

खिला पूर्व कार्यालय पर गये तो वहाँ की पुलिस ने उन्हें बुरी तरह से पीटा और 16 नवयुवकों को पकड़ कर जेल में डाल दिया। मेरा धाय से अनुरोध है कि धाय सरकार से इस सम्बन्ध में पुलिस की ज्यादातियों के खिलाफ हस्तक्षेप करने के लिए करें

(iv) Reported assault by anti-social elements on two M.L.A.s and a Chief Councillor in Barapeta (Assam).

SHRI SANTOSH MOHAN DEV (Silchar): I would like to draw the attention of the hon. Home Minister about a news items published in all India newspapers regarding an assault on 2 MLAs and one Chief Councillor in Barapeta (Assam). It is a matter of serious nature. It seems now the anti-social elements have started their unlawful activities against the elected representatives of the people. More news about threats to the leaders of political organisations who have accepted 1971 as the cut-off year for detecting foreign infiltrators are coming to us.

Will the Minister of Home Affairs assure the House that leaders and elected public representatives of different political organisations would be given proper security by the Central Reserve Police and the government will take stern action against those elements who are responsible for this?

12.31 hrs.

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL

THE MINISTER OF WORKS AND HOUSING (SHRI P. C. SETHI): Sir, I beg to move:*

"That the Bill further to amend the Requisitioning and acquisition of Immovable Property Act, 1952, be taken into consideration."

The power of the Government to take private property for public use is a well-established fact. In justification of this power, two maxims namely, 'regard for public welfare is the highest law' and that 'public necessity is greater than private necessity', are generally cited.

It may be recalled that the power of the government to requisition and to acquire such requisitioned immovable property, has been in existence for about four decades in our country continuously. This power was first conferred on government under the Defence of India Act, 1939. On the lapse of that Act in September 1946, after the end of the Second World War, the properties requisitioned under the Defence of India Act continued to remain under requisition under the enactment of the Requisitioned Land (Continuance of Powers) Act, 1947. Subsequently, Parliament enacted the Requisitioning and Acquisition of Immovable Property Act, 1952, which, in addition to conferring the power of requisitioning and acquisition of immovable property on Government, provided that the properties requisitioned under the Defence of India Act, 1939 shall be deemed to be requisitioned under the Act of 1952. The Act, which came into force on the 14th March, 1952, was initially to remain in operation for a period of six years from that date but its duration was extended from time to time. The Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1970, which came into force on the 11th March, 1970, made it a permanent measure but restricted the period for which the requisitioned properties could be retained under requisition to three years from the commencement of the Amendment Act in the case of properties requisitioned before such commencement and in case of any property requisitioned after such

*Moved with the recommendation of the President.

[Shri P. C. Sethi]

commencement, to three years from the date on which possession of the property was surrendered, or delivered to, or taken by the competent authority under Section 4 of the Act, of 1952.

After the Amendment Act of 1970 came into force, the properties requisitioned before the commencement of the Act, could be retained under requisition upto the 10th March, 1973. The maximum period of requisition was extended by two years with enactment of Requisitioning and Acquisition of Immovable Property (Amendment) Act, 1973.

A large number of properties requisitioned under the above Act were in possession of Ministry of Defence, Ministry of Works and Housing and other Ministries. Although the Government took necessary action for acquiring and derequisitioning the requisitioned properties, a large number of them could not be released and were needed by Government even after the 10th March, 1975, and therefore the period of retention was further extended by five years by the Requisitioning and Acquisition of Immovable Property (Amendment) Act of 1975. In the amended Act a provision was also made for quinquennial revision of quantum of compensation payable to the owners. This provision was made keeping in view that a large number of properties were taken over by Government a long time back and compensation then fixed continued unchanged.

Over the years, rents have increased very considerably and cost of maintenance has also gone up. The owners of the properties due to the reasons stated above, were pressing Government for release of the requisitioned properties. With the provision of quinquennial revision of quantum of compensation, the interest of owners of the properties has been to some extent safeguarded.

Accordingly, the properties were required to be released by the 10th

March, 1980. On many of these properties which include land also, valuable constructions of permanent nature connected with national defence or the conduct of military operations or other important public purposes have been put up. Thus, in the case of Ministry of Defence their difficulties in either releasing or acquiring the requisitioned properties which include land are mainly due to strategic reasons and lack of funds for acquiring the land. Similarly, in the case of Ministry of Works and Housing, the need to continue the properties under requisition beyond the aforesaid date stems from the utter inadequacy of office accommodation due to financial constraints has been severely restricted. It will, therefore, not be expedient from the public and defence point of view to remove the structures for the purpose of release of the properties to the owners pending a decision to acquire or release the properties. A phased programme for either acquiring or releasing these properties from requisition within a period of three to five years is under contemplation.

In view of this position, it is necessary to amend the Act so as to extend the maximum period for which properties could be retained under requisition or are to be acquired by a period of five years.

With these words, Sir, I commend the amending Bill for consideration of the House.

MR. SPEAKER: Motion Moved:

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, be taken into consideration".

There are amendments. Mr. Nadar are you moving:

SHRI A. NEELALOHITHADASAN (Trivandrum):

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 15th May, 1980." (8)

MR. SPEAKER: Mr. Daga, are you moving your amendment?

SHRI MOOL CHAND DAGA (Pali): I move:

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, be referred to a Select Committee consisting of 7 members, namely:—

- (1) Shri Virdhi Chand Jain
- (2) Shri Man Phool Singh
- (3) Shri P. C. Sethi
- (4) Shri Jyotirmoy Bosu
- (5) Shri G. M. Banatwalla
- (6) Shri Madhavrao Scindia;

and

- (7) Shri Satish Chandra Agarwal.

with intructions to report by the last day of the first week of the next session." (10)

MR. SPEAKER: Mr. Madhukar. Are you moving your amendment?

