

SHRIMATI SUKHDA MISRA : Mr. Speaker, Sir, the Delhi-Hawrah railway line passing through Uttar Pradesh is the oldest one. Initially a train named as 'one Down' which was commonly known as 'mail train' started running on this track. It is now renamed as Kalka-Hawrah mail. Delhi-Hawrah line is the first rail line of the country on which super fast trains like Delux, Rajdhani, Shatabdi and Neelanchal are running today. Delhi-Hawrah railway track is a very busy track and many goods trains run on this track. We have come to know that after almost every three minutes a train passes through this track...*(Interruptions)*

[English]

MR. SPEAKER : Madam, you have to ask one supplementary only.

[Translation]

SHRIMATI SUKHDA MISRA : Mr. Speaker, Sir through you I would like to inform the Hon'ble Minister that this track is so busy that on an average after every three minutes a train passes through this track. We have also noticed that some construction work is also going on there. Will the hon'ble Minister like to state whether the plan for the strengthening and extension of this track is going on steadily and promptly ?

My second question is that in the year 1990-91, the construction of a bridge was started in Etawah...*(Interruptions)*

MR. SPEAKER : Not like that.

SHRIMATI SUKHDA MISRA : My second question is linked to it. The construction of a bridge in Etawah which started in 1990 is still incomplete. Will the Minister like to give information about its progress ?

SHRI NITISH KUMAR : Mr. Speaker, Sir, this question is not related to the original one.

[English]

MR. SPEAKER : Please understand the question. You will be discussing the Railway Budget next week. It is already 1120 hours.

*(Interruptions)*

#### Urban Land (Ceiling and Regulation) Act, 1976

\*22 DR. VALLABHBHAI KATHIRIA :

SHRI SANDIPAN THORAT :

Will the Minister of URBAN AFFAIRS AND EMPLOYMENT be pleased to state :

(a) whether the Government contemplate to amend the Urban Land (Ceiling and Regulation) Act, 1976;

(b) if so, the details thereof alongwith its repercussion.

(c) whether some State Governments have also sent their views in this regards;

(d) if so, the details thereof; and

(e) the reaction of the Union Government thereon ?

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI) : (a) to (e) A Statement is laid on the Table of the Sabha.

#### Statement

(a) No, Sir. The Government has decided to repeal the Act. The Repealing Bill will be introduced in the Parliament.

(b) The objective of repealing the Act is to increase the availability and affordability of urban land which will facilitate in solving shelter problem as promised in the National Agenda.

(c) and (d) The State Legislature of Karnataka and Government of Uttar Pradesh have suggested amendments to the Act. Government of West Bengal has stated that it has no objection to repealing this Act if it can have its own Act. State Legislature of Haryana have recommended repeal or amendment of this Act. The State Legislature of Punjab has recommended repeal of this Act.

(e) Under Article 252 of the Constitution this Government is almost under an obligation political and moral to comply with the demand for repeal. States will be free to adopt or not adopt the repeal. As stated above the repealing Bill is ready to be introduced during the Session itself.

DR. VALLABHBHAI KATHIRIA : Sir, I would like to know how many hectares of land is actually possessed by the Government till now and how many hectares of land is distributed to the poor sector under this Act. I would also like to know the exact figure of availability of land up to the scrapping of land in the State of Gujarat.

SHRI RAM JETHMALANI : I must confess that the performance of this Act has absolutely been a failure. It has been a disaster. I would request the hon. Members to look at the performance of Delhi.

In Delhi, 9173 intimations of vacancies were received, out of which 7974 were scrutinised. The estimated vacant land supposed to have been acquired was 344.67 hectares. As against 344.67 hectares, only 25.80 hectares was subjected to a notice under sub-Section 5, namely a threat to take it over. Look at the last figure which shows the tragedy of this Act. The tragedy is that out of so many hectares only 1.99 hectares was ever taken charge of by the Delhi Government. I must inform the Members of this House that I do not want to take credit for this. I am only executing a decision of the previous Government. The previous Cabinet had decided to almost repeal it by Ordinance.

I am only carrying out the mandate of the previous Government. The Bill is going to be introduced very soon and the hon. Members will have complete opportunity to dis-

cuss this whole problem in its depth.

DR. T. SUBBARAMI REDDY : Mr. Speaker, Sir, please give me a chance.

MR. SPEAKER : Only 'urban Members' will get a chance.

