

[Shri P. C. Sethi]

devised false bottoms of the crates. These were seized immediately and further inquiries pursued. As a result, two Indians (Shri Harbans Lal, a taxi-driver and Shri Balbir Singh, Manager, Bharat Exports) and an American (Mr. Richard Ezidre) have been arrested. Another godown in Delhi was also located and a consignment of 750 lbs. of hashis along with different types of musical instruments, packing cases and some curios was found and seized. Another person, Shri Ravi Rekhi, was arrested on the following day on landing at Palam airport. Three more persons have also since been apprehended. Further investigations are in progress. INTERPOL has also been alerted.

14.43

REQUISITIONING AND ACQUISITION OF IMMOVABLE PROPERTY (AMENDMENT) BILL

THE MINISTER OF STATE IN THE
MINISTRY OF HEALTH AND FAMILY
PLANNING AND WORKS, HOUSING
AND URBAN DEVELOPMENT (SHRI
B. S. MURTHY) : On behalf of Shri K. K.
Shah, I beg to move*.

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

Before I explain the salient features of the Bill, I would like to recall the background of this legislation. You are aware that the normal powers of Government for acquisition of land for a public purpose are contained in the Land Acquisition Act of 1948. The procedure laid down in that Act is, however, lengthy. Amendment of that Act is being considered by Government separately, and for this purpose, a committee has been appointed under the chairmanship of Shri A. N. Mulla.

The Land Acquisition Act does not deal with the requisitioning of buildings. I may recall here that one of the recommendations of the Law Commission in their Tenth Report was that the provisions of the

Requisitioning and Acquisition of Immovable Property Act, 1952 be incorporated in the Land Acquisition Act when the latter is amended. It has, however, been thought that the provisions regarding the requisitioning and acquisition of immovable property should continue to remain a separate enactment.

The power of the sovereign to take private property for public use, which is called eminent domain in America, and the consequent rights of the owner to compensation are well-established. This power is justified by two well-known maxims. The first maxim is that “regard for public welfare is the highest law” and the second is that “public necessity is greater than private necessity”.

Looking back to the history of the Act which we propose to amend, it may be recalled that the power of the Government to requisition or acquire immovable property has been in existence for over three decades continuously. This power was first conferred on the Government under the Defence of India Act, 1939. On the lapse of that act in September 1946, after the end of the second world war, the properties requisitioned under the Defence of India Act continued to remain under requisition in view of the enactment of the Requisitioned Land (Continuance of Powers) Act, 1947. Subsequently, Parliament, enacted the Requisitioning and Acquisition of Immovable Property Act, 1952. While conferring powers of requisitioning and acquisition of immovable property on the Government, the Act also provided that the properties requisitioned under the Defence of India Act, 1939 shall be deemed to be requisitioned under the Act of 1952. The Act of 1952 was to remain initially in force for six years but its life has been extended twice by Parliament and it will now remain in force upto the 13th March, 1970.

Provision for requisitioning and acquisition of immovable property also existed in the Defence of India Act, 1962, which ceased to have effect from the 10th July, 1963, i.e. six months after the proclamation of emergency was revoked. It was not found

*Moved with the recommendation of the President.

possible before that date to release or acquire the properties requisitioned under the Defence of India Act, 1962. The bulk of such properties were required in connection with national defence and permanent structures or installations had been built on a substantial portion of the requisitioned lands. The outright acquisition of the properties involved very large expenditure. We, therefore, considered it essential to retain the properties under requisition. For this purpose the Requisitioning and Acquisition of Immovable Property Act, 1952 was amended in 1968 to provide that the properties requisitioned under the Defence of India Act, 1962 shall be deemed to have been requisitioned under the Requisitioning and Acquisition of Immovable Property Act, 1952.

The purpose of this Bill is to amend the Requisitioning and Acquisition Act of 1952, which will remain in force upto 13th March 1970. We propose to make this Act a permanent one instead of coming to the House every few years for the extension of its life. While proposing this we also take this opportunity to make two other amendments which will take away much of the difficulty experienced over the Act of 1952. We have provided for a quinquennial review of the recurring compensation to be paid to the owners in conformity with the circumstances prevailing at the time of such review. It is also proposed that the requisitioned properties should either be released within ten years or acquired on payment of the capital cost to the owners.

The reasons for the amendments proposed by us are fully explained in the Statement of Objects and Reasons attached to the Bill and I would not weary the House by repeating the same. I would, however, only briefly mention the facts which weighed with the Government in proposing the amendments to the Act of 1952.

The first amendment which we have proposed is that the Requisitioning and Acquisition of Immovable Property Act of 1952 may be made into a permanent code. I have already mentioned that the need for the powers under the Act has now existed for over 30 years. The necessity for the

requisitioning of immovable properties for public purposes will always exist. In this connection I may mention that the Law Commission had also suggested in 1958 that this law should be embodied in a permanent code.

The second amendment which we have proposed is that we may provide for a quinquennial revision of the compensation payable for requisitioned properties. Under the existing provisions of the parent Act of 1952, the compensation once fixed cannot be revised during the entire period of the requisitioning. The compensation is primarily based on the rent that the property would have fetched if it had been let out on lease on the date of the requisitioning. It is well known that the rent of immovable properties continues to show an upward trend. If we keep requisitioned properties under the force of the existing enactment, it is fair that the compensation payable to the owners should be commensurate with the changing trend of rents and not pegged at an amount fixed at the time of the initial requisition. The amendment proposed by us will thus remove a legitimate grievance.

Thirdly, we propose to make a provision that the maximum period of requisitioning shall be ten years from the date of the coming into force of this amending legislation in the case of properties already under requisition and the same period in respect of properties requisitioned hereafter. If the properties are not acquired within this period, the same shall stand de-requisitioned. The Law Commission had recommended that no property should be kept under requisition indefinitely. The Commission had suggested a maximum period of 5 years. We, however, feel, after consulting the State Governments, that the period of 5 years is not adequate. The consensus of opinion has been that it should be 10 years.

From what I have briefly explained, it will be seen that, while the Government have felt it necessary to retain the Requisitioning and Acquisition of Immovable Property Act, 1952, as a permanent enactment, the other two provisions regarding quinquennial revision of recurring

[Shri B. B. Murthy]

compensation and release or acquisition of the requisitioned properties within ten years are forward steps to safeguard the interest of persons whose properties are taken possession of by the Government for public purposes.

With these words, Sir, I commend the amending Bill for consideration of the House.

MR. DEPUTY-SPEAKER : Motion moved :

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

SHRI YASHPAL SINGH (Derhadun) : Sir, I move :

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 31st August, 1970." (1)

SHRI SRADHAKAR SUPAKAR (Sambalpur) : Mr. Deputy-Speaker, Sir, the hon. Minister has just practically repeated the Statement of Objects and Reasons of the Bill a copy of which was supplied to us about two months ago. His speech has not made us any wiser about the need of this Bill.

From the Financial Memorandum, we get only a very faint inclining of the magnitude of the problem involved as to what is the total number of houses or the value of the property that is under requisition today. It only states that if all the property that is under requisition is acquired, an amount of Rs. 33 crores of compensation is required to be paid. But that information leads us practically nowhere. We have the right to know from the Government as to the imperative necessity of keeping private houses under requisition for a very very long period.