SHRI KAMLA MISHRA MADHUKAR (Motihari):

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, be referred to a Joint Committee of the Houses consisting of 7 members, 5 from this House, namely:—

- (1) Shri Samar Mukherjee
- (2) Shri Chandrajeet Yadav
- (3) Shri Ramavatar Shastri
- (4) Shri Mool Chand Daga
- (5) Shri P. C. Sethi

and 2 from Rajya Sabha;

that in order to constitute a sitting of the Joint Committee the quorum shall be one-third of the total number of members of the Joint Committee;

that the Committee shall make a report to this House by the last day of the first week of the next session; that in other respects, the Rules of Procedure of this House relating

to Parliamentary Committees shall apply with such variations and modifications as the Speaker may make; and

that this House do recommend to Rajya Sabha that Rajya Sabha do join the said Joint Committee and communicate to this House the names of 2 members to be appointed by Rajya Sabha to the Joint Committee." (11)

MR. SPEAKER: Mr. Chatterjee.

SHRI SOMNATH CHATTERJEE (Jadavpur): Mr. Deputy-Speaker, Sir, this Bill is for extending the period of requisitioning of the properties which were otherwise to be released and to replace the Ordinance, that was brought in between.

Sir, the point is: this is a sort of a quinquennial exercise that is being carried on. The requisitioning in some cases, as the hon. Minister has himself said, was made under the Defence of India Rules in 1939 and this requisitioning has continued for years and years and this five year exercise is being done to extend the period for another five years.

Now, Sir, the position I would like to state is that Government everytime says that the matter of acquisition is under contemplation. The Act itself provides for acquiring the properties and for keeping the properties under requisition. These two things are there. Rents are to be paid. I would like to know from the hon. Minister—please take the House into confidence—to tell us how much rent is being paid in respect of these properties annually. As I said already two consequences follow—rent is being paid but there are some favourite landlords whose properties will never be released nor acquired because the rent becomes a very regular income. The other thing is unless the Government, with the vast expansion of its activity, comes in a big way to construct buildings of their own, this problem can

[Shri S. N. Chatterjee]

never be solved. Every Government, every public institution, if facing this problem. Now, Sir, with the acceleration of the rates of rents in various parts of the country, the revision which is contemplated will mean that they will ask for the present market rent. Sir, if we get the capitalised value of the rent, then, I am sure everybody will agree that the amount, much more than the cost of construction, has been paid. These large quantum of rents could have been avoided. There are genuine hardships of the owners of the property. But if they have no strings to pull and no influence to bear upon the authorities, they continue to have their properties under acquisition; they don't get them released. The other problem is this, namely, that in many cases buildings are coming up with the assistance of loans given liberally by the nationalised banks. They are let out to the Government at exorbitant rates. There is no construction activity in the public sector. Sir, if Government acquires a land and makes construction on it, there will be large-scale activities on it, which will generate employment, which will also avoid the private system of contracting and it will put private contractors out of the way. Continuation of laws like these has got a two-way effect, if I may put it that way. It is impairing construction activities in the public sector. That is number one. Number two is this: Huge amounts are being paid by way of rents. Nobody can dispute that 'eminent domain' is a matter which is bound to exist, namely, the law to acquire private property for public purpose. It has to be there. But what I wish to say is this. It has brought in its trail other difficulties and I would like to take two minutes of this august House on this point. This has become a source of litigation. Of course this Act is to continue the old acquisition, but, an integrated and a proper law of acquisition and requisitioning of properties is necessary. From the Central Government also, they must give a

clear thought to it. In the order on requisition or acquisition, in many cases, we have found that this has become fruitful sources of litigation. We know of cases where before an order is made the parties get to know of it unofficially that you are going to take possession of the property and injunctions are taken. Court orders are intervening. In many cases public projects are being held up.

Therefore, Sir, a time has come when the Government should consider very seriously so far as properties within the jurisdiction of the Central Government are concerned. They should frame a law which will provide for more effective means of acquisition and requisition of properties. This is my plea. I would like to impress upon this honourable House that this type of piecemeal legislation and *ad hoc* legislation will only create situations like what we find now. And, Sir, it does not solve the main problem. If we go through the Statement of Objects and Reasons of similar types of legislations we will find that the same statement is made, the same excuses are given, namely, 'It is under contemplation whether the property should be acquired or not.' Now, Sir, what I would like to know is this. Although the Act provides for acquiring these properties, how many of such properties have really been acquired? If not, why not?

The money is there. Then I would like to know what is the amount of rent that is being paid? Which of the properties they want to acquire? Can't a law be made for payment of the acquisition money by instalment? These are the points which are to be considered.

Now, there is a feeling that in some cases there is a racket going on. For many properties, I am sure of, Government is paying lakhs of rupees. We know that in the case of one building in Park Street, Calcutta, if I am not mistaken, the Defence Ministry has taken over and nearly a lakh of rupees or more as paid as monthly rent. Why can't the Government

start construction activity? Sir, the private parties are being given loan by the nationalised banks and other financial institutions. Why not the Government get financial resources from the L.I.C. and the nationalised Banks, when they are giving financial assistance to the private construction agencies? This Bill has to be approved no doubt about it. But I would request the hon. Minister not to tackle this thing in the usual manner. This is where our exchequer is losing. Private construction agencies are getting benefit at the expense of the public agencies. Huge amounts of money are going into the pocket of a few persons. If a proper enquiry is made, a census is made, the fact will be known. Now-a-days most of the big buildings are owned by a handful of people and these people are enjoying the huge rents and return on their properties. I request the hon. Minister to look into this matter very seriously. This Bill has to be approved of, otherwise all the orders of requisition will come to an end. Let it not be a five-year ritual; come with a Bill and get it extended and the properties will remain under acquisition for 41 years from 1939 onwards or some of them acquired recently will not solve the problem.

