

**Mr. Speaker:** Motion moved:

"That the Bill, as amended, be passed."

Two hon. Members, namely, Shri Bishanchander Seth and Shri Buta Singh had written to me that they might be allowed to speak in the third reading stage. But I find that both of them are not here. So, I shall put the motion to vote.

The question is:

"That the Bill, as amended, be passed."

*The motion was adopted.*

13.10 hrs.

LAND ACQUISITION (AMENDMENT) BILL—contd.

**Mr. Speaker:** The House will now take up further consideration of the following motion moved by Shri S. K. Patil on the 21st August, 1962, namely:

"That the Bill further to amend the Land Acquisition Act, 1894, and to validate certain acquisitions under that Act, be taken into consideration."

together with amendments moved thereon.

Shrimati Sarojini Mahishi was in possession of the House.

**The Minister of Food and Agriculture (Shri S. K. Patil):** Before the discussion starts, may I just refresh memory by a brief statement? You had originally given 4 hours to this Bill. Later on at the request of Members, you made it 6 hours. The discussion went on and amendments were moved. Then I made an appeal to you that if the discussion was postponed to a later date, I might possibly meet the point of view of some of the Members who had moved amendments so that I could be as near as possible to them without infringing the basic principles embodied in the Bill. You very kindly consented to that and there the matter ended.

After that, I had an opportunity of meeting some of the Members. I think quite a change has been made in some of the amendments; some amendments have been dropped and new ones have been added in order to accommodate the views of hon. Members as far as possible. There the matter stands.

**Shri S. M. Banerjee (Kanpur):** You very kindly increased the time allotted to six hours. We have spent four hours already.

**Mr. Speaker:** 4 hours and 35 minutes; 1 hour and 25 minutes remain.

**Shri S. M. Banerjee:** It is true that the hon. Minister met some of the Members of the Opposition as also of the ruling Party. But there are 54 amendments. Therefore, I submit that the time should be extended. This is a very controversial Bill. I do not think there is any Bill which has come up in this House which has become so controversial. We have gone through the latest amendments tabled by the hon. Minister and Dr. Ram Subhag Singh. We want that every word should be discussed.

**Mr. Speaker:** We can spend more time on clauses.

**Shri S. M. Banerjee:** The whole day should be allotted for this.

**Shri Hari Vishnu Kamath (Hoshangabad):** You may first be pleased to extend the time, because the Minister has put a new complexion to the Bill by meeting the viewpoints of some Members and bringing forward new amendments. It is almost a new Bill.

**The Minister of Law (Shri A. K. Sen):** It was only at the stage of clause by clause discussion that the question of considering amendments and the attitude of Government to the various amendments came up and then the hon. Minister in charge took time...

**Shri Daji (Indore):** That is not correct.

**Mr. Speaker:** Hon. Members desire that the time for clause by clause consideration should be extended.

**Shri A. K. Sen:** That is entirely for you to decide. I thought they wanted more time for the first consideration stage.

**Shri Hari Vishnu Kamath:** The Minister cannot stand in your way.

**Shri Tyagi (Dehra Dun):** According to the amendments tabled by Government themselves, I think the whole Bill has been overhauled, one way or the other, and Members have a lot to say on it. From the way in which people are approaching us with telegrams and representations, I feel that the Bill has agitated the whole rural area of India. It is an important matter. I would suggest that you give more time.

**Shrimati Renuka Ray (Malda):** I would like to support what Shri Tyagi has said.

**Mr. Speaker:** I am prepared to extend the time. It is for the House to decide. We have 1 hour and 25 minutes. After Shrimati Sarojini Mahishi concludes, the hon. Minister will answer all the objections as well as refer to the amendments that he proposes. After the conclusion of the first reading, we will spend as much time as the House desires on the clauses very thoroughly, because I agree there are new clauses.

**Shri Hari Vishnu Kamath:** That is all right. Thank you.

**Shri R. S. Pandey (Guna):** I had also given my name to speak on this Bill at this stage.

**Shri S. S. More (Poona):** Does that mean that the hon. lady Member will be the last speaker during the first consideration stage?

**Mr. Speaker:** I thought so. Does the hon. Member want to speak?

**Shri S. S. More:** No.

**Mr. Speaker:** Thereafter I will call upon the hon. Minister who will reply

to the arguments made as well as refer to the new amendments he is bringing in.

**Shrimati Sarojini Mahishi (Dharwar North):** Last time, I was referring to the particular clause that was going to be inserted in section 40 of the Land Acquisition Act and saying that the remedy should not be worse than the disease.

Article 19 of the Constitution confers upon the citizen the right to acquire property, the right to enjoy property and the right to dispose of property. Article 31(1) at the same time says that no person shall be deprived of his property save by authority of law. Article 31(2) says that no person can be deprived of his property save for a public purpose. There cannot be any acquisition of property except for a public purpose. At the same time, we also find that article 31 has been amended; 31A says that any law existing cannot be considered void only on account of the fact that it is inconsistent with the provisions of article 31. Here in the existing law, the Land Acquisition Act, that is not inconsistent. Therefore that stands as valid. But will not any insertion or amendment which goes to change the whole spirit of the existing section of the Land Acquisition Act be against the provisions of article 31? Will it be within our power to amend this particular section?

We find that there is another clause that is going to be substituted between (a) and (b). Section 40(1)(a) runs thus:

"that the purpose of the acquisition is to obtain land for the erection of dwelling houses for workmen employed by the Company or for the provision of amenities directly connected therewith."

Therefore, this is for acquiring site for construction of dwelling houses for the workmen employed by the company or for the provision of amenities or for giving better facilities to

the workmen who are employed in a company. This is for a public purpose and it has been recognised accordingly. The preamble to the Land Acquisition Act says that the property will be acquired or requisitioned for a public purpose or for a company. Here the word 'company' does not indicate whether it is for a public purpose, but it has been explained further that the words 'acquired for a company' must be for a public utility.

Clauses (a) and (b) were put into the Land Acquisition Act by the 16th amending Act of 1933. It was inserted on the recommendation of the Royal Commission on Labour that suggested that it should be done in view of the encouragement that was to be given to Indian industry and specially in view of the fact that section 38A said that any industrial concern wherein not less than 100 people were employed or any association which employed more than 100 people might for the purpose of the Land Acquisition Act be treated as a company. On account of 38A, these clauses (a) and (b) of section 40 were also made essential, because if the property was adjacent to a particular industrial concern or company and if it was essential for erecting dwelling houses for the workers of the concern, it was a matter of public concern.

Therefore, it was essential because the land was held at ransom by some of the landowners and it was sold at exorbitant prices also. As a result, the workers in the company could not be provided with proper accommodation. Hence clauses (a) and (b) were also to be inserted in section 40 on account of the insertion of 38A in the particular Act.

I wish to draw the attention of the House to the remarks made by the hon. Mr. Blith at the time of introducing this particular Bill. He said that the provisions of this Act could not be put into operation for the purposes of acquiring any land for any particular company in which the public is having a mere indirect interest. Therefore, the site or any particular land belong-

ing to any private person cannot be acquired only for purposes of a particular company or a spinning mill or a weaving mill, or an iron foundry, because it is very difficult to predicate of them the terms in which the public shall be entitled to make use of the particular land. Therefore, this being the reason, the interests of the public and the use which can be made of it by the public being the main concern, I think if the land is to be acquired, the main consideration is to what extent the public can make use of the same.

Sections 6 to 37 of the Land Acquisition Act cannot be put into operation unless, of course, the pre-requisites as mentioned in sections 40 and 41 are carried out. They say that the concerned or appropriate Government must give permission, and the second thing is the terms of the agreement must be entered into by the Government with the company. That is, sections 41 and 40 must be read together. Section 40 does not convey any meaning, or rather much meaning, unless it is read with section 41, because section 41 says under what circumstances, within what time and according to what terms the erection of the dwelling house or any facility or amenity that is going to be given to the workers of the particular industrial concern are going to be constructed, and if so, whether within a particular period they are going to be constructed. Therefore, without reference to the details of the agreement as mentioned in section 41, section 40 does not carry much meaning.

Of course, as has been mentioned here, we find there is an insertion by way of (aa) in between clause (a) and clause (b). Clause (a) of section 40 states that there can be an erection of a dwelling house for the workers in the company. Clause (b) says such acquisition is needed for the construction of some kind of amenity and that such work is likely to prove useful to the public. What is meant by "likely to be useful to the public" has not been clearly defined, as is the case

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with "public purpose" which has also not been clearly defined, but then there are the words that such acquisition is needed for the construction of some work. There is a reference to the expression "some work" in clause 5 of section 41, where the wording is that the acquisition is for the construction of any other work not mentioned in clause (a) or (b) of section 40. Then the time within which and the conditions on which the work is to be executed and maintained and the terms on which the public shall be entitled to use the work—this is most important, the time within which the public shall be entitled to make use of the work. The provisions of this particular section cannot be made us of for giving any undue advantage to any particular company.

Secondly, he pointed out that the public also must know that the sections of this particular Act should not be used for the furtherance of any private speculations, that is most important.

And I can see here that clause (aa) which has been inserted in between mentions this. Formerly it was:

"an industry which is essential to the life of the community or is likely to promote the economic development of the country."

For the same, now another clause has been substituted:

"any activity which is essential to the life of the community or is likely to promote the economic development of the country or is otherwise in the interests of the general public."

Therefore, I am sorry to see that clause (aa) has been sandwiched in between clause (a) and clause (b), and I do not know how far that will be giving us a very wider scope which was never thought of by the original makers of the Land Acquisition Act, and whether it is going to defeat the purpose as mentioned in clause (a) and

clause (b). Any activity can be brought under this term. The second thing is: can there be any activity which will not prove to be of some utility to the public? We shall have to come to a wider decision and say let it be the work of any iron foundry or spinning mill or weaving mill. If it is a private concern or a concern run on a proprietary basis or anything of the kind, in the ultimate run that is also going to serve the purpose, not directly but indirectly but can the land be acquired for it?

**Shri S. K. Patil:** May I point, out, without interrupting the hon lady Member,....

**Mr. Speaker:** How can he point out without interrupting her?

**Shri S. K. Patil:** ...that this is all changed. She has not read the latest amendments, and therefore she is speaking on something which is not before the House.

**Mr. Speaker:** It would e better I think if the hon. lady Member now concludes and waits for the reply of the Minister. Afterwards, I can give her another chance when the clause by clause consideration is taken up.

**Shrimati Sarojini Mahishi:** I hope my suggestion that the Bill be referred to a Select Committee will be accepted. I shall wait for the reply of the Minister and then avail of an opportunity to speak.

**Shri S. K. Patil:** So far as the two original amendments are concerned, namely reference of this Bill to a Select Committee and publishing it for eliciting public opinion, I think I would not accept them, and for that reason I gave four or five days, so that we could come together, at any rate try to come together, and bridge the differences if there were any.

As I reported to you, Sir, a little while ago, we did meet and try to go as near as possible and remove those fears which were in the minds of the hon. Members about the likely or possible misuse of this legislation.

Before coming to some of the changes, I shall mention the amendments which the Government is moving, because there are many. First I had given notice of some amendments, and later on, my colleague, Dr. Ram Subhag Singh, has given another list of amendments. After all these discussions, we think the Government would move these amendments. The other amendments will not be moved.

**Shrimati Renu Chakravartty** (Barackpore) The amendments are on which page?

**Shri S. K. Patil:** List No. 2. The first amendments were Amendment Nos. 3 to 7 which stood in my name in the original list.

So far as amendment No. 3 is concerned, seeking to insert the words:

“or any other law relating to co-operative societies for the time being in force in any State,”

this was sought merely because every State has a different law for the co-operatives, they have got their own laws, while we had only restricted it to some laws, and in order to remove that lacuna that amendment was there. We shall stick to that amendment.

Amendment No 4, seeking to substitute “principal Act” for “Land Acquisition Act, 1894 (hereinafter referred to as the principal Act)”, is a consequential amendment, on which there was no controversy.

So far as amendments 5, 6 and 7 are concerned, they are changed, and they are substituted and some additions have been made. Those amendments stand in the name of my colleague Dr. Ram Subhag Singh. Those are amendments 42, 43 and 44 in List No. 11. I shall read them:

Page 1,—

for lines 8 to 12, substitute—

“(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps

for engaging itself in any industry or work which is in the interests of the general public; or.” (42).

Page 2,—

for lines 4 to 10, substitute—

“(4A) where the acquisition is for the construction of any building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public, the time within which, and the conditions on which, the building or work, shall be constructed or executed; and” (43)

Page 2,—

after line 10, insert—

*Insertion of new sections 44A and 44B.*

“3A. In Part VII of the principal Act, after section 44, the following sections shall be inserted, namely:—

*Restriction on transfer, etc.*

“44A. No Company for which any land is acquired under this Part shall be entitled to transfer the said land or any part thereof by sale, mortgage, gift, lease or otherwise except with the previous sanction of the appropriate Government.

*Land not to be acquired under this Part for Private companies other than Government companies.*

44B. Notwithstanding anything contained in this act, no land shall be acquired under this Part for a private company which is not a Government company.

*Explanation.*—“Private company” and “Government company” shall have the meanings respectively assigned to them in the Companies Act, 1956.” (1 of 1956).

*Amendment of section 55*

3B. In section 55 of the principal Act, in sub-section (1), for the words “The appropriate Government shall have power to make rules consistent with this Act for the guidance of officers,” the words

[Shri S. K. Patil]

"The Central Government shall have power to make rules consistent with this Act for the guidance of the State Governments and the officers of the Central Government and State Governments" shall be substituted." (44)

These are the amendments which Government want to move.

**Shrimati Renu Chakravartty:** You are not moving amendments 4, 5 and 6?

**Shri S. K. Patil:** No. 4, I think is merely consequential.

Amendments 5, 6 and 7 are being substituted by these amendments.

The main thing really is this. What I have read is amendment No. 43. In the Bill that was before the House what was sought to be introduced was this. On page 1, it is said:

"In sub-section (1) of section 40 of the Land Acquisition Act, 1894 (hereinafter referred to as the principal Act), after clause (a), the following clause shall be inserted, namely:—

(aa) that such acquisition is needed for the construction of some building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community or is likely to promote the economic development of the country;"

To that also some words were added

"or is otherwise in the interests of the general public."

A lot of apprehension was expressed in this House by many hon. Members who spoke that possibly those words might give, perhaps, larger power and wider scope and there may, perhaps, be some likelihood of misuse. Whether they would do or not, I do not know because it was subjected to very close scrutiny both here and outside. It was decided on legal opinion. But, we thought that we could meet the hon. Members as far as possible so far as this particular amendment was concerned. Therefore, we were in search of phraseology. Legal opinion was

taken and the Attorney-General was consulted on that phraseology. We, ultimately, came to this that we may use some kind of phraseology which is known to law, so that, when the matter of interpretation comes, it would not be very difficult to interpret it. The guidance that we took was from the Constitution of India, article 19. It is only for the phraseology that we have taken that and there is no other analogy. That article deals with the protection of certain rights regarding freedom of speech etc. After giving that protection, there are certain limitations which are enumerated in article 19 of the Constitution, clause (5). There, the phraseology used is—

"shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for...."

We are not concerned with the other part of it. This phraseology, 'in the interests of the general public' is a phraseology which has been fully discussed. There was a lot of discussion in the Constituent Assembly when this article 19 was approved. It was also in my amendment but it was with many other things. We have removed all those things now and, it reads, as it stands at present as follows:—

"that such acquisition is needed for the construction of some building or work for a Company"....

Up to that, it is common.

"Which is engaged or is likely to be engaged,"

We have made this more precise and said—

"or is taking steps for engaging itself."

It is not merely that it would do it in the distant future, but it must be reasonably established that it is on the way of doing that or taking steps for

engaging itself in an industry or work which is in the interests of the general public. What we have said is a corollary to that. Then, we come to new section 44A.

"No company for which any land is acquired under this Part shall be entitled to transfer" etc.

Several Members expressed that it is possible that a company might acquire land and then sell it or do anything with it and so on. Therefore, we must have sufficient safeguards. These safeguards have been taken in this 44A.

Then, it was said that this should not be done for a private company. In fact, experience has shown that land has not been acquired for any private company under this Part. But, even then, Members wanted that we should really incorporate it in the Act itself; and that is why it is now said:—

"Notwithstanding anything contained in this Act, no land shall be acquired under this Part for a private company which is not a Government company."

Now, these words, 'private company' and 'government company' come in. Therefore, the explanation comes in.

"'Private company' and 'Government company' shall have the meanings respectively assigned to them in the Companies Act, 1956."

It will be a matter of interpretation and when the matter of interpretation goes to a court of law, we will have to be precise. So, we have said that the meanings shall be those in the Companies Act of 1956.

**Shrimati Renu Chakravarty:** It must be clearly defined as private company and not public (Limited) company of the private sector because many of the Congress Members are confused on this issue. The hon. Minister should make it clear. All that the Explanation means is that it is only in the case of private (limited) company that this bar is there but, in the case of the public (limited) company,

there is no bar on the part of Government to acquire the land and give over.

**Shri S. K. Patil:** We shall deal with it when we come to the clauses. Otherwise, we shall be discussing this endlessly.

**Shri Tyagi:** Could you also give us the definition of a 'private company' and a 'Government company'?

**Shri S. K. Patil:** They shall have the meanings given in the Companies Act, 1956.

**Shri Daji:** What is the definition under the Companies Act?

**Shri S. K. Patil:** I shall give you that.

The rule-making powers were then considered. The rule-making power now exists in the appropriate Government, the appropriate Government being, when the land is acquired by the State, the State Government, and when the land is being acquired by the Central Government, the Union Government. Therefore, the power of making the rules really vested in the State and Central Governments, as the case may be. There was feeling that there should be uniformity about these things and, as far as possible, it should be the Central Government that should have these powers.

**श्री रामे वरानन्द (करनाल) :** अध्यक्ष महोदय, विषयान्तर । न तो इस सम्बन्ध में हिन्दी में बोला जाता है और न ही कुछ लिख कर दिया जाता है, ताकि हम इसके समझ सकें और कुछ कह सकें ।

**Shri S. K. Patil:** So, we have said:

"In section 55 of the principal Act, in sub-section (1), for the words "The appropriate Government shall have power to make rules consistent with this Act for the guidance of officers", the words "The Central Government shall have power to make rules consistent with this Act for the guidance of the State Governments and the officers of the Central Government and State Governments" shall be substituted."

[Shri S. K. Patil]

The present Bill, as the Bill itself says, is a very limited legislation. What is sought to be done is not to overhaul the whole Land Acquisition Act of 1894, because that will come later on when several of the sections of the Act will also be touched. Here there is a limited purpose. Certain sections were attacked by the Supreme Court in its judgment. So, this Bill is brought only to clarify the situation. Therefore, so far as the other amendments which have really concern with other sections which are not sought to be modified by this Bill, are concerned, nothing can be done here.

Coming to the speeches and observations made here, I should say that I have already explained that my amendments 5 and 6 have been substituted. I said amendments Nos. 5 to 7; but really they are only amendments 5 and 6 that have been substituted.

I would like to reply to one or two points. I do not propose to reply to those hon. Members who had some reasonable doubts because we have now come to some arrangement. It is no use going about them now. That would again open controversies which it is my humble attempt to set at rest. So, I will only reply to those observations which raised some sort of suspicion.

13.39 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

Hon. Members, Shri Krishna Pal Singh, Shri Kashi Ram Gupta and Shrimati Renuka Ray raised objections on the ground that good agricultural lands are likely to be taken. I can assure the House that my connection with this Bill is a very direct and vital connection and it is only with reference to the land which is good agricultural land. I am vitally concerned about land being acquired for industry and commerce and other things, whether good agricultural land can be acquired for those purposes. I can assure the House that nothing

would be done by Government to acquire good agricultural land under this. Every precaution was taken and will be taken. Rules also will be made to see that agricultural lands which are capable of high agricultural production will not be taken unless it is absolutely necessary and it has got to be proved and demonstrated. These occasions, I hope, will be rare. (Interruptions.) I would not be interrupted. Members would have enough time when the clauses are taken up. I have patiently listened to every one of them when they were making their observations. As far back as March 1958 we had enjoined this upon the State Governments. In some cases there may be no alternative land suitable for the specific purpose for which the agricultural land is being acquired. However there may be other cases where such a thing could be avoided; alternative land which is not so valuable from the agricultural point of view could be acquired. We have said that .. will be highly appreciated if the State Government intimated whether any precautions are taken to minimise the acquisition of good agricultural land for urban purposes. It was also suggested that a representative of the State Agricultural Department might be associated with the selection of site for non-agricultural purposes so that agricultural needs may be kept in view and wherever possible acquisition of good agricultural lands and their conversion for non-agricultural uses was avoided. We have been following it. The State representative of the Agricultural department is generally associated when the land is selected. Such occasions have been few and far between. If anything is to be done in order to strengthen this particular provision, we shall make adequate rules to see that agricultural land is not used for non-agricultural purposes because it will seriously affect agricultural production. There were cases where lands were acquired several years ago and were still lying unused. For this the other amendment was there. Rules will be made so that it would not be possible.



Several Members said that compensation given was not adequate and therefore something should be done about that. Many Members have not seen the whole Act. This Act has several parts and acquisition of land is done under two parts under part II and part VII. Under part II the State Government can acquire land whenever they want and in that case the compensation provision is not even justiciable. In a recent case, after one case was very much discussed here, that is the judgment of the Supreme Court, the State Government of Punjab acquired a land for air conditioning unit or something of that description under part II. When the appeal went to the Supreme Court, the Court held it *intra vires* and held that there was nothing wrong about it because it was done under part II. That is a different matter. Part VII of this Act has been specifically introduced in the law so that there should be some restrictions so far as acquisition of land for companies is concerned. So many things have got to be done; so many terms have got to be fulfilled. We have now added many more things so that ultimately it will become as foolproof as it possibly could be.

The compensation that is going to be given is market value plus fifteen per cent as solatium. If the party is not satisfied that this price is not all right he can go to the court of law and until the court judgment comes the collector could not fix the price. Therefore, sufficient safeguards have been given. Market value of the land is a commonly understood expression. In big cities many people like that Government should acquire the land. I remember when I used to be the Mayor of a big city where lands used to be acquired and people will come to me and tell me: for God's sake, when our lands are to be acquired, let Government acquire it instead of our selling them because there is a possibility of our getting fifteen per cent more than the market value..... (Interruption.) There are any number of cases. The hon. lady Member may nod her head as she likes but

that is a fact because market values in the city are a demonstrable thing. It is not a village or a rural area.... (Interruptions). There is agricultural land in Bombay in 42 villages. The hon. Member should pay a visit to Bombay to know that there are agricultural lands in the city of Bombay and they used to be sold. Therefore, market value is a known expression that is, the value at which adjoining lands or any lands are sold. Even if there is a party going to buy the land for a higher price, the market value shall be determined by the offer. That is the reason for the 'plus fifteen per cent'.

**Shri Tyagi:** It is rarely done.

**Shri S. K. Patil:** It is always done under chapter VII. If it should be further tightened and if there is anything more which the hon. Members want me to do, I do not mind. Sometimes it so happens that the poor agriculturist is brought in for discussion for nothing because the poor agriculturist has nothing to do with that land that is re-sold because long time back some other man has got it and perhaps the sponsors of the amendments equally dislike such people. Whether it is A or B it is the same thing. It will be a different matter if the actual owner of the land is a real agriculturist himself. There may be some cases in which that can happen and therefore this provision has been made.

Having said that, I want to say one thing. There are certain other real difficulties in the original Act. In my first speech I said that Government intend to revise some of these and if there are any amendments—there seem to be quite a few amendments—which are not pertinent or irrelevant to this particular Bill, we shall consider them when the bigger legislation is taken and I intend to do that not in a distant future.

I think the hon. lady Member had asked the definition or it is perhaps Shri Daji. It is given in the Companies Act 1956. A private company

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means a company which by its articles restricts the right to transfer its shares ..... It is a long definition and I can refer them to this Act. So also a public company means a company which is not a private company. Here we have made 'Government Company' and therefore that word 'public company' has been omitted.

**Shri Narendra Singh Mahida (Anand):** Sir, I would like to have one clarification. That is in respect of refinery near Baroda and in respect of the acquisition by the Government, land which has been yielding an annual excise revenue to the extent of a crore of rupees. The land revenue is to the extent of Rs. 25 lakhs per annum. It involves nine villages.

**Mr. Deputy-Speaker:** What is your question?

**Shri Narendra Singh Mahida:** My question is: what is the policy of the Government. The Minister has stated that it is not the policy of the Government to acquire lands, normally, from cultivators. These are among the best lands in Gujarat and we are losing a land revenue of Rs. 1,25,000 per annum. The full compensation that will have to be paid would come to Rs. 25 crores to Rs. 30 crores.

**Shri S. K. Patil:** Who is going to acquire it?

**Mr. Deputy-Speaker:** It does not deal with the general question; it deals with individuals.

**Shri P. R. Patel (Patan):** I want to have one clarification from the hon. Minister. I would like to know from the hon. Minister one point regarding one acquisition that is being done in Udyognagar by the Gujarat Government.

**Mr. Deputy-Speaker:** That has nothing to do with the Bill. We are dealing with general principles and not with individual cases. He may table a separate question if he wants.

