

[Shri F. H. Mohsin.]

As regards the other point mentioned by my hon. friend opposite that we could have issued instructions to the State Governments to withdraw the taxation, as already pointed out by Shri Ganesh, the matter is left to the State Governments. If they want to withdraw it, they may. It may not be advisable for the Central Government to interfere with their way of collection of duties. At the same time, I might add there that there are some States which are faced with acute scarcity conditions like Maharashtra, Andhra and Mysore.

SHRI RAMAVATAR SHASTRI:
Bihar also.

SHRI F. H. MOHSIN: Yes. The State Governments may like to continue these levies for the benefit of those people who are living in those scarcity areas, of course, with the consent of the people's representatives in the Assembly. But if they choose to continue these levies for sometime more with a view to give some help to the people of the scarcity-affected areas, what is wrong in that? In Mysore, Maharashtra and Bihar, they may choose to continue it and if the concerned State legislature agrees with it, I do not think there should be any objection for the continuance of the levies. After all, the money so collected would be utilised for the people in the scarcity-affected areas. When we collected some amount for the refugees coming from Bangladesh for the people who are affected, there is nothing wrong in using the amount for our own people. Anyway this is a matter in which we do not want to issue any directions. We leave it to the States to decide as they like.

With these words, I commend the Bill to the acceptance of the House.

MR. CHAIRMAN: The question is:

"That the Bill further to amend certain taxation laws in the Union

Territories, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: There are no amendments.

The question is:

"That Clauses 2, 3 and 1, the Enacting Formula and the Title stand part of the Bill."

The motion was adopted.

Clause 2, 3 and 1, the Enacting Formula and the Title were added to the Bill.

SHRI F. H. MOHSIN: I beg to move:

"That the Bill be passed."

The motion was adopted.

15.49 hrs.

CAPITAL OF PUNJAB (DEVELOPMENT AND REGULATION), (CHANDIGARH AMENDMENT) BILL

THE MINISTER OF WORKS AND HOUSING (SHRI BHOLA PASWAN SHASTRI): I beg to move:

"That the Bill further to amend the Capital of Punjab (Development and Regulation) Act, 1952, as in force in the Union territory of Chandigarh, as passed by Rajya Sabha, be taken into consideration."

I shall read the statement of objects and reasons. The Supreme Court in Messrs. Jagdish Chand Radhey Shyam Vs. the State of Punjab and Others (Civil Appeal No. 1099 of 1967) declared section 9 of the Capital of Punjab (Development and Regulation) Act, 1952 (Punjab Act XXVII of 1952), as in force in the Union territory of Chandigarh, as being violative of articles 14 and 19(1) (f) of the Constitution and held that the Central Government is not entitled to resume the

site or building transferred under section 3 of that Act or to forfeit the money paid in respect of such transfer under the said section 9. The main ground on which the Supreme Court had based its conclusion was that there is nothing in the Act to guide the exercise of power by the Government as to when and how any of the methods for recovering the amount of consideration in arrears specified in section 3, 8 and 9 of the Act will be chosen.

The decision of the Supreme Court has created several practical difficulties in administering the provisions of the Act. Further the situation created by the decision of the Supreme Court is already having an adverse effect on the regulation and development of the entire city of Chandigarh, which has been planned and developed with great care and at considerable expense over the past several years. It is therefore essential to remove the past several years. It is therefore essential to remove the objections pointed out by the Supreme Court by amending the Act retrospectively from the 1st of November 1966 being the date on which the Union territory of Chandigarh was formed, and to validate the actions taken under the impugned provisions of the Act.

The Bill seeks to achieve the aforesaid objectives.

MR CHAIRMAN Motion moved

"That the Bill further to amend the Capital of Punjab (Development and Regulation) Act 1952, as in force in the Union territory of Chandigarh, as passed by Rajya Sabha be taken into consideration."