SHRI INDRAJIT GUPTA (Basirhat): Sir, I would like to mention some aspects of this Bill. I agree with everything that Mr. Chatterjee has said that this has become a sort of bureaucratic ritual and Government is not really giving its mind at all as to how to effectually dispose of these requisitioned properties, and the more they are delaying over this matter, the more this problem will go on accumulating every year. One big lacuna in this Bill is regarding the rates of compensation. Regarding compensation, I am aware of the fact that there are some big private property owners, particularly in big cities like Bombay, Calcutta and so on and for them it may be quite beneficial, profitable if their big properties are to be requisitioned by the Government and continue them year after year so that they

get a fixed income. But I would like the hon. Minister, when he replies, to clarify that the rates of compensation for such requisitioned properties are the same rates which were fixed in 1939 or 1942. Although a period of 40 years has passed, no change has been made so far, no revision has been made. There is a provision of revision and now also if they pass this Bill and extend the period for five years, then during the five-year period another revision can be done. But in actual fact, whether it is true or not, the rates of compensation, by and large, have been unrevised and they have the same rates which were fixed during 1939-1946 period. Everybody is not a big property owner. I know in Calcutta city, for example, a number of people with modest means, middle-class people, have built their houses on their own. Those houses have been under requisition for many years. Perhaps the house-owner was in Government service and was serving somewhere outside Calcutta. During the course of these years he has retired from service and now he and his family, sometimes with his aged mother, have nowhere else to go. They have been making repeated representations that they should get their house back, otherwise where are they to go after retirement? There are so many bonafide cases like this, but there is no provision or procedure by which such genuine cases of hardship should be gone into and if necessary, these properties returned to the house owners.

There is another type of example that I can give of a certain high school in a rural area. I would like the Minister to take note of it; I know, he cannot reply off the cuff. In the Basirhat sub-division of 24 Parganas district, very near to the border of Bangladesh, there is a place called Bithari. There, during the Bangladesh hostilities of 1971, a high school which caters only for the village students, a very poor area was taken over by the military and occupied by some military unit. Later on after the hostilities that school property was released

[Shri Indrajit Gupta]

But I regret to say that no compensation has been paid for the requisitioning and use of that school building. It was also damaged during the hostilities because it is very close to the border and some damage was caused in the course of the war. They have, however, neither been compensated for the requisitioning nor for the damage caused. They are very small people and the headmaster of that school goes on writing letters and nothing comes out of that. What is the machinery for such cases? Is there adequate machinery to go into such bonafide cases? I do not know.

The third point that I want to make is that many buildings have been requisitioned which belong to the State Governments, particularly in big cities. We would like to know—Shri Somnath Chatterjee also wanted to know—what is the amount paid as rent every year and what are the arrears due to be paid? The West Bengal Government, not from now but from the time of Shri Siddharth Shankar Roy and now also, has been complaining, the State Minister of Finance has been complaining that huge amounts running into lakhs and crores of rupees is due to the State Government as rent arrears for buildings which belong to the State Government, which have been under requisition of the Central Government and these dues have not been paid. This is another way by which the State finances are put into difficulties. How are these matters to be solved? I would like to have some information about this from him.

I agree that it may be necessary that certain number of officers belonging to the Defence Services and other officers, have to be posted in cities like Calcutta, with which I am familiar, Bombay etc. These officers have to be kept there for various reasons, but I see no reason at all why over this period of forty years, the Ministry of Defence or the Ministry of Works and Housing could not adequately provide their own accommodation, build their own accommodation for housing

their officers. These buildings will never be de-requisitioned. In a city like Calcutta or Bombay, Defence Service officers and officers of other Central Services would remain there for all time to come. They are bound to remain there. So, instead of going in for some kind of housing programme of their own for housing their own people, they go on occupying these buildings, some private houses and some State Government-owned buildings. Dues are not cleared up, rents are not paid. In some cases, as I have stated, compensation is not given, where the owner happens to be a small person or a board of school management. This Bill, of course, will be pressed but it is totally inadequate because the problems which have arisen out of this acquisition and requisitioning are not dealt with. I thought he would say something in his opening remarks. But he carefully avoided those uncomfortable issues which are causing of a lot of complication and distress to many people. So, I hope that when he replies, he will take the House into confidence, and not say: 'I have just come. I don't know what happened during the Janata rule.' because everything is attributed to those 2½ years. It has been going on for many years. I would request the Minister kindly to reply to the points I have raised.

SHRI P. C. SETHI: I am very grateful to hon. Member Shri Somnath Chatterjee and my very good friend and a very old Member of this House, Shri Indrajit Gupta for pointing out the anomalies and deficiencies in this Act. But I am grateful to Mr. Chatterjee for recognizing the fact that the anomalies are there—which he has pointed out and he will continue to point out when we mutually discuss and sometimes come to a definite conclusion.

But the need of the hour is that this Bill has to be passed. They have acknowledged it, and I am acknowledging that there are anomalies. I am acknowledging that there are difficulties. I am acknowledging that

there are cases of hardship. I have taken a careful note of all the points which hon. Members have raised. They have also asked me to reply to certain questions which, it appears, it will be very difficult for me to do at this stage, because the buildings have been hired by various departments, like Works & Housing, Steel Authority, Defence etc. But this census or collection of census—as to whether it is this department or that which has done—is all right; but, ultimately money is going out of Government of India's Kitty. So, I would try to collect the census from my Ministry and circulate it for the benefit of the Members.

However, the dimensions of the problem which they have projected are not as big as they have pointed out, because of these figures which I present for the consideration of the hon. Members. According to the information furnished by the Ministry of Defence, out of 98,000 acres of land under requisition in various States, that Ministry has already acquired about 77,000 acres of land by paying a compensation of Rs. 40 crores. There are only 21,000 acres left.

SHRI SOMNATH CHATTERJEE: It comes to nearly one-fifth.

SHRI P. C. SETHI: Please take the other view that nearly four-fifths has been disposed of. But from 1939 to 1946, nothing was done. From 1946 to 1952 again, nothing was done. This is how it has been moving from one point to another. It was, really speaking, somewhere in 1970 that this Act was brought in. Since then, it has been extended by 3 years in 1973; and then again, in 1975 and 1977. The late date has expired. That is why we had to bring in the ordinance. And now I have come to the House to make it a law. I have carefully noted the points made by hon. Members.

MR. SPEAKER: It is lunch hour. You can resume after the lunch.

