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Title: Regarding disapproval of Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 and passing of the Urban Land (Ceiling and Regulation) Repeal Bill, 1999.

16.32 hrs.

MR. CHAIRMAN : Now, we will take up items 11 and 12 together.

1634 hours

SHRI V.V. RAGHAVAN (TRICHUR): Madam, Chairperson, I beg to move:

"That this House disapproves of the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 (No.5 of 1999) promulgated by the President on 11th January, 1999."

There is a provision in our Constitution to Promulgate Ordinance in Extraordinary Circumstance This provision is being misused by the Government. It is a fraud on our Constitution. Legislations have very great importance. How can this Government promulgate an Ordinance, especially when the Ordinance intends to repeal what is considered to be a model Urban Land Ceiling Act? I can understand the anxiety of the Government to help the real estate people. The Ordinance intends to help only the real estate magnates. Repealing of this Act cannot solve the housing problem, because the housing problem is there not because of the Urban Land Ceiling Act. If you repeal the Urban Land Ceiling Act and allow the real estate people to get hold of the land in the cities and towns, I have no doubt that the real estate people will exploit and loot our people. Real estate people have already captured almost the entire housing sector in the big cities. When the Urban Land Ceiling Act was there, there was a guarantee for the common people and the middle class that they would get a piece of land. If you repeal this Act, this means the poor people and the middle class would not be able to own a piece of land in cities. If the ceiling is repealed, the whole of the land available in cities will be captured by the real estate people.

To solve our housing problem, the Government has to think otherwise and not think in terms of repealing the Urban land (Ceiling) Act. The Government should come forward to take hold of all the available land in the cities and corporations and have a Housing project. I have no objection even for private sector participation but allowing them to withhold the land available within the cities by repealing the Urban Land (Ceiling) Act is a measure which cannot be agreed upon. The fact that the Government has implemented the measure by an Ordinance, I should say, is a crime against the people. Is it a legislation which is to be implemented by an Ordinance?

The Government certainly has a right to promulgate Ordinance in an extraordinary circumstance. Repealing the Urban Land (Ceiling) Act by an Ordinance, to put it mildly, is a fraud on our Constitution. When the makers of the Constitution incorporated this provision of promulgating Ordinance by the Executive, they did not visualise that such legislations will also be brought by an Ordinance. The Executive is misusing its power by getting away with the Urban Land (Ceiling) Act by issuing an Ordinance. The Executive is by-passing the right of Parliament and the right of the Members of Parliament to threadbare examine and scrutinise the legislations brought forward by it.

The Government has now come with a fait accompli. It has already been repealed and the Government is implementing the programme. What can the Treasury Benches now do? I really sympathise them. This legislation is a fait accompli. Since the Government has implemented it and gone further with it, can we change it now? If at all we are able to change it, our friends will not allow us to do so because of their obligation to the Treasury Benches. How can the Government put the House in such an embarrassing situation? Is it a routine legislative process? In a Parliamentary democracy one should not by-pass the Parliament. It was such an important and vital Act which our country had with the help of which the middle class people had some chance to get a piece of land in the cities but now the Government is depriving them of this opportunity. How can it be justified? By imposing such a legislation the Government is putting this august House in an embarrassing

position. Madam, this kind of an act by the Executive should be resisted by this august House. The Government cannot impose such a legislation on us. Not only this, a number of other important legislations involving Constitutional issues, have been imposed on us by way of Ordinances.

We have many ordinances now-a-days. In this Session how many Ordinances are to be accepted by us? They are not one or two or three but many. All the legislations before us are implemented through Ordinances before the House is convened. Now, they are asking us to pass them. Madam, whatever be the housing problem now prevailing in our cities, that housing problem could not be solved by such an Act and by depriving the common people their right of getting a piece of land at a reasonable price. That right is being stolen now. That is the meaning of repealing the Urban Land Ceiling Act.

The Government is going further. They are talking of agrarian reforms. Even on that the Government is thinking of doing away with the ceiling Acts in rural areas. They want to amalgamate the lands and give the land to big companies. In continuation of this Urban Land Ceiling Act, they are extending it to the whole of India, thus, depriving the common masses their right for a piece of land. Whatever be the attractive projects of housing, this kind of Act is anti-people. You have no right at all to implement it by Ordinance. Without the approval of Parliament and without giving us a chance to scrutinise it and without giving us an opportunity to express our opinion in this august House, bringing Acts like this, *fait accompli* imposing such Acts on us, is not a right thing to do.

I appeal to the august House just to point out to them and just to ask them that these kinds of Executive steps are against the Parliamentary practices and the rights of Parliament. For that sake, point it out on that merit. If the Executive goes on to bring such Ordinances and impose such vital Acts on us, *fait accompli*, that would be against the Parliamentary practices. Our rights will be curbed. So, please disapprove this Ordinance just to point out to the Executive that we are not here to approve all the acts which they do against the spirit of the Constitution. Even though there is a provision in the Constitution, they are acting against the spirit of the Constitution. So, my humble request to all the Members is to disapprove this Ordinance.(ends)

>THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI): Madam, Chairperson, I beg to move:

"That the Bill to repeal the Urban Land (Ceiling and Regulation) Act, 1976, be taken into consideration."

Madam, first of all, I must very profusely apologise to you and to all the Members of the House for being absent at the time when this item was called out. I have no excuse save and except to say that an appointment had been fixed very long ago with the hon. the Deputy Prime Minister of England at 4.00 p.m. today in my office and it was impossible to cancel that appointment because a huge delegation was accompanying the hon. the Deputy Prime Minister.

They have come at our invitation to assist us in some of the housing projects, in some of the water clearance and pollution removal projects and other kinds of infrastructural projects in which we are vitally interested and in which we are short of our own capital and we need capital assistance from abroad. Kindly do pardon me, but in any event I hope I have not wasted any time of the House because both these items are taken up together.

I think the hon. Member's attack has been mainly on why this measure was brought in the shape of an ordinance and, according to him, why was parliamentary scrutiny eliminated in the process. Madam, for the last fifty years, I have myself been a student of the Constitution and I have always proudly proclaimed that I consider myself a worthy disciple of late Dr. Ambedkar. I have tried to understand not merely the text of the Constitution but what the hon. Member calls the spirit of the Constitution. It is the spirit of the Constitution which I have imbibed over the years and if the hon. Member would take the trouble of looking into my past speeches either in this House or in the other House, he may find that I have always complained of the misuse of ordinance making power by the executive almost in the same vein in which the hon. Member has spoken just now. While I appreciate what he has said and endorse fully that an ordinance must be resorted to in very extreme circumstances of urgency, I plead not guilty to the charge of having violated the spirit of the Constitution in this case because I believe that

an ordinance was an absolute necessity and it would have caused tremendous injury to public interest if the ordinance had not been passed.

I will now proceed to explain but while I proceed to explain why an ordinance was imperated, I will have to explain my own perception of why this law is necessary and why this law was necessary particularly on the date on which we passed this ordinance. The two items therefore are inevitably inextricably intertwined and they have to be discussed together. Therefore, with your permission and with the permission of the House, I also move that the Bill be taken into consideration and I seek the leave of this hon. House that the Bill may be taken into consideration so that I can speak on both, the disapproval of the Resolution as well as the merits of the legislation which I am commending that the hon. House might pass.

Madam, the Bill had already been introduced. I am assuming that the leave is granted by the House to consider the Bill so that I may deal with both the items together.

First of all, hon. Members may kindly realise that the law which we are seeking to repeal is a law pith and substance of which in constitutional language is outside the legislative jurisdiction of the Central Parliament. The law deals with land, the use of land, the holding of land, the purposes for which the land has to be used and land is, under the Constitution, wholly and exclusively a State subject. It is neither in the Central List nor in the Concurrent List.

This legislation was passed by Parliament not because Parliament had the jurisdiction to do so but it was passed under a special Article of the Constitution under which the Centre can legislate if two or more States request the Centre to pass a legislation on a particular topic on which they want uniform legislation to be introduced.

Madam, my understanding of the Constitution and the constitutional spirit of which the hon. Member spoke, tells me one thing that if two or more States require that the Centre should legislate, and the Centre proceeds to legislate, equally it is the moral, the political and to my mind, the constitutional obligation of the Centre to repeal that law when two or more States ask that the law be repealed. In fact, we have no option. The option will consist in defining the will of those who have actual jurisdiction over the subject matter of this law. When two or more States want the autonomy to be restored to them, we are bound to restore it to them, and the repeal of this law by this House is not going to bring about the repeal of this law in any State which chooses to continue the existence of this law. The repeal of this law today by the Parliament or the repeal of the law by the Ordinance has only one small territorial effect and that the repeal becomes effective in the Union Territories and it becomes effective only in those States which, hereafter, pass what the Article of the Constitution calls, an "Adoption Resolution."...(Interruptions)

SHRI VARKALA RADHAKRISHNAN: Shri Ram Jethmalani, will you yield for a moment? I will put only one question...(Interruptions)

SHRI RAM JETHMALANI: I will always yield to you. I am sitting down. Otherwise, you cannot speak...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : When I speak for democracy, I am only putting a very small question...(Interruptions)

MR. CHAIRMAN : Please listen to him.

... (Interruptions)

SHRI RAM JETHMALANI: Shri Radhakrishnan, I want to yield. Will you allow me to sit down?... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : Madam, the hon. Minister has been elaborating about the spirit of the Constitution. I fully appreciate his point. Here, the question is only two small States in India, Haryana and Punjab, have passed it. None of the States like Uttar Pradesh, West Bengal and Bihar have passed any

Resolution. Only two small States and the Union Territory for which an Ordinance was issued have passed it. If an Ordinance is issued, it should be applicable to at least some two major States. That is not available in the instant case. When the Minister speaks about federalism and the spirit of the Constitution, it would have been better had two or three major States in India passed a Resolution and asked the Central Government to issue an Ordinance. In this case, he has not followed that principle. On the basis of a Resolution passed by two States, and that too on a matter which is exclusively within the right of the States, that he is legislating...(Interruptions)

SHRI RAM JETHMALANI: Now, have I your permission to get up?...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : No. That comes within the jurisdiction of the Chair. I agree with your knowledge...(Interruptions) But I am pained to say that it is against the letter and spirit of the Constitution...(Interruptions)

SHRI N.N. KRISHNADAS (PALAKKAD): Shri Ram Jethmalani, you can get up now!...(Interruptions)

SHRI RAM JETHMALANI: How graceful can you be in according such a permission!...(Interruptions) It is very nice.

Madam, in the eye of the Constitution and in my own eyes, there are no major States, there are no minor States...(Interruptions)

SHRI VARKALA RADHAKRISHNAN : It is a question of population...(Interruptions)

SHRI RAM JETHMALANI: There is no question of population. The original Article which enables this legislation to be passed by the Centre does not say that two big States should request the Centre. Any two States make a request and the Central Parliament acquires the jurisdiction to legislate on that subject. If two minor States could have originally asked for it, the two minor States will have the right to ask for it...(Interruptions)

SHRI ANIL BASU (ARAMBAGH): Shri Jethmalani, morally this is not correct. But logically you are correct. This is a rape of the Constitution...(Interruptions)

MR. CHAIRMAN: Shri Anil Basu, please do not disturb him. You have all the time to make your submission.

SHRI RAM JETHMALANI: If I am logically correct, then I am correct on all scores...(Interruptions)

MR. CHAIRMAN: Please do not interrupt like this. Please let him have his say.

SHRI RAM JETHMALANI: The second aspect of the matter which the hon. Members keep forgetting is that this repeal does not affect the large majority of people that you have in mind. Those States have still to pass an adoption Resolution. We are only restoring to them their original autonomy and jurisdiction which have been forfeited by their initial request.

SHRI V.V. RAGHAVAN (TRICHUR): What about Delhi?

SHRI RAM JETHMALANI: In Delhi, it will come into effect. There is no opposition in Delhi. In Delhi, I am entitled to legislate directly and I am legislating directly because in Delhi land has not been transferred.

Now, when you bear in mind the absolutely limited objective of this repeal that we are restoring autonomy leaving it to every State to decide the future of this law in their own State. For example, I had a very strong letter written to me by the Chief Minister of Bihar and I wrote a letter to the lady, explained to her that, 'Lady, if you are in love with this law, this law will remain in your State. Who am I to take it away from your State?' But some day, when other States come to adopt it and when they see the development of housing and when they see how the poor people are being served by the repeal of this law, then I am quite sure that those who are opposed to it and are prepared to characterise it today as anti-people will come and thank me and say that this is the first thing that had happened in the last 50 years in favour of poor people of this country.

SHRI V. DHANANJAYA KUMAR (MANGALORE): Mr. Minister, kindly enlighten the House as to how far it is implemented in Kerala. You may please enlighten the House because our friends have been opposing it vehemently. We would like to know as to how far it is implemented in Kerala. ... (Interruptions) All right, in West Bengal also? ... (Interruptions)

SHRI RAM JETHMALANI: Madam, early last year, one of the Members from my party had moved a Resolution. The Resolution said that in the opinion of this House the Government should have a Housing Policy. I would have just got up and told the hon. Member and requested him to withdraw that Resolution by telling him that the Government is considering the Housing Policy and the Housing Policy will be put before Parliament for consideration and close scrutiny in the near future. But I did not take that step. I encouraged the hon. Member to go ahead with his Resolution because I wanted every section of this House to have an opportunity to explain their attitude to this legislation and the problem of housing in general, which is unfortunately facing the country.

This debate went on before this House on at least four different occasions and I am very glad that three Members who have now signed the disapproval Resolution had participated even on that occasion in the debate. Now, I want particularly to mention about my great friend, Shri Varkala Radhakrishnan for whom I have the greatest respect. He also claims that he has some respect for me but he rarely shows it.

SHRI VARKALA RADHAKRISHNAN : I am sorry that I always show respect to you.

SHRI N.N. KRISHNADAS : He is sorry for that.

SHRI RAM JETHMALANI: Madam, I want to remind the hon. Member what he said on that occasion. What he had said? What is the purpose? Is it to ruin the poor? No land was distributed to the poor people. The slum area people did not get any house and they did not get any allotment of land. The entire land was allotted to the rich people.

SHRI MOHAN SINGH : What does it mean?

SHRI RAM JETHMALANI: Mr. Mohan Singh, I am old but I am not a fool.

What that means is that in spite of the existence of the Urban Land Ceiling Act on the Statute Book from 1976 onwards, no land was distributed to the poor people. The slum area people did not get any house. They did not get any allotment of land. The entire land was allotted to the rich people. By repealing this law, I want to annul this sorry state of affairs which have existed because of that Act.

17.00 hrs.

SHRI MOHAN SINGH : How can you do that?

SHRI RAM JETHMALANI: Now let us go into the question of 'how'? We will go into the question of 'how'. But before that, let us clear up at least one fog in our mind and that fog in the mind is that at least with the presence of the Act, the poor were never served. Now, we will see why they were not served and we will decide here and now how we should serve them in future. But at least one thing is quite clear that after 26 years of the prevalence of this statute, the poor remained poor and only the rich profited. I want all Members of this House and particularly my venerable friend, Shri Radhakrishnan to realise the implications of what he said. The implications of what he had said in the House is that the law was meant for purpose (a); that purpose (a) was not fulfilled and a directly contrary purpose was fulfilled. I leave it to the imagination of the Members of this House. Why did this statute get derailed from the noble purposes which were supposed to prompt it into evil purposes which are anti-poor? The only answer is that the statute, however good and laudable in its original intentions, was corruptly used, was corruptly exploited and it was used in a manner of hurting the poor and only to satisfy and to fill up the pockets of a few selected rich who could pay the monies under the table and earn their exemptions from the provisions of that statute. I wish to erase this and this Government is determined to put an end to this sorry state of affairs. We will first remove all opportunities for corruption. So long as this statute remains, copious opportunities for corruption that this Act provided will continue to exist.

Madam, I mean no disrespect to anybody. Some of the Members here probably have perceptions which I do not share, but we are all humans. Sometimes I go wrong; sometimes others go wrong. I have nothing against anybody. But I am prepared to say this out of my experience - I have been a member of the Bar for the last 50 years - that this Act was more corruptly used than any other statute, including the Penal Code, including the Prevention of Corruption Act, including the Customs Act and the Excise Act. No other statute has been so used for corrupt purposes, to fill in the pockets of a totally small band, but a band which was out to grab as much property. Thousands of crores of rupees have gone under the table as a result of this statute and we want to put an end to it.

Madam, my friend, Shri Mohan Singh also spoke on that occasion and I have read the whole of his speech. The hon. Member said everything which is sensible. I am quite sure that he will not go back on whatever he had said on that occasion. He described the state of affairs which I have seen with my own eyes. The hon. Member, Shri Mohan Singh narrated about his experience of the slums in Mumbai and said that naked women are sitting on the railway tracks, on the roadsides, unable to hide their shame, unable to get water, unable to clean themselves? Why? Why has this happened? Why have slums grown? Why have our people been forced into the slums, into that life against which even beast will protest? They have been put there because the laws of the market were interfered with, the land was pocketed by the corrupt rich, the corrupt

bureaucrats and the corrupt persons who were in a position to grant exemptions under this statute and the poor remained where they were.

Madam, I would request the hon. Member to kindly see the purpose of this great statute on which he is singing praises. In the Union Territory of Delhi, the public of Delhi were told that 345 hectares of land is vacant, that land will come in the hands of the Government and the Government will solve the problems of every poor man living in this city, either on the pavement or in the slum and everybody will get a house. That was the proclaimed intention. Out of 345 hectares of land, does anybody in this House know how much land was actually acquired by the Government? It was 345 hectares on one side and 1.9 hectare on the other.

Is it not ridiculous performance? Does it not show the absurdity of the statute? Does it now show that nobody was serious about enforcing the statute except to make money for himself or herself? That is precisely the state of affairs which must end. What happened to the price? What happened as a result of this statute? You do not have to go to Harvard to learn your economics. You do not have to be a great economist to realise that the volume of corruption must ultimately be added to the price of commodities. Thousands of crores of rupees, which were made by the corrupt, ultimately found a reflection in the price of land. The price of land rocketed to the skies. There were flats and apartments which were built for the rich people. The price of land was so high that even the rich could not afford to buy them because by that time the rich themselves had become slightly poor. And their affording capacity and their spending capacity had gone.

Forty thousand beautiful apartments constructed in the city of Pune are lying vacant because not even the rich can afford them at the prices at which they were built. This is the great result of this statute.

Ultimately, I am not an economist. But I know a good bit of economists. I do not say that I know more economics than them. But one thing is certain that economists were agreed upon economic conclusions. As has often been said that if you put the world's economists from end to end, they will never reach a conclusion. Therefore, I am entitled to think of my common sense and not go by economic theories. My common sense tells me that that this land be released from litigation, and this land be released from the hands of corrupt lawyers, who have made for themselves millions of rupees in supporting the claims of the people and tying up this land in litigation.

I have talked to the Members of Parliament in Andhra Pradesh. I have been told that twice the amount of price of land, which the Government has been able to take possession of, has been spent by the Government on paying its lawyers to defend the litigation about this land. This litigation is all prevalent. It is pending in every part of India. It is pending in every High Court.

SHRI NADENDLA BHASKARA RAO (KHAMMAM): Under the Urban Land Ceiling Act, we spent about Rs. 250 crore just to have 200 acres.

SHRI RAM JETHMALANI: He is my prosecution witness number one. This is the state of affairs. It is a fact. But I know what is happening in Maharashtra. I know what is happening in other States. The corrupt have made money. The pettifogging lawyers have made money. The poor are where they were and that is the unanimous verdict of even those who are today signatories to the Resolution for disapproval. ... (Interruptions)

I am never tired of stating this publicly that I was a successful lawyer. I have made money at the Bar. But I have made money not from the poor but from the rich. Ninety per cent of my practice has always been free practice as some Members of this House will be able to certify.

SHRI NADENDLA BHASKARA RAO : Including Urban Land Ceiling cases.