DR. T. SUBBARAMI REDDY : I am 'Urban Member', Sir. I am from Visakhapatnam.

SHRI SANDIPAN THORAT : Sir, the question put was "Whether the Government contemplates to amend the Urban Land Ceiling Act?" The answer given is that it is decided by the Government to repeal it.

SHRI RAM JETHMALANI : The question asked was whether we intend to .....(Interruptions)...

SHRI SANDIPAN THORAT : Let me complete the question, Sir!

SHRI RAM JETHMALANI : I thought he has completed the question.

SHRI SANDIPAN THORAT : Let the Minister not be in a hurry.

SHRI RAM JETHMALANI : I am in no hurry at all.

SHRI SANDIPAN THORAT : The specific question was as to whether the Government is willing to amend the Act, whereas the Minister has stated that he is willing to repeal it. Repealing provision was not asked for at all.

This Act was passed in 1976, keeping in view the Directive Principles of the State Policy, contained in articles 46 of the Constitution of India, read with articles 38 and 39. The Government is, in fact, willing to repeal all these fundamental provisions of the Constitution by repealing this Act. I want to know from the hon. Minister specifically as to whether these Constitutional provisions are being kept in mind while repealing this Act and whether an alternative arrangement is being made by the Government.

SHRI RAM JETHMALANI : With all respect for the hon. Member, I think the hon. Member is labouring under some terrible misconception about the Constitutional position. The Constitutional position is that if two or more States ask for legislation, then alone, the Centre becomes competent to legislate on what is essentially a State subject. Thus, the Centre has no jurisdiction....(Interruption)

SHRI SANDIPAN THORAT : Sir, the Minister has not read article 46 of the Constitution. He should read it.

MR. SPEAKER : Let him complete his reply.

SHRI RAM JETHMALANI : Sir, even my worst enemies have not accused me of this ignorance of the Constitution.

SHRI SANDIPAN THORAT : I am your friend.

SHRI RAM JETHMALANI : I am surprised.

Therefore, when two or more States make a request for legislation, we legislate. Similarly, when two or more States request us for repeal or amendment, it is almost a Constitutional mandate and we have to carry out that mandate. In this case, two States have expressly asked for repeal. Other States have asked for amendments. Now the request for amendment itself is based upon a Constitutional misapprehension because we have no real jurisdiction to amend and then enforce it on every other State unless all the original requesting States agree upon that amendment. Now the position of this repeal is going to be that after this repeal, every State is absolutely free to enact its own law. They need not even adopt the repeal. This repeal will be binding only on the two States which have expressly requested for it. The others are free to adopt the repeal. If they do not adopt the repeal, the same law will continue. We are restoring the Constitutional freedom of each State to bring about its own law with the expectation, however, that the policies and guidance of the Central Government, which are in accord with the universal policies of all political parties practically, will be adhered to. There may be some disagreement here and there but the States will follow suit. But we are not going to impose anything upon any State. They are free to do whatever they like.

SHRI MURLI DEORA : Sir, the hon. Minister stated rightly, that the Act of 1976 did not achieve even one per cent of the target and that it was time for the Government to repeal it. I would like to congratulate the Government for that. Even the Congress had decided it earlier. The Minister stated, and it is there in the Constitution also, that the States will be free to adopt or not to adopt repeal.

Then the purpose of repealing will not be served. If some bigger States like Maharashtra, Delhi, West Bengal, Tamil Nadu continue to have, in some way, the same Urban Land Ceiling, then how would you achieve the target of getting more and more land for urban housing ?

SHRI RAM JETHMALANI : The hon. Member has raised a very vital question. I entirely agree that if the repeal is not adopted by various States, the policy to some extent in those States will fail. But, we are expecting that with our persuasion, we will persuade the State, freely and voluntarily, to accept the guidance that we are willing to offer to them. And, of course, if the States do not fall in line, then necessarily the work of this Ministry under the Act is confined really to the Union Territory. Wherever there are full-fledged State Governments on the federal principle, they have the autonomy. If they do not fall in line, well, it is good luck to them. Then, the concentration upon housing activity will be in the Union Territories, particularly, the biggest Union Territory of Delhi. Then we will concentrate on building these two million houses .....(Interruptions)

SHRI MURLI DEORA : What about Mumbai and Delhi and Mumbai and Calcutta ?