It is well known that in cities and also in small towns, several houses have been under requisition for several decades, I should say, more than at least 2 decades, and the owners are, practically, helpless so

far as those houses are concerned. They would have felt relief if these houses were acquired or de-requisitioned within a reasonable period of time. But that is not done. To justify the need of the continuation of this Bill or to make it a permanent feature on the statute book, it has been stated in the Statement of Objects and Reasons that some military installations are located in requisitioned buildings. But I would like to have a categorical answer from the hon. Minister as to what proportion of this property worth Rs. 33 crores relates to military installations and what proportion of it relates to civil installations. We know that the Central Government have kept several buildings under requisition for which they have to pay a very heavy rent amounting to several crores of rupees.

SHRI LOBO PRABHU (Udipi) : Rs. 97 lakhs.

SHRI SRADHAKAR SUPAKAR : That is probably an under-estimate. Not merely Central Government installations but there are several public sector undertakings installations and others with which the Central Government are concerned and the rents must amount to much more. I would like to say that with a reasonable amount of money the Government could have as well made permanent buildings instead of keeping these building under requisition for which they have to pay heavy rents some of which, in some of big cities, are rather exorbitant from practical stand point.

So far as this Bill is concerned, it is, of course, a welcome feature and the Government have now decided, after a lapse of so many years of the report of the Law Commission to come forward with this Bill. It is time for the Government to make up their minds, either to acquire these requisitioned buildings permanently or to de-requisition those buildings within a period of 10 years of their requisition.

15.00 hrs.

One problem to which I would like to draw the attention of the hon. Minister is in respect of those buildings which are under requisition for a pretty long time, say, for more than a decade or so. I think, the Government should make up their mind at a very early date, within six months or

so, to either acquire or to de-requisition them. That would be in fairness of things. Though the principle of the Bill is quite commendable and although the Government have come to this decision at a late stage, I would say, 'Better late than never.' Therefore, I think that not only should the Government get this Bill passed but also see that it is implemented in the spirit in which it has been brought namely that so far as the houses or properties which are under requisition, either they are de-requisitioned or acquired during the shortest possible time. 10 years, of course, is the limit but I think the Government should not go to that limit.

SHRI NARENDRA SINGH MAHIDA (Anand) : This sort of Bill is rather rare because the power to requisition and to acquire immovable properties for a public purpose was first provided in the Defence of India Act of 1939. This Act came to end on the 30th September 1946. This Act was for the purpose of emergency. Now we are still legislating after 31 years and are maintaining these properties. Some years ago I was living in Bombay in the World Sea Face. There, for the last 31 years development has been stayed. These properties are still in the hands of the Government. Now, the Defence of India Act, 1962 has also ceased to operate after 10th July, 1968 and emergency has ceased too. Many properties which have been requisitioned under the Defence of India Act, 1952 and the Requisitioning and Acquisition of Immovable Property Act, 1952 are in the possession of the Ministry of Defence and also some other Ministries. I can understand about the Ministry of Defence retaining some of the properties because they have built buildings and for defence purposes they are needed. But what about other properties in the hands of other Ministries? There I do not see any need for them to retain them. Either the Government must come forward to pay compensation and acquire them or de-requisition them. The idea is that probably from the Ministry's point of view they are unable to pay compensation and that is why in order to avoid paying compensation this Bill is brought forward. That is my humble view.

In the Statement of Objects and Reasons

it has been stated that on many of these properties, valuable constructions of a permanent nature connected with national defence or the conduct of military operations or other important public purpose have been put up. I agree there. For this I would like this Bill to be passed into Law but for national needs we cannot over-rule payment of compensation.

The Law Commission of India also has recommended in their tenth report that the Law of requisition should be embodied in a permanent code. But I would agree for this permanent code only for defence purpose and not for other needs. They have further recommended that no property should be kept under requisition for a period longer than 5 years. It is proposed here to be kept for 10 years. Probably after 1980 we shall have another Bill. I, therefore, see no purpose why property should be merely requisitioned and kept by the Central Government because they are unable to pay compensation. Thereby urban development is hampered. For 31 years the property has been acquired and they may now do it for another 10 years. That means that for 41 years we will be depriving in a democratic Government the citizen of his properties. I, therefore, request the Minister to kindly look into this and I would not agree for requisition for 10 years. I would certainly suggest to the Minister that he can do it for five years and after five years either you pay compensation or de-requisition the property. If you require them for defence needs, I agree. With these words, I support the Bill.

SHRI LOBO PRABHU (Udipi) : I may be pardoned for saying that this Bill is a most atrocious piece of legislation which the Government have brought before this House. The Minister happens to be a very old friend of mine, but nonetheless I would like to tell him that he has suppressed many important facts, has ignored much of the law, in bringing this Bill. In the first place the Minister has taken shelter under the Law Commission's report. That report makes it very clear. I will read the exact words. That makes it very clear that the law of acquisition is a bad law. It says ;

[Shri Lobo Prabhu]

"We are of the view that the power of requisitioning is an extraordinary power and can be justifiably invoked only when an emergency arises."

They proceeded :

"We have included in our legislative proposals this Bill but we do not suggest that it should be permanent or throughout the country."

And this is the most important point which the Minister has ignored. It has said that it will be effective on the issue of a notification of emergency. Now, he has to explain to this House and he has to explain to the country how he has taken refuge under the Law Commission's proposals when those proposals are to the effect that the Bill will be only contingent on the issue of a notification of emergency. It is not a Bill to be made permanent for ever. I am coming to further differences with the Law Commission later as I deal with the Bill, but this is a point on which I challenge the Minister to explain why he has ignored this particular provision, that it should be contingent on the issue of a notification.

The second point on which I would like the House to be exercised is the fact that there are going to be two different laws for acquisition and requisition. There is the law of Land Acquisition already current since 1894. There is this law of requisition since 1939. Under this Law not only is there provision for requisition, there is provision for acquisition. It is an important principle of jurisprudence that there should not be two laws on the same subject. It is an elementary principle of jurisprudence that these two laws should not differ. I would just try to take you through the provisions of the two enactments to show the difference. Under this enactment, under section 3, a show-cause notice is issued to be replied to within 15 days. And within a month after that the competent authority may requisition the building or the property concerned. Under Land Acquisition Act the procedure involved is in Section 4 which declares the acquisition

and asks for objection whether a public purpose is served. There is Section 6 which fixes the amount of compensation, fixes the boundaries of the land etc. There is Section 11 which actually contains the award. All this, even the Law Commission thought, should take about 6 months, although, in actual fact, it takes years and years. So, here is a procedure by which Government can requisition within 2 months what under the Land Acquisition Act would take at least one year or more. There is Section 17 which provides for emergent acquisition and Section 35 which provides for requisition. You can make a temporary acquisition even under the Land Acquisition Act. So, requisitioning under section 35 should be enough for most purposes except those which are now conceived by the hon. Minister to be so important as to ignore both the Land Acquisition Act and the proposals of the Law Commission.