SHRI P. C. SETHI: We can take up amendments afterwards. Let me conclude my speech.

SHRI INDRAJIT GUPTA: You must reply to the points raised by the hon. Members. You think over them during lunch and give your reply after lunch.

MR. SPEAKER: The House stands adjourned till 2 P.M.

13.01 hrs.

The Lok Sabha adjourned for Lunch till Fourteen of the Clock.

The Lok Sabha re-assembled after Lunch at Fourteen of the Clock.

[MR. DEPUTY-SPEAKER in the Chair]

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL—contd.

SHRI P. C. SETHI: Sir, I was replying to the points raised by hon. Members in connection with the Requisitioning and acquisition of immovable property (amendment) Bill. I was saying that the dimensions of the problem are not that much; in the defence ministry 98,000 acres of land were under requisition in various states; they have already acquired about 77,000 acres and about 21,000 acres remain in that situation. Besides they have also released 6600 acres of land. Actually they are left with 14576 acres of land including land requisitioned prior to March 1970. The area sanctioned for acquisition is 6424 acres; the area proposed to be acquired—the proposals are in various stages—is 1819 acres; area sanctioned for derequisitioning is 1733 acres. Area proposed to be de-requisitioned—543 acres. Cases under review 4057 acres. As regards buildings, the Ministry of Defence have 83 buildings only.

SHRI INDRAJIT GUPTA: Where, all over India?

SHRI P. C. SETHI: Yes.

Including this requisition after 10-3-1970. On these sanction for acquisition in eight cases and sanction for derequisition in four cases have already been accorded.

[Shri P. C. Sethi]

Two properties are proposed to be acquired and the remaining 69 are under review. All these figures we have collected from the Ministry of Defence.

A few other questions were asked by hon. Members—how much rent is being paid by the Government? At that time I said that it would be difficult for me to reply instantaneously, but fortunately for me we had a lunch break. Though I had to miss a lunch now I am in a position to reply to that. Rent being paid annually for buildings is Rs. 32,25,636.

SHRI INDRAJIT GUPTA: Is this for Defence Ministry buildings only?

SHRI P. C. SETHI: I think this is for all. I asked him to furnish figures for all. I would further check it up and let you know just now.

For lands, the rent which is being paid is Rs. 13,81,484. At Calcutta we are building office accommodation to the extent of 1.76 lakhs sq. ft. Residential accommodation to the extent of 2,000 units is being built at Calcutta. In Bombay 2,600 residential units are coming up. But in Calcutta, recently during my visit to the capital, I had a discussion with the Chief Minister. There is some dispute that in the area where we are wishing to build Government houses, he wants it for some other purpose. Now, therefore, again we are in discussion with them. The hon. Members if they have any proposal or any views on that matter, when the matter is concretised, I would come to you.

SHRI SOMNATH CHATTERJEE: How much do you want?

SHRI INDRAJIT GUPTA: Where do you want? How much do you want?

SHRI P. C. SETHI: I will write to you. In Delhi, office accommodation which is being built is to the extent of 6.28 lakh sq. ft. and residential accommodation is to the extent of 15,300 units. The genuine cases of hardship

are also there. The Ministry of Works & Housing has taken up phased programme of releasing residential units within a period of one year from 10.3.1980. This decision has been taken recently.

The Government banks are giving loans to the private persons who in turn are renting to the Government.

This was one of the questions put by Shri Somnath Chatterjee. Building programme is taken up keeping in view the availability of funds with us. I would like to suggest that the building activity should not come to a stand still altogether. We do not want to become a country where all buildings belong to Government. Otherwise, it will be very difficult to cope with the problem. Ultimately, if India goes to that situation, I have no objection, but at present...

SHRI SOMNATH CHATTERJEE: Abuse of Government offices.

SHRI P. C. SETHI: I have noted that private people are being given loans from the banks and from other financial institutions.

SHRI SOMNATH CHATTERJEE: There are financial sources from which Government may take funds.

SHRI P. C. SETHI: I take a note of your suggestion.

How many properties have been acquired and derequisitioned? Out of 98,000 acres of land under requisition of Ministry of Defence, as I have already replied from 10-3-70 to 31-5-79, 139 residential units and 32 office buildings have been released. Therefore, we are trying to reduce the problem to the minimum possible. Even though there are certain lacunae left, I have no objection in consulting the hon. members or any other persons who are prepared to give their valuable advice. Even a person like Shri Somnath Chatterjee sitting on the opposite side has realised that the Bill has to be passed. Mr. Chandrajit

Yadav and Mr. Gupta have also said so. Therefore, the proposal for referring it to a Select Committee is just not acceptable.

The school building is not one of the 83 properties requisitioned under the R.A.I.P. Act. It appears to have been used during the 1971 operations. There is a separate scheme for grant of ex-gratia compensation in such cases in consultation with the civil authorities and the Defence Ministry will have to further look into the matter. But, however, since the hon. member has raised it, we would bring it to the notice of the Defence Ministry.

SHRI INDRAJIT GUPTA: It was a poor village school.

SHRI P. C. SETHI: True, but in 1971 it was used for military purposes.

SHRI INDRAJIT GUPTA: Then pay something for that.

SHRI P. C. SETHI: It is not my ministry which has to pay. But I have taken note of what you have said. We will approach the Defence Ministry to decide the issue as quickly as possible.

SHRI INDRAJIT GUPTA: What about the arrears of rent?

SHRI P. C. SETHI: That figure I have got. I will pass it on to you.

MR. DEPUTY-SPEAKER: I shall put the amendments to the vote unless any hon. member wants to withdraw his amendment. Mr. Nadar, are you withdrawing your amendment?

SHRI A. NEELALOHITHADASAN: Yes; Sir, I am withdrawing my amendment No. 8.

MR. DEPUTY-SPEAKER: Has he the leave of the House to withdraw his amendment No. 8? There is no dissent.

Amendment No. 8 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Mr. Madhukar, are you withdrawing your amendment?

SHRI K. M. MADHUKAR: No; I am not.

MR. DEPUTY-SPEAKER: Mr. Daga, are you withdrawing your amendment?

