनी ही ऐसी शानदार इमारतें गवर्नमेंट ने बनाई हैं। और दूसरे बैंक बने हैं कि जिन को देख कर तबियत फड़क उठती है और ऐसा मालूम होता है मानों आलाहीन के चिराग के अन्दर जो ताकत थी उसको लेकर गवर्नमेंट आफ इंडिया दिल्ली में मकानात और इमारतें बना रही है। दिल्ली के महल आज दुनिया की किसी भी राजधानी के महलों से कम नजर नहीं आते। यह तो ठीक है कि जब उन महलों की तरफ हमारी निगाह जाती है तो हमारी तबियत खुश हो जाती है लेकिन दूसरी तरफ जब हमारी निगाह दिल्ली के उन स्लम ऐरियाज की तरफ जाती है जहां कि हृद की गंदगी मौजूद है और लोग वहां पर कीड़े मकोड़ों की तरह अपनी जिन्दगी बिता रहे हैं तो हमारे दिलों को ठेस लगती है और सदमा होता है कि आखिर वे लोग जो इन गंदी बस्तियों में रहते हैं वे भी तो इंसान हैं। कुछ भर्सा हुआ मैं एक जगह को जिसका कि नाम हरफूल सिंह बस्ती है देखने गया और उसी दिन मुझे यहां हाउस में बोलने का मौका मिला, तब मैंने यह अर्ज किया था कि अगर दुनिया में कहीं नक है तो वह हरफूलसिंह की बस्ती में है और वह बिल्कुल हैल है। वहां पर बहुत ज्यादा कंजेशन है और वह सचमुच में डेंस आफ इम्पॉर्लिटी है और वे ऐसे डेंस हैं जिनके कि अन्दर ह्यूमन एग्जिस्टेंस जस्टीफाई नहीं की जा सकती है और वहां लोग इंसानों की तरह भी नहीं रहते हैं। इसमें किसी को ऐतराज नहीं हो सकता कि गंदी बस्तियों की सफाई होनी चाहिए, उनका एक्वायर करना तो आसान है लेकिन उनकी सफाई का काम निहायत मुश्किल है। कुछ भर्सा हुआ यहां पर गवर्नमेंट को हाउसेज के मुताल्लिक एक बिल धाया था और उसके बा में जो सेलेक्ट कमेटी बैठी उसका मैं चेयरमैन था और मुझे और सेलेक्ट कमेटी के दीगर मेम्बरान को इन स्लम्स को देखने का मौका मिला था और उसके

सिलसिले में हमने देखा कि इस बारे में इम्प्रूवमेंट ट्रस्ट की जितनी भी कोशिशें थीं वह नहीं कें बराबर थीं और उसने कुछ काम ही नहीं किया। देहली में जो कुछ काम उसने किया वह बहुत थोड़ा था और वह भी इस किस्म का था जिससे कि हमको सल्ट डिस्टैटिसफैकेशन हुआ और हम यह समझे कि यह मामला तय नहीं होगा। एक वक्त था कि हमने इस बिल को तकरीबन नामंजूर कर दिया था लेकिन फिर चन्द एक दिल्ली के मेम्बर साहबान ने इस बिल के ऊपर नजरसानी करने की दरखास्त दी और जिसका कि नतीजा यह हुआ कि वह बिल इस हाउस से पास हो गया लेकिन मैं जानता हूं कि दिल्ली के मेम्बर साहब और दूसरे मेम्बर लोग हालांकि इस बात के स्वाहिशमंद हैं कि स्लम्स साफ हो जायें लेकिन उनको इस बात की तसल्ली नहीं है कि किस तरीके से काम चलेगा और किस तरकीब से हम उसको कर सकेंगे। जब हम बिड़ला कमेटी की रिपोर्ट को देखते हैं और ८५ करोड़ रुपये की रकम को देखते हैं और जब हम काम का खर्च से मुकाबला करते हैं तो हमारे दिल में कोई शुबहा नहीं रहता कि इस काम के वास्ते कम से कम १५० करोड़ रुपये की रकम चाहिये अगर हम सही मानों में दिल्ली को इस काबिल बनाना चाहते हैं कि जो शर्म्स बाहर से आये वह यहां से मुतासिर होकर जाय और यह चीज दिल में लेकर जाय कि हिन्दुस्तान के लोग अगर भ्रमीर नहीं तो कम से कम उनके रहने का जो तरीका है वह निहायत अच्छा और मुहज्जब है।

अब यह जो बिल हमारे सामने आया है इसके मुताल्लिक जो एंदाद शुमार दिये हुए हैं और उनमें जो कमियां मैं पाता हूं उनकी तरफ मैं हाउस की तबज्जह दिलाऊंगा। इस वजह से नहीं कि मैं यह समझता हूं कि गवर्नमेंट के दिल में स्लम्स क्लिएरेंस करने का इरादा नहीं है या गवर्नमेंट कोई भी ठीक कार्यवाही करने में कोई दकीका बाकी रखेगी, ताहम मैं यह कहे बगैर नहीं रह सकता कि जैसे हमने पहले बिल के

[पंडित ठाकुर बास भार्गव]

बार में सेलेक्ट कमेटी में बहस की और इस बिल के जिस तरीके से काम करने का तरीका है मुझे डर है कि उससे गरीबों को तकलीफ होगी। जिन लोगों की बाबत हम इतना चिल्लाते हैं और जिनको कि हम बारबार गरीब कहते हैं, उस गरीब जनता का क्या बनेगा और किस तरीके से उनका यह काम किया जायगा, यह हमारी तबज्जह का मुस्तहिक है और मैं इसके बारे में चन्द एक बात अर्ज करना चाहता हूँ। मेरी नाकिस राय में स्लम क्लियरेंस का मामला बहुत जल्दी तय होने वाला नहीं है और अगर बहुत जल्दी में इस स्लम्स की सफाई के काम को लिया गया तो इसमें बड़ी दिक्कत बाके होगी और हम पूरी तरह से इसमें कामयाब नहीं होंगे। जब तक कि हम पब्लिक को-ऑपरेशन इसके अन्दर पूरी तरह से हासिल नहीं करेंगे, यह मामला ही ऐसा है कि जिसके अन्दर आसानी से हम अपनी मुश्किलतात को रफा करके जल्दी कामयाब नहीं हो सकते। मैं इसके वास्ते चन्द एक बात भानरेबुल मिनिस्टर की खिदमत में अर्ज करना चाहता हूँ कि उन पर गौर करें और जहाँ तक हो सके उनको सुलझाने की कोशिश करें।

अबल तो मैं यह देखता हूँ कि यह स्लम्स क्लियरेंस जो इस बिल की सबसे बड़ी बात है और उसमें स्लम्स क्लियरेंस की यह तारीफ की गई है :

“‘Slum clearance’ means the clearance of any slum area by the demolition and removal of buildings therefrom’.

इसमें बिलकुल अक्षतार हासिल है कि आप स्लम्स क्लियरेंस के वास्ते एक स्कैंडल भेज दीजिये और उसको यह हूकम दे दीजिये कि वह स्लम्स को फौरन हटा दे और खत्म कर दे लेकिन इसमें यह नहीं कहा गया है कि वे लोग कहाँ जायेंगे जिनको कि आप वहाँ से निकाल देंगे, उनको आप क्या देंगे, उनके वास्ते आप क्या इंतजाम करेंगे, उनकी रोजी का क्या बनेगा, उनको नये मकानात बना कर देंगे या नहीं

देंगे, यह सब सवाल इस स्लम्स क्लियरेंस के सम्बन्ध में पैदा होते हैं और मैं जानता हूँ कि दफा ११ के अन्दर हमको बतलाया गया कि क्या होना है लेकिन उसकी पूरी तस्वीर हमारे सामने नहीं है। दफा ११ में इस तरह से लिखा हुआ है :

“Where land has been cleared of buildings in accordance with a slum clearance order, the competent authority may, at any time after the expiration of twelve months from the date on which the order became operative by order determine to re-develop any land which on the date of the making of the order has not been, or is not in process of being, re-developed by the owner thereof in accordance with plans approved by the authority and any restrictions and conditions imposed under sub-section (7) of section 10.”

इतना तो इसमें लिखा गया कि जहाँ लैंड डेवलप नहीं है उसको, रीडेवलप करने की काम्प्लीट एथारिटी कोशिश करेंगी। मैं चाहता था कि यह बिल मुकम्मिल होता और इस के अन्दर यह लिखा जाता कि किस तरीके से इसको रीडेवलप किया जायगा और किस तरीके से उन लोगों की जो कि स्लम्स में रहते हैं कोई फेहरिस्त बनाई जायगी या उनको कोई इस तरह का ऐश्योरेंस दिया जायगा कि वे दुबारा जब नये मकानात उस जगह पर तामीर होंगे तो उनको आबाद किया जायगा और इस अर्से में उनको क्या आलटरनेटिव एकोमोडेशन दी जायेंगी। मैं भानरेबुल मिनिस्टर साहब की खिदमत में अर्ज करना चाहता हूँ कि यह सवाल ऐसा है कि इसको उसी बिना पर हल करने की कोशिश करनी चाहिए जैसे कि शरणार्थियों की समस्या को हल करने के लिए सन् १९४७-४८ में हमारे प्राइम मिनिस्टर साहब ने एक सिद्धान्त रक्खा था जिसकी कि बिना पर शरणार्थी समस्या को ठीक किया गया।

उन्होंने कहा कि जिस शख्स को किसी घर से निकाला जाए, उसको पहले अल्टर्नेटिव अकॉमोडेशन दे दी जाए तब निकाला जाए, वरना न निकाला जाए। अगर यह प्रिंसिपल न कायम होता तो जो रिफ्यूजी प्रान्लेम थी, जिसकी बावत आनरेबल मिनिस्टर साहब श्री साभाजी बहुत दफा कह चुके हैं कि वह करीब करीब खत्म कर दिया गया, उसकी फ़िज को भी टच न करता। मैं जानता हूँ कि जहाँ तक रिफ्यूजीज का सवाल है, दिल्ली के अन्दर हज़ारों आदमियों को इस तरह से निकाला गया, इतनी बेदरदी से निकाला गया, जिसकी मिसाल कहीं नहीं मिलेगी। रात को ११ बजे पुलिस का स्कवैड पहुँचा और उनको मकानों से निकाला, लौरी में असबाब डाला और दिल्ली से आठ मील दूर जंगल में छोड़ दिया जहाँ पर रहने के लिए नाम की भी कोई चीज नहीं थी। इस बेदरदी के साथ उनको अल्टर्नेटिव अकॉमोडेशन के नाम पर यहाँ से दूर डाला गया जिसका प्राइम मिनिस्टर साहब ने खास तौर पर हुक्म दिया था कि किसी को रहने की जगह दिए बिना घर से न निकाला जाए। अगर इसी तरह से स्लम क्लियरेंस करवाना है, तो मैं कहता हूँ कि उन बेचारों पर रहम कीजिए, उनकी तकलीफ को इस बेदरदी के साथ न बढ़ाइए। मैं पहली चीज यह अर्ज करना चाहता हूँ कि गवर्नमेंट बिना अल्टर्नेटिव अकॉमोडेशन का इन्तजाम किए बगैर किसी स्लम एरिया के मकानों को गिराने का हुक्म न दे। किसी स्लम एरिया में किसी एक मकान को गिराना एक चीज है लेकिन सारी एरिया को टा देना दूसरी चीज है। इसलिए किसी शख्स को, जिसको आप निकालना चाहते हैं, अपने घर से निकाला न जाए जब तक उसके लिए अल्टर्नेटिव अकॉमोडेशन न प्रोवाइड की जाए। यह पहली शर्त है। इस उसूल पर, जिस पर वह कई बरस से अमल करती रही है, जिस की गवर्नमेंट पाबन्द है कि कम से कम लोगों को दिक्कत हो, गवर्नमेंट को स्लम क्लियरेंस के बारे में अमल करना चाहिये।

दूसरी चीज जो मैं अर्ज करना चाहता हूँ वह यह है कि अगर किसी ऐसी एरिया का स्लम एरिया में लिया जाय, जो कि स्लम एरिया की तारीफ में नहीं आती है, उसके लिए जो शर्तें रखी गई हैं, उनसे मुझे डर है कि अगर गवर्नमेंट खास तौर से एह्तियात से काम न ले, तो जिन लोगों को गवर्नमेंट फायदा पहुँचाना चाहती है, उनको फायदा पहुँचने के बजाय बेजा तकलीफ पहुँचेगी, जो कि गवर्नमेंट की मंशा नहीं है। जरा मेहरबानी कर के आप स्लम एरिया की तारीफ का मुलाहजा फरमाएं :

"Where the competent authority upon report from any of its officers or other information in its possession is satisfied as respects any area that the buildings in that area—

- (a) are in any respect unfit for human habitation; or
- (b) are by reason of dilapidation, over-crowding, faulty arrangement and design of such buildings, narrowness or faulty arrangement of streets, lack of ventilation, light or sanitation facilities, or any combination of these factors, are detrimental to safety, health or morals,....."

अगर हमारे पास काफी रुपया और रिसोर्सेज हों तो मैं एक लफ्ज भी इसमें से लेने को तैयार नहीं हूँ, न कंदिंसिज्म करने को तैयार हूँ, मैं तो सिर्फ यह चाहता हूँ कि इसमें से नुकायस निकल जाए, लेकिन मुझे डर है कि हमारे जितने रिसोर्सेज हैं, जितना मसाला है, जिससे हम लोगों को आराम देना चाहते हैं, उसके मुताबिक अगर किसी स्लम एरिया का फाल्टी अरेंजमेंट ऐंड डिजाइन आफ सब बिल्डिंग या फाल्टी अरेंजमेंट आफ स्ट्रीट्स की वजह से डाना शुरू हुआ, तो दिल्ली के अन्दर एक ऐसी आफ़त आ जाएगी जो कि न किसी भूचाल से आती है और न किसी प्लड से आती है। आप इस डेफिनिशन को

[पंडित ठाकुर दास भागवत]

इसमें रखें, इसमें मुझे कोई एतराज नहीं है, लेकिन महज खूबसूरती लाने की वजह से, जैसा कि आपने रक्खा है, इसको आप अमल में कम लाएं। दिल्ली में ऐसी जगहें हैं, दिल्ली क्या, देश के सारे शहरों में हैं, जो खराब तरीके से बनी हैं। हम तीन सौ वर्ष तक एक ऐसी गवर्नमेंट के मातहत रहे जो कि एक पुलिस स्टेट कहलाती थी, उसके नीचे रह कर ऐसे मकानात होना मुमकिन नहीं था जो कि अच्छे कहे जा सकें, लेकिन आज हम चाहते हैं कि हमारा हर एक शहर सुन्दर बने। हम दिल्ली के लिए भी यही चाहते हैं, लेकिन जहां तक इन चीजों का ताल्लुक है, हम चाहते हैं कि फाल्टी अर्रजमेंट की वजह से यह मुहल्ले न गिराये जावें। अगर किसी दूसरी चीज के साथ वह कम्बाइन्ड हों, तो भले ही इसको ले लें, लेकिन अगर सिर्फ फाल्टी अर्रजमेंट की वजह से किसी एरिया को ढाना शुरू कर देंगे तो आफत बरपा हो जाएगी क्योंकि लोगों के मकान बनाने का काम इतना लम्बा चौड़ा है कि आसानी से उसे हल नहीं किया जा सकता।

फिर इस बिल के अन्दर लिखा है :

"as respects any area that the buildings in that area—"

यह कांम्पिटेंट अथारिटी का काम है कि वह किसी एरिया को स्लम एरिया करार दे दे। लेकिन इस में यह दर्ज नहीं है कि इस के अन्दर खराब मकानों का क्या परसेन्टेज होना चाहिए, इस का होना बहुत जरूरी है, नहीं तो बड़ी मुश्किल पड़ जाएगी। लोगों की मालूम होना चाहिए कि अगर उन की बिल्डिंग इतनी खराब होगी तो उस का स्लम एरिया करार दे दिया जाएगा। मैं समझता हूं कि इस चीज के बिना यह बिल इन्कम्प्लीट है क्योंकि इस के अन्दर पूरी पिक्चर नहीं है कि कांम्पिटेंट अथारिटी कैसे किसी एरिया की स्लम एरिया करार देगी। मैं चाहता था कि वह पिक्चर भी हमारे सामने होती,

उस को देख कर हम कह सकते कि इस पिक्चर के मुताबिक यह काम किया जाए। कांम्पिटेंट अथारिटी का जिम्मा पहले भी आ चुका है। हम को बताया गया था कि एक एंडवाइजरी बोर्ड बनाया जाएगा जो इस मामले को देखेगा। मुझे नहीं मालूम कि इस मामले में कहां तक तरक्की हुई है और उस की क्या तजवीज है। उन की तजवीज की अदम मौजूदगी में मेरे वास्ते जायज नहीं है कि मैं बिल के वास्ते कुछ क्जिटिसिज्म करूं, लेकिन मैं कहना चाहता हूं कि वह हिस्सा तजवीज का इस बिल के साथ आना चाहिए था ताकि स्लम क्लियरेंस के साथ हम स्लम एरिया व साफ किये हुए एरिया का नमूना भी देख लेते जो इस बिल के अन्दर मकानात का दर्ज है, और जो स्लम का हिस्सा है उस को किस तरह से गिराया जाएगा और खर्चा वसूल किया जाएगा। लेकिन जहां पर कटरे का कटरा गिरा दिया जाएगा उस सूरत में क्या होगा यह इस के अन्दर साफ नहीं है। मैं चाहता था कि वह भी इस के अन्दर होता ताकि हम कह सकते कि किस तरह से काम करना चाहिये। उस की अदम मौजूदगी में मैं अर्ज करूंगा कि जिस तरह से हमारे पहले बिल, गवर्नमेंट प्रेमिसेज के बिल, की किस्ती टूट गई, उसी तरह से हमें इस बिल की किस्ती टूटती मालूम होती है। क्योंकि वह चीज हमारे सामने नहीं है जिस से हम मालूम कर सकते कि आप गरीब आदमियों के साथ कैसा मुलूक करना चाहते हैं। इस वक्त तो मैं यही समझता हूं कि जिस तजवीज से आप स्लम एरिया के लोगों को राहत देना चाहते हैं उस तजवीज से नहीं दे सकते, क्योंकि हमारे पास पूरी तसवीर और मसाला मौजूद नहीं है। मैं नहीं चाहता कि जैसा पिछली दफा किया गया, कि स्लम एरिया के अन्दर रहने वाले आदमियों को आठ मील दूर जंगल में ले जा कर छोड़ दिया गया, वैसा किया जाए। अगर गवर्नमेंट यह कहे कि उन लोगों को आठ मील दूर मकानात दिए जाएंगे, तो

हम लोग उस के भी बखिलाफ नहीं हैं, अगर आप सब आदमियों को एक जगह पर मकान नहीं दे सकते क्योंकि जगह कम है, तो हम यह भी नहीं कह सकते कि आप सब आदमियों को एक ही जगह मकान दें, लेकिन मैं यह जरूर देखना चाहता हूँ आप उन को वहाँ पर भेजें जहाँ पर उन के विजिनेस और ट्रेड्स से रोजी कमाने का साधन व उम्मीद हो। जहाँ तक ट्रेड्स का सवाल है, आप उन को भी अलग रख सकते हैं, लेकिन जो लोग हाथ से काम करने वाले हैं, अपने घरों में जूते बनाने वाले हैं, जिन लोगों को उसी की कमाई है, जो सैकड़ों वर्षों से इस काम को करते चले जाते हैं, अगर आप उन को आठ मील दूर भेज देंगे, या जो लोग सब्जी वगैरह का या बरतन बनाने का काम करते हैं और उसी से अपना गुजारा करते चले आए हैं, अगर आप उन को इतनी दूर भेज देंगे, जहाँ पर वह अपनी रोजी न कमा सकें तो यह वाजिब नहीं होगा। इस लिए इस तरह से शहरों को रिडेवलप करने में पहली शर्त होनी चाहिए कि आप मैजारिटी आफ दि पीपल को उसी जगह पर मकान देंगे जहाँ पर उन के कस्टमर्स हैं, जहाँ वह अपना काम कर सकें। आप दिल्ली के लिए ऐसा प्लान बनाएं जिस में यह सब आसानियां लोगों को मयस्सर हों, एक जगह से ले कर दूसरी जगह तक इस सिलसिले में लोगों को कोई तकलीफ न हो। आप इस तरह की चीजें हमारे सामने रखें, हमें इस में कोई एतराज नहीं है लेकिन जब मैं ने इस बिल को देखा तो मुझे नहीं मालूम हो सका कि नया नक्शा क्या है। अगर वह होता तो हम कह सकते कि वह नक्शा दुस्त है या नहीं।

इस के अलावा कुछ ऐसे लोग हैं जो बहुत गरीब हैं, जिन के पास रहने के लिए मकान हैं, जो किरायेदार नहीं हैं, आप ही मालिक हैं और आप ही अपने मकानों में रहते हैं, कुछ ऐसे लोग हैं जो टेंटें हैं, कुछ ऐसे बड़े बड़े आदमी हैं जिन के पास कई-कई

मकान हैं, और तह बाजारी या जमीन के भी मालिक हैं। हमारे आन्टरेबल मिनिस्टर साहब ने जो क्रिटि. किया वह ऐसे आदमियों के लिए लागू हो सकता है लेकिन बाकी आदमियों पर यह चीज लागू नहीं होती। उन के बारे में खास तौर पर मैं आन्टरेबल मिनिस्टर साहब की तबज्जह दिलाना चाहता हूँ, और उस हिस्से की तरफ दिलाना चाहता हूँ जिस का ताल्लुक कम्पेन्सेशन से है। इस कानून में, जहाँ तक कम्पेन्सेशन का सवाल है, जमीन और मकान दोनों चीजों को मान कर सिक्सटी (६०) टाइम्स मंचली रेंट रक्खा गया है।

इस बिल के अन्दर उसके शैड्यूल के अन्दर यह दर्ज है कि इस रकम का ६० परसेंट उसको दिया जाएगा और बाकी जो ४० परसेंट है, वह कलेक्शन चांजिस या और दूसरी चीजें जो होंगी उनकी खातिर रख लिया जाएगा। मिसाल के तौर पर मैं अर्ज करता हूँ कि अगर कोई मकान मालिक है जोकि जिस मकान में वह रहता है, उसकी कीमत २,००० रुपया है और आज उसका किराया, मान लीजिये, पांच या सात रुपया माहवार है। यह किराया मुझे तो ज्यादा मालूम नहीं देता है और हो सकता है कि आप को ज्यादा मालूम दे। पहले आम तौर पर ३ फीसदी कायदा समझा जाता था—अब भी ५ या चार परसेंट प्रापर्टी की उपज होती है। तो आज जिस मकान में मालिक खुद रहता है और उस मकान की कीमत अगर १५०० भी रखें और उसका किराया पांच रुपया माहवार रखे, तो इसके हिसाब से वह ३०० रुपये का ही हकदार है। अब इस ३०० रुपये का ६० परसेंट जो उसे शैड्यूल की दफा १५ के मातहत मिलेगा, वह केवल १८० रुपया ही होगा। मैं आपसे पूछना चाहता हूँ कि क्या यह ठीक है? मेरी अदब से गुजारिश है कि आपने कांस्टीट्यूशन का दफा ३१ को एमड किया। साथ ही साथ जो पुराना एक दफा थी कानून १, १९६४ का

[पंडित ठाकुर दास भार्गव]

उसके तहत उसको मार्किट बैल्फ का १५ परसेंट और मिला करता है, वह भी खत्म हो गई। तो मैं भदब के साथ धर्ज करना चाहता हूँ कि जो गरीब आदमी है और जो आज अपने मकान में रहता है, कोई बजह नहीं है कि आप उसको आज इतनी बड़ी सैक्रिफाइस करने के लिए कहें। मैं आपको बतलाना चाहता हूँ कि जिन स्लम्स को इम्प्रूवमेंट ट्रस्ट ने एक्वायर किया था, उनका उसने पांच से दस रुपया फी गज के हिसाब से उनको मुआवजा दिया। जब वे लोग कोर्ट में गए तो मुआवजे की रकम कुछ बढ़ गई। लेकिन इस पर भी लोग इतने नालां थे कि जिसका कोई ठिकाना नहीं है और सारे मामले को देखकर कमेटी के सभी मैम्बरान ने महसूस किया कि मुआवजा कम दिया गया है। इस जमीन को जब बाद में डिवेलप कर लिया गया और फिर बेचा गया तो बहुत बड़ी रकम फी गज लेकर बेचा गया। यह वही जगह है जहां आप आज डिलाइट सिनेमा तथा दूसरी आलीशान बिल्डिंग देखते हैं। मैं इस बात को मानता हूँ कि अगर फैंसी प्राइसिस मांगी जायेंगी या फैंसी प्राइसिस दी जाएंगी तो स्लम क्लियरेंस का जो काम है वह चल नहीं सकेगा। आप जहां पर आज स्लम्स को क्लियर करना चाहते हैं, वहां जिस आदमी का आप मकान लें उस शर्म्स को आप यह गारंटी दें कि आप उसको जगह डिवेलप हो जाने के बाद मकान देंगे, जिससे सैक्रिफाइस करायेंगे, उसको आप प्लाट देंगे और साथ ही साथ नकशा भी देंगे। इस तरह से उसको प्लाट और नकशा देकर आप उस पर इंस्टिट करें कि वह वैसा ही मकान आपको बना कर दे जैसा की आपके प्लान के अन्दर है। वह जो मकान बनायेगा वह सस्ता बनायेगा, खुद काम करेगा, अपने दोस्तों की मदद लेकर काम करेगा और अच्छा बनायेगा, मजबूत बनायेगा। जब पहले पहल नगर और इसके इर्दगिर्द मकान बने थे उस वक्त इन को कोई लेने को तैयार

नहीं था और सब यह कहते थे कि ये मकान सी० पी डब्ल्यू० डी० के बनाये हुए हैं इनमें मट्टी ही मिट्टी लगी हुआ है और खराब है। आज चूंकि उन स्थानों पर जमीन की कीमत बढ़ गई है, इस वास्ते इनकी कीमत भी बढ़ गई है। इस वास्ते मैं यह धर्ज करना चाहता हूँ कि जब आपको जमीन मिल जाए और आप प्लाट्स काट लें और उन लोगों को इन प्लाट्स को दें और साथ ही एक नकशा भी दें और उनसे कहें कि वे इस नक्शे के मुताबिक मकान बना लें तो वे लोग कम पैसों में, अपनी मेहनत से, आपके हुकम के मुताबिक मकान बना कर आपको दिखा देंगे जोकि ज्यादा मजबूत होंगे। अगर आप सैक्रिफाइड हो जायें तो आप उनको इन मकानों में रहने की इजाजत दे सकते हैं।

श्री नवल प्रभाकर (बाह्य दिल्ली—रक्षित—अनुसूचित जातियाँ) : अगर रहने वाले ज्यादा हों, तो क्या होगा ?

पंडित ठाकुर दास भार्गव : अगर आप यह समझते हैं कि जितने भी उन स्लम्स में रहते हैं उन सब को वहीं बसाया जा सकता है, तो यह गलत बात है, ऐसा हो ही नहीं सकता है यह एक नामुम्किन चीज है। आज हम देखते हैं कि यहां पर इन स्लम्स में एक एकड़ में २५०० लोग रहते हैं। हर एक आदमी को आप मकान बना कर दें, यह नामुम्किन है। इंगलंड में जब मैं एक कमेटी के साथ गया था तो वहां पर मैंने देखा था कि एक म्यूनस्पल कमेटी ने ३५,००० मकान बनाए थे लेकिन यह नहीं हो सका था कि हर एक आदमी को मकान मिल जाता। वहां की आबादी भी कम है और उस मुल्क के हमारे मुल्क से रिस्पोसिब भी ज्यादा हैं। हमारे सामने केवल एक दिल्ली का ही सवाल नहीं है। यह ठीक है कि दिल्ली राजधानी है, जहां पर मिनिस्टर भोग रहते हैं और इस लिहाज से यह एक खुश कस्मत जगह है। लेकिन साथ ही साथ बाकी

शहरों ने क्या कसूर किया है, वे भी तो हमें उतने ही प्यारे होने चाहियें, जैसे कि दिल्ली। सभी शहरों के लोग यही चाहते हैं कि वहां भी स्लम्स न रहें। इस वास्ते हमें कोई ऐसा ब्यू नहीं लेना चाहिये जो कि प्रेक्टिस में न आ सकता हो। एज ए प्रेक्टिकल मैन मैं भर्ज करता हूं कि आप प्लॉट बना कर दें और साथ ही साथ उनको आप एक नक्शा दें और उनसे कहें कि वे इसके मुताबिक अपने मकानात बनायें। अगर आप चाहें तो आप एक वक्त मुकर्रर कर सकते हैं जिसके अन्दर उनको मकान बना कर देने के लिए आप बाध्य कर सकते हैं। मैं मानता हूं कि उनको एक मुकर्रर वक्त के अन्दर मकान बनाने में बड़ी मुश्किल पेश आएगी क्योंकि लोगों के पास पैसा नहीं है। लेकिन फिर भी मुझे उम्मीद है कि वे इसको कर सकते हैं। हार्डशिप का होना तो जरूरी है। आप आज करोड़ों रुपया लो इनकम ग्रुप वालों को कर्ज दे कर मकान बनवाने में खर्च कर रहे हैं। आपने उन शरणार्थियों को जिन के पास मकान भी नहीं थे इस तरह की सहायित दी है। यह बहुत अच्छा काम है जो आपने किया है और ऐसे कामों से ही पता चलता है कि यह एक वेलफेयर स्टेट है। सचमुच जब मैं गवर्नमेंट को ऐसे-ऐसे काम करते हुए देखता हूं तो मुझे बड़ी खुशी होती है। ऐसे काम करके आप लोगों की शुकरगुजारी हासिल करते हैं और यही उनकी शुकरगुजारी हासिल करने का सबसे बड़ा जरिया है।

इस बिल की जो पोजिटिव साइड है वह हमारे सामने नहीं रखी गई है, इस वास्ते उसको मैं कंसिडर नहीं कर सकता और उस पर कोई राय नहीं दे सकता। आपने यही कहा है कि ऐसी जमीनों को रिडिवेलप करने की कोशिश की जाएगी, कैसे आप रिडिवेलप करेंगे, किस तरह से यह सब काम होगा, यह एक ब्लोज्ड चैप्टर है, और मैं इसपर रायजनी नहीं कर सकता हूं मैं यह भी नहीं कह सकता कि इसको जानबूझकर हमारे सामने पेश नहीं किया गया है। हो सकता है कि आनरेबल

मिनिस्टर साहब ने जब तक इसका पूरा तस्वीना न लग जाए, तब तक उसको ब्रहा दर्ज करना वाजिब न समझाए। तो सारी पिक्चर है वह हमारे सामने नहीं है।

जो बिडल कमिटी की रिपोर्ट है उसमें खास तौर से एक सलूक है उस सलूक का हमारे आनरेबल मिनिस्टर साहब ने भी अभी-अभी अपनी तकरीर में जिक्र किया है और निहायत संजीदगी से उसको एंडोर्स किया है। वह सलूक यह है कि इसके अन्दर जितना भी पब्लिक को-ओपरेशन हासिल किया जाए, उतना ही थोड़ा है। मैंने एक तरह की को-ओपरेशन का जिक्र अभी किया है और वह मकानात के मालिकान के साथ जो सलूक किया जाना चाहिये उसके बारे में है। लेकिन जो टेनेंट्स होंगे उनको इससे सबसे ज्यादा दिक्कत होगी। मकानों के मालिकों के बारे में यह तो आप कह सकते हैं कि उनको अगर मुआवजे की बजाए प्लॉट मिले तो कुछ तो मिलेगा, उनके पास कुछ तो फाल बैक करने के लिए होगा। लेकिन बहुत से ऐसे लोग हैं जो टेनेंट्स हैं और जिनके पास आपको देने के लिए कुछ भी नहीं है, जो रोते हैं। और न उनके पास ज्यादा रिसोर्सज हैं। लेकिन ताहम दिल्ली एक ऐसा शहर है, एक ऐसा खुशकिसमत शहर है जिसके अन्दर लोगों को भूख का मुकाबला आम तौर पर नहीं करना पड़ता है।

14 Hrs

यह जो सारा लाहौर उठकर यहां आया और ये जो लाखों शरणार्थी यहां आ गये उसकी वजह यह थी कि उनको लाहौर से और पंजाब से आते ही रोजी मिल गयी। गवर्नमेंट की मेहरबानी से सारे बाजारों में उनकी दूकानें लग गयीं और सारे चबूतरों को उन्होंने आकुपाई कर लिया। दिल्ली में अब भी सराउंडिंग एरिया से मजदूरी अच्छी मिलती है। हर एक मजदूर यहां इतना बदहाल नहीं है जैसे कि मजदूर बाकी हिस्सों में हैं। यहां पर ऐसी सूरत है। मैं गवर्नमेंट से उनके वास्ते वह

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अर्ज करना चाहता हूँ कि सरकार उनके लिए जो मकानाएँ बनवाये उनका मुनासिब किराया वसूल करे। जो गवर्नमेंट सरकारी नौकरों से १० पर सेंट लेती है उससे ज्यादा हरगिज इससे न लिया जाये। जिनके बास्ते मकान बनाये जायें उनको पब्लिसिटी के जरिये यह एश्योरेंस मिलना चाहिए कि उनके साथ हर तरह की रियायत बरती जायेगी और उनको तकलीफ नहीं होगी। आज लोग स्लम क्लियरेंस चाहते हैं, जो लोग वहाँ रहते हैं भी चाहते हैं लेकिन वे डरते हैं क्योंकि उनको पता नहीं है कि उनके साथ कैसा सलूक होगा और किस तरह से वे रहेंगे। मैं चाहता हूँ कि उनका को-आपरेशन लिया जाये, उनसे मजदूरी करवाई जाये। इस तरह से उनको काफी दिनों तक काम भी मिलेगा। उनको सारी कंडीशन्स बतलाकर उनका को-आपरेशन लिया जाये। और जैसा कि अभी मेरे एक दोस्त ने कहा उनसे कुछ श्रमदान भी लिया जाये क्योंकि एक शहर को अच्छा बनाने के लिए हर एक शहरी का फर्ज कि वह कुछ सेक्रेफाइस करे चाहे वह मजदूर हो या न हो। मैं चाहता हूँ कि उनको पब्लिसिटी के जरिये बतलाया जाये कि आपका उनके रिहैबिलिशन का क्या प्लान है।

जहाँ तक उन लोगों का ताल्लुक है जिनके आप मकानाएँ लेना चाहते हैं, उनके बारे में मैं फिर आपकी इजाजत से यह दोहराना चाहता हूँ कि जो आपने कम्पेन्सेशन दिया है वह शाकिंगली कम है। इट शाक्स वन्स कांशेंस। हर एक मालिक ने १५ बरस तक फायदा नहीं उठाया है। जिन्होंने ज्यादा फायदा उठाया है अगर आप उनके साथ कमी करें तो मुझे कोई ज्यादा एतराज नहीं होगा। लेकिन उनके लिए भी आप इतना कम न करें कि उनको आठवाँ हिस्सा या दसवाँ हिस्सा दें। यह वाजिब नहीं है। मैं तो चाहता हूँ कि आप कम्पेन्सेशन के सवाल को ही हटा दें। आप जिनके मकानाएँ ले उनको

जमीन दें। उनको जो आप मिनिमम जमीन वाजिब समझते हैं वह आप दें तो उनको कोई एतराज नहीं होगा और वह आपके साथ को-आपरेट करेंगे। बाकी जिन लोगों को किराया देना है उनका किराया मुकर्रर कर दिया जाये। वरना जो आपने कम्पेन्सेशन रखा है यह वाजिब नहीं होगा और इसकी वजह से लोगों में बहुत डिससैटिस्फेक्शन पैदा होगा। इतना कम कम्पेन्सेशन मिलने की वजह से बहुत लोग सस्ती के शिकार हो जायेंगे।

इन अलफ्राज के साथ मैं इस बिल को सपोर्ट तो करता हूँ लेकिन मैं चाहता हूँ कि जो कुछ मैंने कहा है उस पर आनरेबल मिनिस्टर साहब तबज्जह फरमावें।

Mr. Chairman: I find that six hours have been allotted for these two Bills—this Bill and the other Bill. We have to divide the time for these Bills. Today is the last day of the session, and we do not know how long Members will be able to sit late. We should stick to the time-table.

Pandit G. B. Pant: So far as this Bill is concerned, I think it would not take more than an hour.

Mr. Chairman: So many Members have sent their names.

Pandit G. B. Pant: We shall listen and see.

Mr. Chairman: If we can finish this Bill quickly, certainly we can devote more time to the other Bill, because there are many amendments to the other Bill.

Pandit G. B. Pant: The recommendation made by madam Chairman was that we should finish this Bill early so that some time may be available to the other Bill, if there is no controversy over this Bill.

Shri M. K. Meitra (Calcutta North-West): This is a very important Bill.

Mr. Chairman: Though it may be very important, we have to finish it within the allotted time. Six hours are allotted for both these Bills. There are many amendments to the other Bill.

Shri Nand Lal Sharma (Sikar): What is the quota of time?

Mr. Chairman: That is what I want to know. Otherwise, Members will say there is not enough time and all that. I have already got so many names with me.

Shri Radha Raman (Delhi City): We have not been able to follow. Out of six hours, how much time do you want for the Slum Areas (Improvement and Clearance) Bill?

Mr. Chairman: That is what I want to know.

Shri Radha Raman: We suggest four hours for this Bill and two hours for the other Bill.

Pandit Thakur Das Bhargava: Three hours and three hours respectively.

Pandit G. B. Pant: The suggestion was that less time should be given to this Bill and more time to the other Bill. I do not think this Bill is going to take as much as four hours. It cannot possibly take.

Shri Radha Raman: Then, what time should be given for the other Bill?

Pandit G. B. Pant: Fix four hours.

Mr. Chairman: I shall try to accommodate all the Members who have sent their names, but they should not repeat what has already been said by other Members. That is my only request.

Shri Nand Lal Sharma: We have been thinking that there will not be so many Members to speak. So, we did not send our names.

Mr. Chairman: I shall consider how many Members I can accommodate. I cannot promise. Members should try to be very brief and to the point. Shrimati Subhadra Joshi may now speak.