Secondly, I would like to refer to the procedure for determining the compensation. Under this Act, either there is agreement between the parties or failing that, an arbitrator is appointed and the arbitrator may have an assessor if certain circumstances arise, and his decision is final except by way of appeal first to the Government in case of the necessity for the acquisition and to the High Court in respect of the award. Is it fair that there should be only one appeal and that too to the highest body? Under the Land Acquisition Act, there is appeal to several courts. There is an appeal to the district judge from the order of the Collector and from the district judge, there is an appeal to the High Court. Here, the party is put to the expense and trouble of appeal to the High Court from the order of the arbitrator. There cannot be two distinct ways of dealing with the same proposal.

Now, I come to the third difference, namely the difference in the way the compensation is calculated.

Compensation here is calculated by a method which is left largely to the arbitrator and which says that he may take into account the rent paid and certain changes in the building and certain loss which may arise.

But under section 23 of the Land Acquisition Act, there are definite provisions. If those are good for ordinary cases, why are they not good for these cases. We are now in times of peace, and there is no urgency about these proposals, and, therefore, these differences in calculations for the award should not exist if the laws are to be at all consistent with each other, and if the people are not to be confused and if Government are not to take advantage of one law just in order to get certain lands and certain buildings. So, this is a vital defect in the Bill which is an addition to an existing law, namely the land acquisition law. It is in contradiction to some extent with the Act, and it would be a great shame if this House allows a Bill like this to be passed into law.

The argument of emergency which my hon. friend on the other side quite rightly raised can belong only to war-time; it cannot belong to the present times. But the Bill empowers him even now or at any time to acquire or requisition for a period of ten years.

Now, what had been the general consequences of this Act? The general consequences of this Act were described in the debate which took place in 1968 when this Act was amended. The hon. Minister admitted that there were 298 houses in Bombay, Calcutta and Delhi which were subject to requisition and about 266 houses which were in lease. These are on rents of 1939 and subsequent dates when the acquisition took place. How is it fair to a particular owner that he should receive only the rent which was current in 1939? There have been cases of houses where the rent is very low. I was told of a house here in Delhi, namely No. 5, Hardinge Avenue where the rent assessed for the building was just Rs. 500. It is now fetching a rent of Rs. 5,000. My hon. friend Shri Puro Mody told me of another case of abuse arising from this requisition; a house which was in the occupation of a naval captain was made available to the son of a previous Chief Minister within 24 hours by an order of the Defence Ministry. That is how this Act is being abused. There is no law. Once you take possession of a house at these rents, once you take power to allot these houses to whomsoever

you like, there is no law. It is not at all a question of socialism. I would not mind if all the rents of all the houses were reduced or if all the houses were requisitioned. But it is only a few houses which are involved, the house possibly of a poor man who has no other income or the house possibly of someone who has no other place where he can carry on his business, which are requisitioned.

So this legislation cannot be allowed to enter the statute book. I have got amendments with which I shall deal when we come to the particular clauses about the limit given for releasing these houses. But here and now I would like the Minister to explain these points: Why did he suppress the fact that the Law Commission said that there should be a specific notification when this Act will come into effect in times of emergency? Secondly, why this Act conflicts with and sometimes overlaps the Land Acquisition Act?

In this connection, he referred, no doubt, to the fact that the Land Acquisition Act is under revision and that Shri Mulla's Committee is already reporting on it. We had an assurance from his predecessor, Shri Jagannath Rao, that those principles would be incorporated in respect of this Act. Could he not have waited, when Government have waited so long, all these 30 years, and have those principles put in? Why do Government not accept the principles given by the Law Commission? Were they not good enough? Instead, Government have simply brought forward a Bill in the confidence that the House will not be vigilant and will pass it. I would appeal to every section of the House to very strongly register its opposition to it. This is not a measure of socialism. This is a measure of autocracy. This is a measure in favour of the Defence Ministry and the Housing Ministry so that they can take away the houses of individuals in order to give them to anyone they like for any rent.

SHRI G. VISWANATHAN (Wandiwash): After hearing Shri Lobo Prabhu, I would like to support his views, at least most of them. This Bill has been brought forward by the Minister to get another lease of life for this law for ten years.

SHRI LOBO PRABHU : Not ten years, but permanently.

SHRI G. VISWANATHAN : The Minister also conceded that the Law Commission were against this measure continuing more than five years. So Government have brought this against the wishes of the Law Commission also.

As has already been pointed out, if the Bill becomes an Act, Government can requisition any house or any immovable property at any time and they can keep it on without even acquiring it. This will create an anomalous position. The owner of the property will not know when his property is going to come back to him; even Government do not know how long they are going to keep it. It is just like having a lady without either treating her as wife or getting a divorce. It is like keeping her for a long time as a concubine.

I suggest to the Minister that he should not fall into this habit. He must either take it or leave it. Government argue that if they acquire all the properties, they would incur an expenditure of about Rs. 33 crores throughout the country. This gives us the real picture, that innumerable houses and properties are under the requisition of Government. Government already are spending one crore of rupees annually. According to the statement of objects and reasons of the Minister, this year there is going to be an additional expenditure of a crore of rupees on this account. If they are already spending Rs. 2 crores annually; what prevents Government from acquiring these properties? Otherwise, it is going to be a waste. Already they have built buildings and are spending Rs. 2 crores every year from this year. So it would be better if they acquired these properties. If this is not possible, let them at least derequisition them and release those properties.

So, I would request the Minister that it is better to extend the life of this Bill only for a few years. Within that time they must de-requisition all this property. After more than 30 years they must now come to a conclusion that this Bill which has been brought forward in the name of emergency should not continue for ever.

SHRIMATI ILA PALCHOUDHURI (Krishnanagar) : I shall be very brief because this was discussed in 1968. Now the life of the Bill is sought to be increased, though actually the Law Commission, as my friend opposite has said, was against extending this Bill for a very long period.

I would like to bring to the notice of the hon. Minister that in rural areas... I do not know about urban property—there are large tracts of land which had been acquired under the Defence of India rules year ago. It is over ten years now and the cultivators there cannot cultivate that land. Lately, Government has stopped taking any rent from them and they do not know if they are going to be driven out or if they can cultivate the land or if any compensation is going to be paid to them. What are we going to do about these cultivators? We claim that we are out to help the cultivators. More than 300 acres of land are lying fallow in Nadia where you have built a refugee camp. There is no other construction there of any defence value and the Camp is mainly built on the old air field runways the land is lying fallow. I would earnestly request the Government to appoint a Parliamentary Committee to look into cases like this and see what justification there is for depriving the cultivator of cultivating and also refusing to take rent from him, and putting him in a position where he does not know whether he is going to be driven out or given possession of the land. So, I would earnestly request the Minister to go into it. In 1968 also I brought up this question, and now if this Bill is going to last for ever, I do not know what is going to happen to the cultivators. I hope sympathetic consideration will be given to them, and something will be done.

SHRI DHIRESWAR KALITA (Gauhati): According to me this is not a good Bill. Mr. Deputy Speaker, you also come from Assam like me and you know that consequent on the Chinese aggression in Assam in 1962, from NEFA onwards in the whole of Assam thousands of acres of land were requisitioned. Many houses are still under requisition. Not only that. Almost the whole of North Bengal is under requisition. Within these years from 1962

only a little portion of land has been acquired by the Government. What is the compensation you are giving? Sometimes, it is five times of the land revenue, sometimes it is ten times of the land revenue. Let me explain with an example. Suppose I had three acres of land, with that I could maintain my family because I had two crops.

