

[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.

Banerjee had sent his name. That is why I allowed him.

SHRI R. V. BADE : About the Financial Memorandum, this is also defective...

MR, SPEAKER : You can raise all these points at the consideration stage and not at the time when the leave to introduce the Bill is being granted.

SHRI I. K. GUJRAL : Mr. Speaker, Sir, I do not know what has been essence of Mr. Banerjee's objection at this stage. Mr. Banerjee has tried to raise some technical points on the basis of the Constitution. If my hon. friend had bothered to read the Bill and the purpose and the history behind it, it would have been clear to him.

The main point, basically, is that the original Bill was struck down by the High Court on some technical grounds. In the light of those observations, the Bill has been re-drafted. We will be in a position to defend the Bill clause by clause when that stage comes. At this stage, I may submit that adequate care has been taken to see that all the objections raised by the High Court have been met.

The essence of the objections, basically, is that there were two remedies with us, one, through the Public Premises Eviction Act and the other through civil courts. In 1968, the law was amended. The Government decided not to resort to civil courts. After that, there were some technical objections raised and the Bill was struck down. At the moment, we have no remedy. As a result of that, even his party is suffering. There are 25 Members of Parliament who have now ceased to be Members and who are refusing to vacate the houses. I am unable to give houses to my hon. friends because under the Public Premises Eviction Act, we do not have the powers. Everyday, when he writes to me for getting a house, I am unable to help him.

Coming to jhugi-jhoopris, I may say, lest my hon. friend gets away with a wrong impression, the basic thing is that about jhuai-jhoopris, we have a policy and we have a commitment to the people. I can assure him that this Bill or any other Bill will not be resorted to get out of the commitments we have made.

SHRI R. V. BADE : May I draw your attention to Rule 69...

MR. SPEAKER : You may object to it at the consideration stage.

SHRI R. V. BADE : Rule 69 says :

"A Bill involving expenditure shall be accompanied by a financial memorandum..."

MR. SPEAKER : Will you please sit down ? This is only the introduction stage. When the Bill is considered, at that stage, you can raise all the points. This is not the stage for that. You will have the first reading, the second reading and the third reading of the Bill. You can raise these points at that stage.

SHRI R. V. BADE : I may quote some instances in the past...

MR. SPEAKER : No please. Of course, you will be given an opportunity to hear your points when the consideration stage comes. Don't worry about it.

SHRI R. V. BADE : Thank you.

MR. SPEAKER : The question is :

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

The motion was adopted.

SHRI I. K. GUJRAL : I introduce the Bill.

12.55 hrs.

DEMANDS FOR GRANTS, 1971-72—
Contd.

Ministry of Foreign Trade—*Contd.*

MR. SPEAKER : We will now take up further discussion on the Demands for Grants relating to the Ministry of Foreign Trade. Shri S. R. Damani to continue his speech.

SHRI S. M. BANERJEE (Kanpur) :
How much time is left ?