

**Shri Bibudhendra Misra:** Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

*The motion was adopted.*

15.07 hrs.

**THE PUBLIC PREMISES (EVICTION OF UNAUTHORISED OCCUPANTS) AMENDMENT BILL, 1963.**

**The Minister of Works, Housing and Rehabilitation (Shri Mehr Chand Khanna):** Sir, I beg to move\*:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, be take into consideration."

Sir, while making this motion I do not propose to make a long speech. The very principle underlying the Bill was accepted in 1958, and the necessity for the introduction of the Bill was also accepted by this House.

Now, we have to see, when during the last five years this Act has been in operation, why I have come up before this House this afternoon for the amendment of that Act. Sir, this Act was enacted with a view to see that all the public lands in Delhi which are squatted upon by unauthorised occupants are cleared so that the proper development of Delhi can take place. During the last few years we have found that we have many sites which are squatted upon but

which are meant for schools, hospitals, dispensaries and for various other public purposes, and the very object for which the Act as it stands today was enacted, I feel, has been defeated.

When this Act was enacted I had not got the figures to say what was the number of squatters. When a census was taken in Delhi in 1960 we found that the number of squatters then was about 43,000. Last year when we again went into this question our conservative figure was that it was 50,000 and, perhaps, today it is 60,000. So, in spite of the Act being there and in spite of the action that we have taken the problem of squatters in Delhi is on the increase and we have not been able to come to grips with it. Apart from that, we have found that even where the squatters have been evicted after a proper process of law, when appeals and all these things are allowed, the squatting has taken place the very next day. I have many instances which I can quote. Not even that. Since there is a provision for appeals, I have found there are a large number of frivolous appeals filed all these years simply with a view to lengthen the proceedings. Nearly 70 to 80 per cent of the appeals have been rejected by courts. So, I have come before this House with simply one object in view, and that is this. If this Act is to be effective, if we are to develop Delhi in an integrated manner, if the conditions of the Master Plan are to be fulfilled, then we cannot tolerate these unauthorised squatters.

When this Bill came before this House, it could have been very rightly asked "Well, your intention is to throw out the unfortunate people; what do you propose to do for them?". Since this subject was not in my charge at that time, I am not in a position to say what happened then. But, during the last one year, we

\*Moved with the recommendation of the President.

have formulated a scheme in Delhi, which is called the Jhuggi-Jhompri Scheme. We have made a provision of Rs. 10 crores for that scheme. Our intention is to provide alternative sites to all those unauthorised squatters who were enumerated in the census of 1960. I have even gone to the length of stating in this House that if we find that inadvertently somebody has been left out of that census, we are prepared to enumerate him. Because our position today is this. Since we are going to accept 50,000 squatters, accepting a few thousands more here or there might not make any difference. Also, since Government are willing to spend Rs. 10 crores for providing alternative accommodation, the addition of a few lakhs of rupees here or there will not matter. So, I want the support of all the hon. Members of this House to this amending Bill of mine.

There are only two or three things in this Act which I wish to amend, and I seek the help of this House in amending them. Firstly, I want this lengthy procedure to be shortened. Now the squatters are given 10 days 15 days, 60 days or even 90 days. The judiciary proceedings are fairly lengthy. And one thing which has struck me as very odd is that when a man who has squatted for more than three years is given 90 days, if another person has squatted less than three years, he is allowed to be evicted within 30 or 45 days. In other words, we have placed a premium on squatting; the longer you squat, you take advantage of the Government land and prevent the complete development of Delhi, you will get 90 days.

Another thing which I have noticed is that during the course of the proceedings temporary injunctions are issued and the result has been there is again a dilatory process.

The third point that I have brought before the House is this. If a person has been given due notice, he has

been given a hearing by the Estate Officer, his appeal has been duly heard and decided on appeal by the judicial authority, after that, if he is provided alternative accommodation, after having taken possession of the alternative accommodation, if he again comes and squats, which is a common thing to-day, it is a thing which no civic body or any responsible organisation can accept. So, we have made that a panel offence.