According to the provision for payment of compensation how much would I get for one acre? I get Rs. 15 and for three acres I get Rs. 45. Previously in that area of three acres in terms of paddy [I could get so many mounds of paddy; other crops also. I could feed my family. Now, I am deprived of all this. The provision under which recurring payment of rent or compensation is given is making the peasantry lose much. In the whole of Assam I have seen how this Act is working; either they should be acquired or should be given back immediately. Under this Act the main building of the Cotton College Principal had been requisitioned for some military office. It is in the heart of the city. They did it in the emergency. Where is the necessity for extend that emergency for eight years? They cannot extend it. They had taken many buildings like this. The occupation of the Cotton College building has always been source of bitterness among the students and the military personnel. That is why I say that this amendment will not give any relief to our people. Somebody spoke about the emergency. Only under an emergency land or house can be requisitioned. When there is no emergency why does the Government want to take this power for ten years ignoring the advice of the Law Commission? There is no justification for doing so. Therefore, I submit that this Bill is unworthy and cannot serve any purpose. It is hitting our peasants most in the rural areas and also the middle-class people who have got small houses in the towns. I oppose the principle of recurring payment; I also oppose the principle of extending the provision for ten years and I hope the whole House will join me and oppose this Bill.

श्री रणधीर सिंह (रोहतक) : डिप्टी स्पीकर साहब, मैं हाउस का ज्यादा टाइम नहीं लूंगा। इस बिल से देहात और किसानों पर

जो असर पड़ता है, जिसके बारे में मेरी बहन, श्रीमती इला पालचौधरी, ने कहा है, मैं उसी के बारे में कुछ कहना चाहूंगा। गवर्नमेंट ने इमर्जेंसी का नाम लेकर, पब्लिक परपज के नाम से, इस कानून के तहत बहुत सी जमीनें एक्वायर कर ली हैं। इस किस्म की एक नहीं बल्कि दर्जनों मिसालें हैं, जहां एयरोड्रोम के नाम से गांवों की हजारों एकड़ जमीन ले ली गई है। गुड़गांव यहां से नजदीक है—सिर्फ बीस मील दूर है। तीस साल से वहां के किसानों की कई हजार एकड़ जमीन एक्वायर की हुई है और सिर मारते फिरते हैं वहां के गरीब किसान। न तो उस जमीन को खरीदते हैं, न उस जमीन का मुआवजा देते हैं, न उसका कोई लीज एमाउंट देते हैं..... (व्यवधान)..... आप तमीज से बात कीजिए, बदतमीज आदमी। बोलना आता नहीं..... (व्यवधान)..... मैं जो आपसे अर्ज करना चाहता हूँ वह यह कि कम से कम ऐसी जमीन जो कम्युनिटी के इस्तेमाल में आए और जिससे सरकार की तरफ से पैसा मिले; रेंट की शकल में या कम्पेन्सेशन की शकल में वह पैसा भी देहात के काम आए, पंचायत के काम आए, जो देहात में गरीब लोग बसते हैं छत्तीस बिरादरी के हरिजन से लेकर ब्राह्मण तक उनके काम आए वह चीज क्यों नहीं होती है? जहां तक इस ऐक्ट का इस तरह से मिसयूज किया जाता है इस तरह से तो मुझे अन्देश है कि आगे भी ऐसा ही होगा।

एक और मिसाल मैं देना चाहता हूँ। बहादुरगढ़ का एक कस्बा है यहां से 18 मील दूर। उसके नजदीक माइनारिटी गांव है। पिछली लड़ाई में, आज से तीस साल हुए, वहां की कोई सात आठ हजार एकड़ जमीन उस वक्त एक्वायर की और अब भी मौके पर थोड़े-थोड़े खण्डहर हैं एयरोड्रोम के। सिर मार लिया उन बेचारे गरीब भाइयों ने पिछले तीस साल से, एक पैसा गवर्नमेंट नहीं छोड़ती है। एक पैसा

[श्री रणधीर सिंह]

मुआवजे का देना नहीं, एक पैसा लीज एमाउंट का नहीं। यह एक जुल्म है। इससे ज्यादा धींगामुश्ती और कोई मिल नहीं सकती।

इसके अलावा, सेंट्रल गवर्नमेंट को छोड़िए, स्टेट गवर्नमेंट भी क्या करती है कि गांव की पंचायत की जमीन को जो बड़ी कीमती जमीन है, जिससे लोग फायदा उठाते हैं, उसे लीज आउट किया जा सकता है, हरिजनों को और गरीब बैंकवर्ड लोगों को जो लीज आउट की जा सकती है, और की भी जा रही है। पचास प्रतिशत बेजमीन किसान मजदूर फायदा उठाते हैं, उस पर गवर्नमेंट ने कब्जा कर लिया है फारेस्ट के नाम से कि हम फारेस्ट उगाएंगे। ऐसी एक नहीं सैकड़ों मिसालें मैं दे सकता हूँ जिसमें इस रद्दी ऐक्ट के तहत उन पंचायतों के साथ और देहात में रहने वाले छत्तीस बिरादरी के गरीब लोगों के साथ जुल्म होता है। उसके लिए इसका इस्तेमाल होता है।

मैं यह कहना चाहता हूँ कि अगर तो हुकूमत का कोई एमर्जेंसी का काम है, डिफेंस का काम है, देश पर कोई आपत्ति आती है, देश के बचाव की बात है तो गांव नहीं सिर घड़ भी देने के लिए तैयार हैं देहात के भ्रादमी, जमीन क्या है, वह तो मरते हैं, मरना सीखा है उन्होंने। उसके तहत कार्मशियलाइज किया जाय, सौदा किया जाय और उस जमीन से बनिया बनकर फायदा उठाए और जो उसका असली मालिक है उसको एक पैसा न दें, यह कोई शराफत की बात नहीं है, न यह कोई इंसफ की बात है। यह मैं मिनिस्टर साहब की नोटिस में लाऊंगा कि कम से कम इस किस्म के केसेज में, मैं शहर की बात नहीं कहता, मैं देहात की बात कह रहा हूँ कि ऐसे केसेज में, जहां गरीब भ्रादमियों को नुकसान होता है और हुकूमत का गरीब भ्रादमियों को फायदा पहुंचाना न सिर्फ उसका फर्ज है बल्कि हुकूमत का यह हक है तो उसके ऊपर वह गौर करें। जहां तक इसका मुद्दा है कि नेशनल