**Shri C. K. Bhattacharyya (Raiganj):** I want to put one question to the hon. Minister.

**Mr. Deputy-Speaker:** This cannot be converted into a Question Hour. When we come to the clauses, you may have your doubt cleared.

**Shri C. K. Bhattacharyya:** My question does not relate to clauses, but to the Statement of Objects and Reasons. It is said in the Statement of Objects and Reasons that some State Governments have expressed their apprehension at the judgment of the Supreme Court. I am interested in knowing what these State Governments are which have expressed apprehension at the judgment.

**Shri S. K. Patil:** It would be repetition if I mention them. All of them have expressed it. I had given the names when I spoke last.

**Shri Hari Vishnu Kamath:** Sir, before the House proceeds to take up the voting, I wish to raise a point of order. I want to know whether amendment Nos. 3, 44 and 45—

**Mr. Deputy-Speaker:** When we come to the clauses and the amendments thereto, the hon. Member may raise his point. (Interruptions). Now, I shall put amendment No. 20 of Shri R. Barua to the vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th November, 1962." (20)

*The motion was negatived.*

**Mr. Deputy-Speaker:** Amendment No. 20 is the same as amendment No. 1. That is disposed of. Now, I shall put amendment No. 32 to the vote. The question is:

"That the Bill be referred to a Select Committee consisting of Dr. M. S. Aney, Shri Ramachandra Vithal Bade, Shri S. M. Banerjee, Shri Shree Narayan Das, Shri Surendranath Dwivedy, Shri Ajit Prasad Jain, Shrimati Subhadra Joshi, Shri T. T. Krishnanachari, Shri Inder J. Malhotra, Shri Harish

Chandra Mathur, Shri R. R. Morarka, Shrimati Sharda Mukerjee, Shri S. K. Patil, Shri Indulal Kanaiyalal Yajnik and Shri Homi F. Daji with instructions to report by the first day of the next session." (32)

Those who are in favour of the motion will please say "Aye".

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those who are against the motion will please say "No."

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The Noes have it.

**Shrimati Renu Chakravartty:** The Ayes have it.

**Shri Tyagi:** I want to have one clarification. Are those amendments taken to have been moved? The hon. Members have not formally moved them.

**Shri Daji:** I had already moved my amendment and I had spoken the other day.

**Mr. Deputy-Speaker:** Those who are against the motion will please stand in their seats.

**Shri Hari Vishnu Kamath:** The first stage is, you will have to see that the lobbies are cleared. At the next stage, you may ask the Members to stand in their seats. Rule 367 is very clear on this point. It is only at the second stage that you may ask the Members to stand in their seats.

**Shri S. M. Banerjee:** It is now 1.50. The vote may be taken at 2.30.

**Mr. Deputy-Speaker:** Then we will have to adjourn the House till 2.30, because we cannot take the motion for consideration to the voting stage before this amendment is disposed of.

**Shri S. M. Banerjee:** We are helpless in the matter.

**Mr. Deputy-Speaker:** Is it the pleasure of the House that we should adjourn now?

**Shri Hari Vishnu Kamath:** Yes; till 2.30. You have established a convention yourself.

**Mr. Deputy-Speaker:** The convention is that only when there is no quorum we adjourn.

**Shrimati Renu Chakravartty:** We have been here since the past 12 years and we have followed this convention, namely, between 1 and 2.30 there will be no voting.

**Shri S. K. Patil:** While I am not disputing the right of Members, I would like to make one point clear. When I said the other day that we should consider the Bill after three or four days, I had made it abundantly clear that I was not going to accept the motion for eliciting public opinion and the motion for reference to the Select Committee. I said I would wait for three or four days. It was understood, I think, that these amendments were not to be moved.

**Shrimati Renu Chakravartty:** No, no. They have been moved.

**Shri S. K. Patil:** If they have been moved, surely, no division should be claimed. No division should be sought on the operative part of it.

**Shri Hari Vishnu Kamath:** The Minister cannot stand in our way. From what he said, that may be a private understanding or arrangement.

**Mr. Deputy-Speaker:** So, the convention is not to take the vote between 1 and 2.30?

**Some Hon. Members:** Yes, yes.

**Mr. Deputy-Speaker:** The House shall stand adjourned till 2.30.

13.55 hrs.

The Lok Sabha then adjourned till Half Past Two of the Clock.

*The Lok Sabha reassembled at Half Past Two of the Clock.*

[MR. DEPUTY-SPEAKER in the Chair]

**Mr. Deputy-Speaker:** The question is:

"That the Bill be referred to a Select Committee consisting of Dr. M. S. Aney, Shri Ramchandra Vithal Bade, Shri S. M. Banerjee, Shri Shree Narayan Das, Shri Surendranath Dwivedy, Shri Ajit Prasad Jain, Shrimati Subhadra Joshi, Shri T. T. Krishnamachari, Shri Inder J. Malhotra, Shri Harish Chandra Mathur, Shri R. R. Morarka, Shrimati Sharda Mukerjee, Shri S. K. Patil, Shri Indulal Kanaiyalal Yajnik, and Shri Homi F. Daji with instructions to report by the first day of the next session." (32)

Those who are in favour may please say 'Aye'.

**Some Hon. Members:** Aye.

**Mr. Deputy-Speaker:** Those who are against may please say 'No'.

**Some Hon. Members:** No.

**Mr. Deputy-Speaker:** The 'Noes' have it.

**Some Hon. Members:** The 'Ayes' have it.

**Mr. Deputy-Speaker:** Those in favour of the amendment will please stand in their seats.

**Shri Daji:** Let there be division.

**Shrimati Renu Chakravartty:** Division.

**Mr. Deputy-Speaker:** All right, Division. Let the lobbies be cleared.

**Shri Indrajit Gupta** (Calcutta South West): Sir, in the Central Hall the bell is not being heard.

**Mr. Deputy-Speaker:** Members are coming in.

**Shri Mohammad Elias** (Howrah): The bell is not ringing.

**Mr. Deputy-Speaker:** I am told the bell is not ringing. Hon. Members can bring their friends.

**Shri Hari Vishnu Kamath:** It will take some time.

**Mr. Deputy-Speaker:** I will put the question again to the House. The question is:

"That the Bill be referred to a Select Committee consisting of Dr. M. S. Aney, Shri Ramchandra Vithal Bade, Shri S. M. Banerjee, Shri Shree Narayan Das, Shri Surendranath Dwivedy, Shri Ajit Prasad Jain, Shrimati Subhadra Joshi, Shri T. T. Krishnamachari, Shri Inder J. Malhotra, Shri Harish Chandra Mathur, Shri R. R. Morarka, Shrimati Sharda Mukerjee, Shri S. K. Patil, Shri Indulal Kanaiyalal Yajnik, and Shri Homi F. Daji with instructions to report by the first day of the next session." (32)

*The Lok Sabha divided.*

**An Hon. Member:** Many Members were not ready.

**श्री गुल्शन (भटिंडा) :** मैंने दबाया तो था लेकिन घाया नहीं।

**Mr. Deputy-Speaker:** What is your division number?

**Shri Gulshan:** 508.

**Mr. Deputy-Speaker:** You are for 'Ayes'? All right.

**Shri Brj Raj Singh** (Bareilly): Division No. 443. I am for 'Ayes'.

**Shri Biren Dutta** (Tripura West): Division No. 525. I am for 'Ayes'.

**Shri Sarkar Murmu** (Balurghat): Division No. 513. I am for 'Ayes'.

**Shri V. B. Gandhi** (Bombay Central South): Division No. 283. I am for 'Noes'.

**Shri M. Ismail** (Manjeri): Division No. 386. I am for 'Ayes'.

**Shri Gauri Shanker Kakkar** (Fatehpur): Division No. 399. I am for 'Ayes'.

**Shri Muzaffar Husain** (Moradabad): Division No. 387. I am for 'Ayes'.

**Shrimati Kamala Chaudhuri** (Hapur): Division No. 210. I am for 'Noes'.

**Shri Tulshidas Jadhav** (Nanded): Division No. 232. 'Noes'.

**Mr. Deputy-Speaker:** What have you done?

श्री तुलसी दास जाधव : मैं नोज के लिये वोट करना चाहता था लेकिन गलती से आईज के लिये कर गया ।

**Mr. Deputy-Speaker:** I see, you have voted wrongly. You are for 'Noes', all right.

**Dr. Galtonde** (Nominated—Goa, Daman and Diu): Division No. 72. I am for 'Noes'.

**Shri Hanmanth Rao** (Medak): Division No. 87. I am for 'Noes'.

**Mr. Deputy-Speaker:** Mr. Sarkar Murmu, you are for 'Ayes', is it not?

**Shri Sarkar Murmu:** Yes, Sir.

**Mr. Deputy-Speaker:** It has been properly recorded, I am told.

**Shri Sarkar Murmu:** The light is here but it is not recorded, Sir.

**Mr. Deputy-Speaker,** Yes, it is recorded.

Division No. 7 ]

[ 14.37 hrs.

## AYES

Banerjee, Shri S.M.  
Berwa, (Kotah) Shri  
Bhattacharya, Shri Dinen  
Biren Dutta, Shri  
Brij Raj Singh, Shri  
Buta Singh, Shri  
Chakravarty, Shrimati Renu  
Chaudhuri, Shri Tridib Kumar  
Dajl, Shri  
Dasarath Deb, Shri  
Dwivedy, Shri Surendranath  
Elias, Shri Mohammad  
Gauri Shanker, Shri

Gulshan, Shri  
Gupta, Shri Indrajit  
Ismail, Shri M.  
Jha, Shri M.  
Kamath, Shri Hari Vishnu  
Karjee, Shri  
Kunhan, Shri P.  
Mahato, Shri Bhajahari  
Mahida, Shri Nareendra Singh  
Marandi, Shri  
Murmu, Shri Sarkar  
Muzaffar Husain, Shri  
Nair, Shri N. Sreekantan  
Pattnayak, Shri Kisan

Pillai, Shri Nataraaja  
Rameshwaranand, Shri  
Reddy, Shri Ewara  
Shastri, Shri Prakash Vir  
Singh, Shri B. J.  
Soy, Shri H. C.  
Tan Singh, Shri  
Utiya, Shri  
Vimals Devi, Shrimati  
Vishram Prasad, Shri  
Warrior, Shri  
Yadav, Shri Ram Sewak  
Yajnik, Shri

## NOES

Abdul Wahid, Shri  
Alva, Shri A. S.  
Aney, Dr. M. S.  
Azad, Shri Bhagwat Jha  
Basapa, Shri  
Basumatari, Shri  
Baswant, Shri  
Bhatkar, Shri  
Bhattacharya, Shri C. K.  
Bhawani, Shri Lakhmau  
Bist, Shri J. B. S.  
Brij Raj Singh (Kotah), Shri  
Chandrasekhar, Shrimati  
Chatter Singh Shri  
Chaudhuri, Shrimati Kamala

Chettiar, Shri Ramanathan  
Daffe, Shri  
Daljit Singh, Shri  
Das, Shri B. K.  
Das, Shri S. B.  
Dasappa, Shri  
Datar, Shri  
Desai, Shri Morarji  
Deshmukh, Dr. P. S.  
Deshmukh, Shri B. D.  
Deshpande, Shri  
Dhuleahwar Meens, Shri  
Dighe, Shri  
Dube, Shri Mulchand  
Dwivedi Shri M. L.

Galtonde. Dr.  
Gandhi, Shri V. B.  
Ganga Devi, Shrimati  
Ghosh, Shri N. R.  
Gupta, Shri Ram Ratan  
Hanada, Shri Subodh  
Haq, Shri M. M.  
Jadhav, Shri M. L.  
Jadhav, Shri Tulshidas  
Jamunadevi, Shrimati  
Jehde, Shri  
Joishi, Shrimati Subhadra  
Kamble, Shri  
Karuthiruman, Shri  
Kedaris, Shri C. M.  
Kindar Lal, Shri

Kisan Veer, Shri  
 Kripa Shankar, S  
 Kureel, Shri B. N.  
 Lakshminanthamma, Shrimati  
 Laskar, Shri N. R.  
 Laxmi Bai, Shrimati  
 Laxmi Das, Shri  
 Mahtab, Shri  
 Malaviya, Shri K.D.  
 Mulhotra, Shri Inder J.  
 Mandal, Dr.  
 Mandal, Shri Yamuna Prasad  
 Mantri, Shri  
 Maruthiah, Shri  
 Masuriya Din, Shri  
 Mathur, Shri Harish Chandra  
 Mehrotra, Shri B. B  
 Mishra, Shri Bibhuti  
 Mohanty, Shri G.  
 Mohsin, Shri  
 Moraka, Shri  
 More, Shri K. L.  
 More, Shri S. S.  
 Mukherjee, Shrimati Sharda  
 Munzni, Shri David  
 Muthia, Shri  
 Naidu, Shri V. G.  
 Naik, Shri D. J.  
 Naik, Shri Maheswar  
 Nesamony, Shri  
 Pandey, Shri R. S.  
 Pandey, Shri Vishwa Nath  
 Pant, Shri K. C.  
 Patel, Shri N. N.  
 Patel, Shri P. R.

Patil, Shri J. S.  
 Patil, Shri S. K.  
 Paratap Singh, Shri  
 Raghunath Singh, Shri  
 Ra a, Shri C. R.  
 Ram Sewak, Shri  
 Ram Subhag Singh, Dr  
 Ram Swarup, Shri  
 Ramaswamy, Shri V. K.  
 Rananjai Singh, Shri  
 Rane, Shri  
 Ranga Rao, Shri  
 Rao, Shri K. L.  
 Rao, Shri Hanmath  
 Rao, Shri Jagnatha  
 Rao, Shri E. Madhusudan  
 Rao, Shri Muthyal  
 Rao, Shri Rameshwar  
 Rattan Lal, Shri  
 Ray, Shrimati Renuka  
 Reddiar, Shri  
 Reddy, Shri K. C.  
 Roy, Shri Bishwanath  
 Sadhu Ram, Shri  
 Saha, Dr. S. K.  
 Sahu, Shri Rameshwar  
 Samanta, Shri S. C.  
 Saraf, Shri Sham Lal  
 Sarma, Shri A. T.  
 Satyabhama Devi, Shrimati  
 Satyanarayana, Shri  
 Sen, Shri A. K.  
 Sen, P. G.  
 Shah, Shri Manabendra  
 Sahastrri, Shri Lal Bhadur

Sheo Narain, Shri  
 Shinde, Shri  
 Shree Narayan Das, Shri  
 Shukla, Shri Vidya Charan  
 Siddiah, Shri  
 Sidheshwar Prasad, Shri  
 Singh, Shri R.P.  
 Singh Shri S. T.  
 Sinha, Shri Satya Narayan  
 Sinha, Shrimati Ramdulari  
 Sonavane, Shri  
 Subramanyam, Shri T.  
 Sumat Prasad, Shri  
 Surya Prasad, Shri  
 Swamy, Shri M. P.  
 Swaran Singh, Shri  
 Tahir, Shri Mohammad  
 Thimmaiah, Shri  
 Tiwary, Shri K. N  
 Tiwary, Shri R.  
 Tyagi, Shri  
 Uikey, Shri  
 Valvi, Shri  
 Varma Shri M. L  
 Varma Shri Ravindra]  
 Veerappa, Shri  
 Venkatasubbajah, Shri  
 Verma, Shri K. K.  
 Vidyalkar, Shri A. N.  
 Vayas, Shri Radhelal  
 Wadiwa, Shri  
 Wasnik, Shri Balkrishna  
 Yadav, Shri Ram Horak  
 Yadava, Shri B. P.

**Mr. Deputy-Speaker:** The result of the division is:

Ayes 40; Noes 150.

*The motion was negatived.*

**Mr. Deputy-Speaker:** The question is:

"That the Bill further to amend the Land Acquisition Act, 1894 and to validate certain acquisitions under that Act, be taken into consideration."

*The motion was adopted.*

**Mr. Deputy-Speaker:** We shall now take up the clause-by-clause consideration of the Bill.

**Clause 2**—(Amendment of section 40).

**Shri S. K. Patil:** I am moving amendments Nos. 4 and 42.

**Mr. Deputy-Speaker:** What about amendment No. 5?

**Shri S. K. Patil:** I am not moving that.

**Shri S. M. Banerjee:** I am moving amendment No. 47.

**Shri Hari Vishnu Kamath:** I am moving amendments Nos. 24, 25, 26, 36 and 37.

**Shrimati Renu Chakravartty:** I am moving amendment No. 46.

**Shri H. C. Soy (Singbhum):** I move amendment No. 35.

**Shri Daji:** I am moving amendment No. 46.

**Shri K. L. More (Hatakanangle):** I am moving amendments Nos. 23 and 27.

**Mr. Deputy-Speaker:** Amendment No. 27 is not for clause 2.

**Shri Tyagi:** I am moving amendment No. 41.

**Shri Tridib Kumar Chauhuri** (Bhampur): I am moving amendment No. 31.

**Mr. Deputy-Speaker:** That is not for clause 2.

**Shri Jedhe** (Baramati): I am moving amendment No. 9.

**Shri S. K. Patil:** I beg to move:

(i) Page 1, lines 5 and 6,—

for "Land Acquisition Act, 1894 (hereinafter referred to as the principal Act)", substitute "principal Act" (4)

(ii) Page 1,—

for lines 8 to 12, substitute—

"(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public; or" (42)

**Shri Tyagi:** I beg to move:

(i) Page 1,—

for lines 8 to 12, substitute—

"(aa) that such acquisition is needed for the construction of some building or work for a Company or a corporation, wholly or partially owned or controlled by the State, or a Co-operative Society registered under the Co-operative Societies Act, 1912, or under any other law corresponding to that Act for the time being in force in any part of India, or a duly registered charitable society or trust, engaged or to be engaged in an industry or work which is in the interests of the general public; or" (41)

Page 1, line 9,—

**Shri Jedhe:** I beg to move:

after 'for' insert—

"a society registered under the Societies Registration Act,

1860 and a registered society within the meaning of the Co-operative Societies Act, 1912 or for" (9)

**Shri Hari Vishnu Kamath:** I beg to move:

(i) Page 1, lines 10 and 11,—

for "an industry which is essential to the life of the community or is likely to promote the economic development of the country" substitute—

"any activity which is essential to the life of the community and is directly useful and beneficial to the general public, or is designed to promote the economic development of the country in accordance with the socialist pattern" (24)

(ii) That in the amendment proposed by Shri S. K. Patil, printed as No. 5 in List No. 2 of Amendments,—

for "is otherwise in the interests of the general public" substitute—

"is directly useful and beneficial to the general public" (26)

**Shri H. C. Soy:** I beg to move:

Page 1, lines 10 and 11—

for "an industry which is essential to the life of the community or is likely to promote the economic development of the country" substitute—

"any activity which is essential to the life of the community and is useful and beneficial to the general public and not directly detrimental to the well-being of the local public directly affected by such land acquisition, or is designed to promote the economic development of the country in accordance with socialistic pattern" (35)

**Shrimati Renu Chakravartty:** I beg to move:

Page 1, line 11,—

after "country" insert—

"and the Company is owned by the Central or State Government or is a Public Corporation" (46)

**Shrimati Renuka Ray:** I beg to move:

Page 1, line 12,—

for "or" substitute—

"provided a majority of shares of such a Company are owned by the State or it is in the Co-operative Sector or" (33)

**Shri Hari Vishnu Kamath:** I beg to move:

- (i) That in the amendment proposed by Shri S. K. Patil, printed as No. 5 in List No. 2 of Amendments,—

after "development of the country" insert—

"in accordance with the socialist pattern" (25)

- (ii) That in the amendment proposed by Shri S. K. Patil, printed as No. 5 in List No. 2 of Amendments—

after "development of the country" insert "in consonance with the socialist pattern" (36)

- (iii) That in the amendment proposed by Shri S. K. Patil, printed as No. 5 in List No. 2 of Amendments,—

for "is otherwise in the interests of the general public" substitute—

"is for a specific public purpose" (37).

**Shri K. L. More:** I beg to move:

Page 1, lines 10 and 11,—

for "an industry which is essential to the life of the com-

munity or is likely to promote the economic development of the country" substitute—

"any activity which is essential to the life of the community or is likely to promote the economic development of the country or is otherwise in the interest of the members of a co-operative housing society registered under any law relating to co-operative societies for the time being in force in any State or in the interest of the general public". (23)

**Shri S. M. Banerjee:** I beg to move:

Page 1,—

after line 12, insert—

"Provided that the land shall not be acquired under this clause unless the Government owns more than fifty per cent. of the shares in the Company and adequate compensation equal to market price plus twenty-five per cent thereon has been given to the land." (47)

Sir, I am speaking on amendment No. 47, which I have moved. I must mention here that I am not basically opposed to land being acquired, but the question is under what conditions it should be acquired. I have very carefully gone through the various amendments moved by my hon. friend Shri S. K. Patil. I am not still satisfied that the amendments are to the satisfaction of this House. I am not mentioning that these amendments do not satisfy me, but I submit that I am sure all Members either on this side or that side of the House will not be satisfied, because amendment No. 42 moved by the hon. Minister says:

"(aa) that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry



or work which is in the interests of the general public."

The hon. Minister read out the definition of 'company'—private company or public company—according to the definition given in the company law. I submit that where any person is having more than 100 shares, it can be termed as a public limited company or a company which comes under the definition of the particular amending Bill.

In my opinion, the old Act of 1894 should have been amended long ago. While amending this Act, I submit that we should show proper respect to two Supreme Court judgments, one delivered on 15th December, 1961 in the case State of U.P. versus a particular gentleman and in another case where the Punjab Government wanted to acquire land. These two judgments, in my opinion—I express my inability in regard to legal matters—are not conflicting or contradictory. In the first place, I feel that this legislation was not at all necessary. But if it was necessary, certain safeguards should have been given.

The Minister said that when land is acquired, they would be given adequate compensation i.e. market value plus 15 per cent or something like that. What is the market price? So far as Kanpur is concerned, I am not opposed to the proprietor of that particular firm which has been referred to in the Supreme Court judgment. I have got a telegram from the villagers of Nauraiyakhera, in Kanpur District. Nauraiyakhera actually comes within the jurisdiction of the Kanpur Corporation. There are also certain areas which may not be within the Corporation limits, but they come under the definition of areas contiguous to the Corporation area. The telegram reads thus:

"Nagarmahapalika acquiring agricultural land. Kindly withhold orders if unable payment of land be given at market value."

We have been told in this House that every man has been paid the market value. Unfortunately, the market value has not been paid at all. This particular piece of land in Nauraiyakhera, where this factory has been constructed—I am not opposed to this, but many other industrialists are acquiring land; even Singh Engineering Works have acquired land—this land of the small villagers, widows etc., which is lying vacant, is being acquired in various ways by the Nagar Mahapalika with the help of the U.P. Government. Unfortunately, this land has become a sort of Somnath Temple where all Mohammed Ghaznis are coming and acquiring land with the help of the U.P. Government and giving a very scanty compensation. What I feel is, unless the Government has a share in the particular concern it should not acquire land for it. Further, I wish to say that the Supreme Court has correctly pointed out that this Government cannot become the chief agent of acquiring land for industrialists. If the industrialists want land, let them negotiate. If they do not negotiate and have a settlement, the Government should not go to their rescue.

Sir, I will conclude in another two or three minutes.

**Mr. Deputy-Speaker:** You have spoken at length during the consideration stage. I think any further remarks will not be necessary.

**Shri S. M. Banerjee:** With your permission, Sir, I will have only two minutes.

**Mr. Deputy-Speaker:** You have already taken five minutes.

**Shri Daji:** We have got the whole day, Sir, for this Bill.

**Shrimati Renu Chakravartty:** The Speaker said so.

**Shri Hari Vishnu Kamath:** You were not here at that time, I think.

**Shri Daji:** The time has been extended.

**Shri Hari Vishnu Kamath:** If you refer to the proceedings, Sir, it will be clear.

**Shri Tyagi:** It is a matter where on each clause we have to give full thought.

**Shri Hari Vishnu Kamath:** Each phrase of every clause.

**Shri Daji:** Each word.

**Shri Hari Vishnu Kamath:** We will fight every inch and every millimetre. (*Interruption*).

**Mr. Deputy-Speaker:** You should try to conclude as early as possible.

**Shrimati Renuka Ray:** We do not fight but we want to improve it.

**Shrimati Renu Chakravartty:** You cannot improve it without fighting.

**Shri S. M. Banerjee:** Sir, there is another case. I am sure copies of this have been circulated to some Members of Parliament. Land was acquired from one Bishan Lal, son of Pt. Chandu Lal. This is a typical case. The land was acquired by the Delhi Corporation or the D.D.A. or, I may say, the Government or even a statutory corporation for a particular work concerning the Government. They said that the Small Industries Services Institute, New Delhi was to be established here. But what happened? About 2000 square yards of land was acquired by Government, and ultimately this was sought to be given to a private concern. This land was sought to be given to a private concern company known as Messrs. Ranbaxy Laboratories (Private) Limited.

**Shri Tyagi:** This was in Delhi?

**Shri S. M. Banerjee:** This was in Delhi. An injunction order is going on. There will be a third judgment by the Supreme Court and a Bill will again be necessary.

Sir, my submission is only this, that these things should be looked into. Let us not rush with the whole thing. When we could patiently wait, even after the Supreme Court judgment

which was passed in December 1961. for the "lame duck" session, when we could patiently wait for another 92 days. . . .