SHRI RAM JETHMALANI: No urban land; now I will not. That will require defending a Minister.

My friend said: "Why do you not talk of the bigger States?" Tamil Nadu is a very big State. We have a party from Tamil Nadu which is one of our great allies. But Tamil Nadu has its own law. They are not governed by the Central legislation and the repeal will not affect Tamil Nadu.

My friends from West Bengal are so vociferous in their opposition. We talked to West Bengal. What did they tell us? They told us, "You can go and repeal by all means. But we are free to pass our own law."

SHRI BASU DEB ACHARIA: Yes.

SHRI RAM JETHMALANI: Now, who says that you are not free to pass your own law. By all means, you pass your law. You stick to your economic theories. You stick to your old methods of doing things. But I must tell you, in fairness, that in spite of the law, some of the excellent things which are now happening in West Bengal after I have taken over and after the new policy was announced, are remarkable.

We talked of the partnership between the private sector, the financial institutions, and the Government. I must compliment the Government of West Bengal that in the partnership venture, about twenty minutes' drive from the city of Calcutta, they had built houses because the price of land is totally subsidised. I had gone and saw those houses. That is a pride of place to watch. The structure cost of those houses is only about Rs. 50,000 to Rs. 60,000. An excellent one bed room apartment with a living room, a bathroom, and everything inside is being sold today at about Rs. 1,30,000. I had seen that. But I wish to assure this whole House that once the construction activity starts in a big way, as I hope it will, not only the whole economy will revive but the cost of construction of an apartment will reduce itself to Rs. 30,000. Therefore, you leave out the land component in Rs. 30,000, you will have an apartment ready for a poor person, a poor person who is prepared to spend a lakh of rupees for getting a hut in a slum where the charges are much more. So, that will be the result of this legislation once the land and land stock is free. Hon. Shri Mohan Singh has asked 'how'? I want to tell the hon. Members that the simple economics is that when land gets into the free market, and the land stock becomes available, the prices will fall. The prices skyrocketed because they were in the clutches of the monopolistic hands of the corrupt Governments and bureaucrats. As soon as they are released from their clutches, the land stock will improve and the houses will be made available at affordable prices. It is because the cost of construction is not much, it is only the land component which is much more.

Madam, I do wish to claim and nobody in this House will be able to deny this that ever since I had started talking about the repeal of the Act, the price of land has started falling. Today, if you go to the satellite towns in Maharashtra, like Thane or Boriville or other places, the price of land has already falling by 40 per cent.

Now, let me come to other parts. Madam, I have said Tamil Nadu has its own Bill. As far as West Bengal is concerned, they have said that so long as the freedom remains, you do what you like at the Centre. I had explained to Bihar that if they want that Act, and if they are in love with it, it will remain with them. Let them please keep it as long as they want. The other States had asked for copious amendments. We are not in a position

to enact those copious amendments because we require the concurrence of all the States. Some States do not want those amendments. They want a plain repeal. If two or more States want the repeal, we are constitutionally bound to give it to them. That is my understanding of the constitutional spirit.

Madam, it is not as if this Government had taken a new decision. Earlier Governments were all confronted with the ills which this Act had produced. But I regret to say that they did not have the moral courage to repeal this Act. But let me again say that hon. Shri Gujral, when he was the Prime Minister, during the short term of his office considered this and his Cabinet had actually, in November, 1997 okayed the decision to repeal this by an Ordinance. But somehow realising that they were probably on their way out, considering the political instability which we all have to take into account everyday, they could not do it. After all if I am likely to be replaced tomorrow, why should I do like this? But in substance, I will remove this even if I have to go tomorrow. In substance, the policy and the contents of this statute were considered by three previous Governments and all of them were not in a position to defend the continuance of this Act. They had all decided that it should be repealed. But somehow, for reasons beyond their control, including the fact that they probably thought that there will be opposition from some of their own allies, they could not do it. Again we had taken into account the politics.

So, we are really, Madam, enforcing the decision of the previous Governments.

I talked of the mindboggling failure of the Act. I have given you illustrations, but with me figures are available of every State. In every State, thousands of acres of hectares of land were declared but nothing was got at. What we did was that when we introduced the original measures here before this House, I had provided in that Bill that all those properties which have vested in the Government even though the Government has taken the possession of those properties, if the construction activity has not actually started on those pieces of land, those land must revert back to the original proprietors; of course, on refund of compensation and so on.

The Standing Committee to which this Bill was referred to, ultimately gave its final report only in the end of December 1998. That report came just before Christmas Holidays and that brought us into 1999 when the report came. The report merely suggested one change and that change was, "Do not return all land on which no construction activity has taken place, but return all those lands which are tied up in litigations, which have been declared excess but of which the Government has not been able to take possession." So, those lands which are not in the possession of the Government will hereafter not be acquired. That is the amendment which we made. That is why we withdrew the first Bill and introduced amended Bill to carry out the unanimous wishes of the Standing Committee relating to my Department.

Madam, 45 Members, across the board, representing all political parties, have sat and considered this for several months. I think, it was referred some time in June or July and they gave their report only in December, after long and prolonged consideration. Ultimately, the only suggestion they made was, 'that repeal it but do not take charge of land of which the Government has physically taken possession.'

I have differences with that view point, but as I have always said that I am a human and I have no monopoly of wisdom, who am I to say that the Standing Committee of 45 Members may not be right; I may be wrong. I have, therefore, very gratefully, very respectfully accepted their advice and I am asking for a repeal, but I am not asking that we continue to retain all those lands on which no construction activity has started. I would have preferred it but those lands will remain.

Madam, between the poor and the middle-class now, who have suffered more. The poor man is at least able to go and construct his own hut in a slum. Some times, he pays price to the slumlord and manages to get some kind of accommodation. It is the middle class, the low income group, the class in the Government office, the poor widow who are not able to get into the slum and pay that price, who are today really left without a shelter, without a roof to call their own. It is not merely women living in the slums, who are found on the Railway track in the early hours of the morning, it is the poor women belonging to the middle income groups, the low income groups, who are living in the houses which are practically as bad as slum houses that they have suffered and it is for the benefit of those people that we are now going to repeal this Statute. Why and how?

The latest policy of the most important financial institution under my control, HUDCO. Today, I am able to tell this august House, I am instituting a new scheme today supposed to be at 5 o'clock. But I do not know how to get to that inauguration function. Today, we have decided that hereafter the HUDCO will give, not merely to cooperative societies and companies, but we shall give to the poorest individual, a clerk, who so long as he has got a salary from which he can pay his instalment, we are prepared to grant loan at cheap rates of interest, where the liability to repay will be spread over 15 years, 20 years, 25 years, if you like. Every poor middle class man will have the opportunity of getting a house. He will be able to get a house because construction activity will start and once the construction activity starts, there will be a glut of housing and that housing shall be available to the poor and the low income groups.

Madam, I have said that we are not experts. Therefore, we should either rely upon our common sense or we rely upon some who call themselves experts. Madam, I have the pleasure of knowing a gentleman who, unfortunately is not a Member of my Party but he is the Member of the Congress Party. He is Mr. Jairam Ramesh, a spokesman of the Congress Party and I believe that he is an economist in his own right and an economist of good repute; and he is an economist who knows his economics very well.

Madam, he wrote a full-blooded article in India Today. It says:

"Never judge the policy by its intent but always assess it by its consequences. Nothing could illustrate more vividly than the Urban Land Ceiling Regulation Act of 1976. ..."

According to Mr. Ramesh, this statute is the most conspicuous example of a statute which was declared to be a statue with good intentions but produced nothing; a mountain of good intentions produced a mouse by way of labour. He says:

"The objectives of the Act, as it is usually referred to, were laudable. It was to prevent concentration of urban land and to promote housing for the poor in cities but in actual practice, the Act has reduced the supply of land, inflated land prices, served as a dampener on housing and construction activities and impeded the timely closure of sick companies in places like Mumbai, Calcutta, Ahmedabad and Kanpur in a manner that would protect the interests of labour and generate new economic activity. Clearly the Act is bad law and worst economics."

I would urge upon every Member of this House who accepts the bona fides of this gentleman, according to me a great economist, who is a spokesman of the major Opposition Party to the Government, this is what he has said about the Urban Land Ceiling Act; and I have here a plethora of articles written by economists in the economic newspapers which had all unanimously and universally welcomed the repeal of this statute.

In 1991, I was a Member of the Janata Party and I remember sitting in the Rajya Sabha and the great Mr. Manmohan Singh, the Finance Minister in the Congress Government got up and made a speech. Madam, when I heard his speech, I could not believe my eyes, I could not believe my ears and said: "My God! what am I hearing from a spokesman of the Congress Party, a Finance Minister in the Congress Government, a party which is wedded and has been wedded to the Avadi Resolution and the kind of socialist economics, which we were hearing of for so many years."

I broke ranks with my party, got up and said on the floor of the Rajya Sabha and complimented Mr. Manmohan Singh. I said: "This is the first time that in the history of this Parliament I am having a whiff of fresh economic breeze which is now blowing from directions, from which I least expected.

Ultimately, let us forget the old methods of thoughts, which were instituted, generated, put into practice by very great men but even those great men can go wrong. Let me tell this august House that China which stands as the last citadel of communism today, in July last year decided to privatise construction industry and the Chinese Prime Minister made an announcement, 'that hereafter do not look to the Chinese Government for a single house; all houses will be provided in the private sector.'

We all live to learn; we must change our attitude. In 1991, that great Party changed its attitude. We have fallen in line and what we are doing today is a corollary of the 'Manmohan Economics' which was instituted but not

carried out with full force and faith. Because it is there, there was some brake which was operating upon in their political judgement.

The political judgement could not be executed. As I told you three Governments thereafter have decided to repeal this but never had the political and the moral courage to do this.

SHRI BASU DEB ACHARIA : Now you want to implement it.

SHRI RAM JETHMALANI: Now, Madam, that takes me to something much, much more vital. Everybody knows today that the economic situation is not too good. This morning I heard the Steel Minister telling the other House that the steel industry is in a bad shape, the cement industry is in a bad shape. Let me not advertise our weaknesses to others but let me say this in one sentence that our economic condition is not something of which we have to be proud. That economy has to be revived. It is suffering from a dual illness which is called stagflation. Stagflation has overtaken our economy and the economy has to be revived from the clutches of that mortal disease. How shall we do it? Who teaches us? What is the correct solution in this state of affairs? The only solution offered is by that great economist, Sir Maynard Keynes. It is called Keynesian economics. When America was faced with that depression of 1929 and 1930, when brokers on the Stock Exchange were jumping from the tenth floor, from the eleventh floor and committing suicide, when you bought a share of Goldman Tyres, along with the share certificate, they gave you a pistol or a revolver to commit suicide and when you went to a hotel, the clerk at the reception asked you that do you want the room for living there or for committing suicide, he offered the solution.

Ladies and Gentlemen, that kind of economy which had gone into that kind of a mortal depression and a fatal depression was revived by Keynesian economics. What did Maynard Keynes say? All that he said is, "Please now get into housing, build houses, build infrastructure and your economy will revive." And the economy revived. Keynesian economics stands as good economics even today. Read any book on Economics. That principle of Keynesian economics remains valid today and I think it is valid whatever might be said by anybody who has got those hang-overs of 1844.

I have asked the cement industry. I have asked the steel industry. In fact, a young man has made a calculation that there are 289 industries which are connected with housing alone. Revive the housing industry and 289 other ancillary industries will revive.

Madam, through you, I wish to appeal to this House that please allow me to try this new economic theory. It is not new. Its application may be new. But please allow me to try it. If I fail, be sure that I shall not remain a Housing Minister ever or any Minister of any kind. But remember please, your previous remedies have all failed. I want a chance and I want an opportunity. Repeal this evil law and make the land free so that I can freely use the land for building the houses which I want for the poor people of this country. The rich people have always spent it their own way. They have always been able to survive. They do not require any assistance. Their palaces and their big houses have been built and they have been occupied by them. No rich man is living on the footpath or in the slum. I am out here to create the housing stock for the poor people of this country but please do not deprive me of the instruments. If you keep this evil law which has come to be rightly called ulcer, if you want to continue with this ulcer, please go on with this ulcer. But I must tell you that the whole economy of this country will go to sleep, will go very well to sleep if you do not allow me to revive this industry by putting money into housing and attracting capital into the housing industry.

I have already said that the Standing Committee in which the critics of the Bill were very, very amply represented, examined it for six months. They ultimately came out with a unanimous report and with one recommendation. We have accepted that recommendation. Now comes the question with which I started. The question is: why an Ordinance? I had no intention of bypassing this House. I knew that the Ordinance ultimately comes before this House. It is not even an Ordinance under article 356 or a Proclamation under article 356 that at least temporarily some Government is removed.

^This Ordinance was passed in December because of our pledge to the poor people of this country that we would finish two million houses by the end of the year and the year is coming to an end. I have called meetings after

meetings, of builders, of entrepreneurs, of developers throughout the country and invariably I have got the advice to repeal this law and to remove all suspicions that this law would never remain. Then we will start the construction industry. I accept this advice which I received from them.

federations. There is no city in which I have not called all the builders of India and some of these builders or those who have something to do with the building industry are present in this House. The unanimous advice which I received was to repeal this law and to see how the construction starts. I repealed it by an Ordinance because otherwise the 19th of March would arrive and I would not have been able to give an assurance to the building industry to give kick start to the economy. But I told all the assembled people there that an economy does not kick start itself. It is a transferred epithet. It is transferred from those who are practitioners of economics. You have ultimately to kick start yourself to be able to make a start and I have been assured that all these builders and entrepreneurs will promptly kick themselves as soon as they are assured of the repeal.

SHRI A.C. JOS (MUKUNDAPURAM): This is the fifth Ordinance that is being debated in this House. Six Ordinance are there in this House. Does the hon. Minister remember, as an hon. Member of the Rajya Sabha and as a member of the Bar, his objecting the promulgation of Ordinances as a fraud on the House? These are the same arguments put forward by the other side when we or any other people were there! Or does the hon. Minister agree that when he came to power he had the same thing?

SHRI RAM JETHMALANI: I do not know whether the hon. Member was present when I started. I do not think that he was present. I said that I would explain the urgency of it. I explained it throughout my speech why it was urgent. I explained why the Ordinance was necessary because the housing industry may not kick start.

SHRI A.C. JOS : That is the same argument which the hon. Minister did not accept.

MR. CHAIRMAN : You will get an opportunity to speak.

SHRI RAM JETHMALANI: I am sorry, but a similar argument I had made sometime back but the hon. Member never accepted it.

I appeal to this House with all the earnestness that I can command that it must throw out this Disapproval Resolution, allow that statute, the evil statute to be removed from the Statute Book which it has soiled for last more than a quarter of a century and allow the housing industry to start their work and we will see that those people who are critics today will come and tell me that those who came to scoff have come to pray.

MR. CHAIRMAN: Motions moved:

"That this House disapproves of the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 (No.5 of 1999) promulgated by the President on 11th January, 1999."

"That the Bill to repeal the Urban Land (Ceiling and Regulation) Act, 1976, be taken into consideration."

MR. CHAIRMAN: Shri K.S. Rao.

... (Interruptions)

श्री रामनारायण मीणा (कोटा) : मंत्री जी को बाद में बोलना चाहिए था।

MR. CHAIRMAN: Shri Raghavan has already moved. What do you want to say now? He had already spoken.

सबका नाम पुकारने की जरूरत नहीं है। उस आर्डर में जिनका नाम पहले है, उनको बुलाया गया है इसलिए अब आप नहीं बोल सकते।

SHRI RAM NARAIN MEENA (KOTA): I was present here. You did not call my name.

MR. CHAIRMAN: It was in that order.

SHRI RAM NARAIN MEENA : The Members who have not spoken may be allowed to speak.

MR. CHAIRMAN: That will happen after all the speakers have had their say.

SHRI RAM JETHMALANI: I have a query to make. I hope that we are closing today at 6 p.m.

सभापति महोदय : शायद आठ बजे तक है। श्री राम नाईक जी, क्या डिस्मिशन है ?

श्री रामनारायण मीणा : देश में अधिकतर गरीब हैं। मुझे यहां पर पब्लिक ने भेजा है। मैं करोड़ों लोगों की बात कहने आया हूँ।

MR. CHAIRMAN: Please cooperate with the Chair.

रेल मंत्री (श्री नीतीश कुमार): शिवशंकर जी, माननीय सदस्य को जरा समझाएं। ... (व्यवधान)

श्री रघुवंश प्रसाद सिंह (वैशाली): गरीब की बात बोलने दें।

सभापति महोदय : इसमें कोई गरीब अमीर की बात नहीं है।

MR. CHAIRMAN :Shri Shiv Shanker, you must come to my help.

... (Interruptions)

SHRI RAM JETHMALANI: Madam, I want your permission to remain absent for 15-20 minutes as I have to inaugurate a conference.

MR. CHAIRMAN: It is all right.

रेल मंत्रालय में राज्य मंत्री, संसदीय कार्य मंत्रालय में राज्य मंत्री तथा योजना और कार्यक्रम कार्यान्वयन मंत्रालय में राज्य मंत्री (श्री राम नाईक): बिजनेस एंड वाइजरी कमेटी में यह तय हुआ था कि अभी जो बिल चल रहा है वह और इसके बाद पेटेंट बिल, दोनों आज ही पास करने हैं। इसलिए आवश्यकता पड़ी तो देर तक बैठेंगे।

सभापति महोदय: अब इस पर डिस्कशन शुरू किया जाए।

SHRI BASU DEB ACHARIA : It is for the House to decide. The House may be extended up to 8 o' clock. But that does not mean...(Interruptions).

श्री रामनारायण मीणा : पूंजीपतियों के लिए बिल आता है, हम गरीबों की बात नहीं बोल सकते।

... (व्यवधान)

सभापति महोदय: आप जो बोल रहे हैं कुछ भी रिकार्ड में नहीं जाएगा।

श्री रामनारायण मीणा : (व्यवधान) ... (कार्यवाही-वृत्तान्त में सम्मिलित नहीं किया गया।)

सभापति महोदय: शिवशंकर जी आप अपने सदस्य को समझाएं।

... (व्यवधान)

सभापति महोदय: आप रूल्स नहीं जानते हैं, एक बार रूल्स की किताब पढ़ें।

... (व्यवधान)

MR. CHAIRMAN: Shri Meena, you are casting an aspersion on the integrity of the Chair.

... (Interruptions)

>SHRI K.S. RAO (MACHILIPATNAM): Madam, Chairperson, the hon. Minister has made a lot of efforts, used all the languages at his command and the law to say that the existing law is a failure; how it led to corruption; how it led to increase in prices; and how the Governments have failed to acquire the land under the Act.

17.38 hrs (Shri Basu Deb Acharia in the Chair).

SHRI K.S. RAO (MACHILIPATNAM): I have heard every sentence of the hon. Minister. He spoke so contradictively from what he has mentioned in writing in the Bill that he has presented and from his speech.

In the Statement of Objects and Reasons he said and I quote:

"The Urban Land (Ceiling and Regulation) Act, 1976 when proclamation of emergency was in operation with a laudable object it was brought in."

Now, he said during the course of his answer that it is anti-poor. He quoted several suggestions of the Standing Committee wherein he said that the Committee has recommended and it has a total support of making a repeal of the Act. I wish to quote in this regard what the Committee has said:

"According to para four of the Statement of Objects and Reasons, one of the objectives of the Bill is to provide an affordable living accommodation for those who are in a state of undeserved want and are entitled to public assistance..."

However, nowhere it is stated in the Bill as to how the Government propose to achieve this objective, particularly when it will be having no control on the surplus land once the Act is repealed."

What he said is totally contradicting the Report. I shall quote some other instances. At some other place, the Report says:

"While the Committee note that by repealing the Urban Land Ceiling Act, 1976, the market forces will be free to play so far as the land prices are concerned" - which we are also not disputing - "people belonging to the economically weaker sections and low income group categories should not be left to the mercy of the market forces."