श्रीमती सुभद्रा जोशी (करनाल) :

समापति महोदय, राज जो ये दो बिल इस सभा के सामने आये हैं, उनके लिए मैं सचमुच गवर्नमेंट को बचाई देती हूँ।

राज्य सभा में और यहां भी ऐसा मालूम हुआ कि शायद ये बिल अचानक आ गये। राज्य सभा में भी ऐसा कहा गया और कुछ सदस्यों ने यहां भी यह कहा है कि शायद इन बिलों को काफी वक्त नहीं दिया गया। या जैसी कमेटी वगैरह बनायी जानी चाहिए थी वह नहीं बनायी गयी। तो सबसे पहले तो मैं यह अदब से अर्ज करना चाहती हूँ कि यह स्लम क्लियरेंस का और किरायेदारों का मामला कोई नया मामला नहीं है। दिल्ली के लोगों का बरसों से इन सवालियों से ताल्लुक रहा है और इस हाउस में भी यह स्लम क्लियरेंस की बात बार बार आ चुकी है, इसके लिये दर्जनों कमेटीज बन चुकी हैं। इसके लिए प्रवान मंत्री ने भी एक अलग कमेटी बना रखी है, हेल्थ मिनिस्टर ने भी

[श्रीमती सुमद्रा जोशी]

एक कमेटी बना रखी है और यह मामला कई दफा हाउस के सामने आ चुका है और इस पर बातचीत हो चुकी है।

जैसा कि पंडित ठाकुर दास भार्गव ने कहा, अभी तक दिल्ली वालों को यह नहीं मालूम कि आपकी स्लम क्लियरेंस की डेफीनीशन क्या है। जो हालत इस बारे में अभी तक रही है अगर वही आगे भी रहने वाली है मैं श्रद्धा से भ्रज कलुंगी कि उससे हम सचमुच डरते हैं। इस मामले में सबसे बड़ी दिक्कत तो यही है कि यह पता नहीं चलता कि इस मामले से कौन डील करता है। कभी कोई बिल इसके लिए हैलथ मनिस्टर ले आती हैं, आज होम मिनिस्टर साहब इसके लिए बिल लाये हैं, एक बिल हाउसिंग वाले मिनिस्टर साहब भी ला चुके हैं। ये सभी बिल स्लम क्लियरेंस से ताल्लुक रखते हैं। जब इस हाउस में बिल आते हैं तो मिनिस्टर उनको डिफेंड करते हैं लेकिन उन पर अमल आफिसर्स करते हैं। इसमें हमको बड़ी परेशानी होती है। जैसा कि ठाकुरदास जी ने कहा कई दफा एश्योरेंस दिये जाते हैं पर जब उन पर अमल नहीं होता तो उन पर हमको भरोसा नहीं होता। कभी कभी ऐसा होता है कि इस मामले में अलग अलग मुहकमे अलग अलग तरीके से काम करते हैं। एक मिनिस्टर एश्योरेंस देता है, दूसरा मिनिस्टर एश्योरेंस नहीं देता। और जब अलग अलग मुहकमे काम करते हैं तो वे बिना कोऑर्डिनेशन के काम करते हैं। हैलथ मिनिस्टर ने हमको बहुत बार एश्योरेंस दिये कि लोगों के मकान नहीं गिराये जायेंगे लेकिन पिछले दिनों दिल्ली में एक और आघारिटी बनी है जिसका नाम है दिल्ली लैंड एंड डेवेलपमेंट आघारिटी। इस आघारिटी ने जाकर पहाड़गंज में करीब दो सौ मकान गिरा दिये और हमने जब खुद जाकर तहकीकात की तो मालूम हुआ कि उन्होंने कोई नोटिस नहीं दिया था। हम यह ६-७ साल से सजेशन दे रहे थे कि ऐसा न किया

जाये। जिस वक्त हमने उन लोगों से पूछा कि तुमने नोटिस क्यों नहीं दिया तो उन्होंने बतलाया कि अगर हम नोटिस देंगे तो ये लोग अदालतों में जायेंगे इसलिए हमने नोटिस नहीं दिया। मैं ने उनसे कहा कि अदालतों तो हैं ही इसलिए कि लोग उनमें जायें। अगर आप चुपके से मकान गिरा देंगे तो कैसे काम चलेगा। न मालूम यह किस तरह का मुहकमा है। हम इम्प्रूवमेंट ट्रस्ट के पास गये, चीफ कमिशनर के पास गये। तो डिप्टी कमिशनर ने उनको दूसरी जगह जमोन दे दी। लेकिन दो तीन दिन बाद मालूम हुआ कि उस आघारिटी ने वहां पर भी जाकर मकान गिरा दिये। इसलिए यह बहुत जरूरी है कि मुल्तलिफ मुहकमों में कोऑर्डिनेशन हो। हमको अभी तक ठीक तरह नहीं मालूम कि स्लम क्लियरेंस की डेफीनीशन क्या है। हमारे यहां बहुत बरसों से यह समझा जा रहा है कि स्लम क्लियरेंस का मतलब शायद जगह को साफ करने से है और जो आदमी वहां रहते हैं शायद उनके लिए प्रोग्राम यह है कि उनको आंखों से ओझल कर दिया जाये और ऐसी जगह रखा जाये कि जहां उनको कोई देख न सके। हम लोगों ने पिछले बहुत वर्षों से यह कोशिश की कि हकूमत इस बात को महसूस करे कि स्लम-क्लीयरेंस का मतलब सिर्फ यही नहीं है कि जमीन को साफ किया जाय, उस की डेवेलपमेंट की जाय, बल्कि उस का मतलब यह है कि वहां के रहने वालों को अच्छे मकान दिए जायें। उन लोगों के लिए मकानों का जो प्रोग्राम बनता है, वह भी बहुत टेढ़ा होता है। मैं बड़े श्रद्धा से भ्रज करना चाहती हूं कि अब एक नई बात शुरू हुई है। हमारे यहां कमेटीज बनती हैं, लेकिन जिस तरह स्लम-क्लीयरेंस के वक्त उन इलाकों में रहने वाले विक्टिम हो जाते हैं, उसी तरह उन कमेटीज में काम करने वाले पार्लियामेंट के मेम्बर भी विक्टिम

हो जाते हैं। जिस तरह हाउस धाफ़ लाईज में धपनी मर्जी का काम करवाने के लिए लाईज क्रीएट किए जाते थे, उसी तरह जिन मेम्बरो की मुखालिफ राय होती है, उन को ड्राप कर दिया जाता है। दूसरी कमेटी बना दी जाती है और वही मसले उन के सामने रख कर तय कर दिए जाते हैं। ध्राज हमारे आनरेबल होम मिनिस्टर के सामने वह मसला है। हम चाहेंगे कि इन सब बातों पर गौर कर के वह इस समस्या का कोई उचित और स्थायी हल निकालें। पंडित ठाकुर दास भागव ने अभी चमारों का जिक्र किया। इस सम्बन्ध में मैं रिक्शापुलर्ज और कुम्हारों का जिक्र करना चाहती हूँ। बदकिस्मती से दिल्ली में कुम्हार मिट्टी के मटके बनाते हैं। अभी उन्होंने रेफ़ेरीजरेटर बनाने की कोशिश नहीं की है। दिल्ली की गरीब जनता अभी तक चबूत्री का मटका ले कर ठण्डे पानी का गुज़ारा करती है। उन के यहां अभी कूलर और रेफ़ेरीजरेटर नहीं आए हैं। अगर हम इस तरफ़ तवज्जह न दें और उन लोगों को शहर से दूर दूर फ़ैक दें तो सिर्फ़ यही नहीं होगा कि वे लोग मटके बेचकर रोज़गार नहीं कर पायेंगे, बल्कि दिल्ली की गरीब जनता को ठण्डा पानी भी नहीं मिलेगा। अभी ठण्डा पानी तो मिलता है—बाहे वह जाँडिस वाला ही हो—लेकिन फिर तो वे उससे भी महकूम ही जायेंगे।

इस सम्बन्ध में मेरा निवेदन यह है कि हम ने लिखित रूप में कोई व्यवस्था नहीं की तो यहां के बेशुमार रिक्शा-पुलर्ज और टांगे वाले बहुत दूर फ़ैक दिए जायेंगे। यह नज़र आता है कि उन को छः छः, सात सात मील दूर फ़ैकने की कोशिश की जा रही है। मैं ध्राप का ध्यान इस बात की तरफ़ दिलाना चाहती हूँ कि हम चाहते हैं कि नई दिल्ली के कौन कौन से टैक्सी-स्टैंड बन जाय। हम चाहते हैं कि हम टेलीफ़ोन करें, या हम या हथारा नौकर बाहर निकले, तो फ़ौरन एक

टैक्सी हमारे सामने आ जाय। लेकिन इस के मुकाबले में रिक्शा-पुलर्ज और टांगे वालों को हम शहर से कई मील दूर फ़ैक देना चाहते हैं। मैं यह पूछना चाहती हूँ कि अगर हम ने उन झिलमिल ताहिरपुर, शाहदरा या निजा-मुद्दीन भेज दिया, तो क्या वे यहां पर आ कर अपना रोज़गार कमा सकेंगे या लोग उन से फ़ायदा उठा सकेंगे। ये सब बातें साफ़ हो जानी चाहिए। यह नहीं है कि हम ने इस पुराने नज़रिये में तब्दीली नहीं देखी है। हम ने वह तब्दीली देखी है—और उस की हम को खुशी है। हम ने हैल्य मिनिस्ट्री के नज़रिये में भी तब्दीली देखी है और दूसरे महकमों के नज़रिये में भी तब्दीली देखी है, लेकिन चूंकि सब बात लिखित रूप में नहीं होती है, इस लिए उन को बदल दिया जाता है। दिल्ली में एक नए ध्राफ़िसर—डिप्टी कमिश्नर—आये हैं और वह बहुत मुनासिब आदमी हैं, पर इस बात के सिलसिले में उन के नज़रिये में फ़र्क है। जो जो एशोरेन्स दिए गए, वह उन से वाकिफ़ नहीं हैं। दिल्ली में फ़्लड्ज आए, तो मैं ने उन से दरखास्त की कि इस इलाके का पानी निकलवा दीजिए। उन्होंने कहा कि दिल्ली वालों ने जगह जगह से पानी निकलवाने के लिए कह कह कर तंग कर रखा है, यहां पर तो दर्जनों बस्तियां ऐसी हैं, जो कि स्लम-क्लीयरेंस स्कीम के मातहत आई हैं, हम यह सब कैसे करें? तब मैं ने कहा कि अगर आप पानी नहीं निकालते हैं, तो जो कैम्प लगा रखें हैं, उन को दो चार दिन और रहने दीजिए। उन्होंने कहा कि यह भी नहीं हो सकता है। फिर मैं ने उन से कहा कि ये लोग कहते हैं कि उन को दूसरी जगह भेजना है, वहां ध्राज ही भेज दीजिए। उन्होंने कहा कि यह भी नहीं हो सकता है, जब इन की बारी आयेंगी, तब भेजेंगे। उन्होंने यह भी कहा कि हम नहीं जानते कि इन का क्या होगा, ये हमारी मरजी के खिलाफ़ वहां बैठें हैं। मैं भर्ब करना चाहती हूँ कि यहां पर एशोरेन्स की गई भी और यह कायदा बना हुआ है कि

[श्रीमती सुमद्रा जोशी]

अगर किसी को हटाया जाता है, तो उस को दूसरी जगह दी जाती है, लेकिन यह बात उन की समझ में नहीं आई। उन्होंने कहा कि इन लोगों की धादत बिगड़ गई है। बार बार यह सवाल हमारे सामने आते हैं। मुनासिब यही होगा कि इन को कोई कानूनी शक्ल दी जाय और उन को रहने के लिए मुनासिब जगह दी जायें।

जहां तक इस बिल का ताल्लुक है, हम इस का सचमुच स्वागत करते हैं, क्योंकि हमारे यहां हजारों लोग इस तरह के हैं, जो इन गन्दी बस्तियों में रहते हैं। मालिक मकान उन मकानों की मरम्मत नहीं करते हैं और जान-बूझ कर उन को गिरा देना चाहते हैं ताकि बाद में वे ज्यादा किराया वसूल कर सकें। इस के बाद एक दूसरा बिल हमारे सामने आयेगा। उस के सम्बन्ध में आप को मालूम होगा कि यहां के मकानों के किरायेदारों में हाहाकार मचा है। एक वक्त ऐसा था, जब कि यहां पर जमीन बहुत सस्ती थी और जमीनों के मालिक खुद लेजा लेजा कर लोगों को वहां पर आबाद करते थे। आज पचास हजार के करीब लोग ऐसे हैं, जिन को दिल्ली में अमलेदार कहा जाता है, जोकि ऐसी जमीनों पर बैठे हैं और आज कानून उन के खिलाफ पड़ता है, लेकिन एक वक्त ऐसा था जब कि उन को लेजा लेजा कर, कौड़ियों का किराया लेकर, जबर्दस्ती, खुशामद से वहां पर आबाद किया गया था। आज दिल्ली में जमीनों की कीमत बहुत बढ़ गई है और लोग बड़ी रफ्तार के साथ जमीन और मकान बेचना चाहते हैं। नए मकानों पर किराये का कानून लागू नहीं होता है, इस लिए लोग इस बात की कोशिश करते हैं कि हम पुराने मकानों से किरायेदार को निकाल दें और बाद में पगड़ी लें और किराये को बढ़ा कर नए किरायेदार को दें। स्लम्स में जो किरायेदार रहते हैं उन को भी प्रोटेक्शन दिया गया है, मैं उस का स्वागत करती हूं। मैं अर्ज करना चाहती हूं कि जान-बूझ कर वे स्लम्स बनाई

गई हैं और यह कोशिश की जाती है कि उन की कोई मरम्मत न कराई जाय और उन की हालत ठीक न रहे और किरायेदार को निकाल दिया जाय। हम ने बहुत अच्छी तरह से इन सब बातों पर गौर किया है। मकान मालिक को इनसेन्टिब देने के लिए जो व्यवस्था की गई है, उस का जो दुस्रपयोग होता है, वह कोई छिपी बात नहीं है। तेरह, चौदह पंद्रह वर्षों से अनगिनत वर्षों से—हम किरायेदारों की लड़ाई लड़ रहे हैं। हम चाहते हैं कि उन के हितों को हिफाजत की जाय और स्लम-क्लीयरेंस के बहाने से उन को उन के मकानों से बाहर न निकाल दिया जाय।

इसी तरह से जमीन एक्वायर करने और स्लम-एरिया डिक्लेयर करने की व्यवस्था का भी हम स्लम-डवेलर्ज की तरफ से स्वागत करते हैं। दिल्ली में और उस के आस-पास बेशुमार जमीन ऐसी पड़ी हुई है, जहां पर मकान बनाए जा सकते हैं, लेकिन वहां पर झोंपड़ियां पड़ी हुई हैं और उन जमीनों के मालिक अपनी जगह का बड़ा किराया वसूल करते हैं। उन जमीनों में पहले बड़े खड्डे थे, लेकिन आन्नादी आने के बाद, डेमोक्रेसी आने के बाद म्यूनिसिपल कमिटीज ने उन को भर दिया, जिससे उन की कीमतें बहुत बढ़ गईं। अब वे लोग कोशिश करते हैं कि पुराने रहने वालों को निकाल कर दूसरे लोगों को रखें और उन से ज्यादा किराया लें।

आखिर में मैं आनरेबल मिनिस्टर से यह अर्ज करना चाहती हूं कि गवर्नमेंट का नजरिया बदल रहा है और उस का लक्ष्य समाजवादी ढांचा कायम करने का है, लेकिन अगर उस के इम्प्लीमेंटेशन की तरफ ध्यान न दिया गया और आनरेबल मिनिस्टर ने इधर तवज्जह न की, तो वह समाजवादी ढांचा सिर्फ समाजवादी आंसा नजर आयेगा। मैं चाहती हूं कि इस कानून के इम्प्लीमेंटेशन में भी गरीब लोगों का ध्यान रखा जाय, जिन्हें

तरह कि इस कानून को बनाते वक्त उन का ध्यान रखा जा रहा है ।

मैं ग्रानरेबल मिनिस्टर से कहूंगी कि वह जल्द से जल्द इस कानून का इम्प्लीमेंटेशन अच्छी तरह से शुरू कर दें ।

श्री नवल प्रभाकर : समापति सहोदय, गन्दी बस्तियों को साफ करने के सम्बन्ध में जो विधेयक हमारे सामने प्रस्तुत है, मैं उस का स्वागत करता हूँ । उस का मैं इस लिए भी स्वागत करता हूँ कि इन गन्दी बस्तियों में गरीब धादमी रहते हैं, इस लिए भी स्वागत करता हूँ कि उन में पिछड़े वर्ग के लोग और ज्यादातर हरिजन लोग रहते हैं और मैं माननीय मंत्री जी को धन्यवाद देना चाहता हूँ कि बहुत दिनों से हमारे मन में जो ध्याना थी, वह आज पूर्ण हुआ चाहती है । कुछ शंकाएं इस सम्बन्ध में मेरे मन में हैं और उन के सम्बन्ध में मैं आप से कुछ कहना चाहता हूँ ।

इस से पूर्व भी मैं ने कहा था और आज भी मैं कहना चाहता हूँ कि मेरा यह दृढ़ निश्चय है कि यदि आप वस्तुतः गन्दी बस्तियों को साफ करना चाहते हैं, तो उन गन्दी बस्तियों में रहने वाले लोगों के लिए आप कुछ आकर्षक सुझाव दीजिए, उन के सामने कुछ आकर्षक बातें रखिए । जैसा कि मैं ने पिछली बार भी कहा था, दिल्ली के आस-पास बहुत सी जगहें खाली पड़ी हुई हैं और वे इम्प्लूवमेंट ट्रस्ट के पास हैं । पिछले दिनों मेरे एक प्रश्न के उत्तर में मुझे बताया गया था कि १६३ एकड़ भूमि आज भी इम्प्लूवमेंट ट्रस्ट के पास है और वह भूमि दिल्ली के आस-पास है । मैं ने उस वक्त भी कहा था और आज फिर कहना चाहता हूँ कि यदि दिल्ली इम्प्लूवमेंट ट्रस्ट अपनी बनिया बुद्धि को छोड़ कर इस १६३ एकड़ भूमि का, जो कि नजदीक से नजदीक हो, एक नक्शा बनाए और आवश्यक-

कार्यवाही कर के लोगों को सुविधायें दे, तो उस भूमि में बहुत धादमी आबाद हो सकते हैं ।

मैंने देखा है कि जब यह स्लम्स का मामला आता है, गन्दी बस्तियों का मामला आता है तो कुछ खास खास जगहों के बारे में ही अखबारों में चर्चा रहती है और उन्हीं के सम्बन्ध में आये दिन विवाद भी होता है और यहां हाउस में भी उन्हीं का नाम लिया जाता है । लेकिन मैं बतलाना चाहता हूँ कि कि बाग कड़े खां, बापानगर और मोतीनगर आदि भी ऐसी बस्तियां हैं जिनकी कि तरफ कोई देखता भी नहीं है और जिनको कि कोई स्लम्स नहीं मानता है । मेरा यह दावा है कि वहां पर जो धादमी रहते हैं जो लोग वहां पर रहते हैं वे हमारे पिछड़े वर्ग के भाई लोग हैं और वे वहां पर इतनी बुरी अवस्था में रहते हैं कि पशु भी उतनी सराब अवस्था में न रहते होंगे पशुओं से भी बदतर उनकी अवस्था है । मैं माननीय मंत्री से कहना चाहता हूँ कि वे भी स्लम्स हैं और उनकी ओर भी ध्यान देना चाहिए । मैं चाहता हूँ कि इम्प्लूवमेंट ट्रस्ट के पास जो काफी जमीन है उसको ले सकते हैं और जमीन लेकर के उस को डेवलप कर सकते हैं और उसमें सुधार करके और विकसित करके उसमें मकानात बना सकते हैं, मकान न बनायें तो उनको प्लाट्स सस्ती से सस्ती कीमत पर दे दें और उन प्लाट्स को ले करके जो हमारी लो कोस्ट हाउसिंग की योजना है उसके अन्तर्गत उनको कर्जा दें ताकि वे मकान बना सकें और इस तरह गन्दी बस्तियों को साफ किया जाय ।

पंडित ठाकुर दास भार्गव ने भी इसे कहा कि हमें यह चाहिए कि हम उन लोगों को जिनको कि स्लम्स को सफाई के बावले हटाते हैं, यह कोशिश करना चाहिए और उनको यह विश्वास दिखाना चाहिए कि जैहां तक हो सकेगा आप लोगों को यहीं पर

[श्री नवल प्रभाकर]

दुबारा नये मकानों में बसाया जायगा या नजदीक ही बसाया जायेगा तब तो ठीक रहेगा और अगर वहां पर जाकर उनको यह नोटिस दिया जायगा कि तुम को यह बस्ती फौरन खाली करनी पड़ेगी तो बेकार में दूसरी राजनैतिक पार्टियों के कार्यकर्त्ताओं को गलेबाजी करने का मौका मिलेगा और वे उनमें चिल्लाते फिरेंगि कि देखो किस तरह से कांग्रेस गवर्नमेंट के अन्दर तुमको सताया और तबाह किया जा रहा है और हम लोगों को जो कि उनसे कहते रहते हैं कि सरकार तुमको तबाह नहीं करना चाहती बल्कि वह तो तुमको ऊपर उठाना चाहती है, उनको बड़ी परेशानी और दिक्कत का सामना करना पड़ेगा। हम तो उनको वहां से यह कह कर उठवाना चाहते हैं कि भाई आज आप लोग इन जगहों को छोड़ कर चले जाइये, यहां पर सफाई होकर जब मकान बनेंगे तब आपको इनमें दुबारा बसाया जायगा। मेरे कहने का मतलब यह है कि जो हमारे भिखारी वर्ग के लोग हैं उनके साथ इस तरह की सहानुभूति का रवैया रख कर यह काम करना चाहिए। जिस तरह एक अनुभवी डाक्टर मरीज को तसल्ली देता है कि वह शीघ्र ही भच्छा हो जायगा और इस तसल्ली से उसकी घापी बीमारी वैसे ही निकल जाती है, उसी डाक्टर की तरह का रवैया, मेरी प्रार्थना है कि हमारे अधिकारी वर्ग के लोग उनके प्रति अस्थिर करें। गरीब आदमी अधिकारी वर्ग की सहानुभूति चाहते हैं और जब तक उनके प्रति यह सहानुभूति नहीं दिखायेंगे तब तक यही होगा जैसे कि हमने देखा कि मोतीनगर में एक दर्जन या दो दर्जन पुलिस वाले लेकर पहुंच गये और वहां जाकर आर्डर दे दिया कि वहां से निकल जाओ और उस निकालने के सिलसिले में झगड़ा फसाद उठ खड़ा होता है और हमने मोतीनगर में देखा कि दूसरी पार्टी के लोगों ने उन माइनों को भड़काया और उन्होंने पुलिस पर पत्थर फेंके और पुलिस ने उन पर

लाठी चार्ज किया जिसमें कुछ लोगों को चोटें आईं। और आज भी वह मामला अशान्त के अन्दर चल रहा है। लेकिन अगर उनको अच्छे तरीके से कह दिया जाता कि आप लोग यहां से उठिये, इस जगह हमें अस्पताल बनाना है, अमुक जगह पर आपको लेजाकर बसायेंगे तो वह काम बहुत ही सरलता से हो सकता था। इस तरीके का अगर हम एटोचूड रज्जें तो मैं नहीं समझता कि स्लम्स क्विपेरेंस के अन्दर जो अनेकों कठिनाइयां और दिक्कतें हैं, वे रफा ही सकती हैं।

मैं कह रहा था कि इम्प्रूवमेंट ट्रस्ट अपनी वह जगह दे और उसके अन्दर उनको बसाया जाय। इसके अलावा मैं यह भी कहना चाहता हूं कि आसपास जो बहुत सारी जमीनें पड़ी हुई हैं उन को ले लिया जाय और छोटे छोटे प्लॉट्स बना लिये जायें और उन प्लॉट्स पर मकान बनाने के वास्ते गवर्नमेंट अपनी तरफ से सबसिद्धो दे कि जो स्लम्स एरिया के रहने वाले भाई हैं वे अगर यहां पर आना चाहते हैं तो आयें और मैं समझता हूं कि ५० प्रतिशत लोग तो ऐसे होंगे जो कि यह चाहते हैं कि हमारे अपने निजी मकान हों, क्योंकि मुझे मालूम है कि जो हमारे विस्थापित भाई हैं उनके लिए एक स्कीम बनाई गई, तिहाड़ जो यहां से लगभग ८, ९ मील पड़ता है, वहां के लिए उनको कहा गया कि आपको १००, १०० गज जमीन दी जायगी और मकान बनाने के वास्ते आपको ५००, ५०० रुपया दिया जायगा, तो लोग उधर आकर्षित हुए, उन्होंने सोचा कि १०० गज जमीन हमें मिल रही है, साथ में ५०० रुपया हमको मिल रहा है, बल्कि उनको ५३० रुपया दिया जाता था, तीस रुपया तम्बू लगाने के लिए दिया जाता था और ५०० रुपया इस वास्ते दिया जाता था कि कोई छोटा मोटा मकान खड़ा कर लें, तो उस तरीके की कोई आकर्षक स्कीम हो तो मैं समझता हूं कि लोग उधर खिचेंगे और मैं समझता हूं कि आज दिल्ली के अन्दर हर आदमी के दिमाग में

यह बात है कि उसका एक छोटा मोटा घर होना चाहिए और उस घर को वह बनाया चाहता है। जैसा पंडित ठाकुर दास भार्गव ने कहा कि जो जमीन है उसको गवर्नमेंट एक्वायर करेगी तो उसमें जो ६० गुना मुआविजा देने की बात है, मैं कहता हूँ कि वह पर्याप्त है क्योंकि सैकड़ों साल से जिसने किराया लिया है और जो जमीन उसके बाप दादा ने एक आने गज भी न खरीदी होगी, बहुत सी दिल्ली की जो पुरानी जगहें हैं, मेरे खयाल में दो पैसे गज के हिसाब से खरीदी गई होगी, उनका अगर आज २ रुपये गज भी मिलता है तो ३२ गुना ज्यादा कीमत उसको उस जमाने के हिसाब से मिलती है और उसके परिवार के कितने ही लोगों का गुजारा आज तक ब्याज से ही चलता रहा है। स्लम्स क्लियरेंस का काम बहुत अच्छा है और मैं उसका स्वागत करता हूँ लेकिन जो लोगों के उठाने का इंग है वह सहानुभूतिपूर्ण होना चाहिए और यदि उनको समझा बुझा कर उठाया जायगा तो मैं समझता हूँ कि उसमें कोई दिक्कत नहीं आने वाली है। भजमेरी गेट और जमना बाजार के अलावा भी दिल्ली में बहुत अधिक स्लम्स हैं जिनको कि स्लम्स नहीं माना जाता। बाग कड़े खां की बाबत मैं आपको बतलाऊँ कि बरसात के दिनों में जब मैं वहाँ पर गया तो एक फिट काली कीचड़ वहाँ पर थी जिसमें से कि बहुत सड़ी बू आ रही थी और ऐसी गंदी हालत में छोटी छोटी कोठरियों में दस दस और बारह बारह आदमी रहते हैं और उनकी और कोई ध्यान नहीं देता है। आप ऐसी गंदी जगहों को स्लम्स ऐरिया फौरन डिक्लेयर कर दीजिये। सरकार एक सर्वे कराये और सर्वे कराने से यह प्रतीत हो जायगा कि कितने आदमी वास्तव में गंदी 'बस्तियों' में हैं, और कितने आदमियों के लिए कितनी जगह की आवश्यकता है। मान लीजिये कि हमारे यहाँ दिल्ली में ४ लाख व्यक्ति ऐसे हैं जो कि गंदी बस्तियों में रहते हैं अब उससे यह भन्दाजा लगा लिया जाय कि एक परिवार में यदि ५ व्यक्ति होते हैं

तो उसके हिसाब से कितने घर हमें चाहिए और उसके लिए कितनी जगह हमें चाहिए, वह सब हमें करना चाहिए।

अन्त में मैं एक बात कह कर बैठ जाता हूँ कि वह तो ठीक है कि हमें गंदी बस्तियों में से वहाँ के रहने वालों को बाहर निकालना है लेकिन उसके साथ मैं यह जरूर चाहूँगा कि उनकी रोजी और रोटी का प्रबन्ध भी हो जाना आवश्यक है।

यह एक बहुत बड़ी बात है। हम ने कुछ बस्तियों में, जो कि बाहर की बस्तियाँ हैं, जा कर देखा, जैसे लाजपतनगर वगैरह में, जिन में आदमी चले भी गए हैं, लेकिन उन के पास कोई रोजगार नहीं है। होता यह है कि वहाँ जा कर रह रहे हैं और गंदी बस्तियों में काम करने के लिए आकर बैठ जाते हैं। यहाँ वास्तव में गंदी बस्तियाँ बहुत ज्यादा हैं। अगर उन की सफाई करनी है तो वहाँ पर रोजगार करने वाले लोगों के लिए दूसरी जगह पर रोजगार का प्रबन्ध करना बहुत जरूरी है। मान लीजिए कि आप शहादरा की तरफ कोई कारखाना खोलना चाहते हैं या नई दिल्ली से आगे चल कर ओखला की तरफ खोलना चाहते हैं, तो यहाँ की मजदूर बस्तियों को वहाँ पर ले जा कर बसाएं और उन में हर तरह के लोगों को बसाएं। अगर आप एक ही तरह के लोगों को वहाँ ले जा कर बसा देंगे तो काम नहीं चलेगा। इस सम्बन्ध में दिल्ली की रीजनल अथॉरिटी ने भी सोचा है। अब कुछ इस तरह विचार किया जाने लगा है, इस का मैं स्वागत करता हूँ। मान लीजिए कुछ लोग हजामत बनाने का काम करते हैं, नाई हैं, कपड़ा धोने वाले धोबी हैं, आप उन लोगों के लिए कुछ प्लाट्स अलग रख सकते हैं। जहाँ पर सब लोगों को प्लाट्स दिए जाते हैं वहाँ पर इन लोगों का भी ध्यान रखा जाए तो काम ज्यादा ठीक हो सकेगा।

[श्री नवल प्रभाकर]

मैं समझता हूँ कि अगर सरकार मेरे सुझावों पर विचार करेगी तो लोगों का कल्याण होगा और वस्तुतः जो लोग बहुत दिनों से आशा लगाए हुए थे वह इस का स्वागत करने को तैयार हैं, लेकिन अगर इस तरह से किया गया तो वास्तव में उन लोगों के लिए स्वर्ग के द्वार खुल जाएंगे और वह सरकार को बन्धनवाद देंगे।

श्री ५० सा० बाबूपाल (गंगानगर—अंजनू—रक्षित—अनुसूचित जातियाँ) : माननीय सभापति महोदय, जो विधेयक लोक सभा में प्रस्तुत किया गया है, मैं उस का स्वागत करता हूँ। लेकिन इस का मतलब यह नहीं कि गन्दी बस्तियों के सुधार के नाम से गरीब मजदूरों को उठा कर दूर फेंक दिया जाए। मैं आज पांच वर्ष से दिल्ली इम्प्रूवमेंट ट्रस्ट का रबैया देखता आ रहा हूँ। यहां पर कुछ ऐसे लोग हैं जो भीषण परिस्थितियों में रहे रहे हैं, जिन का कोई ठीर ठिकाना नहीं है, जहां से वह आए हैं वहां भी उन का कोई घर नहीं, इधर भी घर नहीं, मैं उन को खानाबदोश भी नहीं कह सकता। मेरे कहने का मतलब यह है कि आज हम बातें करते हैं कि समाजवादी व्यवस्था के आधार पर देश का निर्माण किया जाए, लेकिन दिल्ली इम्प्रूवमेंट ट्रस्ट का रबैया यह है कि गरीब आदिमियों को उन की जगहों से उठा कर जो बड़े बड़े भूमीर लोग हैं, वसों को खर्च कर सकते हैं, उन को ला कर बसा दिया जाए। यह सोचने की बात है कि जिन लोगों ने आप के इन भव्य भवनों का निर्माण किया, आप का रिजर्व बैंक बनाया, आप की पालियामेंट का भवन बनाया, सेन्टेटेरियट बनाया, और गवर्नमेंट के ही नहीं दूसरे हजारों मकानों का निर्माण किया और कर रहे हैं, उन गरीबों के लिए आज रहने के लिए झोपड़ी तक नहीं है। आज हम गन्दी बस्तियों का सुधार करना चाहते हैं, मेरे पूर्व वक्ता श्री नवल प्रभाकर जी ने सुझाव दिया कि सरकार की ओर से ऐसे

लोगों को मुआवजा मिलना चाहिए, कुछ वे लोग स्वयं दें, और उस की जगह पर उन लोगों को अच्छे मकान बना दिए जाएं।

इसके साथ ही मैं यह चाहता हूँ कि जहां तक मकान बनाने का सवाल है, लोक सभा के अन्दर एक ऐसा विधेयक लाया जाए, जिस प्रकार से सरकार ने और बहुत से सुधार के कार्य किए हैं, अर्थात् राजाघाँ और जार्ज-दरियों का राष्ट्रीयकरण किया। मेरी प्रार्थना है कि मकानों का भी राष्ट्रीयकरण किया जाए। आज हम देखते हैं कि एक बहुत बड़ा भ्रामदमी है, उसके पास पचासों मकान हैं, जो कि खुद की प्रापटी बनाकर, उसने होटल वगैरह खोल लिया है और अपने मकानों को किराए पर चलाता है। वह कुछ काम घंघा नहीं करता, उसी को भ्रामदमी पर निर्भर करता है, उसी से खाता पीता है, आखिर उस पर रोक क्यों न लगाई जाए? ऐसे मकानों पर नियंत्रण किया जाए और उनको सरकार अपने हाथ में ले ले। आपको मालूम है कि दिल्ली के अन्दर सब कुछ मिल सकता है, लेकिन किसी गरीब भ्रामदमी को जो कि आठ दस मील से काम करने के लिए यहां आता है, यहां पर किराये पर मकान नहीं मिल सकता है। आपको चाहिए कि इसके लिए वर्तमान कानूनों में ही कोई संशोधन करें या नया विधेयक लायें और इस प्रकार के फालतू मकानों के बनाने पर प्रतिबन्ध लगाया जाए, और जिन के पास पहले से ही ज्यादा मकान मौजूद हैं उनका उपयोग सरकार खुद करे।

आज मैं देखता हूँ कि दिल्ली में राजस्थान से आए हुए कोई तीन लाख मजदूर हैं, इन मजदूरों की हालत बहुत बुरी है। सुधारवाद का नाम ले कर उनमें से किसी को तो तेहाड़ भेज दिया जाता है, और किसी को तीमारपुर। वह लोग दिल्ली के अन्दर मजदूरी करने के लिए दस बारह मील चल कर आते हैं। इधर तो सड़ों के अन्दर काम करते हैं और उधर भूप में। इतनी मेहनत कर के और कष्ट उठा कर

यह बेचारे मजदूर रोटी कमा पाते हैं और किसी तरह से अपने बाल बच्चों का पालन पोषण करते हैं। आज हम लोगों के सामने उनकी समस्या है। ऐसे मजदूरों के लिए कहीं पर नजदीक ही मकान बनाए जाने चाहिए। इसकी ओर ध्यान देना सरकार का काम है। उन मजदूरों के लिए न कहीं टट्टी का इन्तजाम है और न पानी का इन्तजाम। दूसरी तरफ हम देखते हैं कि बागीचों में पानी फालतू बहता रहता है। इधर गरीबों की कतार लगी रहती है, वह लोग बाल्टियां लिए खड़े रहते हैं, लेकिन पानी नहीं मिलता है। एक तरफ तो अमीर लोगों के रहने का ढंग है और दूसरी ओर उनकी जिन्दगी का ढंग है सास बहू एक साथ रहती है और दोनों के जच्चाखाने भी उसी झोंपड़ी में होते हैं। आपको इस ओर विशेष ध्यान देना चाहिए। मैं सरकार से प्रार्थना करता हूँ कि सदन के अन्दर जो यह विषयक आया है कहीं उससे ऐसा न हो कि गरीबों को उखाड़ कर बाहर फेंक दिया जाए और उन इलाकों में फिर वह न आने पाए और उस जगह को पैसे वाले आदमियों को दे दिया जाए। अभी साउथ ऐबेन्यू के अन्दर मेरे पास कई घोड़ी आये और कहने लगे कि हम कम से कम चार पांच वर्ष से यहां पड़े हुए हैं, अब हम को यहां से उखाड़ कर बाहर फेंक दिया जाएगा। बताइए, अगर हमें बाहर फेंक देंगे तो किसके कपड़े धोएंगे और क्या खाएंगे? यह सोचने की बात है। यह पुनर्वास मंत्रालय का काम है। आज देश को आजाद हुए ६ वर्ष हो गए, लेकिन ऐसे लोग पड़े हुए हैं जिनकी झोपड़ी भी नहीं बन पाई है। आप को ऐसे लोगों की खोज करनी चाहिए। आज ऐसे लोग हैं जिनके पास न झोपड़ी है और न कोई और ठिकाना है, अगर आज आप उनको उखाड़ कर बाहर फेंक देंगे तो उनका रोजगार और घंघा भी खत्म हो जाएगा। आज हमारे सामने इस प्रकार की समस्या है।

मैं विशेष समय नहीं लेना चाहता, केवल यह चाहता हूँ कि आप लोग इस ओर ध्यान

देें और इन मजदूरों के लिए ऐसी व्यवस्था करें जिनसे उनके जीवन का सुधार हो सके। ऐसा वह न समझे कि उनके घरों को छीन करके दिल्ली का सुधार हो रहा है, बड़े-बड़े मकान बन रहे हैं और उसमें सरकार को हिस्सा मिल रहा है। मैं कहना चाहता हूँ कि हमारी सरकार गरीबों की बनाई है और गरीबों और अमीर दोनों के लिए जो उचित हो वह होना चाहिए।

Shri Balakrishnan (Erode—Reserved—Sch. Castes): I welcome this Bill which has been brought by the Government to improve the lot of the poor people, who are living in the slums and I take this opportunity to thank the hon. Home Minister who has got more sympathy and affection towards the poor people, especially the Harijans. You know, Sir, most of the people who are living in the slums are Harijans. I may inform the House that there are about 84 Cherais in Madras. Fortunately or unfortunately, the slums—Cherais—are in the heart of the cities and towns. So, naturally I fear that when the law is given effect to, the rich people may take advantage of it to evict the Harijans, who live in the heart of the town. I remember that some 25 years back in my place, the rich people wanted to evict the Harijans, but since the law was not there they could not succeed. Now the law has come. So the rich people may take advantage of it for evicting the Harijans, because they are living in the heart of the town. I would, therefore, request the hon. the Home Minister to see that such things do not happen.