**Mr. Deputy-Speaker:** You have said all this during the consideration stage.

**Shri S. M. Banerjee:** Sir, my amendment says that adequate compensation should be given (*Interruption*). If the hon. Minister feels that this is a two-fold one—one is that the Government should have shares and the other is about compensation—and this is not acceptable to him, I hope the amendment moved by my respected sister Shrimati Renuka Ray and my hon. friend Shri Sinhasan Singh should be accepted. This is a harmless one. If Government want to pay adequate compensation to those people, I do not know why it should be denied.

Then there is this question of validating. I am opposed to this. Supposing a land has been acquired for a specific purpose, Government should find other ways to see that that particular industry is not disturbed. To validate right from the beginning, with retrospective effect is something unimaginable. Sir, I could have quoted many things. I could have quoted from the Property Act and other things—I have full facts with me. Unfortunately, the time at my disposal is less.

**The Minister of State in the Ministry of Food and Agriculture (Dr. Ram Subhag Singh):** That concerns the next clause.

**Shri S. M. Banerjee:** I will come to that clause also. Sir, my amendment is harmless. It does not stand in the way of our industrial expansion. I do not want any subversion of our industrial policy resolution. But we want that Government should not act as an agent. That is all my submission and I hope the hon. Minister will accept my amendment.

**Shri Hari Vishnu Kamath:** Sir, I have moved amendments Nos. 24, 25, 26, 36 and 37.

**Mr. Deputy-Speaker:** You have moved them. Let us have your remarks on them.

**Shri Hari Vishnu Kamath:** You will have them in plenty, Sir. I did not take part in the consideration stage, and so I shall crave your indulgence if I take a little more time than you would like me to.

**Mr. Deputy-Speaker:** Not more time

**Shri Hari Vishnu Kamath:** There is no time fixed for moving amendments.

**Mr. Deputy-Speaker:** Total time is fixed.

**Shri Hari Vishnu Kamath:** This will be contrary to practice, Sir, if even at the stage of moving amendments you block us. That way we will become functionless, defunct, here (Interruptions).

**Shrimati Renu Chakravartty:** This is one of the most obnoxious Bills that we have.

**Shri Hari Vishnu Kamath:** The Minister of State has today moved an amendment, Amendment No. 42. I suppose that is a substitute amendment for the amendment of his senior colleague of an earlier date.

**Dr. M. S. Aney (Nagpur):** You must read out the amendment. Unless you read it, how are we to know?

**Shri Hari Vishnu Kamath:** I thought you had the list before you.

**Mr. Deputy Speaker:** Before you read the amendment, I would like to tell you that your amendments Nos. 25, 26, 36 and 37 are amendments to Government amendment No. 5 which the Government has not moved. Therefore, those amendments are out of order.

**Shri Hari Vishnu Kamath:** I am surprised. They have given notice of it. Which of them survive now, Sir?

**Mr. Deputy-Speaker:** Amendments Nos. 25, 26, 36 and 37 are out of order.

**Shri Hari Vishnu Kamath:** So, at least two have survived the onslaught of the Treasury Benches.

**Shrimati Renu Chakravartty:** What about 28?

**Shri Hari Vishnu Kamath:** Yes, I would like to move, Sir, amendment No. 28 also. So I have amendments Nos. 24 and 28 (Interruption). It is the Minister who is responsible for all this. He introduced the Bill, more or less withdrew it and again brought it back. They have created all this mess, which we have got to clear for them.

Now, the Minister of State has sought to introduce a new amendment as a substitute to the original amendment of his senior colleague, which says:

"that such acquisition is needed for the construction of some building or work for a company which is engaged or is taking steps for engaging itself. . . ."

Mark the words, Sir. The words are: "is engaged or is taking steps for engaging itself". It is so very indefinite and vague. It further says:

"..... or is taking steps for engaging itself in any industry or work which is in the interests of the general public; or".

The other day, when I raised a constitutional objection at the consideration stage I suggested that the words used in article 31 of the Constitution are "public purpose". Clause 2 of article 31 reads as follows:

"No property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides. . . ."

Now, Sir, this "public purpose" is to my mind neither synonymous nor coterminous with "public interest". There what is sought to be introduced in the parent Act is that it satisfies the criterion of public interest so

[Shri Hari Vishnu Kamath]

that it will be valid and will be constitutional. I have got very grave doubts on this point and I hope the Law Minister—I am sure since he became the Law Minister he has not forgotten the law—will throw adequate light on this subject.

15 hrs.

**Shri A. K. Sen:** When I stand before the hon. Member I forget a everything.

**Shri Hari Vishnu Kamath:** But now you are sitting; not standing. You are being seated now.

My amendments which have finally survived are Nos. 24, 28 and 37. I will read out my amendment No. 24 because my hon. friend, the elder statesman, Dr. Aney, requested me to read it. It reads:

for "an industry which is essential to the life of the community or is likely to promote the economic development of the country" substitute—

"any activity which is essential to the life of the community and is directly useful and beneficial to the general public, or is designed to promote the economic development of the country in accordance with the socialist pattern".

The Supreme Court judgment, which has been referred to in the Statement of Objects and Reasons, has been referred to in the House on the previous occasion; so, I will not read it out again. Here, therefore, I would like to suggest to the Minister that the amendment suggested by Dr. Ram Subhag Singh, who, till some time ago, was a very active member of this side of the House, rather near this side of the House, seeks practically to modify the Constitution, to amend the Constitution. So, my first objection is on the ground that this cannot be done unless the Constitution itself is amended for which they have to bring a Bill to amend article 31 of the Constitution. Without that this amendment should be held to be out of order.

I will briefly refer to one of the aspects of the matter and then close. In this judgment under reference, the Supreme Court judgment, the wise judges, the eminent judges of the court, held that a land which is acquired by a company. . . .

**Shri A. K. Sen:** Five judges held it.

**Shri Hari Vishnu Kamath:** I said "wise and eminent judges". I did not say 5, 6 or 7. I did not mention the number. I am sorry, you have misheard me. It is not my fault.

The Supreme Court held that under the Land Acquisition Act, as it stands, land can be acquired for a company for a 'public purpose' or for a purpose akin to such purpose. It was held by the Supreme Court in this case that the purpose must be something like a hospital, reading room, library or an educational institution open to the public. It must be for a specific public purpose as mentioned in the Statement of Objects and Reasons.

I submit that the amendment moved by my hon. friend, Dr. Ram Subhag Singh, does not comply with the provisions of the Constitution and the meaning, the specific meaning, the import, the significance of the phrase "public purpose" as embodied in article 31. "public interest" is something very much vaguer or obscurer than what is meant by "public purpose". I would suggest, therefore, that the amendment might be further amended, as follows:

for "in the interests of the general public" substitute "for a specific public purpose"

so as to incorporate my amendment No. 27 which, unfortunately, because of the tactics, wholly uncalled for, of the senior Minister, could not be moved today.

One word more and I have done.

**Mr. M. S. Aney:** If you say "a specific purpose", suppose there are more than one public purpose?

**Shri Hari Vishnu Kamath:** So long as at least one is there it does not matter whether there are two or three. It is pure arithmetic. When there are two, three or four one is there.

The amendment moved by my hon. friend, the Minister of State, reads as follows:

"...which is engaged or is taking steps for engaging itself in any industry or work..."

I do not know why the legal advisers of the Food and Agriculture Ministry have advised them to word it in this manner. It is extremely vague.

**Shrimati Renu Chakravarty:** That is why it has been so put.

**Shri Hari Vishnu Kamath:** That should be their purpose; no doubt, that should be the purpose of the treasury benches. As has been stated by my hon. friend, Shrimati Renu Chakravarty, just now, it has been deliberately done. I hope that the Law Minister, if he does participate in the discussion at this stage, will at least try to exonerate himself, his Ministry, from this charge that it was not at his instance, and for Shri Patil's convenience, that this has been embodied in the amendment moved by my hon. friend, Dr. Ram Subhag Singh.

**Shrimati Renu Chakravarty:** Mr. Deputy-Speaker, Sir, I find no words really to oppose this Bill. It is the most shocking, shameless and most obnoxious Bill that we have ever discussed in this House. I would not at all have minded it if we have gone into the entire Land Acquisition Act of 1894 and had tried to make some changes in it for the better, that is in order to see that the poorer sections of the people, the less wealthy sections of the people really get a fair deal in cases where Government-controlled companies or public corporations try to get hold of land in order to build factories and other industries. As a matter of fact, when we have seen the way in which this law has really functioned in the rural areas, and even in areas round about

cities, we have found that it is really in the computation of the compensation, which my hon. friend, Shri Banerjee has just now raised, that needed amendment. Actually, this computation is done in various ways, sometimes on the crop yield, sometimes on the land revenue etc. with the result that the amount of money that is paid for an acre of land does not buy another acre of land of equal quality. That is what is happening.

If we go into this deeply, we are going to pay compensation to the richer section, those who own more than two or three acres of land, not to the poor people, and that is where I join issue with the Minister of Food and Agriculture. He says he wants to protect only those people who have got very rich lands. A person in Krishna district of Andhra Pradesh owning three acres of land is really a rich man. For him, the Minister is prepared to see that lands is not acquired. But in the case of an Adivasi who is living in Singhbhum, who is hardly scraping some subsistence from his land, it can be acquired because it is for a public good, because the land is required by Tatas, Birlas or somebody else. So, we are not able to understand what is meant by a "public good". Therefore, my view is that if he really wanted to amend the Land Acquisition Act, he should have gone into all these things. But, instead of doing that, we are now being told that this is being brought forward for a public good, for the planned development, for the industrialisation of the country, in order to prevent land speculation and so on. One friend was trying to tell me "We want to stop land speculation; you have no idea how some people buy land cheap, at very low prices and then sell it at very high rates, that is what we want to stop". If that had been the real intention, we could have brought forward a Bill for preventing speculation on land in which case, we would have all welcomed and supported it. Why this machinery of acquisition for that? As a matter of fact, if some amendment

[Shrimati Renu Chakravartty.] had been brought forward to Part II in order to see that no Government acquires land under Part II without paying proper compensation—under Part II they can acquire land without paying compensation, as the hon. Minister has stated—we would have supported it. But now there is nothing to prevent the State from acquiring a land even for a private individual under Part II. I will give you one or two examples to show how it has been done.

The hon. Minister said in his speech that for 68 years we have had no difficulty and this law has actually functioned so well. Actually, it has functioned but who has heard the voice of that poor Adivasi whose land has been taken away by the riches in the land?

As regards this question of interests of the general public in the amendment which has been moved by my hon. friend, Dr. Ram Subhag Singh, it is a tragedy that I see the name of Dr. Ram Subhag Singh being mixed up with this amendment.

**Dr. Ram Subhag Singh:** Why? There should not be any surprise.

**Shrimati Renu Chakravartty:** He is the person whom in the past we saw talking so often about the poor peasant! I can understand Shri Patil doing it because he is one who always backs the capitalists. We know it. But this comes in the name of Dr. Ram Subhag Singh who always spoke for the poor peasantry and who used to jibe at us because we lived in the urban area. Now Dr. Ram Subhag Singh has brought forward this amendment saying that if the words 'in the interest of the general public' are included everything will be covered.

What is happening actually in the interests of the general public—I want to ask the hon. Minister—in the case of an iron and steel company, like the Indian Iron and Steel Company, which is owned by Martin Burns and the richest in the land, like, Sir Biren Mukerjee? They go and take over

the land of the poor Adivasi, an iron ore mine worker, who does not even have a minimum wage, in an area called Gua which is in the same State as my hon. friend, Dr. Ram Subhag Singh, comes from. That poor Adivasi has very little arable land and he takes it over. For what purpose? Because the *burra sahibs* want to have a land in ground. For three years I tried. I went to the Commissioner for Scheduled Castes and Scheduled Tribes. I wrote to the late Pandit Pant. I did everything possible. The Commissioner for Scheduled Castes and Scheduled Tribes saw with his own eyes how the bulldozers actually razed that village to the ground.

Now, is it not in the interests of the general public if it is argued that here is this company which is producing iron ore which is going to go to the steel companies which are going to produce steel which is the basis for our heavy industries and for the economic development of our country? Of course, it can be argued in that manner.

Why is it that you are bringing forward this thing? It is because just by saying 'in the interest of the general public' which is vague you are going to allow loopholes for the biggest in the land to go from the lowest court right upto the Supreme Court to fight this out and because you know that the poor Adivasi will not, in any case, be able to do that. He has not been able to do that with the result that today he has no land. That is why we are totally opposed to amendment No. 42 being brought forward.

I know that Shri S. K. Patil is a very determined person and he has been able to win over a large section of friends who very rightly opposed this and felt that there was something very wrong being done. He told me yesterday with great bravado, "You have come too late; everyone else has succumbed." I say they may have succumbed but the people outside have voted into power Shri Ranga to this very House defeating the powers

that be today and, if you are going to allow the capitalists with these concessions that is what is going to happen again tomorrow. That is why with the strongest words which I can utilise and with very great feeling I say that by bringing in this Bill you are not improving what we should have improved. We are not really going to stop land speculation at all. If there was any attempt at stopping land speculation, I would be one with you. I would even go to that extent though. I do not like that. But in the case of the private sector we should not permit it. In the case of the public sector let us allow it because in the case of the public sector we do not put forward the philosophy which Shri S. K. Patil has of free profit.

**Shri Narendra Singh Mahida:** You helped them against Shri Ranga's election.

**Shrimati Renu Chakravarty:** Because we say that you are worse. We do not want you to come here in greater number. That is why we are supporting their policy. We are asking them to wake up before it is too late and before they are submerged in the philosophy of Swatantra Party. That is why we supported them against you.

But I only say that actually there is much which should have been done by bringing forward a new amendment to the original Act. Actually, what is the Government doing? In my State, do you now, what actually has happened? You have now actually said that the land of co-operative societies may not be taken over. But I can give you the example—here it is the case of the public sector—of the Bandal thermal power station where we have acquired 155 acres of land belonging to the Triveni Trifasali Co-operative Society which won the Dr. B. C. Roy Shield for the best produce. The price computed for that land was Rs. 1,000 per acre. This is the amount of compensation, but the District Magistrate told them once in private that actually it should have

been Rs. 3,000 per bigha because it is three-crop land. It produces three crops. Therefore when we are prepared to allow the Government to acquire land for those who do not put forward the philosophy of free enterprise, that is, the public sector. In the new amendment are told that only private companies will be exempted but public limited companies will come within the purview of this Act. Shri Ram Rattan Gupta is correct. I do not know whether he is big or the biggest, but the biggest industrialists and the biggest monopolists will escape because they are not "private limited companies". So, I say, let there be some logic. If the private sector wants that there should be free enterprise, let it be free enterprise all the way, for the small landowner as well as for those whose profits the Government is not permitted to control and to know their cost of production. If that is done, that would be fair. Therefore I completely oppose this amendment, that is, amendment No. 42. As a matter of fact, I totally oppose this whole Bill.

**Shrimati Renuka Ray:** Mr. Deputy-Speaker, Sir, I have moved an amendment to this clause which says that companies in which the State has majority of shares as also cooperative societies should be included in it. I did this because I felt that it would be the quickest and the best way of getting over the fact that Government might, on some occasion, be acting as a land agent for a private company as suggested by the judgment of the Supreme Court.

I realise that we have a mixed economy and it may be necessary on some rare occasions to help companies selected by the Government in getting land. But there must be some very adequate checks also. The amendment moved by hon. friend, Dr. Ram Subhag Singh is certainly some improvement over the original amending clause in the Bill. Nevertheless, there is one point to which I would like to draw the attention of the hon. Minister.

[Shrimati Renuka Ray]

I must say here that the hon. Minister has shown that he does take into consideration, to some extent, the feelings in this House. He did discuss this matter with all parties and to some extent some improvements have been made. It is because he has been accommodating that I will still request him, at this late hour, to bring in the words 'public purpose' in place of 'in the interests of the general public'. Shri Patil has quite rightly said that in clause 19 (f) the words 'interests of the general public' are included—that is the clause allowing private property. But in clause 31 which is quite a different clause—it is the clause through which compensation is paid and for certain purposes you can acquire land also—the words 'public purpose' are used and not the words 'interest of the general public'. Therefore I would request him even now to use the words 'public purpose' in place of the words 'interests of the general public'. If that is done, that in itself will be somewhat of a safeguard.

We must realise that while on some occasions it may be necessary for the Government, when it is not able to do something in the public sector which is essential, to ask some private firm to do that work for them. Surely that cannot be so in the case of textile machinery and things like that. It could only be in regard to major and key industries where Government are unable to expand rapidly in the public sector. While we may leave it to the private sector freely to put up factories for textile machinery and the like, surely, it is not for Government to go to their help to acquire the land. Why can they not acquire the land in the usual manner and buy it in the open market without any help or any particular assistance from Government?

As it is, in the case of public sector companies or public sector projects—and some of them are very vital projects—such as the Farrakka barrage or other big irrigation pro-

jects, we do have to take over the lands belonging to some agriculturists, who may be very poor persons. When we take over those lands, do we have adequate safeguards that compensation will be paid in proper time? I know from personal experience what has been done in my own constituency, when the railway line was built there. The compensation in some cases, is still pending in that connection. This took place about two or three years ago. Again, where the Farrakka barrage is being constructed, the people are naturally very worried and anxious, because it is just across the river. They also want to know if compensation will be paid in time. I have brought up this point merely to show even where acquisition is made for public sector companies or some very essential public sector projects, we must be very careful and very vigilant, and when we take the land, we must see to it that the persons whose lands are taken away from them are not made refugees. It is our duty to see to it, and it is Government's duty to see to it that they are not made refugees.

Even where land is acquired for private companies, that should be very rarely done, and it should be done only for some very definite public purpose.

I have decided not to move my amendment to this clause not only because there is improvement on the present clause, but I hope my further suggestion will be accepted. I hope that the rules that will be framed by the Central Government will be laid on the Table of the House, and we shall be in a position to suggest amendments to the rules when they are so laid. So, if the Bill, along with Dr. Ram Subhag Singh's amendment is accepted, then it will be possible to have adequate safeguards, and therefore, it is not necessary to use as Shrimati Renu Chakravarty has done, invectives and adjectives such as "obnoxious". I was rather surprised to hear her say that she



supported the election of Shri Ranga, but, of course, she qualified it later by saying that she was opposed to the policy of his party.

**Shrimati Renu Chakravartty:** The mad woman is thinking that we supported Shri Ranga!

**Shrimati Renuka Ray:** There is one other point also. I do not know whether it is the creed of the communists not only to say that compensation should be paid but to say that larger amounts of compensation should be paid when land is acquired by Government; and she also said that even where land is acquired by Government, not for the private sector, not only the compensation that is now given should be paid but even more should be paid.

**Shrimati Renu Chakravartty:** Our policy is that the smaller man or the smaller peasant should be given much more. For my hon. friend's education, I may inform her of our party's policy.

**Shrimati Renuka Ray:** I do not know. I am always subject to correction by the hon. Member. But I cannot understand whether, if this is the policy, it is in line with the communist creed, because we have been told all along that private property should be taken over by the State without compensation.

**Mr. Deputy-Speaker:** Now, Shri Tyagi.

**Shri A. K. Sen:** I wanted to ask one thing. I thought that the hon. Member Shrimati Renu Chakravartty said 'mad woman'. May I ask her whether she said so?

**Shrimati Renu Chakravartty:** Shall I say 'insane'?

**Shrimati Renuka Ray:** I do not know whether that is parliamentary. Is that not unparliamentary?

**Shrimati Renu Chakravartty:** In that case, I withdraw that expression, and say 'Do not be insane'.

**Mr. Deputy-Speaker:** Order, order. Now, Shri Tyagi.

**Shri Tyagi:** The subject actually circles round the two words used in the Constitution, namely 'public purpose'. It is quite clear that the whole controversy from beginning to end has gone round the interpretation of these two words. Let us, therefore, be quite clear about what we are going to enact today. My fears are, that the Bill if it is passed along with the amendments proposed today may again perhaps have a bad fate when it goes to the Supreme Court. Therefore, the idea has not been well conceived or duly considered from that angle.

But I talk with a sense of inferiority and diffidence because I do not know law and I am dabbling in matters which are highly legal. The Constitution had enacted, and that has been repeated very often, that "no property shall be compulsorily acquired or requisitioned save for a public purpose, and save by authority of a law which provides for compensation for the properties so acquired etc."

So, there are only two saving provisions. One is that the property is essentially to be acquired for a public purpose. There is no dispute about it. The other is that it should be done by authority of a law. And what is that law? It is not a law for acquisition of land, or the principles of Acquisition, but a law which provides for due compensation. That law cannot be the present legislation which we are enacting. The term 'law' here means a law which provides for compensation for the property so acquired. This is the requirement of the Constitution.

Then again, according to the terms of the Constitution, the Land Acquisition Act of 1894 were also *ultra vires*, had we provided further in the same article of the Constitution in Clause 5, that:

"Nothing in clause (2) shall affect—

(a) the provisions of any existing law other than a law to which

[Shri Tyagi]

the provisions of clause (6) apply.....".

The Land Acquisition Act of 1894 was already existing. Therefore, that is the only one law which could override the interpretation of Article 31(2) of the Constitution. After emphasising the words 'for a public purpose', it is mentioned in clause 5 that this Article can only be read in the light of the old or existing acquisition Acts. And this Land Acquisition Act of 1894 was the only one which was existing then. Therefore, if we amend that Act now, we shall lose the balance again, I am afraid, because this law is the only security before Government; the Constitution had permitted only the independence of the existing Act and no other Act. So, if we amend the old Act in any manner, that amendment shall not be within the meaning of the term 'existing law'. Therefore, we shall again take the risk of facing an interpretation from the Supreme Court or the other courts. Exemption was given only for this existing Act.

Moreover, the preamble of the Act which we are amending also says:

"Whereas it is expedient to amend the law for the acquisition of land needed for public purposes and for companies and for determining the amount of compensation to be made on account of such compensation, it is hereby enacted:....".

So, according to the preamble of the Act also, the objective was to acquire land only for 'public purposes'. We cannot therefore get over the term 'public purposes'. That term is there in the Constitution. That term is there also in the Act. So, even if you say 'public interest' or 'public utility' etc., all those safeguards will not give you any safety valve. Again, all those phrases will be tested on the touchstone of the term 'public purposes'. That is what I would like to submit.

The Law Commission also has reported on this matter. I am afraid of

Shri A. K. Sen when I am referring to this, because he is an eminent lawyer and knows law very well, and I am only a layman. So, when I have to talk to him, I have tried to find authorities of some other eminent lawyers. For instance, there is the report of the Law Commission of India, where Mr. Setalvad has signed it. At page 9, it has been mentioned that:

"The determination that a purpose is a public purpose is no longer a matter for the subjective satisfaction of the appropriate Government.... The existence of a purpose is a necessary condition to the acquisition or requisition of property....".

Further on, it is said:

"That the existence of a purpose must be established objectively has been settled by the decisions of the Supreme Court in *Bela Banerjee's* case, and still holds good".

This is what eminent lawyers of the country say. So this cannot be got over in any manner. Then they say:

"If the Land Acquisition Act, 1894, and other existing laws are allowed to continue in force without alteration, the provision in these Acts to the effect that declaration by Government that the land was required for public purposes shall be conclusive evidence. This cannot be challenged. The position would, however, be different if a consolidating Act is now enacted. The decision of the Government that a land is needed for a public purpose will not have the finality which it would have had if Act I of 1894 and the other Acts were left untouched".

Because you are bringing in new amendments now, therefore you are losing your old sanctions, the sanctions which the Central and State Governments have been enjoying so far because this Act had not been amended.

It is the opinion of the Law Commission that you lose that sanction and "the decision of Government will not have that finality which it would have had if Act I of 1894 and the other Acts were left untouched." I am glad to speak in the interest of the small man. I think you are committing an error, a blunder, in amending this, because as it is it will be useful to the cultivator because it will not be possible to exercise so much freedom of land acquisition as you have been doing so far if you amend this Act.

15.32 hrs.

[SHRI MULCHAND DUBE in the Chair.]

Then there is the question of 'public purpose'. It will have to undergo the test of 'public purpose'. Article 31 says that no new law can be made in contravention thereof. According to article 35, the new law cannot be in contravention of this article; only the old laws will hold good. That is quite clear. Then article 141 says that the decision on law of the Supreme Court is binding on all courts. It is difficult to get round the decisions of the Supreme Court. They will remain final. Whatever you do, the interpretation of the Supreme Court shall be final.

**Shri Hari Vishnu Kamath:** For all courts, not for the Government.

**Shri Tyagi:** Government are subordinate to the courts in the matter of interpretation of law.

**Shrimati Renu Chakravarty:** They will bring forward another amendment.

**Shri Tyagi:** Coming to the Supreme Court rulings, in *Babu Barkaya Thakur vs State of Bombay* (A.I.R. 1960 S.C. 1203), the Court had clearly laid down that the 'purpose must be something like a hospital, reading room, library or an educational institution open to the public'. These are public purposes according to the view of the Supreme Court. In *Arora vs State of UP*, they say that 'merely

because a company is going to produce something which is likely to be used by the public does not justify acquisition of land for the company because it is not a public purpose'. How shall you get over that? So that it is not possible to think that all the lacunae will be regularised. I am afraid we cannot do that by one stroke of the pen.