That also is against what he has proposed.

In another para, that is, para 2.13, when asked whether the land declared surplus under the Land Ceiling Act has any direct link with the provision of the shelter to the economically weaker sections, the Secretary stated: "It is a fact that there is no direct link".

Similarly, in another para, when the Committee pointed out that after the Land Ceiling Act is repealed, the land may not be available for construction of houses for the weaker sections of the society, the Secretary stated: "When the land is set free, the owner or the developer of the land will have to approach the Government for clearance." Then they have to make separate laws to insist that a part of that particular land must be given for the utilisation of the weaker section. Like that, in every para, the Report of the Standing Committee clearly indicates that by repealing of the Act, no good purpose is being served to help the poor and the economically weaker sections of the country, except that there is unanimity that the existing Act has failed to achieve its targets, which I am also of the same opinion. But unfortunately, the learned Minister has thought of repealing or totally

cancelling the Act because he found that some corruption is there, because he found that some loopholes are there, because he found that some lacunae are there. He gave an eloquent lecture that he wanted to root out corruption. For the purpose of rooting out corruption by virtue of the loopholes in this Act, he wants to repeal it! I just want to know from the hon. Minister of State now available, whether the same thing would be adopted for DDA where there is enough corruption, which everybody knows? Will they wind up the DDA? Will the same Minister suggest to the Law Minister, if there is corruption in the courts, to wind up the entire Judiciary in the country, without finding amendments or rectifications or improvements for the proper functioning of the Judiciary? Similarly, since 1958 or even more, it is known that there is corruption in PWD where the projects are being executed. Will the Government think in terms of winding up the entire PWD in the country? Is this the only

solution that the Act should be repealed merely because there are certain loopholes?...(Interruptions)

SHRI A.C. JOS : If corruption charges are against the Minister, will the Ministry be dissolved?

SHRI K.S. RAO : The same thing my friend is telling. It is not that I am supporting the loopholes of the Act, it is not that I do not want any amendments in the Act, but my humble request is that the Minister and the Government could have considered where the loopholes are, how to rectify them and what are the amendments to be brought in to ensure that the laudable object of the Act is fulfilled. He never said in the Objects of this Bill what is the laudable object. He has only said that since there is corruption because of the failure of the Act, so I am repealing the Act. But what are they going to achieve now? What he is telling is not the truth. He is saying that after he has mentioned that he is going to repeal the Act, the prices of the real estate have come down in the country. This is not correct. It can be enquired from any city, whether it be Mumbai or Bangalore or Delhi - of course in Delhi the prices have come down slightly but these have not come down on that ground. A lot of people had purchased the flats in earlier years with a speculative mind. Now there are no buyers of those flats, so the rates have come down.

Now, the prices of land have not come down in Hyderabad. The speculative pricing was not there in Hyderabad for the last 10, 15 or 20 years. The rates have not gone as much up in Hyderabad as they have gone up in Mumbai, Bangalore, Chennai or Delhi. That is why, rates have come down in Delhi, Bangalore and Mumbai but not in Hyderabad. So, his statement that the prices of real estate have come down because he uttered that he was going to repeal the Act is incorrect. It is totally far from truth. Let him not be under the impression that he is serving this country or he is bringing down the prices because he is repealing the Act.

Sir, I will quote several contradictions which he has made. He said 'the economy of the country is in such a bad shape that none of us can be proud of.' Their own Finance Minister, Shri Yashwant Sinha, while presenting the Budget has said that he is proud of the economy. Whom should we believe? The Government is the same. One Minister says that he is proud that the economy of this country is wonderful, very strong and nothing to be worried about and nothing to feel ashamed of, but this Minister says that it has nothing to be proud of. I will read the objectives of the Bill once again. It says:

"The proposed repeal, along with some other incentives and simplification of administrative procedures, is expected to revive the stagnant housing industry."

It also says that the repeal will provide affordable living accommodation. How will it revive the housing industry? Now, the total land which is said to be available as excess vacant land in the country is 2.2 lakh hectares. Out of that, 60,000 hectares of land is already exempted under the existing law. The land left is only 1.5 lakh hectares. By repealing this Act, is the rich man, who has got this land, prepared to sell it just free or at 30 per cent of the price? All this land is mostly available in the heart of the city or in and around the city, but not at the outskirts of the city, beyond the urban agglomeration. If this Act is repealed tomorrow and land is made available, the capacity to purchase this excess vacant land lies only with the rich people. Those people will not construct houses for economically weaker sections. You can even assess with a business mind that the profit that a businessman derives by constructing a house for poor man is meagre because the poor man has not got the capacity to purchase.

When he says that the prices of flats in Mumbai have gone beyond the reach of the middle class man or even the rich man, I would submit that it is all because of the speculation, because of the capacity to purchase. The capacity to purchase is only with the rich man and not the poor man. So, by the repeal of this Act, all this excess land will obviously go into the hands of only the rich. The rich man, keeping in view his personal benefit and to make more and more money, will go for constructing a five-star hotel. He will go for constructing units which can yield better results, like flats which can fetch him crores of rupees. He will not construct units for weaker sections. Then, as usual, the poor man is left to his own fate, which he has criticised. Right from the beginning, he has been left like that, or else, he has to go beyond the urban agglomerate and live away from the society.

Sir, the hon. Minister can also say one word about how it is in favour of the poor and how it is going to serve the objective. An eloquent speech has come from the Minister just to repeal this Act and not one word, convincingly, on how it can be used for the poor. Let any one Member be convinced that the repeal will reduce the prices or it will be useful for the poorer section of the society. Could he not come forward with an amendment saying that he will provide another clause that when the excess land holder comes to the concerned office, no corruption process will be allowed to be used? The Government can clearly say that 70 per cent of the land be used for the benefit of weaker sections and 30 per cent be used in whatever manner they want. Then, the poor man will have an opportunity to live in the heart of the city. He will not be sent out of the city.

He can also have the satisfaction and you do not have to segregate the society and throw away all the weaker sections away from the city. I will also read some of the reasons as to why it was a failure. Clause 11 (1), in regard to the existing 1976 Act, says that "Rs. 5 or Rs. 10 will be paid per square metre of excess vacant land." Will any owner be prepared to give away his land for Rs. 5, when the land cost is Rs. 1,00,000 per square metre? Is it rational? Instead of correcting that, you want to repeal the Act. You want to pay Rs. 5 instead of Rs. 1,00,000 or Rs. 50,000 or Rs. 10,000 or Rs. 5,000. Now, he is being permitted to sell it if not at the rate of Rs. 1,00,000 but

at least at the rate of Rs. 70,000. What are you achieving by repealing this Act? You should amend the Act.

Clause 11 (9) refers to the disposal of cases. Why is there corruption? Under section 6 (1), when the excess vacant land holder submits an application to the officer concerned, the officer has no guidelines to dispose of the case in a month or six months or one year. All that has been said is 'as expeditiously as possible' which could mean 25 years. In other words, a case will not be disposed even within 25 years. Naturally, corruption sets in. You have to find a way to avoid corruption and not repeal the Act.

The Act also says that there will be penalty for not filing. If I have excess vacant land, I am obliged to submit an application and inform the Department that I have got so much excess vacant land. If I do not do that, the penalty is twice the cost of the land. But what is the cost of the land? Nobody knows about it. Then why should I give a report that I have got excess vacant land? If at all the Government comes to know that I have got excess vacant land, the penalty that will be given is twice the cost of the land which is not known. You yourself are giving an opportunity for the man, who is holding excess vacant land, not to reveal it, and you yourself are forcing him to conceal it from you. Now, you want to repeal the Act. In what manner are you rectifying or are you going to help them? I do not understand as to how this repealing can be supported on any ground.

I will read some other things. The objectives of this Act are to prevent speculation, profiteering, to permit equitable distribution of land, to subserve the common good and to acquire excess vacant land. Now, you do not want to do any of these things, not even one. Then, how do you say that the earlier Act is anti-poor and this Act is pro-poor? You are concentrating so much on corruption and to remove corruption, you are repealing the Act. Please think it over.

The moment your Government came, you have brought in the Essential Commodities Act. On that day, all of us said, even considering that the Essential Commodities Act as it exists is a draconian law, still the business community is resorting to adulteration. When 350 people belonging to the farming community committed suicide, the House discussed the issue. If you bring an amendment and reduce the punishment -- making it bailable, reducing the period of imprisonment and reducing the amount of fine -- how do you expect the businessmen to maintain their character and total integrity? When we opposed it, you did not agree and it was

referred to a Committee. Now, you have taken back that Bill and said that you will bring a more stringent Bill. If you are going to bring a more stringent Bill, why did you bring an amendment to that? The same would be the case with this Act also. Please think it over. Wisdom prevailed on you and you have taken back the Essential Commodities Act, which was presented at the time of your coming into the Government, and now you are telling the Parliament that you will make stringent provisions in the Act. Why do you not think in the same way here also? The Urban Land (Ceiling and Regulation) Act is also the same. It is not that I am supporting the earlier Act. We agree that there are loopholes. It has not performed its duties. It has not achieved its objectives. Let us find a way to reach the objectives, but let us not repeal it. No amount of eloquent speeches or control over the law or the language will help the poor.

The Minister has referred to several things including China and housing activity being privatised there. Privatisation is different and repealing the Urban Land (Ceiling) Act in this country is different. Whatever Act we make must be made in such a way that it suits to our country and our country's conditions. What are the conditions in China and what are the conditions here? What is the way they govern and what is their way of govern? We cannot say that simply because China has accepted privatisation, we repeal the Urban Land (Ceiling) Act. What is the connection between these two?

The Minister has stated very proudly Congress spokesman Jai Ramesh's calling this Act a bad law and worst economics. I also say that there are loopholes in it and that the Act did not serve its purpose. Does it mean that Jai Ramesh supported the repeal of the Act? Did he say that it is pro-poor now after the repeal? Did he say that it was anti-poor at that time? No. Everyone of us agrees that there are defects in the Act. Let the Minister think over it. Let us correct those defects. Let us achieve all those objectives which could not be achieved because of the loopholes in the Act. It is not simply because it was made by a Congress Government or some other Government that I am supporting the Act and opposing this Bill. One should go by the facts.

The Minister has said that there will be a big boost to the economy after the repeal of the Act. How will there be a boost? Will there be millions of houses that will be coming up following repeal of the Act? By just repealing the Act no land would be available to the poor. Land would be available to the rich. The hon. Minister himself said that in Pune, forty thousand flats which were built for the middle, upper-middle and rich classes were kept unsold. Releasing of land will only help another rich man to construct some more houses which will also lie unsold. How will they come forward to construct houses? What is the industrial activity that is going to go up? I can accept if the Minister says that they would give away 70 per cent of the land to the poorer sections and the Government will encourage a private party to construct millions of houses on that land. Let him say so. Then there will be increased activity. By releasing the land to a rich man there will be no increased industrial activity. Flats meant for the rich are lying unsold in various places in Mumbai. Everyone of them in Mumbai knows that all those people who had purchased flats for speculative purposes have kept them under lock and key. They are not even giving their flats on rent for the fear of their not getting them back. No activity is going to be increased by just repealing the Act. Can the Minister tell me one point on which the repeal of the Act would be of help to the poor or would increase the activity?

In every paragraph of its report, the Standing Committee said that it was not in favour of this Bill. They never supported it. The Minister said that they are all asking for the repeal. They did not say so. They expressed their apprehensions on every point. They also said that no analysis had been made by the Government to find out whether the repeal of the Act would help achieving the purpose.

The Minister has said that the earlier Governments had no moral courage to bring it, as if he is the only man who has the courage to repeal the Act. Courage is there not in repealing Act; courage must be there in seeing what would help the poor and the nation. If the Minister does something in that direction, we will admire him, whichever party or Government he may belong to. Saying that the other people did not have the courage to repeal the Act may not be right.

I suggest to the hon. Minister to consider once again bringing some good amendments to the existing Act instead of repealing it. He can remove all those clauses which encouraged corruption. He can specifically say that all those excess vacant landholders can simply declare the details of such land and take away a part of it

automatically. Similarly, if he puts the penalties at a very high level, they themselves would come forward. Otherwise, he can take away the land without paying any compensation.

18.00 hrs.

Such stringent measures will help but not this. The liberalisation is required for constructing the houses in the acquired land. It should not be once again by leaving the land to DDA. Even in Delhi, you left the entire land to be acquired by DDA. In what manner DDA is helping any citizen of Delhi? DDA will acquire the land for Rs. 10 lakh and sell it out for Rs. 2 crore. In the process, how much corruption will take place there? In what manner will it be going to help any citizen of the country?

But the same thing, if you liberalise and allow the people to purchase the land straightaway from the land owners, the land owner will get more money and at the same time, the land will be available at a lesser rate. But you put the restrictions and incorporate some other organisations in between and encourage corruption. If you eliminate such things, we will be happy. So, liberalisation is required there and but not in repealing the Act.

Sir, the hon. Minister said another point when an hon. Member was suggesting about two small States had sent resolution to repeal the Act. Taking that as an incentive, he is therefore repealing the Act. He also said that the Constitution does not say 'minor' or 'major'. He did not say this in that context. But simply because two small States say that, will you put that and apply the same thing everywhere without asking all other States?

THE MINISTER OF STATE IN THE MINISTRY OF RAILWAYS, MINISTER OF STATE IN THE MINISTRY OF PARLIAMENTARY AFFAIRS AND MINISTER OF STATE IN THE MINISTRY OF PLANNING AND PROGRAMME IMPLEMENTATION (SHRI RAM NAIK): Mr. Chairman, Sir, it is 6 o'clock now. If the House agrees, we may extend the time.

MR. CHAIRMAN (SHRI BASU DEB ACHARIA): Yes. Is it the sense of the House to extend the time of the House?

SEVERAL HON. MEMBERS: Yes, Sir, it may be extended upto 7 o' clock.

MR. CHAIRMAN: All right. The time of the House is extended upto 7 o' clock.

Shri K.S. Rao, please conclude now.

SHRI K.S. RAO : Yes, Sir, I am concluding.

In the end, I would request the hon. Minister not to think in terms of repealing the Act but think in terms of bringing necessary amendments to see that this Act is useful, to see that this Act helps achieving the objects, as he himself has said about its laudable objectives.

With these words, I conclude. Thank you very much.

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श्री भगवान शंकर रावत (आगरा) : आदरणीय सभापति जी, अभी मेरे मित्र श्री राव ने कमेटी की रिक्मेंडेशन्स को एक्सटेंसिवली कोट किया है लेकिन मुझे यह बात समझ में नहीं आई कि उन्होंने सारी चीजों को अधूरा क्यों समझा। अगर वे इस बात को समझते तो शायद रिक्मेंडेशन्स को स्वीकार करने की जो टिप्पणियां की हैं, आशंका प्रकट की गई है, उनमें भ्रान्ति नहीं होती।

सभापति महोदय, पैराग्राफ २.१८ में अधिनियम की सफलता और विफलता के बारे में दिया गया है। कमेटी नोट करती है:

'कि सरकार ने नगर भूमि (अधिकतम सीमा और विनियमन) अधिनियम २२ वर्षों तक लागू रहने के दौरान १९ हजार ८२.२ हैक्टेयर भूमि को वास्तविक रूप से कब्जा किया था। इसमें से १० हजार ९०९.८५ हैक्टेयर भूमि को अधिनियम के लिये उपयोग में लाया गया है। शेष ८१७२.३७ हैक्टेयर भूमि किसी न किसी कारण उपयोग में नहीं लायी जा सकी। विधेयक के उपबंधों के अनुसार वह भूमि जिसके लिये उपयोग में लाई गई हो, वह उसी व्यक्ति को लौटा, दी जानी होगी जिसे उससे ली गई थी।'

सर्ति महसूस करती है कि जिस भूमि को अधिनियम के उद्देश्यों के लिये उपयोगमें लाया जाना शेष है तथा वास्तव में भूमि सरकार के कब्जे में है, उस व्यक्ति को नहीं लौटाया जाना चाहिये जिसे उससे लिया गया हो।'

सभापति महोदय, मैं इस के माध्यम से यह कहना चाहूंगा कि उन्होंने इस बात को स्वीकार किया है कि यह भ्रष्टाचार का अड्डा है। मैं यह बताना चाहूंगा कि भ्रष्टाचार बहुत प्रकार के होते हैं। लेकिन इस अधिनियम में जिस भ्रष्टाचार के नये मानदंड और कीर्तिमान स्थापित किये गये हैं, छोटे लैवल के दफ्तरों में जिस तरह का भ्रष्टाचार बढ़ाया, वह अपने आप में अदभुत था। पहले एकमुश्त रिश्वत मांगी जाती थी लेकिन नगर भूमि सीमा अधिनियम ने गज़ों में रिश्वत कर दी कि कितनी वर्गमील भूमि तुम्हारी छूट रही है, उतने उस गज के हिसाब से पैसे रिश्वत में दे दो। रिश्वत का बोलबाला जितना इस मामले में हुआ है, उतनी निर्लज्जता के साथ कहीं नहीं हुआ है।

मुझे यह कहने में कोई संकोच नहीं है कि जितना पैसा सरकार ने इसकी ऐक्वीज़ीशन पर खर्च किया या जितनी ज़मीन अधिग्रहीत की, उसके मूल्य से कितना गुना ज्यादा रुपया उन अधिकारियों और स्टाफ की जेबों में चला गया जिन्होंने रिश्वत के रूप में इसकी परमीशन दी है या इसका अधिग्रहण किया है।

मान्यवर, शहरी भूमि सीमा कानून के लागू होने के कारण शहरी भूमि के मूल्य बढ़ गए। किसान लुट गया। जो किसान छोटी खेती करता था शहर के आस-पास के क्षेत्रों में, उसकी जेब पर डाका डाला गया और सामान्य व्यक्ति के लिए ज़मीन के मूल्य बढ़ गए। इसलिए भवन बनाना उसके लिए असंभव हो गया। भूमि के मूल्य आसमान को चूमने लगे। यह बात मैं इसलिए कहना चाहता हूँ कि एक ओर तो जिस गरीब की बात मेरे मित्र ने कही, वह गरीब तो लुटा ही, दूसरे किसान जो गरीब था, वह भी लुट गया। लूट का ऐसा साम्राज्य चला जिसमें किसी को फायदा नहीं हुआ। फायदा केवल उन लोगों को हुआ जो पूंजीपति थे, इजारेदार थे और जो भ्रष्ट नौकरशाही से मिले हुए थे। इतना ही नहीं, सारे शहर की जो सिविक ऐमिनिटीज़ थीं, उनकी व्यवस्था नष्ट-भ्रष्ट हो गई। उसका कारण यह रहा कि बाबू को पैसे दिये, अधिकारी को पैसे दिये और उसने चुपके से कह दिया कि मकान बना लो। झोंपड़ियां खड़ी हो गईं, मकान खड़े हो गए, अवैध बस्तियां बन गईं। उनके ऊपर जो नागरिक सुविधाओं का वजन आना चाहिए था, उसके प्रतिकूल कलोनियां बस गईं तो वह ढांचा उस वजन को झेलने की स्थिति में नहीं था। इसका दुष्परिणाम यह हुआ कि जिन-जिन शहरों में भूमि सीमा कानून लागू हुए, वहां का सारा इन्फ्रास्ट्रक्चर और सिविक ऐमिनिटीज़ ध्वस्त हो गए। आप किसी भी बड़े शहर में चले जाइए, वहां की सीवर लाइन चोक मिलेगी और पेयजल की उपलब्धता का अभाव मिलेगा। वहां की सड़कें टूटी-फूटी मिलेंगी। कारण यह है कि व्यवस्थाएं, इतने बड़े पॉपुलेशन क्लस्टर और अनियोजित तरीके से बनी कलोनियों के लिए नहीं बनाई गई थीं। इसके साथ ही जिस प्रकार से भूमि अधिग्रहीत की गई, जैसा मैंने कहा कि उसका कोई जवाब नहीं है कि गज़ों में लोगों से रिश्वत ली गई। भूमि के छोटे-छोटे टुकड़े अधिग्रहीत किये गए। उन अधिग्रहीत टुकड़ों से न तो कलोनियां बन सकती थीं, न गरीबों का भला हो सकता था। उसी का दुष्परिणाम है कि विपुल मात्रा में ज़मीन पर कब्ज़ा सरकार नहीं ले सकी और लिया भी गया तो उसका कोई अर्थ नहीं है। वह ज़मीन बेकार और बंजर पड़ी हुई है। उस पर अवैध कब्ज़े हो रहे हैं। इतना ही नहीं, कागज़ों में छूट प्रदान करने के लिए फाइलों पर खाली मैदानों में झोंपड़ियां दिखा दी गईं, मौके पर नहीं, और फिर छूट दे दे गईं। भ्रष्टाचार जिस सीमा तक किया जा सकता था, उसके नये-नये आयाम देखने को मिले। मुझे यह कहने में कोई संकोच नहीं है कि मुआवज़ा जो इस अधिनियम में दिया जाता है, उसके विपरीत अगर भूमि अर्जन कानून में किसान की ज़मीन का अधिग्रहण किया जाए तो उसका आप मुआवज़ा अवश्य देंगे और यहां पर मुआवज़ा बहुत नौमिनल यानी कम देंगे और वह मुआवज़ा भी नकद रूप में न देकर पांच साल के बॉण्डों में देंगे। जो गरीब किसानों के मसीहा बन रहे हैं, गरीब किसानों के घरों में जाकर देखें जिनकी सारी समृद्धि इस अधिनियम ने बरबाद कर दी, जो दर-दर की ठोकें खा रहे हैं और उन्हें मजदूरी भी नहीं मिल रही है क्योंकि सारी ज़मीन और खेत भूमि अधिग्रहण कानून ने रोक दिये और रोके ही नहीं बल्कि उनके भाग्य को सील कर दिया। यह किसान विरोधी कानून था। इसको समाप्त करने से किसान को भी राहत मिलेगी।

प्रो. अजित कुमार मेहता (समस्तीपुर) : उनकी ज़मीन वापस हो जाएगी क्या ?