**Shri D. C. Sharma** (Gurdaspur): Are there many instances like that?

**Shri Mehr Chand Khanna**: I can give you many cases just now. Here is a case of a person who was evicted on the 18th January 1963. His name is Harischand. He squatted on Government land on the 19th January 1963, a day after that. Similarly, I have a number of cases with me where re-squatting has taken place, because people can do so with impunity, because if you go and squat on Government land you do not pay any ground rent; further, we are humane enough to provide them with electricity and water and schools. The policy in this matter in the past has been so loose, so lax that in a way it has encouraged the squatting in Delhi, which is the capital of the country. We have seen only today this morning, Sir—you were not in the Chair then—how there was a great cry against the acquisition of land from the zamindars in Ghaziabad. Why are we acquiring land from the zamindars in Ghaziabad or, for the matter of that, in Delhi? The population has grown and the Government of India is growing. Our demands are on the increase. So, unless we get land, we cannot build. And the land that we acquire today, or the land we have with us, if it is going to be squatted upon by anybody it is bound to affect our scheme adversely.

**Shri Kashi Ram Gupta** (Alwar): It was a quarrel about prices, not about fundamentals.

**Shri Mehr Chand Khanna:** It was not only a question about prices. When we want to develop Delhi, when we want to implement the Master Plan for Delhi, when we are taking or acquiring lands in Ghaziabad and Faridabad by dispossessing cultivators, hon. Members are genuinely concerned because they say, firstly, that the cultivators should be paid the market price of the land and, secondly, we should arrange for their rehabilitation. I can understand that. Before acquiring anybody else's land, either in Faridabad or in Munirka, if I have got my own land, if I do not take charge of that and develop that properly, I am not prepared to agree with anybody that we have the justification to acquire somebody else's land. I would go to those persons, whose lands I wish to acquire, only after I convince this House that the land that is in my possession has been properly used and used for the purpose for which it was meant. Now that purpose has been defeated because of the defects in the Act.

Now I wish to take the House into confidence by saying that this matter has been before the advisory body of Delhi, which is attached to the Ministry of Home Affairs. It was consulted and it is in agreement with it. I have consulted the Mayor of Delhi, the local body of Delhi, the NDMC and they are all in agreement with the amendment that I have brought before this House.

I have no intention of making a very long speech. I only wish to say that after having taken all possible measures to see that no squatting takes place further, that the squatting that has already taken place is removed, I have found that the law as it stands today is not effective to the extent that we would like it to be. Here I want to make it very clear again that there can be no question of any hardship to anybody. The humane angle is always before us. If I evict a person who is a squatter, if he is not eligible because he is not enumerated

in the census because he has been left out inadvertently, I am going to accept his explanation and I am going to provide him with a plot of 80 sq. yards; but in camping sites we are giving only 25 sq. yards for the migratory population of labour and the rest we provide plots.

**Shri D. C. Sharma:** What will be the dimension of the plot?

**Shri Mehr Chand Khanna:** 80 sq. yards. As I mentioned in this House earlier, during the last one year or more, we have removed 7,800 squatters from lands in Delhi. Out of them, 7,100 squatters have been provided with alternative accommodation. We have taken them to the camping sites; we have given them tenements; we have given them plots. Only 700 out of 7,800 were found to be ineligible. So, I crave the indulgence of the House because I want their help in passing this amending Bill, because this is a Bill for the very purpose which they have been pressing before us.

Today in the lobby I was talking to a Member of Parliament. He is the leader of one of the parties but I would not name him. He was allotted a house by the Chairman of the House Committee of Lok Sabha. The Deputy Speaker is the Chairman of the House Committee. He went out and came back again. But, for the last two years or 18 months, a gentleman who was with him is still with him and he is not going out; neither is he paying the penal rent. Yet, he is still there. So, a house which is meant for a Member of Parliament is being used by a non-MP. Similarly, there are ever so many instances, and I do not want to narrate them here.

What I find is that Delhi has attraction for everybody. Whether it is a friend from Rajasthan, Maharashtra or Gujarat or Vidarbha, once he has come to Delhi he does not want to leave Delhi.

**Shri Swell (Assam—Autonomous districts):** Delhi has no attraction for me.

**Shri Mehr Chand Khanna:** I am glad you are an exception. I am very happy. The population of Delhi is going up at the rate of 1½ lakh persons every year. When I came to Delhi in 1947, the population of Delhi was only about 7 or 8 lakhs; now it is 27 lakhs.