Then take the question of sovereign power. There is a ruling of the Supreme Court there also. They say that 'sovereign power to acquire property compulsorily is a power to acquire it only for public purpose. There is no power in the sovereign to acquire private property in order to give it to private persons. Public purpose is a content of the power itself'. This was said by the Court in 1952.

So my fear is that the Bill that Government has brought in amending the Act shall be challenged. It would be challenged on these grounds and then you will again have to face the same music.

**Shri Hari Vishnu Kamath:** Sweet music.

**Shri Tyagi:** As my hon. friends have already pointed out, there are quite a number of spots here even in Delhi which were acquired from persons who were going to start industries. They were acquired; they were not given to those industries but given to other industries at higher prices. Is this justice? Such things are happening even in other States.

I am grateful to the hon. Minister, for he has laid down a policy which will sustain me. Otherwise, people will be carried away by sentimental speeches delivered by Communist Members like my hon. friend, Shrimati Renu Chakravarty. I was simply carried away altogether because she spoke out my sentiments, she spoke out the sentiments, of the poor, the sentiments of the people; therefore, people will naturally recognise those representatives who represent them.

[Shri Tyagi]

really, truthfully. She has really done a service to those people by saying that. We have no business to acquire property for private interests. Why should we do so? We say, market price plus 15 per cent. If that were actually the price calculated, let any capitalist come to any town and pay the market price plus 15 per cent. Hundreds will come and give their lands because there is no harm; they are selling at a profit of 15 per cent. If that calculation were there, people would not resent their lands being sold. Why acquire them? Why do you put these capitalist friends into a loss by saying 'market price plus 15 per cent?' This is a penalty to those capitalists who are supporting you. Why do you want to force them to pay market price plus 15 per cent? Why not give them the freedom to buy freely? They will pay market price plus something or minus something for the commission agents.

**Shri Hari Vishnu Kamath:** It is a new angle.

**Shri Tyagi:** In fact, that is better. They are moneyed people. Let the poor man have the free market to sell his land. What else has he? If he needs money and wants to sell the land, let him get a good price. I do not think there is any harm in that.

Of course, we cannot do away with acquisition for public purposes. We need it. Therefore, we may be content with the amendment I have moved. There are better amendments, of course. I will change my position as soon as those amendments come. I have no objection to better wording. My amendment reads:

"that such acquisition is needed for the construction of some building or work for a company or a corporation, wholly or partially owned or controlled by the State, or a co-operative society registered under the "Co-operative Societies Act, 1912, or under any other law corresponding to that Act for the time being in force in

any part of India, or a duly registered charitable society or trust, engaged or to be engaged in an industry of work which is in the interests of the general public...."

I can well understand the bringing in of the word 'interests'. If it is acceptable to Government, that will be very good. I am glad my hon. friend the Minister has made an announcement that in the rules he will incorporate a provision that fertile lands will not be acquired and no permission will be given for such acquisition. That is a very good undertaking he has given. I am thankful for this assurance to the people at large.

Since the time we have started considering this Bill, people came to know that I was supporting their cause and I have received a number of telegrams saying that so many thousands of acres of land have been acquired for industries in Ahmedabad, Bombay and other places. Now people will have less fear after the announcement made by the hon. Minister that the interests of the rural population will be looked after.

As regards 'public purpose', there is a big list given by the Law Commission. It is not an exhaustive list defining what a 'public purpose' should be. I do not want to read the whole of it but just a sample.

15.38 hrs.

[MR. SPEAKER in the Chair]

"Provision of villate sites in districts in which the appropriate Government shall have declared by notification in the official gazette; provision of land for planned development from public funds, and subsequent disposal thereof in whole or in part by lease assigned or outright sale with the "object of securing further development as planned".

This is what the Law Commission have recommended. Why not act upto it?

"Provision of land for town or rural planning under a law relating to such planning; provision of land for carrying out any housing schemes or health schemes sponsored by the Union Government or any State Government or local authority for clearing slum areas, for relieving congestion, for housing the poor, landless, displaced persons...."

There are a number of details. I do not want to go through each of them. The considered view of the eminent lawyers, experts in law, is that public purpose would be like that. Allowing a big man to start a factory for profit-earning purposes is not a public purpose.

Again, a question arises. In this latest case, the Supreme Court have clearly laid down that "merely because a company is going to produce something which is likely to be used by the public, it is not a justification to acquire the land for the company, because it is not a public purpose". A factory may produce textiles, the most important thing, but according to the judgment of the Supreme Court, this is not a public purpose, because public purpose means that it must be applied to the building that is made, that must be for the public purpose, or the work that is done, not the produce or whatever comes out of that factory that is used by the public. That is not a public purpose according to the verdict of the Supreme Court.

In the matter of interpretations, I am afraid Parliament is divested of power. We cannot give interpretations. We can only enact laws, and laws within the Constitution, we cannot go beyond the Constitution. Interpretation ultimately will have to be by the Supreme Court, and this is the interpretation of the Supreme Court. Knowingly, with open eyes, why are we going to go beyond these interpretations? Ultimately again we have to come to the very same point.

The amendment of my hon. friend Dr. Ram Subhag Singh says:

"Notwithstanding anything contained in this Act, no land shall be acquired under this Part for a private company, which is not a Government company."

This is beyond the purview of the present clause that we are discussing.

**Shri Hari Vishnu Kamath:** It has not been moved.

**Shri Tyagi:** Not moved. But this is again something which I cannot understand. People are accusing me as a Member of the Party, they are putting questions to me: how are you supporting these capitalists, bigger people?

**Mr. Speaker:** We are not concerned with his membership of the party. Here he can speak as a Member of the House.

**Shri Tyagi:** I am sorry, but my party affiliation has been so great that sometimes I betray it.

**Shri Hari Vishnu Kamath:** It cannot be divorced.

**Shri Tyagi:** Now the question would be, I feel, the question of supporting the big man, the capitalist. Among the capitalists also, the smaller men are chucked off. Suppose I want to start a small factory in the public interest for the production of medicines or something else, whatever I think is in the interests of the public, my friend would not acquire land for me, because I am a small man, I am a private company, I am a firm or I am even a co-operative society. It is only those persons who have got big public limited companies who shall be benefited. Up till now everybody could be benefited, but now we are reformists, we have accommodated the wishes of the people, and now the smaller man shall not be accommodated. The smaller man will be deprived of his land. It is all right. But the smaller man will also not be accom-

[Shri Tyagi]

modated any longer. It is only the bigger man, a man who can float a public limited company who will be accommodated according to the new amendments my hon. friends have given. If you are giving a benefit to people who are coming into industry, why unnecessarily deny it to the small man? Give it to everybody. Or, be frank, and say that according to the principles of the socialist pattern, all those concerns only which enjoy a Government share or State share or a share by municipal or co-operative societies, will be accommodated; for the rest, there is the open market, they can go and buy. If they cannot have it in Bombay, let them come to my town. They can start a factory there. Why should you stick to Bombay alone?

With these words, I commend my amendments.

**श्री लहरी सिंह (रोहतक) :** स्पीकर साहब, जो अमेंडमेंट अब पेश की गई, उस ने तो और भी मुश्किल पैदा कर दी है। पहले तो बड़ा साफ था एक ही क्लज पर बहस थी। जहाँ तक इस हिस्से का ताल्लुक है,

"That such acquisition is needed for the construction of some building...which is essential to the life of the community".

इस पर तो हाउस में कोई डिफरेंस नहीं था और सब इस को बिलकम करते थे। बहस तो क्लज के इस हिस्से पर थी,

"or is likely to promote the economic development of the country".

सारे मेम्बरज की तरफ से इस के खिलाफ धावाज उठी थी कि यह बड़ा वाइड प्राविजन है। इस लिये मिनिस्टर साहब ने मेम्बरस को कनसल्ट करने के लिये टाइम लिया। उस कनसल्टेशन में क्या प्वाइंट आया और क्या नहीं आया, यह तो मालूम नहीं, लेकिन जो अमेंडमेंट पब लाया गया है,

it made the confusion more confounded and the corruption more corrupt.

उन्होंने क्या दे दिया? उन्होंने "एमेंशल टु दि लाइफ आफ दि कम्युनिटी" के लफज भी हटा दिये और "टु प्रोमोट दि इकोनॉमिक डेवलपमेंट आफ दि कंट्री" को शर्त भी खत्म कर दी। उन्होंने डिस्पूटिड क्लज में ये अलफाज रख दिये, "इन दि इन्ट्रस्ट्स आदि दि जेनरल पब्लिक"। ये अलफाज रखने के मायने तो यह होंगे कि लॉग हर रोज अदालत में खड़े रहें और हर रोज फैसले हांते रहें। सुप्रीम कोर्ट ने अपने जजमेंट में "पब्लिक परपज" बात कही थी। अगर "पब्लिक परपज" रखा जाये, तब तो ठीक हो सकता था और वह बात समझ में आ सकती थी। लेकिन "पब्लिक परपज" के अलफाज भी गये और ऐशेंशसल टु दि लाइफ आफ दि कम्युनिटी" के अलफाज भी गये। अब तो इस प्राविजन को बहुत वाइड कर दिया गया है।

पहले बहस इन अलफाज पर थी, "इज लाइकली टु प्रोमोट दि इकोनॉमिक डेवलपमेंट आफ दि कंट्री"।

उन की जगह पर अब इन अलफाज को रख दिया गया है, "इन दि इन्ट्रस्ट्स आफ दि जेनरल पब्लिक"। इस का मतलब तो यह है कि अगर कोई आदमी एक फैक्ट्री लगाये, तो वह भी इन्ट्रस्ट्स आफ दि जेनरल पब्लिक के लिये ही होगी। उस फैक्ट्री में बनी चीज आम लोगों के इस्तेमाल के लिये नहीं होगी, तो और क्या होगी? इसलिये मैं यह समझता हूँ कि "इन दि इन्ट्रस्ट्स आफ दि जेनरल पब्लिक" के अलफाज रखने का नतीजा सिवाये लिटिगेशन को बढ़ाने और कम्पनीज और पब्लिक को तकलीफ देने के कुछ नहीं होगा। अगर इस टर्म को अच्छी तरह से डेफाइन्ड कर दिया जाता, स्पेसिफिक परपज का जिक्र कर दिया जाता, तो ठीक होता। लेकिन मिनिस्टर साहब ने कांस्टीट्यूशन में से कुछ लफज पढ़ कर सुना दिये। जिन का जिक्र

फ्रीडम आफ स्पीच के सिलसिले में किया गया था। मैं अर्ज करना चाहता हूँ कि उस सिलसिले में इस्तेमाल किये गये "इन दि इन्स्ट्रुट्स आफ दि जनरल पब्लिक" के अलफाज को लैंड एक्वोजीशन के मामले में इस्तेमाल नहीं किया जा सकता है।

इसलिये यह जरूरी है कि "इन दि इन्स्ट्रुट्स आफ दि जनरल पब्लिक" का डेफाइन किया जाये और वह "पब्लिक परपज" के लिये हो। अगर इस में "पब्लिक परपज" रखा जाये तो तमाम हाउस सैटिसफाइड होगा।

आज जमींदारों का जमाना पर सीलिंग लगाई जा चुकी है। उन को जमानों छिन चुकी हैं। अब वे दो दो, चार चार एकड़ के अदमी रह गये हैं। सरकार उन ने दूध और घेन लेना चाहती है और उन के लड़कों को पुलिस और फौज में लेना चाहती है। वे लाग सब तरफ से मुल्क और सरकार को सोच कर रहे हैं। लेकिन आज वे लाचार हो कर बैठे हुए हैं। वे कहते हैं कि भगवान यह गवर्नमेंट तो अंग्रेज ने भी ज्यादा सख्त है। उन लोगों के दस दान बच्चे होते हैं, वे कैसे अपना गुजारा करें? आज फॅमिली प्लांनिंग का बहुत जिक्र होता है, लेकिन हम देखते हैं कि रिच मैन के कम बच्चे होते हैं, जब कि इस बारे में गरीब आदिमियों पर ज्यादा भार होता है। जब से इस बिल का चर्चा हो रहा है, वे लोग बहुत परेशान हैं। हम देखते हैं कि यहां पर वर्डज पर ध्यान दिया जा रहा है—कमों कुछ लभज मिल देते हैं और कमों कुछ, लेकिन मतलब वही है, यानों कैमिंटिलिस्टस को जमाना दिलवाई जाये। इस के मुकाबले में गरीब आदिमियों का, जिन का हालत पहले ही बहुत खराब हो चुका है, जिन की जमीन छिन चुकी है, कोई अफ्टो नहीं दी जा रही है।

जहां तक जमीन हासिल करने का सवाल है, वे लोग इस बारे में सौदा करें, जिन के लिये सरकार की तरफ से यह

बिल लाया गया है। इस में कौन सी स्कावट है? अगर मैं मकान बनाना चाहता हूँ, तो मैं सौदा करूँ, मुझे जमीन मिले या न मिले। लेकिन वे लोग समझते हैं कि सौदा करने से मुश्किल होगी। इसलिये वे गवर्नमेंट की मदद से गरीब आदिमियों को उन की जमीन से डेप्राइव करना चाहते हैं, जिस के बिना उन का ज़िन्दा रहना नामुमकिन है। आज तमाम इंडिया से, मुल्क के कोने कोने से आवाज आ रही है कि किसी तरह से हमें बचाओ।

जिस गरीब आदिमी की जमीन ली जा रही थी, वह इन्साफ पाने के लिये नीचे गया, ऊपर गया, हाई कोर्ट गया, लेकिन उस की कोई परवाह नहीं की गई। जब वह बहुत रुपये खर्च कर के सुप्रीम कोर्ट गया, तो वहां उस को जस्टिस मिला। अब सुप्रीम कोर्ट के उस जजमेंट को किक किया जा रहा है और उस गरीब आदिमी को उस की जमीन से डेप्राइव किया जा रहा है, जिस के लिये उस ने हजारों रुपये खर्च किये।

एक बात तो यह है कि "पब्लिक इन्स्ट्रुट" को डेफाइन किया जाये और दूसरे यह देखना है कि जिन लोगों को हम जमीन से डेप्राइव करने जा रहे हैं, जिन की इतनी बड़ी फॅमिलीज हैं, उन के लिये हम ने आर्टिनेटिव क्या रखा है, उन को हम क्या रोजगार देंगे। जहां तक उन को मार्केट वॅल्यू देने का सवाल है, मैं अर्ज करना चाहता हूँ कि सरकार दस फॅमिलीज को उन की जमीन से डेप्राइव कर के—वे लोग अनपढ़ हैं, वे टेक्नीशन नहीं हैं और कोई ट्रेड नहीं करते हैं—यह कहना चाहती है कि हम तुम को मार्केट वॅल्यू देंगे। यह मार्केट वॅल्यू क्या है? हम लोग हर रोज देखते हैं कि अदालत में यह कहा जाता है कि चार पांच साल की औसत निकालो, वह मार्केट वॅल्यू है। आज सब चीजें दिन-ब-दिन महंगी होती जा रही हैं, लेकिन अदालतों के मुताबिक

[श्री लहरी सिंह]

मार्केट वॉल्यू के मायने पांच साल का एवेरेज है, जोकि कुछ भी नहीं आता है। अगर गवर्नमेंट अपने किसी काम के लिये लैंड एक्वायर करे, तो ठीक है, लेकिन जहां तक कंपिटलिस्ट क्लास के लिये जमीन एक्वायर करने का सवाल है, अगर वे लोग आपस में सौदा कर के जमीन हासिल नहीं कर सकते, तो कम से कम यह प्राविजन किया जाये कि सिर्फ पब्लिक परपज के लिए जमीन एक्वायर की जाये। उस जमीन से उजड़े हुए फॅमिलीज के लिए एक खास स्पेशल मार्केट वॉल्यू हो। उन को खास कम्पनसेशन देने पर गौर किया जाये। जैसे कोई आदमी एक फॅक्ट्री लगाता है जिस जगह पर एक फॅक्ट्री लगती है, उस जगह पर और भी बहुत सा डिवेलेपमेंट का काम हो जाता है। वहां पर सड़क बन जाती है, वहां पर दुकानें खुल जाती हैं, वहां पर मंडी बन जाती है। ये जो दुकानें बन जाती हैं, दस दस और पंद्रह पंद्रह और जिन को कम्पनी वाले बनवा लेते हैं, उन का ये किराया भी खाते हैं लेकिन उन का उस फॅक्ट्री से कोई ताल्लुक नहीं होता है। ये दुकानें भी उस जमीन पर बनती हैं जिस को एक्वायर कर के उस को दिया जाता है। क्या कभी आप ने सोचा है कि जिस से जमीन ली गई है, उस को भी इस में से कुछ हिस्सा मिले, उस के लिये भी इस में कुछ जमीन अलग से रखी जाय ताकि वह भी दुकान बना कर वहां पर कुछ काम कर सके। क्या आप ने कोई इस तरह का प्राविजन इस में रखा है कि उस जमीन का एक चौथाई हिस्सा या एक तिहाई हिस्सा उस को मिलेगा ताकि वह भी कुछ कर सके, वह भी अपना गुजर बसर कर सके। आप को चाहिये कि आप देखें कि वह भी यह जो प्रासपेरेटी होगी, उस में हिस्सा ले, उस को एनजाय करे। लेकिन उस बेचारे को न कोई दुकान मिलेगा और न ही उस को या उस के बच्चों को उस फॅक्ट्री में कोई नौकरी ही मिलेगी और

वह गरीब इधर उधर मारा मारा फिरेगा, उस को पूछने वाला कोई नहीं होगा। क्या उस को नौकरी वगैरह वहां पर देने में कोई श्कावट है। आप ने तो सिर्फ वहां पर जनरल इंटरिस्ट की बात लगा दी है और उस को अमल में ला कर आप कई फॅमिलीज को उजाड़ दे। उन पर आप रहम करें। यहां पर जो लफ्ज रखे हैं उन में कोई सदाकत नहीं है। इस का नतीजा यही होगा कि वह गरीब आदमी मारा मारा फिरेगा, लिटिगेशन में फंसेगा और उजड़ जायगा।

कल कोई भाई मेरे पास आये और कहने लगे कि उन के लिये स्टेशन बनवा दिया जाय। मैंने उन से कहा कि स्टेशन की बात मत करो क्योंकि अगर स्टेशन बन जायगा तो तुम्हारी जमीन जाती रहेगी और तुम बेजमीन हो जाओगे। अगर स्टेशन बन गया तो सड़कें भी बनेंगी, नजदीक में मंडी भी बनेंगी, कारखाने भी बनेंगे और सब कुछ होगा और इस सब का नतीजा यह होगा कि तुम को अपनी जमीन से हाथ धोना पड़ेगा, कोई और ही तुम्हारी जमीन ले जायगा और तुम मारे मारे फिरोगे।

गांव के लोग भी चाहते हैं कि उनके यहां सड़कें हों, उनके लिए वही मुविधायें मुहैया कीं जायें जोकि दूसरों के लिए मुहैया की गई हैं, उनके पास भी उतनी जमीनें तो कम से कम हो जिस में से वे अपना गुजर बसर कर सकें। लेकिन आप हो यह रज है कि जमीन पर भी सीलिंग लगा दी गई है जिससे अधिक जमीन रखी नहीं जा सकती है, जिससे अधिक खरीदी नहीं जा सकती है और जिन के पास उससे ज्यादा थी वह उन से छीन ली गई है। इस तरह की बातों ने बहुत गड़बड़ी पैदा कर दी है। लोगों को मार दिया गया है। आइन्दा क्या आप यह उम्मीद कर सकते हैं कि एक किसान का लड़का अपने बच्चे को कालेज में भेज सकेगा या इंग्लड में पढ़ने के लिए भेज सकेगा। यह सोशलिस्टिक गवर्नमेंट है जिस में कम्पनियों



के लिए तो इतना कुछ किया जा रहा है लेकिन दूसरी तरफ जो किसान है, उसके लिए कुछ भी नहीं किया जा रहा है और उससे उसकी जमीन छीनी जा रही है और इन कम्पनियों को दी जा रही है। गरीब आदमियों की जवान बन्द करके पब्लिक इंटरिस्ट में ही हमारी जमीन पर आपने सीलिंग लगा दी जिसका नतीजा यह है कि हमारे जो लड़के हैं, वे पढ़ नहीं सकते हैं, हम लोग शहरों में रह नहीं सकते हैं, हम को मजदूर बनाया जा रहा है। जो गरीब आदमी पोलटरी फार्म से या डेरी से थोड़ा बहुत कमाता है, उसको जमीन इस बहाने पर ली जायेगी कि इसमें कंट्री का डिवेलपमेंट होगा लेकिन अगर कंट्री का डिवेलपमेंट होना है तो यह क्या केवल हमारी कास्ट पर होना है। यह हमारी कास्ट पर नहीं होना चाहिये। जमीन में हम को डिप्राइव करके कंट्री प्लानिंग हो यह हमें मंजूर नहीं है। गोल्डस्मिथ ने जो कहा है, वह मैं दोहराता हूँ, पैजेंटरी बंस डेसट्रायड कैन नेवर बी रेस्टोर्ड। अगर आपने ऐसा किया तो न आपको मिलिट्री के लिए जवान काम करने के लिए मिल सकेंगे, न पुलिस के लिए आदमी मिल सकेंगे और जो गरीब आदमी है वे गलियों में पड़े रहेंगे, मजदूरी करने पर उनको मजबूर होना पड़ेगा। आप ये जो कैपिटलिस्ट हैं, इनको सीधे जमीन खरीदने क्यों नहीं देते हैं, आप क्यों बीच में पड़ते हैं, सीधे आप इनको सौदा करने दो। क्या ये जमीन की कीमत बढ़ा नहीं कर सकते हैं और अगर कर सकते हैं तो आप इनके लिए क्यों एक्वायर करते हैं। अब तक टाटा, बिड़ला आदि ने जो जमीनें खरीदी हैं, जो कारखाने चलाये हैं इन सब के लिए क्या गवर्नमेंट ने जमीन एक्वायर कर के दी है? अगर नहीं दी है तो अब क्यों इस तरह की जरूरत आपको महसूस हो रही है। क्यों आप उनके लिए ये सब काम करते हैं

At the cost of the poor person whose son is serving in Kashmir, at the cost of a poor person who is working hard, at the cost of a poor person who is starving. His land has been taken and everything has been acquired.

इन हालात में मैं निहायत अदब से गवर्नमेंट से रिक्वेस्ट करूंगा कि वह इन लोगों की रक्षा करे और हिन्दुस्तान में रेवोल्यूशन की सूरत पैदा होने की नीवत न आने दे। ऐसी सूरत आपको यहां नहीं पैदा करना चाहिये जिससे ब्लड रेवोल्यूशन हो जाये। आज देहातों के अन्दर लोग भी पढ़ लिख रहे हैं और उन में भी आगुति पैदा हो रही है। अगर आप ने यह चीज की तो लोग भूखों मरने शुरू हो जायेंगे और तब क्या हालत होगी इसका आप अंदाजा लगा सकते हैं। इस वास्ते आप उनके जज्बात से न खेलें और अगर आप खेलें तो यह जो कैपिटलिस्टिक गवर्नमेंट है यह एक तरफ होगी और सारी कंट्री में रेवोल्यूशन हो जायेगा और उसे आप रोक नहीं सकेंगे। मेहरवानी करके लपड़ों से आप न खेलो, यह जो पब्लिक इंटरिस्ट है इससे आप न खेलो, गरीब की जात से न खेलो। यदि आपने ऐसा किया तो जो गरीब है, वह पिस जायेगा और आपका यह जो सोशलिस्टिक पैटर्न का नारा है, यह धरा का धरा रह जायेगा। इस वास्ते वक्त पर ही आप सम्मिल जायें और इन गरीबों के लिए भी कुछ करें, इनको इनकी जमीनों से बेदखल न करें।

श्री ह० च० सौय : अध्यक्ष महोदय . . .

अध्यक्ष महोदय : कितना वक्त यह चलेगा। बहुत से माननीय सदस्य खड़े हो रहे हैं।

श्री यशपाल सिंह (कराना) : अध्यक्ष महोदय, स्वतंत्र पार्टी को केवल पांच मिनट ही अभी तक मिल पाये हैं।

अध्यक्ष महोदय : मुझे अफसोस है कि स्वच्छ पार्टी को इतना ही समय मिला है ।

श्री त्यागी : हाउस जितना इस में इंटरिस्ट ले रहा है, उसको देखते हुए तो ऐसा मालूम पड़ता है कि टाइम बढ़ाना ही पड़ेगा ।

**Shri Hari Vishnu Kamath:** The discussion on public undertakings has been dropped and that much time has been saved. So, the time for this can be extended.

**Shri Ram Ratan Gupta (Gonda):** If I am allowed 5 minutes, I am sure, the discussion can be cut down very much because most of the discussion is proceeding on the basis of certain facts which are far from the facts of the situation.

**Mr. Speaker:** Shri Kamath says that if he is allowed some time the whole time can be saved.

**Shri Hari Vishnu Kamath:** No, Sir. I said that the discussion on public undertakings has been dropped and the whole of that time has been saved; and so some more time can be taken by this.