श्री भगवान शंकर रावत : हां, होगी। मैं वही बताने जा रहा हूँ।

अभी उन्होंने गरीबों की राहत की बात कही कि अमीरों को फायदा हो जाएगा और गरीबों को राहत नहीं मिलेगी। गवर्नमेंट ऑफ इंडिया ने इसके साथ जो सर्कुलर जारी किया है, अगर वह सर्कुलर देखें तो वह ठीक वही है जो इस कमेटी की रिकमंडेशन में कहा गया है।

लेकिन मेरे मित्र शायद यह भूल रहे हैं, वे कहते हैं कि मुम्बई में रेट नहीं गिरे हैं, मुम्बई में रेट तब गिरेंगे, जब यह कानून वहां लागू होगा। यह कानून केवल हरियाणा, पंजाब और दिल्ली में लागू होगा। उसके आगे जब मुम्बई की सरकार इसे अडॉप्ट कर लेगी तो वहां के रेट गिर जायेंगे। लेकिन पूंजीपतियों के दबाव में अगर वेस्ट बंगाल की सरकार या और कुछ प्रदेशों की सरकारें इस कानून से गरीबों का शोषण करना चाहती हैं, उनका खून चूसना चाहती हैं, बिल्डिंग एक्टिविटी नहीं बढ़ने देना चाहती हैं, इन्फ्रास्ट्रक्चर डेवलप नहीं होने देना चाहती हैं तो उस स्थिति में इस सरकार के मंत्री जी कुछ नहीं कर पायेंगे और न ही दाम गिरेंगे। दाम तब गिरेंगे, जब यह कानून लागू होगा। लोगों ने जो लैंड वेकेन्ट रखी हुई हैं, मान लीजिए इस एक्ट के बन जाने के बाद जिन प्रदेशों में वेकेन्ट लैंड है, वहां लोगों ने यह एक धंधा बना रखा है कि जमीन लेकर पटक दो, पड़ी रहने दो, दाम बढ़ रहे हैं। यदि वेकेन्ट लैंड पर टैक्स लगाया जायेगा तो उसकी उन्नति के लिए, इन्फ्रास्ट्रक्चर डेवलप करने के लिए लोकल बॉडीज को पैसा भी मिलेगा। शहरों में जो हालत खराब हो गई है, उस हालत को ठीक करने के लिए अवसर मिलेंगे और फिर संसाधन भी मिलेंगे।

सभापति महोदय, कुछ मित्रों ने कहा है कि ई.डब्ल्यू.एस. और एल.आई.जी. के मकानों का क्या होगा? मैं उनसे पूछना चाहता हूँ कि २२ साल में कितने ई.डब्ल्यू.एस. और एल.आई.जी. के मकान इस एक्ट के तहत जमीन एक्वायर करके लोगों को बनाकर दिये गये। वास्तविकता यह है कि अगर कॉलोनाइजर की कालोनी का नक्शा पास किया जाना है तो उसके अंदर यह कंडीशन दी जा सकती है कि इतने परसेन्ट लैंड में इतने टेनामेंट्स गरीबों के लिए बनाने पड़ेंगे, यदि वह बनाने के लिए तैयार होगा तो उसका नक्शा पास होगा, ले आउट एक्सेप्ट होगा या उसका बिल्डिंग प्लान एक्सेप्ट होगा। एफ.ए.आर. बढ़ाया जा सकता है। इसके अलावा उनको कुछ सुविधाएं भी दी जा सकती हैं। मैं उत्तर प्रदेश की कल्याण सिंह सरकार को बधाई देना चाहता हूँ। उनकी सरकार के मंत्री श्री लालजी टंडन ने आते ही यह व्यवस्था कर दी कि हम एफ.ए.आर. बढ़ाते हैं और यह कह दिया कि जो कालोनाइजर छोटे-छोटे गरीबों के लिए मकान बनाना चाहता है, हम उसे एफ.ए.आर. बढ़ाकर दे देंगे। जो एग्जिस्टिंग हाउसेज थे, उनमें भी एफ.ए.आर. बढ़ा दिया गया और एफ.ए.आर. बढ़ाकर बिल्डर्स को प्रोत्साहन देकर यह शर्त

लगा दी कि अगर गरीबों के लिए इतने परसेंट मकान बनाओगे तो हम एफ.ए.आर. में उसको कम्पेनसेट कर देंगे, इसमें कौन सी परेशानी है। लेकिन यह तब संभव होगा जब बिल्डिंग एक्टिविटी शुरू होगी।

सभापति महोदय, भू उपयोग के परिवर्तन का मामला है। इस समय नोटों से भू परिवर्तन होता है। नोटों की तराजू से तुलना है। उसको नोटों से तोलने की जगह मास्टर प्लान में जब लैंड यूज का चेंज आप करने जा रहे हैं, भू उपयोग का परिवर्तन करने जा रहे हैं तो उसमें तय करिये कि मास्टर प्लान के अंदर छोटी कॉटेज इंडस्ट्रीज के लिए या अन्य सोशल एक्टिविटीज या हरित पट्टिका के लिए जो जमीन है, यदि उस पर कोई मकान बनाना चाहता है तो यह मकान केवल ई.डब्ल्यू.एस., आर्थिक रूप से निर्बल वर्ग और अल्प आय वर्ग के लोगों के लिए बनाने आवश्यक होंगे, कंपलसरी होंगे। यह व्यवस्था करके आप लैंड यूज की जगह छोड़ सकते हैं। आप भूमि बैंक बनाइये, आपके पास जो दस हजार हैक्टअर भूमि है, जिसका आप अभी तक उपयोग नहीं कर सके हैं, सरकार लैंड एक्वायर करे, जहां सस्ती जगह मिल सकती है और भूमि बैंक बनाकर, सस्ती भूमि अधिगृहीत करे और इस अधिनियम में जो जगह उपलब्ध हुई हैं, उसे लेकर भूमि बैंक बनाकर लोगों को सस्ते मकान मुहैया कराये जा सकते हैं।

सभापति महोदय, जो कालोनीज बनती हैं, एक यह तरीका हो सकता है कि उनमें वाणिज्यिक गतिविधियों की व्यवस्था की अनुमति देकर आप कह सकते हैं कि कालोनी के अंदर एक छोटा शॉपिंग आर्केड, बाजार बनाना होगा और उससे जो पैसा आयेगा, उस पैसे के माध्यम से गरीबों के लिए मकान बनाये जायेंगे, ई.डब्ल्यू.एस. और एल.आई.जी. के मकान बनाये जायेंगे और यह तब होगा जब इच्छाशक्ति होगी। हर बड़े शहर में विकास प्राधिकरण बने हुए हैं, उन विकास प्राधिकरणों के माध्यम से, डेवलपमेंट अथॉरिटीज के माध्यम से आप उन क्षेत्रों में भू अर्जन करिये, लेकिन किसान के गले पर राजदंड की छुरी चलाकर नहीं, उसके पेट में कानून का चाकू मारकर नहीं, कानून के सहारे दिन-दहाड़े डकैती डालकर मत करिये। कानून के माध्यम से लैंड एक्ज्यूजीशन एक्ट के प्रावधानों के माध्यम से उसकी जमीन एक्वायर करिये और उसके बाद गरीबों के लिए मकान बनाइये।

उससे कोई रोकता नहीं है, लेकिन हम लोग जो यह कोशिश कर रहे हैं कि जैसे ही डकैती डालकर माल छीन लें और समाजवाद के नाम पर छीन लें, गरीबों का गला काट दें, इस कानून के माध्यम से जो किया जा रहा है वह ठीक नहीं है। हम इक्कीसवीं सदी की ओर बढ़ रहे हैं। ऐसे डकैती डालने वाले कानून को कोई समाज इजाजत नहीं दे सकता। दुनिया का कोई लोकतंत्र प्रेमी देश इजाजत नहीं दे सकता।

सभापति महोदय, देश में इस वर्ष के अंत तक २० लाख इकाइयों की आवश्यकता है। निजी क्षेत्र, वित्तीय संस्थान और सरकार, अगर ये तीनों मिलकर निवेश करेंगे तो यह आवश्यकता पूरी की जा सकती है। मंत्री जी ने बताया भी था कि इससे २७९ इंडस्ट्रीज को बूस्ट मिलेगा। मेरा कहना है कि इसमें बड़ा भारी इजाफा होगा, लोगों को रोजगार मिलेगा, सारी इकनॉमी में जान आ जाएगी। भारतीय जनता पार्टी ने अपने घोषणापत्र और मेमोरेंडम ऑफ गवर्नंस जो बनाया है उसके अंदर भी यह फ़ैसल लिखा और घोषणा की थी कि हम गरीब लोगों को मकान बनाकर देंगे और इस देश की आवास समस्या को हम हल कर देंगे। मैं बधाई देना चाहता हूँ जेटमलानी जी को, मैं बधाई देना चाहता हूँ प्रधान मंत्री श्री अटल बिहारी वाजपेयी जी और उनके सहयोगियों को कि उन्होंने जो कहा, उसे कर के दिखाने की ओर बड़ी दृढ़ता और गंभीरता के साथ अग्रसर हुए हैं।

सभापति महोदय, ढांचागत सुविधा इस उद्योग को उपलब्ध करानी चाहिए। मेरा कहना है कि देश की शहरी आबादी १९९१ की जनगणना के हिसाब से २१.७ करोड़ थी। इस समय शहरों में इनफ्लेक्स बढ़ रहा है। लोग देहात से रोजगार की खातिर शहर को पलायन कर रहे हैं और ऐसा लगता है कि यह पलायन रुकेगा नहीं और सन् २०१० तक ४३ करोड़ लोग शहरों की आबादी में आ जाएंगे। जब यह इतनी बड़ी समस्या है, तो फिर १० हजार भूमि का अधिग्रहण कर के वह भी बिना उपयोग के डाले रखना और सारे शहरों के विकास को रोक देना, इसमें कोई बुद्धिमत्ता नहीं है।

सभापति महोदय, मैं यह कहना चाहता हूँ कि इस कानून के अंदर कुछ सावधानियां स्थायी समिति ने भी रिक्मेंडेशन के रूप में दी हैं। कुछ मैंने भी अध्ययन किया है। इसलिए मैं मंत्री जी से भी कहना चाहूंगा कि वे सावधानी बरतें। इसकी धारा २० के अन्तर्गत राज्य सरकार को नियम से छूट दिया गया है। इसके अनुसार राज्य सरकार ने अपने विवेक का पालन करते हुए जिन व्यक्तियों की भूमि प्रतिबन्धों और आदेशों के अन्तर्गत छोड़ दी थी, वे प्रतिबन्ध अभी भी लागू रहेंगे। इसके कारण लोगों को पूरा लाभ नहीं मिल सकेगा। किसी व्यक्ति की जमीन राज्य सरकार ने नहीं छोड़ी और कोई एक व्यक्ति ऐसा है जिसने किसी तिकड़म के आधार पर, भ्रष्ट नौकरशाही से मिलकर, कानून का लाभ उठाकर, परिस्थितिजन्य लाभ लेकर जिनकी जमीन पर सरकार कब्जा नहीं कर सकी, उनको तो आपने जमीन वापस कर दी, लेकिन अगर राज्य सरकार ने अपने विवेक का इस्तेमाल कर के इस धारा के अंदर कुछ लोगों की जमीन सशर्त छोड़ी है, तो शर्तों की फांसी उनके गले पर न लगाई जाए, जिससे वे जमीन का अच्छी तरह से इस्तेमाल कर सकें।

महोदय, फार्म हाउस के नाम एक बड़ा भारी स्कैंडल हुआ है जिसमें अगर कोई कहता है कि मैं फार्म हाऊस बना रहा हूँ, तो जमीन छोड़ दी गई और उसके बावजूद फार्म हाउस के नाम पर वह जमीन रहेगी, शहरों के अंदर बड़े-बड़े फार्म हाउसों के नाम पर जमीन रहेगी, तो उसका दुरुपयोग होगा। एक तरफ लोग जमीन के लिए तरसेंगे और दूसरी तरफ फार्म हाउस के नाम पर जमीनें बनीं रहेंगी, वह ठीक नहीं होगा।

महोदय, धारा १० (३) के अंतर्गत शासन में निहित हो गई इस भूमि के, इस विधेयक बनकर लागू होने पर जो रैस्टोरेशन की प्रक्रिया है, पुनः वापसी की प्रक्रिया होगी, उस प्रक्रिया का उल्लेख नहीं है; मात्र इतना कहा गया है कि प्रदेश सरकार द्वारा दिया हुआ मुआवजा राशि की वापसी के बाद भूमि पुनः वापस कर दी जाएगी, रैस्टोर कर दी जाएगी। रैस्टोरेशन, बहाली की प्रक्रिया बाई फिक्शन आफ ला, यानी आटोमैटिकली होनी चाहिए, इसका स्पष्ट उल्लेख रहे, जिससे यह वक़ीलों का पैरेडाइज न बन जाए, अधिकारियों का पैरेडाइज न बन जाए।

सभापति महोदय (बसुदेव आचार्य) : कृपया समाप्त कीजिए।

श्री भगवान शंकर रावत: जी हां, महोदय, मैं समाप्त कर रहा हूँ।

जहां मुआवजा नहीं लिया गया है, उन किसानों की भूमि की वापसी की प्रक्रिया भी ऑटोमैटिकली होनी चाहिए। धारा ४ में न्यायालय अधिकरण, प्राधिकरण के समक्ष लंबित मामले स्वतः उपशमित, समाप्त हो जाएंगे, लेकिन प्रदेश सरकार को धारा ३४ में जो रिवीजन के अधिकार हैं वे उपशमित, यानी समाप्त नहीं होंगे, उनको उपशमित होने का प्रावधान होना चाहिए।

धारा ४ के अंतर्गत कब्जे संबंधी विवादों में पिछले आदेशों से पीड़ित व्यक्तियों ने उपयुक्तता के अनुसार अपनी आपत्तियां, अपील, रिवीजन या रिट के माध्यम से कर रखी थीं, वे स्वतः समाप्त हो जाएंगी मगर जिन आदेशों से पीड़ित होकर उसने अपील, रिवीजन या रिट की थी, वह आदेश तो लागू रहेगा। इसमें यह क्लैरीफिकेशन नहीं है कि वह भी समाप्त हो जाएगा। इससे पीड़ित किसान को हानि होगी। वह कार्यवाही समाप्त नहीं होनी चाहिए, यह न माना जाए कि जिन व्यक्तियों ने कब्जे की वैधता को चुनौती दी, उन सब लोगों की आपत्तियां स्वीकृत मानी जाएं।

... (व्यवधान)

सभापति महोदय : अब आप समाप्त कीजिए।

श्री भगवान शंकर रावत : मैं कनक्लूड कर रहा हूं।

धारा १०(३) में भूमि शासन में जाने के पश्चात्

... (व्यवधान)

धारा १०(५) में शासन कब्जा लेता है मगर शासन कागजों में तो कब्जा ले लेता है लेकिन मौके पर शासन का कब्जा नहीं है, तब उस भूमि को भूस्वामी को वापिस किया जाना चाहिए। इसमें यह प्रावधान किया गया है कि जिस जमीन पर सरकार का कब्जा है, वह तो रहेगी लेकिन बाकी वापिस हो जाएगी। जो कागजी कब्जे हैं, वे वास्तव में मौके पर नहीं हुए हैं। जो लेखपाल के खसरे से, कागजों से, इंदराज से तसदीक की जा सकती है, जैसे किसानों के साथ भी अन्याय न हो, यह मेरा सुझाव है।

... (व्यवधान)

सभापति महोदय : आप समाप्त कीजिए।

श्री भगवान शंकर रावत : मैं एक मिनट में कनक्लूड कर रहा हूं।

मैंने कमेटी की रिकमेंडेशन देखी है। उनके प्वाइंटस में यह कहा गया था कि वे धारा २० के बारे में छूट पर अपनी राय दें, लेकिन संयोग से शायद कमेटी के ध्यान में वह चीज नहीं आई है, ऐसा मुझे लगता है। मैं कहना चाहूंगा कि धारा २० की छूट के बारे में संसदीय स्थायी समिति ने कोई अभिमत प्रकट नहीं किया है, यद्यपि उनके समक्ष यह विचार बिन्दु था। धारा २० के बारे में जो बात कही गई है, उसे सरकार स्वीकार करे क्योंकि इसमें वह चर्चा नहीं हुई है।

इन्हीं शब्दों के साथ मैं इस विधेयक का समर्थन करता हूँ और सरकार से आग्रह करता हूँ कि जो कमियाँ हैं, उनको वे ठीक करने की कोशिश करें। स्टैंडिंग कमेटी की ऐनोमलीज़ में जो बातें बताई गई हैं या मैंने जो सुझाव दिए हैं, उन पर विचार करके, जहाँ अधिनियम में संशोधन लाने की आवश्यकता हो, उसमें संशोधन लाएं या जहाँ रूल्स और रैगुलेशन्स बनाकर उन कमियों को दूर किया जा सकता है, वे बाई वे ऑफ नोटीफिकेशन इसे पूरा करें, यही मेरा आग्रह है। यह क्रान्तिकारी परिवर्तन है जो इस देश को नई दिशा देगा। इन्हीं शब्दों के साथ मैं इसका स्वागत करता हूँ और समर्थन भी करता हूँ।

18.24 hrs.

BUSINESS ADVISORY COMMITTEE

Tenth Report-Presented

PROF. P.J. KURIEN (MAVELIKARA): Sir, with your permission, I beg to present the Tenth Report of the Business Advisory Committee.