Then I wish to say something about the conditions of the slum living people. Fortunately, I had the privilege of receiving our hon. Deputy Home Minister when he visited our place, and he was kind enough to visit so many places in my taluk. He visited a village called Kariampatti, and he saw a hut there eight feet long and six feet broad. In that hut about

[Shri Balakrishnan]

twelve persons are living. But in many places there is no separate hut even; the cattle and human beings have to live together. Such are the conditions of the slum people. To my mind, in our country, in our Nava Bharat, we should not allow slums to exist at all. I am, therefore, glad that Government has taken steps for improving the lot of the poor people.

In this Bill I find that provision is not made to provide alternative houses before the poor people are evicted from the slums. That is a very important point. I would beg of the hon. the Home Minister to see that before these poor people are evicted from the slums, alternative houses are given to them. Otherwise they will suffer very much, and they will curse us. I request the hon. the Home Minister to kindly have this point in mind, because they cannot immediately construct the houses. It is, therefore, the duty of the Government to see that these people are given alternative houses when they are evicted.

Another point I wish to make is this. You are going to give them notice to re-model the houses according to the modern amenities and so on. But how can they construct those unless they have got the money? You know that the slum-living people are poor people. Unless they are given some financial aid, how can they construct the houses? If you compel them, how can they construct them? So, I request the hon. the Home Minister to give them financial aid to improve their houses.

I would also like to suggest that provision should be made in this Bill to start a Financial Corporation, that is, a Slum Improvement Corporation, and the poor people should be given loans on easy instalment basis to reconstruct their houses. Otherwise they will suffer.

With these few words, I request the hon. the Home Minister to kindly consider the points I have placed before him.

श्री मोहन लाल सक्सेना (जिला लखनऊ व जिला बाराबंकी) : समापति महोदय, यह जो बिल पेश किया गया है, इसका मैं स्वागत करता हूँ। इस प्रकार के सामाजिक बिलों के लाये जाने के बारे में मैं बहुत ही कोशिश में था।

हमारे देश में मकानों की समस्या बहुत ही जटिल है। मैंने दूसरे देशों में भी इस समस्या के बारे में जानकारी हासिल करने को कोशिश की है और इस तरफ ध्यान दिया है। मैं आपको बतलाना चाहता हूँ कि जहां तक गन्दी बस्तियों की सफाई का सम्बन्ध है, हम सब इस बात से सहमत हैं कि इन्हें खत्म कर दिया जाना चाहिये। लेकिन हमें समझ लेना चाहिये कि गन्दी बस्तियाँ पैदा कैसे होती हैं, वे बनती कैसे हैं। हमें इस बात का भी खयाल रखना चाहिये कि कहीं ऐसा न हो कि एक तरफ तो हम गन्दी बस्तियों को साफ करें और दूसरी तरफ गन्दी बस्तियाँ बनती जायें। साथ ही साथ हमें इस बात का भी ध्यान रखना होगा कि जिन गन्दी बस्तियों को हम साफ करें, वहां पर रहने वालों को फायदा पहुंचे, अगर आपने गन्दी बस्तियों को तो खत्म कर दिया लेकिन वहां पर रहने वालों के लिए कोई खास प्रबन्ध नहीं किया तो इससे कोई खास फायदा नहीं होगा और वे लोग किसी दूसरी जगह जा कर गन्दी बस्ती बसा लेंगे।

मैं पांच छः सालों से बराबर इस बात पर जोर देता रहा हूँ कि सरकार की कोई हाउसिंग पालिसी नहीं है। बगैर इस तरह की पालिसी बनाए आप किस तरह से लोगों को घर दे सकेंगे। इंग्लैंड में जहां पर कि कंजरवेटिव गवर्नमेंट है, उसकी भी नीति यही है कि वहां पर कोई जमीन को बंच नहीं सकता है। वहां पर जो भी जमीन तैयार की जाती है, जिस जमीन को भी सुधारा जाता है, वह केवल उन्हीं लोगों को दी जाती है जिन के पास कोई मकान

नहीं है। हमारे मुल्क में बदकिस्मती से यह देखा जाता है कि जो ज्यादा से ज्यादा कीमत अदा करे उसी को जमीन दी जाए, फिर चाहे उसके पास १० ही मकान क्यों न हों। आप देखें कि जब से आपने देहली इम्प्रूवमेंट ट्रस्ट की स्थापना की है सन् १९३७ में, तब से उसने बड़ी बड़ी इमारतें बनाई हैं, उसने बहुत से मकानात के लिए जमीन भी आज आपने पास रखी हुई है, लेकिन उसने इस बात पर विचार नहीं किया कि इसी शहर में कितने ऐसे लोग हैं जो बगैर मकान के हैं, कितने लोग हैं जो दीवारों के कोनों में, और सड़कों के किनारों पर पड़े रहते हैं। आज उनकी फिक्र करना, ऐसा मालूम होता है, उसका फर्ज नहीं है। उसका काम तो यह है कि मान लीजिये कि उसने २०० प्लाट डिवेलेप किए हैं, तो वह उन सब को एक साथ नहीं बेचेगा बल्कि धीरे धीरे बेचेगा क्योंकि उसे फिक्र है कि कहीं एक साथ बेचने से भाव गिर न जाए। हालांकि हम कहते हैं कि हम सोशललिस्टिक (समाजवादी) ढांचे पर संगठन करना चाहते हैं लेकिन हम कार्य इस तरह के करते हैं। हमने एक रेंट कंट्रोल एक्ट बना रखा है जिस का मकसद यह है कि समाज का एक वर्ग समाज के दूसरे वर्ग से नाजायज फायदा न उठा सके। यह जो ऐक्ट है यह तो सोशललिस्टिक अथवा समाजवादी है लेकिन हमारी जो लैंड पालिसी अथवा जमीन सम्बन्धी नीति है कि जमीन सब से ज्यादा दाम देने वाले को दी जाए, वह केपिटलिस्टिक अथवा पूंजीवादी है। इसका नतीजा यह होता है कि जो आदमी ज्यादा दाम दे कर मकान बनाता है, चाहे किराये पर देने के लिए बनाता है या अपने रहने के लिए, वह जब उसे किराये पर उठाता है तो पगड़ी लेकर, नजराने की शकल में रुपया लेकर, उठाता है। इसका कारण यह है कि वह जो रुपया लगाता है वह केवल सेवा करने की गर्ज से ही नहीं लगाता है बल्कि मुताफा हासिल करने की गर्ज से लगाता है। इंग्लैंड में अगर एक आदमी के पास एक मकान है

तो वह दूसरा मकान नहीं बना सकता है क्योंकि वहां कायदा यह है कि मकान उसी को बनाने की इजाजत मिलेगी जिस के पास कोई मकान नहीं है। हमारे यहां यह कायदा नहीं है। हमारे यहां एक आदमी चाहे जितने मकान बना सकता है। जब ऐसी बात है तो किस तरह से ये बतियां सुधरेंगी, किस तरह से लोगों को बसाया जाएगा, यह समझ में नहीं आता है। हमने देखा है कि अजमेरी गेट में बड़ी बड़ी इमारतें बनी हुई हैं, ऐसी ऐसी शानदार इमारतें बनी हैं जिन को देखने से हमें बम्बई की याद आए बिना नहीं रहती। इन इमारतों के बनने से जो आदमी उजड़े, जो बरबाद हुए वे कहां गए हैं यह शायद आपको पता नहीं है। उन्होंने फिर गन्दी बतियां बना ली हैं जिन के बारे में आपको पता नहीं होगा। वे दिल्ली के इंदरगिर्द ही हैं। यह तो वैसी ही बात है कि जैसे घरों का कूड़ा उठाकर के सड़क पर डाल दिया जाता है फिर उसको सठाकर के कहीं डबर उधर फेंक दिया जाता है। तो मैं यह कह रहा था कि आज इस बात की इजाजत है कि अगर किसी के पास दो चार मकान हैं, किसी के पास पेंशियल मकान हैं अगर वह चाहे तो और भी जमीन खरीद कर और मकान खड़े कर सकता है और उनको खड़ा करने के लिये उसे मैटोरियल भी मिल सकता है। यह सब ठीक नहीं है। इस वास्ते सब से जरूरी चीज यह है कि आज हम कोई हाउसिंग पालिसी बनायें। आज कोई छः बरसों से मैं इसी बात पर जोर देता आया हूं। यही नहीं दिल्ली इम्प्रूवमेंट ट्रस्ट के भूतपूर्व चेयरमैन, मिस्टर सप्रू, जो कि इस पालिसी के बड़े हिमायती थे जब वह यूरोप गए और वहां पर इंग्लैंड, बेस्ट जर्मनी, इत्यादि देशों का उन्होंने दौरा किया और लौट कर उन्होंने एक रिपोर्ट दी, शायद जुलाई १९५४ में दी, आज तक हमें मालूम नहीं है कि उस पर क्या कार्रवाई की गई है। उन्होंने साफ साफ कहा था कि यूरोपियन मुल्कों में कहीं भी कोई रवनमेंट जमीन नहीं बेचती। आप

(श्री मोहन लाल सक्सेना)

खयाल कीजिये कि जब गवर्नमेंट ज्यादा से ज्यादा दाम पर बेचेगी तो दूसरे लोग क्यों नहीं ज्यादा दाम पर बेचेगे । जब तक गवर्नमेंट की जमीन के बारे में यह पालिसी नहीं बदलती तब तक यह सवाल हल नहीं होगा ।

इसके अलावा मैं यह कहना चाहता हूँ कि पहले दिल्ली में पांच या छः लाख की आबादी थी । उसी आबादी के लिए यह शहर बनाया गया था । नई दिल्ली तो सिर्फ जाड़े के मौसम में रहने की जगह थी और यहां लोग रहते थे और फिर चले जाते थे । इसी बास्ते ये मकान एक मंजिले बनाये गये और दूर दूर बनाये गये और एक एक मकान के साथ एक एक दो दो एकड़ जमीन दे दी गयी । लेकिन ६ या ७ वर्षों से जो मैं इस मामले में जोर देता आ रहा हूँ उस पर ध्यान नहीं दिया जा रहा । आज दिल्ली की आबादी १८ लाख से ज्यादा हो गयी है । इसलिए जो पालिसी पुरानी गवर्नमेंट ने उस वक्त के हालात के मुताबिक बनायी थी उसको हम आज भी जारी रखें इसके क्या मानी हैं ? जो एक मंजिले मकान हैं वे आसानी से थोड़ा खर्चा करके दो मंजिले बनाये जा सकते हैं । लेकिन ऐसा न करके सरकार दिल्ली के बाहर जाकर जमीन डेवेलप करती है और वहां पर काम करने वालों को रखती है । इन लोगों को रोज वहां से आने में कितना खर्चा करना पड़ता है उसका भी खयाल करना चाहिये, इसके अलावा सरकार को भी वहां नये सिरे से जमीन डेवेलप करने में कम खर्चा नहीं पड़ता । तो क्यों न हमारी स्कीम ऐसी होनी चाहिये कि दिल्ली में और दूसरे शहरों में जहां कि गन्दी बतिस्यां हैं, वहां पर आबादी का जोर कम हो । और साथ साथ जो जगहें हैं उनको पूरे तौर से इस्तेमाल किया जाये । बस्ती का दूर तक फैलाव करने में दिक्कत होती है, आने जाने के साधन जुटाने पड़ते हैं । लेकिन

अगर आप ऊपर की तरफ बनावें तो उसमें दिक्कत कम हो जाती है । इस बास्ते मैं एक बात और कहना चाहता हूँ कि एक तरफ तो आप गन्दी बतिसियों को हटाते हैं लेकिन आप भूल जाते हैं कि जहां आपने नई बतिस्यां बनायी हैं उनमें भी गन्दी बतिसियों का वातावरण पैदा हो गया है । जो मकान एक परिवार के रहने के लिए बनाये गये हैं आज उनमें दो दो और तीन ती परिवार रह रहे हैं । आप विनय नगर जैसी दूर की बतिसियों में जिन लोगों को मकान देते हैं वे उनको दूसरों को उठा देते हैं और दूसरे बलकों के साथ कहीं पास रहते हैं ।

कई बार कहा गया कि आप दिल्ली से कुछ दफ्तर हटा देंगे लेकिन मैं देखता हूँ कि कोई दफ्तर नहीं हटाया जा रहा है बल्कि यहां पर और दफ्तर बढ़ते ही जाते हैं । हमेशा जब यह सवाल सामने आता है तो कहा जाता है कि हम कोशिश कर रहे हैं लेकिन पांच छः बरसों से मैं देख रहा हूँ कि वहां से कोई दफ्तर नहीं हटाया गया है बल्कि नये दफ्तर यहां बढ़ते ही जाते हैं । अगर आप रिजर्व बैंक की इमारत दिल्ली से आठ दस मील दूर बनाते तो उसमें काम करने वाले उसके आस पास रहते और वहां एक शहर बन जाता । लेकिन आपने वह इमारत नई दिल्ली में बना दी है । नतीजा यह होगा कि उसमें काम करने वाले भी उसी के आस-पास रहेंगे ।

जहां तक इस विषयक का ताल्लुक है मैं इसका स्वागत करता हूँ क्योंकि यह बतलाता है कि इस मामले में हम कुछ करने वाले हैं । लेकिन साथ ही साथ मुझे एक और खतरा मालूम होता है । वह यह कि जब कोई ऐसा कानून बन जाता है जिसमें गवर्नमेंट कुछ करने वाली होती है, तो लोग खामोश होकर बैठ जाते हैं । यह मैं नहीं चाहता ।

यहां पर कुछ इश्योरेसेज ग्रयवा आशवासनों की चर्चा की गयी और कहा गया कि उन पर अमल नहीं होता। मैं उन आदमियों में हूँ जो कि यह चाहते हैं कि मिनिस्ट्रों की बात में कुछ संजीदगी होनी चाहिए। जब मैं देखता हूँ कि आज एक मिनिस्टर एक आशवासन देता है पर कल ही वह उसे दूसरे दिन दूसरे माने दे कर टाल देता है या दूसरा मिनिस्टर उसको रद्द कर देता है, तो मुझे यह मुनासिब नहीं मानूँ होता। आज हम डिमो-क्रेसी ग्रयवा प्रजातंत्र की पहली सीढ़ियों पर हैं। आज हम जो मिसालें कायम करेंगे आगे लोग उन पर चलेंगे। आज अगर कोई मिनिस्टर वायदा करे और उस पर अमल न किया जाये या उसको टाल दिया जाये तो यह ठीक नहीं है।

इस बिल में एक चीज का लिहाज नहीं रखा गया है। जब आप नोटिस देते हैं, किसी गन्दी बस्ती को साफ करने का तो वह केवल साफ करने का ही काम नहीं है। वह सिर्फ इतना ही काम नहीं है कि आपका अफसर जाकर उस जगह पर कब्जा कर ले। उसी के साथ मैं यह सवाल भी जुड़ा हुआ है कि जो आदमी वहाँ रहते हैं वे कहां जायेंगे। यह भी आपको बताना चाहिये और मैं समझता हूँ कि इसका इतिजाम हो सकता है। जिस तरह की हमने अपनी पांच बरस की योजना बनायी है उसी तरह की योजना इन लोगों के मकानों के लिये भी बनायी जानी चाहिये। इन लोगों की अगर हम मकान न दे सकें तो कम से कम एक प्लाट ग्रयवा टुकड़ा तो दे दें। जब आप प्लाट देते हैं तो आप महसूस करते हैं कि उनमें सारी चीजें होनी चाहियें, बिजली होनी चाहिये, पानी होना चाहिये, सीवर होना चाहिये। लेकिन हमारे देश में ऐसे बहुत से बड़े शहर हैं जहां ये सारी चीजें नहीं हैं, जहां सीवर नहीं है, या बिजली नहीं है, पानी नहीं है। दूसरे बड़े बड़े मुल्कों में भी सब जगह यह सुविधायें नहीं हैं। वहां पर

जोन्स बनाये जाते हैं। हर एक शहर में कई जोन्स होते हैं। कुछ जोन्स ऐसे होते हैं कि जिनमें ये सारी सुविधायें होती हैं पर उन में रहने वालों को ज्यादा किराया देना पड़ता है, दूसरे जोन्स जिनमें ये सारी सुविधायें नहीं होती उनमें किराया कम होता है। ऐसा यहां भी किया जा सकता है और जब उन जोन्स में ये सुविधायें हो जायें तो वहां पर भी किराया बढ़ाया जा सकता है। तो मेरे कहने का मतलब यह है कि यह विधेयक तो काम करने का विधेयक है और जल्दी काम करने का विधेयक है। लेकिन ज्यादा अच्छा होता अगर कोई कमेटी इस बिल पर विचार कर लेती। अभी बहिन सुभद्रा जी ने कहा कि इस पर बहुत सी कमेटियां बन चुकी हैं। लेकिन वे कमेटियां तो इसलिये बनी थीं कि सफाई होनी चाहिये। इस विधेयक पर विचार होना जरूरी था। अगर हमको देर नहीं करनी मंजूर थी तो जब कि यह बिल राज्य सभा के सामने पेश था उस वक्त इस हाउस की एक इनफारमल कमेटी बना ली जाती जो कि इस पर विचार कर लेती। उस कमेटी में भिन्न भिन्न विचारों के मंम्बर रखे जाते और वे इस पर गौर कर लेते तो यह एक ऐसा बिल बनता कि जो ज्यादा अच्छा होता। हम तो चाहते हैं कि काम जल्दी हो और इफेक्टिवली हो। यह चीज जरूरी थी कि इस पर विचार हो जाता। खैर अगर अभी नहीं हो सकता तो आगे हम इसके बारे में सोच लेंगे।

मुझे कम्पेन्सेशन ग्रयवा मुआविजा की इतनी फिक्र नहीं है। मेरे सामने जो सबसे बड़ा सवाल है वह यह है कि जो आदमी वहां से हटायें जायेंगे वे कहां जायेंगे। उनके बालबच्चे कहां जायेंगे। क्या वे सड़कों पर पड़े रहेंगे। उनके लिये हमको इन्तिजाम करना चाहिये। मुझे और जगह का तजुर्बा नहीं है लेकिन दिल्ली को मैं ने धूमकर देखा है। मैं ने लिखित सुझाव दिये हैं कि दिल्ली में ऐसी जगहें मौजूद हैं जो गवर्नमट ले सकती

[श्री मोहन लाल सक्सेना]

है और उनके प्लाट बना कर लोगों को दे सकती है जिन पर वे अपने मकान बना सकते हैं। उनको गवर्नमेंट मकान बनाने के लिये कर्जा दे। लेकिन जो मकान बनाने के लिये मदद दी जाती है वह उन लोगों को जो कि २५,००० का मकान बना सके। कितना रुपया है आपके पास? आपको शहर के लोगों को पांच पांच सौ रुपया देने में तो दिक्कत होती है। फिर हमारे देश में ऐसे कितने आदमी हैं जिनकी आमदनी ६,००० से ज्यादा है। मैं ने उस वक्त भी कहा था कि इन चीजों को छोड़कर हमारी कोशिश यह होनी चाहिये कि शहर के रहने वालों को कम से कम एक एक प्लाट दे दें। साथ ही मैं यह भी कहना चाहता हूँ कि ये प्लाट बेचे न जायें, कीमत पर न दिये जायें बल्कि किराये पर दिये जायें, मकान बनाने के लिये। और जो बड़े बड़े मकान बन रहे हैं उनको रोकना चाहिये। सरकार को जमीन बेचना बन्द करना चाहिये और जो दूसरी सोसाइटियां या संस्थाएँ जैसे इंप्रूवमेंट ट्रस्ट वगैरह जमीन बेचती हैं उनको भी बन्द करना चाहिये।

इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ। मुझे विश्वास है हमारे गृह-मंत्री जी जो कि इन दिक्कतों से वाकिफ हैं वे उनको दूर करने का कोई रास्ता निकालगे और अगर इस विधेयक में कोई कमी रह जायेगी तो वे उसको रूल बना कर पूरी कर देंगे।

15 hrs.

श्री राधा रमन : सभापति जी, इन दो विधेयकों के सम्बन्ध में सब से पहले मैं तीन मंत्रालयों और केन्द्रीय सरकार के अपने तीन मंत्रियों को बधाई देना चाहता हूँ। उन में से एक तो हमारे माननीय गृह मंत्री जी ही हैं और दूसरे हमारे स्वास्थ्य मंत्री और तीसरे वर्क्स, हाउसिंग और सप्लाय के मिनिस्टर, महोदय हैं। इन विधेयकों से इन तीनों मंत्रा-

लयों का कुछ सम्बन्ध है। इस सम्बन्ध में मैं अपने प्रधान मंत्री की भी बधाई देना चाहता हूँ कि यह विधेयक उन के ही आश्रय और परिश्रम से इतनी जल्दी यहां पर आ सका है। जब से उन्होंने यहां के स्लमज के बारे में कुछ ध्यान दिया है, तब से न सिर्फ दिल्ली के लोगों को बहुत बड़ी आशा बंध गई है और राहत मिली है, बल्कि उस समय से कुछ काम भी हुआ है। यह ठीक है कि जो काम इस बीच में हुआ है, वह बहुत हल्का और थोड़ा है, लेकिन इस बात को हर एक महसूस करता है कि दिल्ली वालों के लिये जो सब से बड़ी और जरूरी समस्या थी और जिसकी वजह से लाखों इन्सान मुसीबत में पड़े हुए थे, उस की तरफ हमारी सरकार का ध्यान गया है और उस के नतीजे के तौर पर कुछ थोड़ा थोड़ा आराम, कुछ राहत मिलनी शुरू हुई है। मैं इन दोनों विधेयकों का स्वागत इसलिये करता हूँ कि ये विधेयक दिल्ली के आम लोगों की जिन्दगी के लिये बहुत ही अच्छे और लाभदायक हैं और इन से हमारी आशा बहुत हद तक पूरी होती नजर आती है।

हम ने जब कभी स्लमज-क्लीयरेंस को विचार में लाया है, तो बद-किस्मती से स्लमज की समाप्ति पर ही ज्यादा जोर दिया गया है। कुछ लोग उस को स्लम-क्लीयरेंस कहते हैं और कुछ उजाड़ना कहते हैं, लेकिन यह तथ्य है कि जहां तक सुधार और निवास का ताल्लुक है, उन की तरफ हमारी तबज्जह कम ही गई। नतीजा यह रहा है कि जो थोड़ा बहुत काम इस सिलसिले में पहिले हुआ—जैसा कि अभी कई मित्रों ने इस सदन के सामने कहा—उस के कारण लोगों को तकलीफें ज्यादा हुई, उनकी मुसीबतें बढ़ीं और फायदा कम हुआ। लोग आशा करते थे कि आजाद हिन्दुस्तान में उन को अच्छी जिन्दगी बसर करने का मौका मिलेगा और उन को कुछ राहत मिलेगी, लेकिन यह राहत मिलने के बजाय कम ही हुई। इस लिए माननीय

गृह मंत्री का ध्यान मैं सबसे पहले इस बात की तरफ दिलाऊंगा कि आज के वातावरण में स्लमज की समाप्ति की इच्छा इतनी नहीं होनी चाहिये जितनी इच्छा उसके सुधार और लोगों के निवास की होनी चाहिये। यह प्रोग्राम तीन हिस्सों में बांटा जा सकता है और उससे ग्राम लोगों को फायदा पहुंच सकता है। सब से पहले तो सुधार का काम है। जैसा कि मैंने आप से कहा है, दिल्ली नगर में कुछ काम हुआ है और हमारे प्रधान मंत्री की कुछ तवज्जह देने की वजह से हुआ है। सरकारी लोगों में उस के सम्बन्ध में कुछ उत्साह पैदा हुआ और ग्राम लोगों को कुछ आशा हुई। कम से कम एक सौ या पचास कटरे ऐसे होंगे, जिन में हवा का गुजर नहीं था, पानी और बिजली की कोई व्यवस्था नहीं थी, जहाँ आंगन में पक्के फर्श के बजाय कीचड़ ही कीचड़ था। इस प्रकार की उन सब तकलीफों में, जो कि यहाँ पर बयान की गई हैं, और जिन को मैं इस वक्त दोहराना नहीं चाहता हूँ, लोग रहते थे। फिर कुछ रुपया इम्प्लूवमेंट ट्रस्ट ने खर्च किया, कुछ म्यूनिसिपल कमिटी ने खर्च किया और कुछ हमारे प्रधान मंत्री जी ने अपने कोष से भारत सेवक समाज जैसी एजेंसी को दिया और इस सब के कारण दिल्ली के कुछ कटरे, जो कि निहायत निकम्मी हालत में थे, जहाँ कि इन्सान का रहना दरगुजर, हैवानों का रहना भी मुमकिन नहीं था, दुरुस्त किये गये।

श्री गाडगील (पूना—मध्य) : तो फिर वे कैसे रहते थे?

श्री शम्भा रामल : वे वहाँ पर हैवानों से भी बदतर हालत में रहते थे। मैं काका साहब से कहूंगा कि वह जरा दिल्ली की गलियों को देखें और यह मालूम करें कि जिन कटरों को दुरुस्त किया गया है, वहाँ भी लोगों की हालत क्या है।

सबसे बड़ा काम स्लम-क्लीयरेंस के बारे में हमारे सामने यह है कि जो मनुष्य उन स्लमज में रहते हैं, हम उन के साथ कैसा व्यवहार करें। यह बात सब जानते हैं कि हम ने दिल्ली को खूबसूरत बनाना है, राजधानी को गन्दी बस्तियों से मुक्त करना है और वहाँ के लोगों को राहत और आराम पहुंचाना है, लेकिन इस के बावजूद सब से बड़ी जरूरत इस बात की है कि जो लोग वहाँ रह रहे हैं मुसोबत उठा रहे हैं और तरह तरह की तकलीफों में फंसे हुए हैं, उन की दो राहत के लपज हमारे सरकारी मुलाजमीन कह दें। अगर वे ऐसा करें, तो मैं कह सकता हूँ कि तब वे उन लोगों का सर्वस्व भी ले सकते हैं, लेकिन वे जब भी जाते हैं, तो अपने कानून के डर को दिखाते हैं, अपने हाथ में डंडा या अपने साथ पुलिस ले कर जाते हैं और इस का परिणाम यह होता है कि उन लोगों का मन फिर जाता है और सरकार के प्रति जो श्रद्धा उन के मन में होती है, वह भी जाती रहती है और बजाय इसके कि वे अच्छे काम में सहयोग दें, उन का रुख विरोधपूर्ण हो जाता है। इस सम्बन्ध में मैं माननीय गृह मंत्री महोदय से यह नम्र-निवेदन करूंगा कि आज वह जमाना नहीं रहा है कि सरकारी अफसर अपने को सरकारी अफसर कह कर कहीं जायें। आज तो जरूरत इस बात की है कि वह अपने को जनता का सेवक समझ कर जायें और जिस आदमी के पास वह जायें, उस को मुहब्बत, रवादारी और अच्छे सलूक से अपनी तरफ खींचने की कोशिश करें। कई बार इस बात का सवाल आया कि जमना बाजार में बहुत से भाई स्लम एरियाज में रहते हैं, उन को उठाया जायें। देहली गेट और अजमेरी गेट से बहुत से लोग उठाये गये और उनको ग्रन्था मुगल में रखा गया। यहाँ पर उन को डेढ़, दो रुपये किराये के देने पड़ते थे, जब कि अब उनको बारह रुपये देने पड़ रहे हैं, हालांकि सरकार भी आधा देती है और वे एक तरह से सन्नि-

[श्री राधा रमण]

डाइज्ड हाउसिंग है। अगर हम उन में से कुछ परिवारों को देखें, तो हमें मालूम होगा कि अगर वे बारह रुपये सरकार को देते हैं, तो उनको एक वक्त खाना मुयस्सर नहीं होता है और अगर वे नहीं देते हैं, तो हमारी सरकार के मुलाजमीन वहां पर उन की चमड़ी उधेड़ने के लिये पहेंच जाते हैं। मैं यह अर्ज करना चाहता हूं कि उन लोगों के साथ रवादारी और प्रेम का व्यवहार नहीं किया जाता है। सरकार ने एक कानून बनाया है और उस पर अमल करना है, यही हमारे सरकारी मुलाजमीन जानते हैं। आज सब से बड़ी जरूरत इस बात की है कि स्लम-क्लीयरेंस के कार्य में हर एक मुलाजिम के दिल में मनुष्यता का व्यवहार करने की भावना पैदा करनी है। अगर हम ऐसा न कर सकें, तो स्लम-क्लीयरेंस का हमारा कोई प्रोषाम पूरा नहीं हो सकेगा। इस विषय में सब से पहले स्लम सुधार और लोगों के निवास की व्यवस्था करनी चाहिये। किसी स्लम को समाप्त करने का कदम हम को सब से आखिर में उठाना चाहिये। सब से पहले हम सुधार करें और उसके बाद लोगों के निवास की समस्या की तरफ तवज्जह दें। जो भारी मुबार के बाद भी उस इलाके में इन्सान की जिन्दगी हासिल न कर सकें, उनको जरूर वहां से ले जाया जा सकता है, लेकिन उन को निवास जरूर मिलना चाहिये।

हम मिलमिल ताहिरपुर में गए, वहां सैकड़ों मकान बने हैं और इस मकसद से बने हैं कि जमना बाजार के निवासियों को वहां बसाया जाये। वे मकान बड़े अच्छे हैं और कोई भी आदमी वहां रहना पसन्द कर सकता है, लेकिन जब तक वहां पानी का इन्तजाम न हो, सब प्रकार का सुभीता न हो और ऐसी अवस्था और वातावरण न हो जिस में लोगों का शैशो-इकनामिक—सामाजिक और आर्थिक—संकट बड़े नहीं बिल्कि घटे, तब तक उन को वहीं ले जाना अनुचित है, अन्यथा हमें इस इन्सानियत के बर्दे बात है। इसलिए

मैं बड़े विनम्रता के साथ कहना चाहता हूं कि आप इस स्थल को दिमाग से निकाल दें कि दिल्ली को खूबसूरत बनाना है एट दि कास्ट आफ ह्यूमैनिटी। इन्सानियत की भावना को सामने रख कर अगर आप दिल्ली को बेहतर बनाना चाहते हैं तो मुझे कोई एतराज नहीं है और मैं उन सब कार्यों का स्वागत करूंगा, जो कि इस भावना से किये जायें।

दिल्ली में आज १५०० कटरे ऐसे हैं, जिन को सरवे के मुताबिक स्लम करार दिया गया है। उन में कहीं कम और कहीं ज्यादा लोग रहते हैं। सवाल यह है कि अगर हम इन कटरों में तीन, चार या पांच मंजिले मकान बना दें और उन तमाम लोगों को वहां जगह दे दें, जो आज वहां झोंपड़ों में और दूसरे मकानों में पड़े हुए हैं, तो हर श्वस को, बगैर किसी किस्म की आर्थिक या सामाजिक दिक्कत में डालते हुए ठीक तरह से बसाया जा सकता है और यह तमाम कार्य एक सही तरीके से पूरा हो सकता है।

लेकिन हमारी हरकार के जो बड़े अफसर हैं जब हम उनसे चार, पांच मंजिले मकान बनाने के लिये कहते हैं तो वे इंगलैंड आदि दूसरे मुल्कों की मिसाल दे कर यह कहते हैं कि अगर हमने अपने यहां चार चार और पांच पांच मंजिले मकान बनाये तो उनमें और ज्यादा कंजेशन हो जायेगा और डेनसिटी आफ पापुलेशन बढ़ जायेगी और जो इन्सान वहां पर रहते हैं उनको ज्यादा तकलीफ होगी। मेरी तो यह समझ में नहीं आता कि अगर उसी इलाके के आसपास जहां पर पांच पांच मंजिले मकानों में सैकड़ों आदमी रहते हैं तो उस जरा से हिस्से में अगर आप उसको खुला छोड़ दें तो उससे कोई खास नुकसान होता नजर नहीं आता, अगर आप उसको खाली न छोड़ें और दूसरा मकान और मंजिल बना दें तो वह बेबंका मालूम होगा, यह बात समझने में नहीं आती है। न मालूम हमारी

अक्सल में खराबी है या तो उनकी समझ में हमें यह बात उनकी समझ में नहीं आती है। मैं यह अर्ज करूंगा कि जो एप्रोच और जो तरीका इस मामले को हल करने का हमारा और हमारे अफसरान का है, उसके अन्दर बहुत काफी फर्क है और उसे हमें किसी तरीके से सुलझाना है, जब तक हमारे और उनके खयालों में समानता नहीं होती तब तक मैं समझता हूँ कि उसके अमल में लाने में बहुत सारी दिक्कत होगी।

स्लम्स क्लियरेंस के सिलसिले में आप ने कोम्प्रीटेंट एयारिटी को इतनी ज्यादा ताकत दी है, इतनी ज्यादा पावर्स दी हैं कि वह जिस किसी मकान को या जिस किसी कटरे अथवा इलाके की चाहे, उसको अनफिट फोर हिद्युमन हैबिटेशन करार दे सकती है। मेरा यह कहने का मतलब नहीं है कि वह कोम्प्रीटेंट एयारिटी इन पावर्स को मिसयूज करेगी अथवा उनका बेजा इस्तेमाल करेगी लेकिन मैं यह बात मानने को तैयार नहीं हूँ कि किसी इलाके के लिए आप एक कोम्प्रीटेंट एयारिटी को अगर इतने अस्त्यार दे दें तो वह कभी गलती नहीं करेगी और अगर वह गलती कर सकती है तो उस गलती को किसी न किसी तरीके से रोकना चाहिये, हम उसको पावर्स देने के साथ साथ कोई ऐसी कमेटी भी प्रोवाइड करें जिसमें ऐडमिनिस्ट्रेटर के अलावा नान आफिशियल एलिमेंट भी हो जो उसको जरूरी सलाह मशविरा देती रहे क्योंकि आखिरकार सरकार जो काम करती है उसका असर जनता पर पड़ता है और जनता का असर उन लोगों पर पड़ता है जो उनकी खिदमत के वास्ते आगे रहते हैं। अब हम पार्लियामेंट के मैसेम्बर्स जनता के प्रतिनिधि होकर यहां आये हैं, हम किसी अच्छे काम के लिये क्रेडिट तो नहीं ले सकते लेकिन हर बुरे काम के लिये हमें बदनामी जरूर मिलती है। इसलिये मैं यह समझता हूँ कि इसमें थोड़ा सुधार करने की जरूरत है और थोड़ा पेशंस रख कर इसमें कदम बढ़ाने की जरूरत है। इसलिये मैं

आपसे निहायत अदब से अर्ज करूंगा कि आपने कोम्प्रीटेंट एयारिटी की बात जो इस बिल के अन्दर रखी है, मुझे उसमें कोई ऐतराज नहीं लेकिन मैं यह जरूरत समझता हूँ कि जो अस्त्यारात इस कोम्प्रीटेंट एयारिटी को दिये जा रहे हैं वे शायद इम्प्रूवमेंट ट्रस्ट को मिले अस्त्यारात से कहीं ज्यादा हैं। हम इम्प्रूवमेंट ट्रस्ट का हाल देख चुके हैं और हमें इस बात का कोई सेफगार्ड (safeguard) अवश्य रखना चाहिये, कि कोम्प्रीटेंट एयारिटी को कोई मिसयूज करने का मौका न मिल सके और उसके द्वारा कोई गलत कदम न उठाया जाये जिसमें जनता को उलाहना देने का मौका मिले कि देखो कांग्रेस गवर्नमेंट के जमाने में हमें किस तरह से परेशान किया जा रहा है।

अभी मेरे एक भाई ने कहा कि बहुत सारे लोगों को हम चाहते हैं कि बसायें और बसाने के उन्होंने कुछ तरीके भी बताये और मैं यह समझता हूँ कि यह तरीके कारगर हो चुके हैं और उनसे बहुत लोग फायदा भी उठा चुके हैं। मैं समझता हूँ कि कोई भी दिल्ली की गन्दी बस्तियों में रहने वाला भाई बहन यह पसन्द करेगा कि वह उस जगह जा कर बसे जहां पर उसको १०० गज जमीन दी जाये और ५०० रुपये मकान बनाने के वास्ते दिये जायें या उसको कम से कम एक ऐसी जगह ले जाया जाये जहां उसकी ६० रुपये माहवार की रोजी थी नई जगह के धंधे में १२५ रुपये महीने की रोजी मिलती है और उसको वहां पर रहने के लिये मकान भी मिलता है, ऐसा यदि इंतजाम हो तो कोई बजह नहीं है कि लोग वहां पर न जायें। अगर शिलमिल ताहिरपुर में आप एक फैक्टरी कायम कर दें और जमना बाजार में जितने भी चमार रहते हैं और जिनकी कि मासिक आमदनी ५० या ६० रुपये है, अगर वहां पर उनकी आमदनी की आप यह गारन्टी कर दें कि वहां उन को ७५ रुपये मासिक पड़ जायेगा तो मैं समझता हूँ कि ६ महीने के बाद कोई

(श्री राधा रमण)

बमार यह नहीं कहेगा कि मैं बमना बाजार से उठने के लिये तैयार न हूँ। आज इन लाइंस पर नहीं सोचा जाता, आज तो हमें उजाड़ने की फ़िक्र है लेकिन उसको बसाने की या उसके बास्ते रोजगार का इंतजाम करने की फ़िक्र नहीं है, इन गन्दी बस्तियों में बसने वालों की हालत बेहतर बनाने की और हमारे सरकारी मुलाजिमों का या और लोगों का ध्यान नहीं है। मैं यह जानता हूँ कि हमारे जितने भी मंत्री हैं उनके दिलों में हमदर्दी है, वह इंसानियत को हमेशा सामने रखना चाहते हैं, कोई अन्याय नहीं करना चाहते हैं लेकिन दिक्कत यह है कि वह एक चीज पास करते हैं लेकिन उसका अमल दूसरा हो जाता है। इसलिए मैं निहायत अदब से अज़ क़रूंगा कि हमें इन लाइंस पर सोचना चाहिये, हमें उन मकानों को जो बने हैं हायर परचेज सिस्टम पर दे देना चाहिये, अगर उन लोगों को जिनको कि हटावें, उनको दूसरी जगह मकान देते वक्त यह कह दें कि मकान दस साल में उनका हो जायेगा और आपको सिर्फ ५ रुपये या ७ रुपये किराया देना पड़ेगा तो मैं समझता हूँ कि एक शख्स जो उस जगह जायेगा उसके दिल में कम से कम यह खुशी होगी कि ५ या १० वर्ष बाद मैं उस मकान का स्वयं मालिक बन जाऊंगा और जो किराये के मकान में रह कर मालिक मकान को हमेशा की धौंस-बाजी सहता रहता था उससे मैं आजाद हो जाऊंगा। मैं चाहता हूँ कि जिस तरह से पुनर्वासि मंत्रालय ने मकानों की समस्या को लिया और एक स्कीम चलाई उसी तरह की कोई एक स्कीम इन स्लम्स के उठाने के सम्बन्ध में भी चलाई जाये तो मैं समझता हूँ कि आज जो स्लम्स को समाप्त करने में दिक्कत और कठिनाई पड़ती है वह बहुत हद तक दूर हो जायेगी।

दूसरा बिल जो किरायेदारों को बेदखली को रोकने के बास्ते हाउस के सामने है मैं

समझता हूँ कि वह बहुत ज़रूरी है और मैं उसका भी स्वागत करता हूँ और उसे आज पास होना चाहिये और मैं उसमें कोई देर करना मुनासिब नहीं समझता क्योंकि हजारों किरायेदार ऐसे हैं जो कि आज मकान मालिकों द्वारा सताये जा रहे हैं और चूँकि मकान मालिक समृद्धशाली होते हैं इसलिये वे छोटी छोटी बातों पर अपने रुपये के बल पर किसी भी किरायेदार को मकान से बेदखल करा सकते हैं और आज हजारों किरायेदार बेदखली का डर अपने दिल में लिये रात में चैन की नींद नहीं सो पाते हैं। ऐसे लोगों को राहत पहुँचाने के लिये माननीय मंत्री यह जो विधेयक लाये हैं, यह स्वागत योग्य है और यकीनन् वह उनको काफी हद तक राहत देगा लेकिन मैं जानता हूँ कि जिस तरीके से वह विधेयक आया है और जिस जल्दी में उसे पास किया जा रहा है, वह शायद बहुत ज्यादा मुनासिब नहीं है और मैं चाहता था कि उस पर अधिक वक्त लगता और हम कमेटी बैठालते और उसमें दोनों फरीकन को बुलाकर उनकी राय मालूम करते और आपस में सलाह मशविरा कर के परमानेंट तौर पर एक ऐसी चीज बिल की शकल में तैयार करते जो कि हमारे मकसद को ठीक तरह से पूरा करती

Shri Nand Lal Sharma: On a point of order. That is not under discussion now.