SHRI RAM JETHMALANI : Frankly, I expect that Mumbai will follow suit. I hope, Sir, I am not letting out a secret. I have consulted the Leader of the Opposition. He is

a very great leader from Maharashtra. In fact, I had consultations with him. I have the assurance of the Chief Minister of Maharashtra that they will follow suit.

[Translation]

SHRI MOHAN SINGH : Mr. Speaker, Sir, in 1976 when this act was enacted, it was termed as progressive Act. It was stated that now it would be the responsibility of the Government to construct low cost houses on the remaining land for the poor people. However, due to conspiracy of influential urban people, this Act was never implemented in the right manner. There is problem among the states that the day Urban Ceiling Act is abolished, there will be pressure on government to abolish the same in the rural areas also. This Ceiling Act has helped in the settlement of land disputes in the rural areas. I would like to know from the Hon'ble Minister as to what measures are being contemplated by the Government to tackle this problem ? What steps are going to be taken by the Government to achieve its target of providing the low cost dwelling units and land holdings to the poor people in the urban areas ?

SHRI RAM JETHMALANI : Sir, we recognise that the original social purpose of this Act still remains a valid purpose. It is because that good social purpose was not accomplished. The experience has shown that it was not accomplished. That is why now we are resorting to the new economics and we wish to build the houses now in accordance with the new policy, The Act has failed. There is no doubt about it....(Interruptions)

SHRI MOHAN SINGH : No, the Act has not failed ... (Interruptions)

SHRI RAM JETHMALANI : The expert opinion says this. The Reports of Committees say this. This matter had been examined in the old National Housing Policy of 1994. There, it was confessed that this whole Act had failed. This matter was considered in the Istanbul Conference where the representatives of the United Nations and the Government of India's Ministry were there. They said that the Act is a total failure. Today, our whole expert opinion is unanimous that this Act should go. This Act is being called today an 'ulcer'. This 'ulcer' has to be removed before any housing activity will start. The housing industry is dead in this country. People have gone out of business. People have become insolvent. They have closed their shops. Only a few builders now remain. If it is to be revived, we will revive it only for the purpose of building houses for the economically weaker sections and that is our promise. The two million houses that are going to be constructed are all going to be for the poor people and none for the rich.

[Translation]

SHRI VITHAL TUPE : Mr. Speaker, Sir, I congratulate the Hon'ble Minister for repealing this Act. Hon'ble Minister has just now stated that in Delhi no land could be acquired under this Act. It happened in all the states. In Maharashtra also no land could be acquired by the Government under this act. Farmers are being harassed by the Ceiling Offices

which have become centres of corruption. If the states are now allowed to have new act, the same story will be repeated. My question is that when the land could not be acquired in the past 20 years then how it could be done by enacting a new act now ? And is there any restriction of National Agenda on the Government of Maharashtra where you are in power ?

[English]

MR. SPEAKER : Please put your supplementary question.

[Translation]

SHRI VITHAL TUPE : What steps are being taken to ensure that the States do not legislate this act again ?

[English]

SHRI RAM JETHMALANI : Sir, I accept the hon. Member's anxiety as wholly valid. I wish the Central Government or the Central Parliament had the power to impose its will upon any State. When we tried to impose any will upon the State, people talked of federalism and State autonomy. We have no intention of forcing things, but I am quite sure the strong expressions of opinions in this House are going to be repeated when the Bill comes to be debated. The strong expressions of opinions will themselves generate pressure upon the State Governments to fail in line and those State Governments which do not fall in line will suffer some consequences which will be brought to their notice. One of these consequences will be that there will be no Central assistance forthcoming if the States do not fall in line ... (Interruptions) I wish I could impose some sanctions.

SHRIMATI GEETA MUKHERJEE : Before the hon. Minister talks of sanctions, I would like to know about those factories where there is extra land. If that land of the sick factories is sold then the first liability they own is to the workers who are not paid their due. If that be the case, then they should not be allowed to exercise that provision. This is also a very important point. When the hon. Minister talks of federalism he should also guarantee this as well. What does the hon. Minister think about this ?

SHRI RAM JETHMALANI : I accept what you said. The interest of workers shall always be paramount in the mind of this Government. Nothing will be done to sacrifice their interest. If at all they will profit by the building activity that will take place, the houses will probably be primarily for their benefit.