>SHRI ANIL BASU (ARAMBAGH): Sir, I am in full agreement with my friend, Shri K.S. Rao, who was speaking very elaborately on the basic question regarding repeal of this Act. The hon. Minister who is a very good lawyer also spoke very elaborately about making the land free. But he has not spelt out to this House for whom he is making the land free. He has not told us whether land will be made available to the poor residing in the slums and cities; or whether land will be made available to the middle class and lower middle class people. It appears that land will be made available in cities and big towns to the real estate owners, speculators and foreign investors. Hon. Minister, in his speech at Pune a few days ago has said that 100 per cent foreign equity will be allowed in the housing sector. This will enable them to purchase land, buy plots and houses. But will that provide accommodation to the poorer sections of the society?

We want to believe in such things. The basic philosophy of this Government is to make everything free. They want free education. The role of the Government is continuously being withdrawn from the field of education. In the industrial sector, the Government want to do away with the public sector companies. Prime public sector companies are going in for disinvestment and are handing over companies to the private sector. They are making free all the wealth, all the assets of this country to the richer section of the people while the poor and the middle class people are made to suffer.

The Minister has very eloquently advocated the urgency to promulgate the Ordinance. The Ordinance was promulgated on 11th January, 1999. Before that, it was referred to a Standing Committee in July, 1998. Excepting two State Governments, the States of Haryana and Punjab, which adopted a Resolution in their State Assemblies requesting the Central Government to repeal the Act, no other State Government, not even the BJP ruled States passed such a Resolution in their respective State Assemblies. I would like to know what was the urgency to promulgate this Ordinance. I would say that the urgency was to make the land free for the real estate owners, multinationals and foreign investors so that they can build big houses on that land. As a result, the poorer section of the society, which is at present living in the cities, will be pushed out of the periphery of the cities.

The most vital question now is, how to increase the purchasing power of the poor section of our country. There is a continuous sinkage in the purchasing power of the poor. If there is a more and more sinkage in the purchasing power of the poor, there will be a recession in the industry, a recession in the economy and hence we will be more and more dependent on the foreign financial institutions. For running our affairs well, we are going to the foreign banks. So, the foreign banks have asked us to repeal this Act and that is why perhaps we are going to repeal it. Otherwise, there is no necessity of it.

For the last seven years an amendment to this Act was under consideration of the Government but no comprehensive amendment was arrived at. The Government did not try to arrive at a comprehensive amendment. Instead of removing the shortcomings, plugging the loopholes or removing the weaknesses of the Act, the Government has now come before the House with a fait accompli legislation to repeal this Bill. By this act of the Government, no purpose would be served for the poor or the middle-class people.

The hon. Minister has mentioned that there will be an instant boom in the whole economy as the builders will come and they will build big buildings and flats. But who will purchase those flats or buildings? Has the poor section of the society the capacity to purchase these flats? So, the whole thing is, whatever land is available in the urban areas that will be made available to the real estate owners, developers or to the foreign investors. These people will build multi-storeyed buildings for the richer section of the society only and the slum dwellers or the people belonging to the poorer section of the society will be driven out of the cities. They will not be benefited by the repeal of this Act.

Similarly, there is a campaign going on that the Government will do away with the Land (Ceiling) Act in the rural areas.

Sir, what is the experience we have gathered? After the Independence when Pandit Jawaharlal Nehru was the Prime Minister, Prof. Proshanto Mahalanobis was the Chairman of the Planning Commission. Prof. Mahalanobis was a noted economist and a world famous statistician. Pandit Nehru asked him to make an assessment as to how much rural land would be available for vesting it in the hands of the Government. After making a full

assessment, he said that six lakh hectares of land will be available in the rural India. Had that six lakh hectares of land been distributed among the rural population in the 1950s and 1960s, half of the population could have got immediate benefit. If necessary infrastructure and financial help are provided to all these poor people, then the purchasing power of half of the population could be raised.

SHRI SOMPAL: How could it be? Are you really firm at your statistics that six lakh hectares of land could benefit half of the population?

SHRI ANIL BASU : Yes. At that time, what was the population?

SHRI SOMPAL: In 1947, it was 36 crore and 80 per cent was living in India then how six lakh hectares of land could benefit half the population?

SHRI ANIL BASU : I am sorry, it is six crore hectares. I am really grateful for your interruption. I stand corrected. So, if six crore hectares of land could be made available and distributed among the rural population and necessary financial help could be provided to them, then their purchasing power could have increased. That would have directly affected the industrial reconstruction of our whole economy. Whatever problems we are facing, we did not have to face them had we went in for land reforms at that time.

But what were the weaknesses at that time? The weaknesses were also mentioned by one our very renowned personality of our country that it was due lack of political will to implement land reform Acts. Whenever there is a political will to implement an Act, it could have been done as had been done in West Bengal, Kerala and Tripura. There the lands were distributed among the rural poor which had given a boost to the whole rural economy and the economy of the States.

Similarly, in the Urban Land Ceiling Act, whatever weaknesses, loopholes and shortcomings are there, they could be removed. But instead of removing those weaknesses and shortcomings, you have come before the House for repeal of the Act. I apprehend that through the repeal of this Bill nobody, except the speculators, real estate owners, promoters and foreign investors would be benefited. The most harmful effect of it would be on the poorer sections of the population. They are still coming to the cities and are staying in some huts or slums or some rooms. That type of opportunity would be taken away from them. Now, whatever benefit the poor people has got in this country they have got this only through Government investment. Only through Government investment, the low income group flats were built for the people of the lower income group. Unless there is a Government intervention and Government investment, nobody could help the poor. We have seen from our experience that developers and speculators never help the poor. The poor people, and the low income group people were never benefited due to the charity of these people.

Only through Government intervention and investment, some opportunities were given to the poorer sections. Otherwise, the private builders would have come up in the building sector. The Minister is very jubilant while saying that he is getting the land free and that the land cost will come down and then, a lot of people will be there to buy land. He has gone from city to city and met the builders and developers who will be coming in a big way. He has found that there will be an instant boom in the whole economy. That is a dream and not the real condition of our economy. The purchasing capacity of the people is shrinking day by day. There is inflation and more and more shrinking in the purchasing power. In that case, the private builders, the developers and other foreign investors will come, get the land and throw the poor people out of the purview of the cities.

With these words, I request the hon. Minister to consider withdrawing this Bill and coming out with a comprehensive amendment in this House so that the amendment can be discussed and a detailed deliberation can be made in this House making improvements in the present Urban Land (Ceiling and Regulation) Repeal Bill.

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श्री मोहन सिंह : सभापति महोदय, मैं इस विधेयक के विरोध में अपनी कुछ बातें कहने के लिए खड़ा हुआ हूँ। मैंने भगवान शंकर रावत जी का भाषण बहुत ध्यान पूर्वक सुना। उन्होंने इस विधेयक की मंशा के खिलाफ भाषण किया लेकिन पार्टी अनुशासन को ध्यान में रखते हुए एक वाक्य में इस विधेयक का समर्थन किया।

मुझे खुशी है कि आज मनमोहन सिंह जी और रमेश जी दोनों ही इस बात से बहुत प्रसन्न हुए होंगे कि भारतीय जनता पार्टी की सरकार में भी राम जेटमलानी जी के रूप में एक सफल प्रवक्ता, उनकी नीतियों को प्रोत्साहित करने के लिए मौजूद है।

मैं माननीय शहरी विकास मंत्री जी को धन्यवाद देना चाहता हूँ जिन्होंने बहुत जोर-शोर से शहरी गृह निर्माण की जो समस्या है, उसे इस कानून में मढ़ने का एक नया तरीका निकाला। यह कानून इसलिए लाया गया है ताकि इसकी आड़ में देश में एक वातावरण बनाया जाए कि जो ग्रामीण जमीन हदबंदी कानून है, उसको भी खत्म करने का एक आंदोलन खड़ा हो और यह इस देश के बड़े लोगों की एक गहरी साजिश का हिस्सा है। यदि जमीन हदबंदी गांव में नहीं हुई होती, यदि हरिजनों के लिए अतिरिक्त भूमि सीलिंग से निकालकर नहीं दी होती तो क्या आज इंदिरा आवास की योजना, जो गरीबों के लिए भारत सरकार लागू कर रही है, उसे आप लागू कर सकते थे? माननीय शहरी विकास मंत्री जी के भाषण से ऐसा लगा कि सारे शहरों में झुग्गी-झोंपड़ियां इस कानून के लागू होने के बाद नये सिरे से स्थापित होंगी क्योंकि उन्होंने कहा कि व्यापक पैमाने पर झुग्गी-झोंपड़ियां बन गई हैं, स्लम्स पैदा हो गए हैं और इन्हें इस कानून के जरिए खत्म करना है। मैं जानना चाहता हूँ कि १९७६ में जब यह कानून आया, क्या १९७६ तक शहरों में स्लम्स नहीं थे? क्या उन स्लम्स की समस्या को खत्म करने के लिए ही यह कानून इस संसद ने पास किया था? कुछ फैशन हो गया कि यदि किसी जमाने में पंडित जवाहर लाल नेहरू, श्रीमती इंदिरा गांधी ने कोई कानून पास कर दिया, गरीबों को ध्यान में रखकर, उनको ही लक्ष्य बनाकर कोई कानून बना दिया तो आज की तारीख में कांग्रेस पार्टी को इस बात की खुशी होती है कि उन बातों को गाली देने वाले ही इनकी पार्टी में प्रवक्ता होंगे, यह एक विडम्बनापूर्ण स्थिति है। मैं कहना चाहता हूँ कि अभी शहरी विकास मंत्री जी जब जोर-शोर से भाषण कर रहे थे तो उन्होंने एक अंदर की बात कही। उन्होंने यह बात कह दी कि जिसकी जमीन सीलिंग एक्ट में ली हुई है, यदि उनकी जमीन पर कोई हाउसिंग एक्टिविटी स्टार्ट नहीं हुई है तो उनको हम जमीन वापस कर देंगे। मेरी राय में यही एकमात्र कारण है जिसकी वजह से यह विधेयक आया है और इस कानून को रिपील करने की बात की जा रही है।

मेरा कहना है कि यह अच्छी प्रवृत्ति नहीं है। जब निजी बिल्डर्स के हाथों में चीजें आ जाएंगी तो हाउसिंग एक्टिविटी बड़े जोर से शुरू हो जाएगी। मुझे इस बात पर सख्त एतराज है कि शहरी विकास मंत्री जी ने रिहायशी जमीन और रिहायशी इलाके को ही एकमात्र उद्देश्य मान लिया। क्या हमें स्कूल, अस्पताल नहीं चाहिए, बच्चों को खेलने के लिए पार्क नहीं चाहिए। यदि निजी क्षेत्र के लोग अपनी जमीन वापस लेने के बाद रिहायशी इलाके बनाना शुरू करेंगे तो क्या आप इसकी गारंटी दे सकते हैं कि वे इन सुविधाओं का भी इंतजाम करेंगे। मैं निजी तौर पर इस बात को कह सकता हूँ कि जब यह कानून बना तो इसे बनाने के लिए हिन्दुस्तान के ११ राज्यों ने अनुरोध किया और जब आप इस कानून को खत्म करने जा रहे हैं तो यह आधार बता रहे हैं कि दो राज्यों ने हमें लिख कर भेजा और वे दो राज्य कौन से हैं, जिन राज्यों में सबसे कम रिहायशी और जमीन की समस्या है। आज भी जिन राज्यों में जमीन की हदबंदी है वे हमारे उत्तर प्रदेश और बिहार के मुकाबले ज्यादा है। शहरी कानून का दुरुपयोग धारा २० और २१ के चलते बड़े लोगों ने किया। आप उसमें परिवर्तन की बात सोचते तो मैं ऐसा मानता कि आप कुछ करना चाहते हैं। आप पूरी छूट बड़े लोगों को देकर इसे कैसे शुरू कर देंगे, यह तर्क मेरी समझ में नहीं आया। क्या फिर से उस जमीन को बड़े लोगों को देकर विनोबा भावे का भूदान आंदोलन शुरू करेंगे कि हम आपके दरवाजे आए हैं, आपके पास इतनी जमीन है इसलिए आप सरकार को दान दें। आप हृदय परिवर्तन करके हमें दे दीजिए। यदि बड़े लोगों में इस तरह का हृदय परिवर्तन होता तो शायद इस कानून की जरूरत इस देश में न पड़ती लेकिन केवल इस देश का गरीब सरकार के एजेंडे पर नहीं है।

महोदय, मैं एक दिन प्रधानमंत्री जी के कार्यालय में गया। वहां गांधी जी का एक अमर वाक्य लिखा हुआ था। आजादी के बाद जवाहर लाल जी गांधी जी से मिलने गए और उनसे पूछा कि हमें कैसे राज चलाना चाहिए, आप तरकीब बताइए। तब गांधी जी कहते हैं कि जो पत्रावलि तुम्हारे पास हस्ताक्षर करने आए उसको प्रभु का ध्यान करके थोड़ा सोचो और सोचने के बाद देखो कि इस कानून को लागू करने से समाज के अंतिम आदमी का कितना लाभ हो रहा है। यदि उस आदमी का कोई लाभ नहीं हो रहा तो उस पत्रावलि पर हस्ताक्षर न करना। यह अमर वाक्य प्रधानमंत्री जी जहां बैठते हैं उनकी कुर्सी के ऊपर लिखा हुआ है। यदि आप यह ध्यान में रखते हैं कि समाज के गरीब आदमी को परेशानी हो रही है, उसको रियायत देनी है तो जल्दी से इस कानून को पास करें तब मैं समझता हूँ कि यह इस देश की परम्परा के अनुकूल होगा। मैं निजी अनुभव के आधार पर कह सकता हूँ कि जहां हमारा लखनऊ विकास प्राधिकरण गरीब किसानों की जमीन एकत्रायर करता है, यह कानून इसलिए लाया गया था कि जो शहरों में भूमि पड़ी हुई थी उसका इस्तेमाल भी हम हाउसिंग एक्टिविटी में कर सकें। इस कानून को यहां लाने के पीछे यही मकसद था लेकिन अफसरशाही के चलते आपने उसे पूरा नहीं किया। जिसका नतीजा यह हुआ कि जो जमीन कृषि लायक थी, शहरों के विस्तार के लिए गरीब किसानों से ओने-पौने दामों में लेकर, उसे अधिग्रहण करके, वहां हाउसिंग स्कीम्स लागू की गई।

महोदय, मैं एल.डी.ए. का एक उदाहरण देना चाहता हूँ। जितने प्राइवेट बिल्डर्स हैं, उन्होंने गरीब किसानों की जमीन एकत्रायर करके अपनी एक्टिविटी चलाने की बजाए, ओने-पौने दामों पर प्राइवेट बिल्डर्स को जमीन देने का काम किया और उन्होंने १/१० जमीन का पैसा एल.डी.ए. में जमा किया। उन्होंने एक विशाल प्रासाद बनाया, उसे जनता और उपभोक्ताओं को बेचा तथा वे पैसा लेकर वहां से चम्पत हो गए। आज की तारीख में एल.डी.ए. का प्राइवेट बिल्डर्स के ऊपर ३५० करोड़ रुपया बकाया है। मैं गाजियाबाद विकास प्राधिकरण की बात करना चाहता हूँ। आप कह रहे हैं कि हम दुनिया के जो हाउसिंग सैक्टर में इनवेस्ट करने वाले लोग हैं उन्हें यहां बुलाएंगे।

आज से दो वर्ष पहले एक स्कीम सिंगापुर की कंपनी ने निकाली कि आप यहीं हिंदुस्तान में बैठे-बैठे सिंगापुर का अनुभव कर सकते हो। आप चलकर गाजियाबाद में रहिये। यह स्कीम उसने चालू की। अखबारों में विज्ञापन दिये कि जो लोग हिंदुस्तान में रह कर कर सिंगापुर का अनुभव करना चाहता है वह हमसे जमीन लें। उसने कम दामों पर जी.डी.ए. से जमीन खरीदी। उसने यही के लोगों का पैसा लिया, एक पैसा भी वह कंपनी सिंगापुर से नहीं लाई। फिर वह लोगों का पैसा लेकर यहां से चली गयी। सरकार कह रही है कि इस कानून के बाद इस क्षेत्र में एक्टिविटी चालू हो जाएगी। मिनिस्टर साहब का वक्तव्य था कि जमीनों के आज दाम गिर गये हैं। मैं कहना चाहता हूँ कि दाम व्हाइट मनी में गिरे हैं ब्लैक मनी में नहीं गिरे हैं। मान लीजिए कि एक १२ लाख का फ्लैट जी.डी.ए. में है और वहीं फ्लैट २० लाख में अंसल के पास है। अब जी.डी.ए. का फ्लैट १२ लाख में वह खरीदता है तो १२ लाख रुपया व्हाइट मनी में देना पड़ता है, लेकिन उतने ही स्कवेयर फीट का फ्लैट वह अंसल से २० लाख में खरीदता है तो ५ लाख व्हाइट में और १५ लाख ब्लैक मनी में देना होता है। इस तरह से १५ लाख रुपये के ब्लैक मनी का एक नया धंधा शुरू हो जाता है। इसलिए मेरा कहना यह है कि यह दाम ब्लैक मनी में गिरे हैं व्हाइट मनी में नहीं गिरे हैं। अगर इस तरह से गरीबों के हक के खिलाफ कोई कानून आता है तो हमारा यही बुनियादी फर्ज बनता है कि हम उसका पुरजोर विरोध करें। मेरा कहना यह है कि यह कानून बड़े लोगों के हित में, उनके स्वार्थों की पूर्ति के लिए लाया गया है। इसलिए मैं इसका पुरजोर विरोध करता हूँ और माननीय मंत्री जी से करबद्ध प्रार्थना करता हूँ कि इनकी बुद्धि नये सिरे से खुले और प्रधान मंत्री कार्यालय में प्रधान मंत्री जी की कुर्सी के पीछे जो गांधी जी का वाक्य लिखा है, उसको याद करके गरीबों के हित में कुछ काम करें। इसी प्रार्थना के साथ मैं इसका विरोध करता हूँ।

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श्री रघुवंश प्रसाद सिंह (वैशाली): सभापति महोदय, माननीय मंत्री जी पुराने सिलिंग एक्ट को खत्म करने की जब वकालत कर रहे थे तो मुझे कोई आश्चर्य नहीं हुआ। उन्होंने अपने भाषण में कहा कि हम बड़े आदमियों से वकालत करने की ज्यादा फीस लेते हैं, इसलिए बड़े आदमियों के पक्ष में बहस करने की इन्हें आदत है।

श्री राम जेठमलानी: आप यह बात हृदय पर हाथ रखकर तो कहिये।

श्री रघुवंश प्रसाद सिंह : सभापति महोदय, यह तो विद्वान आदमी हैं। बड़े आदमियों से पता नहीं कितनी फीस लेकर काम करते हैं। हम तो गरीबों की बिना फीस के वकालत करने वाले आदमी हैं। सारी दुनिया में और हमारे देश में जो जमीन हैं उसमें उपज होती है और उसके लिए सारे नियम-कायदे बने हुए हैं। उन्हीं जमीनों पर लोग जानवर बांधकर रखते हैं, जरूरत होती है तो उसी जमीन से वे उनको खिलाने हैं। उसी से बंधे सारे कानून हैं और उसी वजह से सारे जानवर, पशु-पक्षी अपनी जरूरत का खाना खा रहे हैं और खाकर जी रहे हैं। लेकिन सब नियम-कायदे, सब कानून अगर खत्म कर दिये जाएं, जानवर की गर्दन में जो पगाह लगता है, सब खत्म कर दिये जाएं तो न आदमी, न जानवर, न पशु-पक्षी उस जमीन से खा पाएंगे। यह कानून इस स्थिति पर लागू हुआ कि न किसी को बहुत अधिक हो, न किसी को बहुत कम हो। मतलब यह कि किसी के पास बहुत ज्यादा सम्पत्ति या जमीन नहीं रहे, कोई निर्धन है तो वह निर्धन न रहे। उस सिद्धांत पर यह कानून लागू हुआ। चाहे देहात में अर्बन सीलिंग एक्ट लागू हो, उस फिलॉसफी के तहत यह कानून लागू हुआ।