SHRI MOOL CHAND DAGA: I would like to speak on my amendment.

MR. DEPUTY-SPEAKER: With the reply of the Minister, the discussion is over. The question is whether you are withdrawing your amendment.

MR. DEPUTY-SPEAKER: If you want to speak, you will be given a chance at the third reading. Now, are you withdrawing your amendment?

SHRI MOOL CHAND DAGA: Yes, I am withdrawing.

MR. DEPUTY-SPEAKER: Has Mr. Daga the leave of the House to withdraw his amendment?

SEVERAL HON. MEMBERS: Yes.

Amendment No. 10 was, by leave, withdrawn.

MR. DEPUTY-SPEAKER: Now, Mr. Madhukar, are you withdrawing your amendment?

SHRI K. M. MADHUKAR: No.

MR. DEPUTY-SPEAKER: I shall now put Amendment No. 11 of Shri K. M. Madhukar to vote.

Amendment No. 11 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill further to amend the Requisitioning and Acquisition of Immovable Property Act, 1952, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: Now, I shall take up clause by clause consideration of the Bill, Clause 2. There is an amendment by Shri Shamanna.

Clause 2—(Amendment of Section 6)

SHRI T. R. SHAMANNA (Bangalore South): I beg to move:

“Page 1, line 10,—

for “fifteen years” substitute “eight years” (1)

I have given this amendment with some purpose. I know that my amendment may not be quite appropriate in this connection but still I have got a right.

In the Bill it has been stated that in a phased programme, provision would be made to acquire properties in the course of two years or five years. But I am of the opinion that if you have the blanket powers for requisitioning and acquisition for a period of 15 years, that would be too long a period. For new cases, the time should have been reduced. A comprehensive Bill could have been brought forward for proper regulation of requisitioning and acquisition. And in the light of this, a simple enactment keeping in view the interest of the Government as well as, to some extent, of the owner should have been brought forward.

Undue delay in the process of acquisition will give scope for corruption and room for reversing the process of acquisition through influence. In Bangalore, in one case, the cost of the land on account of the delay, has virtually doubled. And in another case, by using influence, the building has been taken back and the same has been let out at double the rent. So, under these circumstances, it is better that there should be a comprehensive enactment to cover acquisition and requisitioning.

In this connection, it may not be out of context if I say that the Urban

Land Ceiling Act, which is a Central law in the State, has caused considerable difficulty because under the Urban Land Ceilings Act a higher rate has to be given for acquisition of land, whereas if the land is acquired by the military or for any other purpose, it would be paid at the lower rate. It has caused great inconvenience. Therefore, it is better that the Urban Land Ceiling Act be scrapped in the best interests of the State because, even after so many years, this Act has not been effective. Those who have influence and money naturally get permission from the Government. I have given a large number of cases where permission has been given to the individuals, who have been benefited to a considerable extent. So, I would urge upon the Minister to see, in the best interests of the public and also, to safeguard the interests of the poor, particularly those acquisitions connected with the slum clearance, it is better that the Urban Land Ceiling Act, as applicable to Karnataka, may be scrapped and the State may enact a suitable law for the purpose. Government have not taken serious steps to see that the unnecessary delays in the acquisition proceedings are put an end to. If they take 15 years for this purpose, it is too long and it will be very unfair. Therefore, I object to the provisions of the Bill and press my amendment.

SHRI P. C. SETHI: I think it is too late for the hon. Member now to say that the period should be reduced from 5 years. I have said that we are going to review old cases in one year. But he is proposing four years instead of five years. I could have come with a proposal for two years or three years. If it is necessary, I could have brought it even now. But the formality of going to the Cabinet and other things are necessary. I can assure the hon. Members that we are on constant vigil and we shall try to review the cases which are pending within the stipulated time given to

the department, within a year. Therefore, I would request him not to press for his amendment.

MR. DEPUTY-SPEAKER: Is the hon. Member pressing his amendment No. 1?

SHRI T. R. SHAMANNA: Yes.

MR. DEPUTY-SPEAKER: All right. I will now put amendment No. 1 to the vote of the House.

Amendment No. 1 was put and negatived.

MR. DEPUTY-SPEAKER: The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

MR. DEPUTY-SPEAKER: Is Shri Shamanna moving his amendment Nos. 2,3,4,5,6 and 7 to clause 3?

SHRI T. R. SHAMMANNA: No.

MR. DEPUTY-SPEAKER: The question is:

"That clause 3 stand part of the Bill"

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 (Amendment of section 22)

SHRI P. C. SETHI: I beg to move: Page 2, line 25,—

for "this Act" substitute "that rule" (9)

SHRI INDRAJIT GUPTA: This is a Government amendment. He must speak a few words as to why he is changing. He should tell us as to why we should accept it.

SHRI P. C. SETHI: For an intelligent, distinguished and old Member of Mr. Indrajit Gupta's standing, if I am to explain this in a few words, then I have to explain everything.

MR. DEPUTY-SPEAKER: The question is:

Page 2, line 25,—

for "this Act" substitute "that rule". (9)

The motion was adopted.

MR. DEPUTY-SPEAKER: The question is:

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

Clause 5 was added to the Bill.

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

SHRI P. C. SETHI: Sir, I beg to move:

"That the Bill, as amended, be passed"

MR. DEPUTY-SPEAKER: Motion moved:

"That the Bill as amended, be passed".

श्री मूल चन्द झागा (पाली) . अगर लैजिस्लेशन को इस प्रकार से पास किया गया तो पार्लियामेंट के लिए मैं समझता हू कि सोचने की बात होगी कि वह अपना काम ठीक कर रही है या नहीं। हम लोगों ने इसको 1939 में पास किया था। इसको पास किए हुए करीब 40 साल हो गए हैं। पाँच बार इसका रिविजन हो चुका है। हमेशा मिनिस्टर की तरफ से और हमारी तरफ से भी एक ही तरह की बातें कही जाती रही हैं। लेकिन देखने वाली बात यह है कि जो इसका परपज था क्या वह अभी तक हुआ है। प्राइम मिनिस्टर ने इस सदन को जो आश्वासन दिया था उसको मैं पढ़ कर सुना देना चाहता हूँ।

As reported in the Lok Sabha Debates, Vol. XI, Third Session; 1971; Col. 38, the Prime Minister said:

[श्री मूल चन्द डागा]

"This Bill only seeks to provide the necessary legislation as a consequence of the proclamation of Emergency made by the President. We have tried to interfere as little as possible with the normal avocations of our citizens."