अध्यक्ष महोदय : माननीय सदस्य बहुत मुस्तसिर बोले । पांच पांच मिनट में वे अपना भाषण समाप्त कर दें ।

श्री ह० च० सौय : यह बात ठीक है कि इस कानून को हमें बनाना होगा और जो मूल कानून है, उसमें तबदौली करनी होगी । मगर हमारे सामने सवाल यह है कि आखिर पब्लिक परपज है क्या । जैसा कि माननीय त्यागी जी ने अभी कहा कि यह जो कानून बनाया जा रहा है, इससे जो बड़े लोग हैं उनको ही लाभ होगा, उनको ही फायदा होगा और जो छोटे पैमाने पर काम करते हैं, उद्योग चलाते हैं, उनको इससे कोई फायदा होने वाला नहीं है । यह अच्छी बात नहीं है । जो कुछ त्यागी जी ने कहा है, मैं उसको सपोर्ट करता हूँ ।

जो मूल कानून है वह उस जमाने में बना था जब कि हमने यह सोचा भी नहीं था कि हमारे देश में इतने बड़े पैमाने पर उद्योग स्थापित होंगे और इतने अधिक पैमाने पर हम को जमीन की जरूरत होगी । हमने जो बड़ी बड़ी विकास योजनाएँ चला रखी हैं, और जिन स्थानों पर चला रखी हैं वहां पर हजारों फैमिलीज हैं जिन को हटाया जा रहा है या जिन को हटा दिया गया है । हमारे अपने इलाके में, बिहार में दामोदर वैली है, हटिया (रांची) है और एक माननीय सदस्य ने गुआ का नाम लिया है । वहां से बहुत ही बड़े पैमाने पर जमीन से लोगों को हटाया गया है और हटाया जा भी रहा है । सवाल पैदा होता है कि उनको रिहैबिलिटेड कैसे किया जाये । उनको रिहैबिलिटेड करने की कोई व्यवस्था इस कानून में हो, ऐसा नजर नहीं आता है । जरूरत इस बात की है कि उनका पुनर्वास की कोई उचित व्यवस्था की जाये । इसमें यह कह दिया गया है कि मार्किट वैल्यू में १५ परसेंट जोड़ करके उनको दे दिया जायेगा । जिन लोगों के लिये हम जमीन लेंगे, अगर सोचा जाए तो वे सैकड़ों गुना मुनाफा उससे कमायेंगे क्योंकि ये जमीनों बड़ी कम्पनियों के लिये ही ली जाएगी । जब जमीन हम लोगों से ले लेते हैं तो खाली पन्द्रह परसेंट मार्किट वैल्यू से अधिक हम उनको देते हैं । अगर आप देखें तो आपको पता चलेगा कि बीस पच्चीस साल बाद उस जमीन की कीमत कितने ही गुना बढ़ जाएगी । ऐसी सूरत में पन्द्रह परसेंट अधिक देने के बजाय अगर आप पन्द्रह बीस साल बाद जो उसकी मार्किट वैल्यू होगी, उसके हिसाब से मुआवजा दें, तब तो बात कुछ समझ में आ सकती है । इस तरह से मैं समझता हूँ कि यह जो पन्द्रह परसेंट की बात इसमें रखी गई है यह बिल्कुल गलत है और इसको बदलना चाहिये । उचित कम्पेंसेशन देने का प्रबन्ध आपकी तरफ से किया जाना चाहिये ।

साथ ही साथ आपको यह भी सोचना चाहिये कि उनका रिहैबिलिटेशन किस प्रकार

से किया जा सकता है। जो देवर कमीशन बैठा था, उसने एक सम्वन बनाया है। उसने बताया है कि बड़ी बड़ी योजनाओं के लिये कितनी फ़ैमिलीज को बेजमीन किया गया है और कितनी कम्पेंसेशन उनको दी गई है और इस मामले में हम कितनी दूर गए हैं। उसने कहा है कि मिथोन डैम में करीब तीन हजार फ़ैमिलीज को हटाया गया और उनमें में से हम केवल ४६४ को ही बसा सके हैं। मयूराजी डैम में २९०० फ़ैमिलीज को हटाया गया और उनमें से केवल एक सौ फ़ैमिलीज को मुश्किल से बसाया जा सका है। यही हालत हीराकुण्ड डैम के बारे में तथा दूसरी योजनाओं के बारे में है। सबाल यह पैदा होता है कि एक दफा तो हम उनको पैसा दे देते हैं, मार्किट वैश्यज के हिसाब से मगर उसके बाद हम उनकी कोई मुच नहीं लेते हैं, पैसा ले चुकने के बाद उनकी क्या हालत होती है, इसका हमें कुछ पता नहीं होता है। जिन लोगों की जमीन ले ली जाती है, उनमें कोई स्कूल तो होती नहीं है, काम तो कोई वे जानते नहीं हैं जिससे उनको कारखानों में नौकरी मिल सके, और उनको बेकार रहना पड़ता है। जमीन से तो वे हाथ धो ही बैठते हैं, उनका पैसा भी कुछ दिन बाद खत्म हो जाता है। नतीजा यह होता है कि हजारों की संख्या में वे बेजमीन के मजदूर हो जाते हैं और एक औद्योगिक केन्द्र से दूसरे औद्योगिक केन्द्र में चलते जाते हैं। इस बात का हम लोगों को बड़ा तीखा अनुभव है। रुरकेला में जिन लोगों की जमीन ली गई उन लोगों को और जगह उचित तरीके से बसाने के बजाय, उन्हें काम पर लगाने के बजाय बीस मील दूर हटा दिया गया है और उनको रुरकेला में काम नहीं मिला। कुछ दिनों तक वे रुरकेला में अन्स्किल्ड मजदूर का काम करते हैं और जब वहाँ पर कंस्ट्रक्शन खत्म हो जाता है तो वे हटिया में चले जाते हैं। नतीजा यह होता है कि जब जमीन ले ली जाती है तब वे बेजमीन मजदूर अन्धड़ की तरह से यहाँ से वहाँ हटते रहते हैं और उनकी तबाही होती है।

10 hrs.

इसलिये मेरी दरखास्त है कि कम्पेंसेशन के मामले में हम यह न सोचें कि आज मार्किट वैश्य क्या है बल्कि यह सोचना चाहिये कि पन्द्रह या बीस वर्षों बाद उसकी मार्केट वैश्य क्या होगा। लोगों को कम्पेंसेशन देने के मामले में यह व्यवस्था भी होनी चाहिये कि जिस उद्योग के लिये जमीन ली जाती है किसी को उसमें ही उनको काम मिले और उस के रहने को व्यवस्था भी वहीं पर होनी चाहिये। और उस उद्योग या प्राजेक्ट के कुछ खर्च में ही एक हिस्सा इन के फ़िर से बसाने का अर्ध अर्ध शामिल हो। देवर कमीशन को भी यही सिफारिश है।

**Shri Gajraj Singh Rao (Gurgaon):**  
Sir, I would submit that this enactment has been brought against all laws, against the Constitution and against the interpretation of the law. Even if this amendment is passed what would be the effect? We can see the ruling that is given. Only one point was pressed that the provisions of chapter VII were not applied, that the enquiry was not held, etc. I will stress only one point. If the other points are again raised in the Supreme Court and if this also is set aside, what is the position? The U.P. Government went out of the way: they did things even when the writ was pending. They tried to do something like an enquiry under section 5(a) or 6(a).

Leaving out the point stressed by Shri Tyagi, we shall now come to public purpose; it is well-defined term in the Constitution and it has been interpreted over and over again. Now, there is the general interest of the public. Now, different High Courts may give different meanings and the burden of the whole of it will be this. The peasant proprietor, the small landowner has to bear the litigation. They are poor people and they cannot go to the High Court or the Supreme Court even if they sell all their

[Shri Gajraj Singh Rao]

property. Leaving aside the old enactment and the socialist pattern of society, let us consider this. I can only say:

“पिदर न कुन्द, पिसर तमाम कुन्द”...

**Mr. Speaker:** Hon. Member may resume his seat. Apparently hon. Member is not feeling well. If he wants he may be helped, some hon. Members may help him. I will allow him to lie down. I am calling Shri K. L. More.

**Shri K. L. More:** Sir, I have moved amendment No. 23 which reads:

Page 1, lines 10 and 11,

for “an industry which is essential to the life of the community or is likely to promote the economic development of the country”, substitute—

**Shri Daji:** That has gone; that has been withdrawn.

**Shri K. L. More:**

“any activity which is essential to the life of the community or is likely to promote the economic development of the country or is otherwise in the interest of the members of a co-operative housing society registered under any law relating to co-operative societies for the time being in force in any State or in the interest of the general public”.

**An Hon. Member:** That amendment has been withdrawn.

**Mr. Speaker:** Shri Patil has withdrawn his amendment. The hon. Member says that he has his own amendment.

**Shri S. K. Patil:** Co-operative societies are covered under the Bill; he is under a wrong impression.

**Shri A. K. Sen:** It has now been defined so as to cover co-operative society also.

**Shri K. L. More:** In order to clarify the position of the societies I have moved this amendment. The discussion shows that acquisition has to be made for public purpose. I will in this connection refer to section (6). “Subject to the provisions of Part VII of this Act, when the appropriate Government is satisfied after considering the report made under section 5A (2) ...” etc. Now, the Bill has been brought to save the position of the companies, but if we see the whole Act, we will find that the position with regard to Chapter VII is not saved. The company has to pay the compensation. In the case of a public company, the compensation will have to be paid to the public revenues or some fund managed or controlled by some authority, but in the case of a private company, the company has to pay the compensation. If the company has to pay the compensation, then that position is not saved. By this Bill, the position of the company is not saved or fettered in anyway, because it has to pay compensation, and the companies have to conform to the conditions laid down in Chapter VII. That means they have to make an agreement with the Government. They have to conform to other things also. They have to show that the work is indirectly useful to the public and the public will be entitled to use it for its own benefit in accordance with the terms of the agreement. So, many hon. Members have blamed the Government for bringing this measure, but they have not given good thought to it.

The Government is not going to improve the position of the company in any way. Only, this measure will bring some benefit. That is, if the purpose is widened, then, indirectly at least, some company will be benefited. But it will have to pay compensation and will have to conform to the agreement. The Government's position with regard to the determin-

ation of compensation or other conditions has remained intact. In this way, the measure will be a sort of iron cage to bring in companies to pay more. Some hon. Members have accused the Government; I am not with them. I want to say that the Supreme Court has made the position very clear with regard to co-operative societies. The position has been very clearly laid down. Therefore, I will not press my amendment.

**Shri Ram Rattan Gupta:** Mr. Speaker, Sir. I am sorry that I was not present during the discussion which was held on this Bill on the 21st August. I understand that a lot of insinuations was made, wrong facts were brought before the House and that the facts were misinterpreted to mislead the action of the Government in bringing forward this Bill. (*Interruption*).

**Mr. Speaker:** They can be misunderstood by him also.

**Shri Sinhasan Singh (Gorakhpur):** This is insinuation, Sir. What the hon. Member says is insinuation.

**Shri Ram Ratan Gupta:** Now, I would like to correct those impressions. (*Interruptions*).

**Mr. Speaker:** Order, order. This is not fair. Every hon. Member might honestly construe according to his own notion and understanding and then give his sincere and honest opinions. But, at the same time, points of view can differ. Why should the hon. Member say that hon. Members have misunderstood or did something? He might have held a different opinion. It can also be true that what one hon. Member understands may be understood differently by another hon. Member.

**Shri Ram Ratan Gupta:** I shall now endeavour to prove that position.

**Mr. Speaker:** I will not allow him to do so. I will advise him to withdraw those words if he still persists.

**Shri Ram Ratan Gupta:** I did not mean any disrespect to anybody, and if that was any disrespect I withdraw.

**Mr. Speaker:** I would request him to withdraw those words and then continue his speech.

**Shri Ram Ratan Gupta:** If you think that they in anyway carry that idea, I have no objection in withdrawing them. But I never made—and I did not mean—any disrespectful remark. All that I wanted to say was this: that the position or the fact that had existed in Uttar Pradesh, which was responsible to bring about this Bill for acquisition of land for the industries there, has not been brought to the notice of the House.

**Mr. Speaker:** That is all right. He might bring those facts.

**Shri Ram Ratan Gupta:** Under the law in Uttar Pradesh, no agricultural land which is Boomidari land can be sold by the agriculturist. That is point No. 1. Point No. 2 is, that land which is under kismi agriculture cannot be sold for any other purpose but for agriculture. These are very important facts that must be taken into consideration, in considering the action which has been taken by the Uttar Government in acquiring the land for industries.

**Shri Tyagi:** Under what law prohibited? (*Interruptions*).

**Mr. Speaker:** Order, order. Let the hon. Member proceed.

**Shri Ram Ratan Gupta:** Agricultural land cannot be sold for any other purpose.

**Shri Tyagi:** Under what law?

**Shri Ram Ratan Gupta:** Under the agricultural law of Uttar Pradesh. The third important fact which I want to bring to the notice of the House is this. In the area of the land in question, for which the Supreme Court order has been passed, there, even one week before, land could be ac-

[Shri Ram Ratan Gupta]

quired at the rate of Rs. 200 per biga. Only four days ago, one of my own concerns has acquired 40 bigas at the rate of Rs. 200 per acre which is 350 per acre adjoining that very area. As a matter of fact, if there was freedom to purchase land directly there, this land can be purchased at a much lesser price because most of that land was barren and it comprised mostly of brick kilns. I am surprised when my hon. friend Shri S. M. Banerjee claims that he comes from Kanpur and he enumerated the case....

**Shri S. M. Banerjee:** Sir, I raise a point of order.

**Shri Ram Ratan Gupta:** Let me be allowed to proceed. He has had two occasions to speak.

**Mr. Speaker:** He says it is a point of order, and so I must give him preference.

**Shri S. M. Banerjee:** The hon. Member also belongs to Kanpur. He says, "my hon. friend Shri S. M. Banerjee claims that he comes from Kanpur." Can he say so, Sir? He also belongs to Kanpur but he fought from Gonda and I fought from Kanpur and got the highest number of votes.

**Shri Ram Ratan Gupta:** I do not want to enter into personalities, but the person who went to the Supreme Court belongs to one of the industrial concerns of Calcutta. Kanpur is a very international place. Shri S. M. Banerjee himself is a representative from Kanpur and that indicates that we do not bother about these things. What I wanted to say is that actually....

**Shri Indrajit Gupta:** Is he speaking on any amendment? Let us know on which amendment he is speaking.

**Mr. Speaker:** He can speak on others amendments also.

**Shri S. K. Patil:** Why should he be so jittery about it? He is speaking on the clauses.

**Shri Ram Ratan Gupta:** Shri S. M. Banerjee knows that when this land was acquired, two more pieces of land, one of 150 acres and another of 300 acres, were also acquired at the same time for other industries. He did not make any reference to those cases. Anyway, I will not go into the question of personalities. I would go only into the merits of the case or the facts of the case. The other party who actually filed the writ petition was invited by the Uttar Pradesh Government continuously for three months to sit down and settle the question so that more land could be given to him.

**Mr. Speaker:** I am very much interested in all this history, but he may refer to the clauses in question.

**Shri Ram Ratan Gupta:** All these facts have been enumerated here during the last discussion and therefore I wanted to make clear what the actual facts are.

**Mr. Speaker:** Only the clauses are being taken and therefore he should be brief. He can say those things, and I have allowed him to say them, because, as he said, nobody else knew them. But he must confine himself to the clause before us.

**Shri Ram Ratan Gupta:** I will come to that. Another thing which I wanted to say is that some of our hon. friends perhaps do not appreciate the difficulties of the various Governments in acquiring land. I have been the Mayor of the town for two years. When our Prime Minister visited that place 10 years ago, he said, "I would like to see that the slums are burnt". Since then, the Government and the Corporation have been busy to get these slums cleared, but because of the liberal law of land acquisition, the proceedings are delayed by the interested parties. The award of prices is not given by the Government, but by the judicial officer who is appointed and an appeal against the award is allowed right up to the Supreme Court. Therefore, to say that the

right of the parties whose land is acquired is not fully safeguarded is in fact not correct.

So far as the particular Act is concerned, nobody will deny the fact that the industrial development of India since the last 90 years and many types of public activities like construction of schools and hospitals have all been made possible due to this Act. Nobody will deny the fact that the application of this Act has so far never been a point of agitation by anybody in this country. That clearly shows that there is nothing fundamentally wrong so far as this particular Act is concerned.

This amending Bill has been brought before the House not because the Government wanted to bring it at this time. So far the courts have held continuously that Government are the final arbiter to determine the necessity of acquisition. While quoting the Supreme Court ruling, the hon. Members have conveniently ignored the opinion of the dissenting Judge. He did not agree with the majority judgment. There can be always two opinions in matters of interpretation of law. So, that decision cannot be made an exclusive ground for attacking the Bill which has been brought before the House.

So far as the U.P. Government is concerned, it was in 1955 when our revered... (Interruptions). I think it is the duty of those who know the facts to correct the wrong impression which seems to have been created in the House against any particular Government. It was in 1955 that our then revered Chief Minister, Shri Pantji invited some of the industrialists and asked what was the reason why U.P. was not progressing industrially. Naturally, it was pointed out that since independence, every State has been making a sort of race to attract the industry by giving all sorts of benefits and facilities of land, power etc., and also by giving exemptions from certain taxes and so on. In 1955 it was decided that U.P. Government

would also allow these facilities and accordingly in 1956, the then Chief Minister, Dr. Sampurnanand, invited the U.P. industrialists....

**Mr. Speaker:** Order, order. He can make a brief reference to the history of the case, but the whole defence that he is putting up is not very relevant here. We have to see generally what is the effect of this clause or amendment.

**Shri Ram Ratan Gupta:** I was going to say that this factory was already decided to be put up in Patiala. The land was acquired and the foundation-stone was laid. But according to the new policy decided by the U.P. Government, a few of us decided to come back to U.P. to put up these factories.

I am not going into the details of the various amendments, but one thing stands out clearly. So long as the policy of the Government of India continues to be to link up the industrial development with general policy of the Government and so long as the country goes on feeling that the problem of solving the unemployment question and raising the standards of the people is linked up with the development of industry, I do not think the position of industry stands on a different ground as it might have been sometime in the past. In conclusion, I would say that it will not be correct to say that the purpose of acquiring land for development of these industries which have been licensed by the Government of India after a lot of scrutiny, which fall under the Five Year Plan of the Government of India is not in public interest. The House has already given its consent to all these arrangements and I do not think it will be correct to come forward and say that this particular interpretation should be changed for this purpose.

**श्री यशपाल सिंह :** अध्यक्ष महोदय, हमारे खाद्य मंत्री महोदय ने जब इस बिल पर ४, ५ दिन का समय मांगा था उस वक्त हमें पता नहीं था लेकिन आज उस को पढ़ने के

### [श्री यशपालसिंह]

बाद पता लगा कि इस मनहूस बिल की शकल के ऊार गाजा और पाउडर मलने के लिये यह ४,५, दिन का समय उन्हीं ने मांगा था। लेकिन हम देख रहे हैं कि वह गाजा और पाउडर रह नहीं सका और श्री त्यागी जैसे स्पष्ट वक्ताओं ने उस की असल सूरत को खोल कर देखा दिया है। इसे पढ़ने के बाद पता लगता है:-

"that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public; or".

जहां तक स्कूलों और कालिजों का ताल्लुक है जहां तक एजुकेशन का ताल्लुक है उन के लिये तो हम जितनी भी जमीन चाहिये वह देने के वास्ते तैयार हैं। मेरी कांस्टीट्यूंसी यहां से सिर्फ ५० मील है। मेरे साथ माननीय खाद्य मंत्री महोदय चले मैं एक हजार एकड़ जमीन स्कूल और कालिजों के लिये मुफ्त दिववाता हूं। बगैर किसी रुकावट के दिववाता हूं लेकिन स्कूल और कालिजों के नाम से, सरमायदार, जो कि आदमखोर हैं, उस को पनपने का मौका देना और पैरासाइट ग्रॉथ को आगे बढ़ने का मौका देना हमारे कांस्टीट्यूशन के साथ विद्रोह करना है। हम यहां एक जनतन्त्र के मन्दिर में बैठे हुए हैं जिन ८५ फी सदी किसानों के वोट ले कर हम यहां आये हैं उन ८५ फी सदी किसानों को सिर्फ १५०० खानदानों के हाथ में खेलने के लिए उन १५०० सरमायदारों के सामने इस तरह से डाल दिया गया है जैसे कि शेर के सामने बकरी को डाल दिया जाता है। यह बिल किसान को इस तरह से डालने के लिये लाया गया है। अगर अस्पतालों की बात हो, अगर पब्लिक के फायदे की बात हो, स्कूलों और गुरुकुलों की बात हो, तो जमीन की कोई कमी नहीं है। आज भी चलिये हम आप को हजारों एकड़ जमीन दिलवाने के लिये तैयार हैं लेकिन सरमायदारों के ऐंड्रस को सब करने के लिये इस

तरिके से जो यह बिल लाया गया है हम उस की पुरजोर मुखालफत करते हैं। विरोधी दल के सदस्यों की बात तो रहने दीजिये, आप स्वयं अपनी पार्टी के मेम्बर्स को फीडम ग्रीफ वोट दीजिये तो आप देखेंगे कि वह स्वयं आप के इस बिल के खिलाफ वोट देंगे। वे इस के हक में वोट नहीं देंगे। पार्टी डिसिप्लन के नाम पर आप यह चाहते हैं कि ८५ फीसदी जनता का गला घोंटा जाये तो यह चीज वर्दाश्त नहीं की जा सकती है। आप अपने इस बहुमत को इसलिये इस्तेमाल न कीजिये कि उस से ८ फीसदी जनता को जिबड़ किया जाय बल्कि बहुमत को आप अच्छे काम के लिये इस्तेमाल कीजिये। इस के अलावा हर जगह बहुमत चलता भी नहीं है। हम आप जानते हैं कि आज सिप्रेट पीने वालों की तादाद ज्यादा है, हुक्का पीने वालों की तादाद ज्यादा है, कालिजों और यूनिवर्सिटीज से पास होने वालों में थर्ड डिवीजनर्स की तादाद ज्यादा है। लेकिन उन थर्ड डिवीजनर्स को एडमिनिस्ट्रेशन का काम नहीं सौंपा जा सकता है। वहां के लिये तो वह पांच फीसदी नवयुवक लेने पड़ेंगे जो कि फर्स्ट पास हुये हैं। यह खेद का विषय है कि आज इस बिल द्वारा संख्यामुर के आधार पर ८५ फीसदी जनता का गला घोंटा जा रहा है। यह बिल किसानों के अस्तित्व को खतरे में डालने के लिये और उन को मिटाने के लिये लाया जाता है।

मैं एक छोटा सा किसान हूं। मैं एग्रीकल्चरल परपज के लिये जब गेहूं को पानी ट्यूबवैल से देता हूं, जब मैं गन्ने को पानी देता हूं तो मुझ से सरकार १८ नये पैसे फी यूनिट के हिसाब से चार्ज करती है! चने, गेहूं और सब्जी वगैरह को जो हम पानी देते हैं उसके लिये हम से सरकार १८ नये पैसे प्रति यूनिट चार्ज करती है लेकिन उस के विपरीत बिड़ला साहब को रिहंद डैम की बिजली जो दी गई है वह सिर्फ ३ नये पैसे पर यूनिट दी गई है। अब बिड़ला साहब जो कि सब से बड़े सरमायेदार हैं उन से तो एक यूनिट के लिये ३ नये पैसे लिये जाते हैं



लेकिन किसान का बेटा एक यूनिट के लिये १८ नये पैसे देता है। हमारे साथ सरकार द्वारा सौंतेजी मां जैसा सलूक किया जाता है। आपने अगर बहुमत और संख्यासुर के आघार पर इस बिल को यहां से पास भी कर दिया तो भी भारत की ८५ फीसदी जनता इसे हरगिज मानने के लिये तैयार नहीं होगी. . . .

**अध्यक्ष महोदय :** माननीय सदस्य मेरी तरफ ध्यान दें।

**श्री यशपाल सिंह :** बड़ो कृपा है। आप के दीदार का मौका मिला, इस से बड़ कर मेरे लिये और क्या खुशनसोबी हो सकती है ?

**अध्यक्ष महोदय :** चूँकि आप का ध्यान मेरी ओर न हो कर उधर रहता है इसलिये आप ज्यादा जोश में आ जाते हैं।

**श्री यशपाल सिंह :** “दिल मेरा भसरू है दीदारे अकदस से जनाब”

ला के माने ये हैं :—

“Law is nothing but the will of the people expressed in terms of law”.

