

12.42 hrs.

## PAPERS LAID ON THE TABLE

Statement re. Central Government  
Market Borrowings during 1971-72

THE MINISTER OF STATE IN THE  
MINISTRY OF FINANCE (SHRI K. R.  
GANESH) : I beg to lay on the Table a  
statement (Hindi and English versions)  
indicating the result of Central Government  
Market Borrowings during 1971-72. [Placed  
in Library. See No. LT-600/71].

## RESIGNATION OF MEMBER

MR. SPEAKER : I have to inform the  
House that Shri T. Thirthagiri Gounder, an  
elected Member of Lok Sabha from Krishna-  
giri constituency of Tamil Nadu, has  
resigned his seat in Lok Sabha with effect  
from the 2nd July, 1971.

SHRI S. M. BANERJEE (Kanpur) :  
Why ?

MR. SPEAKER : You better ask him.  
No reason is given in that letter.

CORRECTION OF ANSWER TO  
S. Q. NO. 313 RE. UTILISA-  
TION OF ROSTAM  
CRUDE OIL

MR. SPEAKER : Shri Sethi.

THE MINISTER OF PETROLEUM  
AND CHEMICALS (SHRI P. C. SETHI) :  
Sir, while replying to the supplementaries  
pertaining to starred question No. 313, in  
response to...

MR. SPEAKER : He may lay it on the  
Table.

SHRI P. C. SETHI : I beg to lay  
a copy of the statement on the Table of the  
House.

## Statement

While replying to the supplementaries  
pertaining to starred question No. 313, in  
response to a supplementary by Shri D. D.

Desai asking whether Government would  
not consider Kandla as the site for a new  
refinery, I had *inter alia* stated that as far  
as the location of the site in the North-  
West was concerned, it had been given to a  
Technical Committee whose report we were  
awaiting. The correct position, however, is  
that the IOC had been asked to prepare a  
feasibility report for a refinery in North-  
West and to indicate therein the advantages  
and/or disadvantages of each of the proposed  
locations. That feasibility report was  
received in my Minister of 1st June, 1971  
and is under examination.

2. To the extent indicated above, I  
crave the indulgence of the House to correct  
the reply previously given.

12.43 hrs.

## ELECTION TO COMMITTEE

Governing Body of the Central Council  
for Research in Indian Medicine and  
Homoeopathy

THE DEPUTY MINISTER IN THE  
MINISTRY OF HEALTH AND FAMILY  
PLANNING (SHRI A. K. KISKU) : On  
behalf of Shri Uma Shankar Dikshit, I beg  
to move the following :

"That in pursuance of Rule 20 (10  
and 11), read with Rule 24(2) of the  
Rules, Regulations and Bye-laws of the  
Central Council for Research in Indian  
Medicine and Homoeopathy, the mem-  
bers of this House do proceed to elect,  
in such manner as the Speaker may  
direct, two members from among them-  
selves to serve as members of the  
Governing Body of the Central Council  
for Research in Indian Medicine and  
Homoeopathy."

MR. SPEAKER : The question is :

"That in pursuance of Rule 20 (10 and  
11), read with Rule 24 (2) of the Rules,  
Regulations and Bye-laws of the Central  
Council for Research in Indian Medicine  
and Homoeopathy, the members of this  
House do proceed to elect, in such  
manner as the Speaker may direct, two  
member from among themselves to  
serve as members of the Governing  
Body of the Central Council for

[Mr. Speaker]

Research in Indian Medicine and Homoeopathy.”

*The motion was adopted.*

12.44 hrs.

**PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) BILL\***

THE MINISTER OF STATE IN THE MINISTRY OF WORKS AND HOUSING (SHRI I. K. GUJRAL) : Sir, on behalf of Shri Uma Shankar Dikshit, I beg to move for leave to introduce a Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters.

MR. SPEAKER : Motion moved :

“That leave be granted to introduce a Bill to provide for the eviction of unauthorised occupants from public premises and for certain incidental matters.”

SHRI S. ... BANERJEE (Kanpur) : Sir, I rise to oppose the Bill at the introduction stage. While there may be justification for a Bill of this type because of there being unauthorised persons staying in government land in Delhi and other places, after going through various judgements and the statement of objects and reasons attached to the Bill I think that government action is very hasty and without consultation with other political parties.

Sir, this Bill is coming because the Punjab Public Premises and Land (Eviction and Rent Recovery) Act of 1959 was declared *ultra vires* on the ground that the action is discriminatory and violative of Article 14. Article 14 reads : “The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.” In another case the Delhi High Court in a case Hukam Chand vs. S. D. Arya it was also declared *ultra vires*. Even after this the Public Premises (Eviction of Unauthorised Occupants) Amendment Act of 1968 was also struck down by the Delhi High Court and by this amendment they have said “civil courts are pre-

cluded from entertaining any suit or proceeding in respect of the eviction of persons who are in unauthorised occupation of public premises and in respect of the recovery of the arrears of rent or damages from such persons.”

Sir, even after this if you read clause 20 of this Bill—I would read clause 20 for your information and for the information of this House :

“Notwithstanding any judgement, decree or order of any court, anything done or any action taken (including rules of orders made, notices issued, evictions ordered or effected, damages assessed, rents or damages or costs recovered and proceedings initiated) or purported to have been done or taken under the Public Premises (Eviction of Unauthorised Occupants) Act, 1956 (hereafter in this section referred to as the 1958-Act) shall be deemed to be as valid and effective as if such thing or action was done or taken under the corresponding provisions of this Act which, under sub-section (3) of section 1 shall be deemed to have come into force on the 16th day of September, 1958.”

Sir, you can imagine there is judgement of the High Court that Government should not take or should not pass any legislation retrospectively whereas this retrospective from 1958. I am sorry to say, Sir, a few months back in this mid-term poll some solemn assurances were made by the ruling party candidates that the Jhugi-Jhaunpri dwellers will be regularised. They will be given a roof on their head. So, Sir, I want an assurance from the hon. Minister that after the introduction of this Bill there will be proper consultation when all the political parties and it will not be retrospective and the hutments of Jhugi-Jhaunpri dwellers of Delhi and other places will be regularised properly so that they may not become refugees.

SHRI R. V. BADE (Khargone) : I quite agree with Mr. Banerjee in this respect. It should not be with retrospective effect.

MR. SPEAKER : No please. You should have sent your name earlier. You should not have got up like that. Mr.