बहस करते समय कह रहे थे कि उसमें ज्यादा करप्शन है इसलिए उसे खत्म करना चाहते हैं। कौन से कड़े कानून में करप्शन नहीं है? जितना कड़ा कानून बनेगा, स्वार्थी तत्वों पर उतना हमला होगा और वधूस देकर कानून से बचना चाहेंगे चाहे वह कानून आई.पी.सी. हो, सी.आर.पी.सी. हो या कस्टम का हो या स्मलिंग का हो या ठफेरा का हो। जितना कड़ा कानून बनाया जाएगा, उसमें उतनी धूस की गुंजाइश बढ़ जाती है। करप्शन को रोकने का इंतजाम होना चाहिए। उसमें करप्शन है इसलिए कानून हटा दिया जाए, यह कहना उचित नहीं होगा। अगर कानून हटा दिया जाएगा तो गरीबों का क्या हाल होगा? यह कहते हैं कि इसमें करप्शन है इसलिए इसे खत्म कर रहे हैं। यह कहते हैं कि गरीबों को घर नहीं मिला इसलिए इसे ला रहे हैं। कहा गया कि यह कानून बना कर अमीर लोगों को रोका गया कि इतनी सीलिंग रहेगी, इससे फालतू जमीन हम ले लेंगे। अगर इसे फ्री कर दिया जाएगा तो गरीब का घर भी खरीद कर ले लिया जाएगा।

एक माननीय सदस्य : जंगल राज रहेगा तो सब ठीक हो जाएगा।

श्री रघुवंश प्रसाद सिंह (वैशाली): आप जंगल राज में कानून खत्म करना चाहते हैं। हम कानून का राज चाहते हैं। कानून खत्म करने वाला पक्षधर कह रहा है कि हम जंगल राज चाहते हैं। हम कानून का राज चाहते हैं। आप कानून खत्म करना चाहते हैं। शहर में बड़े आदमी गरीबों की जमीन छीन कर फॉर्म हाउस बनाते हैं।

इन्होंने कहा कि अरबन लैंड सीलिंग खत्म कर देगे तो गरीब को घर मिल जाएगा। हमें यह फार्मूला अच्छा नहीं लगा। इससे गरीब का घर नहीं बनेगा। जो तीन तर्क सुने वह हमें अच्छे नहीं लगे। यह कहा गया कि हम प्रो-पुअर हो गए। यह कब से हो गए? प्रो-पुअर कानून को आप खत्म करने जा रहे हैं। ऐसे तर्क देना ठीक नहीं होगा। माननीय मंत्री के तीनों तर्क हमें कनविंस नहीं कर रहे हैं। रावत जी भाषण करते समय कह रहे थे कि कानून में संशोधन होना चाहिए। मैं उनसे कहना चाहता हूँ कि कानून ही खत्म होने जा रहा है इसलिए उसमें क्या संशोधन होगा? उन्होंने प्रधान मंत्री और मंत्री को इस बात के लिए बधाई दी। स्टेट मिनिस्टर को उन्होंने बधाई नहीं दी। खुशामद का कोई अंत नहीं है।

... (व्यवधान)

शहरी कार्य और रोजगार मंत्रालय में राज्य मंत्री (श्री बंडारू दत्तात्रेय): रघुवंश जी यूनाइटेड फ्रंट सरकार में मंत्री थे। यह उनकी कैबिनेट का डिसिजन था कि अरबन लैंड सीलिंग एक्ट को रीपील किया जाए। ऐसा उन्होंने रिकमैंड भी किया था। शायद वह इस बात को भूल गए। आज उन्हें यह बात याद आ रही है। जब आप कैबिनेट में थे, उस समय आपको इस बारे में मालूम था या नहीं मुझे पता नहीं लेकिन मुझे इस एक्ट के बारे में पूरा पता है। मैंने आफिसर्स के साथ बैठ कर इस बारे में विचार-विमर्श किया।

श्री रघुवंश प्रसाद सिंह : हम तो आपके पक्ष में बोल रहे थे।

श्री बंडारू दत्तात्रेय : अभी भी आप इस एक्ट को गौर से देखिए। यह गरीब लोगों के लिए एकट है। के.एस. राव जी ने न इसका विरोध किया और न ही समर्थन किया। वह न्यूट्रल बन कर बैठे।

श्री रघुवंश प्रसाद सिंह : वह तो क्लॉजवाइज सब बातें बता रहे थे।

... (व्यवधान)

SHRI K.S. RAO (MACHILIPATNAM): I did say that it has to be amended.

SHRI BANDARU DATTATREYA: You have to say clearly whether you support or oppose this Bill.

श्री रघुवंश प्रसाद सिंह : राव साहब कह रहे थे कि हर कानून में लैकूना रहता है। कानून बनाते समय इस पर बहस हुई होगी। बड़े लोगों के पक्षधर बुद्धिजीवी होते हैं। उन्होंने लैकूना में संशोधन करने की बात कही। उन्होंने यह नहीं कहा कि कानून ही खत्म कर दिया जाए। यह कानून बड़े लोगों के पक्ष में बनाया गया है। उन्हें खुली छूट दी गई है जितनी जमीन रख सकें, रखें।

हम इससे सहमत नहीं है चाहे आप कहें कि कैबिनेट में फैसला हुआ था। आपकी कैबिनेट में फैसला हो गया और यहां बहुमत से आपने पास करवा लिया जबकि हम इस बिल का विरोध कर रहे हैं। तब आप कहेंगे कि जब सदन में आया था तो कैसे पास हो गया जब हम इसके खिलाफ थे। अभी तो आपका बहुमत है लेकिन हम बहस में भाग लेकर अपना विरोध दर्ज करवा रहे हैं। कैबिनेट की बात आप जानते हैं कि इसके फैसले बाहर नहीं बताये जाते। मंत्री लोग गोपनीयता की शपथ लेते हैं। आप तो पुराने प्रो-पूअर कानून को खत्म कर एंटी-पूअर विधेयक ला रहे हैं। आप चाहते हैं कि शहर की सारी जमीन ले लें और गरीब आदमी को यहां से भगा दें। हम चाहते हैं कि गरीब का घर बने जैसे इन्दिरा आवास योजना में बनाया जाता है, वैसे ही शहरी सरप्लस जमीन को लेकर गरीबों के लिये घर बनाइये। इसमें आपका खर्चा हो जाता है। जब जमीन ली जाती है तो कहा जाता है कि इकोनामी हो रही है। कोई आदमी जमीन लेना चाहेगा तो खर्चा करके सरकार उस जमीन को लेना चाहती है। न्यायालय में डाकू, क्रिमिनल्स पर जब कानून लगाते हैं तो उस पर कितना खर्चा होता है। इससे कोई उत्पादन नहीं होता है बल्कि न्याय लागू करने के लिये खर्चा होता है। उसी प्रकार गरीब आदमी को प्रोटेक्शन और बड़े आदमी की जमीन छीनने के लिये कानून लागू करना पड़ता है, चूंकि उसमें खर्चा हो सकता है, इसलिये इकोनौमी है, ऐसा नहीं चलेगा। मेरा आग्रह है कि हम पुराने कानून में संशोधन के पक्षधर हैं क्योंकि उसमें करप्शन की गुंजाइश नहीं है और यदि उस कानून को खत्म कर दिया जायेगा तो हम उसके खिलाफ हैं।

प्रो. जोगेन्द्र कवाडे (चिमूर) : सभापति महोदय, माननीय मंत्री द्वारा नगर भूमि (अधिकतम सीमा और विनियमन) निरसन विधेयक में संशोधन करने के लिये जो विधेयक लाया गया है, मैं उसका विरोध करने के लिये खड़ा हुआ हूँ। इस देश में बड़ी चालाकी से गरीबों के खिलाफ साजिश की जा रही है।

Now, Shri Kawade will speak. Then the hon. Minister, and then Shri Raghavan will speak.

श्री शैलेन्द्र कुमार (चायल) : सभापति महोदय, यह बड़ा महत्वपूर्ण विषय है। हम भी इस पर बोलना चाहते हैं।

... (व्यवधान)

सबको इस बर बोलने दिया जाए।

सभापति महोदय : सबको मौका नहीं मिल सकता। १२ स्पीकर हैं।

... (व्यवधान)

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प्रो. जोगेन्द्र कवाडे (चिमूर) : माननीय सभापति जी, मैं वैसे भी बहुत ही संक्षेप में बोलने वाला था। आपने समय बढ़ा दिया है तो एक दो मिनट ज्यादा ले लूंगा।

सभापति जी, मंत्री महोदय जो अर्बन लैण्ड सीलिंग रिपील बिल लाए हैं, मैंने शुरू में कह दिया कि इसका विरोध करने के लिए मैं यहां पर खड़ा हुआ हूँ। १९७६ का जो नगर भूमि अधिनियम था, वह एक नीति के तहत इस देश की गरीब जनता को केन्द्र बिन्दु बनाकर बनाया गया था, लेकिन आज इसको निरस्त करने के लिए इसको रिपील करने की बात की जा रही है। केवल गरीबों का नाम लेकर, क्रांतिकारी कदम बताकर यह सरकार, हमारे मंत्री महोदय इस देश के चंद मुट्ठी भर पूंजीपतियों के, इस देश के चंद मुट्ठी भर बिल्डरों के, इस देश के रियल एस्टेट का धंधा करने वालों की झोली भरने के लिए इस कानून को निरस्त करने के लिए साजिश कर रहे हैं। यहां जंगल राज की बात की जाती है। कानून बनाया है इसलिये ताकि इस देश में जंगल राज न रहे, गरीबों को राहत मिले, जिनके पास जमीन नहीं है, उनको जमीन मिले, जिनके पास मकान नहीं है उनको मकान मिले। इस कानून में कुछ कमियां हैं, कानून में कुछ खामियां हैं तो हम कानून में तब्दीली कर सकते हैं, परिवर्तन ला सकते हैं, संशोधन कर सकते हैं, लेकिन पूरे कानून को ही हटाकर उसकी जगह केवल चंद मुट्ठी भर लोगों का इस प्रकार से राज लाने की कोशिश करते हैं तो हम इस बात को कभी बर्दाश्त नहीं करेंगे। सभापति महोदय, यह जो ऑर्डिनेन्स लाया गया है, मुझे तो इस बात का बड़ा अफसोस हो रहा है कि जो अर्बन लैण्ड सीलिंग रिपील बिल आया है, इसके लिए ऑर्डिनेन्स निकालने की ऐसी कौन सी आपातकालीन स्थिति पैदा हुई थी जिसकी वजह से ऑर्डिनेन्स निकाला गया, यह हमारी समझ में अभी तक नहीं आया है। कौन सा आसमान टूट रहा था, हमारी समझ में नहीं आ रहा है। कौन सा संकट हमारे देश में आ रहा था, यह हमारी समझ में नहीं आ रहा है। गरीबों की बात करके पूंजीपतियों की भलाई का काम किया जाता है। गरीबों के नाम पर पूंजीपतियों की झोली भरने का काम किया जाता है। यह ऑर्डिनेन्स इसलिए लाया गया है कि मंत्री महोदय और इनकी सरकार को भरोसा नहीं था कि हमारी सरकार कितने दिन चलेगी, कितने दिन टिकेगी। इसलिए जितने भी दिन टिकेगी, तब तक कम से कम हमारे चंद मुट्ठी भर पूंजीपति लोगों और बिल्डर लोगों का और रियल एस्टेट वालों का भला हो जाए। उनके लिए और ब्लैक मार्केटियर करने वाले लोगों के लिए रिपील बिल भी लाया गया है।

सभापति महोदय, हमारे मंत्री महोदय ने बहुत बड़ी बात कही, मेरे ख्याल से उन्हें नहीं कहनी चाहिए थी। हमारे मंत्री जी बहुत विद्वान हैं, हम उनकी बहुत इज्जत करते हैं, सम्मान करते हैं। लेकिन हमारे देश के बुजुर्ग और पुराने नेताओं ने जो कुछ गलतियां की हैं जैसा उन्होंने कहा हमारे बुजुर्ग नेताओं ने देश की भलाई के लिए कानून बनाये थे। लेकिन अगर कानून को अमल में लाने वाले ईमानदार नहीं होंगे तो हमारे नेता लोग क्या करेंगे, हमारा कानून क्या करेगा। इसलिए सभापति

महोदय मैं इस बिल का विरोध करते हुए मंत्री महोदय और सरकार से अपील करूंगा कि गरीबों के अधिकारों को छीनने की कोशिश मत करिये और अर्बन लैंड रिपील बिल को लाकर हमारे पुराने कानून को नष्ट करने की कोशिश मत करिये। यदि आप इसमें कोई तब्दीली, परिवर्तन या अमेंडमेंट चाहते हैं तो जरूर कीजिए। लेकिन गरीबों को ध्यान में रखकर आप गरीबों की भलाई की बात करिये। इतना ही मैं कहना चाहता हूँ।

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श्री गंगा चरण राजपूत (हमीरपुर) (उ.प्र.) : चेयरमैन सर, मैं इस बिल के समर्थन में बोलने के लिए खड़ा हुआ हूँ। अभी हमारे बड़े भाई मोहन सिंह जी और श्री रघुवंश प्रसाद जी ने आरोप लगाया कि यह बिल एंटी पूअर है, मैं उनकी बात से कुछ सहमत भी हूँ। श्री रघुवंश प्रसाद सिंह जी ने हमारे मंत्री जी पर आरोप लगाया कि माननीय राम जेठमलानी जी बड़े लोगों के वकील रहे हैं, इसलिए आज भी बड़े लोगों की वकालत कर रहे हैं। मैं उनसे कहना चाहता हूँ कि माननीय राम जेठमलानी जी को बड़े लोगों की जेबों से पैसा खींचना आता है। पहले वह अपने लिए उनकी जेबों से पैसा निकालते थे, अब वह सरकार के लिए बड़े लोगों की जेबों से पैसा निकालने के लिए कानून बना रहे हैं। सभी को पता है कि सरकार की आर्थिक स्थिति बहुत खराब है और यह आज से नहीं पिछले ५० सालों से खराब है। हम एंटी पूअर नहीं हैं, हम भी प्रो पूअर हैं। लेकिन गरीबों का उद्धार कैसे हो, इस पर सभी दलों के लोगों को गंभीरता से विचार करना पड़ेगा। ५० सालों से हम आरोप-प्रत्यारोप लगा रहे हैं। हमारी जो आर्थिक नीतियां हैं, जिन पर आज तक कांग्रेस पार्टी चलती आ रही है, उन आर्थिक नीतियों के कारण ही देश की यह दुर्दशा हुई है। हमारे चेयरमैन इस समय कम्युनिस्ट पार्टी के वरिष्ठ नेता हैं। मैं कार्ल मार्क्स की एक विचारधारा का उद्धरण देना चाहता हूँ। जब हमारा देश आजाद हुआ, उस समय देश में सामंती व्यवस्था थी और सामंती व्यवस्था के बाद कार्ल मार्क्स के अनुसार पूंजीवादी व्यवस्था आनी चाहिए और पूंजीवादी व्यवस्था के बाद ही समाजवादी व्यवस्था स्थापित हो सकती है। बगैर पूंजीवाद के आये समाजवादी व्यवस्था स्थापित नहीं हो सकती है। पचास सालों से हम असफल प्रयास कर रहे हैं कि देश में समाजवाद आ जाए। जब देश में पूंजीवाद नहीं आयेगा, सामंतवाद के बाद पूंजीवाद आना चाहिए और पूंजीवाद के बाद ही समाजवाद आयेगा, यह हमारे भाई मोहनसिंह जी जानते हैं। इसलिए हमारी सरकार यह प्रयास कर रही है और हमारी सरकार ही नहीं, संयुक्त मोर्चा की सरकार ने भी प्रयास किया और इसके पहले कांग्रेस की नरसिंहराव सरकार ने भी प्रयास किया कि देश में पूंजीवादी व्यवस्था आये और उसी के अनुसार हमारी आर्थिक नीतियां बन रही हैं। उसी दिशा में हमारी सरकारें काम कर रही हैं। इसलिए इस संबंध में सभी दलों को गंभीरतापूर्वक विचार करना चाहिए। जो शहरी सीलिंग एक्ट खत्म करने के लिए हमारी सरकार विधेयक लाई हैं, इससे देश की अर्थव्यवस्था मजबूत होगी। जो पब्लिक सैक्टर की जमीन है, उसे हम बेच सकेंगे। तमाम फैक्ट्रियों की जमीनें बेचकर हम फैक्ट्रियों का मॉडर्नाइजेशन कर सकेंगे। इस एक्ट के कारण जो भ्रष्टाचार था, जमीन खरीदने के लिए एन.ओ.सी. लेने के लिए बड़े-बड़े शहरों में पचास-पचास हजार रूपये रिश्वत देनी पड़ती थी, वह भ्रष्टाचार दूर होगा। विदेशी पूंजी का निवेश होगा और वह पैसा गरीबों के उत्थान में लगेगा, उनके भवन निर्माण में लगेगा।

इसलिए यह विधेयक लाया गया है। हमारी मंशा सिर्फ अकेले पूंजीपतियों को संपन्न बनाने की नहीं है, देश की आर्थिक स्थिति को मजबूत बनाने की है, इसके अलावा और कोई चारा नहीं है।

रूरल सीलिंग एक्ट के बारे में भी जिज्ञा किया, मैं कहना चाहता हूँ कि इसके बाद सरकार का दूसरा स्टैप वह भी हो सकता है। आपने गांवों के लोगों को एक-एक बीघा जमीन दी, उससे क्या फायदा हुआ। न किसान उन्नत किस्म के यंत्र खरीद सका, न बीज खरीद सका और न खाद। वह जमीन उन्होंने बड़े-बड़े किसानों के पास गिरवी रख दी, उससे क्या फायदा हुआ, क्या गरीबी समाप्त हो गई? मेरा सरकार से अनुरोध है, यहां पर रूरल डिवेलपमेंट मंत्री बैठे हुए हैं, सरकार गांवों की भूमि की सीलिंग को भी समाप्त करने के लिए कानून लाए। यह मेरा अपना व्यक्तिगत विचार है, मैं अपना विचार बता रहा हूँ, मैं सरकार का विचार नहीं बता रहा हूँ। मेरी व्यक्तिगत राय है कि गांवों की भी सीलिंग समाप्त होनी चाहिए। क्योंकि सीलिंग से गरीबों का भला नहीं हुआ है। खेत, क्यारियों में बंट गए हैं, टुकड़ों में बंट गए हैं। जो फायदा किसानों और गरीबों को रूरल सीलिंग से होना चाहिए वह नहीं हुआ है।

सभापति महोदय, हम जमींदारी प्रथा के समर्थक नहीं हैं। हम आपकी ही विचारधारा के समर्थक हैं, हम देश में समाजवाद लाना चाहते हैं, लेकिन देश में समाजवाद तभी आएगा जब पहले पूंजीवाद आएगा। यदि आप देश में पूंजीवाद नहीं आने देना चाहते हैं तो समाजवाद कहां से आएगा? इसलिए मैं इस विधेयक का समर्थन करते हुए अपनी बात समाप्त करता हूँ।

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श्रीमती मीरा कुमार (करोल बाग) : सभापति जी, मैं इस विधेयक का पुरजोर विरोध करने के लिए खड़ी हुई हूँ। मंत्री महोदय अर्बन सीलिंग एक्ट को रिपील करने के लिए विधेयक लाए हैं। उनकी मंशा और इस सरकार की मंशा पर प्रश्नचिह्न है। हम सब जो गरीबों के बारे में सोचते हैं और वर्गविहीन समाज बनाने, समता मूलक समाज बनाने का सपना देखते हैं, वे सब चिन्ताग्रस्त हैं कि यह सरकार क्या करना चाह रही है और मेरे मन में ऊपापोह था, तभी राजपूत जी ने कहा कि शहरी भूमि सुधार कानून को समाप्त करने के बाद ग्रामीण हदबन्दी कानून को समाप्त करने का प्रस्ताव यह सरकार लाएगी, उससे मेरे मन की चिन्ता की पुष्टि हो गई और न सिर्फ मेरे मन की चिन्ता बल्कि इस विधेयक के विरोध में बोलने वाले ऐसे सभी लोगों की जो चिन्ता थी वह सही साबित हुई कि यह सरकार भूमि सुधार कानून, ग्रामीण हदबन्दी कानून और जमींदारी उन्मूलन कानून को खत्म करना चाहती है। मैं समझती हूँ कि मंत्री महोदय ने जो शुरूआत की है, उससे ऐसा प्रतीत होता है कि उनका लक्ष्य वही है।