*SHRI E. R. KRISHNAN (Salem)
Mr Chairman, Sir I rise to say a few words on behalf of my party, the Dravida Munnetra Kazhagam on The Capital of Punjab Development and Regulation (Chandigarh) (Amendment) Bill moved by the hon Minister of Works and Housing Shri Bhola Paswan Sastri

I have no difference of opinion with the Government that the growth of Chandigarh should be according to a set plan. All of us are aware that Chandigarh occupies a place of pride and prestige in the world of architecture and it has attracted world-wide attention in this regard. I would like to know from the hon Minister of Works and Housing whether the Government should seek to maintain the growth and pride of Chandigarh through a Bill of this nature.

The Government of India may take whatever steps they consider necessary in regard to the development of Chandigarh. Such steps may create any kind of hardship for the common people living there. Still under Sections 6 and 7 of the Bill they are debarred from approaching the courts of law for contesting such steps which hinder their day to day life. So this question arises whether a city should be a means for the welfare of the people living there or whether the growth and development of a city should create miserable problems for the common people? I would request the hon Minister of Works and Housing to clarify this point in his reply.

Secondly I am constrained to say that by incorporating Sections 6 and 7 in the Bill the Government are perhaps trying to reduce the burden of arrears on the Courts of Law in the Punjab.

Thirdly, so far it has not yet been decided whether Chandigarh should be the capital of the Punjab or Haryana. I have to point out that since the Congress Party is in power in both these States it should be within the capacity of the Central Government to find a solution to this long-standing unresolved issue. I would like the hon Minister of Works and Housing to say for how many years more the Government will be showing its hesitancy in this matter.

Fourthly I would like to know whether the Government will bring

*The Original speech was delivered in Tamil

[Shri E. R. Krishnan]

forward such a vigorous legislation for implementing land reforms. While bringing forward the much-talked about urban ceiling law, will the Government of India take such a bold step as denying the right to approach a court of law to the rich people whose property might fall under the purview of the urban ceiling law?

Before I conclude, I would once again repeat my question as to when the fate of Chandigarh—whether it should be the capital of the Punjab or Haryana—is going to be decided by the Government of India.

I am grateful to you for giving me this opportunity to say a few words on this Bill.

With these words, I conclude.

श्री रामावतार शास्त्री (पटना) : सभापति महोदय, इस बिल के सिलसिले में मुझे एक ही बात कहनी है। इस बारे में मेरा कोई मतभेद नहीं है कि चण्डीगढ़ शहर का ठीक तरह से विकास किया जाये। जब हम पूरे हिन्दुस्तान का विकास चाहते हैं, तो चण्डीगढ़ का विकास किया जाये, इस में एतराज की कोई बात नहीं है। दिल्ली और अन्य जगहों में विकास-कार्य चल रहा है, लेकिन शहरों में जो साधारण निवासी होते हैं—और वे चण्डीगढ़ में भी हैं—, उन के साथ ठीक व्यवहार नहीं होता है। विकास के नाम पर उन्हें हटा कर बाहर फेंक दिया जाता है और धनी वर्ग को लाभ पहुंचाने की कोशिश की जाती है। नाम लिया जाता है शरीरों को आगे बढ़ाने का, लेकिन हम देख रहे हैं कि दिल्ली आदि शहरों में झुग्गी झोंपड़ी वालों को तो बहुत दूर दूर भेज दिया जाता है और वे जमीनों जैसे वालों को दे दी जाती हैं।

चण्डीगढ़ में भी इसी तरह की बात हो रही है। मैं निवेदन करना चाहता हूँ कि सरकार चण्डीगढ़ को उच्च विकसित

करे, अगर उस के विकास में कोई गड़बड़ है, तो उस को दूर किया जाए, लेकिन सरकार को जो शरीर तबके के लोगों को अपनी दृष्टि से मोहल नहीं करना चाहिए। मंत्री महोदय तो उसी तबके से आते हैं और उन्हें यह अनुभव भी है कि उस तबके के साथ क्या व्यवहार होता है। इस लिए हरिजन तबके और पिछड़े वर्गों की तरफ़ उन का ध्यान रहना चाहिए। अधिकार लेते समय और कानून बनाते समय उन वर्गों को नहीं भूलना चाहिए, नहीं तो बड़ी कठिनाई होगी। हम दिल्ली में देखते हैं कि किस तरह से उन लोगों की कठिनाइयां बढ़ गई हैं और बड़े लोग उस से फ़ायदा उठा रहे हैं।