**An Hon. Member:** Because the villages are deserted.

**Shri Mehr Chand Khanna:** I hope, you will forgive me, Sir, if I quote you. You are in the Chair today. Even the Chairman of the House Committee of the Lok Sabha and the Chairman of the House Committee of the Rajya Sabha have pleaded with me to have an effective measure so that we have the power to throw out all those people who are not eligible for these houses which are meant for Members of Parliament and which are being misused.

With these words, Sir, I commend my motion to the House.

**Mr. Deputy-Speaker:** Motion moved:

"That the Bill further to amend the Public Premises (Eviction of Unauthorised Occupants) Act, 1958, be taken into consideration."

**Shri S. M. Banerjee (Kanpur):** Sir, I beg to move:—

"That the Bill be referred to a Select Committee consisting of Shri Bhagwat Jha Azad, Shri Ramachandra Vithal Bade, Shri K. L. Balmikil, Shrimati Renu Chakravartty, Shri Tridib Kumar Chaudhuri, Shri Homi F. Daji, Shrimati Subhadra Joshi, Shri Hari Vishnu Kamath, Sardar Kapur Singh, Shri Mehr Chand Khanna, Dr. Ram Manohar Lohia, Shri Bibudhenra Mishra, Shri Diwan Chand Sharma; and Shri S. M. Banerjee with instructions to report by the 1st day of the next Session."

**Mr. Deputy-Speaker:** Both the motion and the amendment are before the House.

**Shri Daji (Indore):** Sir, I was pleased to hear the explanation given by the hon. Minister. In a way he tried to palm off these harsh and hard measures smoothly down the throat of the House.

**Shri D. C. Sharma:** Do not use the words "palm off"; they are too hard.

**Shri Daji:** But I regret that I cannot agree not only with the substance of the Bill but also with anything contained in the Bill. I disagree with every word, every comma and every fullstop in it, from beginning to end including the title.

**An Hon. Member:** Including the hon. Minister.

**Shri Mehr Chand Khanna:** That is not in his power. I am still here.

**Shri Daji:** The point is not of waxing eloquent about squatters. That, to my mind, is begging the question and is really besides the point.

**Mr. Deputy-Speaker:** Time allotted for this is one hour.

**Shri S. M. Banerjee:** Four hours.

**Shri Daji:** No, four hours.

**Shri D. C. Sharma:** It is a very important Bill.

**Mr. Deputy-Speaker:** I am sorry; it is four hours.

**Shri Daji:** That also we can extend.

**Mr. Deputy-Speaker:** I just wanted to know how many hon. Members wanted to speak. There is time now. He can go ahead.

**Shri Daji:** The problem is not really the problem of squatters or of unauthorised occupants as is being placed before the House. No one would *prima facie* in theory and in principle

[Shri Daji]

say that unauthorised occupants should be allowed to continue indefinitely. But I most strongly regret the instance that the hon. Minister has mentioned, that is, of unauthorised occupation of an M.P.'s house.

**An Hon. Member:** But he will not be affected by this.

**Shri Daji:** He may be if the reshuffle takes place...

**An Hon. Member:** It is the poor man who suffers.

**Shri Mehr Chand Khanna:** We are taking action under the Public Premises Act.

**Shri Daji:** I strongly disapprove of the example given by him because that example is a typical example of a case for which this Act is to be used. It is meant mostly to sidetrack us. Then, tomorrow he can say, "What can be done if a person goes and occupies the President's house? It is a bad thing." Everyone will say that it is a bad thing and the hon. Minister will say, "I want to remove him". The example begs the question. The whole question is that we have to face facts as they are. There are in Delhi, and outside also, lakhs and lakhs of people who happen to be living technically and legally unauthorisedly, but they have already taken possession of the place and are living there. And, as you know, Sir, possession is 99 per cent law.

You want to remove them. What for? There may be obviously two reasons why you want to remove them. One reason is: to reestablish the juridical principle of possession. The other reason is: to remove *jhuggies*, *jhompri*s, shanties, clean up the whole thing and have some orderly and planned development of the city. I submit that laudable as these objects are, they are not the fundamental considerations. The fundamental consideration should be human. I say and I am saying this

with full conviction that as a citizen of India I am ashamed to live under a roof so long as another Indian is forced to sleep on the footpath or has no roof over his head.