[Translation]

SHRI ADITYANATH : Mr. Speaker, Sir, what are the steps taken by the Government to check illegal land grabbing in various metro cities by the nexus between bureaucrats and politicians on *Nazul* land and community ponds. The condition of Gorakhpur city in this context is terrible. I would like to ask the Hon'ble Minister through you whether the Government are going to get this matter investigated through C.B.I. ?

[English]

SHRI RAM JETHMALANI : I would require adequate notice to specifically speak about the problem of Gorakhpur. But in general I can say that this House can trust me that I am a believer in justice and justice is blind and the law will be enforced against everybody irrespective of how he looks like.

[Translation]

SHRI SUSHIL KUMAR SHINDE : Mr. Speaker, Sir, the Hon'ble Minister has said that he was prepared to provide justice to the victims. He belongs to Mumbai, sometimes he is in Delhi, sometimes in Pune and sometimes in Switzerland also.

SHRI RAM JETHMALANI : I do not know where I Live.

SHRI SUSHIL KUMAR SHINDE : Mr. Chairman, Sir, through you I would like to ask about the two acts been passed in this country. One is related to the rural land ceiling which aims at acquiring the surplus land from the farmers with a view to distribute that land among the villagers who are not farmers but want to do farming. After that late Smt. Indira Gandhi thought that as justice was done to the poor rural people, it might also be done to poor Urban people living in huts. They must have the houses to live. Therefore, this urban ceiling act came into force. These two acts were meant for the poor people which you are now going to repeal. I am afraid that you are going to give full autonomy to the states in this regard. West Bengal has stated.

[English]

'We are agreeing for the repealing but at the same time the right must be given to the States'. Some States have said, yes we are agreeing for the repealing but you see the right should be given to the Centre.' So, still there is a confusion.

[Translation]

Mr. Speaker, Sir, just now my sister Smt. Geeta Mukherjee has suggested that with a view to do justice to the workers of the sick and closed mills or whose cases are pending under B.I.F.R., the land of such mills should be sold to arrange money to pay the dues of workers. I want to know whether the Government are considering to make such arrangements ?

Sir, secondly, I would like to say that the rights which are being given to the States, should not be misused. A similar policy cannot be implemented in all the States as different parties are in power in different States. At some places capitalists will enjoy the benefit of this policy and at others poor will get its benefit... (Interruptions)

[English]

MR. SPEAKER : Please put your supplementary. It is already 11.40 a.m. Since this is an important question, I have given a lot of time.

SHRI SUSHIL KUMAR SHINDE : I am specifically ask-

ing this question because this is an important question. I am yet to talk about the Bill.

[Translation]

Mr. Speaker, Sir, I would like to ask whether the Government would constitute a committee for overall supervision of the implementation of repealing of this act ? As the hon. Minister has just now stated about the sanctions that it will not make much difference if centre does not help or does not impose restrictions upon the states.

[English]

SHRI RAM JETHMALANI : Sir, the two points mentioned by the hon. Member are again valid. We will bear them in mind. You will please appreciate the limitations of our powers. If your advice is that this Government has to be very careful, I can only tell you that I will be very careful.

SHRI K.S. RAO : Sir, I just want to put a straight question to the hon. Minister, who is very learned. You have said that the States will be free to adopt or not adopt the repeal. Now, you are repealing the Act. That means, the Act will not be in existence. What would be the position of this Act before the State Government makes another Act if they wanted to make ? Between the transition period of your repealing the Act and their making the Act there is no Act in the country. What could be the position of this Act during that period ?

SHRI RAM JETHMALANI : The position is very very clear. The repeal of this Act will immediately apply only to two States which have expressly asked for the repeal. So far as the other States are concerned, until their Assemblies passed the requisite Resolution of adoption, this repeal shall not affect them and the Act will continue to exist for their purposes as if it has not been repealed at all. That is the legal position... (Interruptions)

SHRI MURLI DEORA : I want to know whether the Maharashtra State has asked for it... (Interruptions)

SHRI RAM JETHMALANI : No, not formally... (Interruptions)

DR. T. SUBBARAMI REDDY : Mr. Speaker, Sir, I just want to know one thing.... (Interruptions)

MR. SPEAKER : Please take your seat. Your name is already in the Question List.

[Translation]

#### Safe Drinking Water

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\*23. SHRI PANKAJ CHOUDHRY :

SHRI ANAND RATNA MAURYA :

Will the Minister of RURAL AREAS AND EMPLOYMENT be pleased to state:

(a) the details of various Rural Water Supply Schemes sponsored by the Government during the last three years, State-wise;