अगर यहां पर जनता के नमाइदे बैठे हुये हैं, तो सत्तारूढ़ दल को फीडम आफ वोट दी जाये। वे लोग इस बिल के खिलाफ वोट देंगे।

अभी का, कल का ही केस है कि इकबाल पुर मिल का मालिक एक छोटे से मजदूर की दुकान छीनना चाहता है। मैं अपनी कांस्टीट्यूसी में भी गया और मैं ने कलक्टर साहब से कहा कि एक मजदूर को, जिस के पास सिर्फ चार अंगुल भूमि है, एक करोड़पति मिल मालिक हटाना चाहता है। कलक्टर साहब ने मुझे जवाब दिया कि यह तो पब्लिक इन्टरेस्ट में करना पड़ेगा। करोड़पति का इन्टरेस्ट तो पब्लिक का इन्टरेस्ट है, लेकिन एक मजदूर का इन्टरेस्ट पब्लिक का इन्टरेस्ट नहीं है ? ये ज्यादातियां और जुल्म इस वक्त बर्दाश्त नहीं किये जा सकते।

हम जनसंघ के मन्दिर में बैठे हुए हैं। हम कोई बात ऐसी नहीं कहेंगे, जो इस मन्दिर के खिलाफ हो, हमारे कांस्टीट्यूशन के खिलाफ हो, हमारी इस अजमत के खिलाफ हो, क्योंकि हमारे कांस्टीट्यूशन की इज्जत, हमारे स्पीकर साहब की इज्जत हमारी इज्जत है, लेकिन मैं कहना चाहता हूँ कि इतना मनहूस बिल आभ से पहले इस फ्लोर पर नहीं आया है। अगर किसी किसान की आत्मा यहां पर बैठो हुई होती, अगर स्वर्गीय सरदार पटेल यहां पर बैठे हुए होते, तो यह बिल हरगिज नहीं लाया जा सकता था। स्पीकर साहब, मैं आप के द्वारा मिनिस्टर साहब से दरख्वास्त करना चाहता हूँ कि इस मनहूस बिल को वापस लिया जाये।

हम लोगों के साथ—खेती करने वालों के साथ, एग्रीकल्चरिस्ट क्लास के साथ—आज सौतेली मां का सलूक होता है। मैं अपने कम्यूनिस्ट भाइयों से भी कहूंगा कि वे मेरे मुताल्लिक यह खयाल न करें कि मैं कोई बड़ा जमींदार हूँ। मैं एक बहुत मामूली सा जमींदार हूँ, बीस एकड़ का काश्तकार हूँ। रामगड साहब ने, जो कि बिहार में लीडर हैं, अपनी बीस हजार एकड़ जमीन मुक्त तकसीम की है। मेरे पास जो बीस एकड़ जमीन है, मैं उस को मुफ्त देने के लिए तैयार हूँ। कम्यूनिस्ट भाई यह खयाल हरगिज न करें कि वे कुछ ज्यादा त्याग कर सकते हैं। हम उन से ज्यादा त्याग करने के लिए तैयार हैं। लेकिन मेरी दरख्वास्त यह है कि जब किसान पर कुल्हाड़ी चलेगी, तो हम और कम्यूनिस्ट एक लाइन में खड़े होंगे। “वयं पंचाधिकम् शतम्”—उस वक्त हम एक सौ पांच होंगे।

आज हर जगह एग्रीकल्चरिस्ट को जिवह करने की कोशिश की जाती है। सरकार ने मिलिटरी में यह रूल बना रखा है कि जब हमारा लड़का, राजपूत, सिख या जाट का लड़का, फ्रॉज में भरती होने के लिए, रेक्यूटमेंट के लिए, जाता है, तो कहा जाता है कि उस

[श्री यशपाल सिंह]

का कद पांच फीट छ: इंच होना चाहिए, लेकिन जब गैर-सिख, गैर राजपूत और गैर-जाट का लड़का जाता है, तो पांच फीट चार इंच कद होने पर भी लिया जाता है। हमारे लिए यह कानून है कि हमारा लड़का पांच फीट छ: इंच होने पर ही लिया जाये, जब कि गैर-काश्तकार के लिए यह रूल है कि उस का लड़का पांच फीट चार इंच होने पर ले लिया जाये। हम कहते हैं कि जब हमारा करना-खाना छीना गया, हमारी ज़मीने छीनी गईं, हम ने अपने सामन खड़े कर के अपने घोड़ों को गोली मारी, हमारे लड़के अब पांच फीट छ: इंच तक नहीं बढ़ सकते। इस लिए हम को ईक्वल स्टेटस पर लाया जाये और बहुमत से हमारा गला न घोंटा जाये।

मैं ने अभी इकवालपुर के केस का जिक्र किया है। वहां पर मजदूर की झोंपड़ी छीनी जा रही है, सिर्फ़ इस लिए कि इकवालपुर के मिल के मालिक की, जो कि करोड़पति है, इच्छा पूरी हो जाये। हमारा कहना यह है कि "होल्ली एंड पार्टली" अलफ़्राज को निकाला जाये। एक रुपया दे कर सरमायादार या गवर्नमेंट का कोई नुमायंदा उस में हिस्सेदार हो जायेगा। मैं मंत्री महोदय से कहूंगा कि इस सदन की स्पिरिट को समझा जाये, जनता की स्पिरिट को समझा जाये और बहुमत के चक्कर में न आ कर इस बिल के ऊपर गौर किया जाये। जो आदमी करोड़पति है, वह कहीं जा कर ज़मीन खरीद सकता है। वह करोड़ों रुपये खर्च कर सकता है। लेकिन कानून के जोर से ८५ फ़ीसदी जनता का गला घोंटने की कोशिश करना किसी भी दृष्टि से उचित नहीं है।

अदल और इन्साफ़ का यह नमूना रहा है कि एक बार नौशीरवां बादशाह का महल बन रहा था। महल बनते बनते बीच में एक बुढ़िया का छोटा सा झोंपड़ा आ गया। उस बुढ़िया को कहा गया कि यह झोंपड़ा हटा लो। उस बुढ़िया ने कहा कि नहीं, यह झोंपड़ा मुझे

महल से ज्यादा प्यारा है। इस पर नौशीरवा बादशाह ने कहा कि लाख लो, दस लाख लो, करोड़ लो। बुढ़िया ने मना कर दिया और कहा कि यह मेरे अस्तित्व का सवाल है। नौशीरवां बादशाह ने यह हुक्म दिया कि महल को टेढ़ा कर लिया जाये, लेकिन बुढ़िया के दिल को तकलीफ़ न पहुंचे।

मैं अर्ज करना चाहता हूं कि एक बुढ़िया के लिए नौशीरवां बादशाह ने कांस्टीट्यूशन बनाया था, लेकिन यहां पर ८५ फ़ीसदी जनता का गला घोंटा जा रहा है और फिर यह कहा जाता है कि मजदूरों का राज है, किसानों का राज है। इस लिए मेरी दरखास्त है कि सरकार की तरफ़ से जनता की स्पिरिट को समझा जाये और उस के मुताबिक इस बिल को वापस लिया जाये। अगर मंत्री महोदय इस बिल को वापस लेंगे, तो जनता उन को आशोर्वाद देगी, जनता उन को बोट देगी, जनता उन को मुख प्रदान करेगी। लेकिन अगर वह इस बिल को वापस नहीं लेंगे, तो इस देश की ८५ फ़ीसदी जनता उन को माफ़ करने वाली नहीं है।

श्री पालीवाल (हिण्डौन) : अध्यक्ष महोदय, बहुत कम अवसर ऐसे आये होंगे, जब इस सदन के दोनों ओर के सदस्यों में किसी विषय पर इतना मतभेद रहा हो, जितना कि इस विधेयक के बारे में है। आज सदन में इस विधेयक के बारे में गहरे असंतोष की भावना है। इस विधेयक का जो मेन क्लॉज २ है, उस पर पहले दिन भी सदन के सभी ओर से बड़ा असंतोष प्रकट किया गया था और मंत्री महोदय ने उस को अनुभव कर के कुछ समय चाहा था कि वह सदस्यों से बातचीत कर के उन की भावना को समझ कर ऐसा परिवर्तन कर लें, जो सदन को आम तौर से स्वीकार्य हो। मुझे खेद है कि उस बातचीत के पश्चात् जो नतीजा आया, जो फल आया, वह आरिजिनल अमेंडमेंट से, आरिजिनल क्लॉज से,

ज्यादा खराब आया। अगर आप उस क्लॉज की पंक्तियों को देखें, तो बिल्कुल स्पष्ट हो जायेगा कि वह प्राविजन जितना पहले अनिश्चित था, अब उस से अधिक अनिश्चित हो गया है, उस से जितनी खराबियां पहले हो सकती थीं, अब उस से कहीं अधिक खराबियां हो सकती हैं। पहली शब्दावली यह है :

"that such acquisition is needed for the construction of some building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community....".

इस में कुछ तो कंक्रीट बात है और कुछ निश्चितता इस में आती है। इस के बाद ये शब्द हैं :

"...or is likely to promote the economic development of the country;"

लेकिन सरकार की ओर से अब जो शब्दावली आई है, वह इस प्रकार है :

"that such acquisition is needed for the construction of some building or work for a Company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public;"

"इन दि इन्ट्रस्ट आफ दि जनरल पब्लिक", इट इज ए वरी वाइड टर्म। इस की टर्मज इतनी वाइड हैं कि अगर कास्मेटिक्स का प्राडक्शन करने वाली कोई फ़ैक्ट्री भी एक्वीजिशन चाहे तो वह भी इस में आ सकती है, क्योंकि कास्मेटिक्स का प्राडक्शन भी जनरल पब्लिक के इन्ट्रस्ट के लिए हो सकता है, क्योंकि पब्लिक का एक बहुत बड़ा सैक्शन उस को यूज करता है और उस के प्राडक्शन से बाहर जाने वाली मुद्रा की बचत हो सकती है। इस माने में कई चीजें आ सकती हैं।

लेकिन मेरा निवेदन यह है कि ये चार पांच दिन लगा कर मामले का कोई इम्प्रूव नहीं किया गया, बल्कि उस को और ज्यादा उलझन में डाल दिया गया है। मेरे मित्र, श्री त्यागी, और मैं ने सम्मिलित रूप से एक संशोधन दिया है। मंत्री महोदय ने मोशन रखते वक्त यह उद्देश्य बताया था कि मुप्रिम कोर्ट के हाल के फ़ैसले से न केवल प्राइवेट कम्पनियों का ही मामला अनिश्चित रूप में आ गया है, बल्कि गवर्नमेंट की पब्लिक अंडरटेकिंग के लिये भी बड़ा खतरा पैदा हो सकता है, इसलिये उस स्थिति का निराकरण करने के लिये यह बिल लाया गया है। हम दोनों ने जो संशोधन दिया है, उस में यह व्यवस्था की गई है कि गवर्नमेंट अंडरटेकिंग, कार्पोरेशन और पब्लिक कम्पनीज को, जिन में अधिकांश भाग गवर्नमेंट का हो, स्वीकार कर लिया जाये। अगर मंत्री महोदय की अब भी यही पोजीशन है, तो मैं नहीं समझता कि इस संशोधन को स्वीकार करने में उन को क्या एतराज हो सकता है।

लेकिन मैं एक कदम आगे जाता हूँ। मैं इस बात को स्वीकार करता हूँ कि विरोधी बँचों की ओर से जो एक संशोधन आया है, जिस को श्रीमती रेणु चक्रवर्ती और श्री बनर्जी ने रखा है, वह मेरे खयाल से हमारे इस संशोधन की तुलना में हम को, और मेरा खयाल है कि सारे सदन को, अधिक ग्राह्य हो सकता है।

**श्री त्यागी :** कभी कम्प्यूनिस्टों की ही बात मान ली जाये।

**श्री पालोवाल :** जैसा कि मैं ने अर्ज किया है, बहुत कम अवसर ऐसे आते हैं, जबकि इस सदन में किसी विषय पर इतना अधिक मतैक्य हो। जहाँ तक इस विधेयक का सम्बन्ध है, कम्प्यूनिस्ट सदस्य, स्वतंत्र पार्टी के सदस्य—मेरा खयाल है कि माननीय सदस्य, श्री यशपाल सिंह स्वतंत्र पार्टी को

[श्री पालीवाल]

बिलांग करते हैं, जिस के बारे में कहा जाता है,—और वह है भी—कि वह एक राइटिस्ट पार्टी है,— . . . . .

श्री यशपाल सिंह : हमारी राइट पार्टी है ।

श्री पालीवाल : . . . और दूसरी ओर समाजवादी पार्टी के सदस्य अर्थात् इस सदन के चारों ओर बठने वाले सदस्य इस विधेयक से असंतुष्ट हैं । मैं अपने दल के सदस्यों के बारे में कहना चाहता हूँ कि उस का एक बहुत बड़ा बहुमत इस विधेयक से बहुत असंतुष्ट है । इस की बड़ी चिन्ता है कि इस के परिणाम खास तौर से किसानों के लिये बड़े घातक होने वाले हैं । जो तर्क अन्य माननीय सदस्य द्वारा दिये जा चुके हैं, उन को मैं दोहराना नहीं चाहता । लेकिन इतना मैं अवश्य कहना चाहता हूँ कि कोई लाभ तो नहीं बल्कि इस का परिणाम बड़ा घातक होगा खास तौर से किसानों के लिये । यह कहा गया है कि किसान से तो जमीन दूसरे लोग ले लेते हैं और फिर वे उस जमीन को ज्यादा कीमत पर बेचते हैं, इसलिये किसान को जो नाम लिया जाता है, वह वैसे ही लिया जाता है। असल में किसान को न तो इस का बड़ा लाभ मिलने वाला है और न ही हानि होने वाली है । मेरा निवेदन यह है कि क्या गवर्नमेंट इस पोजीशन को स्वीकार करने के लिये तैयार है कि जो संशोधन हम कर रहे हैं, उन में यह निश्चित कर दिया जाये कि किसान से किसान की भूमि नहीं ली जायेगी । जहाँ तक मिडलमैन का सम्बन्ध है, स्पेकुलेटर्स का सम्बन्ध है, उन से हमारी कोई हमदर्दी नहीं है । लेकिन इस चीज को जहाँ तक किसान का सम्बन्ध है, स्पष्ट कर दिया जाय कि उन की जमीन नहीं ली जायेगी । अगर ऐसा कर दिया जाय तो मेरा खयाल है कि

इस सदन का बहुमत इस के हक में हो सकता है ।

माननीय मंत्री जी ने कहा है कि दुबारा इस कानून में संशोधन करने के बारे में सरकार विचार कर रही है । यदि यह सच है तो अध्यक्ष महोदय मुझे कोई कारण मालूम नहीं होता है कि इस बिल को क्यों रश थू किया जा रहा है, क्यों इस में जल्दबाजी दिखाई जा रही है । अभी जो माननीय राम रतन जी ने कहा है उस से ऐसा लगता है कि सचमुच इस सारे एक्ट में कोई बहुत बड़ी खामी है क्योंकि एक ओर उन्होंने बताया है कि जब वह कानपुर के मेयर थे तब स्लम क्लियरेंस के लिये जय जमीन एक्वायर करने की वादा हुईं जेकि निश्चित रूप से पब्लिक परन्च हो सकता है, उस के लिये तो कई साल लग गये, एक्वायर नहीं हो सकी और दूसरी ओर यहाँ पर जो एक केस इन प्वाइंट हैं, उस केस में जमीन एक्वायर करने में उतनी देरी नहीं लगी, उनना समय नहीं लगा । इस वास्ते मैं समझता हूँ

There must be something very seriously wrong with this Act.

इस कानून में इतनी भारी खामियां हैं, इतनी ज्यादा कमियां हैं कि सब के सब एक्ट को संशोधन करने की आवश्यकता है और इस तरह से इस बिल को इस हाउस में रश थू करना नहीं चाहिये । मैं समझता हूँ कि सरकार के सामने जो बहुत ज्यादा आनरेबल तरीका हो सकता है वह यह है कि वह इस विधेयक को वापिस ले कर के सारे एक्ट को संशोधित करे, एक कम्प्रोमिसेबिल बिल हमारे सामने लाये । जो सदन की भावना है, उस को हमें पहचानना चाहिये । सदन के किसी सैकशन से भी यह आवाज नहीं आई है कि देश की प्रगति को रोक दिया जाय, देश के औद्योगिक विकास को रोक दिया जाय या वह रुक जाय । हम सब यही चाहते हैं कि देश को उभारा जाय, देश को आगे बढ़ाया जाय । लेकिन इस के साथ साथ हम

यह भी चाहते हैं कि उस प्रगति की कीमत केवल गरीब आदमी को चुकाने के लिये मजबूर न किया जाय। जो पूँजीपति हैं, जो उद्योगपति हैं, जो बड़ा धन, बड़ा रूपया, बड़ा मुनाफ़ा कमाने वाला है, उस को अगर माफ़िट रेट से, जिस से वह जमीन लेता है, कुछ ज्यादा भी देना पड़ जाता है गरीब आदमी को तो कोई बहुत भारी अनर्थ होने वाला नहीं है। जो उद्योगपति हैं, वे तो फ्री एंटरप्राइज को स्पॉट करने वाले लोग हैं। क्या कारण है कि इस में गवर्नमेंट का दखन चाहते हैं? क्यों नहीं वे जमीन एक्वायर करने की कोशिश चाहते, यह मेरी समझ में नहीं आया है।

एक आरक्षण बात कह कर मैं समाप्त करता हूँ। यह जो नई प्रोव्ज़िशन गवर्नमेंट ने ली है, उस में शायद यह कहा जायेगा कि इन में सेफगार्ड रख दिये गये हैं। इस में कह दिया गया है कि प्राइवेट कम्पनीज एलिमिनेटिड होंगे। इस में कहा गया है :-

"notwithstanding anything contained in this Act, no land shall be acquired under this power for a private company which is not a Government company".

**Shri Tyagi:** It is out of order.

**श्री पालीवाल :** ऐसा लगता है कि शायद प्राइवेट कम्पनीज डिस्टिग्विश्ड फ़्राम गवर्नमेंट कम्पनी के बारे में यह है। अब गवर्नमेंट कम्पनी की कोई परिभाषा ही नहीं है कम्पनीज एक्ट में, इसलिये यह इस तरह से हुआ

"private company as distinguished from public limited company."

दूसरी बात एक और है। ओरिजनल एक्ट के सेक्शन ३८ में यह प्रोवाइड किया गया है पार्ट ७ की कार्रवाई के लिये कि कोई भी व्यक्ति जो सी या सी से अधिक मजदूरों को एम्पलाय करता है, वह भी

कम्पनी माना जायेगा। इसका मतलब यह हुआ कि प्राइवेट कम्पनियों को तो इसका लाभ नहीं मिलेगा लेकिन पब्लिक लिमिटेड कम्पनीज जो हैं प्राइवेट ओनर्ज की, उनको लाभ मिलेगा, हर वह इंडिविजुअल जो सी से ज्यादा मजदूरों को एम्पलाय करता है, उस को इस का लाभ मिलेगा। केवल प्राइवेट लिमिटेड कम्पनीज को ही नहीं मिलेगा। मैं कोई इस में हज़ं नहीं पाता हूँ कि जो प्राइवेट लिमिटेड कम्पनी वाले हैं वे इंडिविजुअल कर्पोरेट में अपने कंसर्न के या पार्टनरशिप की कर्पोरेटी में अपने कंसर्न के नाम से लैंड ले लें और अपना काम चला लें। इस तरह से काम चल जायेगा। जो लाभ हम देना चाहते हैं वह जरूर उन को मिल जायेगा।

**Mr. Speaker:** I want to know the pleasure of the House. We have spent so much time on this. I want to know whether the desire is that we should continue still further.

**Shri Tyagi:** We have so far discussed only one clause. We are anxious to discuss each clause like this.

**Mr. Speaker:** But there should be some end to the discussion. How long does the House desire to sit?

**Shri Tyagi:** Whatever be the time, we have to discuss this in detail.

**Shri Hari Vishnu Kamath:** I would suggest to the Minister that he withdraw this Bill and allow the Ordinance to lapse. A new Bill can be introduced in the next session.

**Mr. Speaker:** That is for the Minister to decide according to what he likes. I can only ascertain the pleasure of the House.

**Shri Hari Vishnu Kamath:** We can continue this tomorrow.

**Mr. Speaker:** We have already exceeded the time very much. We have spent practically the whole of today. I am prepared to sit up to 6, 7 or even 8.

**Some hon. Members:** No, no.

**Mr. Speaker:** We ought to finish it somehow. If the House is prepared to sit late, I am agreeable. I will sit as long as the House sits.

**Shrimati Renu Chakravartty:** We have got so much of time at our disposal because there is no business.

**Shri S. M. Banerjee:** We can take it up for tomorrow the whole day.

**Mr. Speaker:** The Minister of Parliamentary Affairs would tell us whether we have got enough work.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** For tomorrow?

**Mr. Speaker:** The suggestion is that the whole of tomorrow should be devoted for this.

**Some hon. Members:** Yes, yes.

**Shrimati Renu Chakravartty:** There is no urgency about it.

**An hon. Member:** We require at least two more days.

**Shri Hari Vishnu Kamath:** Shri K. C. Reddy's Resolution has been withdrawn. So, that much time has been saved.

**Shri Satya Narayan Sinha:** What has been withdrawn?

**Shri Hari Vishnu Kamath:** Shri K. C. Reddy's Resolution.

**Mr. Speaker:** That has nothing to do with this.

**Shrimati Renu Chakravartty:** It is a very contentious Bill.

**Mr. Speaker:** If we want more time for this then we should sit at least till 6 O' Clock today.

**Shri Satya Narayan Sinha:** We need not decide it just at present. You can judge it yourself tomorrow. If you are satisfied that the discussion has been sufficient, you can stop it.

**Shri Tyagi:** Sir, you can well understand the wishes of the House. So, surely, we should not be guided only by what Government feels in the matter.

**Mr. Speaker:** Would the Minister or the Government be influenced by the number of speeches delivered here? It must have been very clear to the hon. Minister by now as to what the House or Members feel. What is the use of prolonging the discussion endlessly?

**Shri Daji:** Let us discuss it till the end.

**Shrimati Renu Chakravartty:** The feelings on this Bill are on all sides of the House. This is no party issue at all. It is very necessary that the Government understands that there is a feeling of unanimity in this matter. Let each one express himself strongly on this. We are now discussing only clause 2. When we come to clause 3, which is one of the most important clauses, we want to give expression to our views in more strong terms.

**Shri Narendra Singh Mahida:** I have been able to speak on State of Gujarat. I have not been given an opportunity to speak on this, though we are affected by this most.

**Shri Hari Vishnu Kamath:** Withdraw the Bill. 6

**Mr. Speaker:** How many more Members want to speak on this clause alone? Well, I find so many Members want to speak. If I have to accommodate all of them, the whole of tomorrow would not be sufficient to discuss this clause alone.

**Shri Tyagi:** It does not matter.

**Shrimati Renuka Ray:** Tomorrow would not be enough.

**Shri Daji:** Let us have a limit on the duration of speeches.

**Mr. Speaker:** We have to finish it at some time or the other. Hon. Members should realise that it cannot be continued endlessly. Now we will sit till 6 O'clock and devote the whole

of tomorrow. That is all. There ought to be some limit (*Interruptions*). What else can I do? I am giving two hours tomorrow and one hour today.

**Shrimati Renu Chakravartty:** You will recollect, Sir, that during the course of the whole of the last two Lok Sabha we had never requested that a Bill should not be guillotined. But because it is a Bill which is of the utmost importance, we are making this request.

**Mr. Speaker:** We had four hours in the beginning and then four hours today. Still, I am giving another three hours.

**Shrimati Renuka Ray:** That will not do.

**Shrimati Renu Chakravartty:** We will leave it to you, if you like, but we would like you to feel the pulse of the House. Many hon. Members in the back benches as also in the front benches want to express themselves about this.

**Shrimati Renuka Ray:** There are some hon. Members who want to send it to the Select Committee.

**Shri Tyagi:** That has been defeated.

**Shrimati Renuka Ray:** Some of the amendments are most important. Please give us sufficient time.

**Mr. Speaker:** I am not shutting out any amendment.

**Shri Satya Narayan Sinha:** All that I submit is that it has not assumed any importance subsequent to our deciding in the Business Advisory Committee with the consent of all, that four hours would be quite sufficient. It was said that you had one hour up your sleeve. Even after that, I do not know the feeling of the House but we must know how much time they want.

**Some Hon. Members:** The whole of tomorrow.

**Shri Daji:** Only one whole day we want. Give us a chance to express ourselves.

**Shri Hari Vishnu Kamath:** We might sit upto six o'clock today and the whole of tomorrow.

**Shri Satya Narayan Sinha:** Some time limit should be fixed. Tomorrow means the whole night. Should we sit the whole day and night?

**Shri Hari Vishnu Kamath:** Let there be a whole night session provided you serve us dinner.

**Mr. Speaker:** We ought to be definite now. It is demanded that upto 5 O' clock tomorrow, time should be given for this.

**Some Hon. Members:** Yes.

**Mr. Speaker:** I will allow that, but at 5 O' clock tomorrow, whatever be the stage, I will guillotine it. Is that agreed?

**Several Hon. Members:** Yes.

**Shri Hari Vishnu Kamath:** Upto 6 O' clock tomorrow.

**Mr. Speaker:** No, not upto 6 O' clock, but upto 5 O' clock tomorrow. Whatever be the stage then, I will have the right to guillotine it. That is agreed.

**Shri Paliwal:** Give five hours tomorrow.

**Shri Hari Vishnu Kamath:** And one hour more today.

**अध्यक्ष महोदय :** हो सकता है कि मिसनेनिग्रस डिस्कशन में दम, पंद्रह मिनट लग जायें, उस में क्या फर्क पड़ता है ?

We sit upto 6 O' clock today.