Mr. Chairman: We shall take up that Bill later on.

Shri Radha Ramani: I was talking on both, because you said that we could do so.

Mr. Chairman: The second Bill shall come after the first one is disposed of.

श्री राधा रमण : खैर जब वह बिल आयेगा तो मैं उस पर फिर बोलूंगा। मैं स्लम्स की सफाई की बाबत इतना कहते हुए खतम करता

हूँ कि उन गन्दी बस्तियों को उजाड़ने के सम्बन्ध में वहाँ के रहने वालों को जो तकलीफें होती ह, उन तकलीफों को दूर करते हुए हमें बहुत होशियारी के साथ इस स्लम्स किलयरेंस के काम को हाथ में उठाना चाहिये और इस विधेयक में रीहाउसिंग शब्द जरूर जोड़ दिया जाना चाहिये। उसका अच्छा असर पड़ेगा और उससे सब पर रोशन हो जायेगा कि स्लम्स की सफाई के साथ साथ आपके ध्यान में रीहाउसिंग की भी बात उतनी ही आवश्यक है। इन शब्दों के साथ मैं इस बिल का स्वागत करते हुए उम्मीद करता हूँ कि सदन इसको पास करेगा और निश्चय ही हम इससे कुछ फायदा उठा सकेंगे।

श्रीमती कमलेन्दुमति शाह (जिला गढ़वाल—पश्चिम व जिला टिहरी गढ़वाल व जिला बिजनौर—उत्तर) : सभापति महोदय, मैं आप को धन्यवाद देती हूँ कि जो आप ने मुझे इस विधेयक पर अपने विचार प्रकट करने का अवसर दिया। इस बिल का स्वागत करते हुए मैं यह निवेदन करना चाहती हूँ कि मुझे दिल्ली के गंदे कटरों की बुरी हालत को देखने का मौका मिला है और वहाँ की दर्दनाक हालत देखकर जो मुझे दुःख पहुँचा है मैं उस का वर्णन नहीं कर सकती। एक छोटी सी कोठरी में जहाँ कि आराम से पैर फैलाने लायक जगह भी नहीं है वहाँ पर १०, १० और १२, १२ आदमियों के परिवार रहते हैं। मेरा मंत्री महोदय से निवेदन है कि फौरन ही उन की दयनीय दशा की ओर ध्यान दिया जाय और उनकी हालत सुधारने के काम को प्राथमिकता दी जाय।

इसके इलावा मेरा यह भी निवेदन है कि जो गंदी बस्तियों से गरीब लोग हटाये जाय उन को नजदीक ही बसाया जाय ताकि उनको अपने काम धंधे की जगह पहुँचने में कष्ट न हो और उन को काफी पैदल न चलना पड़े। कौशिश तो यही होनी चाहिये कि जहाँ से उन को उखाड़ा जाय वहीं पर दुबारा घर

बनाये जाने के बाद उन को बसाया जाय। क्योंकि उस जगह पर उन का धंधा होता है। और दूसरी जगह यदि उन को बसाया गया तो उन को कठिनाई का सामना करना पड़ता है। मेरा यह भी निवेदन है कि उन को किसी स्थान से निकालने के पहले यह निश्चय कर लेना चाहिये कि वे कहाँ पर बसाये जायेंगे। यदि उन के वास्ते उसी स्थान पर घर बनने हैं तो थोड़े दिन के लिये उन्हें निकट ही एक बाघ मील पर किसी दूसरे स्थान पर हटा कर रहने के लिए स्थान दे दिया जाय और उन को यह आवासन मिल जाय कि उसी स्थान पर उन्हें फिर बसाया जाएगा। गरीबों को इस तरह से तकलीफ देना अच्छा नहीं है उन की रक्षा करना बहुत जरूरी है।

आज किस्म किस्म के टैंक्स लग रहे हैं, टैंक्स की मार से उन के ऊपर भीषण भार पड़ रहा है, उन के खाने पीने के लिए अनाज और पहनने के लिये कपड़ा नहीं है। आज वही लोग हमारा सारा काम करने वाले हैं, इस लिये सब से पहला कार्य जो भारत के निर्माण के लिये हमें करना है वह नीचे से होना चाहिये। भारत का निर्माण नींव को सुधार कर करना है, यानी पहले गरीबों के बारे में हमें सोचना है, इस के लिये जितने खर्च करने की आवश्यकता है वह हमें करना चाहिये। पहले इन लोगों के बारे में हमें सोचना चाहिये जो कि भारत की नींव को पक्का करने और उसके सुधारने में लगे हुये हैं।

जैसा हमारे एक भाई कह चुके हैं, बड़े बड़े भवन बना कर हमारा काम नहीं चलेगा क्योंकि गरीब तो बेचारा खुले के खुले में ही रहेगा, और बिना किसी प्रबन्ध के या सुविधा के बहुत कष्ट पाता हुआ रहेगा। ऐसी हालत में यह हमारे लिये केवल लज्जा

[श्रीमती कमलेन्दुमति शाह]

का विषय है कि हम बड़े भवन बनाएं और उस में खुश हों।

मेरा आप से निवेदन है कि हमारी बहुत सी पुरानी राजधानियां हैं, शिमला में है, और भी कई स्थान हैं जहां पर मकान खाली पड़े हुए हैं और इधर लाखों और करोड़ों की लागत से नये मकान बनाये जा रहे हैं। आप कुछ रुपये खर्च कर के सरकारी दफ्तर बाहर ले जा सकते हैं। सरकार को दूसरी जगह दफ्तर ले जाने में कोई विशेष खर्च तथा असुविधा नहीं होगी। यहां से दफ्तर हटाए जाएंगे तो यहां पर स्थान बड़ जाएगा और दूसरी शिमला, मसूरी इत्यादि जगहों पर जो मकान आदि हैं उन की रक्षा हो सकेगी। यहां पर जो रुपया सरकारी मकान बनाने में खर्च हो रहे हैं उन को बनाने की आवश्यकता नहीं रहेगी। मेरा नम्र निवेदन यह है कि जो रुपया सरकार दिल्ली में मकान बनाने में खर्च करना चाहती है उस से सब से पहले गरीबों के लिये घर बनाये जाएं। उन को सुविधाएं पहुंचाई जानी चाहिए, जैसे स्लमस् के मकानों में पानी और रोशनी की सुविधा, उन के ड्रेनेज का प्रबन्ध, जिस से वह फिर गन्दे न रह सकें। यह सुविधाएं देने का काम सरकार अपनी दूसरी पंच वर्षीय योजना के प्रथम वर्ष में हाथ में ले तो मैं समझती हूँ कि इस योजना के अन्तर्गत सब से बड़ा आराम गरीब लोगों को मिल सकेगा।

जैसा मैं ने कहा कि सरकार द्वारा जो टैक्स लगाये जा रहे हैं उस का गरीबों पर बहुत असर पड़ रहा है और वह यह सोचते हैं कि कहीं ऐसा न हो कि अगर टैक्स बढ़ कर एक रुपये में १५ आने हो जाए तो उन के पास सिर्फ एक आना बच जाय और बाकी १५ आने टैक्स के रूप में चला जाए। कुछ गरीबों से मेरी बातें हुई तो उन्होंने

कहा कि हमारे पास तो कुछ है नहीं, अगर कुछ हो तो हम त्यागने को तैयार हैं, सरकार हम को सिर्फ चार पांच सुविधाएं दे दे : खाना, पहिना, परिवार के बच्चों की दवाई, पढ़ाई और रहने के लिये घर। यह चीजें दे दे तो बहुत उत्तम होगा। जहां तक टैक्स का सवाल है, मेरा तो यही ख्याल है कि उस के भार से जो गरीब लोग पीड़ित हैं, उन को बचाने के लिये माननीय मंत्री जी कुछ सोच तथा कर सकते हैं।

श्री नन्ध लाल शर्मा :

नमोस्तु रामाय सलक्ष्मणाय
देव्य च तस्यै जनकात्मजाय ।

नमो स्तु रुद्रेन्द्र यमानिलेम्भ्या
नमो स्तु चन्द्रार्कमरुद्गणेश्यः ॥

माननीय सभापति महोदय, मेरे सामने मूर्ति रहती है भगवान धर्म की जो आप के ऊपर है। इस विषयक के उद्देश्य का मैं सोलह आने समर्थन करता हूँ, और कोई भी सहृदय प्राणी इस के उद्देश्य से असहमत नहीं हो सकता। किन्तु मैं ने अपने कांग्रेस के बन्धुओं की भी भावनाएं सुनी। समर्थन तो सब करते हैं, फिर भी सब ने उस के विरुद्ध शिकायत की और यह भी बतलाया है कि इस के द्वारा कैसी कैसी हानियां होने की संभावना है, जब तक इस में समुचित संशोधन न किए जाएं। मैं समझता हूँ कि जहां आप के सामने स्लम को लक्ष्य नहीं किया गया और धारा ३ के अन्दर स्लम के लिये केवल इतना ही बतलाया गया कि कोई भी अप्सर, काम्पिटेंट अथॉरिटी, यहां के किसी क्षेत्र के मनुष्य के निवास के लिये अनुपयुक्त कह देता है तो वह स्लम एरिया डिक्लेयर कर दिया जाए, ऐसी परिस्थिति में मेरी समझ में नहीं आता कि पहले तो किस कैटेगरी का अप्सर होना चाहिये, उस अप्सर का

स्वयं कितना जोर है जिस के बल पर वह एक स्थान को स्लम कह सके। गन्दी बस्ती कह सके। जिस जगह पर गरीब आदमी रहते हों, हम लोग केवल इस भावना में आ कर के कि दिल्ली भारत की राजधानी है, इस लिये हम लोग गरीब आदमियों को आस से नहीं देखना चाहते। हमारी आस से गरीब ओझल हो जाए, निर्धन संसार में रहें ही नहीं, यह उस के प्रति अन्याय होगा। अभी तक हम रूस और चीन तथा दूसरे देशों से आने वाले अपने प्रतिष्ठितियों को नगर के बड़े बड़े भव्य स्थान और उनमें पैदा की हुई रोशनियां और दूसरे तत्वों को दिखाते हैं, लेकिन हम ने आज तक उन को वह स्थान नहीं दिखाया, जो भारत के स्वतंत्र रहते हुए भी हमारी गरीबी के कलंक के रूप में विद्यमान हैं। मैं निवेदन करूंगा कि जो व्यक्ति वहां पर रहते हैं जिन के नाम से वह स्लम एरियाज या गन्दी बस्तियां कहलाती हैं, मेरी समझ में नहीं आता कि उन गन्दी बस्तियों का अर्थ क्या होगा, गन्दी लोगों की बस्ती या गरीब लोगों के रहने की जगह, जहां पर लोग गन्दी परिस्थिति में रहते हैं, जिन के लिये स्वास्थ्य विभाग की ओर से कोई प्रबन्ध नहीं, म्यूनिसिपैलिटी की ओर से सफाई का प्रबन्ध नहीं और जहां प्रकाश और पानी की सुविधाएं नहीं। जैसा कि हमारे गृह मंत्री महानुभाव ने कहा कि यदि यह अर्थ किया जाए तो कुछ समझ में आ सकता है, यदि निर्धनों को हम गन्दी कहने के लिये तैयार हो जाएं, Give the dog a bad name and hang him. इस अर्थ में कहें, तो मैं समझता हूँ कि यह हमारे लिये दुर्भाग्य की बात होगी। मैं यह निवेदन करूंगा कि इस बिल के अन्दर एक ही विचार है कि मकान गिराना और स्थान खाली करवाना। यह बिल सारी ऐसे बस्तियों के रहने वाले व्यक्तियों पर अभिशाप रूप से लागू होगा, वास्तविक रूप में उन को इस से कोई सहायता

मिलेगी, इस का कोई लक्षण हमें यहां नहीं मिला। यदि इस को हम स्वास्थ्य का प्रबन्ध कहें तो गवर्नमेंट की ओर से बनाए गए जो मकान हैं, जो आप के पुनर्वास मंत्रालय की ओर से बनाए गए मकान हैं, जो बस्तियां हैं, उन की सफाई का आज तक प्रबन्ध नहीं हुआ, आज तक आप ने उन के ड्रेनेज का प्रबन्ध नहीं किया, प्रकाश का प्रबन्ध नहीं किया, मैं पूछना चाहता हूँ कि सरकार स्वयं स्लम क्लियर करना चाहती है या स्लम का विनाश करना चाहती है ?

इस विषयक में देख कर मुझे बड़ा अचम्भा हुआ आप साठ महीने का किराया कम्पेंसेशन रखते हैं। यमना बाजार में गवर्नमेंट ने एक गज पृथ्वी ३५ और ४० रुपया गज के हिसाब से बेची, लेकिन वहां किराया नाम मात्र को भी नहीं आता क्योंकि वहां पर पानी आता है, स्लम एरिया है, जिन खरीदने वालों के पास पैसा था उन्होंने ३५ और ४० ६० गज पर भी पृथ्वी खरीदी। अब अगर वह किराये के हिसाब से कम्पेंसेशन पाएंगे तो कैसे काम चल सकता है ? जिस पृथ्वी को सरकार ने चार आने गज खरीदा, वही पृथ्वी आज २०, २५, ५० ६० गज बिक रही है। मैं जानना चाहता हूँ कि यह व्यापार करने की पद्धति है या जनता के दुःख को मिटाने की पद्धति है।

दूसरे मुझे यह देख कर अचम्भा हुआ कि यदि एक व्यक्ति को आप का कम्पेंसेशन स्वीकार नहीं, उस व्यक्ति ने मकान खाली नहीं किया, अथवा मकान गिराया नहीं, आप ने मकान गिराया और गिरा कर उस के मैटीरियल को बेचा और उस से आप ने अपना खर्च निकाला। फिर वह खर्च प्लस कास्ट आप ने जिस का मकान गिराया उस से वसूल किया, मकान का सर्वनाश कर के भी सामान नीलाम किया फिर if he wants to go to court, अगर वह अदालत में

[श्री नन्दलाल शर्मा]

जाना चाहता है तो आप कहते हैं अपील केवल एडमिनिस्ट्रेटर के पास है, कोर्ट के जूरिसडिक्शन में नहीं है, यह बड़े अचम्भे की बात है कि कोर्ट का जूरिसडिक्शन नहीं है। जहां एजिक्शन की बात लिखी गई है, वहां लिखा है

"Notwithstanding anything contained in any other law for the time being in force, no person who has obtained any decree or order for the eviction of a tenant from any building in a slum area."

किसी दूसरी कोर्ट से वह डिक्ली नहीं लेता है, तो उसको डबल लिटिगेशन करना पड़ेगा। फिर कम्प्लेंट अथॉरिटी के पास आएगा एक डिक्ली प्राप्त करने के लिये और इस तरह से डबल डिक्ली के बाद वह इजिक्शन नहीं करवा सकता है, नहीं तो इजिक्शन नहीं करवा सकता है। एक जगह तो आप ने कोर्ट की जूरिसडिक्शन को रखा और दूसरी तरफ अपने इसको हटाया। ऐसी परिस्थिति में कहां तक जनता के साथ न्याय होगा यह आप खुद ही देख सकते हैं। अगर आप वास्तव में निर्धन लोगों की सहायता करना चाहते हैं, तो जो बातें मैंने आप को बतलाई हैं, उन पर आप विचार करें। साथ ही साथ मैं पंडित ठाकुर दास भार्गव जी के उस सुझाव का भी हृदय से समर्थन करता हूं कि जब तक हम हटाये जाने वाले लोगों के लिये निवास का कोई दूसरा अच्छा प्रबन्ध नहीं कर लेते हमें उन को नहीं हटाना चाहिये। स्लम क्लीयरेंस के नाम को आप को खराब नहीं करना चाहिये अगर आप उनको बसाने का प्रबन्ध नहीं कर सकते हैं।

सभापति महोदय, आपने मुझ पर समय का बन्धन लगाया है, इस वास्ते मैं अधिक समय नहीं लेना चाहता। मैं केवल धारा 4 की एक उपधारा की ओर आपका

व्यान आर्किवित करना चाहता हूं जो इस प्रकार है :

"8. (2) Any expenses incurred by the competent authority under sub-section (i), if not satisfied out of the proceeds of sale of materials of the building shall be recoverable from the owner of the building or any other person having an interest therein as arrears of land revenue."

मुझे तों अचम्भा होता है कि एक तो आप एक व्यक्ति का मकान गिरा रहे हैं, उसके मैटीरियल को बेचने का अधिकार भी प्राप्त कर रहे हैं, उस को कम्पेंसेशन देने का प्रश्न भी नहीं उठाते हैं और उस के बाद कहते हैं कि तेरे घर में जो कुछ भी रखा है, उसको कास्ट को रिकवर करने के लिए नीलाम कर दिया जाएगा। हम जागीरदारों, राजाओं और महाराजाओं को बदनाम करते हैं कि उन्होंने यह किया और वह किया। लेकिन हम आज जनता के साथ कैसा व्यवहार करने वाले हैं और वह भी जनता की प्राण रक्षा के नाम पर, उस पर हमें विचार कर लेना चाहिये।

मैं निवेदन करना चाहता हूं कि यह कृति हमारे गृह मंत्री महोदय की नहीं है। यह भगवती स्वास्थ्य मंत्राणी जी की है जिन की नजरों ने सामने बड़े बड़े मकान, बड़े बड़े सुन्दर भवन, बड़े बड़े चमकीले व्यक्ति रहते हैं। मगर आप तो सहृदय हैं। आप गोविन्द वल्लभ हैं। गोविन्द के साथ स्नेह करने वाले हैं। गोविन्द कौन गोभिः इन्द्रियैः विन्द्यते प्राप्यते इति गोविन्दः। जो समस्त प्राणियों के अन्दर समस्त इन्द्रियों के द्वारा प्राप्त होने वाले तत्वों में सर्वप्रत्यक्षी है। गृह मंत्री का पहला कर्तव्य स्वयं विष पीना और जनता को अमृत पिलाना है। हमारे यहां भगवान शंकर ने स्वयं विष पिया, और जनता को अमृत पिलाया है। आज हम नाम तो विष को हटाने का ले रहे हैं परन्तु

इस धारा में बिष ही उत्पन्न होगा। मैं क्षमा चाहूंगा यदि मैं यह कहूँ कि इन पृष्ठों से मैं सन्तुष्ट नहीं हूँ। मैं केवल दोष निकालना ही अपना कर्तव्य नहीं समझता लेकिन जो दोष हैं उनकी ओर मैं आपका ध्यान आकर्षित करना चाहता हूँ। एक तो कोर्ट की जुरिसडिकशन को हटाना मेरे विचार में अन्याय करना है। इस का मतलब तो समय देना और प्रश्रय देना होगा। इस लिये कोर्ट की जुरिसडिकशन का जनता के अधिकार को कभी भी छीना नहीं जाना चाहिये और साथ ही साथ जब तक दूसरे निवास का कोई प्रबन्ध न किया जाए, तब तक किसी को भी किसी जगह से न हटाया जाए।

इन शब्दों के साथ मैं आप को धन्यवाद देता हूँ जो आप ने मुझे बोलने का अवसर दिया।

Shri M. K. Moitra: The horrible condition of these slums infuriated our Prime Minister Shri Jawaharlal Nehru sometime back and he cried out in agony that the slums must be burnt down. So, when this Bill was placed before this House, I expected that really something would be done for the slum dwellers.

I come from a place, the city of Calcutta where more than 10 lakhs of people, out of a population of 26 or 27 lakhs, live in slums. In Delhi also, I understand more than 2 lakhs of people dwell in slums, and they live together with animals in horrible conditions. For improving the slums, the Second Five Year Plan has laid down a principle. I am reading it from page 562 of the Second Five Year Plan.

"The scheme is based on two main principles. The first principle is that there should be the minimum dislocation of slum dwellers and the effort should be to rehouse them as far as possible at or near the existing sites of slums, so that they may

not be uprooted from their fields of employment. The second principle is that in order to keep rents within the paying capacity of the slum dwellers, greater emphasis should be on the provision of minimum standards of environmental hygiene and essential civic amenities rather than on the construction of elaborate structures."

Sir, I went through this Bill carefully and found that neither of these two principles has found any place in it. I will support the principle underlying this Bill. The Ministry at least proposes to do something for improving the slums. But, I will, at the same time, press with as much emphasis as I can command that alternative accommodation must be found before these houses are pulled down and after these slums are rebuilt those people who dwell in those slums should be given opportunities to come back and live there in better conditions. I further suggest that when they are housed in new areas, they must not be removed far away from their places of business. These principles have been acknowledged in the Second Five Year Plan, which, I am sorry, have not found any place in this Bill.

I have nothing more to say. But, I will appeal to the hon. Minister that while replying to the debate he will accept the principles which his Government has formulated in the Second Five Year Plan.

श्री बाल्मीकी (जिला बुलन्दशहर—रसित—अनुसूचित जातियां) : सभापति महोदय, मैं सब से पहले माननीय गृह मंत्री जी को, उनके गन्दी वस्तियों को हटाने के लिए बिल लाने पर धन्यवाद देता हूँ। यह बहुत ही जरूरी बिल है जो कि इस सेशन के आखीर में लाया गया है और मैं समझता हूँ इसे बहुत पहले लाया जाना चाहिए था। इस पर बोलने के लिए आपने मुझे जो पांच मिनट का समय दिया है, उसके लिए मैं आपको श्री धन्यवाद देता हूँ।

[श्री वाल्मीकी]

गन्दी बस्तियों को साफ करने का जो प्रश्न है, यह सारे देश के सामने उपस्थित है और यह एक गम्भीर प्रश्न है। आज विल्ली का नक्शा बदलने की बात सोची जा रही है। दिल्ली को सुन्दर बनाया जा रहा है। यह बात ठीक है कि एक तरफ तो नई दिल्ली है और दूसरी तरफ पुरानी दिल्ली है। दोनों के जीवन में कितना अन्तर है—एक तरफ सौन्दर्य है दूसरी तरफ गन्दगी है।

गन्दी बस्तियों की भ्रष्टाचार तथा उनमें रहने वालों की भ्रष्टाचार बहुत ही शोचनीय है। मुझे वह दिन याद है जिस दिन अजमेरी गेट के पास जहाँ गंदा नाला था जहाँ एक गन्दी बस्ती थी और वहाँ पर उस गंदे नाले में हरिजनों के दो बच्चे डूबे थे, वहाँ पर बापू जी स्वयं गए थे—वह एक मुबारक दिन था। तब वहाँ से गन्दी बस्ती हटी, वहाँ पर शानदार इमारतें खड़ी हुई हैं।

आज यह प्रश्न हमारे सामने है वह गन्दी बस्तियों को साफ करने का ही प्रश्न नहीं है, बल्कि उनको हटाने से जो व्यक्ति प्रभावित होते हैं उनको बसाने का है। जहाँ तक गन्दी बस्तियों को हटाने की बात है वह बहुत मंद गति से बहुत धीमी गति से चल रही है और उसके बारे में मुझे कोई शिकायत नहीं है। लेकिन जो गरीब आदमी वहाँ पर रहते हैं, ऐसी बस्तियों को हटाने के बाद उनके साथ जो अशुद्ध व्यवहार नहीं होता, वह मेरी समझ में नहीं आता।

अभी श्री राधा रमण जी ने जमुना बाजार और दूसरी जगहों का जिक्र किया। मैं समझता हूँ कि जो आदमी इन गन्दी बस्तियों में से हटाये जाते हैं सबसे पहले उनको फिर से बसाने का प्रबन्ध होना चाहिए। वे आदमी वहाँ से तब हटाये जायें जब कि उनके रहने का दूसरी जगह ठीक प्रबन्ध हो जाय। वह वहाँ बसाये जायें जहाँ उनके लिये रोजी रोजगार का प्रबन्ध हो।

नई दिल्ली में हम चारों तरफ निगाह दौड़ाकर देखते हैं कि बड़े बड़े ऊँचे भवन और भट्टालिकायें बन रही हैं। उनसे हमें प्रसन्नता होती है लेकिन इन बस्तियों के चारों तरफ गरीब लोगों की झोंपड़ियाँ भी हम देखते हैं, जैसे चाणक्यपुरी के पास झोंपड़ियाँ हैं। चाहे इनको आप इस बिल की डेफीनीशन के अनुसार गन्दी बस्तियाँ न कहें लेकिन उनकी हालत कुछ कम खराब नहीं है। हम देखते हैं कि एक तरफ से गन्दी बस्तियाँ हटायी जाती हैं तो वे सरक कर दूसरी जगह चली जाती हैं और इस प्रकार सरक सरक कर बढ़ती जाती हैं। तो हमारे सामने इनको रोकने का सवाल है। चाहे इन लोगों के लिए छोटे छोटे भलग भलग मकान बनाये जायें या कई मंजिल के मकान बनाये जायें जैसा कि बम्बई और मद्रास में चालें हैं या चेरियाँ हैं जहाँ कि गरीब आदमी रहते हैं लेकिन हमको ओवरक्राउडिंग नहीं होने देना चाहिए क्योंकि ओवरक्राउडिंग पाप की जड़ है। ई० डी० साइमन ने अपनी किताब “हाऊ टू एवालिश स्लम्स” में ओवरक्राउडिंग को क्राइम्स की जड़ बतलाया है। उसने कहा है कि गन्दी बस्तियों में क्राइम्स पनपते हैं। मैं यह तो नहीं कहता कि जो आदमी इन गन्दी बस्तियों में रहते हैं वे क्राइम करते हैं, लेकिन ये गरीब आदमी होते हैं। इनको ठीक प्रकार के मकान देने का प्रश्न हमारे सामने है। इनको जीवन के साधन देने का प्रश्न हमारे सामने है ताकि नैतिकता तथा जीवन का उठाव उन में आ सके। हम उनके हालात को जानते हैं क्योंकि हम उन हालात में पैदा हुए हैं।

हमारे समाने सबसे बड़ा सवाल इन लोगों को मकान देने का है और इन मकानों का किराया दो रुपये महीने से ज्यादा नहीं होना चाहिए। इनका कम से कम किराया

होना चाहिए। जो भ्रादमी ५० या ६० रुपये महीना पैदा करता है और बड़ा परिवार रखता है वह इससे ज्यादा किराया नहीं दे सकता। जो गरीब भ्रादमी अजमेरी गेट से हटा कर दूसरी जगह बसाये गये हैं उन पर १२ रुपये महीना किराया लगता है। वे इतना किराया नहीं दे सकते हैं।

जो लोग स्लम्स में रहते हैं उनके बच्चे भी ज्यादा होते हैं वनिस्पत श्रीों के और श्री ई० डी० साइमन ने अपनी किताब में लिखा है कि उनकी हालत सुधारने के लिए यह जरूरी है कि म्युनिसिपैलिटियां या केन्द्रीय और राज्य सरकारें उनको कम किराये के मकान दें और उनके बच्चों के लिए कुछ एलाउंस भी दिया जाये ताकि उनकी माली हालात पर असर पड़ सके। इन चीजों पर ध्यान देने की आवश्यकता है। हम केवल भ्रादमियों की बातें करें ऐसा नहीं होना चाहिए।

जहां तक भंगियों के आवास का प्रश्न है—उसमें बहुत कम प्रगति हुई है। हमारे सामने ऐसे मकान का नमूना भी होना चाहिए जहां कि ये साधारण भ्रादमी आराम से रह सके। इस सम्बन्ध में नई दिल्ली में तो कुछ संतोषजनक काम हुआ है लेकिन पुरानी दिल्ली का काम बहुत असंतोषजनक है और उसकी तरफ ध्यान देना बहुत आवश्यक है। इन लोगों के लिए जो मकान बनाये गये हैं उनके बारे में एक भ्रादमी ने मुझ से कहा कि वह उस मकान में अपने बीबी बच्चों और बकरी आदि जरूरी चीजों को लेकर आराम से नहीं रह सकता। इसलिए मैं कहता हूँ कि इन लोगों के लिए जो मकान बनाये जायें उनका नमूना सही ढंग का बनाया जाना चाहिए जहां ठीक से रह सकें।

यह जो बिल लाया गया है मैं इसका स्वागत करता हूँ लेकिन इन लोगों की

बसाने में जल्दबाजी न की जाये। इनको तभी हटाया जाये जब इनके रहने का दूसरी जगह प्रबन्ध कर दिया जाये। मैं समझता हूँ कि यह बिल जल्दी लाया जाना चाहिए था। इस बिल में जो कमियां हैं उनकी ओर ध्यान दिलाने का समय नहीं है। लेकिन फिर भी रुल बनाते समय इनका ध्यान रखा जायेगा। इन शब्दों के साथ मैं इस बिल का स्वागत करता हूँ।

Mr. Chairman: I think the Bill has been discussed from all points of view.....

Shri C. K. Nair (Outer Delhi): Just one question, Sir.

गवर्नमेंट ने टाउन और कंट्री प्लानिंग का एक नक्शा बनाया हुआ है।

Mr. Chairman: What I propose is that after the hon. Minister has replied, you can ask any question.

Shri C. K. Nair: Only two minutes I will take.

Mr. Chairman: All right. Please finish in two minutes.

श्री च० कृ० नायर : इस बिल के बारे में बहुत बातें कही जा चुकी हैं। मैं समझता हूँ कि सारे देश में यह स्लम विलियर्स के लिए लाया जाने वाला पहला विधेयक है, खासकर दिल्ली के लिए तो यह पहला है ही। यह बहुत जरूरी चीज है। लेकिन केवल टाउन और कंट्री प्लानिंग का नक्शा बना लेने मात्र से ही यह काम नहीं हो सकेगा। असल में यह हमें ब प्राबलम है, सोशियो-इकानमिक प्राबलम है, और जब हम इसको रियलाइज नहीं करेंगे हम स्लम विलियर्स में कामयाबी हासिल नहीं कर सकेंगे। इसलिए मैं चाहता हूँ कि टाउन और कंट्री प्लानिंग के अन्तर्गत एक रिसर्च डिपार्टमेंट लगाया जाये जिसका काम वह हो कि स्लम विलियर्स में हमें सवाल का क्या रखे।

[श्री च० क० नायर]

जिन लोगों को स्लम क्लियरेंस की वजह से हटाना पड़ केवल उनके रिहाउसिंग का ही सवाल नहीं है, उनको पूरी तरह से रिहैबिलिटेड किया जाना चाहिए, आर्थिक दृष्टि से और सामाजिक दृष्टि से भी। उनको ठीक प्रकार बसाया जाना चाहिये क्योंकि यह स्लम क्लियरेंस का आइडिया सारे हिंदुस्तान में फैलेगा।

दूसरी बात मुझे यह कहनी है कि जमी इस चीज का नाम लिया जाता है तो सरकार कहती है कि इसमें करोड़ों रुपये लगेंगे। लेकिन मैं समझता हूँ कि इतने रुपये की जरूरत नहीं है अगर हम पब्लिक कोओपरेशन हासिल करें और इस काम को कोओपरेटिव सोसाइटीज के माफ़त करें तो मैं समझता हूँ कि आधे से भी कम रुपये में यह काम हो सकता है। यह काम भी रिसर्च डिपार्टमेंट को सौंपा जाना चाहिए। इस विभाग में अनुभवी और इमेजिनेटिव लोग होने चाहिये जो कि समाजवादी समाज का कनसेप्शन रखने वाले हों। ऐसे लोगों का डिपार्टमेंट कायम करना सबसे ज्यादा जरूरी है क्योंकि यही बुनियाद बन जायेगी। अगर हम ऐसा करें तो मैं समझता हूँ कि हम इस चीज को कामयाबी के साथ कर सकेंगे।

इसमें जो डेफीनीशन दी हुई है उसमें सिर्फ स्लम क्लियरेंस का ही जिक्र है। यह काफी नहीं है। इसमें रिहाउसिंग का भी जिक्र होना चाहिए। मुमकिन है कि क्लियरेंस के साथ शायद रिहाउसिंग रखने की जरूरत न हो। लेकिन मैं चाहता हूँ कि नई पालियामेंट शुरू होते ही रिहाउसिंग का एक अलग बिल पेश किया जाये ताकि हम इस दुःखदायी हालत को सुधार सकें।

पंडित गो० ब० पन्त : सभापति महोदय, इस बिल के सिलसिले में करीब करीब सभी व्याख्यान हिन्दी में हुए। इसलिए मैं उचित समझता हूँ कि थोड़ी सी बातें मैं भी उसी भाषा में कहूँ।

यहां जो भी बातें आज कही गयीं उनसे बहुत हद तक मैं भी सहानुभूति रखता हूँ। स्लम क्लियरेंस इसी गरज से किया जाता है कि जो गरीब लोग हैं उनको उसके जरिये कुछ नजात मिले, कुछ उनकी तकलीफें दूर हों और जो स्लम्स में रहने की वजह से और उनका रहने का ढंग ठीक न होने से उत्पन्न तन्दुरुस्ती को नुकसान पहुंचता है उसके उपाय किया जाये ताकि वे आराम और आश्वासन के साथ रह सकें। अगर उस स्लम क्लियरेंस का तरीका ऐसा हो कि जिससे उनको असल में फायदा न पहुंचे और तकलीफ ज्यादा हो तो वह तो गलत बात होगी। वह होना नहीं चाहिए। यह भी सही है कि जब स्लम क्लियरेंस का काम किया जाये तो जो लोग स्लम्स में रहते हैं उनके लिए जहां तक मुमकिन हो रहने के लिए इन्तिजाम होना चाहिए। इन स्लम्स में हालत ऐसी है कि २५०० आदमी एक एकड़ में रहते हैं। जैसा कि मैं ने पहले कहा था मामूलन एक एकड़ में २०० से ज्यादा आदमियों का रहना मुनासिब नहीं होता। मगर यहां औसतन ६०० रहते हैं। अब अगर २५०० के स्लम को साफ किया जाये तो एक दम २५०० आदमियों का वहीं रहने का इन्तिजाम हो जाये यह तो गैर मुमकिन बात है और उन २५०० को बराबर उस गन्दी बस्ती में रहने के लिए मजबूर किया जाये जब तक कि सब के लिये जगह पहले न हो जाये यह भी मुनासिब बात नहीं है। इस सम्बन्ध में उन दो उसूलों को सामने रखना बहुत फायदेमन्द होगा, जो कि यहां पर रखे गए हैं—एक तो यह कि जहां तक मुमकिन हो, उन लोगों के लिए रहने की जगह हो और दूसरा यह कि जहां तक मुमकिन हो, उन को ऐसी जगहों में आबाद किया जाय, जहां उन के गुजारे का जरिया हो सके। इन को ध्यान में रखने से, जो दिक्कतें हो सकती हैं, वे नहीं होंगी और होंगी, तो बहुत हद तक कम हो जायेंगी। मगर एक बात का यहां ध्यान करना है और वह यह कि स्लम बजाते-खुद एक बुरी चीज

है—खुली जमीन में रहना और एक झोंपड़ा डाल लेना बेहतर है बमुकामिल ऐसे स्लम में रहने के, जिस में हवा भी नहीं आती है और घोड़ा और आदमी एक साथ रहते हैं, जिस के नखदीक न कहीं कोई सफ़ाई का इन्तजाम है, न कहीं पर कोई लैबेटरी है, न पानी है। इन बातों का इन्तजाम निहायत जरूरी है। जो तरीका इस बिल में रखा गया है, वह तो यह है कि भ्रष्टाल तो स्लमज के मालिकों से कहा जाय कि वे उन को ठीक करें। इन स्लमज को दूर करने और वहां नए मकान बनाने में वक्त लग सकता है, लेकिन इस बीच में कोशिश की गई है—जैसा कि नायर साहब जानते हैं और उन्होंने भी शिरकत की है इस में—कि उन स्लमज में पानी चला जाय, वहां पर टट्टी बगैरह का इन्तजाम हो जाय, रीशनी हो जाय, नालियां बन जायें और दूसरी सुविधाओं की व्यवस्था की जाय। इस बिल में दो तीन तरीके हैं। एक यह है कि स्लमज में जहां तक हो सके, एमिनिटीज प्रोवाइड की जायें और वहां के लोगों को इन खास जरूरतों के सामान न होने से जो तकलीफ होती है, वह दूर की जाय। दूसरा यह है कि जो खतरनाक मकान हों, उन के मालिक से कहा जाय कि उन को तोड़ो, भलग करो और भगर वह न करे, तो सरकार खुद तोड़ दे। एक साल का वक्त दिया गया है, जिस में वह उस को ठीक कर ले और भगर ऐसा न करे, तो सरकार खुद उस को डेबेलप-मेंट कर सकती है।