At the end of the debate, the Home Minister, Shri K. C. Pant said:

"While support came from almost all sections of the House, certain points were raised in the course of the discussion. One of these was that this measure should not extend beyond the period of Emergency. In a democratic country, the sentiment is natural, and I respect it. I can say that our intention is that this should not extend beyond the requirements of the Emergency."

परपत्र यह था कि ज़रूरत हो तो ज़मीन रखी जाय और अगर ज़रूरत न हो तो उस ज़मीन को फ़ौरन छोड़ दिया जाय। अब इस ऐक्ट को कोई देखे तो पायेंगे कि इसके सेक्शन 5 को किसी ने इम्प्लीमेंट नहीं किया। इस 1952 के ऐक्ट के सेक्शन 5 6 को देखा जाय,

may I know whether any Government has implemented these sections or not, or simply we must say "Yes"?

मैंने एक सवाल किया है राजस्थान की ज़मीन के बारे में, जो ज़मीन ले ली गई है उसका उत्तर मिला है। मार्च, 1976 में बाड़मेर जिले में 133 एकड़ ज़मीन ली गई लेकिन उसका मुआवजा आज तक नहीं मिला। 1976 में डिफेंस ने ली ज़मीन, लेने के बाद उत्तर दे रहे हैं कि उक्त जिले के कलेक्टर और रक्षा विभाग तथा छावनी के अधिकारियों के बीच मतभेद होने के कारण उस ज़मीन का मुआवजा नहीं भेदा किया गया है। झगड़ा अभी भी तय नहीं हुआ है डिफेंस परपत्र के लिए ली गई या नहीं। अगर किसी के मिजिल राइट्स हैं ज़मीन पर और 1976 में आप ज़मीन ले लेते हैं और 1980 में यह जवाब देते हैं उसका मुआवजा नहीं दिया गया क्योंकि डिफेंस और कलेक्टर के बीच में बात तय नहीं हुई, तो आप बतायें यह कहां का न्याय है। और यह उत्तर 19-3-80 का है।

दिसम्बर, 1972 में बाड़मेर में 190.68 एकड़ ज़मीन ली गई और 7 साल के बाद उसका मुआवजा दिया गया। मैंने जब कहा था तो स्पीकर साहब ने कहा था कि मुझे इस पर बोलने का मौका मिलेगा। मेरा यह कहना था कि सेलेक्ट कमेटी में भेजने से

कोई घासमान नहीं टूटता था। मैंने कहा था कि 7 मार्च को निकला हुआ जो आपका प्राइडेंस है उस पर सारे लोग बठ कर विचार कर लेते, कितनी ज़मीन चाहिए, इसकी क्या ज़रूरत है, कौन सी हमको ज़मीन लेनी है, किस ज़मीन को हमें छोड़ना है। डिफेंस का नहीं बता सकते फ़ौर पब्लिक परपत्रेज। मैं कहता हूँ सेक्शन 17 लैण्ड ऐक्वीज़िशन ऐक्ट के अन्तर्गत, एज ए चेयरमैन मुझे याद है कि जो मुझे ज़मीन एक्वायर करनी थी उसका पत्रेशन 15 दिन के अन्दर मैंने ले लिया। और हाई कोर्ट कहता है कि पावर्श है सेक्शन 17 के अर्धीन जिसके अन्तर्गत आप पब्लिक परपत्रेज के लिए लैण्ड एक्वायर कर सकते हैं।

अगर पार्लियामेंट की कोई प्रोसीडरिंग पढ़ेगा तो कहेगा कि 1939 में इमरजेंसी में ज़मीन ली गई, लेने के बाद उसका परपत्रेज क्या था? क्या वह परपत्रेज फुलफिल हो रहा है? ज़मीन ले ली गई, लेकिन बेकार पड़ी हुई है और उस पर वहां काम करने वाले सैनिक ही जो वहां रहते हैं वही खेती करते हैं गंगानगर में ज़मीन ले ली है। 1977 में जनता पार्टी की सरकार ने संशोधन किया। 1975 में पहले संशोधन हो चुका था। इनका विभाग सोचता है कि टाइम जा रहा है, 7 मार्च आ गई है चलो प्राइडेंस निकाल दो। मेम्बर को समय मिलेगा नहीं जो अपना दिमाग लगा सके। अगर आप किसी मिनिस्टर का जवाब पढ़ लें तो प्रोसीडरिंग में तो पायेंगे एक सा ही उत्तर सभी मंत्रियों द्वारा दिया गया है। सभी मंत्रियों द्वारा वह उत्तर दोहरा दिया गया है। यह तीनों आप पढ़ लीजिए, वही रिप्लाई है कहीं कोई चर्चा नहीं है। अब मिनिस्टर कहते हैं कि हम जल्दी काम कर लेंगे (व्यवधान)। मैंने 1977 और 1975 के उत्तर को पढ़ा है, आप मेहरबानी कर के उसको पढ़ लीजिए। आज यह बात ठीक हुई कि हमारे जो उधर बैठने वाले सदस्यों ने जब बात की तो उन्होंने कहा कि "I require your cooperation and I accept your amendment." Then they remained silent. तो हमको यह मालूम हुआ। When they talk of the principle, what is the amendment?