**Some Hon. Members:** Yes.

**Some Hon. Members:** No.

**Shri Hari Vishnu Kamath:** We sit upto 6 O' clock today.

**Mr. Speaker:** Shri K. C. Sharma should not go away because I am going to call him. Tomorrow I will have no time for him. Hon. Members should not run away in the hope that they would get an opportunity tomorrow because there are so many hours more. We are going to sit up

[Mr. Speaker]

to 6 O' clock today and those who are absent during this interval will not be entitled to be called tomorrow. Now, Shri Sumat Prasad.

**Shri Sumat Prasad (Muzaffarnagar):** Sir, the scope of section 40, sub-section (1) of the Land Acquisition Act is a limited one. It does not include the acquisition of land for economic development or for any industrial concern. The only object was to provide better amenities for the workmen under clause (a) and such other works of a charitable nature as schools, colleges, hospitals etc. under clause (b). That was confirmed by the judgment of the Supreme Court also.

**Mr. Speaker:** The hon. Member is not audible. He might move forward. There is another speech also going on in the House.

**Shri Daji:** It is the hon. lady Member's speech and it is very disturbing.

**Mr. Speaker:** Let us hear that first. She would not listen even now. So, I thought that we might hear her.

**Shri Hari Vishnu Kamath:** She is engaging herself in conversation with the Minister of Parliamentary Affairs.

**Mr. Speaker:** Order, order. The whole House has stopped its proceedings just to listen to her, because her voice was louder than the voice of the hon. Member whom I had called upon to speak.

**Shrimati Renuka Ray:** I am sorry.

**Shri S. M. Banerjee:** May I rise to a point of order? I have been noticing a feeling that the Minister of Parliamentary Affairs is just trying to induce her not to speak, and so on. That is not fair.

**Shrimati Renuka Ray:** He is not trying to induce me, but I am trying to induce him to accept my suggestions.

**Shri Satya Narayan Sinha:** Neither of us is trying to induce each other.

**Shri Sumat Prasad:** I was referring to section 40 of the Land Acquisition Act. Its scope was limited. Clause (a) of section 40 (1) provided for acquisition of land for the erection of dwelling houses for workmen or for the provision of better amenities directly connected therewith. And clause (b) of section 40 (1) provided for work of general benefit, and it reads thus:

"That such acquisition is needed for the construction of some work, and that such work is likely to prove useful to the public."

Now, both these clauses are being retained. The original amendment proposed was.

"that such acquisition is needed for the construction of some building or work for a Company engaged or to be engaged in an industry which is essential to the life of the community or is likely to promote the economic development of the country;"

So, the first criterion is that the land should be acquired for these industries which are essential to the life of the community; and the other criterion is that they should be likely to promote the economic development of the country.

Now, this is a period of planning, and our Plans provide for the setting up of industries which are essential for the economic development of the country. Therefore, there can be no difficulty in interpreting the term 'economic development of the country'. We have accepted the policy embodied in the Industrial Policy Resolution, and it has been accepted by the House and by the nation as a whole. Nobody would object if land is to be acquired for an industry included in the Five Year Plan, or if it is otherwise necessary.



There can be no objection in such a case. That was the only object of bringing forward this amending Bill.

The scope of the clause which is proposed to be substituted in place of clause (aa) of the original amendment is:

“that such acquisition is needed for the construction of some building or work for a company which is engaged or is taking steps for engaging itself in any industry or work which is in the interests of the general public.”

The scope of the new amendment which is in substitution of the previous amendment is very wide.

Since clause (b) of the parent Act already provides for acquisitions needed for the construction of some work etc., I do not see any necessity for including these words in the new clause which is going to be substituted in place of the original clause (aa) in the Bill. The proposed clause makes the scope of the original clause (aa) of the amending Bill much wider and more general.

17 hrs.

[SHRI SURENDRANATH DWIVEDI in the Chair]

I think most of the criticisms in this House can be met if the language is so changed that only industries within the scope of the Third or Fourth Five Year Plan, which the community considers essential for economic development, will get the benefit of acquisition of land. At present, it is very wide and vague and therefore land can be acquired for various types of industries which may come within the definition of 'general purpose' but which may not be necessary for the economic development of the country or the interests of the Plan. Therefore, I would respectfully submit that the original amendment is much better than the present one which wants to replace the original one. In view of the feeling in this House and outside, it must be

made absolutely clear by the amendment that only for very specific and limited objects it may be possible to acquire land and the scope of the amendment need not be made wider.

It has rightly been said that industrialists are very well off. If anybody has benefited by the Plan most, it is the industrialists. Even if the object is narrowed and those industries for which land can be acquired are limited to the industries which are included in the Plan, they can very well purchase land by paying something more. Therefore, I would submit that no case has been made out for widening the scope of the original amendment.

**Shri Narendra Singh Mahida:** I have marked the sense of the House and I must bring it to the notice of the hon. Minister that my State of Gujarat is the most concerned with this land acquisition as it is fast changing into an industrial State. This morning also I had pointed out to the hon. Food Minister that we are losing lands in Gujarat as agriculturists at a very fast rate. In construction of roads, canals, mills, factories in various towns, ranging from Bulsar right up to Palanpur. All along the railway line, every small town and every city, lands are being deprived from agriculturists, and we as cultivators are being shaken to our roots—we have a fear that this legislation may benefit the industrialists and harm our interests.

We who have lost all as zamindars or jagirdars have now to depend solely on our little lands. We have become common men, but our confidence is completely shaken by this legislation. We have changed ourselves, but the big industrialists, who have gained throughout the post independence period, who have helped the party in power, have not changed a bit. Our cars have gone, our palaces have disappeared; but the prosperity of industrialists has increased.

I have known almost all the top industrialists in India, and generally, I

[Shri Narendra Singh Mahida]

do not find any change in them in the last 14 years. Their cars have not disappeared, their bank balances have not lowered down, and their fatness has not reduced. I am sorry to say that the party in power is still hobnobbing with these industrialists, taking their help and granting them assistance by way of acquiring lands which is the only sustenance remained in the hands of poor agriculturists.

What do we want more in this country, industries or food? We do not say we do not want any industry, but we feel that while taking of encouragements to grow more food, we are being deprived of our lands, and as a result, food is shrinking, and the importance of industry is being brought out and helped.

In my State, I wish to bring to the notice of the hon. Minister, in almost all cities—I will cite you Baroda, Ahmedabad, Surat and various other towns—lands are lost not in small number of acres. For example, Baroda alone will be losing 15,000 acres of land by way of this oil refinery. The town of Naroda near Ahmedabad will be losing 13,000 acres of land because of industrialisation. I do not say that there should be no growth of industries. We all know that prosperity depends on industries, but there must be some limit on expansion. In Gujarat, industries are expanding right from Bulsar to Palampur railway line. Lands are being acquired in that way and we shall not have any belt in that region for agriculturists at all, because all our lands are being fast taken over for irrigation purposes, criss-cross of State road or national roads, and various other schemes. Luckily, oil is found also, but we request the Government that the oil refineries—at the moment the Government have one in mind, but it might be increased to three—may not be situated, probably, on cultivated lands, but on coastal lands or lands which are not utilised for cultivation purposes.

In Koyali alone, which is near Baroda, as I have brought to the notice of the Food Minister earlier, nine villages will be destroyed, 35,000 people will be displaced and 15,000 acres of land will be lost, yielding an annual revenue of Rs. 1 crore in excise alone, and Rs. 24 lakhs land revenue; 150,000 fruit-bearing trees will disappear, and together with them 50,000 other trees will go; and there will be a total loss to the extent of Rs. 25 to Rs. 30 crores to all the people concerned. This is only one example I am citing.

I need not stress what is more important, oil or food. Of course, we say that oil is our national cry, the nation needs oil badly, but why cannot the Government select uncultivated lands, locate the factories or refineries an uncultivated lands? We are still clamouring for a Capital in Gujarat. We have selected Gandhi Nagar. We will be losing 15 to 20 villages and thousands of acres of land. Why cannot the Government advise the State Government to take it to a place in the hinterland, whereby cultivated lands are not lost? Everywhere I know this is happening. Near Bulsar we have Atul, near Surat we have Udhna. Baroda is also expanding, in a radius of about 10 miles. That way, Nadiad, Anand—I can cite you a number of cities where industrial expansion is going on. We are not sorry for it. My only complaint is that cultivated lands are being taken over without proper compensation, and as a result, people suffer a lot.

On the one side, near Koyali there is Land Reclamation Institute, and waste lands are being reclaimed there. On the other side, good cultivated lands are going over to factories. This has been criticised by all the eminent persons of all parties and sections. Even Shri Dhebar and our well-known Bhoodan leader Acharya Vinoba Bhave and many others have decried this tendency of Government, depriving the cultivators of their land. Because the agriculturists are not united, because the farmers of India have not got any association, their cry is not heard here in this House. If they had

unity, I am sure, this Government will be shaken to its bones. But because the farmers are ignorant, because they are not united, because they do not know how to present their case, they are being ignored.

There have been two or three deputations from my State who have come to represent their matters on this subject. There are a couple of telegrams and a number of letters addressed to us protesting against this policy of Government in deriving the agriculturists of their land.

Even this discussion of one or two days will not, probably, shake the Food Minister. But, I may tell the Food Minister that if he does not hear these things, probably, a time may come when the party in power may not remain in power, because this fundamental question of depriving the agriculturists of their lands for the sake of industrialists is opposed not by us alone, but by the people as a whole. Even this House has given its sense fully. The Communists and the Congress, the Socialists, and the Swatantra parties, have all expressed their feelings. I hope the ears of the Food Minister are open and that the party in power will also bear in mind the fact that this erroneous policy, of depriving the lands of the agriculturists for the industrialists, is not proper. Government must change its policy. Otherwise, I am sure people will show the Government its strength, in the coming years. The party in power will have to listen to the agriculturists.

Cannot this Land Acquisition (Amendment) Bill be stayed? Because of the Supreme Court's orders, our Government had perforce to bring in an Ordinance. But, I would request the Government to change the whole law of land acquisition, which is an Act of 1894, and bring in a consolidated law suited to our present day changed circumstances?

I do not want to take much time. But I again wish to say and emphasize 1661 (Ai) L.S.D.—9.

that the agriculturists must be heard with respect. Their problems must be dealt with properly and this policy of ignoring the agriculturists and paying more attention to the industrialists is not fair.

**Shri K. C. Sharma (Sardhana):** Mr. Chairman, Sir, I have read with great attention the amendment moved by my hon. friend . . .

**श्री यशपाल सिंह :** सभापति महोदय, हाउस में इस समय क्वोरम नहीं है।

**Mr. Chairman:** We have all agreed that we shall continue the discussion, and the hon. Member should not press for quorum.

**Shri K. C. Sharma:** I was trying to look into the provisions of the law . . .

**Dr. M. S. Aney:** We are agreed that we shall continue. But, we cannot do work under illegal conditions. My hon. friend has drawn your attention to want of quorum.

**Mr. Chairman:** May I remind the hon. Member that there is a convention that for the extended period, generally, we do not press for quorum? If the House wants the rules to be strictly followed, then, I will have to get the bell rung.

**Shri Bhagwat Jha Azad (Bhagalpur):** When your attention has been drawn to it you cannot try to dispose it of like this. How can you overlook that?

**Mr. Chairman:** The rules do not provide that even between the hours of one and half past two, we can continue without quorum. We do it because of the convention accepted by the House. So, for the extended period also, if you want to observe the convention, we can, certainly, continue the discussion. There will be no voting. It is only to enable the discussion to be continued.

**Shri Tyagi:** I think we might carry on tomorrow.

**Shri A. C. Guha (Barasat):** Is there any convention that during the extended time also there will be no quorum? That is only for the lunch period.

**Mr. Chairman:** That is for the lunch period. But that convention is generally followed for this period also.

**Shri Tyagi:** Can voting take place in the extended period?

**Mr. Chairman:** No.

**Shri K. C. Sharma:** I will refer to article 19 of the Constitution. It gives the right to acquire, hold and dispose of property. This is qualified by sub clause (5):

"Nothing in sub-clause (d), (e) and (f) of the said clause shall affect the operation of any existing law in so far as it imposes, or prevent the State from making any law imposing, reasonable restrictions on the exercise of any of the rights conferred by the said sub-clauses either in the interests of the general public or for the protection of the interests of any Scheduled Tribe."

The other relevant article is 31(2) which says that no property shall be compulsorily acquired or requisitioned save for a public purpose and save by authority of a law which provides for compensation for the property so acquired. In USA, article 5 of the US Constitution says that no private property shall be taken for public use without just compensation. Compensation also is referred to in article 31 of the Indian Constitution. In U.S.A. there are two doctrines: the doctrine of police power and eminent domain. That is to say, the State has greater authority over the property of the individual, when public purpose is the need of the national emergency. In American law, it is seen Government displayed restraint in its intention in seeking to expand the meaning of the words 'public use' beyond military purposes, post offices, high ways and public buildings. If an acquisition is needed for the construction of some buildings or for a company engaged in industry, it is in the

interest of the general public. That is how this amendment says. The expression 'general public' is used in article 19 of the Constitution to restrict the right of the individual to hold property and that right of the individual to hold the property is modified: it may be nullified. Surely I accept the proposition. It is not applicable for taking property of A and giving it away to B. Suppose I keep a tiger in my land, one may say: you should not use your land for keeping a tiger on that land to the detriment of the children playing in the public park. This is nullifying the use of my land. I cannot keep dogs and tigers on my land just to frighten children playing in the public park. But it does not mean that you jump upon my head and take my land and give it away to B. In the 18th century England the merchants and traders were riding upon the poor farmers and citizens. What about Kanpur? My hon. friend, the Kanpur millionaire, is not there. It is a place of infamy, a place where you find the highest number of crimes. This is what Kanpur is. Kanpur is a place where four persons are murdered, where the legal procedure was nullified. It was a shame when a high court judge said that "it is my first judicial experience to come across a Government advocate questioning the right of the judge to summon a man as a court witness because a certain man happened to be a millionaire." Where is the rule of law? It is the rule of Gold.

I am not a physiocrat. I do not stick to land. Once my forefathers were land holders and I am still a petty land-holder. But ever since 1930 I did not love to have it. I am not a physiocrat. I do not like to stick the land. To stick to the land is a sign of low civilisation and low industrial growth and low economic growth. People who are the highest in the industrial development do not cling to land. You cannot produce from a small piece of land, as much as you like with the technological and scientific help. But my point is, I do not like to accept the position that any projecting creature can stand up and say, "I am an industrialist." Who is an

industrialist? He is a man who works day and night intelligently for his workers or for the people of the country. He is not an industrialist who works for mere projecteering in a place where the highest crimes are committed in the day, at 12 O'clock—children are lifted; people are murdered and the courts are helpless.

I know about Kanpur. The district magistrate there is willing to forgo Rs. 200 a month so that he may be saved from that dirty city. That is Kanpur. What aches me is not the land but the condition which is akin to the 18th century England, when the traders and merchants rode on the poor farmers when the poor people were simply slaves. Do you mean to say that we should accept the position of slavery under this Constitution? When a woman is just kidnapped in the street and nobody raises a voice, when the district magistrate does not like to continue in his position and is willing to forgo Rs. 200, what does it mean, if it is not slavery? Kanpur is the city of crimes.

**Shri Hari Vishnu Kamath:** That is too much.

**Mr. Chairman:** The hon. Member cannot characterise a city like that. It is not the proper word.

**Shri K. C. Sharma:** It is a city of crimes. So, my respectful submission is that this amendment does not conform to the language of the Constitution. Article 19, as I have submitted, is applicable to the case of taking away the full right to hold the property, but article 31 comes into play in cases where a piece of land is taken away from the owner for a public purpose either by the State or by a company. Public purpose is the main thing in article 31. The Law Commission has defined what public purpose is. It is found at page 54 of the 10th report of the Law Commission, and reads as follows:

Acquisition for Company—

“(a) . . . of land for a company for the erection of dwelling houses for the workmen employed by the company or for the provision of amenities directly connected therewith; or

(b) where the land is needed for the construction of some work and such work is likely to prove substantially useful to the public.”

For a company to acquire land, these two things are necessary. That is, erection of dwelling houses for their workmen or some work which is likely to prove substantially useful to the public. This term ‘substantially useful for the public’ has been referred to in many recent judicial decisions. Though, in modern times a man who clings to land is called physiocrat not a happy term. It is a fact that ever since man began to possess things, land has been his most precious possession.

Even the Romans based their secular law on four principles, namely, justice, order, reason and humanity. Reason and humanity as well as justice demanded that A's property could not be taken away and give to B. It was limited by two considerations that the interest of the people or country is more than the interest of the individual and when there is a necessity like war, etc. private property can be taken. Later it was qualified by due process of law in the American Constitution. There also, the private property of an individual cannot be taken for public use unless it is of such a nature as military purpose, post offices, highways or such things.

A very pertinent question arises at this stage. If India is to be industrialised, industries are to be built on land. Land must come from somewhere. I have already submitted that for a country to grow and develop, industries are needed. A country like India must have big capital industries. In the last war, Japan could fight American all right, but Japan was defeated

[Shri K. C. Sharma]

because it had no capital industries. So, in a country like India, for building capital industries, land has to be acquired. But, for that, private industrialists must negotiate with the owner of the land, pay the market price and get the land. Why should the Government come in? I am a lawyer and if I need a house for my residence and my office, I do not go to the Government to acquire land for me. I negotiate with the owner of the land, pay the price and get the land for my private purpose. Cannot an industrialist negotiate it? It is in the interest of industry itself and in the interest of general public that the industrialists should be responsible for acquiring land for themselves. If a good price is coming, certainly the owner will pass on the land to the industrialist and no difficulty will arise. In the money economy land does not count for much.

I submit that as they are, these amendments are not in accordance with the provisions of the Constitution and I have my own doubts that the Supreme Court will not uphold them.

**श्री तुलशीदास जाधव (नांदेड़) :** सभापति महोदय, मैंने अपने साथियों के साथ एक एमेंडमेंट नम्बर ६ दी है और उसमें यह सुझाव रखा है कि जहां तक लैण्ड एक्वायर करने का सम्बन्ध है, जो कोम्प्रोप्रेटिव सोसाइटीज होती हैं, हाउसिंग कोम्प्रोप्रेटिव सोसाइटीज होती हैं उनके लिये लैण्ड एक्वायर की जानी चाहिये। जब से यह हाईकोर्ट का निर्णय हुआ है, उसके बाद से उनके लिये एक्वीजीशन नहीं होता है।

**श्री दाजी :** कोम्प्रोप्रेटिव सोसाइटीज के लिए हो सकता है, कोई रुकावट नहीं है।

**श्री तुलशीदास जाधव :** आपके यहां हो सकता होगा लेकिन महाराष्ट्र की जो पोजीशन है वहां पर हाईकोर्ट के निर्णय के बाद इन सोसाइटीज के लिये भी एक्वीजीशन नहीं हो सकता है। इसलिये हमने एक एमेंडमेंट दिया है और मैं आशा करता हूं कि माननीय मन्त्री जी कृपा करके उसको स्वीकार कर लें।

**श्री दाजी :** वह मंजूर हो जाएगा।

**श्री तुलशीदास जाधव :** मैंने माननीय सदस्यों के भाषणों को सुना है और उन पर गौर मैंने किया है। मुझे ऐसा लगा है कि कम्पनियों के लिये जमीन एक्वायर करने की जो बात है, उसके खिलाफ आज यहां पर हवा है। यह बात सही है कि जो कंपिटलिस्ट हैं, जो कारखानेदार हैं, वे चाहें तो अपनी मन पसन्द की जमीन कहीं भी खरीद सकते हैं और सीधे बातचीत करके ले सकते हैं। जब वे करोड़ों और लाखों रुपये कारखाने में डालने के लिये तैयार हो जाते हैं, तो थोड़ी सी जमीन भी वे अपने आप जमीन मालिक से मोल ले सकते हैं। मैंने देखा है कि बाजार कीमत भी आज जितनी होनी चाहिये, उतनी नहीं है। माननीय त्यागी जी ने कहा कि बाजार में जो कीमत हो उस रीति से वे ले लें। लेकिन आजकल बाजार की कीमत में भी बड़ी कठिनाई उत्पन्न हो गई है। हमारे यहां सीलिंग बिल आया जिसमें यह है कि १२५ एकड़ से ऊपर जमीन किसी के पास नहीं रहनी चाहिये। यह चीज हो जाने के बाद जमीन की जो कीमत है, वह भी कम हो गई है। इसका कारण यह भी है कि कोई दूसरा आदमी जमीन लेने के लिये तैयार नहीं है और जहां पर लेने की इच्छा होती है, वहां पर जमीन मिलती नहीं है। साथ ही जो कल्टीवेशन करने वाले लोग हैं, वे ही जमीन को ले सकते हैं, दूसरे व्यवसाय करने वाले जमीन नहीं ले सकते हैं। ऐसी सूरत में पहले कम्पीटीशन में जैसे जमीन की कीमत ज्यादा होती थी, उस रीति से अब ज्यादा नहीं होती है। यह सही है कि छोटे-छोटे जो खेदूत हैं, जिन के पास थोड़ी जमीन है वे उस पर जो काम करते हैं, उसी से अपना पेट भरते हैं और जो कंपिटलिस्ट लोग होते हैं, जो कारखानेदार होते हैं, उनकी इच्छा वहीं जमीन लेने की होती है, जो जगहें शहर के नजदीक होती हैं। यह भी सही है कि जब ऐसा होता है तो जो गरीब खेदूत होता है, उसको उस जमीन से बेदखल हो जाने के बाद, कोई काम नहीं रहता है;

उसका कोई सहारा नहीं बच रहता है। इतना ही नहीं उसके लिये अपना तथा अपने वच्चों का पेट भरना भी मुश्किल हो जाता है। मान लीजिये उसको सौ रुपये के हिसाब से या दुगने के हिसाब से उसकी जमीन की कीमत दे दी जाती है लेकिन उसके बाद क्या होता है, इस पर आप विचार करें। वह पैसा ज्यादा दिन तक उसके पास टिकता नहीं है, खर्च हो जाता है और आखिर में जाकर उसको मजदूरी करने के लिये मजबूर होना पड़ता है।

यहां पर यह कहा गया है कि उसको उसकी जमीन की ज्यादा कीमत मिलनी चाहिये। जितनी भी स्पीचिज हुई हैं, उनका सार यही था। यह कहा गया है कि बाजार में जो कीमत है, वह उसको मिलनी चाहिये। लेकिन मैं तो इसके भी आगे जाकर कहता हूँ कि सौ रुपये के बजाय उसको अगर दो सौ रुपया भी दे दिया जाए तो भी जो पैसा है वह गरीब के पास नहीं रहता है और थोड़े दिन के बाद उसके पास से चला जाता है, खर्च हो जाता है और उसके बाद उसको मजदूरी वगैरह करने के लिये मजबूर होना पड़ता है। इस वास्ते यह जो आर्गुमेंट दिया जाता है कि जो कीमत हो वह उसको मिलनी चाहिये, यह टिकती नहीं है, ऐसा करने से कोई बहुत ज्यादा लाभ उसको नहीं होता है। हमारे देश में कारखानेदारी बढ़नी चाहिये अगर हम दुनिया की मार्किट में कम्पीट करना चाहते हैं। इसमें मैं समझता हूँ कोई दो मत नहीं हो सकते हैं। अगर हम चाहते हैं कि हमारा एक्सपोर्ट बड़े तो उसके लिये हम को अपना उत्पादन बढ़ाना होगा और उत्पादन बढ़ाने के लिये कारखानों का विस्तार करना होगा, नए कारखाने लगाने होंगे। इस वास्ते मिनिस्टर साहब को कोई ऐसा मार्ग निकालना होगा जिससे कारखानेदारों को जमीन हासिल करने में कोई मुश्किल पेश न आए। कुछ माननीय सदस्यों का कहना है कि जहां कहीं भी दूसरी जगह पर जमीन मिलती हो, उसको उन्हें ले लेना चाहिये और

कारखाना स्थापित कर लेना चाहिये। यह चीज हमेशा ही सम्भव नहीं होती है। पहाड़ों पर अगर जमीन फालतू पड़ी हो तो जो कारखाना वहां नहीं लग सकता है, उसको वहां कैसे लगा दिया जाए। जंगलों में भी जितनी जमीन पड़ी है, वहां पर कारखाने नहीं लगाये जा सकते हैं। कारखाना लगाने से पहले कई बातों पर सोचना, विचार करना पड़ता है। देखना पड़ता है कि वहां पर पानी का, बिजली का इन्तजाम है या नहीं है, लोग वहां पर आ जा सकते हैं या नहीं, रह सकते हैं या नहीं। अगर देश में कारखानेदारी बढ़नी हो तो कहीं न कहीं उपयुक्त स्थान पर जमीन का इन्तजाम होना ही चाहिये। बाजार भाव पर जमीन ले ली जाए, और रुपया उनको दे दिया जाए, वह आर्गुमेंट मेरे विचार में टिक नहीं सकती है। इस वास्ते कोई दूसरा ही मार्ग हम को निकालना होगा। मेरा सुझाव, इस सम्बन्ध में, यह है कि जब और कोई चारा न बच रहे तब सरकार उनके लिए जमीन एक्वायर करे। कारखानेदारी सब में पहले देहाती लोगों से बाजार की कीमत दे कर या उससे कुछ अजिक दे कर जमीन खरीदें। इस में कोई हर्ज की बात नहीं है। अब अगर खेड़त कहे कि मैं जमीन नहीं दूंगा तो क्या करना चाहिये। तब हम को गर्गाव आदमों का भी ध्यान रखना पड़ेगा। उर्सा की खातिर हम सोशलिस्टिक पैटर्न आफ सांसाइटी की तरफ जा रहे हैं। एक दम हम इसको हासिल नहीं कर सकते हैं। ३५ बरस में रूम में डिक्टेटर-शिप आफ दी प्रोजेक्ट्रिएट चली आ रही है। मैं वहां पर १९५२ में गया था। वहां पर मैंने देहातों को देखा। वहां पर अनपढ़ लोग मैंने पाये, फटे हुए कपड़े उनके पाये। ३५ साल के बाद भी वहां ये चीजें देखने को मिलती हैं। इसका मतलब यह नहीं है कि हम अपने यहां सोशलिस्टिक पैटर्न लाने में और 10 ज्यादा बक्त लें। लेकिन वहां पर जब ३५ वर्ष में यह चीज सम्भव नहीं हुई है तो हमारे यहां यह १५ बरस में कैसे सम्भव हो सकती है। वहां पर मैंने टूटी फूटी गाड़ियां देखीं, फटे पुताने