डिफेंस के लिए, एयरोड्रोम के लिए या और किसी पब्लिक परपज के लिए चीज है तो वह बात तो दूसरी है। वरना, मैं एक आखीरी बात कहकर बैठ जाता हूँ, मुल्ला साहब की एक कमेटी बनाई गई है, रंगा साहब उसके मेम्बर हैं, हम भी मेम्बर हैं, उसकी रिपोर्ट दो चार दिन में स्टडी की जाने वाली है। उसने बहुत बड़ा काम किया है। वह हाई कोर्ट के एक हाई दिवाग के जज हैं। उन्होंने कहा है कि कोई जमीन का एक चप्पा भी वगैर यूज के न लिया जाय। और पब्लिक परपज यों ही किसी भी चीज के लिए डिक्लेयर कर दिया जाय यह भी नहीं होना चाहिए। किसी आदमी को कोई प्राइवेट घन्घा चलाने के लिए पब्लिक परपज के नाम से जमीन ले ली जाय और उसके लिए जैसे डी. डी. ए. है या कारपोरेशन है, म्युनिसिपल कमेटीज हैं, वह जो इस तरह जमीन ले लेती हैं... (ब्यवधान)... मेरा जो प्वाइंट है वह यह है कि वह रिपोर्ट आ रही है। उसमें यह सुझाव दिया जा रहा है कि किसान की जमीन को, अच्छी जमीन को और यहां तक कि निकम्मी जमीन को भी जमीन के बदले जमीन दिए बिना जबदस्ती उस पर कब्जा न किया जाय। एक तरफ तो आप हाई पावर कमेटी बिठाते हैं कि किसान की जमीन को नहीं छेड़ा जाएगा और दूसरी तरफ से ऐसा बिल आता है कि हजारों एकड़ जमीन जब चाहें किसान को लात मारकर उससे ले ली जाय, यह एक बड़ा भारी कांटेडिक्शन इसमें है और मैं चाहूंगा कि मंत्री महोदय उस रिपोर्ट को भी देख लें, वह भी फूड एंड एग्रीकल्चर मिनिस्ट्री की है वह भी आप की है। जहां तक सवाल इस बात का है कि नेशनल डिफेंस के लिए जेनुइनली जरूरत है उस पर तो हमें कोई आपत्ति नहीं है। लेकिन जो मिस-यूज हो रहा है लैंड एक्विजीशन ऐक्ट का उसको दिवाग में रखें। इन शब्दों के साथ मैं इसकी पार्शियल सपोर्ट करता हूँ और जो इसमें डिफेक्ट है उसकी मैं मुत्सालिफत करता हूँ। उसको वह देखें और

अगर उसे दूर कर दें तो मुझे इसको सपोर्ट करने में कोई एतराज नहीं होगा।

श्री रामजी राम (अकबरपुर) : उपाध्यक्ष महोदय, क्या इस सदन में माननीय सदस्यों को बदतमीज शब्द कहा जा सकता है, यह हम जानना चाहते हैं ?

MR DEPUTY-SPEAKER : He May withdraw it.

श्री रणधीर सिंह : मेरा मतलब किसी मेम्बर से नहीं था, जो इस किस्म का आबस्ट्रक्शन करें, बदतमीज का उससे मतलब था। मेम्बर से किसी से मतलब नहीं था।

श्री लखन लाल कपूर (किशनगंज) : उपाध्यक्ष महोदय, यह स्पष्ट नहीं हुआ। उन्होंने बदतमीज शब्द डायरेक्ट इस्तेमाल किया। बदतमीज नहीं होनी चाहिए और बदतमीज हो, इन दोनों में बड़ा अन्तर है। डाइरेक्ट उन्होंने कहा बदतमीज।

श्री रणधीर सिंह : अगर मेरे भाई बुरा मानते हैं तो मैं विदवा कर लेता हूँ। जिसने किया उसके लिए तो नहीं लेकिन यह एक निहायत भले आदमी कह रहे हैं तो उसको मैं विदवा करता हूँ।

MR. DEPUTY-SPEAKER : He has withdrawn it.

श्री रामस्वरूप विद्यार्थी (करोल बाग) : उपाध्यक्ष महोदय, इस देश में यह प्रथा चली आ रही है कि सरकार प्रचार कुछ करती है और काम बिलकुल उसके विपरीत करती है। समाजवाद का नारा लगाया जाता है लेकिन दुर्भाग्य यह है कि जितनी जमीन एक्वायर की जाती है वह सब गरीब अदमियों की, की जाती है। दिल्ली की एक घटना है। दिल्ली के तीस साल के इतिहास के अन्दर केवल एक शिडयूल्ड कास्ट की फॅक्ट्री थी और इस ऐक्ट के तहत वह फॅक्ट्री एक्वायर कर ली गई और आज तक एक पैसा नहीं दिया गया। अभी रणधीर सिंह जी ने गुडगांव का जिक्र किया था। 1939 में वहाँ करीब 3 हजार बीघे जमीन इकट्ठा की

गई, एक रुपया बी बीघे के हिसाब से रेंट देना उन्होंने स्वीकार किया। वह भी आज तक गवर्नमेंट ने नहीं दिया। वह बेचारे सौ के करीब आदमी डिफेंस मिनिस्टर के घर पर भी बैठे रहे 24-25 घंटे, चार-पांच मिलकर फिर दो-बारा बैठे, लेकिन आज तक कोई कार्यवाही नहीं हुई। तो मैं सरकार से कहना चाहता हूँ कि जिस मकसद के लिए जमीन एक्वायर की जाय अगर वह मकसद चार साल के अन्दर पूरा न किया जाय, सरकार वह चीज खड़ी न करे तो वह जमीन रिलीज कर दी जाय और मैं समझता हूँ कि मंत्री महोदय को इसको मानने में कोई आपत्ति नहीं होगी क्योंकि 1939 में जो जमीन एक्वायर की गई आज भी उसी रेट पर उसे एक्सटेंड करके वैसे ही रखा जाता है तो किसी व्यक्ति को कुछ नहीं मिलेगा। इसलिए इंसाफ़ यह डिमांड करता है कि मंत्री महोदय इस पर विचार करें और कम से कम 1939 में जो भूमि या मकान रिक्वीजिशन किए गए हैं वह इस ऐक्ट के पास होने से पहले आटोमेटिकली रिलीज कर दिए जाय।

दूसरी बात मैं यह कहना चाहता हूँ कि दिल्ली जैसे शहर में जितने अमीर आदमी हैं उनकी कोई प्रापर्टी रिक्वीजिशन नहीं की जाती। अभी दो साल पहले की बात है, एक मैजिस्ट्रेट किसी के मकान में रहते थे, किराया जितना कहा, उतना देने के लिए तैयार हो गए लेकिन उसके बाद उसका वह दुरुपयोग करने लगे। मालिक मकान ने कहा कि आर मैजिस्ट्रेट हैं, अपनी पोजीशन का ख्याल करते हुए यहां यह गन्दगी न फैलाइए। उस पर उन मैजिस्ट्रेट साहब ने मिल मिलाकर वह सारी प्रापर्टी रिक्वीजिशन करवा ली। इस प्रकार से इसका उपयोग होता है। तो मंत्री महोदय से मेरी प्रार्थना है कि आप पब्लिक यूटिलिटी की बात कहें तो कोई जूडिशियल बोर्ड हो जो उसको देखे कि पब्लिक यूटिलिटी है या नहीं। स्वाम-स्वाह किसी आफिसर या ब्यूरोक्रसी के सहारे

[श्री राम स्वरूप विद्यार्थी]

किसी भी चीज को पब्लिक यूटिलिटी करार देकर फिर उसको रिक्वीजीशन कर लेना यह कोई उचित बात नहीं है और उनके लिए शोभा नहीं बैता। गरीब समाज से उनका सम्बन्ध है, उन्हें अहसास होगा कि इससे नुकसान गरीब और मिडिल क्लास के लोगों को होता है। मैंने उदाहरण दिया कि दिल्ली के अन्दर एक हरिजन की फैक्ट्री थी वह एक्वायर करके एक नया पैसा भी उसका आज तक कम्पन्सेशन के रूप में नहीं दिया है।