जहां तक मुझे मालूम है, डेढ़ सौ, दो सौ के करीब ऐसे कटरे हैं, जहां एमिनिटीज दी गई हैं और उस में पांच हजार रुपया फ्री कटरा खर्च आया है। १७००, १८०० कटरे ऐसे हैं, जिन को ये एमिनिटीज दी जा सकती हैं। वे फ़ौरन दी जानी चाहिए।

इन लोगों के लिए मकानात हों, इस का भी इन्तजाम किया जा रहा है। यह ठीक है कि उन को बड़ाना चाहिए, उन में इजाफ़ा

करना चाहिए, मगर करीब करीब १८०० मकान बन चुके हैं—मैं समझता हूँ कि १४७१ ठीक तादाद है और १७४३ मकान करीब करीब दो महीने में और हो जायेंगे। इस तरह करीब ३२०० मकान उन के रहने के लिए हाल ही में हासिल हो जायेंगे। लेकिन यह सवाल बहुत बड़ा है। उस को हमदर्दी से तय करना है, तेजी से तय करना है। जैसा कि यहां पर कहा गया, सब से जरूरी बात यह है कि दूसरे की तकलीफ को सामने रखते हुए और इस स्थाल को सामने रखते हुए कि इन की बेहतरी के लिए यह काम किया जा रहा है, और इन को तकलीफ कम से कम हो, इस काम को अंजाम देना है और पूरा करना है। मैं समझता हूँ कि जो कुछ मैं ने कहा है, यह भवन उससे सहमत होगा। इस तरीके पर काम होने से फिर कोई ज्यादा दिक्कत नहीं होनी चाहिए। इस वक्त भी एक हाउसिंग कमेटी यहां है, जिस में ज्यादातर हमारे पार्लियामेंट के मेम्बर हैं। उस में हेल्थ मिनिस्टर साहब हैं, नायर जी, श्री नवल प्रभाकर, श्री राधा रमण, श्री गिडवानी, श्रीमती अनीस किदवाई, श्री जसपत राय कपूर हैं और श्रीमती श्रीमती सुभद्रा जोशी भी इस में रखी गई हैं। यह काम इस तरह होना चाहिए, जिस में जनता का सहयोग अवश्य मिले। उस के बगैर इस काम में दिक्कतें हो सकती हैं और जितनी तेजी के साथ हम चलना चाहते हैं, उतनी तेजी के साथ चल नहीं सकते हैं। इसलिए कोई न कोई ऐसा ढंग होना चाहिए, जिससे जनता का सहयोग मिल सके, लोग खुद इस काम की बेहतरी को समझ सकें।

इस बात की जरूरत है कि स्लम के तोड़ने या दूर करने या बनाने के लिए भी स्लम के रहने वालों को समझाया जाय कि वह उन के फ़ायदे के लिए है, किस गरज से है, किस गरज से नहीं है। हर काम में एजुकेशन की जरूरत है। सरकार जा कर मकान की बना भी दे, मगर लोग उस के फ़ायदे को न समझें, तो उस का लुप्त उन को आता नहीं है। हर काम

(पंजित गो० व० पन्त)

ऐसे होना चाहिए कि जिस के लिए वह किया जाता है, वह उस के फायदे को महसूस कर सके और उस के सहयोग से वह काम हो सके, इस की कोशिश जरूर होनी चाहिए।

कुछ यह कहा गया कि जिन लोगों के ये स्लम्स लिए जायेंगे, उन में से बाजों के मकान अपने हो सकते हैं, जिन में बेखुद रहते हैं। इस बिल में भी यह है कि अगर कोई स्लम क्लीयर की जाय, उस में कोई ऐसा मकान हो, जो कि काम में आ सकता है, जिस में वह शरूख खुद रहता हो, तो वह छूट सकता है। यह जरूरी नहीं है कि हर मकान ले लिया जाय। मैं समझता हूँ कि यह बात काबिले-गौर है कि अगर किसी का अपना मकान हो, वह उस में रहता हो, वहाँ पर स्लम क्लीयर की जाय और उस जगह मकान बने, तो उस के रहने का इन्तजाम होना चाहिए। स्लम में जो अपने मकान में रहता हो और स्लम-क्लीयरेंस के बाद नए मकान बनने पर उस की दिक्कत बढ़ जाय, इस का ख्याल रखना पड़ेगा, ताकि उस को भी राहत मिल सके और वह ज्यादा दिक्कत में न पड़े। इस बात का ख्याल करना भी मुनासिब होगा और ऐसा किया जायगा।

इस बात का जिक्र फिर किया गया है कि मुआवजा कम है। मैं समझता हूँ कि मुआवजा करीब करीब पचास हजार रुपये फ्री एकड़ प्रोसतन पड़ता है। हम को यह देखना है कि क्या स्टेट को इससे ज्यादा देने की गुंजायश है और अगर है, तो फिर इन कामों को हम तेजी से कर सकेंगे, या वे ढीले पड़ जायेंगे और उन की रफ्तार कम हो जायगी। यह कहना सही है कि यह मुआवजा मार्केट रेट के मुताबिक नहीं है, मगर मैं समझता हूँ कि अगर इन स्लम्स को वैसे ही गिरा दिया जाता और कुछ न दिया जाता और ऐसी अनसोशल एक्टिविटीज को बन्द करने के लिए कोई भी जरूरी अस्तियार

किये जाते, तो वह नामुनासिब न होता। मैं समझता हूँ कि जिस गरज के लिए यह काम किया जा रहा है, वह सब से जरूरी है और कोई भी बात उस के रास्ते में नहीं आनी चाहिए। जहाँ पर लोगों की हिफाजत, सेप्टी, तन्दुस्ती और मारलूज की बात आती है, तो उस का इलाज करना सब से जरूरी है और उस में पैसे का सवाल लाना मेरी समझ में देखने का गलत तरीका है और हमारे देश में कभी भी लोगों की मर्यादा और तरीका ऐसा नहीं रहा है। इस बिल के मुताबिक जो कुछ मिलता है, वह भी एक तरह से कम नहीं है। अगर दिल्ली में जमीन की कुछ बरस पहले की कीमतों का अन्दाजा लगाया जाय, तो उस हिसाब से उन को पूरी कीमत मिल जाती है। इधर कीमत बहुत बढ़ गई, लेकिन जो पुरानी कीमत थी, उस की करीब करीब आधी है। इस में यह भी समझना चाहिए कि मान लीजिए एक जगह २५०० आदमी रह रहे हैं, जब कि मामूलन वहाँ २०० आदमी रहने चाहिए। उस जगह के मालिक को २०० आदमियों का किराया मिलना चाहिए, लेकिन अगर उस को २५०० आदमियों का किराया मिले, तो उस को बारह गुना किराया मिल गया और अगर उस को दो दो साल तक वह किराया मिल गया, तो उस को जितना किराया असल में मिलना चाहिए था, उससे चौबीस गुना किराया मिल गया। जितने कुनबे वहाँ रहते हैं, जितनी भीड़ रहती है, जो क्राउडिंग होता है, उस के लिहाज से वह किराया बहुत ज्यादा होता है और उस को दूर करने के लिए यह इलाज किया जाता है। तो फिर अगर उसी ज्यादा किराये को यह समझा जाय कि यह मुनासिब है और उसको मार्केट रेट मान कर दिया जाय तब तो यह सारा उसूल बिल का गिर जाता है और फिर कोई स्लम्स क्लियरेंस का सवाल उठता नहीं। इसलिए इसके मुआविजे की रकम को देखने में इस बात का खयाल होना चाहिए कि यह स्लम्स हैं या वह जमीन रोजी का साधन

है जिस में कि कई गुना ज्यादा किराया मिल रहा है इसलिए कि उसमें स्लम्स हैं और जाहिर है कि अगर मुनासिब ढंग से काम आती तो उस जमीन की कीमत बहुत कम होती और मकानात उसमें बहुत नहीं होते। इस तरह के टूटे फूटे बटुनुमा मकान बने हुए हैं और उनकी मरम्मत भी नहीं होती, इसलिए इस क्रिस्म की चीजों के लिए तो सामाजिक दंड का नियम होना चाहिए और अगर वह न हो तो उनकी सफाई तो की ही जानी चाहिए।

16 hrs.

यहां पर यह जो कहा गया कि स्लम्स की सफाई के सिलसिले में अदालत में अपील करने का अधिकार होना चाहिए यानी इस एपारिटी के फ़ैसले के खिलाफ़ अदालत में अपील दायर की जा सके। उसकी बाबत मेरा यह कहना है कि जो इस में बातें रखी गई हैं उनका इन्तज़ाम तो उस एपारिटी के जरिए होगा और मैं समझता हूँ कि यह मुनासिब होगा कि उसमें नान आक्रिप्शिएल्स का कोऑपरेशन हो और इस ढंग से काम हो कि सब मिल जुल कर काम कर सकें और अगर इस तरह काम किया जाय तो अदालत की कोई ज़रूरत नहीं रहती है। अदालत में अपील करने के लिए काफी रुपये की ज़रूरत पड़ेगी और वहां पर असें तक जिरह और बहस मुबाहि़सा चलता है और जिसका कि नतीजा यह होगा कि गरीब लोग बिल्कुल तबाह हो जायेंगे और आज के हालात में मैं समझता हूँ कि उनमें इतना दम नहीं है कि वह यह सब खर्चा बर्दाश्त कर सकें। आखिर में इस मुकद्दमे-बाजी का दूसरों को फ़ायदा होगा क्योंकि हमारे वहां बहुत से लोगों को एक कानूनी चस्का होता है और भले ही घर बिक जाय, गहने लत्ते बिक जायें लेकिन वह मुकद्दमा आखिर तक लड़ते जाते हैं और हाईकोर्ट और सुप्रीम कोर्ट तक दौड़ते हैं और जिसका कि नतीजा यह होता है कि बहुत से लोग दिवालिया हो जाते हैं।

श्री नन्दा लाल खन्ना : न्याय प्राप्त करने के लिए अदालत में अपील करने के प्रतिरिक्त और हमारे पास साधन ही क्या है ?

पंडित गो० ब० पन्त : ऐडमिनिस्ट्रेटर के पास अपील का साधन होगा। इसके प्रतिरिक्त यह पालियामेंट मौजूद है जहां कि हर चीज़ की बहस हो सकती है। अगर गलत चीज़ की जाती है तो उसकी पब्लिसिटी होती है और उसका सारा असर जनता पर पड़ता है। दरअसल जो हाईएस्ट कोर्ट आफ़ अपील है, वह यह पालियामेंट है। यहां हर चीज़ के मुतालिक़ बहस मुबाहि़से की गुंजाइश होती है, इसलिए इसमें यही एक ढंग मुमकिन हो सकता है जिसकी कि बिना पर यह काम हो सके।

मैं समझता नहीं हूँ कि मैंने कोई खास बात छोड़ दी है जो कि यहां पर कही गई हो। असल में हम सब को यह समझना चाहिए कि यह काम ऐसा है जो बड़ा जबर्दस्त है और जिसके कि करने में वक्त लगेगा। यह समझना कि एक दिन में हम इसे कर डालेंगे, गलत बात है।

कुछ लोगों ने यह कहा कि भारत को आज़ादी मिले ६, ७ साल हो गये लेकिन अभी तक हमारे देश में यह स्लम्स बाक़ी हैं। मैं उनसे कहूंगा कि बड़े बाहर के उन मुल्कों की तरफ़ निगाह उठा कर देखें जिनकी कि माली हालत हमसे बहुत ज्यादा अच्छी है और जिनकी कि सैकड़ों वर्ष आज़ादी भोगने हुए हो गये ह, वहां पर भी यह स्लम्स मौजूद हैं। हमारी ओर से इन स्लम्स को दूर करने की कोशिश की जा रही है लेकिन उसके रास्ते में कुछ दिक्कतें हैं जैसे कि यहां के लोगों की भीसत ग्रामदनी दूसरे देशों के मुकाबले में कम है और लोगों की अपने मामूली खर्चों को चलाने की गुंजाइश कम है। सब से बड़ी प्रोब्लम पापुलेशन की है और हम देखते हैं कि हमारी आबादी रोज़ व रोज़

[पंडित गो० ब० पन्त]

बढ़ती ही जाती है। पापुलेशन में कोई कमी नहीं होती है और ग्रामतौर पर मुक्त में घाबादी बढ़ती जाती है। दिल्ली का तो कहना ही क्या है और यहां पर अगर हिसाब लगाया जाय तो पता चलेगा कि रोजाना दिल्ली में कितने भ्राम्दमी बढ़ रहे हैं। यह काम ऐसा है कि इसके लिए काफी वक्त और कोशिश करने की जरूरत है। जरूरत यह है कि हम धागे बढ़ें और अपने इस काम को कामयाब बनाने के लिए अपनी पूरी ताकत लगा दें। जितने भी यहां के काम करने वाले हैं उनका ध्यान इस समस्या की ओर गया है और उन्होंने इस बारे में अपनी घाबाजें उठाई हैं। भारत सेवक समाज के जरिए इस काम को लोगों ने किया है और उनकी मदद इस काम में बराबर रहेगी और मुझे पूरी उम्मीद है कि उनकी मदद से यह काम निरन्तर धागे बढ़ता जावेगा और वह दिन जल्दी धाने वाला है जब हम अपने मकसद में कामयाब हो जायेंगे और हम दिल्ली को ज्यादा साफ और सुधरा देख सकेंगे।

Mr. Chairman: The question is:

"That the Bill to provide for the improvement and clearance of slum areas in certain Union territories and for the protection of tenants in such areas from eviction, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Chairman: We now come to the clause-by-clause consideration. Shri Radha Raman is not present.

The question is:

"That clauses 2 to 30 stand part of the Bill."

The motion was adopted.

Clauses 2 to 30 were added to the Bill.

Clause 31—(Service of notices, etc.)

Shri Jhulan Sinha (Saran North): I beg to move:

Page 13, line 6—

for "by post" substitute:

"by registered post with acknowledgement due".

मुझे अपने इस संशोधन के बारे में अधिक नहीं कहना है। मैं यह चाहता हूं कि यह जो नोटिस भेजा जाय यह धाडिनेरी पोस्ट के द्वारा न भेजकर रजिस्टर्ड पोस्ट ऐक्नौलेजमेंट ड्यू करके भेजा जाय ताकि जिस पर धाप नोटिस सर्व कर रहे हैं उसको यह बहाना और ऐतराज करने का मौका न मिले कि उसे वह नोटिस नहीं मिला और इस मंशा को लेकर मैंने अपना यह अमेंडमेंट दिया है।

Mr. Chairman: Amendment moved:

Page 13, line 6—

for "by post" substitute:

"by registered post with acknowledgement due".

पंडित गो० ब० पन्त : इसमें यह नहीं धा सकता, अगर इसके क्लस जब बनेंगे तब उस पर खयाल किया जायगा।

श्री झुलन सिंह : मैं अपना अमेंडमेंट प्रेस नहीं करना चाहता और मैं उसको वापिस लेने की इजाजत चाहता हूं।

Pandit G. B. Pant: The hon. Member withdraws his amendment.

The amendment was, by leave, withdrawn.

Mr. Chairman: The question is:

"That clause 31 stand part of the Bill."

The motion was adopted.

Clause 31 was added to the Bill.

Clauses 32 to 40 and the Schedule were added to the Bill.

Clause 1, the Enacting Formula and the Title were added to the Bill.

Pandit G. B. Pant: I beg to move:

"That the Bill be passed."

Mr. Chairman: The question is:

"That the Bill be passed."

The motion was adopted.

DELHI TENANTS (TEMPORARY PROTECTION) BILL

The Minister of Works, Housing and Supply (Sardar Swaran Singh): I beg to move:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction, as passed by Rajya Sabha, be taken into consideration."

Shri U. M. Trivedi (Chittor): On a point of clarification, I wish to say that on page 3 of this Bill which has been supplied to us, nothing has been printed. It has been left blank.....

Shri Nand Lal Sharma (Sikar): The same is the case with other copies also. There is nothing printed on it. We are not able to see what law is intended to be made.

Mr. Chairman: That is the end, I am told.

Shri U. M. Trivedi: But Pandit Thakur Das Bhargava tells us that there is something to be printed on page 3.

Pandit Thakur Das Bhargava (Gurgaon): The Bill, when it was in the Rajya Sabha, contained the Statement of Objects and Reasons etc. When it has been passed by Rajya Sabha, all those things have been taken away as they are taken away in all the Bills.

Shri U. M. Trivedi: How are we to know that there are only five clauses?

Mr. Chairman: The original Bill, as it was introduced in the Rajya Sabha, has also been circulated to Members and from that you have to infer. The hon. Minister may continue.

Sardar Swaran Singh: Sir, this Bill, as passed by Rajya Sabha, seeks to give temporary protection against eviction to certain categories of tenants and the protection is both against passage of a decree for eviction as also against execution if the decree had already been passed. There are two things to be seen.

Pandit Thakur Das Bhargava: There is no provision for pending cases and any decree can be passed.

Sardar Swaran Singh: There is no provision with regard to pending cases as such but, obviously, if a decree is passed—the suits will not be stayed—that will not be executed. So it will cover those cases also.

There are two things which I want to mention before I go to the relevant provisions of the Bill; one is that this temporary protection extends over a period of two years and, secondly, there is a limit that this will cover only those tenants who pay a monthly rent up to Rs. 100; that is, it does not afford protection to those tenants who might be paying a rental of more than Rs. 100 per month.

Shri Velayudhan (Quilon cum Mavelikkara — Reserved — Sch. Castes): Why?

Sardar Swaran Singh: Did I hear Shri Velayudhan to say "Why"? Does he want protection to be afforded to tenants who pay a monthly rent of more than Rs. 100 also?

Shri Velayudhan: My contention is that almost all the capitalists are getting more rent.

Sardar Swaran Singh: Is he trying to help them or protect them?

Shri Velayudhan: The Government is trying to protect them. How can I protect them?

Mr. Chairman: Order, order. Let the hon. Minister continue.

Sardar Swaran Singh: If the hon. Member is a little patient, at least one-tenth the amount of patience as compared to what I have got, I think he will understand what the Bill is.

Shri Velayudhan: I have understood.

Sardar Swaran Singh: It seeks to give protection against those tenants against eviction, who are paying rent up to Rs. 100. If he asks me to increase the limit, that means he is bringing within that category the upper-class tenants who are comparatively a richer class of people. I am sure this cannot be the intention of the hon. Member.

Anyhow, the point which I was trying to develop was the two-fold nature of the Bill; its temporary nature, that is, it extends over a period of two years, and that it covers the type of tenants who do not pay rent beyond a certain limit which, it is considered, is a reasonable limit. The protection extends to certain classes under Section 13 of the Rent Control Act.

The relationship between landlord and tenants about salient factors, namely, about the rent payable or about the circumstances under which eviction can be obtained, is governed by the provisions of this Delhi and Ajmer Rent Control Act of 1952. Since 1952, considerable pressure has actually accumulated with regard to accommodation so far as the city of Delhi is concerned. That requires a reassessment of the situation and a detailed examination of the manner in which we should deal with that problem. We had been giving thought to this matter for quite sometime. It was, however, not possible to frame any long-term measure in order to

give relief of a more permanent nature. But a situation had recently developed on account of either a large number of actual evictions, a large number of legal proceedings that had actually been instituted, or a still larger number of cases in which though formal legal proceedings had not been started threats of eviction and the like had been given. Therefore, it was necessary to afford some protection against immediate eviction to these tenants, these poor class of tenants who were on the point of being evicted. It was with this object that we brought forward this legislation, to give some breathing time so that a detailed examination could be had of the problem.¹ It is Government's intention to examine this matter thoroughly with the association of all concerned, namely, the Delhi Administration, maybe the Corporation, the Improvement Trust or the Delhi Development Provisional Authority. An effort will be made to associate non-official opinion also and then to formulate a definite plan of tackling this difficult problem which will, obviously, consist of a two-fold attack upon this vexed problem; one, to think of some appropriate legislative measures and, secondly, to have proper housing plans for the metropolis.¹

But, that would take some time. A situation had, however arisen which necessitated the grant of this temporary relief. In affording this temporary relief, care has been taken to make an exception with regard to that category of cases where the landlord seeking eviction of the tenant may himself be in a hard position, and there are categories of cases where, notwithstanding this new amending Bill, the landlord will still have the right of eviction; for instance, a landlord requiring the premises for his *bonafide* personal use by way of occupation or the like, or where the tenant does not pay rent, or the other one or two clauses which are contained in the Bill. What I am trying to say is, even while giving this temporary relief, we have taken care to ensure that undue hardship, particularly to the

smaller landlord, is not caused by this staying of eviction and, if it is a genuine case of hardship then he can get his decree for eviction executed or he can succeed in his suit for eviction if his case comes within those categories which are mentioned under Section 13 and with regard to which this Bill does not extend.

Now, I am aware of the two-fold type of criticism that are likely to be made. There will be one set of arguments in favour of making this Bill more stringent in the sense that in the categories of cases where eviction can even now take place we have been liberal so far as the landlords are concerned, and that we could consider even more categories under which we could permit eviction. There will again be criticisms from another quarter where it is likely to be urged that we have been too strict in the matter of staying eviction and that it should be liberalised. We have given considerable thought to these apparently conflicting claims. We had, on the one side, to afford relief to the tenants to whom we thought this relief was overdue. On the other hand, we wanted to protect the cases of genuine landlords who may be in real difficulty and who themselves may be owning small bits of property and therefore we could not postpone their enjoyment of the property if their need was genuine. Therefore, a middle course has been thought of which gives a reasonable measure of protection to deserving cases of tenants and also does not cause undue hardship to the landlords. It is a sort of compromise formula and I am aware of the type of criticisms that can be levelled against it from both sides.

Then again, there is one other aspect which I want to point out. The Bill, if I may submit most respectfully with a certain amount of apology to the House, has been drafted in considerable haste, because we thought that the problem was real, and it was a human problem. It was, if I may say so, partly a law and order problem, and to tackle this problem, it was very necessary that we give this protection

in some measure. All these points can be later on examined and in the administration also, it can be ensured that if there is any particular hardship in any matter, that can be got over. I wanted to say this so that the hon. Members, if they are inclined to agree with me, may cut short some of their criticisms, and may permit the passage of this Bill as it has been passed by the Rajya Sabha, because we are working on a tight schedule. Even if there are any particular phrases which could be improved or any particular thing which, by a little addition or alteration here and there, might either improve the language or may slightly be a little more advantageous, that is normally done and that is how we are benefited by the advice of Parliament.

But in this case, I regret that it will not be possible to do that really, because of the tight schedule, and even if minor changes are made, this Bill will not be placed on the statute-book unless they are approved by the Rajya Sabha, and the Rajya Sabha would not be in session by the time the changes, if any, are made here and the Bill sent back to the Rajya Sabha. Therefore, I would appeal, in the name of those unfortunate and suffering people who belong to the poorer classes, that this House might agree to the passage of this Bill, the object of which is primarily to afford this temporary relief. The matter will be examined in greater detail by the association of all the concerned people and also by the association of non-official opinion. Sir, I move.

Shri Nand Lal Sharma: On a point of clarification. The hon. Minister was just now saying that even if certain changes were necessary in certain portions or in certain clauses, he could not accept the amendments because there was no time. Is it also a basis on which amendments will not be permitted?

Mr. Chairman: What he says is that it will not be possible to accept them, if you want to pass this Bill in this session. Today is the last day of the session.

Sardar Swaran Singh: I am not raising any technical issue. All that I can say is, we have to view this problem against the background which I have pointed out. Of course, the House is sovereign and it can even throw out the Bill. But I am only saying that even if there are any changes which may be made, we may not have sufficient time to pass the Bill. If there were more time, I myself might have accepted some amendments, but now, I am anxious and I am sure the House will share my anxiety to place this protective measure on the statute-book. Therefore, it is not possible really, in order to save time, to accept amendments. Therefore, I only appeal to the House that if we can approve the Bill as it is, that will afford some protection. I am not raising any legal or constitutional issue on that score.

Mr. Chairman: Motion moved:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction, as passed by Rajya Sabha, be taken into consideration."

There are two other amendments, one for circulation for the purpose of eliciting opinion and the other for referring the Bill to a Select Committee. The motion for circulation is out of order. Further, the hon. Member is absent. Does Pandit Thakur Das Bhargava want to move his amendment?

Pandit Thakur Das Bhargava: Yes. I want to move it. I beg to move:

"That the Bill be referred to a Select Committee consisting of Shri Tek Chand, Shri Anandchand, Shri B. P. Jhunjhunwala, Shri Mohanlal Saksena, Shri A. M. Thomas, Shri U. M. Trivedi, Shri B. Ramachandra Reddi, Shri H. V. Kamath, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri Tulsidas Kilachand, Shri Hem Raj, Shri Feroze Gandhi, Sardar Swaran Singh and the Mover,

with instructions to report by the first day of the next session".

Mr. Chairman: Amendment moved:

"That the Bill be referred to a Select Committee consisting of Shri Tek Chand, Shri Anandchand, Shri B. P. Jhunjhunwala, Shri Mohanlal Saksena, Shri A. M. Thomas, Shri U. M. Trivedi, Shri B. Ramachandra Reddi, Shri H. V. Kamath, Shri Shree Narayan Das, Shri N. C. Chatterjee, Shri Tulsidas Kilachand, Shri Hem Raj, Shri Feroze Gandhi, Sardar Swaran Singh and the Mover, with instructions to report by the first day of the next session".

COMMITTEE ON ASSURANCES

THIRD REPORT

Shri Raghavachari (Penukonda): Sir, I beg to present the Third Report of the Committee on Assurances.

RESIGNATION OF A MEMBER

Mr. Chairman: I have to inform the House that Shri Amarnath Vidyalankar has resigned his seat in Lok Sabha with effect from today.

DELHI TENANTS (TEMPORARY PROTECTION) BILL—Concl'd.

Shri Raghavachari (Penukonda): I rise to speak about this Bill both as a Member of Parliament and also as a lawyer who knows the real experience of people. I perfectly appreciate the hon. Minister's point of view that they have been considering very sympathetically the problem relating to overcrowding and the difficulty of tenants and all that.

This is an affair concerned with Delhi and that I have nothing to do with it. But I happened to be a member of the committee regarding eviction of Government premises, that is, I was a Member on the Committee

appointed to consider the Government Premises (Eviction) Bill. Then, I went round all those areas and obtained a very realistic view of the conditions in which the people are living in those areas. It is not that I have not seen the conditions. We have had a very graphic view and a sympathetic view of the whole matter. Nevertheless, the point that is now for consideration is this. I do not wish to question the *bona fides* of the Government, but, all the same, I want to place on record what I feel about it. Is the Government really anxious to relieve this problem? It is not that this problem has presented itself before the Government recently or all of a sudden. For years the evil of overcrowding has been there in Delhi. In 1952 they passed a legislation, which is sought to be nullified by the present Bill. This pressure on the condition of the tenants in Delhi has not developed overnight. It has always been there. The Minister now asks for more time to solve the problem. If they had applied their minds to this problem early enough with the same sympathy that they now profess, this problem could have been solved. They wasted crores of rupees in building hotels and big buildings to show off as the best things in Delhi. If those crores of rupees were spent for relieving this congestion, they could have housed thousands of families. I do not mean to say that the sympathy that the Minister expresses at present is not genuine. But they should have done first things first and other things later.

What is sought to be done by this Bill is that the decrees that have been obtained should not be executable for two years. The Minister explains that he has taken a middle-course or a compromise path as it were and therefore, he has exempted decrees on grounds specified in clauses (a), (b), (c) and (e) of the proviso to sub-section (1) of section 13 of the Rent Control Act. As a lawyer, I know how long it takes for a person to obtain a decree from the court. After a suit has been instituted, it takes years for the suit to mature into a decree; and,

the law has provided 12 years for the execution of the decree. The struggles and the troubles of the decree-holder start only after the decree is obtained, because the defendant resorts to so many tactics to see that the decree is not executed. That is the situation. But now the Government wants to add two more years, so that the period of limitation now becomes 14 years.

Mr. Chairman: Is it in addition to the 12 years?

Shri Raghavachari: Yes; it is said here that in computing the period of limitation, the time during which the Act remains in force shall be excluded. Therefore, the effect of it will be that the poor people will suffer. After all, every owner is not necessarily rich.

An Hon. Member: Most of them are rich.

Shri Raghavachari: They have omitted the cases of non-payment of rent and sub-letting. If their intention is genuine, I would like to ask, "Why have you excluded (d)?" In the name of the poor, we have come here.

Shri C. K. Nair (Outer Delhi): The lawyers class always represent the rich.

Shri Raghavachari: I emphatically protest against Mr. Nair's remark against the whole class of lawyers.

Sardar Swaran Singh: Do not misunderstand him; I am also a lawyer.

Shri Kamath (Hoshangabad): The Chairman is also a lawyer.

Shri Raghavachari: To accuse the whole class is not proper. When the communists were making propaganda for the elections, they said, "We will take away the property of the capitalists and distribute it amongst all of you; give your votes to us." We said, "Look at this propaganda. Is it possible? They are just deceiving the poor people." Now, what is it that you are saying? In the name of the poor, you say you will do this and that. Is it feasible or practicable? Is

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it necessary in the interests of the society? You must realise what is the smaller danger and what is the greater danger; what is the lesser inconvenience and what is the greater inconvenience. These are the things you must examine. Simply in the name of the poor you bring a piece of legislation. I cannot appreciate that kind of argument, except that it has a sentimental value in appealing to the world.

The Minister wanted to say about his sympathy to the genuine difficulties of the landlords. If your point is not to evict the tenant, what does it matter if he has sublet the premises to any other man? If your point is that the man who is living there should not be evicted out of the House, it matters not if some other poor man has occupied it as sub-tenant. Why do you exclude this? There is no common principle by which you are guided. If your idea is that any man who is in the possession of the premises should not be disturbed for two years to come, what does it matter if he has sublet it? Why do you exclude that portion of it?

Sardar Swaran Singh: He makes money out of subletting by charging a higher rent.

Shri Raghavachari: You want the owner to get money now.

Sardar Swaran Singh: No.

Shri Raghavachari: If the sub-tenant is evicted, the owner can let it to some other man and charge higher rent.

Sardar Swaran Singh: But rent is controlled under the Act.

Shri Raghavachari: Every one of your clauses here are surreptitiously overcome. This surreptitious overcoming of law is a business in which lawyers and other intelligent people indulge. So, you cannot say that this overcoming is a new thing. It is there always.

The hon. Minister has given some reasons. There is a saying that when people want to give reasons, they give ever so many reasons, but the real reason is always lurking somewhere else; it will not come. I may be pardoned for saying it, but what I gather from the newspapers is this. After all, this problem has been there confronting us all these years, and the sympathetic solution comes a few weeks before the election. The House is to end today.....

Sardar Swaran Singh: This is the opportune moment for doing good things.

Shri Raghavachari: Whether it is opportune or inopportune, certainly what you are doing is good. But the only question is that the Government have chosen to do all these good things at a time when it is liable to be construed wrongly. There is no unsuitable time for doing a good thing.

Sardar Swaran Singh: I am not standing for the elections; I am a Member of the Rajya Sabha.

Shri Raghavachari: It is not you, but the whole party you represent. I do not want to be disturbed, because I know it is inconvenient to you. I have read in the papers that the position of the Congress in Delhi area is not safe and the opposition from the Jan Sangh and other contestants are very stiff.

An Hon. Member: And your party?

Shri Raghavachari: I am not concerned with my party. I am not going to contest on behalf of any party. I say what I feel about the thing. Under these circumstances a few weeks before the elections you want to earn a good name from the people: certainly the owners are less than the tenants. I suspect this is one of the reasons which has urged you to bring this piece of legislation just now.

Sardar Swaran Singh: You can eliminate this.

Shri Raghavachari: Apart from this you must act on certain principles. Last time I remember we helped you to get a piece of legislation passed which enabled you to get certain unauthorised persons evicted from government premises. If a man had sublet his house and you cancelled the allotment to him he became an unauthorised occupier and he was liable to be evicted. It was your property; therefore, you wanted to evict him and have him physically thrown out. In the case of this Bill the same principle is not applied.

I may be the owner of a house and may have rented a room to my employee. Either he resigns or I dismiss him. Under this law, I cannot evict him. Suppose all your Government servants are dismissed or resign from service tomorrow and they continue to occupy their houses and you cannot evict them? Is this justice? You have one rule for yourself and another for others. Government is a big institution. It will not exercise its powers arbitrarily and whimsically and therefore there should be some difference in the standards between government exercising it and private individual exercising it.

There may be some good people, honest people, more sympathetic than Government. They may like to exercise their powers properly. Why do you prevent such people also by this legislation? I have given my house, for instance, to somebody. He does not live there and locks it up. The old law provided that I could evict him. Now you say I cannot evict him. You say that your idea is that the house should not lie vacant. If it is unoccupied somebody can live there. If any man has sublet it he can be evicted; if it is locked he cannot be evicted. If the man or any member of his family does not occupy it for six months he could not be evicted now. He cannot sub-let. A vacant house he must lock and keep the key in his pocket. Therefore, to me it looks that there is no rhyme or reason in your methods; it is inconsistent with your professions.

Now, Sir, supposing there is a house which is likely to be unfit for human habitation; the tenant has gone to court; the court has held that it is unfit for human habitation; and has granted a decree to that effect. Now you say for two years it will not be repaired. Does it mean that the court's findings cease to be valueless? In the recent rains many houses fell down; but they cannot be repaired. You have not provided anything here. What will happen to such houses? The legislation that you have brought forward is something of a hotch-potch, wanting in consistency.

Supposing a man to whom I have given my house has built a house of his own. Normally I could evict him. Now under this law I cannot evict him. You encourage another man who has built a house of his own to continue in my house and rent out his house. There must be some justification for the law we make.

Supposing a man is a nuisance to his neighbours or causes nuisance to his neighbourhood. That may be a reason of which the court was satisfied. But you want the people who live in the neighbourhood now to suffer that annoyance. A court has found that he is a nuisance or creates annoyance to his neighbours and that he should be allowed to be evicted. You do not want that to be executed now. That means the nuisance must be suffered by the neighbours. I am coming from an area where prohibition has been introduced and it is a complete failure. Prohibition is being introduced here. I may let out one room to somebody who return late at night and make *jalsa* or *gala*; he may become a nuisance. I cannot even go to a court of law and establish that this is a nuisance; in other words, you are licensing nuisance. All these things go to show that there is absolutely no consistent reason behind your proposals. All that you want to do is to give a moratorium to the tenants, in view of the coming elections. There must be some consistent reason behind your actions. This is simply a hotch-potch. To me it looks that some

[Shri Raghavachari]

of these provisions have been put into this Bill under pressure, probably for some election purpose. I, therefore, leave it to the House to decide as to whether this Bill should be passed.

One of the arguments used by the hon. Minister,—not only in the case of this Bill, but also of the previous one—is that there is not much time before him. Surely, that kind of an argument which is urged in consideration of a piece of legislation before Parliament, is not right and it does not appeal to me. Though I know that a realistic view should be taken and we must do something, if you say “This is the problem, allow me to do it, I will have my purpose served, and later on we shall see”, that is not a proper argument to my mind. Therefore, I wish to point out these facts to the Government. The hon. Minister said that we can hope that in the matter of execution or administering this law they will be sympathetic and keep these things in view. But unfortunately you prevent the courts from executing decrees. And in administering these things you cannot do anything once you pass the law; the courts are bound, and therefore your sympathetically administering the law is not possible. And even when, in respect of a slum area some rule or regulation or order is issued to an owner, and in respect which he has obtained the decree, he cannot now execute it, and therefore he must now disobey the order. And thereby you prevent him from obeying it.

Mr. Chairman: The hon. Member's time is up. I am calling Shri Trivedi.

Shri U. M. Trivedi: I will not take a long time, because most of the points have been covered, very ably covered, by my hon. friend Shri Raghavachari. Even as an election stunt—if it is an election stunt at all,—it is a failure, and an utter failure, inasmuch as those persons who will be benefited by this will—I am not going to mince matter—be those recalcitrant tenants whom it will be desirable to drive out. It will be the goonda element who will remain in possession. The other gen-

tlemanly people who have failed to pay the rent will have to go away.

“Using the premises for a purpose other than the one for which it was rented”—it is such an ambiguous thing that if the tenant is soft, the landlord can say, “You occupied it for this purpose, now you are having a business there, so you go out”.

Then there is the question of subletting. If I have occupied the house and I allow my brother to be there, the landlord can say, “It was to U. M. Trivedi the house was given, what is this U. M. Trivedi for? Therefore you go”.

And then, “causing substantial damage to the premises”, I do not know—of course, as a lawyer I know what is substantial damage and the type of substantial damage and so on. These are all bogus things.

And then, “the premises being required by the owner for his own bonafide personal use”—a man may be having hundred tenements, and he will require one more tenements for his own use! All these excuses will be there, by virtue of which the premises can be taken away. These are all excuses which ought not to be allowed.

And then “unsafe premises”. If the court has declared certain premises to be unsafe, which is the tenant who is going to occupy it, unless there is something mischievous behind the occupation of such premises? Who is going to occupy it? Why do you want to provide for the occupation of unsafe premises? Allowing occupation by a person of unsafe premises is not safe. After all, what useful purpose can be served by allowing him to occupy unsafe premises?

16:54 hrs.

[SHRI RAGHAVACHARI in the Chair]

Then, for the purpose of “re-building the premises”—suppose a man wants to re-build the premises. He has fought out the case, and the court has ordered. He has made out the plans and collected the materials. Then it goes in the thin air.

Although the provision is made here that it is for a period of two years, yet we do not know what is in the offing and what will come. We know that when the Preventive Detention Act was put on the anvil, a big proviso was made by Government that it was only for one year. But what has happened is that one year, second year, third year, fourth year, fifth year, sixth and seventh year passed.

Shri Chattopadhyaya (Vijayavada): Chewing gum!