**Shri D.C. Sharma:** Why do you not sleep on the footpath then?

**Shri Daji:** My sleeping on the footpath will not help. If my sleeping on the footpath will help, I will certainly do so. But it will only add one more problem to the problems of the hon. Minister, that of rehabilitation. Why look at the ornamental problem? Everyone comes to Delhi or Calcutta and so we want to beautify Calcutta and Sealdah station. That is not the point.

15.25 hrs.

[SHRI THIRUMALA RAO *in the Chair*]

**Shri D. C. Sharma:** I want to go back. I do not like Delhi.

**Shri Daji:** He can also be covered under the Kamaraj Plan. It can be extended from Ministers to Members also. He can try.

**Shri D. C. Sharma:** But I want to go back to Lahore.

**Shri Daji:** He can be covered by the Kamaraj Plan. He need not worry.

Therefore the question is not of ornamentation of a big city. The question is that the logic of life shall and must have precedence over all other considerations. It is one of the fundamentals of life that next only to sustenance must come shelter. Therefore, if this measure is meant to exploit the methods of eviction and to strengthen the hands of the Government and its officials to throw out a *jhuggiwala*, a *jhonpriwala* or a shanty-wala, both unauthorised, newly come and old, two things are relevant.

**Shri Mehr Chand Khanna:** Occupants of public premises.

**Shri Daji:** I am coming to that: If they are to be removed as per the plan suggested by the hon. Minister, I do not think there will be any difficulty. Of these unauthorised occupants who would like to stick to unauthorised occupation if they are given an alternative place? They will very willingly go because here their tenancy is not secure and they do not know what will happen to them tomorrow. So, they will certainly like to go and there will be no necessity of a notice of eviction, injunction or appeal. The question of appeal, notice or of force arises only if and when the Government tries to evict those who are living in a place and the Government is not in a position to give them alternative accommodation. I do not think any case can be pointed out where alternative accommodation was offered and still the man would not go. Then, he may be some exceptional man. That does not matter.

We all know, Sir, that some hon. Ministers have been shunted out under the Kamaraj Plan. We all know it. First of all we were told that we were going to get Ram Rajya. When *Ram Rajya* did not come, we are now getting *Kamaraj* and *Kamaraj* has proved to be the *Yamaraj* for some persons. But even before those hon. Ministers have laid down office—they will be laying down office in a couple of days—their future accommodation has already been selected and allotted by choice. They have already gone round and have selected the house in which they would like to settle.

**Shri Mehr Chand Khanna:** May I intervene and say that an ex-Minister still remains an MP and is entitled to accommodation?

**Shri Daji:** I have my utmost sympathy for them. They must get MP's accommodation. But what I am trying to point out is something different. Even before he leaves his present house, another house is ready for him.

Before you demolish a shanty or a *jhuggi*, will you give him another *jhuggi* and not evict him by force? There cannot be two standards. Under the Indian Constitution every citizen is equal before the law, be he an hon. Minister or an ex-Minister or a great man making sacrifice under the Kamaraj Plan or a rehabilitated or unrehabilitated refugee. All must be dealt with on the same principle, that is, before they can be evicted from the place they are occupying another place or alternative accommodation must be made available to them. There cannot be two standards. This House cannot conceive that or be a party to double standards. That is what I am saying.

**Shri Ramanathan Chettiar (Karur):** I rise on a point of order, Sir. My hon. friend, Shri Homi Daji, has equated the retiring Ministers with refugees. I think, he is wrong in equating them with refugees. They are not refugees. They are honourable citizens of this country.

**Mr. Chairman:** There is no point of order in that. But are hon. Ministers occupying Government accommodation in the same category as those people to whom this Act is intended to be applied? Is it the argument of the hon. Member?

**Shri Daji:** Supposing now Ministers do not vacate their houses, under this law you can proceed against them.

**The Deputy Minister in the Ministry of Works, Housing and Rehabilitation (Shri P. S. Naskar):** Sure; they will be, if it is authorised.

**Shri Daji:** Certainly, you can proceed against them.

**Mr. Chairman:** The hon. Member may confine to this Bill.

**Shri Daji:** I am confining to this. I was only referring to this.

**Mr. Chairman:** It is meant for evicting those people under unauthorised

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occupation. You are comparing people who have occupied places without any authority to people who have occupied places with authority.