एक बात और मैं कहना चाहता हूँ। जहाँ तक कम्पन्सेशन का मामला है, 1939 में जो प्रापर्टी उन्होंने एक्वायर की और आज जाकर उसका कम्पन्सेशन देना चाहते हैं लेकिन रेट जो है वह 1939 का लगाए हुए हैं तो यह कहाँ का इन्साफ है, यह मंत्री महोदय बताएं। जिस वक्त यह कम्पन्सेशन तय करें उस वक्त मार्केट का जो रेट है उसके अनुसार जो जस्ट कम्पन्सेशन है वह देना चाहिए और जस्ट कम्पन्सेशन न दें तो उन्हें रिक्वीजीशन नहीं करना चाहिए। उन्हें उसे रिलीज कर देना चाहिए।

यही कहकर मैं मंत्री महोदय से प्रार्थना करूँगा कि वह इस पर विचार करें।

SHRI K. RAMANI (Coimbatore) : This measure was adopted during a period of emergency. Now that emergency is no longer there there is absolutely no justification for government to keep this kind of legislation in the statute book. During the emergency hundreds of acres of land belonging to the poor farmers were acquired by the government and placed under the control of defence and other departments. I have personal experience of one instance. In my own constituency, in a place called Madukkarai, hundreds of acres of land have been acquired by the defence department and built some big barracks. The peasants very well know that these buildings will not be demolished and that they will not get back those lands. The poor peasants feel the loss of their land but they cannot help it. But the government can mitigate their

suffering by at least paying proper compensation. After all, they are not big landlords but small peasants. If they cannot get back their land, they should at least get some proper compensation.

There is another misery. Even the meagre rent which is due to them is not paid regularly. Rents get accumulated for five to ten years. Certain parties have to file suits in High Courts to get the meagre rent which is due to them. So, you can imagine the suffering of the people who have been dispossessed of their lands. Further, no consideration is given for the fruit-bearing trees in those lands. This is happening not only in Madukkarai but also in Red Field, another military area in Coimbatore city. Even though the land has been requisitioned, rent is not being paid properly. The landlords are asking the military to take over the land and pay them compensation but it is not being done.

In this background, what is the use of keeping this law on the statute book for another ten years, especially when you are not regular even in paying rent? Now the affected people are forced to resort to courts to get their legitimate dues. Therefore, it is better not to continue this Act. Instead of continuing the life of this Act, they should reduce the life of this Act from five years to two years. Otherwise, it will be a bad day for the poor farmers whose lands have been acquired by government. So, I oppose this measure.

श्री शिवचन्द्र भा (मधुबनी) : उपाध्यक्ष जी, यह बात जरूरी नहीं कि डिफेंस ही के लिए निजी सम्पत्ति को सरकार रिक्वीजीशन करेगी, बल्कि विकास के कामों के लिये भी जरूरी हो जाता है कि कभी-कभी निजी सम्पत्ति का अधिग्रहण किया जाय। इस सम्बन्ध में मुझे निमी तजुर्बा है। नहर बनवाने के लिये अपने इलाके में लोग जमीन नहीं दे रहे थे। यह बात भी साफ थी कि जो जमीन के मालिक थे उनकी जमीन कम थी और वह दिक्कत में पड़ जाते थे, लेकिन उस जमीन के लेने से जो नहर बनी और उस

से जो फायदा हुआ, वह उस इलाके को एक बहुत बड़ा फायदा था। इसलिये जैसा कि इन लोगों ने मुद्दा उठाया—डिफेंस के लिये मैं समझ समता हूँ, दूसरे कामों के लिये समझ सकता हूँ, लेकिन कभी कभी छोटी छोटी प्रापर्टी भी लेनी पड़ जायेगी। सड़क बनाना होता है, हाइ-वे बनाने के लिये, नहर बनाने के लिये और दूसरे प्रोजेक्ट्स के लिये जमीन की जरूरत पड़ती है, इस लिये इस दृष्टि से समाज का फर्ज हो जाता है, सरकार का फर्ज हो जाता है—उस सरकार का जो समाजवाद में विश्वास करती है—फर्ज हो जाता है कि उस जमीन को हासिल करे। दर्शन की दृष्टि से मैं इस विधेयक से सहमत हूँ, लेकिन आपके माध्यम से मैं मंत्री महोदय से पूछना चाहता हूँ कि सुप्रीम कोर्ट के जो फैसले इधर हुए हैं, वे तो बड़ी बातें थीं, बड़े बड़े बैंकों की बातें थीं, बड़ी रकम की बातें थीं लेकिन आप का यह विधेयक जब एक्ट बन जाता है और इस को कोई चेलेंज करता है, किसी की प्रापर्टी को आप सोशल वर्क के लिये लेते हैं तो जो धारा आज चली है, लहर चली है सुप्रीम कोर्ट की, उस दृष्टि से भी आपको सोचना चाहिए कि कहीं यह एक्ट रद्द न हो जाय। इसका एक ही तरीका है कि जब तक “राइट आफ प्रापर्टी” पर आप हमला नहीं करते हैं, इस विधेयक का मकसद पूरा नहीं होगा, भले ही सरकार दुन्दुभी के रूप में क्यों न कहें कि हम सामाजिक काम के लिए यह जमीन लेना चाहते हैं।

मैं मंत्री महोदय से चाहूँगा कि इस विधेयक के मकसद को पूरा करने के लिए सरकार से सिफारिश करें कि भारत के संविधान में राइट आफ प्रापर्टी को अमेण्ड किया जाय, इस का संशोधन हो, तब ही इस तरह के विधेयक अपने मकसद पर पहुँच सकते हैं। जब तक इस तरह की बात नहीं होती है, इस विधेयक का मकसद पूरा नहीं होगा।

इस विधेयक में मियाद की बात समझ में

नहीं आ रही है। ला-कमीशन ने रिक्वेण्ड किया था कि रिक्वीजीशन के लिए 5 साल की मियाद होनी चाहिए। यदि सरकार लेना चाहती है तो 5 साल तक ले सकती है, लेकिन पांच साल के बाद तक रिक्वीजीशन नहीं करते हैं, तो उस सम्बन्ध में विधेयक में भी कहा गया है और मंत्री महोदय ने भी अपने भाषण में कहा है कि 10 साल तक हो सकता है। 10 साल किस आधार पर आपने तय किया है। यदि संविधान में परिवर्तन लाकर “राइट आफ प्रापर्टी” का कदम नहीं उठाते हैं, तो आपके पास कौन से तरीके हैं कि आप उसको 10 साल तक रोके रखें। आप किस आधार पर उसको 10 साल तक जरूरी समझते हैं—यह बात समझ में नहीं आती है। इसमें जो छोटी प्रापर्टी वाले लोग हैं, जैसा अभी कालिता जी ने कहा, वे तबाह हो जायेंगे, इसलिए यह लम्बी मियाद ठीक नहीं है। पांच साल की मियाद भी बड़ी है, इससे भी कम मियाद होनी चाहिए। पांच साल के अन्दर-अन्दर फँसला हो जाना चाहिए कि आप उस प्रापर्टी को लेंगे या नहीं लेंगे, अगर नहीं लेंगे तो वह उसे वापस हो जानी चाहिए, पांच साल से ज्यादा के लिए रिक्वीजीशन नहीं होनी चाहिए।