Shri U. M. Trivedi:we have come to 1957 and we are not getting out of it.

If he is an unsuitable tenant and if you want to drive him out, I cannot understand why an unsuitable tenant should be allowed to continue. If a decree has been passed by the court and if he is found to be an unsuitable tenant, why should he be kept? If he is an unsuitable tenant, he must be something of a nuisance. And if a nuisance is to be allowed to be continued for two years further, it is the height of doing something to which I do not agree, and to which as legislators we should not agree.

All these things which are enumerated here generally try to protect the people who do not deserve the protection that is being afforded to them. Mr. Chairman, you were completely right in your analysis of this thing.

Another thing which strikes me as being very strange is this. It is provided here that "nothing in this Act shall apply to any premises the standard rent of which or where there is no standard rent, the rent payable by the tenant in respect of which, exceeds rupees one hundred per month". Why have you provided this limit of one hundred rupees? It is quite true, and you may justifiably plead here "we are trying to give protection only to the poorer people".

But we have to take stock of the situation that Delhi today is not a place where you can easily get houses on cheap rents like thirty or forty rupees. Even these small flats which are supplied to us, Members of Parliament,—they are living holes I should say.

The Parliamentary Secretary to the Minister of Works, Housing and Supply (Shri P. S. Naskar): Holes?

Shri U. M. Trivedi: Yes, holes they are, the so-called flats with one small room, and in that room some ingenious engineer has shoved in a table, a dining table! What does a Member of Parliament want a dining table for? I am an Indian; I can sit on the ground. I do not want a dining table. The whole space is occupied by that table.

Mr. Chairman: You can surrender it.

Shri P. S. Naskar: What about his guests?

Shri U. M. Trivedi: Even for that small space you are charging as much as one hundred rupees. The ordinary middle-class man is the man who is going to be affected by this. This rent which the Government is charging is ordinarily less than what is charged by the private landlord outside. So, in such premises where the middle-class people, clerks and other drawing a salary of Rs. 250 or 300 are living, with two friends or there are two families or two brothers together, paying a rent of a hundred rupees, such people are going to be driven out.

Sardar Swaran Singh: What is your suggestion?

Shri U. M. Trivedi: My suggestion is, if you want to keep a figure like this, then please keep it at least at Rs. 150 or about Rs. 175. I would not like you to stick to this one hundred rupees limit, on account of the fact that in Delhi the rents are already very high, and the people who are mostly to be affected by this will be the middle class people, clerks and others working in banks or offices.

Pandit Thakur Das Bhargava: You want that the middle-class people also should be protected?

Shri U. M. Trivedi: Yes, I want the middle classes to be protected. Therefore, my suggestion is that you are not going to serve any useful purpose by the application of this law.

Then, another thing which is there is this. Government always takes into its head to have a provision like this, and this thing is growing now: Government has got a distrust, a mistrust of the courts. After all, the courts are manned by people selected from amongst us, from amongst all of us. They are also citizens, and somehow they have so grown and the growth has been such that the people have somehow or other developed this mentality of having faith in the courts. And Government, on the other hand, has developed this mentality of driving out that faith by their actions. Let the people have at least this solace that here is a third party before whom we can go and complain. Why have this power absolutely in the hands of the Government? And that is why Government always say, "No standard rent for us, we can always drive out, no rent control or Rent Control Act for us, nothing we do not go to courts, you go to courts."

What the Government is doing is this: for two years, give complete moratorium. The poor fellow might have spent money, paid the court fees, paid some lawyer like me.....

17 hrs.

Shri Chattopadhyaya: Unfortunate man.

Shri U. M. Trivedi:....fought out the case, produced witnesses. All to no effect. That is why I submit that even my poet friend will support me that this Bill should not be brought on the statute-book.

Pandit Thakur Das Bhargava: Sir, in this Bill, I am at a loss to see what line of argument I should adopt. As a matter of fact, I am rather cornered in one way. The hon. Minister

says, if you oppose this Bill, it will not be possible to go back to the Rajya Sabha to make any amendments. The only course left to us is to accept the Bill. In another Bill, which was placed before the House this morning, we adopted this course. I was anxious that so far as the Fari-dabad Corporation was concerned, it should come into existence as soon as possible and therefore accepted a compromise. The hon. Minister says that if there is anything wrong here, after detailed consideration, he may come with another Bill. If he had made a specific proposal, I would have adopted the same course. He has not made a specific proposal on that point. Still, he has given us an assurance that if there is anything wrong, he will see that so far as the wrong things are concerned, they are set right. So far so good.

At the same time, I do not see any force in the argument that it has come at such a late stage. The stage is late. If it had come earlier, at the beginning of the session, we would have been able to send it to a Select Committee and they would have gone into the provisions. But, to say that it has come at a late stage and that the Congress Party is to blame, I do not accept. Otherwise, it may mean that in a last session of two or three months, all the good laws that are brought forward by any Government will be open to the objection that they should not have been brought at that time. This is not correct. If any Bill is brought, we must look at it dispassionately without going into the question how the Bill was brought, why the Bill was brought. There may be many reasons. One person may assign one reason, another person may assign another reason. My submission is, let us look at the question dispassionately.

I would have liked the hon. Minister to kindly give us some figures. We should be informed as to how many cases have been decreed, how many execution petitions are pending in

the courts in respect of sub-clauses (d), (f), (g) and (h), etc. Unless these figures are there, I am not in a position to know whether any good will be served by taking away these provisions.

Sardar Swaran Singh: We attempted to collect figures. I regret to inform that we could not collect them.

Pandit Thakur Das Bhargava: In the absence of these figures, I am not confirmed in my view that there is a great demand for this Bill.

Mr. Chairman: In the Statement of Objects and Reasons, you have given figures, I think.

Sardar Swaran Singh: Not exact figures.

Pandit Thakur Das Bhargava: The hon. Minister says that there is need for this Bill. He feels that, as a matter of fact, the tenants will be affected favourably and there will be some satisfaction to the tenants. I will accept it as a good argument. But, at the same time, I cannot affirm in the absence of figures that it has got substance in it. In the absence of figures, it is impossible to say that there is need for such a Bill and we have to fall back upon the statement or opinion of the Minister. As the hon. Minister feels that the tenants will be satisfied by these exceptions, I would like to examine this Bill and come to my own conclusions whether there is any need or not.

If you look at the parent Act, you will be pleased to find that this was exactly the argument which was given to us when we enacted this measure. In 1952, a Select Committee appointed and I happened to be the Chairman. At that time, we felt that so far as these tenants are concerned, something must be done. When we enacted section 13 of that Act, we had a provision like this:

“Notwithstanding anything to the contrary contained in any other law or any contract, no decree or order for the recovery of

possession of any premises shall be passed by any court in favour of the landlord against any tenant (including a tenant whose tenancy is terminated):”

We went so far as that. We were not in favour of any decree being passed against any tenant in spite of a contract or anything else.

With these premises, we came to see how we can protect our fundamental right under article 19 as well as the landlords also, whether big or small, who had rights in property. We made no distinction between rich and small landlords so far as these provisions are concerned. At the same time, we have seen that the right in property as conferred by article 19 of the Constitution is safeguarded. That is a fundamental right. We went into the question rather deeply and found the exceptions were good.

I shall now examine whether all these exceptions, which the hon. Minister now wants to take away, will affect the tenant favourably or not. Since you have been pleased to refer to these sections and as we are short of time, I will not go deep into the matter. I shall only say a word or two in respect of each exception. For instance, you were pleased to call attention to sub-clause (d). Under this sub-clause, it is so ridiculous to say that a person should be allowed to lock his house for six months; there is nobody in the house, and yet, he should not be evicted. You keep it locked. We have to find a solution for the housing problem. You are making the housing problem more difficult. That is not justifiable. This will not benefit any tenant. Similarly, in regard to clause (e); I will come to it later on.

Mr. Chairman: Sub-clause (e) is excepted.

Pandit Thakur Das Bhargava: There is something to be said about sub-clause (e) also. I shall say that

[Pandit Thakur Das Bhargava]

even now with your permission. We have recognised the right of the landowner. If he wants the premises for his own *bona fide* purposes, he can evict the tenant. At the same time we have placed restrictions in his way so that the tenant may not be put to difficulty. He will not be able to take possession for months. Some people have come to me and complained that landlords are taking undue advantage of this provision in this way. Suppose a person is the owner of a big house and four or five families live there, he sells all the four parts to different persons. Ultimately these four persons bring suits against the tenant for their own purposes under this sub-clause (e). It may be there; I cannot vouch whether this is correct. I would have liked to get the figures from the Government. Supposing it is true, my submission is, here is a case in which the hon. Minister is right in saying that you should find the remedy. To that purpose, I have sent an amendment which will come before the House later on. I say, after this Act is passed, if there is really an emergency—the hon. Minister says that there is a real emergency—we should find a solution for this emergency. The solution is, in the future you do not recognise such acquisition of property. For two years, if there is any acquisition of property and by virtue of that acquisition, a person wants to see that another is ousted, I will go to the extent of saying, for the purpose of meeting this emergency, you do not allow the acquisition to take effect so far as the right of eviction is concerned. This is one way out of the difficulty. There is no provision in the Bill. If the problem is there, I have submitted a solution and I offer it to the hon. Minister for what it is worth. This also goes against the right of property. For two years a person cannot get his own property. If there is an emergency, an emergency knows no restrictions an emergency knows no law. I have got sympathy for my

fellow citizens who are tenants. I shall see that they are not put to any difficulty. They are poor people. I want to see that their difficulties are solved. If I can find out some other provisions which will benefit them, I will go to that extent. I feel here is a way in which we can help them.

If you will kindly refer to sub-clause (f), I am one with you. You have given a very good reason. If the house is unsafe, if some other authority gives notice that you must repair, can any court, can any reasonable man, say that this man should be allowed to live in an unsafe house. The house may fall and apart from the injury to the landlord, the tenants may all be buried when the house collapses. So, so far as (f) is concerned, I am perfectly clear in my mind that it should in no case be excepted. Let 15 days be given for the repairs and the tenant come back after the repairs.

Mr. Chairman: Clause 15 of the old Act gives that.

Pandit Thakur Das Bhargava: I am coming to that. Again, kindly see (g):

“that the premises are *bona fide* required by the landlord for the purpose of re-building the premises or for the replacement of the premises by any building or for the erection of other buildings and that such building or re-building cannot be carried out without the building being vacated”

So, the first condition is that the building or re-building cannot be carried out unless it is vacated. How do you propose to solve the housing problem unless you allow the persons to build houses for the tenants? There are provisions which come later that such rebuilt houses should be given to the tenants for occupation unless they disagree. So, this

rebuilding is in the interests of the solution of the housing problem

Similarly, the removal of (h) makes the Bill more ridiculous. I know of many people in Delhi who are tenants and paying very little rent and at the same time they are big landlords. They have built houses in many places. They are the owners and they are getting fat rents, but they live as tenants. So, they are both landlords and tenants. You are out to help the poor tenants, and I admire you for it, but at the same time, are you going to help the richer people who have their own houses rented to others but live as tenants? The provision in (b) reads:

"that the tenant has, whether before or after the commencement of this Act, built acquired vacant possession of, or been allotted, a suitable residence;"

If any person has a suitable residence of his own and yet says he will not leave the house given to him, this is absolutely unfair. I have got no sympathy for a tenant like this. Supposing a person, renting out his own house, lives as a tenant elsewhere, he will not be affected by this measure.

I support what you have been pleased to say regarding servants. Suppose I have a *munim* who is occupying a room. I dismiss him and he still continues to occupy it. Where will the new servant be accommodated? The accommodation is given to the servant only because he is in service and when he gets out of that service how can he still continue to occupy the premises? I think this is not right. If you allow such persons to continue, you are making your own problems more acute. Where will you house those persons who ought to be housed there as servants? I do not think this is a good case in which eviction cannot take place.

So far as nuisance etc., are concerned, you were pleased to speak

about prohibition. May I remind the House that we passed a law about ten or fifteen days ago for the suppression of immoral traffic where we have stated that if there is nuisance and things like that the place will be regarded as a brothel. Do you want to cut at the root of the good legislation that you have passed? If in a part of a house prostitution is going on, you do not want that those tenants should be evicted. Why should they not be evicted? Similarly about prohibition. After very great deliberations we made these exceptions in which the tenants should not be troubled. Every care was taken to see that they were troubled as little as possible.

As regards (k), the Minister himself has made an exception so far as substantial damage is concerned. I agree with him and ask him to keep it. But supposing the Municipality or the Improvement Trust or the Government sends a notice to the landlord saying: "Since you are not behaving rightly and you do not observe the other provisions of the law according to the conditions of lease etc., we give you notice that the lease will be terminated and the land will be re-entered." The landlord goes to the tenant and says: "I have received a notice. You kindly vacate. You are doing the wrong thing and I have to bear the consequences." I will ask him to see that this latter part of the original (k) be retained because your own action must be compatible with what you are doing. The Government or the Improvement Trust or any other local authority should not proceed against the landlord if he evicts the tenant in such circumstances. Let him not be cornered bothways. The tenant does not vacate and you go on with your proceedings against the landlord, which really means he is between the devil and the deep sea. What can he do? He must observe your orders and evict the tenant, but you do not allow him to do so. So, if you want to keep this, kindly keep it in the original form and see that you do not proceed against him.

[Pandit Thakur Das Bhargava]

Similarly the omission of (1) is very curious, which reads:

"that the landlord requires the premises in order to carry out any building work at the instance of the Government or the Delhi Improvement Trust in pursuance of any improvement scheme or development scheme"

I know of a gentleman who is building property at the instance of the Delhi Improvement Trust, and yet you take this provision away and do not allow them to build. You are doing a wrong thing. You have passed an order. In pursuance of that order, he has got all materials ready and he wants to build. You do not want to let it be done. I can understand it in proper cases if the person has not behaved rightly has not built for years together and wants to do so now. You may if you ask him not to rebuild if it is occupied by tenants.

Similarly in regard to (g) I can understand your adopting this attitude that an emergency being there, the building programme etc., may be stopped by you, because, after all, if they are vacated, all those persons are a problem for you, you must find accommodation for them.

Having dealt with these things, I will bring to your notice sections 16 and 17 so far as premises are unoccupied by the landlord for specific periods, in respect of which I have given an amendment. There is absolutely no reason why a hospital or a library or an educational institution or a charitable dispensary should be deprived of the rights that we gave them for particular purposes. Their own servants live there. You want to say that even those servants, if they are dismissed, should not leave that place. This is wrong.

Coming to section 16, suppose somebody a friend, comes to me and says that only for a limited period he

wants the premises, because his barot has come etc. This was a specific provision we made for particular purposes. Why should sections 16 and 17 be affected at all. It is outside the scope. They should not be affected at all.

I ask him to kindly look at the matter in a different manner. I feel his difficulty. As a matter of fact he is an efficient Minister only as long as he discharges the duties which are expected of him. I know the standard set by our friend Shri Lal Bahadur Shastri. I wish that he should rise to such a standard. He is certainly capable of rising to that standard. I am glad he is really feeling for the poorer classes of tenants. If you feel for them, why not make these exceptions in your Bill as regards Government property? Are tenants not living in Government houses? Are only Government servants living there? Thousands of people are living in your property. Do not turn them out. Do not make section 3 applicable to them. I think only logic requires that you make no difference between property and property. For the purpose of occupation by tenants, properties are not different. They are made of the same brick and mortar. Why should you differentiate between them? If you want Government and Improvement Trust properties should be protected, the tenants should not be evicted at your sweet will. Why do you apply it to those people? In India we have made like other countries governed by the rule of Law as expounded by Dicey that whatever is applicable to private property is applicable to public property.

Shri Velayudhan: Is it the hon. Members contention that Government houses that are rented out should be included in this class?

Pandit Thakur Das Bhargava: I have not understood the hon. Member.

Shri Velayudhan: Is he speaking about the houses taken by Government officials in Delhi or elsewhere which belong to the Government of India?

Pandit Thakur Das Bhargava: So far as Government servants are concerned, I do not want that a single person should be evicted. That is not the point. If private tenants are living with them, apply this rule to them. My hon. friend raised the objection but this applies to him also. He is not paying more than Rs. 100. supposing my friend has got two tenants with him, not tenants in the sense that they pay—some persons have have got tenants also I make bold to say—I want they may not be evicted by Government, because the rule actually applies to everyone. If it is scarcity of accommodation, then it is scarcity of accommodation for everybody. The rule is that if there is scarcity of accommodation a way out should be found, and those persons should not be turned out until.....

Sardar Swaran Singh: I did not follow this last argument of the hon. Member. It was not quite clear to me. My hon. friend referred to a Government servant subletting his premises to somebody else. What was his point with regard to that? Does the hon. Member not want him to be evicted?

Pandit Thakur Das Bhargava: My point is this, that so far as Government-built properties are concerned, and governmental properties are concerned, no tenant should be turned out if he fulfils the conditions that are mentioned here, whether he is a Government servant or otherwise, because there is scarcity of accommodation, and scarcity knows no law.

Sardar Swaran Singh: But after his Government service comes to an end, he has got to leave Delhi and go to his home-town.

Pandit Thakur Das Bhargava: If his service comes to an end, he is

bound to leave Delhi. Even a *munim* in my factory or in my office is bound to leave if his service comes to an end.

Sardar Swaran Singh: After retirement, pension and all that?

Pandit Thakur Das Bhargava: After retirement the man goes away; after dismissal, the man goes away. After all, what is the difference between the two? There is no difference. I would only like that the rule should equally apply to all properties.

Sardar Swaran Singh: Should Members of Parliament, when they cease to be Members of Parliament, continue to occupy the houses?

Pandit Thakur Das Bhargava: That is exactly my point. If you want that a man employed in a private firm should continue to be in occupation of the upper storey, even while business is carried on in the shop below, and he is dismissed, then why should not those people who have got no business in Government properties also continue? If the other thing is absurd, this is equally absurd. Otherwise, it is not absurd.

Mr. Chairman: What he means is that a man who was an employee at a particular time, even though he ceases to be an employee later, he cannot be evicted now. He is stretching the same argument to Government employees also.

Pandit Thakur Das Bhargava: Apart from that, there are thousands of refugees living in Government quarters. Thousands of them were turned out and are being turned out. Even now, such people are living in Government quarters. Do not turn them out.

Shri Heda (Nizamabad): Are they legal or illegal tenants?

Pandit Thakur Das Bhargava: Whether these persons who are fighting against the provisions of this Bill are legal or illegal tenants, the same thing applies to them, because emergency knows no law.

Shri Nand Lal Sharma: If a person has no jurisdiction, where is the question of his being a legal or an illegal tenant?

Pandit Thakur Das Bhargava: I accept the proposition that in an emergency no person should be turned out, and there should be protection. If you accept this principle, accept it logically.

My hon. friend Shri U. M. Trivedi—he is not here at the moment—was talking of middle class people. Does he want to abolish all rights in property? Now, I have given two amendments in this connection. In my first amendment, I have said that the amount of one hundred rupees may be reduced to thirty-five rupees or fifty rupees. My idea in suggesting the figure of thirty-five was that a person who pays thirty-five rupees may be called poorer as compared to a person who pays fifty rupees. If that figure is accepted, that is entirely welcome.

But those persons who pay Rs. 100 as rent really get something like Rs. 1,000, because ordinarily, ten per cent. is regarded as the amount of rent which an ordinary person pays. Are you going to help persons who are getting Rs. 1,000 a month as salary? I do not want to see them helped, because these provisions were enacted by this legislature after a great deal of deliberation, and, therefore, there is absolutely no question why those persons should be protected.

My hon. friend speaks in the name of the poor people of the country. He has said that he wants to protect the poorer sections. Now, who are these poorer sections in India? What is the average income of an ordinary Indian? Is it something like Rs. 1,000 a month? So, it means that these provisions are not being utilised for the purpose for which it is alleged that they are being utilised.

Sardar Swaran Singh: Is it the hon. Member's suggestion that the amount should be reduced?

Pandit Thakur Das Bhargava: I say, you make it Rs. 35 or Rs. 50, so that, as a matter of fact, the poorer sections may be helped. At the same time, I am not out to see that those persons who get Rs. 1,000 or something like that a month should be helped in this manner at the cost of persons who may be much poorer than they. Where is the guarantee that a tenant is, certainly, in every case, poorer than a landlord? He may take it as a general provision; I can understand that he has something to go back upon. But, at the same time, so far as this aspect is concerned, I think there are many tenants, thousands of them, who are certainly much better than their landlords.

Now, I come to the period for which this Bill should be in force. Shri U. M. Trivedi complained, and I also join in his complaint that Government measures come only for a short period in the beginning, but later on, they are extended for short periods, and ultimately they become permanent. The Minister knows better than I do that some Bills which came from his Ministry came only for a short period, to begin with—this was before he became the Minister in charge—and later on they were extended for two years more, and ultimately, they became permanent. I do not like this sort of thing. Therefore, I have submitted an amendment wherein I have sought to reduce the period to one year.

I want that during this one year, these poorer sections may be provided with proper housing. At present, Government are building high palatial buildings, and spending a lot of money. Let them spend a crore of rupees for these poorer sections of Delhi and give them proper housing, or let them do something else to help them. For the last seven years, we have been seeing that Government have not

Bill

tackled properly the housing problem. It is true that Government have done something in this regard, and they have built very many houses for refugees, but, at the same time, for this class of people, for whom Government have a specially soft corner, I do not know what Government have done. I fail to see what Government have done for the housing of these people. It is very necessary that they must do something immediately to ease the housing problem.

Now, they have two problems before them. As my hon. friend stated in his opening speech, there are two problems before him; the first is to protect the poor landlord, and the second is to protect the poor tenant. I accept his good intentions. His good intentions are certainly such as we would all like to admire, but, at the same time, logic demands that he should build houses for these poorer sections. May I know how many houses have been built, which have been given to the poor tenants of Delhi, apart from the refugee tenements? Certainly, the refugee tenants are very thankful for what has been done for them. It is true that houses have been built for them, but at the same time I am in a complaining mood because houses built by refugees have been demolished by Government. Is this easing of the situation? Assurances were given here in the past, but in spite of those assurances, houses were demolished by the order of Government, and people were put to great trouble.

So far as housing is concerned, I know how much the High Courts are anxious to protect the rights of the persons concerned; even a house worth one thousand rupees comes under this protection; it has been held by the Punjab High Court that substantial buildings should not be pulled down. But, here, we see that houses worth forty thousand rupees have been pulled down by our Government.

I want to ask: If you are really serious about solving this problem, if you really want to help these people,

should you not adopt a positive policy of housing? I am very sorry that my hon. friend has not announced any such policy today. I wish that under this stress he could have announced that policy also, though we quite understand that Government are certainly very serious about this matter.

As regards Government property, I have already said that the same provision should apply to tenants in those properties also. But, if, as a matter of fact, we are in such a position that we want to see these poor people helped, and the emergency is so great that the Minister would ask us to pass this Bill without going minutely into its merits, I would certainly agree with him, and I shall certainly see that the Bill is passed if he thinks that the situation is so serious.

But I would respectfully ask him that considering the fact that the situation is very bad, during the next four months he should do something to ease the situation, so that when we come back after four months, we shall see that so far as the housing problem is concerned, the Minister has devoted a good deal of money for the purpose of building houses. Today, we had the Bill relating to the slum clearance also. Now, we have come to a stage, when, so far as Delhi is concerned, unless Government take it into their head to build houses, it will be impossible to tackle this problem or to tackle this situation.

I know that Government are in a dilemma. I know this Act was passed at the instance of Government, and this Bill has come at the instance of Government. Now, I want them to be consistent. If the situation is so bad, as the Minister has said, there is no doubt about it, and so far as he is concerned, he believes like this; then, I think, there is room for a Bill of this nature, and this Bill has been brought forward rightly, and it has been actuated by such considerations as the serious problem of persons being turned out. I do not know how

[Pandit Thakur Das Bhargava]

many persons have been turned out. Supposing there were four thousand decrees, and two thousand have been turned out, I do not think that is a very serious problem. At the same time, if the number is very large, if there are twenty thousand persons who are sought to be evicted, then I shall say that we should lose no time, and we should pass this Bill at once, and pass it in the form in which it is. But in that case, I would only request the Minister to kindly come back to this House as soon as possible and see and examine the matter again and behave correctly towards landlords and tenants.

In regard to these exceptions, there are two or three matters on which I agree with him, though even there I feel that the housing problem will be better solved by keeping these exceptions rather than by taking them away. If he agrees to get this Bill passed and ease the present situation which he thinks is very serious, I should say that after he has done that, he should come back to this House with a detailed provision after having considered all the pros and cons of the question and then enact the right measure.

श्री नंदलाल शर्मा :

घमेंण शासिते राष्ट्र-न च बाधा प्रवर्तते ।

नाऽ व्याघयश्चैव रामे राज्यं प्रशासति ॥

Mr. Chairman: He need cover only new points.

Shri Nand Lal Sharma: Yes.

This Bill is based on an axiom that practically all the poor people are bad people and all the people possessing some money are good. When I look at the Bill, I am simply surprised that this Bill protects the rich more than it is presumed to be protecting the poor.

Sub-clause (a) of clause 3 says:

"Nothing in this Act shall apply, to any premises the standard

rent of which, or, where there is no standard rent, the rent payable by the tenant in respect of which, exceeds rupees one hundred per month".

This does not apply to a tenant who is able to pay Rs. 100 rent. But this provision does not take into account the landlord who is getting above Rs. 100. Suppose a landlord having big palatial buildings is able to collect thousands of rupees. Your law does not apply to his case. This means that you are protecting the big landlord.

Sardar Swaran Singh: How?

Shri Nand Lal Sharma: This Bill of yours will not apply to his case. Therefore, he can get his tenants evicted and the premises vacated. This Bill will not be a hindrance to that.

Sardar Swaran Singh: Is it his suggestion, that there should be no limit? Is it his suggestion that people paying even upto Rs. 1,000 should be protected?

Shri Nand Lal Sharma: I will give my suggestions in the end.

Take the case of a poor landlord who has purchased property from the Rehabilitation Department, or take the case of a displaced widow with her minor sons. She has got property worth Rs. 5,000 from the Government or from evacuee property. She is occupying half of the house and the other half is rented by her in order to be able to maintain herself. After the tenant becomes a nuisance, she would want to get that tenant evicted. But she cannot do it under the provisions of this Bill. She cannot also live along with him in the same house for two years.

This means that a poor landlord, who is unable to pull on with a tenant who is causing nuisance, is not able to evict him on account of the provisions of this Bill. Somehow or other, he is pushed out of the house himself and he has to say goodbye to his own

house. In this manner, the poor landlord is to be pressed hard and the big landlords are to be protected. I think that the process should have been reversed and the bigger landlords should not have been protected, protection being given to the poor people who have got a house of their own and in which they are living.

I do not want to speak against the Bill as a whole. I do not condemn the Bill as a whole. I do not condemn even the purpose of the Bill. But what I want to stress is that the richer people who have got palatial buildings, which bring in thousands of rupees by way of rent, should not have been protected in the sense that they can get their tenants evicted because they are getting rents of more than Rs. 100, while the poor people who have got only one house and cannot adjust themselves with the tenant, cannot get him evicted.

Shri Feroze Gandhi (Pratapgarh—Distt.—West cum Rae Bareilly Distt.—East): Which is the poor man who is able to pay more than Rs. 100 as rent per month?

अगर ऐसा हो तो इसका मतलब यह है कि भारतवर्ष बहुत तरक्की कर गया है ।

Shri Nand Lal Sharma: The hon. Member has not listened to me. What I was saying was that a poor widow who had got a house for Rs. 5,000 and had sublet a portion of it to another man for Rs. 100 per month as rent in order to maintain herself, could not get that man evicted if he proved a nuisance to her. This is on account of the provisions of this Bill. So this Bill acts very harshly upon her. Similarly, there may other poor people who are getting Rs. 40 or Rs. 50 or even lesser amounts. They have sublet a portion of their house to some tenant, but they cannot evict him in case he proves to be a nuisance. Some provision should have been made in this House to the effect that if a landlord has got only one house, a portion of which he has sublet to some tenant

and if that tenant becomes a nuisance to him and he cannot pull on with him, then the landlord could get him evicted.

This Bill has put in a few exceptions, as in clause 3 or as elaborated in the Statement of Objects and Reasons. But I do not see the reason why there should be temporary protection given to the tenants in these cases. Suppose a tenant is paying regular rent. Suppose the tenant is not a nuisance. Suppose the tenant does not come under any of the exceptions here. Then why should this Bill be only for two years? Why not make it a permanent measure? I do not—excuse me—accept your reason of some election campaign etc. But I do not think there was any reason for giving only temporary protection to the tenants of the category I just mentioned.

Whereas I agree with the object of the Bill, I think it still needs clarification and amendment on many points, which, of course, it will not be opportune to put before the House just now. Yet I wish that as soon as possible, the hon. Minister should come with his own suggestions for improving the Bill as much as possible.

Mr. Chairman: According to the programme we have, this Bill will have to go on till about 19.17 hours. Then there are two more items on the agenda and they will take one hour each. That means, we will have to sit till about 21.15 or 21.30 hours. I am not saying that we should not sit till that time. It is open to the House to determine what we should do. I wish to find out if the Delivery of Books (Public Libraries) Amendment Bill can be put off. If the Minister of Parliamentary Affairs co-operates, we can have it done.

Shri Feroze Gandhi: He is sitting on the wrong side (referring to Shri Satya Narayan Sinha sitting on the Opposition side).

Mr. Chairman: That does not matter.

Shri Velayudhan: He is in the right place.

Mr. Chairman: He will be everywhere.

Apart from that, I want to make a request to hon. Members. They have heard the Minister's plea that, willy-nilly, he must get this Bill through as it is, in the same form without the alteration of a comma or sentence. That is one thing. So, Members who want to speak may confine themselves to offering any suggestions for improvement or administrative convenience. I think there are only two hon. Members who want to speak. I see, there are three; I hope each will take as short a time as possible. I have made a suggestion to the Minister for Parliamentary affairs.

श्री नवल प्रभाकर (बाह्य दिली रक्षित अनुसूचित जातियाँ) : सभापति महोदय, यह जो विधेयक हाउस के समक्ष उपस्थित किया गया है, मैं उसकी जो भावना है, उसका स्वागत करना चाहता हूँ क्योंकि दिल्ली की जनता मकान मालिकों के हथकंडों से बहुत परेशान है। मकान मालिकों द्वारा जो हथकंडे और चालें किरायेदारों को निकालने के लिए इस्तेमाल किये जाते हैं उनसे मैं समझता हूँ कि इस बिल के कारण कुछ राहत मिल सकेगी। लेकिन मेरा ऐसा विश्वास है कि इससे पूर्ण उनको राहत नहीं मिलेगी और उनको पूर्ण संतोष नहीं होगा फिर भी मैं समझता हूँ कि इस बिल के क्रान्ति बन जाने से किसी हद तक किरायेदारों की परेशानियों और दिक्कतों में कमी हो सकेगी।

मैं आपको कुछ इस तरीके के वाक्यात बतलाना चाहता हूँ कि जिसमें वह हथकंडे काम में लाये जाते हैं। कुछ इस तरह की एजेंसियाँ बनी हुई हैं जो कि मकान खरीदने का काम करती हैं और उन मकानों में जो किरायेदार रहते हैं उन पर मुकद्दमा करके उन किरायेदारों

को निकाल देते हैं और आप जानते हैं कि जिस मकान में एक किरायेदार बसा हुआ होता है वह मकान सस्ता मिल जाता है। थोड़ी देर के लिए मान लीजिये कि एक २६ हजार रुपये का मकान है, उसके बाद मुकद्दमा लड़ कर दो चार हजार रुपया और लग जाता है और उस मकान की कीमत ३० हजार रुपये हो जाती है और उसी मकान को वह खाली करा कर ५२, ५३ और ६० हजार रुपये तक में बेच डालते हैं और इस तरह दुगना और तिगुना मुनाफ़ा कमा लेते हैं। मैं समझता हूँ कि इस तरह के जो व्यक्ति होंगे, उनसे तो कम से कम इस बिल के पास हो जाने से किरायेदारों को राहत मिलेगी लेकिन मैं एक बात यह जरूर कहना चाहता हूँ और वह यह है कि इसमें कुछ गरीब आदमी ऐसे हैं जो कि किराया नहीं दे पाते हैं और ऐसी अवस्था में उनको इतनी छूट होनी चाहिए कि जब उन पर डिग्री करी जाय तो आगे के लिए चेतावनी दे दी जाय कि वह किराया दें क्योंकि कई बार ऐसा होता है और कई केसेज मेरे पास इस क्रिम के आये हैं और उनमें ऐसा हुआ है कि मान लीजिये कि वह १२ रुपये किराया देता है, तो उस हालत में उससे किराया नहीं लिया जाता और जब वह दो, या तीन महीने का किराया देने के लिए जाता है, मान लीजिये कि उसने २४ रुपये दिये तो उसको एक महीने की रसीद बना कर दे दी जाती है और २४ रुपये की एक महीने की वसूली की रसीद बना कर दे दी जाती है, गरज यह कि इस तरह के बहुत सारे हथकंडे हैं जो कि मकान मालिक लोग किरायेदारों के लिए इस्तेमाल करते हैं और उनको इस तरह तंग करते हैं।

मैं अधिक न कहते हुए, माननीय मंत्री जो यह बिल लाये हैं उसका स्वागत करता हूँ। मैं समझता हूँ कि इसमें जो खामियाँ हैं उन पर वे आगे चल कर जब वे उनके सामने आयेंगी तो वे उन पर गौर करेंगे और उनको दूर करने के वास्ते एक नया बिल नई पार्लियामेंट के अन्दर लायेंगे और बाक़ी वह बिना ऐसा होगा

जो कि वास्तव में किरायेदारों को राहत और संतोष प्रदान करेगा।

श्री बाबा रमल (दिल्ली नगर) : सभापति महोदय, मैं इस विधेयक का जो सदन के सामने उपस्थित है समर्थन करता हूँ। इस सदन के सामने कई मित्रों ने यह बात रखी है कि यह विधेयक हमारी कांग्रेस पार्टी की तरफ से इतनी जल्दी में इस समय इसलिए लाया जा रहा है कि उसका एलेक्शन से सम्बन्ध है और हम उससे कायदा उठाना चाहते हैं। मैं अपने उन सब मित्रों को यह बतलाना चाहता हूँ कि वह विधेयक पिछले ६ या १० महीनों से सरकार के सामने चलता आया है और अगर वे रोजाना के अखबार पढ़ते होंगे और दिल्ली के किरायेदारों की जो रोजाना सभाएं होती हैं और जलसे होते हैं और उनमें जो उनके विचार रखे जाते हैं उनको अगर वे पढ़ते होंगे तो उनको मालूम होगा कि यह आवाज बहुत पुरानी है कि दिल्ली के अन्दर किरायेदारों पर मकान मालिक तरह तरह के जुल्म डालते हैं और उनको बेदखल करने के लिए या निकालने के लिए कचहरियों में धमते फिरते हैं।

आजकल अदालत में जितने भी मुकद्दमे चलते हैं, उनमें ८० फीसदी की बाबत मैं दावे के साथ यह कह सकता हूँ कि वे मकानों में से किरायेदारों की बेदखली और उनको निकाले जाने के मुकद्दमे होते हैं और एक एक मुकद्दमा २, २ और ३, ३ साल तक चलता है और किरायेदार और मकान मालिक दोनों अदालतों में चक्कर मारते फिरते हैं और समय की बर्बादी के साथ वे इन मुकद्दमे बाजी के चक्कर में कंगाल हो जाते हैं या दीवालिया हो जाते हैं।

मैं इस बिल के मकसद से बिलकुल इत्तिफाक रखता हूँ लेकिन इतना समझता हूँ कि वह बिल काफ़ी ग़ौर खोज का मुहताज है इस पर काफ़ी ग़ौर होना चाहिए और इसकी जितनी भी थाराएं हैं उन धाराओं पर भी काफ़ी ग़ौर किया जाना चाहिए और यह देखना चाहिए कि इसके जो असरार हैं इसके जो नतीजे हैं

वे मकानदारों के लिए और किरायेदारों दोनों के लिए बेहतर होते हैं। मैं इस बिल से बिलकुल सहमत हूँ और मैं यह समझता हूँ कि बदकिस्मती से चूँकि यह आखिरी वक्त है और मैं यह नहीं चाहता कि यह बिल लटक जाय, इसलिए इसके हक में हूँ कि इसे पास कर दिया जाय लेकिन मैं इस बात की मंत्री महोदय से ज़रूर प्रार्थना करूँगा कि वे फ़ौरन ही कोई एक ऐसी कमेटी बँठाये जो अगले तीन चार महीनों के अन्दर बैठे और मकानदारों और किरायेदारों दोनों की बातें पूरी तरह से सुन कर, समझ कर, जो इस बिल के प्राविजंस की खामियां हैं उनको दूर कर के एक कम्प्रीहेंसिव बिल नई पार्लियामेंट के सामने लायें। मैं चाहता हूँ कि अगर मंत्री महोदय आज यह बिल पास कराते समय इस प्रकार की एक कमेटी बँठाने की घोषणा कर दें तो यह एक बहुत उचित चीज़ होगी और लोगों को इतमोदन होगा कि वाकई किरायेदारों को जो दिक्कतें हैं वे इसके ज़रिए रफ़ा हो जायेंगे और इस बिल को लाने से आज जो मकान मालिक डरे हुए हैं या उनको भय है वह दूर हो जायगा।

दूसरी बात यह है कि इस बिल के अन्दर जो कई एक धाराएं हैं उन धाराओं के सम्बन्ध में मैंने १, २ संशोधन रखे हैं। मैं उन संशोधनों को अब इस वजह से कि वह बिल पास होना है प्रैस नहीं करूँगा लेकिन मेरी यह स्वाहिश है कि वह मंत्री महोदय के सामने रहें। उदाहरणार्थ मैं यह कहना चाहता हूँ कि मान लीजिये कि एक विडो औरत या एक माइनर के पास एक मकान है और वह उस मकान के अन्दर रहना चाहते हैं और उसके अलावा उनके पास और कोई मकान नहीं है और अपने रहने के वास्ते वह उस मकान को खाली कराना चाहते हैं, इस तरह के कोई हार्ड केस हों तो ज़रूर उनको खाली कराने का हक होना चाहिए ताकि वह अपने बोनाफ़ाइड यूज़ के लिए मकान को खाली करा सकें हालाँकि बोनाफ़ाइड लफ़्ज़ का बहुत ज़गह ठीक इस्तेमाल नहीं होता है और खाली कराते वक्त इस बात का बिलकुल