[श्री तुलशीदास जाधव]

कपड़े पहने हुए लोगों को देखा। मैं अपने साथ उनके फोटो भी लाया हूँ। वहाँ पर डिक्टेटरशिप में ३५ बरस में भी लोगों का दारिद्र्य दूर नहीं हुआ है। हम भी अपने यहां सोशलिस्टिक पैटर्न स्थापित करना चाहते हैं और जितनी जल्दी हो सके, करना चाहते हैं और मैं नहीं कहता हूँ कि हमें उनसे ज्यादा बक्त लेना चाहिये। जितनी जल्दी यह हो सके, इसको करना चाहिये। लेकिन जो भी काम हम करें उसको केवल प्योरेटीकल में हम नहीं कर सकते हैं, प्रेक्टीकल में उसे हम को करना होगा। मैं कुछ मुझाव मिनिस्टर साहब के सामने रखना चाहता हूँ।

जमीन तो कारखाने के लिए मिलनी चाहिये, इस में कोई दो राय नहीं हैं। साथ ही खेडूत को जो उसकी कीमत मिले वह बाजार भाव से भी ज्यादा मिलनी चाहिये। यह भी मेरा विचार है। लेकिन अगर वह कहता है कि जमीन नहीं दूंगा तो क्या उपाय होना चाहिये। इसके लिए मेरा मुझाव है कि यह देखा जाये कि जहां तक हो सके, उससे वह जमीन न ली जाये और अगर आसपास किसी दूसरी जगह पर जमीन पड़ी हुई है और वहां पर कारखाना स्थापित हो सकता हो तो वहां पर उसको स्थापित कर दिया जाये। अगर यह सम्भव न हो तो उस जमीन को एक्वायर करने की व्यवस्था तो की ही जानी चाहिये। लेकिन इन पर अमल तब होना चाहिये जब कि मुसीबत में पड़ने की नौबत आ जाये और कोई कारखानेदार के लिये दूसरी जगह पर जहां जमीन अवेलेबल हो, कारखाना स्थापित करना मुश्किल हो सकता हो।

आज पब्लिक सैक्टर और प्राइवेट सैक्टर दोनों साथ-साथ चल रहे हैं। इस में दो मत नहीं हैं कि हम को ज्यादा गति, ज्यादा प्रोत्साहन पब्लिक सैक्टर को देना चाहिये। जहां तक पब्लिक सैक्टर का सम्बन्ध है, उसके लिए एक्वीजिशन करने के लिए

हम तैयार हैं। लेकिन जहां तक प्राइवेट कम्पनी का सम्बन्ध है, प्राइवेट जो कारखानेदार होता है, जो प्राइवेट कैपिटलिस्ट होता है, उसके पास खुद की काफी पूंजी होती है, टेक्स इवेजन् भी वही करता है, देश को भी मुश्किल में वह फंसाता है। ऐसी अवस्था में उसके लिए जमीन देते समय अगर हिचकिचाहट हो जाये तो यह स्वाभाविक है। मैं तो कहता हूँ कि बाकी के जो दरवाजे हैं, बाकी का जितना उसका काम है उसके लिये ठीक से कानून बना कर कैपिटलिस्ट्स के लिये जो करना है उसे करना चाहिये। लेकिन इस तरह का कोई रास्ता निकालना जिससे कि जिन लोगों को कारखाना बनाना है उन को जमीन न मिले, जितनी कीमत ज्यादा से ज्यादा हो सकती है उतनी देने पर भी न मिले, यह ठीक नहीं है और इस के लिये हम को कुछ करना चाहिये। मेरा मुझाव यह है कि मिनिस्टर साहब को ऐसा इन्तजाम करना चाहिये कि ऐसी जमीन लेने के लिये जो बाजार भाव हो उस के हिसाब से कीमत दी जाय और अपना कोई आफिसर अप्वाइंट कर के मिनिस्टर साहब इस की देख भाल करें कि जिस की जमीन ली जाये उस के साथ कोई अन्याय न हो। जब कीमत के बारे में ऐसा इन्तजाम किया जायेगा तभी यह समस्या हल हो सकती है।

श्री दे० शि० पाटिल (यवतमाल) : क्या आप की ऐसी राय है कि अगर कोई प्राइवेट कम्पनी कीमत देवे तो उस को जमीन मिलनी ही चाहिये ?

श्री तुलशीदास जाधव : बगैर इस के कारखाने बनने कैसे ? जब आप ने मिक्स्ट एकानमी का रेजोल्यूशन पास किया है, जैसी कि सन् १९५६ के रेजोल्यूशन के अनुसार आप की पालिसी है, तब तक आप को इस को करना ही पड़ेगा। आखिर मिक्स्ट एकानमी के माने क्या हैं ? मैं तो कहता हूँ कि मिक्स्ट एकानमी की जो पालिसी है, जो आप का इस के सम्बन्ध में रेजोल्यूशन है, उस को



निकाल दीजिये और जो इंडस्ट्रीज हैं, भले ही वे बेसिक हों या कोई और, उन को स्टेट चलाये, तब फिर आप चाहे जैसे कीजिये। मैं इस विचार का हूँ।

**श्री त्यागी :** अगर किसान खेती को बढ़ाने के लिये, आलू बोने के लिये कहे कि किसी शहर के बड़े इंडस्ट्रियलिस्ट के बंगले की जमीन को ऐक्वायर कर ली जाये, तो क्या आप करा देंगे ?

**श्री तुलशीदास जाधव :** बात ऐसी है कि बंगले के पास कोई जमीन हो, और कोई बिल इस रीति से आ जाये तो मैं आप के साथ उसे सपोर्ट करूंगा। मैं ३०, ३५ वर्षों से देहातों में रोजाना काम करता हूँ। मैं इस विचार का नहीं हूँ कि खेडूत को रास्ते पर फँक दिया जाय और वह भूखा मरे। लेकिन, जैसा त्यागी जी ने कहा, अगर कारखाना बनाने के लिये कोई कारखानेदार जमीन चाहता है और उस को गवर्नमेंट से ऐक्विजिशन कराना चाहता है तो उस का प्रबन्ध सरकार को कराना चाहिये, मैं इस विचार का हूँ। अगर किसी कारखानेदार को बम्बई शहर में मकान न मिलता हो तो वह गवर्नमेंट के पास नहीं आयेगा कि मकान का ऐक्विजिशन कर के सरकार उस को दे दे, वह ज्यादा भाड़ा दे कर भी मकान लेता है। लेकिन कारखाना बनाने की बात अलग है और आफिस के लिये जगह लेने की बात अलग है। कारखाना खुलने से जो बेकार लोग होते हैं उन्हें काम मिलता है, उत्पादन बढ़ता है। मेरा यह कहना है कि ऐसी अवस्था में अगर जमीन न मिलने से कारखाना बनना बन्द हो जायें तो यह ठीक नहीं है।

दूसरी बात यह है कि आज कल गांवों में और सारे देश में जिस तरह की हवा आप चाहते हैं वैसी हवा नहीं हो सकती है। हम ने इस से पहले आंकड़े मुने कि ३०० करोड़ रुपये का टैक्स इवेजेंट होता है। कई लोग ऐसे भी मिलते हैं जो कहते हैं कि हमारे पास पैसा भरा हुआ है, हम उसे कहां डालें, इस का मार्ग

बतलाइये। हिन्दुस्तान को आजाद हुए तो अभी केवल पन्द्रह वर्ष हुए हैं, लेकिन मैंने ऐसी अवस्था यहां कहीं नहीं देखी जैसी कि मैंने खुद अपनी आंखों से रूस के अन्दर देखी थी। वहां कोर्ट में मैं गया तो जो ट्रेजरर थे, जिन का ३५०० रूबल वेतन था, वह ४०, ०० रूबल की चोरी कर के तिजोरी से ले गये थे और उन के ऊपर केस चल रहा था। मैं ने वहां पर लोगों से पूछा कि तुम्हारे यहां ३५ वर्षों से डिक्टेटरशिप है लेकिन इस तरह की चोरी होती है, इस के क्या माने हैं ? उन्होंने मझे बतलाया कि जब तक डेवेलपमेंट आफ दि माइन्ड और प्रोडक्शन आफ दि नेशन दोनों साइमल्टेनिअसली नहीं चलेंगे तब तक यह चीजें बन्द नहीं होंगी। अगर माइन्ड बढ़ गया और प्रोडक्शन कम हो गया तो भी तकलीफ होगी और प्रोडक्शन बढ़ गया लेकिन माइन्ड ज्यादा नहीं बढ़ा तो भी तकलीफ होगी। इसी तरह से जब तक अपने देश के अन्दर हर क्षेत्र में ऐसी हवा नहीं आयेगी तब तक कुछ नहीं हो सकेगा।

यहां मैंने बहुत सी स्पीचेज सुनीं। लेकिन इस के अन्दर से आखिर मार्ग कैसे निकाला जाये ? हाई कोर्ट ने निर्णय कर दिया जिस से जमीन नहीं मिलती है और गवर्नमेंट को आर्डिनेन्स निकालना पड़ा। वहां पर बहुत से विद्वानों ने अपने विचार रखे हैं ! मैं ज्यादा वक्त तो नहीं लेना चाहता लेकिन मैं सोच रहा था कि आखिर इस में गवर्नमेंट क्या करे और क्या सुझाये। किस रीति से लोगों को बसाये यह बात अलग है। हाउस के अन्दर एक प्रकार का एजिटेशन है और बाहर भी इस बिल के ऊपर बड़ी नाराजगी है, यह बात सही है, लेकिन इस के लिये रास्ता निकाल कर आर्डिनेन्स जारी कर के बार-बार हिन्दुस्तान में बेकानूनी चीज करना भी तो ठीक नहीं है। इसी लिये यह बिल यहां लाया गया है। इस के लिये कमेटी मुकर्रर करने का जो विचार था वह भी पूरा नहीं हो सका क्योंकि इस में समय ज्यादा लगता। कारखानेदारों के लिये

[श्री तुलसीदास जाधव]

और दूसरे लोगों के लिये इस से जो मुश्किल पैदा हुई इस के लिये यह बिल यहां रखा गया। मैं ने जो मुझाव दिये हैं उन पर विचार कर के मिनिस्ट्री को यहां पर आना चाहिये और हाउस के अन्दर और बाहर जो हवा इस सम्बन्ध में है उस को भी देख कर बीच का ऐसा रास्ता निकालना चाहिये जिस से जिस की जमीन हो उस को उस की पूरी कीमत मिले और उस के ऊपर किसी भी दृष्टि से अन्याय न हो। इतना ही नहीं, अगर कर सकते हैं तो यह भी करना चाहिये कि अगर किसी की जमीन कारखानेदारों के लिये ली गई हो तो उस को दूसरी जगह पर ठीक सी जमीन मिले। महाराष्ट्र के अन्दर जो वहां की गवर्नमेंट है वह अगर किसी खेडूत की जमीन इरिगेशन प्रोजेक्ट के लिये लेती है तो उस को दूसरी जगह जमीन देती है खेती के लिये, और वह उस की जमीन की कीमत के बराबर कीमत की होती है। उस के बेंलों की जोड़ी की और मकान आदि सब की व्यवस्था करती है। मैं तो कहूंगा कि अगर किसी कारखाने के लिये किसी किसान की जमीन ली जाती है तो पाटिल साहब की तरफ से और मिनिस्ट्री की तरफ से उस को गारन्टी दी जानी चाहिये कि उस कारखाने में उस को मान और सम्मान के साथ रखा जायेगा और जिस तरह से कई वर्षों तक काम करने के बाद तीन महीने का बोनस कारखाने में काम करने वालों को दिया जाता है, यदि कोई आदमी सरकारी नौकरी करता है तो उस को २५ वर्ष के बाद पेन्शन मिलती है, उसी तरह से जिस आदमी की जमीन जाती है, जिस का पेट भरने का साधन चला जाता है, उस के लिये भी कुछ न कुछ इन्तजाम होना चाहिये।

श्री बजर्राज सिंह : (बरेली) : सभापति महोदय, अभी जिन हमारे माननीय मित्र ने काश्तकारों का केस प्लोड किया उन्हें एक परेशानी थी कि शायद बाजार भाव मिलने से भी काश्तकारों की परेशानी दूर नहीं होगी।

इस के लिये मैं केवल यह निवेदन करूंगा कि जिसे हम बाजार भाव कहते हैं वह शायद पैसे के ही रूप में समझा जा रहा है। लेकिन ऐसी बात नहीं है। बाजार भाव से मतलब है खुली छूट सौदा करने की। जब कोई मालदार आसामी जमीनें लेने के लिये आयेगा तो काश्तकार को इस बात की खुली छूट होगी कि वह उस का पूरा-पूरा पैसा मांग ले या अपनी और गर्त भी उस के सामने रखे। पैसा ले और उस के साथ-साथ उस एन्टरप्राइज में नौकरी मांगे, पैसा ले और उस जमीन के मुतहक थोड़ी जमीन ठेके के रूप में, होना बोलने के लिये या सब्जी सप्लाई करने के लिये ले ले या इसी प्रकार की कोई और चीजें मांग सके तो बाजार भाव का मतलब पैसे की कीमत से हल नहीं हो जाता। बाजार भाव से मतलब है कि बाजार में सौदा करने का उसे अधिकता मिलना चाहिये। ऐसा ही इस सदन के इधर के पक्ष ने और उधर के पक्ष ने कहा।

मेरा तो निवेदन यह है कि जब हर तरफ से एक ही आवाज गूंज रही है कि इस में खेती खतर में है और खेतिहर खतर में है तो मैं समझता हूं कि हमारे पाटिल साहब और डा० राम मुभग सिंह को इस ओर ध्यान देना चाहिये। डा० राम मुभग सिंह से मेरा थोड़ा सा परिचय कमेटियों के सिलसिले में हुआ है। मैं जानता हूं कि उन के दिल में बड़ा दर्द काश्तकार के लिये है और जमीन की पैदावार बढ़ाने के बारे में भी इन के अन्दर बड़ा दर्द है। हर तरह की परिस्थितियां आती हैं। हो सकता है कि इस तरह की परिस्थितियां आई हों जिन में यह संशोधन लाना पड़ा। कई चीजों के लिये हमारे माननीय दोस्त ने भी कहा कि जमीन ऐक्वायर करनी ही पड़ेगी और बहुत से ऐसे केसेज होंगे जिन में जमीन ऐक्वायर किये बगैर काम चलेगा नहीं। हमारे माननीय मिनिस्टर साहब के सामने भी ऐसे सवाल आये होंगे जिन के कारण उन को यह संशोधन रखना पड़ा। मैं समझता हूं कि उन के दिल की गहराई इस बात से

नापी जा सकती है कि चार छः रोज हुए जब पहले यह बिल पेश किया गया था और उन्होंने देखा कि सदन में बड़ा शोर शराबा है और लोगों में परेशानी है तो उन्होंने समय चाहा और समय चाहने के बाद अपनी पूरी इच्छा शक्ति लगा कर यह नया संशोधन लाये। इतिफाक है कि उस से भी वह डिजायर्ड इम्पैक्ट क्रिएट नहीं हो सका जो हम चाहते थे। आज और संशोधन आ रहे हैं और हो सकता है कि आगे भी हम इस प्रकार के संशोधन न कर सकें कि जिस में हम समझ सकें यह सब आरिस्टेज पर पहुंच गया और हम ऐसा संशोधन ले आये हैं कि इस से आगे कोई और संशोधन नहीं आ सकता और लाना मुमकिन नहीं है। मैं नहीं समझ पाता कि क्यों इसे प्रिंस्टिज इश्यू बना कर यह सोचा जाता है कि जो भी संशोधन आ गये हैं उन में से किसी को न मानेंगे और इस प्रमोडमेंट बिल को पास करा कर छोड़ेंगे तभी इज्जत बचेगी, वरना इज्जत किरकरी हो जायेगी। मैं समझता हूं ऐसा सोचना ठीक नहीं है।

एक संशोधन है कि इस बिल को सिलेक्ट कमेटी को दे दिया जाये और सिलेक्ट कमेटी में इस पर आगे विचार चले क्योंकि अभी हाउस की मांग पूरी नहीं हो पा रही है, अन्यथा, इतने सदस्य इस पर बोले, कल का दिन पूरा दिया गया, और आज भी मैं समझता हूं कि देर हो जाने के कारण सन्नटा दिखाई दे रहा है। मैं तो विश्वास के साथ कह सकता हूं कि जितनी सरगर्मी आज पैदा हुई है कल उस से ज्यादा पैदा होगी क्योंकि हर एक के दिल में परेशानी है और बाबूला मचा हुआ है।

अभी हमारे एक पंजाब के मित्र बोल रहे थे कि वे गिर गये। उन के दिल में बड़ा धक्का लगा मालूम होता है क्योंकि वह बोलना कुछ चाहते थे लेकिन बोलना कुछ और पड़ रहा था। इस स्थान से कि नेता लोग नाराज न हो जायें।

मैं उत्तर प्रदेश के उस क्षेत्र से आता हूं जहां इस प्रकार की कई चीजें चल रही हैं। आप ध्यान से देखें तो आप को पता चलेगा कि देश के लिये आज कुछ चीजें ऐसी हैं जिन के लिये हम कह सकते हैं कि उन की बड़ी जरूरत है, कुछ चीजों के लिये कह सकते हैं कि बीच की जरूरत है और कुछ ग्रंडरटेकिंग ऐसे हैं जिन के लिये हम कह सकते हैं कि उन की बिल्कुल जरूरत नहीं है।

बरेली के उत्तर में एक एयरोड्राम बनाया जा रहा है। यह बड़ी पुरानी स्कीम थी। पहले एक एयरोड्राम की जरूरत पड़ी थी और उस वक्त वह नहीं बनाया जा सका। खाली लैंडिंग ग्राउण्ड बना कर छोड़ दिया गया था। अब चाइना इश्यू के कारण उसकी जरूरत महसूस हुई और करीब ३५०० या ४००० बीघा जमीन उसके लिये ले ली गयी जिससे पांच गांव इम्पैक्ट हो गए हैं। ये पांच गांव इस प्रकार के हैं कि ये गांव तो बाहर रह जाते हैं और इनकी जमीन एयरोड्राम में आ जाती है। तो इस तरह से वह जमीन ले ली गयी है। एक प्रोपोजल आया था कि एक तरफ से जमीन ले ली जाए जो कि एक बड़े काश्तकार की थी। अगर वह जमीन ले ली जाती तो ये पांच गांव बच जाते। मगर जो मैशिनरी आज काम कर रही है लैंड एक्वीजिशन का वह छोटे गरीब काश्तकार की बात नहीं सुनती, वह तो बड़े आदमी की बात सुनती है जिसके पास इतना पैसा हो कि वह सुप्रीम कोर्ट में मुकदमा ले जा सके। उसका उनको डर लगता है कि यह अपना मुकदमा सुप्रीम कोर्ट तक ले जाएगा और जीत कर आ जाएगा। उससे उनको डर लगता है। डर नहीं लगता छोटे काश्तकार से। इसलिये इन पांच गांवों की जमीन ले ली गयी। मैं समझता हूं कि वहां के लोग हर पार्टी के लोगों के पास गए और उन्होंने उनको ठीक सलाह दी। मैं पास भी आए। मैंने भी उनसे कहा कि यह नेशनल यूटिलिटी की चीज है। इसकी जरूरत

[श्री ब्रज राज सिंह]

पड़ सकती है। तुम मत घबराओ, तुम्हारे लिये कोशिश करेंगे। मैंने उनको आश्वासन दिया कि तुमको सिधेटिक रबर फ़ैक्टरी में काम दिलाने की कोशिश करेंगे और तुम को फिर कलक्टर और कमिश्नर साहब के पास ले चलेंगे हमने उनको आश्वासन दिया कि तुम को सिधेटिक रबर फ़ैक्टरी में काम दिलवाया जाएगा। मगर आप देखें कि सिधेटिक रबर फ़ैक्टरी में क्या हो रहा है। उसको भी इसी प्रकार के छोटे-छोटे काश्तकारों की जमीनों लेकर बनाया गया है। पहले जब उनकी जमीनों ली गयीं तो वे स्टे आर्डर ले आए और उन्होंने अपनी फसलें बो दीं, लेकिन उनकी फसलें फिर काट दी गयीं। इस तरह से तीन-तीन चार-चार फसलें लोगों की खराब हो गयीं। और जिन लोगों की जमीनों ली गयी थीं उनको ही उस फ़ैक्टरी में चौकीदारी तक नहीं मिलती, जिनकी जमीनों ली गयी थीं उनको उसमें नौकरी नहीं मिलती, उनको वहां ठेके नहीं मिलते। इसलिये जो इन लोगों को जिनकी साढ़े तीन हजार या ४००० बीघा जमीन एयरोड्रोम के लिये ले ली गयी है, उस फ़ैक्टरी में काम दिलाना नामुमकिन था। नतीजा यह हुआ कि इस रिजेंटमेंट की वजह से आज बरेली में पांच हजार मजदूर हड़ताल कर रहे हैं। लेकिन कोई नतीजा नहीं निकला। वे गरीब आदमी हैं। उनके लिये पुलिस बुलायी गयी। मार-मार कर उनका कच्मूर निकाल दिया गया और उनकी घड़ियां, फाउन्टेनपैन, पैसे आदि पुलिस ले गयी। यहां पर उसके लिये हमने एक कार्रवाई अटेंशन मोशन दिया लेकिन वह नामंजूर हो गया।

**डा० मा० श्री० अणु:** कितने दिन पहले की बात है ?

**श्री ब्रजराज सिंह:** अभी चल रहा है। उसके बाद हमने शार्ट नोटिस क्वैश्चन दिया कि शायद इसका उत्तर देने में मन्त्री जी को कोई परेशानी न हो। और मैं इस इन्टिजार में बैठा कि कि जैसे ही मिनिस्टर साहब आ

उत्तर मिलेगा मैं उन लोगों से जाकर कहूंगा कि हमने तुम्हारी आवाज मिनिस्टर साहब के पास तक पहुंचा दी है। तुम घबराओ मत, कुछ न कुछ तुम्हारे लिए किया जाएगा। लेकिन कुछ नहीं हुआ। उसके अलावा हमने एक साधारण क्वैश्चन दिया। उसका उत्तर आ गया कि यह स्टेट गवर्नमेंट का मामला है हमको उससे कोई मतलब नहीं। तो इस प्रकार यह बात खत्म हो गयी। मैं आपसे निवेदन करना चाहता हूँ कि इस सिधेटिक रबर फ़ैक्टरी में सारा सेंटर का ही पैसा लग रहा है। लेकिन इस बारे में कुछ नहीं किया जाता।

कहा जाता है कि काश्तकार मुकदमा जीत कर आ जाते हैं, वे सुप्रीम कोर्ट तक से मुकदमा जीत कर आ जाते हैं। लेकिन छोटे काश्तकार का हाल यह है कि सुप्रीम कोर्ट तो क्या वह छोटी अदालतों में भी मुकदमा नहीं लड़ा सकता। यह तो वही लोग कर सकते हैं जिनके पास बहुत पैसा है, और वे लोग भी जो नजीर लेकर आ जाते हैं उसका फायदा गरीब काश्तकार तक नहीं पहुंचने दिया जाता। जो रूलिंग सुप्रीम कोर्ट ने दे दिया था उससे एक आदमी को शायद फायदा पहुंच गया हो लेकिन वह मासेज तक नहीं पहुंच पाया और यह अमेंडमेंट यहां लाकर रख दिया गया। हो सकता है कि काश्तकार इसका मुकाबला न कर सकें। पर मैं अपने मिनिस्टर साहब से निवेदन करूंगा कि वे इसको प्रेंस्टीज इश्यू बनाने की कृपा न करें। ल्हू के द्वारा जबरदस्ती वोट मांग कर इसको पास कराने का यत्न न करें।

मुझे मालूम है कि उनके हृदय में दर्द है काश्तकार के लिये और उसकी खेती के लिये। इसलिये मैं आशा करता हूँ कि वह इस बात को जरूर सोचेंगे।

18 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Thursday, August 30, 1962/Bhadra 8, 1884 (Saka).