अमैडमेंट हमारा यही था कि आप एक सलैक्ट कमेटी में बैठ कर थोड़े दिन विचार कीजिए। इसमें कोई गलत बात नहीं कही थी। मैंने यह नहीं कहा कि मैं बिल को अर्पोज करता हूँ। मैंने कहा था कि हमें इस विषय पर विचार करना चाहिए। आपने उसे मंजूर नहीं किया तो मैंने उसे विद्-डा कर लिया।

एक माननीय सदस्य : क्यों विद्-डा किया? नहीं करना चाहिए था।

श्री मूल चन्द डागा : यह मेरी गलती है, लेकिन मैं पार्टी के डिसिप्लिन में रहना चाहता हूँ इसलिए विद्-डा किया। पार्टी में रह कर भी मैं एक बात यह कहना चाहता हूँ कि इस प्रकार के जो बिल आते हैं, आप यह बताइये कि उसमें पब्लिक परपत्रेज क्या है?

The phrase is 'for other purposes'.

अदर-परपञ्च के लिए कितनी कितनी जमीन ले ली है, क्यों ले रखी है और कब से ले रखी है ?

श्री पी० सी० सेठी : सारा बताया है ।

श्री मूलचन्द्र डागा : जो आपने बताया है, I have followed it very well. You can not collect it. The answer is there.

मैंने पढ़ लिया, सूत्र लिया कि आप डाटा कलेक्ट करेगे ।

इसलिए मैं कह रहा था कि अगर बिल में कुछ बाते इम्प्लीमेंट करना चाहते हैं और आप जो मुआवजा देना चाहते हैं 1980 में तो उस मुआवजे का क्या आधार होगा ? इस बिल में कुछ नहीं है । क्या कम्पेंसेशन मिलेगा, किम रेट पर देगे, इसमें यह कुछ नहीं है ।

श्री कमला मिश्र मधुकर (मोतीहारी) : उपाध्यक्ष महोदय, आपने मुझे पहले बोलने नहीं दिया । जो कुछ मैंने दिया था, उसको भले ही हाउस ने रिजैक्ट कर दिया हो लेकिन मैं उस पर दृढ़ हूँ ।

सेठी जी जरा ध्यान दें, वह मित्र आदमी हैं, उन्होंने जो रास्ता अपना लिया है वह दौड़ने के समान है । दौड़ना चाहते हैं, फिर गिरिये, फिर उठिये और फिर दौड़िये । यह बिल आपने 1952 में बनाया, 1975 में उसमें अमेंडमेंट लाये और 1980 में अध्यादेश जारी किया और अब फिर उसी रूप में बिल लाना चाहते हैं । आपने जो ज्ञापन दिया है, उसमें यह है कि --

विधेयक का खण्ड 2 म्यावरूँ सम्पत्ति अधिग्रहण और अर्जन अधिनियम, 1952 की धारा 6 की उपधारा (1क) में कुछ संशोधन करने के लिए है जिससे कि अधिग्रहण के अधीन सम्पत्ति जितनी अधिकतम अर्वाधि तक रखी जा सकती है, उस अर्वाधि को पाच वर्ष तक के लिए और बढ़ा दिया जाए ।

मैं यही चाहता था कि सरकार को इस बारे में एक काम्प्रिहेंसिव बिल लाना चाहिए । माननीय सदस्य, श्री सोमनाथ चटर्जी और श्री इन्द्रजीत गुप्त, के तर्कों को पूर्ण रूप से मानते हुए भी मैं कहना चाहता हूँ कि यह विधेयक बहुत जल्दबाजी में लाया गया है । इससे बाद में बहुत कठिनाइयाँ होगी ।

मुझे चम्पारन जिले का अनुभव है कि गडक प्रोजेक्ट के लिए बहुत सी जमीन ली गई, मगर न तो लोगों को मुआवजा मिल पाया है और न ही वहाँ कोई काम हो सका है । इससे छोटे छोटे लोगों को बहुत परेशानी होती है । उन परेशानियों को दूर करने के लिए इस विधेयक में कोई प्रावधान नहीं है । शाहजहाँपुर में डिफेंस के लिए जमीन ली

गई है । बहुत से लोग ठेके पर ले कर लाभ उठा रहे हैं, लेकिन डिफेंस के लिए न कोई निर्माण हुआ है और न कोई काम हो रहा है । वह जमीन डिफेंस डिपार्टमेंट के काम में नहीं आ रही है । जरूरत इस बात की है कि देश में बड़े पैमाने पर भवन-निर्माण का काम हो ।

हमारे जिले मोतीहारी में केन्द्रीय सरकार के कई कार्यालय हैं । उसकी वहा पर कोई जमीन नहीं है और कोई मकान भी नहीं बन रहे हैं । उन मकानों का किराया दिया जा रहा है, मगर उस किराये की रकम से अच्छे मकान बन सकते हैं । यह काम बड़े पैमाने पर शुरू किया जाना चाहिए । मैं मंत्री महोदय के उद्देश्य से सहमत हूँ, लेकिन जिस ढंग से काम किया जा रहा है, उसमें उस उद्देश्य की पूर्ति नहीं होने वाली है । अगर इस विधेयक को सिलेक्ट कमेटी में भेजा जाता, जहाँ इस पर सम्यक् रूप से विचार होता, तो एक काम्प्रिहेंसिव बिल हमारे सामने आ सकता था, जिसमें बार-बार संशोधन करने की जरूरत न पड़ती । जितने बड़े पैमाने पर जमीन ले कर निर्माण करने की जरूरत है, वह काम भी हो सकता था ।

मुझे खेद है कि मंत्री महोदय ने मेरी भावना को नहीं समझा और इस संशोधन को नहीं माना । अब अब भी इस बात पर विचार करे कि छोटे लोगों की जमीन ले कर उन्हें मुआवजा देने के विषय में जल्दी कार्यवाही की जानी चाहिए । जैसा कि मैंने बताया है, आज बड़े लोग सरकारी जमीन को ठेके पर ले कर इस्तेमाल कर रहे हैं और सरकार को कोई लाभ नहीं हो रहा है । न ही वहाँ कोई निर्माण हो रहा है । मंत्री महोदय इस बारे में प्राश्वासन दें कि वह इस बारे में क्या कदम उठाना चाहते हैं । उनकी नीति और उद्देश्य से सहमत होते हुए भी मैं चाहता हूँ कि काम उचित रूप से हो और इस विधेयक को व्यापक बनाया जाये, ताकि आगे चल कर कठिनाइयाँ न हों ।