[श्री राधा रमण]

इतमीनान हो जाना चाहिए कि वाकई वह अपने बोनाफ़ाइड यूज के लिए खाली करा रहा है। इसलिए यह जो बहुत सारी धाराएं हैं इन पर काफ़ी विचार करने की जरूरत है और इसीलिए मैं चाहता हूँ कि मंत्री महोदय इस प्रकार की घोषणा कर दें कि वह इसके लिए एक कमेटी बैठायेंगे जो इन सारी बातों पर विचार करके बिल में आवश्यक सुधार की सिफ़ारिश करेगी और अपनी सिफ़ारिश करने से पहले दोनों फ़रीकैन मकान मालिक और किरायेदार की बात सुन कर जो नतीजा निकले उसकी रोशनी में बाद में एक तरमीमी बिल आ जाय तो मैं समझता हूँ कि बहुत सारी दिक्कतें दूर हो जायेंगी।

हालांकि यह बिल दो साल के लिए है लेकिन हम देखते हैं कि यहां दो साल के नाम से जो बिल लाया जाता है वह बहुत दिनों तक चलता है और उसकी धाराओं में तरमीम करने में भी बहुत काफ़ी असा लग जाता है। इसलिए इन विचारों को सामने रखते हुए मैं यह प्रार्थना करूंगा कि इसमें जो खामियां रह गई हैं उनको दूर करने की कोशिश करनी चाहिए और उसके लिए यह जरूरी है कि इस तरह की कमेटी बैठाने की घोषणा करनी चाहिए। इन शब्दों के साथ मैं उस बिल का स्वागत और समर्थन करता हूँ।

श्रीमती शिवराजवती नेहरू (ज़िला लखनऊ मध्य) : सभापति महोदय, यह जो बिल आया है इसमें तस्वीर का एक रख दिया गया है और जितने साहब इसके सम्बन्ध में बोले सबने यही कहा कि बेचारे ग़रीब किरायेदारों के फ़ायदे के वास्ते यह बिल लाया गया है परन्तु किसी ने यह नहीं कहा कि किरायेदारों में सारे ही सज्जन नहीं होते बल्कि उनके कहने के मुताबिक़ सारे किरायेदार दूध के धुले होते हैं और मालिक मकान सारे के सारे दुष्ट होते हैं। मेरा यह कहना है कि दोनों में ही अच्छे और बुरे हो सकते हैं और हैं। मैंने बहुत से ऐसे मकान मालिक देखे हैं जो कि साधारण

आदमी होते हैं और कोई पूंजीपति या कैपिटलिस्ट नहीं होते, पति पत्नी होते हैं और जो सारी उम्र भर में जो बचाते हैं उस रुपये से वे एक मकान बना कर अपनी विधवा पत्नी या अनाथ बच्चों के लिए छोड़ गये हैं। जो उनकी स्त्री के पालन पोषण का जरिया है, एक मकान आदमी ने खरीदा, वह उस ने अपनी बीवी के निर्वाह के लिए दिया, इस सम्बन्ध में भी जब किरायेदार को उस ने आ कर बसाया है, और किरायेदार मालिक मकान को तंग करता है, तो उस को उसमें से निकालना इतना मुश्किल है जिस को मैं आप से बता नहीं सकती। मुझे नहीं मालूम कि दिल्ली में क्या कायदा है, लेकिन हमारे राज्य में तो तीन महीने का कायदा है कि तीन महीने तक अगर किरायेदार किराया न दे तो उस के ऊपर कार्रवाई नहीं की जा सकती है, हां, अगर तीन महीने से ज्यादा हो जाएं तब कहीं जा कर उस पर कचहरी में मुकदमा चलाया जा सकता है। बहुत से किरायेदार जो किराया देना नहीं चाहते, तंग करना चाहते हैं, वह तीन महीने तक किराया नहीं देते हैं। जब तीन महीने गुजर जाते हैं और चौथे महीने किराया देते हैं तो कभी एक महीने, कभी डेढ़ महीने और कभी दो महीने का किराया देते हैं। नतीजा यह होता है कि मालिक मकान हड़ दज परेशान होता है, आखिर वह अपना जीवन यापन किस तरीके से करे? जब किरायेदार इस तरह से तंग करते हैं और उन में से बहुत से लोग ऐसे होते हैं जिन का मकान खाली करने का हुक्म भी हो जाता है, तो भी यह होता है कि वह मकान में ताला लगा कर गायब हो जाते हैं और छः छः महीने तक बाहर रहते हैं। मालिक मकान परेशान हो जाता है और हार कर जब पुलिस को बुला कर ताला तोड़ देता है तो उस पर हजार इल्जाम लगाये जाते हैं कि उस ने यह यह माल चुरा लिया। कभी कभी हम लोग देखते हैं कि किरायेदार शीशा तोड़ देता है, बल्ब निकाल लेता है, बिजली का तार निकाल कर ले जाता है, इस तरह

और परेशानियां हो जाती हैं। सब तरह के किरायेदार होते हैं, बाजे मालिक मकान भी खराब होते हैं, बाजे किरायेदार खराब होते हैं, लेकिन आम तौर से मालिक मकान को तकलीफ होती है। यह हालत आज कल किरायेदारों की है।

आप ने कहा कि यह बिल तो गरीबों के लिए है, यह बड़ा ह्यूमनिटेरियन है, इस लिहाज से इसको पास कर देना चाहिए, माना कि आप इस को बिल्कुल ह्यूमनिटेरियन लिहाज से लाये हैं, लेकिन आप ने जो इस के अन्दर १०० रु० किराया रक्खा है, तो १०० रु० किराया कोई गरीब आदमी नहीं देता है। अगर सरकारी आदमी है और वह १० परसेन्ट किराया देते हैं तो उन की तन्स्वाह भी १,००० रु० हो गई। १०० रु० मुमकिन है कि दिल्ली के लिए कम हों, लेकिन राज्यों के लिए बहुत ज्यादा हैं। वहाँ पर कौन १०० रु० महीने का मकान लेता है ?

इस समस्या का हल इस तरीके से हो सकता है कि ज्यादा मकान बनाए जाएं। और यह मकान मिडल क्लास के लोगों के लिए बनाए जाएं, जिस की हालत सब से ज्यादा खराब है। अगर मिडल क्लास वालों के लिए मकान बनाए जाते हैं तो इस से किरायेदारों और मालिक मकानों की सारी समस्याएँ हल हो सकती हैं। जब मकान ज्यादा होंगे तो किराये कम होंगे, मकान ज्यादा होने पर मालिक मकान लाचार होंगे किराया कम करने के लिए। चूंकि आज मकान ज्यादा नहीं मिलते हैं, इसलिए किराया बढ़ता चला जा रहा है। दिल्ली में एक अजीब हालत है, जो पुराने मकानदार हैं, उन के ऊपर तो कंट्रोल है, जो नए मकान बन रहे हैं उन के किराये पर कोई कंट्रोल नहीं है, वह कितना किराया चाहें ले सकते हैं। यह बिल्कुल गलत चीज है, अगर कंट्रोल हो तो सब पर हो, पुराने मालिक हों या नए हों। जो पुराने मकानदार हों उन का किराया कम हो और नए तिगुना और चौगुना

किराया लें। इस तरह से जो पुराने मालिक हैं वह अपने किरायेदारों को निकालने के लिए और भी ज्यादा उत्सुक हैं क्योंकि वह भी चाहते हैं कि नए मालिकों की तरह से ज्यादा किराया लें।

पंडित ठाकुर दास भार्गव : हाउस ने ही दफा ३६ पास की थी।

श्री राधा रमण : पुराने मकान मालिकों का किराया बढ़वा दीजिए।

श्रीमती शिवराजवती नेहरू : अगर बढ़वाना है तो दोनों ही तरफ बढ़ना चाहिए। लेकिन इस के लिए दोनों तरफ से बहुत सी बातें कही जा सकती हैं। इसलिए जो यह संशोधन था कि इसको सेलेक्ट कमेटी भेजा जाए, अगर उस को मान लिया गया होता तो ज्यादा अच्छा होता। लेकिन जैसा राधा रमण जी ने कहा है कि एक कमेटी बनाई जाए जो इस पर सोच विचार करे और तब नियम बनाए जाएं, ताकि न तो किरायेदारों को कोई शिकायत हो और न मालिक मकान को तकलीफ हो, इन दोनों की बातों को सोच कर नियम बनाये जाएं, अगर ऐसा होता है तो उस में भी मुझे कोई आपत्ति नहीं है।

इन शब्दों के साथ मैं इस विधेयक का समर्थन करती हूँ।

श्री च० कृ० नाथर : सभापति महोदय, मैं ज्यादा टाइम नहीं लेना चाहता क्योंकि आज पार्लियामेंट का आखिरी दिन है और यह आखिरी मेजर है।

सभापति महोदय : एक और मेजर है

श्री च० कृ० नाथर : मेरे लिए तो आखिरी ही है। इस में कोई सन्देह नहीं कि इस विधेयक के ऊपर तीन या चार लोग मालिकों के पक्ष में बोले और तीन या चार ही श्रद्धालु किरायेदारों के

[श्री च० क० नायर]

पक्ष में बोले। यह इस बात का सबूत है कि यह एक जबर्दस्त कंदावशियल मेजर है, इसलिए इस को जल्दी पास करने में जरूर कुछ दिक्कतें हैं, लेकिन चूंकि हमारे मंत्री महोदय ने कहा कि यह क्यों जरूरी समझा गया, खास कर जब कि राज्य सभा में यह पास हो गया और अब यहां पर आया है और उस में एक कामा भी बदलना बहुत मुश्किल है, इसलिए मैं यह नहीं चाहता कि इस तरह की कंदावशी यहां उठाई जाए। लेकिन मैं एक चीज जरूर कहूंगा क्योंकि यह बिल किरायेदारों की रक्षा के लिए है, उन के प्रोटेक्शन के लिए बनाया गया है। मेरे स्थान में रुपये में दो आने से ज्यादा प्रोटेक्शन इस से लोगों को नहीं मिलता है। १२ और १४ आने प्रोटेक्शन वाली जो चीज है उस को इस में से छोड़ दिया गया है। हमारी अदालतों में जितने भी केसेज चलते हैं वह सब बोनाफाइडी ओनशिप के हक को लेन के लिए चलते हैं। इसलिए इस से टेनेंट्स को ज्यादा प्रोटेक्शन नहीं मिलता। मैं कहता हूँ कि इस से १५ या २० परसेंट से ज्यादा टेनेंट्स को फायदा नहीं मिलता है। तो भी मैं इस का स्वागत करता हूँ। क्योंकि यह टेम्पोररी है, दो साल के लिए, मैं उम्मीद करता हूँ कि उसके बाद इस से ज्यादा रेंटिकल मेजर इस हाउस में पेश किए जाएंगे और यह भी उम्मीद है कि इस वक्त तो इस के विपक्ष में तीन चार आदमी बोले भी, अगली पार्लियामेंट में इतने भी नहीं बोलेंगे क्योंकि सरमायेदारों के नुमाइन्दे कम होंगे। इस वक्त सरमायेदारों की रक्षा करने वाले लोग काफी हैं, लायर लोग भी ज्यादा हैं, जो सरमायेदार दौलतवाले हैं उन की रक्षा करना तो वकीलों का काम है क्योंकि उन्हीं से तो उन की रक्षा होती है। दोनों दृष्टियों से उन्होंने इस विषयक का समर्थन किया। Because they have to protect the propertied people and they have to amass property also; for these two reasons and in a general way, lawyers do really support the propertied and the monied classes. That is what I mean when I intervened there.

इसलिए मैं उम्मीद करता हूँ कि दो साल के बाद इस से ज्यादा अच्छे मेजर्स आएंगे।

मैं मंत्री महोदय को धन्यवाद देता हूँ कि कम से कम यह चीज बहुत जल्दी तैयार कर के हमारे सामने पेश की गई।

Sardar Swaran Singh: There have been two types of comments with regard to the salient features of this Bill. In the very opening remarks that I made, I anticipated that and tried to meet some of the points that I thought would be urged in the course of the debate. If I have sensed the general feeling, there is a feeling of sympathy for the tenant, and there is also a feeling that a measure of this type is called for.

Observations have been made which will be very useful when the matter is examined in detail, and all those points will be kept in view when a detailed examination is made by a committee about which I made a reference at the very beginning. When that committee is constituted, the observations which have been made by hon. Members here will be of great help and guidance in formulating the ultimate proposals to solve this rather difficult subject matter.

The other suggestion that there should be a positive approach is most welcome, and obviously, merely by restrictions of this type or by relaxations this problem cannot be solved on a long-term basis. A positive policy and a programme will have to be formulated for solving this problem. Obviously, all the housing in a big city like Delhi cannot be undertaken at Governmental level and a co-ordinated effort between the private enterprise with Government help and assistance and the Government will have to be formulated to solve this problem. I only want to remind the House that Government had been fully alive to this situation. For

instance, for the refugees and also for the Government servants, particularly, low paid Government servants, a large number of houses had been constructed in the course of the last 3-4 years in Delhi. Any new unit added, particularly in the low income group, definitely eases the housing situation because that person who was already working here or occupying some houses, when he shifts to this new tenement that is put up—whether it is Government tenement for occupation by a Government servant or a refugee tenement to be occupied by a refugee—to that extent, something is released and it is available to the released public. Therefore, indirectly, this process of construction, whether it is for the refugee or Government servants, does result in the overall easing of the housing situation also.

18 hrs.

Now, coming to the various clauses with regard to which this two years' period of stay is proposed to be made in the matter of execution of decrees, it is no doubt correct that this section 13 had been formulated by Parliament after careful consideration. My hon. friend, Pandit Thakur Das Bhargava, who presided over the Select Committee which ultimately produced the Bill, deserves congratulations for so carefully drafting the various provisions contained in section 13. Actually the basic principles contained in Section 13 have been adopted by other legislatures also, and if I may add with a certain amount of pride, by some of the foreign legislatures too. So far as the rationale behind section 13 is concerned, it is well thought out. Parliament in its wisdom thought that the landlord should be permitted to have a decree for eviction under these various clauses.

I do not want to argue about the temporary stay. I am now convinced about the wisdom which was behind the formulation of those clauses. I do not say that the circumstances have completely changed and that a time

has come for a complete repeal of those various clauses. Some of the arguments advanced proceed indirectly or unwittingly on this presumption that I am asking for repeal. Certainly not. All these arguments—hardship and the like—which have been advanced proceed from that assumption. We have to balance the hardship or the particular inconvenience that might be caused to the land lord or the decree-holder on the one side and the extreme hardship and the difficulty caused to the poor tenant on the other side. Apart from this question of purely a local character, it is to be borne in mind that the pitiable condition of these tenants has also to be kept in view. It is a matter for decision as to whether the landlord of this particular class cannot wait either for the improvement of his property or for re-building so that the poor tenant who is there may continue to stay there and in the meantime, one could think of something of a more permanent character. Therefore, I do not really propose to meet all the arguments that have been advanced when these various clauses (d), (f), (g), (h), (i), (j), (k) and (l) were discussed, either by you, when you made a very valuable and impressive speech, or by some of the other hon. Members who participated in the discussion. It is not the Government's view that a case for the repeal of these clauses has been made out. It is for this reason that I do not really propose to meet the argument point by point so far as these various clauses are concerned.

There are, however, one or two salient ones which I want to mention in relation to (k). It was pointed out that on the one hand, the Delhi Improvement Trust or the Government might be insisting on something to be done with regard to that tenement or premises and then, the landlord on the other hand was debarred from executing the decrees. So, the landlord may incur some liability or responsibility on account of his failure to comply with the requirements or directions; he may not be able to fulfil the conditions

[Sardar Swaran Singh]

which he owes to the Government or the Trust. That is no doubt a case of hardship and some complication may arise. Therefore, it should be assured that administrative instructions on this point should be issued to ensure that the failure to carry out any of those instructions would not entail the incurring of any additional responsibility or of any penalty. That can be ensured.

Mr. Chairman: Extend the time for doing that also.

Sardar Swaran Singh: That is one of the methods, as rightly pointed out by you, by which that thing can be got over. But, without being specific, I wanted to cover these cases in a general way by saying that suitable methods can be devised by which the responsibility or penalty that might flow from the non-compliance of that direction may be got over. One method has been suggested by you; there may be some other methods also.

So far as clause (f) is concerned, it was argued that it would create a great hardship to the tenant himself who is in the tenement. The place may be absolutely unsafe. From a practical examination, I submit that such a situation cannot arise. After all, so far as the land lord is concerned, his decree for eviction in a case like this only entitles him to get back the premises for the purpose of repair and thus make the place safe. But, it has to be remembered that the person who is actually living there has also to look round for his safety. I am sure no tenant will stay even for a day longer if the building is unsafe and entails the slightest danger to him. Whatever small repairs may be there, he can definitely undertake those repairs. In the general scheme of the Act, there are provisions that for that type of ordinary repairs, he can even hold the land lord responsible. What I mean to say is, on the one hand it is the land-lord's decree for eviction to repair

the house for the purpose of improving or making it more safe and, on the other, the tenant is there. I am sure that he will not stay even for a day longer if the house is unsafe to stay and some sort of arrangement can definitely be made which does not make the place unsafe from the point of view of living conditions and the like.

So far as clause (g) is concerned, I think this could easily wait; this 'rebuilding the premises' is a very good thing. But that rebuilding will produce tenements the rentals of which, on account of the new protection and the like, will be very much on the high side and the particular type of tenant who is occupying it will not really be able to pay the high rental which will necessarily work out if it is rebuilt. I am not entirely ruling this out, but I take this stand that this can definitely wait, unless the tenant can also look round and can, either by taking advantage of some scheme of building houses or by some other method, find some accommodation.

There is one other point, which was prominently mentioned by more than one hon. Member, that the Government premises and the private property should be at par. Government does not claim any special exception, but it has to be remembered that so far as the relationship between Government and its own employees with regard to these various tenements is concerned, it is of a peculiar character. The underlying object of undertaking this building programme for Government servants is to ensure that they have good living conditions and they are able to contribute their best in the discharge of their official duties. If Government has to function as a pure landlord and the normal criteria ought to apply to Government in the matter of administration of its estate, I think it will be very much against the public interest because public work will very greatly suffer. Government charges very low rates. Most

of the Government rates are subsidised. Government construction is not with the object of making any profit and it is primarily for enabling the Government machinery to run smoothly, efficiently and effectively that this housing project has been undertaken in the public sector. There may be a case when Government undertakes housing projects for private sector that some sort of different considerations may have to be thought of. Other States have given some thought to it because some of the States have undertaken construction for private sector. When any large-scale construction for the use and accommodation of non-Government servants is undertaken, then different considerations will apply and, I am sure, that that matter can be gone into by a separate legislative measure. But I do not see any justification for that argument so far as the present Bill is concerned, because the relationship between Government and Government servants as tenants is entirely of a different character.

Then again, normally, Government should be given this credit of not acting capriciously. So far as evicting tenants from premises which are Government property and which are given to Government servants are concerned, every care is taken. People have got the right to make representations, petitions and the like and it is only in cases where the premises have been occupied contumaciously that ultimately a person is evicted.

So far as this limit of Rs. 100 is concerned, there has been suggestions either for raising it or for lowering it. That, perhaps, is some justification that some line has to be drawn somewhere and, I submit, the line that we have drawn is the line which appears to be such as meets the emergency with which we are faced at the moment.

A suggestion has been made that clause (e) should also be included suggesting thereby that even if a landlord requires any house or premises for his own *bona fide* use even

then he should not be permitted to evict. On the other hand, suggestions have been made that these clauses with regard to which stay is being granted should be taken out. On that score also, I submit that it is neither a good case for making it more stringent nor a good case for making it more elastic. Therefore, the formula that is now before the House is the best under the circumstances. It will give some relief immediately to a fairly large number of people and, in the meantime, this matter can be given greater thought, and in the light of the other detailed investigations that are proposed to be undertaken it should be possible to solve this both by positive methods as well as by making suitable legislative changes.

Cases of hardships have been pointed out; for instance, a widow or a minor owning property. Those are cases which do require sympathy, but I am not quite clear in my mind as to whether real hardship will be caused merely because a minor or a widow is unable to get the tenant evicted for this period. After all, rent is being charged and it is not that the widow or the minor is being deprived of the property; only this right of getting a tenant evicted is temporarily taken away from the owner for a temporary period. I submit, if we weigh both the sides, there is no great inconvenience or any great injustice caused even to a widow or a minor.

Sir, so far as the Bill is concerned, I have attempted within this short period to cover some of the salient features. I would still urge that the measure, as has been approved by Rajya Sabha, may be taken into consideration.

Mr. Chairman: Does Pandit Thakur Das Bhargava want to press his amendment?

Pandit Thakur Das Bhargava: I do not want to press my amendment and beg leave to withdraw it.

The amendment was, by leave, withdrawn.

Mr. Chairman: Now I shall put the motion to the vote of the House.

The question is:

"That the Bill to provide for the temporary protection of certain classes of tenants in the Union Territory of Delhi from eviction as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

Mr. Chairman: Does any hon. Member want to move his amendment to any of the clauses?

Pandit Thakur Das Bhargava: I have given notice of about 15 amendments. In view of what has fallen from the hon. Minister that he proposes to appoint a committee, to fully go out with the question and without accepting any of his arguments and insisting that my own arguments are much better, I do not propose to move my amendments. When he has promised us another Bill—it is not for the reason that Rajya Sabha has passed it that I am not moving my amendments—and because he feels that there is a necessity for it, and if we make any amendments now the Bill will not be passed in this Session. In view of the urgent necessity which has been stated by the hon. Minister and in view of the fact that he has promised a better Bill after a short time, I do not feel justified in adopting an attitude which will practically mutilate against passing the bill. I am not, therefore, moving any of my amendments.

Shri Radha Raman: I am also not moving my amendments.

Mr. Chairman: I take it that other Members also do not want to move their amendments. Then I shall put all the clauses of the Bill together.

The question is:

"That clauses 2 to 5, clause 1, the Enacting Formula and the Title stand part of the Bill".

The motion was adopted.

Clauses 2 to 5, clause 1, the Enacting Formula and the Title were added to the Bill.

Sardar Swaran Singh: I beg to move:

"That the Bill be passed".

Shri M. K. Moitra (Calcutta North-West): There is no quorum.

Mr. Chairman: The bell may be rung.

It appears that the bells also do not co-operate. Therefore, the Whips will please bring in the Members now. Now, there is quorum. I shall put the question:

The question is:

"That the Bill be passed".

The motion was adopted.

DELIVERY OF BOOKS (PUBLIC LIBRARIES) AMENDMENT BILL

The Deputy Minister of Education (Dr. M. M. Das): This is perhaps the last legislation that has been placed before the House in this session, for the blessings of the hon. Members. As it is a very small and innocuous measure, I think the House will give its blessings to this measure in no time.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): But without speech.

Dr. M. M. Das: I would say only three sentences. In the year 1954, a Bill was passed—the Delivery of Books (Public Libraries) Act—which imposed a statutory responsibility upon the publishers of this country to supply free of all charges and free of cost one copy each of their publications to each of the four public libraries. Now, that legislation did not impose any statutory obligation upon the newspaper publishers to send copies of the newspapers to the

libraries. So, this amending bill has been brought before this House, so that, henceforth, if the Bill is passed, the newspaper companies and publishers will also have to send one copy each to the four libraries that have been established or are going to be established. These four libraries are: The National Library, Calcutta, the Connemara Library, Madras, the Central Public Library, Bombay and the Central Reference Library which is going to be established very soon in Delhi. I hope the House will pass this measure in no time.

I beg to move:

"That the Bill to amend the Delivery of Books (Public Libraries) Act, 1954, as passed by Rajya Sabha, be taken into consideration".

Mr. Chairman: Motion moved:

"That the Bill to amend the Delivery of Books (Public Libraries) Act, 1954, as passed by Rajya Sabha, be taken into consideration".

Shri M. K. Moitra (Calcutta North-West): The Bill says that the names of libraries to which books and newspapers will have to be sent will be published in the official gazette. Failure to send books to them has been made a penal offence. So, I would request the Deputy Minister to see that the names of the libraries are published not only in the official gazette but measures are taken for wide publicity of these names, because official gazettes are not widely circulated among the publishers.

Mr. Chairman: Does the hon. Member want the Minister to assure him that the names will be published in the newspapers also?

Shri M. K. Moitra: Yes.

Dr. M. M. Das: I may be permitted to point out to the hon. Members that this has been done before, and all the publishers of books in India

are now regularly sending copies to the three libraries that are already in existence. The last one, that is, the fourth library, has not yet been established, and I think it will be established during the next Five Year Plan period. If there is any difficulty, I will try to meet that difficulty.

Shri S. C. Samanta (Tamluk): I want to put a question. May I know whether those books that will be reprinted and enlarged will also have to be submitted to these libraries?

Dr. M. M. Das: If it is simply reprinted, it will not have to be submitted. But if it is an enlarged edition and if some alterations or additions are made, then, it has to be submitted.

Mr. Chairman: The question is:

"That the Bill to amend the Delivery of Books (Public Libraries) Act, 1954, as passed by Rajya Sabha, be taken into consideration".

The motion was adopted.

Clauses 2 to 7, clause 1, the Enacting Formula and the Title were added to the Bill.

Dr. M. M. Das: I beg to move:

"That the Bill be passed".

Mr. Chairman: The question is:

"That the Bill be passed".

The motion was adopted.

MESSAGE FROM RAJYA SABHA

Secretary: Sir, I have to report the following messages received from the Secretary of Rajya Sabha:

(i) "In accordance with the provisions of sub-rule (6) of rule 162 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to return herewith the Union Duties of Excise (Distribution) Amendment Bill, 1956, which was

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passed by the Lok Sabha at its sitting held on the 20th December, 1956, and transmitted to the Rajya Sabha for its recommendations and to state that this House has no recommendations to make to the Lok Sabha in regard to the said Bill."

(ii) "In accordance with the provisions of rule 125 of the Rules of Procedure and Conduct of Business in the Rajya Sabha, I am directed to inform the Lok Sabha that the Rajya Sabha, at its sitting held on the 22nd December, 1956, agreed without any amendment to the Territorial Councils Bill, 1956, which was passed by the Lok Sabha at its sitting held on the 20th December, 1956."

PRESIDENT'S ASSENT TO BILLS

Secretary: Sir, I lay on the Table the following Bills passed by the Houses of Parliament during the current session and assented to by the President during this week :

- (1) Central Sales Tax Bill, 1956.
- (2) Kerala State Legislature (Delegation of Powers) Bill, 1956.
- (3) Finance (No. 2) Bill, 1956.
- (4) Finance (No. 3) Bill, 1956.
- (5) Hindu Adoptions and Maintenance Bill, 1956.

MOTION RE REPORT OF U. P. S. C.

Shri Kamath (Hoshangabad): I beg to move:

"That the Report of the U. P. S. C. for 1955-56 and Government's memorandum thereon be taken into consideration".

Mr. Chairman it is in the fitness of things that this Parliament, the first Parliament elected under the Constitution, should come practically to its close with the discussion of a matter

which has not so far been discussed in this Parliament. The U.P.S.C., as the House is well aware, is a body established by the Constitution under article 320. I do not wish to go into the provisions of the article, but I would invite attention to the fact that under article 323, the Government is bound to place annual reports on the working of the Commission before both Houses of Parliament. It is unfortunate that this House has never had the opportunity so far of discussing the previous reports of the U. P. S. C.

May I invite your attention and the attention of my honourable colleagues to the observations made by the Commission in their last year's report—the Fifth Report of the U. P. S. C.:

"The Commission feel that it is highly desirable that their annual reports should receive such a consideration at the hands of the Parliament and the attention of the legislature should be focussed on important issues. In their previous reports, the Commission have urged the desirability of some statutory safeguards (this is an important point which the Government has not paid any heed to) being provided by Parliament to minimise the possibility of increase in the number of cases in which Government may seek to depart from the advice of the Commission. The Commission also feel that pending some such provision, a regular discussion of their reports on the floor of the legislature will be the best and effective means of consolidating the convention that there should be no departure from the Commission's advice."

It is regrettable that in spite of the motion being tabled in the last session, Government could not afford us time amidst their other business for discussing the previous report—the fifth report—of the Commission. That shows the cavalier attitude which the Government accords to the U. P. S. C. The senior Home Minis-

ter, not the junior, referring to this matter when I raised this point a couple of days ago, said that the Government has been dealing with the Public Service Commission in an excellent way. Very good words, but today we have got an opportunity to show to the House what the excellence is like. It is fortunate that, at least at the fag-end of this Parliament, we have got this first opportunity to discuss this report. This session will come to a close today and the next session is a lame duck session, as it is called; whoever has made it lame is not our concern today.

The Commission has reiterated in their sixth report certain observations which they made in their fifth report. In the fifth report, the Commission had complained that they never had, and do not even now have, staff of the quality and strength required for getting through their work. In this year's report again, they have referred to this matter saying that the need for more members in the Commission is evident from the phenomenal increase in the recruitment of personnel required for the vastly expanded activities of the State under the Five Year Plans. I do not know why the Government has not been able to provide the necessary staff of the requisite quality for the Commission's work. The Government will have to consider seriously the question of increasing the strength of the Commission also to cope with the increased work. This House recently passed a Bill increasing the strength of the Supreme Court, I believe, from 8 to 11, because the work-load of the Supreme Court has increased. The U. P. S. C., I venture to say, is no less important a body, because it has been established under the Constitution itself. So, Government, I think, should take more interest in it, seeing to it that the number and quality of the staff are increased to the required extent. The Government and the Chairman and the members of the Commission can settle this matter

amicably. I hope they will do so before the next Parliament comes into being.

Another matter which the Commission has stressed is what has now become the inveterate habit of the various Ministries making temporary *ad hoc* appointments. This was referred to by the Commission in their last year's report and again in this year's report. Bearing in mind that it is the Commission, it has used fairly strong language, though we might use much stronger language here. Reference has been made in the last year's report to a case in which the Commission are blamed for delay.

Mr. Chairman: I hope he is speaking on his amendment also.

Shri Kamath: Yes; on both. I beg to move:

"That in the motion moved by me—

for "Report of the U.P.S.C. for 1955-56"

substitute "Reports of the U.P.S.C. for 1954-55 and 1955-56".

In the fifth report, the Commission have said:

"The Commission often receive proposals for concurring in an appointment already made provisionally by Ministries and/or departments on the plea that is was of immediate urgency and that going through the usual procedure of the Commission would cause further delay. On examining the case further it is, however, revealed that the Ministry and/or department knew, or should have known, long ago—in some cases one or two years ago—that personnel of this type would be required and should have made an immediate reference to the Commission. Had they done so, the Commission would have, more often than not, completed all formalities and would either have found the personnel or kept every-
• thing ready for finding it without

[Shri Kamath]

undue delay. Instead of seeking the Commission's advice well in time however the Ministries go about making their own enquiries (they have got their own machinery) and pitching on somebody (the word 'pitching' is a strong word) and then urging the Commission to recommend him."

This is a farcical way of making appointments; if not reprehensible, a farcical way.

Mr. Chairman: It was open to the Commission not to recommend him.

Shri Kamath: I wish, Sir, personally that the Chairman of the Commission should be a retired Supreme Court Judge and not a member of the permanent services. In passing, I will mention that.

Mr. Chairman: We shall not go into the composition of the Commission and all that.

Shri Kamath: I was provoked into making this remark. I hope, therefore, this inveterate habit of making *ad hoc* appointments by Ministries on their own will cease. There have been no satisfactory reasons given in this House. The matter has been raised so many times by hon. Members not only on this side of the House, but also on the other, and Government has always been trying to evade this matter. By trying to evade it they are inviting the charge of nepotism, and favouritism. Therefore, Government should thank themselves if they invite this charge upon themselves.

There is another matter to which the Commission has referred. There are even today in the Central Secretariat hundreds, if not thousands, of temporary employees who, in spite of ten years' service, twelve years' service and fifteen years' service, are still kept on a temporary footing and the Commission referring to this

matter have said that the process is still continuing. During the World War II the number of posts increased by leaps and bounds, but the posts were temporary and owing to the exigencies of war, the Government of India hastily recruited men according to requirements, in many cases without consultation with the Commission. The process of regularisation of such of these appointments as have survived the war period started only in 1950 and is still continuing. You can imagine that the men who were recruited during the war and who have survived the war, are still continuing in a temporary capacity. It is high time the Government completed the process of regularisation with the least possible delay by referring the matter to the U.P.S.C. and seeing that the temporary hands are made permanent so that they may put their minds to their work. How can you expect them to put their heart into the work as long as they are temporary? It is, therefore, imperative, that these people should be made permanent. Those who cannot be provided for in the Secretariat itself should be found an opening elsewhere.

Then, Sir, the Public Service Commission have referred to complaints of delay made by the public. They have put the blame squarely on the shoulders of the Government. The Commission say that there is considerable delay on the part of Government in making actual offers of appointments to candidates who qualify in the examinations. The Commission declare them qualified; but the Government does not send them orders. The Commission has to bear the odium for it vicariously, while in fairness Government must bear the odium for it.

"The complaint of delay relate primarily to the time taken on obtaining personnel."

And then they go on to say that they select the candidates and on the

part of Government there is inordinate delay in making offer of appointments.

I hope that Government will make it a point first to stop this practice of making temporary appointments to the barest minimum, if they cannot eliminate it completely.

I would in this connection like to refer to one instance. I understand that the Secretary of the University Grants Commission—I do not vouch for the information I have got.....

Mr. Chairman: Is it necessary to mention it?

Shri Kamath: I do not want to mention the name of the person. He is not highly qualified. I do not know whether that post was filled by reference to U.P.S.C. *ad hoc*. The Secretary of the University Grants Commission should be a University trained person. I hope he is and if he has not got a degree, I think Government will take early action to rectify the anomaly. This is only one of the instances I would like to mention here. There are many more in various Ministries, but I have not got the time to go into them. We will get a further opportunity in the next Parliament, of speaking about this matter.

Before I conclude I wish to refer to an important matter, which is of immediate public interest, of topical interest. There is a special recruitment to the I.A.S. and the examination I understand is due on the 28th of this month, if my memory does not betray me. There has again been delay in this matter because the date was first postponed by two months, again by another two months till at last it has come to December. That is perhaps because the machinery of the Public Service Commission cannot adequately cope with the number of applications running into 20,000 or 30,000. Anyway, whatever it is, at last the candidates have been summoned to appear on the 28th of December.

540 L.S.D.—

In regard to this particular matter the notification for recruitment specified clearly that the candidates must hold a degree in Arts, Science, Commerce, Agriculture or in Civil, Mechanical or Electrical Engineering. Then of course came the LL.B. degree of certain universities. Now I understand that nearly 80 applicants who had an Industrial Chemistry B.Sc. degree, and about 30 M.Sc. (Tech.) candidates have been rejected by the U.P.S.C. and this rejection, I hold, is unjust and arbitrary.

One of the applicants who was rejected moved the Punjab High Court early this week and the Punjab High Court has promptly moved in the matter. The Minister is a lawyer. One of the candidates filed a petition under article 226 of the Constitution of India praying that a writ of Mandamus may be granted ordering the respondents to allow him to sit at the ensuing I.A.S. (Special Recruitment Examination) to be held on the 28th December 1956 and to grant writ *certiorari* by quashing the orders of the respondents (U.P.S.C.) or to grant any other appropriate writ or writs. The Circuit Bench of the Punjab High Court at Delhi consisting of hon. Mr. Justice Khosla and hon. Mr. Justice Falshaw has been pleased to issue notice to the U.P.S.C. and order that in the meantime the petitioner may sit for the examination for the special recruitment to the I.A.S. I am glad the judiciary has moved promptly and hope that the order passed by the High Court will apply automatically to the other candidates whose applications were rejected. The High Court cannot itself do so, but I am sure Government would advise the U.P.S.C. to take notice of this and issue notice to all those applicants 110 applicants—eighty B.Sc. (Industrial Chemistry) and thirty M.Sc. (Tech.)—were rejected. On the strength of this I hope the U.P.S.C. will now give them a chance. It was very wrong in the first place to have informed these applicants, who had applied as long ago as July or August, 8th of August perhaps, it was very wrong for the U.P.S.C. to inform the

[Shri Kamath]

candidates as late as on the 2nd December or later, on the 12th of December perhaps...

Mr. Chairman: The hon. Member is going too much into details.

Shri Kamath: It is important, because 110 young men are affected by this. I hope the U.P.S.C. would see that all these rejected applicants are given a chance, on the basis of the High Court interim order, to appear in the examination which is about to commence on the 28th, that is in less than a week's time.

I think I have covered most of the points. I do not want to take any more of the time of the House, because many hon. colleagues are anxious to speak. If, however, one or two controversial points arise as a result of the speech of the hon. Minister, I may have, under rule 338(3) of the Rules of Procedure, to reply to those points later.

Mr. Chairman: Motion moved:

"That the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon be taken into consideration."

Shri Kamath has also moved an amendment to the effect that in the motion moved by him for "Report of the U.P.S.C. for 1955-56" the words "Reports of the U.P.S.C. for 1954-55 and 1955-56" be substituted.

There are two amendments notice of which has already been given, one by Shri Velayudhan and the other by Shri Kamath himself, to which I have just referred. There is a third one, from Sardar A. S. Saigal, which has come just now.

Sardar A. S. Saigal (Bilaspur): I could not give notice earlier on account of the shortness of time.

Mr. Chairman: It was on the order paper.

Sardar A. S. Saigal: I could not give proper notice. I would request you to accept it.

Mr. Chairman: The hon. Member will appreciate that if it is at least twenty-four hours earlier it is something. And no doubt the notice may be waived and all that. In the case of Government amendments that is usually permitted. But is it on behalf of the party in power that he has done it? Because, I find the amendment is:

"That for the original resolution the following be substituted, namely:

"The House, having considered the Report of the U.P.S.C. for 1955-56' (and now it will be Reports of the U.P.S.C. for 1954-55 and 1955-56) 'and Government's memorandum thereon, approves of the action taken so far by Government'."

Shri Velayudhan (Quilon cum Mavelikkara—Reserved—Sch. Castes): It is the opposite of it.

Mr. Chairman: It is open to the House to decide as it likes. If the House is so inclined I shall allow it.

Several Hon. Members: Yes, yes.

Mr. Chairman: So the original resolution, together with the amendment moved by Shri Kamath to the same, is before the House. And those who want to move amendments I shall call first, and then the other hon. Members.