**Shri Ramanathan Chettiar:** Mr. Chairman, he used the word 'squatter'. (*Interruption*).

**Mr. Chairman:** Order, order.

**Shri Ramanathan Chettiar:** I want to clarify this.

**Shri S. M. Banerjee:** While initiating the debate, the Minister mentioned a particular case where a Member of Parliament, who is an ex-M.P., has occupied some accommodation . . . (*Interruption*).

**Shri Mehr Chand Khanna:** No, no. He is misquoting me. He is an MP. His house had been taken away by somebody else and in spite of our best efforts for the last one and a half years, we have not been able to evict that man. He has occupied the MP's house. If you want the name of the M.P., I am prepared to give it.

**Shri Daji:** Sir, what I was saying..

**Mr. Chairman:** There is no point here. Everybody wants to join on any point of controversy. Let us confine ourselves to the Bill. Every Member will have the chance of expressing his opinion. It need not be expressed then and there as anything arises. Yes, Shri Daji.

श्री रामसेवक यादव (वाराणसी) :  
सभापति जी, मैं सिर्फ एक जानकारी चाहता  
हूँ। चूँकि मंत्री जी ने कहा है कि . . . .

**Mr. Chairman:** I will call him. If he wants to speak, then he can make his point there.

**Shri Ram Sewak Yadav:** Sir, on a point of information. . . .

**Mr. Chairman:** I have ruled that Mr. Daji should continue his speech.

**Shri Daji:** The point that I was submitting was that the question of utilising the extraordinary powers now required by the Government will not arise if they really and conscientiously put into effect the scheme as suggested by the hon. Minister. That is the point. If you give an alternative accommodation, I cannot visualise a normal man, so hard-headed, as to go on sticking to unauthorised place even when authorised accommodation is offered to him.

**Shri Mehr Chand Khanna:** He wants to continue his problem.

**Shri Daji:** In that context, I was submitting that anyone of us should be ashamed to have a roof on one's head as long as a single citizen of India is forced to sleep on the footpath or without a roof.

**An Hon. Member:** Why don't you leave it then?

**Shri Daji:** I have already replied to that, because my leaving the roof will create one more problem for the Minister and that will not solve the problem of squatters. Therefore, I was going to point out that time and again such assurances have been given by this hon. Minister and by other Ministers preceding him, by some more honourables and some less honourables—all of them have given assurances. But what is the result of those assurances? I refer to the report of the Assurances Committee of the House of 1955. It says thus:

"It is constrained to observe that there has been serious failure in the implementation of those assurances by the Government".

**Shri P. S. Naskar:** What assurances?

**Shri Daji:** Assurances given by Mr. N. V. Gadgil about rehabilitation. They were given on the floor of the House as early as 1950-51. Even those assurances have not been implemented.

## Amendment Bill

Central Government in the Ministry of Works, Production and Supply to represent the interests of displaced persons;

**Dr. M. S. Aney** (Nagpur): Read out those assurances.

**Shri Daji**: I would read them out. This is assurance given by **Shri N. V. Gadgil** on 29-9-1951.

**Shri Mehr Chand Khanna**: What is the date.

**Shri Daji**: It is 29-9-1951.

**Shri S. M. Banerjee**: You know it better.

**Shri Daji**: This is what it is:

"We are of opinion that Government should exercise its powers under this clause having due regard to certain broad principles which we propose to recommend to the Government. We consider that it may not be expedient to incorporate these principles in the Bill; but we trust that the Government would give the following assurances in Parliament and we recommend accordingly that:

(1) where any displaced person, without being authorised to do so has occupied any public land or constructed any building or part of a building on such land before the 15th August, 1950, such person shall not be evicted nor such construction shall be removed unless the following conditions are fulfilled, namely:—

(a) a sector-wise plan in this behalf is prepared by the Chief Commissioner of Delhi on the recommendation of Allotment Committee and such plan is approved by the Central Government in the Ministry of Rehabilitation, and for the purpose of preparing such plans, the Allotment Committee functioning under the Chief Commissioner shall be strengthened by two persons nominated by the