आखिरी बात मैं यह कहना चाहता हूँ कि जो कुछ भी प्रापर्टी आप लेते हैं उसमें आपको सोशियो-इकानामिक-कण्डीशन भी देखनी होगी। खास-खास केस की हालत को देख कर कम्पन्सेशन देना होगा। थोड़ी देर के लिए आप बिरला भवन को लेते हैं, जिसे ऐतिहासिक स्मारक के रूप में बनाया जा सकता है, जिसके लिए भूख हड़ताल भी की गई थी। हमारे लोग चाहते हैं कि बिरला भवन को समाज ले ले यादगार के रूप में। यदि आप उसको रिक्वीजीशन करते हैं तो फिर कम्पन्सेशन की बात आयेगी जो कि एक बहुत बड़ी वेइसाफी होगी। इसी तरह से दिल्ली में बहुत से मकान वाले हैं जो बड़े दौलतमंद हैं, उनकी जमीन

[श्री शिवचन्द्र झा]

यदि आप सामाजिक परंपरा के लिए लेने हैं और बड़ी रकम देने की बात आती है तो यह एक बहुत बड़ी ज्यादाती होगी। इसलिए जब तक आप राइट आफ प्रापर्टी की बात नहीं उठाते हैं तब तक यह मामला हल नहीं होगा। कम से कम हर केस में उसकी स्थिति का अध्ययन करके कम्पेन्सेशन दिया जाना चाहिए, जो गरीब हैं उनको मुआवजा दिया जाना चाहिए, लेकिन जिनकी हालत अच्छी है, दौलतमन्द हैं उनको मुआवजा न दें।

इस संशोधन के साथ मोटे तौर पर मैं इस विधेयक का समर्थन करता हूँ। इस सम्बन्ध में जिन संशोधनों की जरूरत है, उन्हें मैं बाद में पेश करूँगा।

श्री प्रेमचन्द वर्मा (हमीरपुर) : उपाध्यक्ष महोदय, जहाँ तक इम ऐक्ट का सवाल है, मैं मंत्री महोदय से, जब वे जवाब दें, यह जानना चाहूँगा कि दिल्ली में डी. डी. ए. ने इस कानून के द्वारा जो जमीन अपने कब्जे में ली वह जमीन एक रूपए गज में खरीदी लेकिन उसी जमीन को सौ रूपए गज में ब्लैक मार्केट में बेचा गया। अगर कोई दूसरा आदमी ब्लैक मार्केट करता है तो उस पर कानून लागू होता है लेकिन सरकार की ऐजन्सीज जैसे कि डी. डी. ए. है, वह जब इस तरह से ब्लैक मार्केट करती हैं तो उनको कोई नहीं पूछता। डी. डी. ए. के लिए अगर सब कड़ा जाये तो सारे हिन्दुस्तान में वह जमीन बेचने का सबसे बड़ा ब्लैक मार्केट का अड्डा है। डी. डी. ए. सबसे ज्यादा रुपया खर्च करती है और फिर उस जमीन को मामा, भानजे और भतीजों में बांटती है। उसके बाद उस जमीन को नीलामी के रूप में दो सौ रूपए गज में बेचती है। ऐसी हालत में मैं मंत्री महोदय से जानना चाहता हूँ कि यहाँ पर पिछले दस सालों में जो जमीन एक्वायर की गई उसमें से कितनी जमीन काम में लगी और कितनी जमीन अभी बाकी है और जिन

किसानों से उस जमीन को ले लिया है उन लोगों को बसाने का क्या इंतजाम किया गया है। मैं खास तौर से दिल्ली के आंकड़े जानना चाहता हूँ कि कितनी जमीन एक्वायर की, पिछले दस सालों में, कितनी जमीन काम में लगी और कितनी जमीन अभी बाकी पड़ी है ?

जहाँ तक जमीन एक्वायर करने का सवाल है, मैं इस हक में हूँ कि कानून के द्वारा जमीन एक्वायर करने का अस्तित्वाय सरकार के पास होना चाहिए। सड़क, कुएँ, नहर, स्कूल, कालेज और अस्पताल वगैरह बनाने के लिए जमीन एक्वायर करने का अस्तित्वाय सरकार के पास होना चाहिए ताकि जमीन के मालिक उस काम में भ्रष्टचन न डाल सकें और डेवलपमेंट का काम न रुके। लेकिन साथ ही साथ इसका मतलब होगि यह नहीं है कि सरकार की ऐजन्सीज मुनाफाखोरी के लिए जमीन एक्वायर करें। मैं एक छोटा सा उदाहरण देना चाहता हूँ। जमीन एक्वायर कर ली जाती है, कानून बन जाता है जैसे कि भाखड़ा डैम में सारी जमीन एक्वायर कर ली गई है और वहाँ के लोग उजड़ गए। उन लोगों को थोड़े से पैसे फी बीधे के हिसाब से तो दिए गए लेकिन आज हजारों की तादाद में, लगभग 40 हजार लोग दर-दर भटक रहे हैं, उनको बसाने के लिए सरकार कोई भी इंतजाम नहीं करती है। कानून के अन्तर्गत सरकार जमीन ले लेती है, गोविन्द सागर डैम बनना था, सरकार ने डेवलपमेंट के काम के लिए जमीन ले ली लेकिन यह बात भी सरकार को अपने ध्यान में रखनी चाहिए कि जो लोग उजड़ जायें उनको बसाने का भी इंतजाम किया जाये। बिलासपुर में आपने भी देखा होगा कि वहाँ के लोग उजड़ गए, उनकी बुरी हालत हो गई, सरकार ने उन लोगों की छाती पर गोविन्द सागर बना दिया, राजस्थान और हरयाणा के लोग उसकी वजह से मोज उड़ा रहे हैं लेकिन बेचारे उन लोगों को बसाने का कोई इंतजाम नहीं है। इसलिए मैं कहना चाहूँगा कि जब

जमीन एक्वायर की जाये तो उसके साथ-साथ यह बात भी होनी चाहिए कि जिन लोगों की जमीन एक्वायर की जाये उनको बसाने का भी मुनासिब तौर पर इंतजाम होना चाहिए।

मेरी दूसरी अर्ज यह है कि जो जमीन सरकार भी बेकार पड़ी हुई है उसको भी इस्तेमाल में लाना चाहिए। और ऐसी जमीनें बेकार पड़ी हुई हैं उनको इस्तेमाल में नहीं लाया जाता जब कि किसानों को जमीन सरकार एक्वायर कर लेती है। इसलिए मैं चाहूंगा कि इस बात का पूरा ध्यान रखा जाये कि किसान की जिस जमीन पर अनाज पैदा होता है, उसको कम से कम लेना चाहिए।