सरकार को इस बात का ध्यान रखना चाहिए कि चण्डीगढ़ के विकास के साथ वहाँ के निचले तबके के लोगों का भी विकास हो। उन को वहाँ से भगा देने के बजाये उन के लिए आवास, पानी, बिजली और जीवन के लिए आवश्यक अन्य सुविधाओं की व्यवस्था करनी चाहिए। अगर इस बिल में इस बात का ध्यान रखा गया है, तो ठीक है, और अगर नहीं है, तो सरकार को उस तरफ़ ध्यान देना चाहिए, नहीं तो बहुत हंगामा हो सकता है, जैसा कि दिल्ली में हो रहा है। मैं जानता हूँ कि दिल्ली में दिल्ली डेवेलपमेंट एथॉरिटी और अन्य सरकारी विभाग किस तरह से जनविरोधी काम कर रहे हैं। इस तरफ़ मंत्री महोदय का ध्यान दिलाना मैं अपना कर्तव्य समझता हूँ।

श्री भोला पाटवान शास्त्री : सभापति महोदय, मुझे खुशी है कि दो माननीय सदस्यों ने इस विधेयक के सम्बन्ध में अपने विचार व्यक्त किये हैं। जो माननीय सदस्य पहले बोले थे, वे सत्ते बधे हैं। उन्होंने उत्तर सुनने का भी फ़ौट नहीं किया। उन्होंने इस बात का विरोध

नहीं किया है कि चण्डीगढ़ का विकास नहीं होना चाहिए। उन्होंने कहा कि गवर्नमेंट इस बात का फ़ैसला कब करेगी कि चण्डीगढ़ किस स्टेट का कैपिटल होगा। उम का फ़ैसला भी होगा। उस का विकास तो होना ही चाहिए। चण्डीगढ़ किस स्टेट का कैपिटल होगा, यह पायंट रेलिबेंट नहीं है। माननीय सदस्य ने कोई नई बात नहीं कही है।

16.00 hrs.

मैं माननीय सदस्य श्री रामावतार शास्त्री, को कहना चाहता हूँ कि आज बड़े बड़े शहरों पर ज्यादा खर्च करने का विचार हो रहा है। न केवल हमारा देश, बल्कि सारा विश्व, भरवन्-माइंडिड हो रहा है। इस में कोई सन्देह नहीं है कि शहरों पर ज्यादा खर्च हो रहा है, क्योंकि हमारा दृष्टिकोण ही ऐसा बन गया है।

जहां तक गरीबों का सवाल है, मैंने उस दिन भी कहा था कि ऐसा नहीं है कि गरीबों को उजाड़ा जाता है, या उजाड़ा जायेगा। शहरों में जहां बड़े लोग रहते हैं, ब्यापारी और सरकारी अफसर आदि रहते हैं, वहां गरीब भी रहते हैं। उन का खयाल रखा जाता है और उन को बसाने का इन्तजाम किया जाता है। अगर श्री शास्त्री चण्डीगढ़ का कोई मामला पेश करते कि वहां गरीबों को उजाड़ा गया, उन के लिए कोई इन्तजाम नहीं किया गया, तो मैं उस पर विचार करता। अगर अभी भी उन के पास ऐसी कोई सूचना हो और माननीय सदस्य हमें दें तो उस पर हम उचित कार्यवाही करेंगे। वैसे भी इस पर ब्यास रखा जायेगा। दिल्ली की झुग्गी झोंपड़ी वालों की ओर सरकार का ध्यान है। सरकार की पूरी सहानुभूति उनके साथ है। वे गरीब लोथ हैं जो कमाने के लिए यहां आते हैं। लेकिन एक बात यह भी है कि रातों रात झोंप-

ड़ियां बन जाती हैं, एक जगह उनको बसाया जाता है तो वे दूसरी जगह चले जाते हैं। आज गांवों से लोग शहरों की ओर जीविका कमाने के लिए आने लग हैं, यह समस्या बढ़ती जा रही है और बढ़ती जाएगी।