NOTE.—The allotment Committee as reconstituted would consist of

- (1) the Deputy Commissioner of Delhi as the Chairman *ex-officio*,
  - (2) Secretary, Local Self Government to the Chief Commissioner,
  - (3) a representative of the Ministry of Rehabilitation,
  - (4) a representative of the Improvement Trust,
  - (5) a representative of the Delhi Municipality, and
  - (6) two representatives nominated by the Central Government in the Ministry of Works, Production and Supply to represent the displaced persons.
- (b) Subject to the provisions of clauses (d) and (e) alternative accommodation is provided on developed land and, as far as practicable, near the place of business or employment of the displaced person;
- (c) in every case where any construction is demolished or removed, rehabilitation grant *ex-gratia* is also made to the displaced persons either in cash or in the shape of building materials or both, the amount of which shall be determined by the Ministry of Rehabilitation having due regard to the circumstances of each case.

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(d) in the case of constructions which comply, or fairly comply, or with suitable modifications may be made fairly to comply, with the municipal requirements and Town Improvement plans (where such plans exist), the value of the land in authorised occupation shall be assessed, on a no-profit-no-loss basis, . . ."

**Mr. Chairman:** Is it too long a quotation?

**Shri Daji:** I was asked to read out the assurance.

**Mr. Chairman:** The hon. Member must exercise his discretion.

**Shri Daji:** So, Sir, this assurance was given and still it remains unfulfilled. This is the report of the Assurances Committee in 1955, four years after the assurance was given. I do not know how far the progress has been made. But from representations received by me, by most of the Members, I find there are colonies and colonies in Delhi of displaced persons who have come long before 1955 and who are still waiting and there are some houses built—almost pucca—numbering 8,000 or 10,000. They have built them up. Now, if they are to be demolished or changed, what alternative accommodation are you going to offer to them? Not legally. Legally, you will say, the unauthorised occupants cannot claim anything. But by our conduct or connivance, by permitting him to build a house in a particular place, we have incurred a certain moral liability. You cannot just throw them out and give them a bare land to build a house in another place. It is not a question of orderly development of Delhi, Calcutta or Bombay or any other big city. This question comes up not only in Delhi, but it comes up in every big city.

The question posed is: do you want shabby development? Do you want shanties to go up? Do you want slums? Our hon. and very much respected Prime Minister, whenever he goes to a big city from time to time, sometimes in a cyclic way, after some 5 months or 10 months, in a fit of indignation says, "Burn them all—these shanties and slums; reduce them to the ground." We are all waiting for the Minister to follow up the Prime Minister's advice, "burn them all—these shanties and slums". But how? Shall we just hold a *mashal* and burn all the shanties and slums to the ground? It is said: we are removing slums. Sir, the whole problem is of balancing, the question of planned development and of human approach to the whole problem. Unless we balance it with greater emphasis on human aspects, we cannot do it. As I said, the laws of logic and life must take precedence over all ornaments. This is the ornament. Therefore, the question is not so much of tackling a problem of unauthorised occupation of this or that land. The question is fundamentally of the planned development of rehabilitation. The plan as unfurled by the hon. Minister, was really charming, that everyone is given a plot in a developed area with electricity, with water and what not. If this plan is to be put into practice, if we make this as a condition precedent and put it in the Bill that no one shall be evicted unless he is given an alternative accommodation, then the question of operating this law will not come. People will jump; people will come running to the Minister saying, "Please allot us land and we shall go and build a house."

**Shri Mehr Chand Khanna:** I do not want to make a squatter of you.

**Shri Daji:** Don't worry. I will come and stay in your house. If you ever try it on me, I will come and stay in your house.

Now, let me go to two or three more problems. What is sought to be done? They want to be quick. So, what is to be done? The period of notice is reduced; the period of appeal is to be reduced. I was shocked to hear this Minister saying, "Why should a man who has lived for more than three years be given three months notice?"

**Shri Mehr Chand Khanna:** No, no. After the whole procedure is over, he gets 90 days, *ex-gratia*.

**Shri S. M. Banerjee:** It is a very gets 90 days, *ex-gratia*.

**Shri Daji:** 90 days for a man who has lived for years in a particular house. Why should that be given? In these days of housing scarcities, can you find out an alternative accommodation in 90 days? It is very difficult. And yet it is being posed as if a great charity is being done.