आखिर में मुझे यह कहना है कि इसकी मियाद पांच साल काफी होनी चाहिए वरना इसके नाजायज फायदे उठाये जायेंगे। दस साल तक जमीन बेकार पड़ी रहती है और जनता का नुकसान होता है। इन शब्दों के साथ मेरी अर्ज यह है कि यह कानून ठीक है, इसको होना चाहिए लेकिन इसमें कुछ इस प्रकार की तर्कों में मंजूर कर ली जायें।

श्री लखन लाल कपूर (किशनगंज) : उपाध्यक्ष महोदय, इस बिल के पीछे जो भावना है, उसका मैं समर्थन करता हूँ। यह आवश्यक है कि जनहित और राष्ट्रहित में आवश्यकता पड़ने पर सरकार जमीन एक्वायर कर सके व हे वह डिफेंस पर्पज के लिए हो या रेल, रोड और नहर के लिए हो। लेकिन जैसा कि अभी माननीय सदस्य भा साहब ने भय व्यक्त किया है कि जबतक आप प्रापर्टी राइट में संशोधन नहीं करते तबतक में नहीं समझता कि आप कोई अच्छा कदम उठा सकते हैं जिससे लोगों को लाभ पहुँच सके।

दूसरी बात यह है कि जो जमीन एक्वायर की जाती है उसका जो ब्यूरोक्रेटिक ढंग है उसमें आम तौर पर यही देखा जाता है कि

बड़े पैमाने पर जमीन एक्वायर करने में गरीब तबके और छोटे किसानों को ही पामाल किया जाता है। जो बड़े लोग हैं, जो पैसे वाले हैं वे तरह तरह से अपना बचाव कर लेते हैं; गरीब और छोटे किसानों की जो जमीन ली जाती है उसका कम्पेन्सेशन भी उन लोगों को समय पर नहीं मिलता है, बरसों तक वे दफ्तरों की खाक छानते रहते हैं और आखिर में तंग आकर वे बेचारे उसको छोड़ देते हैं। एक दो नहीं बल्कि सैकड़ों इस प्रकार की मिसालें हमारे सामने मौजूद हैं। आप एक बहुत बड़ा प्रोजेक्ट, बोकारी स्टील प्लान्ट बिहार में खड़ा कर रहे हैं, हटिया में किया है, वहाँ पर गरीबों को और भ्रादि-वासियों को उजाड़ दिया गया है, इस काम के लिए आपने उनकी जमीनें तो ले ली हैं लेकिन जो लोग बेघर-बार हो गए हैं क्या उनको बसाने की भी कोई व्यवस्था की गई है? जब आप उनको उजाड़ना चाहते हैं तो फिर बिना उनको रिसेटिल किए हुए आप उनकी जमीन लेने की कोशिश न करें। इस बात की व्यवस्था इस बिल में होनी चाहिए लेकिन ऐसा नहीं है। बार बार इस सम्बन्ध में जनता आवाज उठाती है लेकिन वह चीख पुकार कर ही रह जाती है, उसकी बात पर कोई भी ध्यान नहीं दिया जाता है। यहाँ पर समाजवाद और जनतन्त्र की बात की जाती है लेकिन जनतन्त्र और समाजवाद की हत्या बड़े बड़े अफसरों के द्वारा होती है। आप जो पावर्स उन अफसरों को देते हैं वे उनका मिसयूज करते हैं। वे उन पावर्स का गलत इस्तेमाल करके गरीबों को ही पामाल करते हैं। वे पक्षपात से काम करते हैं। आज भारतवर्ष में जो एक हवा बनाने का प्रयास किया गया है उसमें अगर इस तरह के कानून बनते हैं तो फिर मैं नहीं समझता जिन अफसरों के चलते आज-जनतन्त्र खतरे में है, समाजवाद का हुआ है क्योंकि वे अफिसर न तो समाजवादी हैं न डिमोक्रेट हैं, वे मनमाने ढंग से चलेंगे, उनकी रोकथाम के लिए आप क्या कर पायेंगे? इस

[श्री लखनलाल कपूर]

लिए इन बातों पर जोरदार विरोध करते हुए मैं कहना चाहता हूँ कि इस तरह का बिल आपको नहीं लाना चाहिए और अगर लाना चाहते हैं तो उसमें सुधार करके लाना चाहिए। जो ला कमीशन की रिपोर्ट आई है, उसकी जो रिक्मेंडेशन हैं कम से कम अगर उनको ही आप मानकर चलें तो थोड़ी सी राहत मिल सकती है। लेकिन मैं कहना चाहता हूँ कि इस तरह के बिल से हिन्दुस्तान में न तो अच्छा वातावरण बना है और न बनेगा ही। आप जरा हिम्मत करके समाजवादी ढंग पर इस बिल को बनाइये जोकि जनहित के लिए अच्छा साबित हो।

SHRI DATTATRAYA KUNTE (Kolaba) : This reminds me of the first Bill that we discussed in the 1967 session of this House. It was just a Bill. We do not have any support for this Bill except from the Minister concerned. But if you look to the statute book, it is already there on the statute book squarely. This is a Bill with a very sinister motive. It is a four-clause Bill. One clause is the name of the Bill and the rest of the three clauses have a very sinister motive. Clause 1 refers to deletion of a particular sub-clause of section 1 meaning thereby that this becomes a permanent statute on the statute book instead of a statute which ought to expire by the end of the March 1970. Has the Minister given any reasons why he wants to do it ?

16 hrs.

SHRI B. S. MURTHY : Yes, Yes.

SHRI DATTATRAYA KUNTE : And if he has given and reasons, are they convincing ?

SHRI B. S. MURTHY : It is for you to be convinced.

SHRI DATTATRAYA KUNTE : That is exactly what I am trying to do. If the Minister feels that he has convinced the House, he does not know the mind of the House because the speeches that followed him have been against the Bill. One point is that he wants this Bill permanently on the statute book. How does the statute arise ?

It was pointed out by Mr. Mahida that the Government of India passed a two-section Defence of India Act under which 500 and odd rules were passed, lot of persons were put in jail and properties requisitioned. Under these circumstances, to take defence under something that was done in a war long time back, is not correct. I do not know what the Minister wants to do. In the year 1962 an Act was passed, it was a temporary measure, far a temporary purpose than in 1962 because an emergency was declared.

MR. DEPUTY-SPEAKER : You have been given two minutes.

SHRI DATTATRAYA KUNTE : I will continue tomorrow.

MR. DEPUTY-SPEAKER : You can continue ; but you have been given only two minutes. You can continue tomorrow.

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16.02 hrs.

*Discussion re Rule of Governors,
in the Recent Ministry—Making
in U. P. and Bihar*

MR. DEPUTY-SPEAKER : The House will now take up Discussion on the role of Governors, in the recent Ministry-making in U.P. and Bihar. Altogether an hour and a half have been allotted for this discussion.

SHRI S. S. KOTHARI (Mandsaur) : I require 25 minutes at least. I am the mover; I have to present my case.

SHRI CHENGALRAYA NAIDU (Chittoor) : You have to have full discussion. Do you want a half or quarter discussion, Sir ?

MR. DEPUTY-SPEAKER : The time allotted is one hour and a half.

Shri Kothari may finish in ten minutes.

SHRI S. S. KOTHARI : I will take at least 25 minutes.

Sir, it is a sad commentary on the functioning of governors and democracy in this country that time and again we in this House have to concern ourselves to discuss