

(SHRI MORARJI DESAI): I beg to lay on the Table a copy of the explanatory statement giving reasons for immediate legislation by the Gold (Control) Ordinance, 1968 under rule 71(1) of the Rules of Procedure and Conduct of Business in Lok Sabha.

14.51 hrs.

JUDGES (INQUIRY) BILL\*

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI VIDYA CHARAN SHUKLA): On behalf of Shri Y. B. Chavan, I beg to move for leave to introduce the Bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President and for matters connected therewith.

MR. DEPUTY-SPEAKER: The question is:

"That leave is granted to introduce a Bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President and for matters connected therewith."

The motion was adopted.

SHRI VIDYA CHARAN SHUKLA: I introduce the Bill.

14.52 hrs.

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL

THE MINISTER OF WORKS, HOUSING AND SUPPLY (SHRI JAGANATH RAO): I beg to move\*:

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

Sir, before I proceed to explain the salient features of the Bill, I would like briefly to recall the background to this legislation. You are well aware that the Land Acquisition Act of 1894 gave powers to acquire land for a public purpose, to Government and this Act did not give the power to requisition any immoveable property for a public purpose. During the World War II in 1939, the Defence of India Act was passed and under the Act and rules made thereunder, certain lands were requisitioned, and thereafter the Requisitioning and Acquisition of Immoveable Property Act, 1947 was passed. It was a temporary Act, and later on, in 1952, the Requisitioning and Acquisition of Immoveable Property Act came into being. All the properties that were acquired and requisitioned under the earlier Act were deemed to have continued to be requisitioned under the 1952 Act. This 1952 act comes to an end by 13th March, 1970. In the wake of the Chinese aggression in 1962, the Defence of India Act was passed. Under the Act and the rules made thereunder certain number of lands were requisitioned. In particular, 74,570 acres of land and about 203 buildings were requisitioned by the Ministry of Defence for the purposes connected with the defence of the country and the efficient conduct of military operations. At present, there are about 65,916 acres of land and 200 buildings under requisition and the estimated cost of the acquisition of the land still to be requisitioned would be about Rs. 85 crores. On many of the requisitioned land, valuable constructions have already been put up and the construction therefore is of a permanent nature.

\*Moved with the recommendation of the President.

[Shri Jaganath Rao]

Thus, in a large majority of cases, it is not possible to vacate the land and hand over the same to the owners. Further, in the event of derequisitioning, the question of removing the structures and payment of compensation in respect thereof may also arise. Some of the requisitioned buildings are composite while some are portions of buildings such as flats. It may not be possible to acquire portions of buildings which do not constitute composite properties. In view of these circumstances, it became necessary that the Immoveable Properties Requisitioning Act should continue to operate and for that purpose a Bill was introduced on the 10th of May, 1968.

You are well aware that the Defence of India Act 1962 expired with the revocation of emergency on the 10th January, 1968, and for a period of six months it was deemed to be in force. The Bill was introduced earlier, but it could not be passed during the last session. Therefore, an ordinance was issued on the 17th June. This ordinance is exactly on the same lines with the Bill that was introduced originally.

I have also taken advantage of this opportunity amend section 8(3), sub-clause (b), which relates to payment of compensation. This clause was struck down by the Supreme Court as being violative of article 31(2) of the Constitution. Therefore, in this Bill, we are omitting clause (b) and bringing the provisions in conformity with the findings of the Supreme Court.

As have already stated the Ordinance was passed on 17th June. This Bill seeks to replace the Ordinance. Sir, I move that the Bill be taken into consideration.

**MR. DEPUTY-SPEAKER:** Motion moved:

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

**SHRI C. C. DESAI (Sabarkantha):** Mr. Deputy-Speaker, Sir, I rise to oppose this Bill. This law as the hon. Minister just now admitted, was passed during the period of emergency, but I know for a fact that houses and properties have been requisitioned and are in the possession of Government for nearly thirty years. I can name property after property which were requisitioned in 1939, during the Second World War, and which properties are still in the possession of Government. So what we want Government to do is to tell us what is their phased programme for the de-requisitioning of these properties. It is only on the basis of a properly worked out basis for the de-requisitioning of these properties that this House can be expected to pass a Bill of this kind.

Secondly, the provision regarding payment of compensation is not quite clear. Originally there was a provision which was struck down by the Supreme Court. Even now we want to make it absolutely clear that compensation will be paid according to the market value of the property as on the date of acquisition—that is, the date of issue of notification under section (4) of the Land Acquisition Act—and that all the provisions of the Land Acquisition Act and the normal processes and procedures under it will be pursued and followed while acquiring these properties and there will be no short-cut and no under-hand dealings in dealing with these properties. We want a categorical assurance from Government because we know for a fact, and I myself am a victim of this particular practice on the part of Government, that although the law makes it clear that when land or property is acquired compensation has to be paid according to the market value prevailing on the date still instructions are issued by Government to Land Acquisition Officers to pay only a nominal price. They tell us openly: "What can we do? We know the price is Rs. 32 a square yard but we have been told by Gov-

ernment to pay you only Rs. 2. You can go in appeal and, no doubt, you will succeed. It is not mere hearsay. I myself had a plot of land in Delhi. When that land was acquired and compensation was paid it was so ridiculously low that I myself went to court. I asked the man concerned why the price fixed by him was so low when the market price was not less than Rs. 30 or Rs. 32 per square yard in that particular locality. His reply was that he knew it but his instructions were that he should pay only that low compensation and that I could go in appeal. When I went in appeal I got Rs. 8 per square yard and now I am going to the High court. All this means persecution. How long can a private individual fight against the Government. The Government fights with the money of the tax-payer whereas an individual fights with his own resources. That is an unequal fight. It is not correct, not right, not equitable, that Government should use these powers to harass people and pass orders which are contrary to the provisions of the law.

So I want an assurance from Government that in the matter of payment of compensation they will follow the exact letter of the law, namely, that compensation will be paid on the basis of the market value prevailing on the date of issue of notification, plus 15 per cent solatium.

15 hrs.

As I said, this particular provision was made during the emergency in the wake of the Chinese aggression. What is the justification today for continuing such a legislation? On the one hand, you say that the emergency has ended; on the one hand you say that the powers taken under the Defence of India Rules are no longer valid; and in the same breath you bring forward the same law, issue an Ordinance and come to this House for passing it into law. If

this particular provision was made because of the emergency, the emergency having ceased, there should really be no need for acquisition.

Thirdly, Government have more resources than any private individual. If your officers are in need of accommodation . . . .

MR. DEPUTY-SPEAKER: The hon. Member may resume his seat and continue his speech after the adjournment motion is over.

SHR C. C. DESAI: But the adjournment motion will go on till 6 O'clock. So, it will be only tomorrow.

MR. DEPUTY-SPEAKER: After the adjournment motion is disposed of, he will have to resume his speech, if he so desires.

15.01 hrs.

MOTION FOR ADJOURNMENT  
 —contd.

SUPPLY OF ARMS BY U.S.S.R. TO  
 PAKISTAN—contd.

SHRI PILOO MODY (Godhra): Sir, I move:

"That the House do now adjourn".

There comes a time in the history of nations when the hard realities of life will overwhelm the puppy love of adolescence. This change of life seems to have come over our Government and it is about to acquire some wisdom teeth—perhaps. For years our rulers have been suffering under the grand delusion that India's importance was a historic fact and that we can strut the world, giving advice, preaching morality and talking peace. Unfortunately, that smugness was wiped off our face when the Chinese in 1962 attacked us and are still squat.