Sardar A. S. Saigal: I beg to move:

"That for the original motion, the following be substituted:

"This house having considered the Reports of the U.P.S.C. for 1954-55 and 1955-56 and Government's memoranda thereon, approves of the action taken so far by the Government."

Mr. Chairman: Amendment moved:

"That for the original motion,

the following be substituted:

"This house having considered the Reports of the U.P.S.C. for 1954-55 and 1955-56 and Government's memoranda thereon, approves of the action taken so far by the Government".

Shri Velayudhan, he must be very brief. It is the last day.

Shri Velayudhan: Sir, I beg to move:

"That for the original motion, the following be substituted:

"This House having considered the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon, is of opinion that the report be scrutinised by a Parliamentary Committee consisting of members of both the Houses".

Sir, I am very glad that his resolution has been moved by my friend and colleague, Shri Kamath. As he has already said, this is the first time that this report or the functions of the U.P.S.C. are discussed in this House. If the Treasury Bench is a sinner in any matter concerned with its administration, I think it is more a sinner in this matter of appointments as well as of promotions and recruitment of personnel in the administration. When I read the report, which is a skeleton one and which does not reveal many of the dirty things that were undercurrent in the appointment of personnel, I wish to tell you that Government have done a grievous injustice not only to the Constitution but also to the practice and the rules that were laid down by the Government itself.

18-55 hrs.

[SHRI BARMAN in the Chair.]

How is the administration or how are the appointments of the personnel done by Government? What are the ways of evading the rules? What are the methods of going in through the back-door to get people admitted? Government have claimed, the other day the Home Minister himself has

said, that it is done excellently, that there is fairness and justice in the appointment of its personnel. But I shall tell you, from the time we got independence, if you take the personnel appointed in government service after independence, you will find that a very large number of personnel will be belonging to the relatives, to the friends, or the 'in-laws' of either the Ministers or the officials or the senior persons concerned in the party in power.

The Minister in the Ministry of Home Affairs (Shri Datar): Will the hon. Member confine himself to the points arising out of the Report? Let there be no roving criticism of the Government.

Shri Velayudhan: I can understand the timidity of the hon. Minister to protest against or to oppose my views or the points I have brought here. But if you want examples, I can give examples after examples where sinecure appointments were made with the knowledge of the Service Commission and regularised. What are the appointments made in the Planning Commission? A Member of the Planning Commission. (Interruption.) I do not want any interruption.

Shri Feroze Gandhi (Pratapgarh Distt.—West cum Rae Bareilly Distt.—East): We want to know one.

Shri Velayudhan: I can tell you that a Member of the Planning Commission—I do not want to tell the name...

Shri Rane (Bhusaval): Vague generalisation won't do.

Shri Velayudhan: The Deputy Chairman had a son who is employed in the government service today. And the Government have appointed a Special Recruitment Board to recruit him in the government service, whereas he was rejected by the U.P.S.C.

An Hon. Member: When he is qualified?

Shri Velayudhan: What else do you want? I will give you another example now. Take the brother of the General Secretary of the Indian National Congress who has become a Member of the Railway Service Commission only two or three weeks ago. There is no need...

Shri Feroze Gandhi: Which one? There are three.

Shri Velayudhan: You can enquire.

I wish to make one or two more important points about appointments relating to Scheduled Castes and Scheduled Tribes. I am very sorry to say that ever since we got independence, if the Government have failed in fulfilling their duties, it is in the case of representation of the untouchables or Harijans in the services. We had got many Under Secretaries; even before independence we had. After the coming of independence I would like to ask the hon. Minister to indicate to me how many Under Secretaries or Deputy Secretaries were appointed. I know there was a post advertised for a Scheduled Caste as Under Secretary in the Law Ministry. There was a post for a Scheduled Tribe Under Secretary also. I know very well. I got a letter from the Home Minister himself about it. Of course, a sinecure appointment was made, and a non-Scheduled Caste was appointed in the Law Ministry, in spite of there being qualified candidates among Scheduled Castes who fulfilled all the conditions there. But after rejecting them the Government have taken a non-Scheduled Caste and a sinecure appointment was made. A man related to some of the officials was taken. I do not know whether the Minister is also related to that person. I think it is so. Then, it is said:

"Despite six official and eight demi-official reminders to the Railway Board, it took almost three years to supply complete confidential reports and in the meantime all but three of the superseded officers were promoted

thereby giving room for a wrong impression that all this delay and promotions were intended to clear the hurdles in the way of the proposed appointment."

19 hrs.

These things are being evaded from the U.P.S.C. Regarding the appointment of an Adviser, there is no need to inform the U.P.S.C. Officer on Special Duty, Additional Secretaries, Assistant Deputy Advisers, in this way, so many things are evaded from the Union Public Service Commission.

In the expanded industrial concerns of the Government of India, have they given any representation to the Scheduled Castes? Have they followed the rules laid down by the Constitution in these appointments? Can the Government of India show a single Deputy Secretary, Joint Secretary in the service of the Government of India, appointed by the Congress Government? I know there is a senior I.C.S. officer who is a Joint Secretary. He was selected, of course, during the British regime.

Shri Datar: I again bring to your notice, Sir, that the whole speech is entirely irrelevant and it has nothing to do with the Union Public Service Commission.

Shri Velayudhan: It has everything to do with the Union Public Service Commission. But, you do not consult them. That is my point.

Mr. Chairman: His point is that the Government without consulting the Union Public Service Commission, are making appointments, evading the U.P.S.C.

Shri Datar: That is the case you make out. He has not stated at all.

Shri Velayudhan: I must say that the hon. Minister has a chance to reply. He can reply at that time and contradict my statements.

What I would like to emphasise is, we have got certain statutory safeguards as regards representation in the services, in the major services, in the I.A.S., in the I.P.S., as well as in others, even in the I.F.S. How many people are there from among the Scheduled Castes? I know how many relatives of the Ambassadors are there in service. If you travel throughout the globe, you can see in every Embassy in one corner or the other one relative of an Ambassador or Ambadress or something like that. This is the position. I know it is very difficult for the Minister to digest these open criticisms. Why are these nasty, shameless things being done if the Government have not got the courage to withstand? For example, there are appointments made in the industrial establishments of the Government. There was criticism here about the appointments made in the newly started Insurance Corporation. In this way, if there is in the Government more *ism* in any matter, it is in the appointment of personnel: favouritism, nepotism. In fact, the relatives of wives, nieces or in-laws find places. When I went to London, I saw about some appointments. Not about appointment alone. There is one more point. About two-thirds of the scholars, who have gone abroad, who have been given scholarships by the Government, are related to a Congress M.P. or a Minister or a Congress M.L.A.

The Deputy Minister of Education (Dr. M. M. Das): I repudiate the charge. It is a lie, an incorrect statement that the hon. Member is making.

Shri V. P. Nayar: On a point of order, Sir, can a Member, especially a Minister say that it is an open lie?

Sardar A. S. Saigal: That is parliamentary.

Dr. M. M. Das: If the word is objectionable, I withdraw.

Shri Velayudhan: I am sorry, I did not hear my hon. friend Dr. M. M. Das. He is experienced in lying one after another in Parliament.

Mr. Chairman: Order, order.

Shri Velayudhan: Yes.

Mr. Chairman: This is not right on the last day of the session. This sort of accusation which is becoming mutual or reciprocal, is not correct. Today is the last day of the session. The hon. Member was also making accusations; he must be very definite about facts. I think such sort of observations should not occur any more. I think the hon. Member should finish now.

Shri Velayudhan: I shall tell him.....

Shri Feroze Gandhi: On point of order. The Member must also keep in mind one thing. When listening to him, we are also co-operating. If we non-co-operate, he would not be able to speak.

Mr. Chairman: The hon. Member must finish now.

Shri Velayudhan: I should tell him that a Parliamentary Committee should scrutinise this matter. That is my amendment here. It is very essential. I challenge the hon. Minister if he is willing to have Parliamentary scrutiny over this question of appointments made by the Government since we got Independence. If they make an enquiry, certainly it will expose many many thing. I will say that it will expose all the dirty, nasty things that this Government, the Treasury Benches, have done.

Mr. Chairman: Amendment moved:

"That for the original motion, the following be substituted:

"This House having considered the Report of the U.P.S.C. for 1955-56 and Government's memorandum thereon, is of opinion that the report be scrutinised by a Parliamentary Committee consisting of members of both of the Houses".

Shri Raghavachari (Penukonda): Sir, I have listened to the speeches and I wish just to voice my support

[Shri Raghavachari]

to the motion by quoting my own experience, which I am not saying, for the first time, on the floor of the House. I said this in as dignified and gentle a manner as possible in the Budget session, on the cut motions to the Home Ministry. I brought this as a very serious case of inordinate delay in calling for appointment after the Ministry had made *ad hoc* appointment, and the permanent injury that was done to a particular individual who was duly qualified. Because, the man who had been *ad hoc* appointed continued and the continuing itself constituted an experience which he had gained, which tilted the whole balance in his favour, to the prejudice of a qualified individual, who permanently lost his life opportunity of being judged fairly. These things I brought to the notice of the Home Ministry. I wrote a letter and subsequently I got a reply saying, you please appreciate this, you please appreciate that and so on. Of course, the whole thing is over. There is nothing more to appreciate or depreciate. The real point is, this disease or defect is not one individual case. It is almost a continuous disease. It is a kind of new processing of appointments. As the U.P.S.C. has rightly said, they pitch an individual and then, the pitching becomes completely fitting. That is the danger to the other people. I do not wish to go into details, except to say this. What happened was delay. A man had gone on leave to a foreign country to get himself qualified better. Before he returned, some temporary appointment was made of a man of much less qualifications. After he returned, he asked that he must be appointed to the place. He said that the lower man had been promoted, and now that he has returned, he must at least then get his legitimate place and the lower man should go back. They took 8 months, 10 months and continued that man. Then, the case was referred to the U.P.S.C. That took one year. It was said, now that we have called for, there is no need to make a change. The same lower man conti-

nued. Finally the U.P.S.C. selected, the temporary occupant only. I very much wish that the U.P.S.C. people had struck to the spirit of the criticism that they had made in their report and not recommended the pitched man for permanent occupation.

Apart from that, I only say that this is not an individual case. It is almost a regular processing of appointments. Therefore, we must mention on the floor of the House how we wish that these things are put a stop to. Apart from that, the poor people, who have the misfortune, suffer and they must suffer throughout their life.

Shri V. P. Nayar: (Chirayinkil): I shall be very brief and I promise you that I shall not indulge in merely attacking the Government this time.

It will be conceded even by my friend the Home Minister that the Union Public Service Commission is not adequately staffed to meet the present-day requirements of recruitment. The obvious result is that on various pleas, whether it is exigency or urgency or whatever it is, the Ministries have an opportunity of making *ad hoc* special recruitments. This has come up for criticism in this House very often, and the Commission has not been able to do anything about it because they do not have the staff.

In very many appointments I know as a matter of fact that the Commission invites specialist members. I was amazed one day to hear that one of these members in an interview put a question on certain details given in Vatsyana's great work which we all know. Such questions are also being asked. I want this Government to understand that we must infuse confidence. Government must certainly create the impression that they are not giving any chance for favouritism or nepotism.

Shri Heda (Nizambada): Does the hon. Member refer to Vatsyana's *Kama Sutra*?

Shri V. P. Nayar: I thought all Members knew it. I know personally questions on that were put in interviews in examining candidates by the so-called specialist members.

I was saying that the Government must give the impression to the country that they have tried their utmost in preventing venality or graft or anything like that. I can give any number of examples, but I do not want to go into it because the occasion does not demand that.

There is also this aspect which Government has to consider, and that is that the Commission's activities should not be merely confined to recruiting cadres for the Government. We have got cent per cent. Government undertakings in the commercial field. We have got ever so many public companies. I have had a little more opportunity to know things than most of the Members, having had the honour to serve in the Public Accounts Committee and the Estimates Committee, and at some places and in some factories nobody can say that things have been all right. I do not want to wash any dirty linen here especially when in a few minutes we shall all part and part as friends, but I want Government to consider seriously this proposition, that the Commission should be given the staff which it requires, because it will not be a waste. Of course, I do not say that the Commission has done everything cent per cent. right. They are likely to err. They are human beings. But why do you not give them opportunities, why do you not give them enough staff?

Take for example the recruitment in the matter of I.A.S. from the States. This recruitment to one of the topmost cadres in Government service has been—I am struggling to find a mild word—far beyond criticism.

Shri Feroze Gandhi: Ask Velayudhan.

Shri Velayudhan: Yes, I know it. I know it very correctly.

Shri V. P. Nayar: I think the hon. Member, Shri Feroze Gandhi, would not think that I have to borrow such words from Shri Velayudhan.

I therefore want the Government to bring within the scope of the Commission such appointments in public undertakings also to see that when there is recruitment by the Commission, the Government do not interfere in the manner in which they do, because very often Deputy Secretaries go as specialist members. It is written in this report that for the precise requirements of the Ministry an officer has to go. What is the precise requirement? The precise requirement unfortunately happens to be, as Shri Velayudhan put it in strong language, some back-door method of taking in some relative. I think Government, like Caesar's wife, must be above suspicion, and must not give any opportunity for criticism of this kind.

Shri B. K. Das (Contai): A perusal of the report of the Public Service Commission gives us enough proof that the Commission has done very substantial and satisfactory work.

Shri V. P. Nayar: Nobody denies it.

Shri Raghavachari: Nobody criticises the Commission.

Shri B. K. Das: I am also not criticising the Commission. I am only praising it. I agree with the friends who have brought this matter to the notice of the House that they want more staff.

Shri Datar: Let this point not be laboured. We have already given them adequate staff.

Shri B. K. Das: We do not know, but it is in their report.

Shri Datar: This was for the last year. Thereafter we have given them full staff.

Shri B. K. Das: So far so good.

Shri Raghavachari: The Minister refers to the present position.

Shri Datar: That is what I am telling them.

Shri B. K. Das: Another matter of satisfaction is that there has been an amount of co-operation between the Government and the Commission which is noteworthy. There is only one case in which there has been a difference of opinion, and it is on the remarks of the Public Accounts Committee and the view of the High Court etc., that the Government have been compelled to take a different view from the Commission, and they have not accepted the recommendation of the Commission. So, it is very gratifying that the co-operation that the Commission requires has been forthcoming from the Government also. But there is one point to which I should draw the attention of the Government, about the reference to temporary appointments. There have been delays. If we look to Appendix III, we find that in some Ministries where many appointments have been made, there has been delay in referring them to the Commission. I hope Government will take note of this, and bring those appointments to the notice of the Commission as early as possible.

There is another matter also. If we look to the number of appointments given in Appendix X, we find there have been as many as 64 cases in which in spite of advertisements suitable candidates have not been found. That is one defect which the Government should try to remove, because if proper personnel are not trained and educated and steps are not taken in the universities or technical institutions to educate proper persons, the Commission will be helpless in the matter, and as they are entrusted with the very responsible duty of procuring the human material for the vast machinery of Government, if such persons are not available the machinery cannot work well. So, I hope the Government will take every

step so that the policy of education in our educational institutions will be such that such people in numbers will not be found wanting.

I need not go further into these matters. On the whole the work of the Commission is satisfactory and the co-operation of the Government is also very gratifying. I hope this will continue further and that we will have no case for complaint against the actions of Government.

Shri M. K. Moltra (Calcutta North-West): I will take only five minutes.

श्री विभूति मिश्र : (सारन व चम्पारन) :
हाउस साढ़े सात बजे तक बैठ रहा है। अब
कितना और बोला जायेगा।

श्री कामत : कल से नहीं बैठेगा।

Shri M. K. Moltra: I have been allowed by the Chair to speak.

The whole report of the Union Public Service Commission is a record of attempts by the Government to by-pass the Commission. Everywhere an attempt has been made to by-pass this institution.

The Commission has complained about paucity of staff, and the Minister has just now said that adequate staff has been supplied to them. But that is not the question. The question is this: are you going to refer the cases of appointments to the UPSC or not? There are instances, and such instances have been cited also, where cases have not been referred to the UPSC and *ad hoc* appointments have been made which are not justified.

I would refer to one concrete instance. A question was asked last session in this House, which elicited the reply that the Assistant Secretary of the University Grants Commission was only a matriculate. There are many people with high academic qualifications, including doctorates, who work under him.

The Assistant Secretary has already passed the age of superannuation. But his case was never referred to the UPSC and he still continues in the service.

Now I shall refer to starred question No. 2058 of 12th September, 1956. In that question it was asked:

"(a) whether it is a fact that an inquiry into certain charges of corruption against a former Director of Inspection, Calcutta Inspection Circle, under the Directorate-General of Supplies and Disposals has been completed and the report submitted to Government;

(c) whether it is also a fact that the said officer is actually working as Director of Inspection New Delhi, under the same Directorate-General?"

Shri V. P. Nayar: Thank God. He is not promoted.

Shri M. K. Moitra: The reply of Government was as follows:

"(a) Yes, Sir, the inquiry was held into the various charges including some relating to corruption.

(c) Yes, Sir."

So, that Director has only been transferred to Delhi as Director of Inspection, and he is continuing in that post.

I may now refer to another strange incident. The UPSC held the IAS examination at different centres. In one of the centres in Delhi, namely the M.B. Higher Secondary School, Rouse Avenue, an examination was held on the 24th September last, and the supervisor of the examination was found absent. He was given Rs. 25 per examination day for supervising the examination, but he was found absent. He went to the All India Radio to broadcast a speech and earn another Rs. 25.

Shri Feroze Gandhi: He must have been a journalist.

Shri M. K. Moitra: Unfortunately, at that time, a Deputy Secretary of the UPSC went there and found that the supervisor was absent. I can give the name of the supervisor also. He was Mr. G. N. Kaul, the headmaster of the institution. He was absent, and he had gone to earn more money, and the examination had to take care of itself. Here, I have before me a photostat copy of the letter of the UPSC. So, I am speaking from facts. Up till now, no step has been taken either to recover the money or to disqualify him from acting as supervisor in future. These are some of the instances. I can add instances after instances to show that Government's intention is to bypass the UPSC in some way or the other.

Shri Datar: At the outset, the hon. Mover of the motion had contended that sufficient time had not been found for a debate on the reports submitted by the UPSC from time to time. So far as that matter is concerned, I would like to say that when the reports are received, copies of the reports are presented to this House as also furnished to the hon. Members, and if any hon. Member desires to have a debate thereupon, Government would never come in the way at all. I should also like to point out in this connection that in the Rajya Sabha, if I mistake not, at least once, this question was debated upon. Therefore, if the matter has not been debated upon here, it would not be proper to hold Government liable for it.

Certain other points had been traversed, and I shall try to reply to them as briefly as possible. In the first place, it was stated that there was not an adequate or sufficient number of members on the UPSC, and secondly that there were not adequate staff. So far as the first point is concerned, the membership of the UPSC is now full. In addition to this, Government have also sanctioned the creation of two

[Shri Datar]

more memberships. So far as the UPSC is concerned, Government are aware of the increasing volume of work, and, therefore, whenever they require any additional strength, that will always be considered and is being considered with sympathy. So far as the staff is concerned, an adequate number of staff has already been given to them, and it would be found that in addition to this staff, certain mechanical devices also have been introduced; so, it may not be necessary to have more human staff when we have got these mechanical devices.

Shri V. P. Nayar: I would like to know whether there are any calculating machines.

Shri Datar: There are various machines. That is the reason why I put it in a general way. These mechanical devices go a long way in dispensing with the human material or the human portion of the staff. So, on this question, let not the hon. Members be under any misgivings that Government have been withholding the necessary staff to the UPSC.

Then, I would pass on to the other points raised by the hon. Members. It may kindly be understood that a very large number of cases are referred to the UPSC. Nearly 7,000 cases are referred to them. Formerly, the number was in the neighbourhood of 4,500. It has now increased to about 7,000. In spite of this, the House will kindly understand that the highest number of departures from the UPSC's advice was only six in 1950-51 when the Constitution came into vogue. From that figure, it has dwindled down; only in one year it was four. Now, we have got hardly two or three cases. In the year under review, so far as the present debate is concerned, out of these 7,000 odd cases, it was only in one case that Government considered it advisable to depart from the advice of the UPSC. There also, as the memorandum filed by Government

will point out, the UPSC desired to take a lenient view, so far as the loss of money due to the irregularities on the part of a Government officer was concerned; the UPSC somehow was of the view that a token amount of Rs. 1,000 should be taken from the officer. But Government did not accept this. They desired that this particular officer should suffer and make good the loss to the extent that he can make good the loss under the rules that are now prevalent, and, therefore, Rs. 12,000 is the amount which the man has been directed under the Government's orders to pay. In fact, I would also point out that, in that case, Government were anxious to have this man removed from service, because his whole conduct was highly irregular. And even in respect of the two charges which were inquired into, it was found that his conduct was not above suspicion at all. In fact, his conduct was very strongly criticised and the Public Accounts Committee of this hon. House had stated that Government should take strong action and the man must be visited deterrent punishment. This is the first point which has to be understood.

Secondly, there was also a case filed by the contractors. That case was dismissed. In the course of the judgment, it has been stated that there was collusion between this officer and the contractors. The Government were put to great loss on account of this collusion. This conduct of the man was far from *bona fide*. Under the circumstances, you will agree—and the House will agree—that in this particular case, not a mild punishment, not a lenient view, was called for but a deterrent punishment and strong view was necessary. That is what Government have done.

So you will find that this is the only case where Government considered it necessary, in the interest of justice, to depart from the views of the UPSC.

Then considerable criticism was offered so far as the temporary appointments were concerned and also so far as delays were concerned. Now, it has to be understood very clearly that ours is an expanding Government. Activities are being added on. Therefore, whenever new activities are added on, naturally Government have to consider whether the staff that is necessary should immediately be made permanent. That is a point which Shri Kamath will kindly understand on the one hand, Government are blamed for increasing their staff and for increasing the financial commitments; on the other, the criticism is to the effect that temporary hands are not made permanent at all. It has to be understood very clearly that a certain quota of our officer personnel has to remain temporary, because when Government undertake new ventures, Government desire to have some more experience before these posts are made permanent. Therefore, a certain quota of temporary personnel has got to remain. Even there, also, it is not possible for me, during the short time that I have, to go through the various steps that Government have taken. They have reorganised the whole Central Secretariat Service. They are also giving to the temporary persons rights of what is known as quasi-permanent, which is almost equal to permanency except in a way or two. Therefore, better conditions are being given even to temporary hands.

Under these circumstances, it would not be proper merely to criticise Government on the ground that they keep all these temporary hands without confirmation. It would be entirely wrong to confirm them unless there is absolute necessity for it, and to the extent that the necessity is there, they are being confirmed—confirmations are being offered. Would the hon. Member like that the Government should discharge all these temporary servants? Then naturally, my hon. friends opposite would come round and fall upon Government for the great injustice that

Government are doing in suddenly discharging these temporary personnel.

Therefore, we have to choose the mean. We have to take into account the conditions. We have also to take into account the experiments that the Government have to carry on. We have to understand that the Government have to carry on with new departments or new activities. Therefore, confirmation has to come gradually after full experience has been gained. All the same, Government are all anxious that they have to give as good conditions of service to their people as possible and confirm them. That is the reason why I want to dispel the feeling that Government are not in any way taking care of the temporary staff. The temporary staff is being looked after in as good a manner as possible, and whenever it becomes necessary, and Government come to the conclusion that these temporary personnel should be confirmed, they are being confirmed.

In fact, I have told this House on a number of occasions that in certain cases Government passed orders that about 80 per cent. of the temporary staff should be considered for confirmation. That is what is being done and, therefore, I would like to point out that the interests of the temporary Government personnel also are quite safe in our hands.

Then, it was contended that cases were not referred to the U.P.S.C. in time and that there was delay. Incidentally, I may say that Shri Velayudhan who possibly knows very little of relevancy brought in certain other matters as well.

Shri Velayudhan: I challenge the hon. Minister. It is all relevant. Be honest.

Shri Datar: There was no relevancy in the hon. Member's speech. I repeat it again.

Shri Velayudhan: Be honest. Appoint a Parliamentary Committee..

Shri Datar: In all these cases, there is one single answer so far as the delay in making references or the question of non-reference is concerned. I should point out to the hon. Members of this House.....

Shri Velayudhan: On a point of order, Sir. Let me ask him why hundreds of applications are going to the Ministers.

Mr. Chairman: The hon. Member is saying nothing new. Let the hon. Minister reply.

Shri Datar: So far as this question of delay etc. is concerned, the only answer which I should like to give the House is this. Certain cases of delays in reference or non-reference have been referred to. In all these cases, hon. Members will note that though there was some delay on account of valid reasons, on account of inevitable reasons, ultimately, all *ad hoc* appointments that the Government have made, they had made them on an *ad hoc* basis in the interests of the exigencies of service and all of them have been concurred in not because Government have made these appointments but because they found that in all these cases the appointments were of good people.

There are certain sections of the Government machinery where technical personnel is required. As one hon. Member has pointed out—Shri Das, if I mistake not—we have agreed to evolve a machinery, we have agreed to have full university and other courses under which we shall have the trained staff, that is lacking. Under these circumstances, often-times Government have to make an appointment just on the spot in an *ad hoc* manner. In this case, let hon. Members understand that so far as Government are concerned, they are not in a mood to go on making appointments without reference to the U.P.S.C. In all these cases, Government are anxious not to make long-term appointments unless they are justified. Government have to assess

the situation and while assessing the situation, Government starts with the minimum period. In one of the 7 cases referred to in the U.P.S.C. Report, it will be obvious that Government wanted to make the appointment only for 3 months. Subsequently, other questions came in and, so far as the particular man was concerned, when he was found useful in one branch of the Government departments, his services because useful for other branches also. Certain committees are appointed and their reports are under scrutiny and action has to be taken and certain Bills have to be prepared. Under these circumstances this highly technical and efficient expert personnel is necessary. In all these cases Government are anxious to see that appointments on a long-term basis involving Government in commitments are not made. In all these cases, through there might have been some delay here and there on account of the *bona fide* belief on the part of Government that these appointments would not last beyond a particular period, they have always taken steps to see that a reference is made to the U.P.S.C. I repeat this particular statement which fully justified the Governments stand. In almost all these *ad hoc* appointments, when a reference was made—though there was some delay—and when the delay was explained, the U.P.S.C. have concurred in these appointments not because of the inevitability of the circumstances but on account of the merits of the persons concerned. Therefore, I would submit to the House that the U.P.S.C. have also not made serious charges or complaints. They have pointed out certain circumstances and the reply is this.

Shri Feroze Gandhi: Is there quorum, Sir?

Shri Datar: In all cases Government have to move slowly and cautiously.

Shri Feroze Gandhi: Shri Velayudhan is totally irrelevant, there is no doubt about it. But what about

Shri Raghavachari, who mentioned some very specific cases?

Shri Raghavachari: But I expect that the Minister in many instances has made.....

Shri Datar: So far as that case is concerned, I cannot remember exactly what that particular case is. I speak subject to correction, subject to recalling to my memory as far as I can. If, for example, there is an officer under the Government of India in a particular department, and if he desires to go out of India, say, to an embassy or elsewhere, hon. Members will understand that he wants to go because he would like to have more benefits. If he wants to go there and take benefits, then he cannot have a permanent lien on his post here. If he wants to have more benefits there, let him have them, but he cannot have a lien on promotion and advancements in India. He must take the position as it is. If you go out, then naturally you are obliged also to undergo certain inconveniences or hardships, which are inevitable. A post cannot be kept as it is, and promotions cannot be kept in waiting for you when you go out. This is what I wish to say.

Shri Raghavachari: I would like to correct the hon. Minister. It was not a case where he went out to an embassy or other appointment as stated. He went on study leave to equip himself better and return to the service better qualified. If he comes back better qualified,

Pandit Thakur Das Bhargava: Was he given an assurance that when he returned after his studies, he would be given this post? Then the argument stands. Otherwise, another suitable person may have been found and the argument does not stand.

Mr. Chairman: Without knowing the facts from both sides, what is the use of discussing this case? The hon. Minister says he does not know it at present.

Shri Datar: I have made a general observation, not with references to a particular case.

Mr. Chairman: Unless the Minister is posted with the facts, he cannot reply to that case, but he is giving a general idea on the cases where such things occur.

Shri Raghavachari: I only wanted to correct his remarks.

Shri Datar: A charge was made of nepotism. So far as nepotism or favouritism is concerned, they are words which are current coin and are used without understanding the implications of these things. Now, I am putting it to Shri Velayudhan as to whether the U.P.S.C. have made any grievance of Government's conduct in this respect.

Shri Velayudhan: * * *

Shri Datar: If they have not made, then that subject cannot be a matter of debate here. It would be open to him to criticise us to his heart's content. But so far as this question is concerned, we are bound by certain rules. If the U.P.S.C. have not complained, if the U.P.S.C. have not made any grievance of serious irregularities, then I presume that the absence of a complaint means that Government's stand is perfectly vindicated.

Mr. Chairman: I think the House feels tired now. I noticed Shri Velayudhan made certain observations and I do not think they should go on record.

We cannot make any observations against a body which is independent. That will be expunged.

Shri Feroze Gandhi: His whole speech should be expunged.

***Expunged, as ordered by the Chair.

Sardar A. S. Saigal: Yes, the whole speech of Shri Velayudhan should be expunged.

Shri Kamath: I have got the right of reply under rule 338. The Minister has left a very misleading impression on the House. He has said that it was our fault that no discussion was raised in the earlier sessions. (*Interruptions*)

Mr. Chairman: That kind of debate can go on for ever.

Shri Kamath: Under rule 338, I am replying to the Minister. Myself along with some other colleagues had sought to move a motion to discuss the earlier report last session, it was admitted and put down in the Bulletin as 'no-day-yet-named' motion. It appeared in the Bulletin not once, but twice. The Government could not find time for its discussion. That is all on record and if the hon. Minister will find time to see the records, he will see these things. (*Interruptions*)

Sir, I am entitled, by your leave, under the rules, to reply.

श्री विभूति मिश्र : इस काम के लिए एक घंटे का समय निश्चित था । उससे अधिक समय हो चुका है ।

Mr. Chairman: He has the right of reply.

Shri Bhagwat Jha Azad (Purnea cum Santal Parganas): How many minutes?

Shri Kamath: I will not take more minutes than you can sit here. As regards the Minister's statement that the Government has appointed adequate staff, I would invite your attention, to what the Commission has itself stated. They have felt that there should be improvement in the quality and strength of the higher secretarial staff so that they may be able to discharge their functions more efficiently and more expeditiously. (*Interruptions*)

Shri Feroze Gandhi: Shri Kamath is very particular that there should be quorum in the House. There is no quorum.

Shri V. P. Nayar: There is no decorum..... (*Interruptions*)

Shri Kamath: As regards the Minister's plea that temporary appointments have got to be made in the given circumstance, I am wholly unconvinced and the House also is not convinced that the reasons he had adduced are valid or adequate.

Lastly, he has said that the U.P.S.C. has not made any charge of nepotism and favouritism. I can quote what the U.P.S.C. had said. It speaks of the irregularities that Government has committed. I am quite sure that the Commission would not use a stronger word than irregularities". I do not wish to add anything more. If the Government still say that they are not guilty of nepotism, corruption or favouritism let them say so. It is a matter of opinion. Because the temporary and ad hoc appointments made—there were hundreds of them—invite the charge. It is not that the U.P.S.C. should say so. They invite the charge from the public at large that there is nepotism and corruption. The U.P.S.C. may not say so. See the newspapers. Look at the newspapers. See what a Bombay paper has said recently. (*Interruptions*). That is all I want to say in reply.

Mr. Chairman: There are certain amendments.

Shri M. K. Moltra: On a point of order, Sir, there is no quorum. Without a quorum they cannot be put to vote.

Mr. Chairman: The bell is being rung.

Shri Feroze Gandhi: Why is the bell being rung now?

Mr. Chairman: There is no quorum.

Shri Feroze Gandhi: But, when I pointed out that there was no quorum, you did not do anything.

Mr. Chairman: We can speak without a quorum but we cannot vote without a quorum. I find that there is no

quorum. So the House cannot, without quorum, go on transacting any further business. The House now stands adjourned *sine die*.

19.52 hrs.

The Lok Sabha then adjourned sine die.

DAILY DIGEST

[Saturday, 22nd December, 1956]

MOTIONS FOR ADJOURNMENT	COLUMNS 4071-78	Loss Accounts for the year 1954-55 and the Audit Report, 1956, of Railways under article 151(i) of the Constitution.	COLUMNS
(1) In view of the statement made by the Minister of Home Affairs (Pandit G. B. Pant), the Speaker withheld his consent to the moving of an adjournment motion given notice of by Sarvashri A. K. Gopalan, T. B. Vittal Rao and V. P. Nayar regarding the alleged discontent among the Class III and class IV Central Government Employees on account of the reported failure of Government to appoint a second Pay Commission as recommended by the Central Pay Commission.		(4) A copy of the Report on the working of the Central Silk Board for the period from 1st April, 1955 to 31st March, 1956 in pursuance of an assurance given by the Minister of Commerce and Industry during the discussion on the Central Silk Board (Amendment) Bill on the 29th July, 1952.	
(2) In view of the statement made by the Minister of Home Affairs (Pandit G. B. Pant), the Speaker withheld his consent to the moving of another adjournment motion given notice of by Sarvashri A. K. Gopalan, V. P. Nayar and Punnoose regarding the situation alleged to have arisen out of the closure of Cashewnut factories in Kerala.		(5) A copy of the statement regarding reports by various experts on the technical soundness of the Kosi Project (1953) Scheme.	
PAPERS LAID ON THE TABLE	4078-79	(6) A copy of the statement giving information on certain points raised during the budget Debate on the 2nd and 3rd April, 1956 and not covered by the replies given by the Minister and Deputy Minister of Irrigation and Power.	
The following papers were laid on the Table :		(7) A copy of the Minutes of the sittings of the Rules Committee held on the 13th, 14th and 21st December, 1956.	
(1) A copy of the Annual Report of the Damodar Valley Corporation for the year 1955-56 and Audit Report thereon, under sub-section (5) of section 45 of the Damodar Valley Corporation Act, 1948.		REPORTS OF ESTIMATES COMMITTEE PRESENTED	4086
(2) Appropriation Accounts of the Defence Services for the year 1954-55 and the Audit Report, 1956, under article 151 (i) of the Constitution.		Thirty-ninth and Forty-first to Forty-third Reports were presented.	
(3) A copy of each of the Appropriation Accounts Part I, Part II, Block Accounts, Balance Sheets and Profit and		REPORT OF COMMITTEE ON SUBORDINATE LEGISLATION PRESENTED	4086
		Sixth Report was presented.	
		CALLING ATTENTION TO MATTER OF URGENT PUBLIC IMPORTANCE	4087-88
		Shri A. K. Gopalan called the attention of the Minister of Food to the inadequate arr-	

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amendments for the distribution of rice in Fair Price Shops in Kerala.

The Deputy Minister of Food (Shri M.V. Krishnappa) made a statement in regard thereto.

REPORT OF RULES COMMITTEE ADOPTED 088

Seventh Report was adopted.

AMENDMENT MADE BY RAJYA SABHA AGREED TO 4092-4113

The amendments made by Rajya Sabha to the Faridabad Development Corporation Bill, as passed by Lok Sabha, were taken into consideration and agreed to.

BILLS PASSED 4113-4172

The following Bills were considered and passed:

- (1) Delhi (Control of Building Operations) Continuance Bill as passed by Rajya Sabha.
- (2) The Slum Areas (Improvement and Clearance) Bill as passed by Rajya Sabha.
- (3) Delhi Tenants (Temporary Protection) Bill as passed by Rajya Sabha.
- (4) Delivery of Books (Public Libraries) Amendment Bill as passed by Rajya Sabha.

REPORT OF COMMITTEE ON ASSURANCES PRESENTED 4242

Third Report was presented.

RESIGNATION OF A MEMBER 4242

The Chairman announced that Shri Amarnath Vidyalkar had resigned his seat in Lok Sabha with effect from today.

MESSAGES FROM RAJYA SABHA 4080-85, 4272-75

Secretary reported the following messages from Rajya Sabha:

- (1) That at its sitting held

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on the 18th December, 1956, Rajya Sabha had agreed to the amendments made by Lok Sabha on the 10th December, 1956, in the Indian Medical Council Bill.

- (2) That at its sitting held on the 20th December, 1956, Rajya Sabha had agreed without any amendment to the Representation of the People (Miscellaneous Provisions) Bill, passed by Lok Sabha on the 18th December, 1956.

- (3) That at its sitting held on the 20th December, 1956, Rajya Sabha had agreed without any amendment to the Kerala State Legislature (Delegation of Powers) Bill passed by Lok Sabha on the 19th December, 1956.

- (4) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the following Bills, passed by Lok Sabha on the 19th December, 1956.

(i) Appropriation (No. 5) Bill

(ii) Appropriation (Railways) No. 6 Bill

(iii) Appropriation (Railways) No. 7 Bill

(iv) Central Excises and Salt (Second Amendment) Bill

- (5) That Rajya Sabha had no recommendations to make to Lok Sabha in regard to the Union Duties of Excise (Distribution) Amendment Bill, passed by Lok Sabha on the 20th December, 1956.

- (6) That at its sitting held on the 22nd December, 1956, Rajya Sabha had agreed without any amendment to the Territorial Councils Bill, passed by Lok Sabha on the 20th December, 1956.

	COLUMNS		COLUMNS
PRESIDENT'S ASSENT TO BILLS	4085-86, 4273	(6) Kerala State Legislative (Delegation of Powers) Bill	
Secretary reported to Lok Sabha that the following Bills, which had been passed by the Houses of Parliament during the current session, were assented to by the President :		(7) Finance (No. 2) Bill	
(1) Ancient and Historical Monuments and Archaeological Sites and Remains (De- claration of National Im- portance) Amendment Bill		(8) Finance (No. 3) Bill	
(2) Industries (Development and Regulation) Amendment Bill		(9) Hindu Adoptions and Maintenance Bill.	
3) Representation of the Peo- ple (Fourth Amendment) Bill		MOTION RE. REPORT OF 4273-4308 U.P.S.C.	
(4) Hindu Marriage (Amend- ment) Bill		The motion that the Report of U.P.S.C. for 1955-56 and Government's memorandum thereon be taken into consi- deration was moved by Shri Kamath and discussed. Shri Kamath replied to the Debate. As there was no quorum the substitute motions and the amendment to the motion moved were not put to vote.	
5) Central Sales Tax Bill			