सभापति महोदय, यह हमारे लिए बड़े गौरव की बात है कि हम भारतवासी हैं और ऐसे देश में पैदा हुए हैं जिसके पास इतनी बड़ी शस्य श्यामला भूमि है और यह हमारे लिये सौभाग्य का विषय है। लेकिन हमारे लम्बे इतिहास की यह विडम्बना है कि हमने इस भूमि को न्यायसंगत रूप से वितरित नहीं किया, इसका सदुपयोग नहीं किया।

इसी कारण हमारे देश में विषमता आई थी। इसी कारण यहां ऊंच-नीच और भेदभाव फैला था। स्वतंत्रता के बाद कांग्रेस की जो बार-बार आलोचना करते हैं, मैं उनसे सिर्फ यह कहना चाहती हूँ कि पहले अपने हृदय में झांककर देखिये और सोचिये तब कहिये कि यह कांग्रेस थी, जो स्वतंत्रता के बाद भूमि के सदुपयोग और

न्यायसंगत वितरण के लिए दो महत्वपूर्ण कानून लाई थी--जमींदारी उन्मूलन कानून जिसने यहां के ग्रामीण क्षेत्रों में एक क्रांति का बिगुल बजाया था और उसके बाद यहां पर शहरी हदबंदी कानून--लैंड सीलिंग एक्ट जिसने एक दूसरी तरह की क्रांति का उदघोष किया था। यह महज क्रांति नहीं है, यह महज कानून नहीं है। यह एक सामाजिक क्रांति, एक शांतिपूर्ण क्रांति लाने वाला कदम रहा है। आपने कहा कि आप क्रांतिकारी कानून के ऊपर ये हैं। हम लोगों का सोचना है कि इस देश में जो क्रांति सिर उठा रही थी, अभी पनप रही थी, आपने उसके ऊपर वज्रपात कर दिया। आपने क्रांति की जो नई हवा चल रही थी, उस के दरवाजा बंद कर दिया। आपने जो रोशनी की किरण फैल रही थी, उसको अंधकार में डुबाने की साजिश की है। आप बहुत बड़े कानूनविद हैं और मैं आपका सम्मान करती हूँ लेकिन इसके साथ-साथ मैं आपसे कहना चाहती हूँ कि आप गरीबों की वकालत किया करें। आप जो बड़े-बड़े बिल्डर्स हैं, जो इस्पात के व्यापारी हैं, जो सीमेंट के व्यापारी हैं, उनकी वकालत करना छोड़ दीजिए। गरीबों की वकालत करना शुरू कर दीजिए।

मैं एक चीज और कहना चाहती हूँ कि आपने इस बिल के जो उद्देश्य हैं, आब्जेक्टिव्स हैं, उनमें यह लिखा है कि १९७६ का लैंड सीलिंग एक्ट बहुत ही प्रशंसनीय उद्देश्य से लाया गया था। आपने भी इस बात को स्वीकारा। क्योंकि भ्रष्टाचार बढ़ गया, जमीन की कीमतें आसमान को छूने लगीं क्योंकि इस कानून का सही ढंग से कार्यान्वयन नहीं हुआ इसलिए अब आप इस कानून को समाप्त कर देना चाहते हैं। मगर यह जो कानून है अथवा जितने भी क्रांतिकारी कानून हैं, जितने भी गरीबों के हक में कानून हैं, जितने भी स्टेट्स को मिटाने वाले कानून हैं, सरमायेदार के विरोध में जो कानून हैं, उन सब पर यह बात लागू होगी क्योंकि आज भी हमारी जो व्यवस्था है, सरमायेदार आज भी उसके अंदर हैं, उनके कंट्रोल में हैं। यह व्यवस्था उसके कब्जे में है। आज भी वह इस स्थिति में है कि गरीबों को आउटमेनूवर कर दें, गरीबों को भ्रमित कर दें, गरीबों के लिए जो कानून लाये जाते हैं, उसकी दिशा को बदल दें। उनके लिए जो कानून हैं, उनको हास्यापद घोषित कर दें और इस हद तक उसकी आलोचना करें ताकि एक जनमत तैयार हो जाये कि इस कानून को मिटा देना चाहिए। आज भी उनमें यह शक्ति है इसलिए आज तक कांग्रेस की जितनी सरकारें रही हैं, कांग्रेस की कोशिश रही कि बावजूद इन सब कमियों के हमारी सरकार उस कानून के हक में खड़ी रहे। एक चट्टान की तरह गरीबों के हक में खड़ी रहे मगर आपने गरीबों को बीच राह में छोड़ दिया, मझधार में डुबते के लिए छोड़ दिया, यह मैं आप पर आरोप लगाती हूँ।

आप प्रो-पूअर नहीं हैं, आप ऐंटी-पूअर हैं। मेरा निवेदन है कि आप इस कानून को वापिस ले जाइए। जो लोग स्लम्स में रहते हैं, झुग्गी-झोंपड़ियों में रहते हैं, यदि आप सचमुच में उनका दर्द समझते हैं, तो दिल्ली में ढाई सौ, तीन सौ से ज्यादा गरीबों की बस्तियां हैं, जो बिल्डर्स हैं, इस्पात और सीमेंट के व्यापारी हैं, उनसे कहिए कि उन सब जगहों पर बड़ी-बड़ी बहुमंजिली इमारतें बनाकर स्लम्स निवासियों को वहां रखें, तब मैं जानूंगी कि आप इस कानून को सही ढंग से समझे हैं। कृपया इसे रिपील करने की बात न करें। मैं इस बिल का पूरा विरोध करती हूँ।

>SHRI VARKALA RADHAKRISHNAN (CHIRAYINKIL): Sir, I am constrained to oppose the Bill because it is a total repeal. If it had been in the nature of a substantive amendment, we would have certainly supported the Bill.

The hon. Minister is a very learned person. He is very intelligent. He has ably argued his case also. But I am constrained to submit that he is living in a fools' paradise. Why? With all due respect to him, I would say that he is living in a fools' paradise. (Interruptions). He was telling us that the entire economy has gone ruin because this Act is there. He has the audacity to tell us that there is an industrial unrest because this Land Ceiling Act is there. He was also telling us that the price of lands has gone up because of the Act. He had also told us that the cost of building flats has gone to Rs. 5 lakh or 6 lakh because of this Act. And once this Act is repealed, then we will be living in a heaven. That is his assumption. I must congratulate him for having submitted such a good picture before this House. I applaud him, but he is not going to achieve that end. What is the basic issue? The basic issue is the concentration of real estate in a few hands in the city. Until and unless he can curb that power, he is not going to succeed. So, he should bring in a legislation, taking away all the surplus lands and all the urban lands which are in the possession of big landlords and big industrialists. Once this Act is repealed, then their hands will be free and they can do anything with their lands. The real estate is accumulating in their hands which they can sell and can dictate prices and the poor man will be at his mercy. So, my learned friend, Shri Ram Jethmalani, has to curb the power of the person who is holding all these real estates in the great cities. Can you bring that legislation? If this Act is repealed, what will be the net result? These people will be free to act. He cannot control them and he cannot do anything against them. All his aspirations and hopes for the poor people will be at a loss.

So, I would appeal to him to bring in a legislation to curtail the centralisation of urban real estate. Moreover, I must tell the hon. Minister that for the apartments and for the flat system so much land is not required.

Skyscrapers are built, for which a small piece of land will be sufficient because they go upwards. Land is not at all required for flat system or for apartment system.

MR. DEPUTY-SPEAKER: Now please conclude.

SHRI VARKALA RADHAKRISHNAN : Yes, I am concluding.

So, Sir, this is what I have to tell you at the outset.

With regard to the Ordinance, I must tell one thing. Ordinance is always a committed legislation. In the House, there will be no free and fair discussion. The people on the other side, that is, the ruling party, are perturbed. They cannot express their opinion because some steps have been taken under the provisions of the Ordinance. That is why I say it is always a committed legislation, for which Ram Jethmalani Ji, you should not be a party. You and I argue for cases. You and I argue for the spirit of the Constitution being enshrined. But unfortunately, this Ordinance will bring a committed legislation, which is not conducive to Parliamentary democracy. So, you should not be a party to that.

Sir, they are creating a very very bad precedent because on the strength of two small States they have brought this legislation. Suppose on a future date some two small States in India pass a resolution asking the Central Government to repeal the Abolition of Sati Act in India and suppose the Minister's successor brings such a Bill, then will he be able to prevent it? India is composed of 25 States, big and small. The Government has given credence to only two States. It may be correct that in the Constitution, the minimum that is required is two, but the Central Government should not take a decision on the basis of the minimum. They represent the entire country. They represent all the 25 States of India. They represent the metropolitan cities like Mumbai, Calcutta, Bangalore and Chennai. All these cities are there. This Urban Land (Ceiling and Regulation) Act is very much pertinent to these cities also and, therefore, they should also pass a resolution. But in this case that has not been done. So, my submission is that what they have done is not at all a healthy practice. What they have done is definitely against the spirit of the Constitution. The hon. Minister is a Constitution expert. I would humbly request him not to embark on a subject which is exclusively the right of the States.

With these words, I oppose the Bill.

श्री मित्रसेन यादव : सभापति जी, मेरा व्यवस्था का प्रश्न है। हम लोगों का इसमें नाम है और हम लोगों ने बोलने के लिए लिखकर भी दिया है। इसके बाद भी हमें बोलने नहीं दिया जा रहा तो सदस्यों के बोलने की व्यवस्था क्या हुई?

उपाध्यक्ष महोदय : आपने जो सवाल उठाया है, यह व्यवस्था का सवाल नहीं है।

श्री मित्रसेन यादव : मेरी रिक्वेस्ट यह है

... (व्यवधान)

उपाध्यक्ष महोदय : वह रिक्वेस्ट होगी, मगर व्यवस्था का प्रश्न नहीं है।

सवाल उठता है। व्यवस्था में यही आता है कि मैं सदस्य हूँ और मुझे बोलने के लिए मौका नहीं मिल रहा है। अगर हम विधेयक पर प्रस्ताव रखते हैं तो भी बोलने का मौका नहीं मिलेगा?

उपाध्यक्ष महोदय : अब तो मैंने आपकी पार्टी के श्री शैलेन्द्र कुमार को बुलाया है।

श्री मित्रसेन यादव : मान्यवर, वह तो आपका अधिकार है। उसके लिए हम आपसे निवेदन कर रहे हैं कि हम लोगों को कैसे टाइम मिलेगा।

उपाध्यक्ष महोदय : आप बैठिये।

श्री शैलेन्द्र कुमार : इनको बाद में टाइम दे दीजिएगा।

श्री रामनारायण मीणा : हमारी पार्टी के केवल दो ही मैम्बर बोल पाये हैं, दूसरी पार्टियों के ज्यादा लोग बोले हैं। हमारी संख्या के अनुपात में मेरा नाम भी आना चाहिए।

उपाध्यक्ष महोदय : अच्छा, मीणा जी, आप भी बोलिएगा।

श्री शैलेन्द्र कुमार (चायल) : माननीय उपाध्यक्ष जी, अभी माननीय आवास मंत्री जी ने यहां नगर भूमि सीमा अधिनियम संशोधन विधेयक प्रस्तुत किया है। मैं उसके विरोध में बोलने के लिए खड़ा हुआ हूँ। जैसे कि अभी पूर्व सम्मानित सदस्यों ने अपने विचार व्यक्त किये हैं, इस बिल को जो आप लाये हैं, यह गरीब, मध्यम परि वार के लोगों के लिए संकट वाला बिल है और इसमें केवल उच्च वर्ग के लोगों का ही फायदा होने वाला है। यह जनहित विरोधी भी है, जनहित में नहीं है।

दूसरी बात यह है कि आज नगर हो या देहात हो, ज्यादातर इलाकों में स्लम बस्तियों में आप चले जाइये तो अनुसूचित जाति, पिछड़े वर्ग और गरीब लोग ही वहां पर वास कर रहे हैं।

आपकी सोच है कि वहां से स्लम बस्तियां हटें, जगह साफ-सुथरी हो। लेकिन उन लोगों को विस्थापित करके आप कहां ले जाएंगे, कहां उन्हें स्थान देंगे, यह बहुत बड़ी समस्या है। हम गांवों में जाते हैं तो हमने गरीबों, खासकर अनुसूचित जाति की बस्तियों में देखा है कि एक ही कुटिया में सास-ससुर, बहू-बेटा और अन्य लोग सोते हैं। यह इस देश में पिछड़े वर्ग, अनुसूचित जाति के लोगों के साथ बहुत बड़ी समस्या है।

सुप्रीम कोर्ट की रूलिंग आई है। प्रदूषण के नाम पर दिल्ली में दो हजार फैक्ट्रीज बन्द होने जा रही हैं। इसी तरह से आगरा में कई उद्योग बंद हो गए हैं। आपके बिल लाने से वे फैक्ट्रीज वाले अपनी जमीन को बड़े हुए दामों में बेचकर भारी मुनाफा कमाएंगे, लेकिन गरीबों को कोई फायदा नहीं होगा। १९७६ वाले इस बिल में संशोधन की जरूरत है, लेकिन आप पूरे बिल को ही हटा रहे हैं। अगर इस बिल में कहीं अनियमितताएं हैं तो उन्हें दूर करने के लिए संशोधन लाया जा सकता है। इस बिल से भू-माफिया को फायदा होगा। आप छोटे-छोटे काश्तकारों को जमीन का अधिग्रहण कर उन्हें नॉमिनल पैसा देकर उस जमीन को बड़े लोगों को दे देते हैं और वे लोग उस जमीन पर फ्लैट बनाकर अच्छा पैसा वसूल करके चले जाते हैं। इससे गरीबों का, किसानों का और अनुसूचित जाति के लोगों का शोषण होता है इसलिए यह बिल इन लोगों पर कहर डाने वाला बिल है।

आज शहरों में देखें तो वहां विकास प्राधिकरण, आवास विकास परिषद और सरकारके भी आवास कार्यालय हैं। ये मकान बनाते हैं तो तमाम गरीबों, अनुसूचित जाति और पिछड़े वर्ग के लोगों को उजाड़कर बनाते हैं। जिस प्रकार से सुप्रीम कोर्ट की रूलिंग आई है, उससे तमाम गरीब मजदूर बेसहारा हो जाएंगे, उनको रोजी-रोटी नहीं मिलेगी और आवास की सुविधा भी नहीं मिलेगी। अगर इस बिल में कोई अनियमितता है तो उसके लिए संशोधन आना चाहिए, न कि पूरे बिल को समाप्त कर दें।

उपाध्यक्ष महोदय, इन्हीं शब्दों के साथ मैं अपनी बात समाप्त करता हूँ और आपको धन्यवाद देता हूँ कि आपने आवास मंत्री जी द्वारा रखे गए इस बिल पर बोलने का मुझे अवसर दिया। मैं एक निवेदन और आपसे करना चाहता हूँ कि हमारे साथी श्री मित्रसेन यादव को भी दो मिनट का समय इस बिल पर बोलने के लिए दिया जाए।

उपाध्यक्ष महोदय: वे भी बोलेंगे।

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श्री रामनारायण मीणा (कोटा): उपाध्यक्ष महोदय, जिन माननीय सदस्यों ने इस बिल पर अपने विचारों को रखा, मैं उन्हें बड़े गौर से सुन रहा था। जब भारत का संविधान बना तो विभिन्न समुदायों के बारे में सोचा गया। इससे कल्याणकारी राज्य की अवधारणा प्रकट होती है। मैं गुस्ताखी तो नहीं करूंगा, लेकिन मुझे लग रहा है कि उस कल्याणकारी राज्य की अवधारणा को इस एक्ट के माध्यम से समाप्त किया जा रहा है। सरकारी पक्ष के द्वारा जो विभिन्न कार्य किए जा रहे हैं, इस प्रकार के संशोधन लाए जा रहे हैं, मैं सरकार चलाने के लिए शिक्षा देने की स्थिति में नहीं हूँ, लेकिन लाखों लोगों ने मुझे चुनकर भेजा है इसलिए उन लोगों की बात करने का मुझे अधिकार है। क्या इस बिल से पारदर्शिता झलकती है, मैं ऐसा नहीं मानता हूँ। कश्मीर से कन्याकुमारी और असम से राजस्थान के बोर्डर तक के गांवों की हम बात करें तो करोड़ों गरीबों के साथ हम क्या न्याय करने जा रहे हैं या अन्याय करने जा रहे हैं, इस पर हमें बैठकर सोचना पड़ेगा। यह नहीं कि दिल्ली की सड़कों में विदेशी गाड़ियां चलें और बिल्डर्स से, अरबपतियों से, सीमेंट और स्टील निर्माताओं से हम बात करें। इससे गरीबों का हित नहीं होगा। गरीब के लिए हम क्या करने जा रहे हैं, क्या गरीब को सस्ती दर पर मकान देंगे? अगर कानून में खामी है तो हमें देखना होगा कि गरीबों के पक्ष में कैसे काम हो सकता है। क्या देश को आजादी इसीलिए मिली थी, क्या इसीलिए देश आजाद कराया था कि हमारे गरीब के बच्चे को स्कूल में पढ़ने के लिए टाट-पट्टी भी न मिले।

क्या हमने हिन्दुस्तान को इसलिए आजाद कराया था कि हम गरीब को रोजी-रोटी भी नहीं दे सके? आज करोड़ों की संख्या में देश में बेरोजगार हैं। आज भीड़ की भीड़ गांव में बेरोजगारों की मिलती है। मेरी भावना से आप भी वाकिफ हैं और आपकी भावना से मैं भी वाकिफ हूँ लेकिन मैं इतना जरूर कहूंगा कि पूंजीवादी व्यवस्था से चलोगे तो हिन्दुस्तान कभी तरक्की नहीं कर पाएगा। तरक्की केवल कुछ मुझीभर लोग ही करेंगे। क्या आप भूल गए जो लोहिया जी ने इसी सदन में कहा था कि एक और दस से ज्यादा रेशियो नहीं होना चाहिए। एक आदमी को दो वक्त का खाना मिलने की बात मैं नहीं करना चाहता हूँ, मैं कहूंगा कि उसे महीनों खाना नहीं मिलता। इसका इलाज क्या है? १९७६ में एक कानून बना था। यह किसने बनाया था? मैं यह नहीं कहता कि मंत्री महोदय की क्या भावना है और आपकी क्या भावना है लेकिन मैं इतना जरूर कहना चाहता हूँ कि पूंजीवादी व्यवस्था की पोषक पार्टी को तथा उसके साथी संगठन दलों को इस बारे में सोचना पड़ेगा। मैं समता पार्टी को शिक्षा देने की स्थिति में नहीं हूँ। रेल मंत्री जी यहां नहीं हैं लेकिन मैं इतना जरूर कहना चाहूंगा कि यदि हम जनता की आवाज लगाते हैं, गरीब के पक्ष की आवाज लगाकर यदि हम वोट लेकर इस सदन में आते हैं तो हमें उसी भावना से काम करना पड़ेगा। कथनी और करनी में अंतर आएगा तो हिन्दुस्तान ठीक ढंग से नहीं चल पाएगा। गरीब के पक्ष में कोई बात नहीं कर पाएंगे। आज आप गांव में जाएं, जिस तरह की अर्थ-व्यवस्था हो रही है, इस सरकार के आने के बाद जो सहकारी समितियों के हालात हो रहे हैं, कोपरेटिव की जो हमारी थीम थी, क्या आप नेहरू जी को भूल सकते हैं? यह वही नेहरू जी थे जिन्होंने हिन्दुस्तान की नींव डाली थी और बड़े-बड़े बांध बनाए और गरीबों के पक्ष में सोचा तथा कोपरेटिव मूवमेंट व्यवस्था का संचालन किया। समाजवादी व्यवस्था के बारे में उन्होंने बात की। आज हम अमरीका के पदचिन्हों पर चलने की बात कर रहे हैं। यदि गरीब के सर पर हम छत नहीं दे सकते और गरीब के बच्चे को पढ़ने के लिए स्कूल नहीं भेज सकते और उसे दो टाइम खाना नहीं दे सकते तो हमें इस संसद में बैठकर बात करने का कोई अधिकार नहीं है। मैं आपके माध्यम से मंत्री महोदय से निवेदन करना चाहूंगा कि इस बारे में पुनर्विचार करें। कानून में यदि कोई खामी है तो उसे दूर करने की कृपा करें।