श्री रामावतार शास्त्री : मुझे दक्षिण दिल्ली की झोंपड़ियों में जाने का मौका मिला था। वहां इंदिरा लेबर कैम्प है, शास्त्री लेबर कैम्प है, सुभाष लेबर कैम्प जवाहरलाल नेहरू लेबर कैम्प हैं, उन में कहीं भी पानी और रोशनी का उचित प्रबन्ध नहीं है।

श्री भोला पास्वान शास्त्री : इंदिरा कैम्प, शास्त्री कैम्प और सुभाष कैम्प, ये कैम्प लगा देने से ही रात भर मे नारा प्रबन्ध तो नहीं हो सकता है। बड़े आदिमियों के नाम पर ये कैम्प रखे जाते हैं यह अच्छी बात है लेकिन बड़े आदमी का नाम तो एक साइन बोर्ड है, सारा इन्तजाम रातों रात कैसे हो सकता है? माननीय सदस्य को मैं हतना आश्वासन अवश्य देना चाहता हूँ कि झुग्गी झोंपड़ियों के बारे में ऐसी बात जो निहायत जरूरी है, वह सरकार के ध्यान में लाएंगे तो सरकार उस पर पूरा ध्यान देगी और सरकार दे भी रही है। झुग्गी झोंपड़ा की समस्या सरकार की नजर में सामने तैरती रहती है। इस और सरकार का पूरा ध्यान है।

MR. CHAIRMAN: The question is:

"That the Bill further to amend the Capital of Punjab (Development and Regulation) Act, 1952, as in force in the Union Territory of Chandigarh, as passed by Rajya Sabha, be taken into consideration."

The motion was adopted.

MR. CHAIRMAN: Now, we shall take up the clauses. There are no

[Mr. Chairman]

amendments to clauses 2 to 7, I shall put clauses 2 to 7. The question is:

"That clauses 2 to 7 stand part of the Bill."

The motion was adopted.

Clauses 2 to 7 were added to the Bill.

Clause 1—(Short Title and Commencement).

Amendment made:

Page 1, line 4,—

for "1972" substitute "1973" (2)
(Shri Bhola Paswan Shastri)

MR. CHAIRMAN: The question is:

"That clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Enacting Formula

Amendment made:

Page 1, line 1,—

for "Twenty-third" substitute—
"Twenty-fourth" (1).
(Shri Bhola Paswan Shastri).

MR. CHAIRMAN: The question is:

"That the Enacting Formula; as amended, stand part of the Bill."

The motion was adopted.

The Enacting Formula, as amended, was added to the Bill.

The Title was added to the Bill.

SHRI BHOLA PASWAN SHASTRI:
Sir, I move:

"That the Bill, as amended, be passed."

MR. CHAIRMAN: The question is:

"That the Bill, as amended, be passed."

The motion was adopted.

16.05 hrs.

ANDHRA PRADESH STATE LEGISLATURE (DELEGATION OF POWERS) BILL

THE DEPUTY MINISTER IN THE MINISTRY OF HOME AFFAIRS (SHRI F. H. MOHSIN): I beg to move*:

"That the Bill to confer on the President the power of the Legislature of the State of Andhra Pradesh to make laws, as passed by Rajya Sabha, be taken into consideration."

The House is aware that in the Proclamation dated the 18th January, 1973 in relation to the State of Andhra Pradesh, the President has declared that the powers of the State Legislature shall be exercised by or under the authority of Parliament. However, in view of the otherwise busy schedule of the two Houses, it would be difficult for Parliament to deal with the various legislative measures that may be necessary in respect of the State. It would be even more difficult in situations requiring emergent legislation. The Bill, therefore, seeks to confer on the President the power of the State legislature to make laws in respect of the State. It has been the normal practice to undertake such legislation in relation to the States under the President's Rule and the present Bill is on the usual lines. Provision has been made for the constitution of a Consultative Committee, consisting of Members of Parliament in this regard. There will be 40 members from Lok Sabha and 20 from Rajya Sabha. Provision is also being

*Moved with the recommendation of the President.