श्री पी० सी० सेठी : उपाध्यक्ष महोदय, मैं माननीय सदस्य, श्री डागा और श्री मधुकर, की भावना की कद्र करता हूँ । लेकिन मैं उनको याद दिलाना चाहता हूँ कि यह तो डिफेंस डिपार्टमेंट और स्टेट के रेवेन्यू डिपार्टमेंट के बीच का झगड़ा है । मैं राजस्थान में सैकड़ों मामले ऐसे निकाल सकता हूँ, जहाँ रेवेन्यू डिपार्टमेंट या पी डब्ल्यू डी ने मड़क बनाने के लिए किमानों की जमीन ली है और उसका मुआवजा दस बीस सालों के बाद भी नहीं दिया गया है । अगर डिफेंस डिपार्टमेंट और रेवेन्यू डिपार्टमेंट के बीच में कोई मतभेद है—और वे मतभेद 1971 और 1972 में भी थे—, तो यह मामला तो आपसी बातचीत से ही तय हो सकता है । एक स्टेट सबजेक्ट है और एक सेंट्रल सबजेक्ट है ।

मुझे कानून का उतना ज्ञान नहीं है, जितना कि श्री डागा को है । लेकिन मैं उनकी एक बात सुधारना चाहता हूँ । श्री इन्द्रजीत गुप्त ने मुझे जानकारी देने के लिए कहा था । श्री डागा

[श्री पी० सी० सेठी]

तो चले गये लंच खाने। वह जानकारी मैंने यहाँ दे दी है।

एक माननीय सदस्य : आप उन्हें खाने पर बुलाये।

श्री पी० सी० सेठी खाना तो राजस्थान में अच्छा बनता है। ऊपर इतना घी होता है। बीकानेर के पापड़ मशहूर है। अगर वह पार्लियामेंट के सब सदस्यों को ला कर दे, तो अच्छा होगा।

जहाँ तक डिफेंस डिपार्टमेंट की आवश्यकता का सम्बन्ध है, मेरी कास्टोडियन्सी में उसने मही में फायरिंग रेंज का लाल जमीन ले रखी है। आप कहेंगे कि फायरिंग तो सात दिनों में एक दिन होता है, बाकी दिन वहाँ गायाँ को चरने दिया जाये। यह संभव नहीं है। एक्मपेशन को भी देखना पड़ता है। अगर डिफेंस डिपार्टमेंट ने चारे की कोई जमीन ले रखी है, तो कल वहाँ पर किसी नये कमबैट कालेज का फायरिंग रेंज बन जाता है, जहाँ नये वैपन्ज के इस्तेमाल की प्रैक्टिस की जा सकती है। तब इन चीजों को देखते हुए डिफेंस के ऐक्वीजीशन या रिक्वीजीशन के बारे में ग्राम तौर पर कोई ग्राम सलाह नहीं दी जाती। डिफेंस मिनिस्ट्री क्या करती है उस का पता दूसरी मिनिस्ट्रीज को भी नहीं लगता क्योंकि वह डिफेंस का सवाल है, उस की चर्चा न तो पार्लियामेंट में की जा सकती है और न डिफेंस मिनिस्ट्री हम से करती है। हा, हाउसिंग के बारे में आप पूछना चाहें तो पूछ सकते हैं। कभी कभी जमीन अस्पताल के लिए लेनी पड़ती है क्योंकि आप को बीमारी हो जाय और उस के लिए माकूल इतजाम न हो तो काम कैसे चलेगा? इस में यह बात जरूर है कि एनामलीज है। मैं इस का स्वीकार करता हूँ कि अभी तक यह एंडहाक वेमिस पर चलता चला आ रहा है। आप न कहा कि इस का एक ही उत्तर आया है पिछले चार पांच सालों में तो अगर आप पिछली बहस उठा कर देखें तो उस में जो प्रश्न और मद्दे उठे हैं वह भी तीनों चारों सालों में एक ही उठे हैं। यह तो ऐसी बात है कि इसमें डिफेंस का और उन का फेमला नहीं हुआ तो मिनिस्ट्रर क्या करेगा? उस को तो यहाँ जवाब देना है जो हर्कॉवत है। मैं स्वीकार करता हूँ कि इस में व्यूरोक्रेटिक डिले है।

This delay should be cut to the maximum possible extent, I would even like that there should be no delay. I would even go to the extent of saying that, when we requisition a property, as Mr. Chatterjee has suggested, if not full compensation, something should be given in advance, so that the party does not starve completely. I respect these sentiments. The quantum can be decided. For example, when a government servant dies, immediately Rs.

5,000 or Rs. 10,000 are paid in lieu of whatever be the compensation. Something like that, based on the financial position, based on other constraints, given the resources, should be given. These are valuable suggestions which will be taken into consideration. I would request Mr. Daga to realise that, we had just taken over and we were busy supplying diesel and kerosene; therefore, this was at a very low priority and an Ordinance had to be passed. One Minister was dealing with two Departments, and priorities were diesel and kerosene, and not this Ordinance. If we refer this Ordinance to a Select Committee, it will have no meaning. I agree that we should have a comprehensive legislation, but this is not the last. Since 1939 we have been having this on an *ad hoc* basis many times. Let us try once more.

MR DEPUTY-SPEAKER. The question is

“That the Bill, as amended be passed”

The motion was adopted.

14 43 hrs

DISCUSSION ON THE TWENTY-FIFTH REPORT OF THE COMMISSIONER FOR SCHEDULED CASTES AND SCHEDULED TRIBES

MR DEPUTY SPEAKER: We now go to the next item relating to consideration of the Twenty-fifth Report of the Commissioner for Scheduled Castes and Scheduled Tribes

Mr. Yogendra Makwana

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI YOGENDRA MAKWANA):

Sir, I beg to move

“That this House do consider the Twenty-fifth Report of the Commissioner for Scheduled Castes and