... (व्यवधान)

बड़े-बड़े बिल्डर्स कभी मकान नहीं दे सकते, इससे और दुर्दशा ही होगी। जिस भावना से यह देश चल रहा है, गरीब के पक्ष में जो धारणा बनी हुई है और कल्याणकारी राज्य की जो अवधारणा है, उसको आप ध्यान में रखते हुए इस कानून में जो खामी है, उसे दूर करने की कृपा करें और इसे पास करने की कृपा करें।

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श्री मित्रसेन यादव (फैजाबाद): महोदय, एक महत्वपूर्ण विधेयक पर आपने मुझे बोलने का समय दिया, इसके लिए आपका धन्यवाद करता हूँ। मैं इस विधेयक का विरोध करने के लिए खड़ा हुआ हूँ। किसी भी देश की जनकल्याणकारी सरकार की कुछ नीतियां होती हैं।

इस देश के लोगों की जो बेसिक नीड है, जो बुनियादी आवश्यकता है, उसकी पूर्ति करना और उसे रियायत और शर्तों के साथ पूर्ण करना हमारा काम है। जनकल्याणकारी सरकार की जो कल्पना की गई थी तो महात्मा गांधी से किसी ने पूछा था कि असली भारत कौन सा है? उन्होंने कहा था जैसे मैं हूँ, यही असली भारत है। उनके कहने का मतलब यह था कि हमारे नंगे शरीर और हमारी लंगोटी को देखकर सारे हिन्दुस्तान की आप कल्पना कर सकते हैं। हिन्दुस्तान की बेसिक नीड की सबसे बड़ी जरूरत क्या है: 'रोटी, कपड़ा और मकान, मांग रहा है हिन्दुस्तान' है। उस दिन राजपूत जी यही नारा लगा रहे थे और आज कह रहे हैं कि जब तक पूंजीवाद नहीं आएगा तब तक समाजवाद नहीं आ सकता। राजपूत जी किसी दिन इस नारे के विरोध में थे। अगर जेठमलानी जी इस कानून को ले आए हैं तो हमें इस पर परेशानी नहीं है क्योंकि आपकी सरकार, आपके मंत्री और आपकी पार्टी का वर्ग चरित्र ही इस तरीके का है जो इस देश के पूंजीपतियों को और विदेशी पूंजीपतियों को इस देश में लाकर देश का शोषण करा रहा है। बुनियादी तौर पर इस विधेयक से यह साफ ज़ाहिर हो गया कि आप इस देश के अंदर क्या चाहते हैं? आपने यहां तक कह दिया कि शहरी भूमि को भी, शहरी सीलिंग को भी समाप्त कर देना चाहिए, जमींदारी भी लानी चाहिए। यही कहकर आप चले जाइए। अगर कल अखबार में यह बात छप जाये कि भारतीय जनता पार्टी सीलिंग एक्ट को खत्म करना चाहती है और जमींदारी लाना चाहती है।

आपको गांव में कोई घुसने नहीं देगा।

... (व्यवधान)

मेरा यह कहना है कि गरीबों को मकान देने के लिए आपने तमाम तरह के नियम बना रखे हैं। गांवों में गरीबों को आवास आबंटित होते हैं। उनके लिए आपने स्वतः रोजगार योजनाएं चलाई हैं।

... (व्यवधान)

हमारी सरकार ने बराबर प्रयास किया कि किस तरह से देश की गरीबी और अमीरी की खाई को पाटा जाए और गरीबों को उठाया जाए।

... (व्यवधान)

आप जो विधेयक लाए हैं इस पर हमारे साथियों ने बहुत से सुझाव दिए, मैं उनकी पुनरावृत्ति नहीं करना चाहता। ...

(व्यवधान) मेरिट डिमेरिट होता है, अब यह वकील के ऊपर है कि वह मेरिट के पक्ष में बोलेंगे या डिमेरिट के पक्ष में बोलेंगे। अगर आप डिमेरिट को मेरिट में बदलना चाहते हैं तो यह सीलिंग एक्ट लागू रहना चाहिए। देश के तमाम महानगरों में कितने कारखाने बंद हो गए हैं, सार्वजनिक भूमि पड़ी हुई है। अगर इसे खत्म कर दिया जाएगा तो करोड़ों लोग इससे फायदा उठाएंगे और करोड़ों गरीब लोग इस देश में आवास से वंचित हो जाएंगे।

... (व्यवधान)

इसलिए मैं इस विधेयक का विरोध करता हूँ।

(At this stage, Shri P. Shiv Shanker and some other >>>hon. Members left the House.)

THE MINISTER OF POWER, MINISTER OF PARLIAMENTARY AFFAIRS AND MINISTER OF NON-CONVENTIONAL ENERGY SOURCES (SHRI P.R. KUMARAMANGALAM): Mr. Chairman, Sir, actually, we have taken a decision in the meeting of the Business Advisory Committee - it has been adopted - that we would sit up to eight o'clock. We have also targeted that we would complete the two Ordinances which are remaining. One is the Urban Land (Ceiling and Regulation) Repeal Ordinance and the other is the Patents (Amendment) Ordinance. ... (Interruptions)

मैं यही कह रहा हूँ

... (व्यवधान)

..मुझे कहने दें।

I do not think that it would be possible for us to finish the Patents (Amendment) Ordinance. But I do think that we should target and finish at least the Urban Land Repeal Ordinance. May I request that the sitting of the House be extended by one hour?

श्री शैलेन्द्र कुमार (चायल) : उपाध्यक्ष महोदय, यह बिल गरीबों के हित में नहीं ऋहै इसलिए हम समाजवादी पार्टी की ओर से इस बिल के विरोध में सदन से वाकआउट करते हैं।

20.02- 1/2 hrs.

(At this stage Shri Shailendra Kumar and some other Hon. Members left the House)

श्री रघुवंश प्रसाद सिंह (वैशाली): यह बिल पूंजीपतियों के पक्ष में लाया गया है तथा यह गरीबों का गला काटेगा। हम इस बिल के विरोध में राष्ट्रीय जनता दल की ओर से सदन से वाकआउट करते हैं।

20.03 hrs.

(At this stage Shri Reghukuvansh Prasad Singh and other Hon. Members left the House)

SHRI BASU DEB ACHARIA (BANKURA): Protesting against this repeal, we would also like to walk out.

20.03-1/2hrs.

(At this stage, Shri Basu Deb Acharia and some other hon. Members left the House.)

MR. DEPUTY-SPEAKER: Shri V.V. Raghavan, are you withdrawing your Resolution?

SHRI V.V. RAGHAVAN (TRICHUR): No, Sir.

MR. DEPUTY-SPEAKER: The question is:

"That this House disapproves of the Urban Land (Ceiling and Regulation) Repeal Ordinance, 1999 (NO.5 of 1999) promulgated by the President on 11th January, 1999."

The motion was negatived.

MR. DEPUTY-SPEAKER: The question is:

"That the Bill to repeal the Urban Land (Ceiling and Regulation) Act, 1976, be taken into consideration."

The motion was adopted.

MR. DEPUTY-SPEAKER: The House shall now take up clause by clause consideration of the Bill.

The question is:

That Clauses 2 to 5 stand part of the Bill.

The motion was adopted.

Clauses 2 to 5 were added to the Bill.

Mr. Deputy Speaker: The question is :

"That clause 1, the Enacting formula and title stand part of the Bill."

The motion was adopted.

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

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI): I beg to move:

"That the Bill be passed."

MR. DEPUTY-SPEAKER: The question is:

"That the Bill be passed."

The motion was adopted.

18.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on

Tuesday, March 9, 1999/Phalguna 18, 1920 (Saka)

THE MINISTER OF URBAN AFFAIRS AND EMPLOYMENT (SHRI RAM JETHMALANI): Sir, I am duly grateful to all those who have participated in this debate. In fact, I had anticipated all that has been said and I had already dealt with almost every viewpoint in my initial speech before the House. But, Sir, there are three or four points to which I shall give pointed replies.

I hate to speak in the 'first person singular' and I never refer to my own self. But, at least two hon. Members referred to me personally and said "What does this man know of poverty? He has only been acting for the rich." Sir, to this charge, I plead not guilty. Hon. Members probably do not know that at the young age of 24, I started life in a refugee camp in Bombay with a ten rupee note as my only property. I have experienced poverty. I have experienced slum life. I have lived the hardest possible life that any Member can think of. And today my only ambition in life is to return the debt of gratitude and cooperation which I received from the poor people of my country. Yes, I have made money from the rich. But there has been no poor man who ever came to my office and went back because he could not pay my fees. Everybody knows in this country that 95 per cent of my practice has been free practice.

Sir, some people have become the self-appointed representatives of the poor. They beat their breasts about the life of the poor. But the unfortunate part is that they love the poor so much that they do not want the poor to become rich. They want the poor to perpetually and perennially remain in a state of poverty so that they can continue to have the opportunity of beating their breasts. Sir, if I have agreed to sponsor this Bill and I have suggested this Bill, it is because I want that the poor people should get out of the slums and live in respectable, affordable houses.

Somebody accused me of being a supporter of the corrupt rich. It is the corrupt rich who are today holding the land because by bribery and profuse bribery they manage to get hold of those exemptions from corrupt politicians. Today they have cornered the land and that is why the land prices have gone up.

If today, anybody is unhappy about this Act, it is those corrupt people who have obtained exemptions from this law and are cornering the property which they want to hold on.

Sir, a Paper, The Times of India, which is by no means a very friendly Paper either to my or to this party says this in its editorial: "Few except for manipulative property speculators will lament the phasing out of the Urban Land (Ceiling and Regulation) Act."

Sir, I do not wish to attribute motives. I do not think, you are intentionally doing it. But you are doing it because you are the victims of wrong economics. The new market forces and their operations, their potency and their efficacy, you do not appreciate. Today, unconsciously and I am deliberately saying 'unconsciously' because I do not wish to charge you with consciously doing what I am saying, you are doing. You are unconsciously supporting the most corrupt elements of this country who have obtained exemptions from the land law by profuse practice of bribery. My Government stands for the poor. I stand for the poor, and that is my only justification for sponsoring this measure.

Sir, my friend, Shri Radhakrishnan, as usual, has said something. I have great respect for him. But he thinks that I am living in a fool's paradise which is a very polite way of saying that I am a fool... (Interruptions)

SHRI VARKALA RADHAKRISHNAN : I did not mean that.

MR. DEPUTY-SPEAKER: He did not mean that.

SHRI RAM JETHMALANI: Sir, if I was living in a fool's paradise, I think, I will be perfectly happy. My regret is that I am living in a crook's paradise and it is a crook's paradise which I want to end. It is the crooks who have cornered all the immovable properties in the country. And, who are the other crooks? The other crooks are the corrupt politicians and the bureaucrats who have assisted them to corner this land. I wish to dispossess all of them. I want to get the land back into the free market. In this regard, I have advised all the State Governments. I have written to them that 'please pass laws, and you must tax all vacant land which is not used for housing of the poor.'

SHRI K.S. RAO : Do you dictate to the State Governments? ... (Interruptions)

SHRI RAM JETHMALANI: I do not. I am only advising. If they do not want to do that, let them stew in their own juice. But it is my right to give advice to people. I have told them that 'tax all vacant land which the people keep for the purposes of speculation, for future profits and do not wish to use the land for the purpose of relieving the acute housing shortage in the country.'

Sir, I am glad that not one Member, who has opposed this Bill, has been able to say honestly with any degree of intellectual conviction that the present Act has done anything for the poor. All of them are saying, and you have also said: "We want this Act to be amended." Even Shri Radhakrishnan has also said: "I would have supported it if there was an amendment." The two dissenting Members in the Standing Committee have said: "We want this Bill to be amended." But Sir, the intellectual insolvency of those who oppose, consists in the fact that though they all talked vaguely of amending rather than repealing but no one produced the sensible amendment of this Act and said that 'this is an alternative to the repeal of the Act, even today.'... (Interruptions)

SHRI K.S. RAO : Do you mean to say that all the Members in the Standing Committee are not intellectuals and they have no clear idea of the Act?

SHRI RAM JETHMALANI: You are again misunderstanding. I said that not one person who has talked of amending the Bill has been able to produce one sensible amendment and said that 'treat this amendment as a substitute for a repeal.' But we have carefully applied our mind to the question of repeal. The question of repeal of the Bill produces terrible Constitutional complications because as I have said that, we have no powers to directly legislate on this subject. All the States, in which the Act is enforced, must agree upon those amendments, send us those amendments and then alone, we can pass those amendments with the concurrence of all. We have no Constitutional competence to enact legislation by way of amendment for every State. If Uttar Pradesh wants one kind of an amendment, another State wants another kind of amendment. So, this Parliament has no power to enter into this kind of competence of legislative amendments being made, which will operate only in small territories like one State or the other.

So, Sir, amendment is out. We have considered this measure and we have found that there are no amendments which will deal with the corruption which this Act has produced.

After all, you cannot legislate character by amendments. Unfortunately, that is not possible.

Lastly, I wish to advance an argument which hon. Members should understand. It produces a compulsion of the highest political and economic times. As I said, I do not wish to talk about the bad economic position of my country. But I hope hon. Members have noticed one important arithmetic that Rs.195,000 crore have to be paid by way of service charges on the mind boggling debt into which this country has emerged and your total revenue receipts are Rs.102,000 crores. So, Rs.93,000 crore is short. Where is the money in Government coffers to go on building houses? The Ninth Plan records that we require Rs.150,000 crore for the purpose of being able to wipe out the current deficit apart from the deficit which arises year to year. That money is just not available and we have to build houses without budgetary support and that can only come with the new policy.

The new policy is that the private sector must be inducted into the construction business. The private sector has been inducted and hon. Members here even said "Yes. We have no objection to the private sector." But what do you mean by saying that you have no objection to the private sector? If the private sector has to revive the economy, you have to listen to some of their advice. The private sector today is unanimous that you must repeal this Act before the private sector will be induced to participate in the construction activity in a big way.

I appeal to all Members of this House that the old experiment has failed. I do not wish to attribute motives. I do not wish to attribute corruption or incompetence. But the fact remains that the old measure has failed to serve its purpose. Now allow us to try a new experiment. If this new experiment fails, we will possibly revoke it again and probably revert to the old system. But please do not interfere with this new progressive line of thought and action.

I commend, therefore, this Bill for the passing by this House and pass it by a profuse voice vote so that we do not have to waste time on a division.

SHRI K.S. RAO : Is the hon. Minister of the opinion that repeal is the only solution wherever there is a failure in the Act? Wherever there is a failure, should there be only repeal and no other thing?

SHRI RAM JETHMALANI: May I request you now to withdraw that disapproval resolution?

SHRI K. BAPIRAJU (NARSAPUR): I want to have some clarification from the hon. Minister because he is fully determined to go for the repeal of the Act and he has not allowed with an open heart all others to speak. He believed in it all these 15 years. He wanted to repeal it and he has done it.

He said that we have been voting unconsciously also. Nobody votes unconsciously. We do not do that. We vote with conscience, whether we oppose or support a measure. The hon. Minister is a learned and elderly person. He was emotional. The hon. Minister should not be emotional. He is an experienced person and has a broad outlook. He should try to convince the House. ... (Interruptions)

SHRI RAM JETHMALANI: I would assure the hon. friend that I will not be emotional. ... (Interruptions)

SHRI V.V. RAGHAVAN (TRICHUR): Mr. Deputy-Speaker, Sir, it was a treat to hear Shri Jethmalani's wonderful speech. He has shown us a very easy way to do away with corruption. If this Bill is repealed, corruption will be rooted out. He has painted the picture of a very flourishing economy for us. If this law is repealed, our economy will flourish. I was thinking that this year's Nobel Prize went to the wrong hands. Instead of Dr. Amartya Sen, it should have been given to Shri Jethmalani for his new economic theories. He was elaborating on his experiment how the Indian economy will flourish. I think, our hon. Minister of Finance, Shri Yashwant Sinha has to have a very close interaction with the hon. Minister of Urban Affairs and Employment. ... (Interruptions)

SHRI RAM JETHMALANI: Anyway, I request you to withdraw your Statutory Resolution now. ... (Interruptions)

SHRI V.V. RAGHAVAN (TRICHUR): You have done justice to your profession as a lawyer but you have done injustice to the House. Your name will go down in the history of Parliament that you have piloted an Ordinance which you would not have done. Anybody else could have done it but a lawyer at the stature of Jethmalani should not have brought in this Ordinance. If you want to experiment with your new ideas on housing, why are you doing so through an Ordinance? ... (Interruptions) I am speaking very politely. Six Ordinances have come up in this very Session and they are all most important legislations. If, as Shri Jethmalani put it, it was so nice a legislation and so nice an experimental project, why should he not have brought it before the House and given us a chance to have a scrutiny of the Bill here? Why did he do it through an Ordinance?

This Ordinance has been good to the commercial section. The cement industry and the commercial sections have profited by this Ordinance and this is my objection. Your action of promulgating an Ordinance is not at all justified. You have imposed a legislation on us. This is my complaint. ... (Interruptions)

The Treasury Benches are full because they have to support this measure. You have brought this legislation as a fait accompli. The House has to accept it now. But we, on our part, do not want to accept it. So, we oppose it. We appeal to the House only for upholding the rights of Parliament. The House has to disapprove this Ordinance. I appeal to hon. Members only for upholding our right to legislate, with our own mind that this 'Ordinance Raj' should not be allowed to go on. For that reason, I appeal to you to support my Resolution disapproving the Ordinance.

20.00 hrs.

>SHRI P. SHIV SHANKER (TENALI): I consider that there is much sound and fury for nothing. As my friend has put it, the hon. Minister was quite emotional and made his arguments forcefully. But the fact remains that so far as the subject is concerned, the Central Government does not have any power whatsoever to legislate. If this Act is repealed, unless the States themselves pass a Resolution, nothing will happen. So, what he was saying is that benefits will not flow unless the States themselves pass a Resolution. As of today, only two States have come forward.

Therefore, we feel that we are not convinced with the arguments. There was no necessity for repealing the law. The States themselves could have done it by withdrawing the Resolution. The Resolution that they had earlier passed could have been repealed and in that State, this law would not have been

applicable. It was far better to leave it to the States to repeal the law, rather than taking it upon ourselves.

SHRI RAM JETHMALANI: Shri Shiv Shanker, I am sorry to interrupt you. Generally you are right; but you are absolutely wrong when you are enunciating the constitutional provision. The States cannot amend or repeal while the Central legislation remains.

SHRI P. SHIV SHANKER : I am sorry. When this law was passed here, unless the States had passed a Resolution, it could not have come into force in those States. Equally, they have the power to withdraw that Resolution by repealing it. I am sorry to say that you are enunciating like this. You know law and I also know a little bit of law. So, let us differ. But since we feel that this is not an opportune time for the purpose of going in for this law, we prefer to walk out.

20.02 hrs

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