Therefore, I strongly object to all the provisions of the Bill. Firstly, I object to the proposal to reduce the period of appeal from one month to fifteen days? How can an appeal be lodged within fifteen days? You can just imagine how it will be possible at all. Suppose a man gets the order, then he has to run to his lawyer, and he has to arrange for so many things and so on. And yet only one month has been provided for appeal, and now even that is being reduced to fifteen days. I do not think that this is proper.

I shall put this matter before you from another angle also. After all, how much time are you going to save by reducing the period for appeal? By reducing the period from one month to fifteen days, the total time saved will be only fifteen days. And there is a notice of fifteen days, and so, it comes to just one month in effect. Sir, after all, we all believe in the rule of law. We have esta-

lished under our Constitution a particular system. You cannot play ducks and drakes with the rule of law. If you want to continue with the rule of law, then appeal is a part of the right of a man. Therefore, reducing the period for appeal is ridiculous; it is fantastic. Even as it is, one month's period is less enough, but now you want to reduce it to fifteen days. So, I strongly object to this provision.

I object even more strongly to the other provisions where you are trying to tamper with the due process of law, because you want to bar any court from giving any injunction. Why are you doing so? Why is there this shakiness? Why is the Ministry afraid? Why is the Ministry trembling in its shoes? If there is nothing illegal, then no court shall give any order. But if there is something illegal, it is only then that the court will come and intervene. If the order is illegal, if the processes have not been followed, if the notice is without authority and without the due process of law, then why do you want to deprive the citizen of his right to obtain an order of injunction from the court, which only means that if your action is illegal, you shall not take advantage of your illegal action to make the case infructuous? To take away the power of the court to grant injunctions, I say, is absolutely to give a halt to the rule of law. The power of injunction is only for the purpose of putting a full-stop to any authoritative action that the Ministry or any subordinate official may take. Please bear in mind that every order may not emanate from the hon. Minister. Any official may give an order. If that order is illegal, then the amendment proposed will even prevent the court from giving relief to the citizen; even if the order is illegal, no court can grant injunctions, if the proposed amendment is accepted. After all, the courts are not the citizens' courts. The courts

[Shri Daji]

are those which have been properly constituted under the Acts passed by Parliament; they are all Government-owned courts, and they consist of officers appointed by Government themselves. If your order is illegal, then the court should be in a position to give relief. But even in such cases, you want to prevent the court from intervening and granting an order of injunction. I say that this is tampering with the rule of law.

Therefore, I say, both on grounds of principle and on grounds of expediency, these amendments that are being proposed now are really speaking stinking, unconscionable, hard, harsh and meaningless, if you really want to tackle the problem of rehabilitation seriously. If, however, you do not want to tackle the problem of rehabilitation seriously and you want to substitute instead of rehabilitation only a clean sweep, the removal of *jhuggis* and the removal of squatters, then this Bill may help you. I submit that if you want to stick to the principle of rehabilitation, then you have to give each one a roof before you throw him out.

Sir, I submit that this is an objectionable measure, which is too hard and harsh, and I think that we in this House shall not be a party to this.

**Mr. Chairman:** The number of speakers who want to take part in the debate on this Bill is swelling up gradually.

**Shri Hari Vishnu Kamath** (Hoshangabad): May I submit that the time may be extended?

**Shri Daji:** Four hours have been allotted for it.

**Shri S. M. Banerjee:** The time may be extended.

**Shri D. C. Sharma:** I request that I may also be given a chance to speak.

**Shri Hari Vishnu Kamath:** After all, legislation cannot be hustled through. This is an important piece of legislation. This is very important, and, therefore, more time may be given.

**Shri Daji:** I may point out that we can add half an hour more to the time allotted for this Bill; because we have saved half an hour from the time allotted for the Bill to amend the Code of Civil Procedure.

**Shri S. M. Banerjee:** We want that this Bill should be referred to a Select Committee.

**Shri Hari Vishnu Kamath:** There are two proposals or two motions before the House. The first motion is the motion for the consideration of the Bill and the second motion is by my hon. friend Shri S. M. Banerjee for reference of the Bill to a Select Committee.

Before I proceed to speak on the merits of the Bill, let me say at the very outset that I would be happy if the hon. Minister sees his way to accepting the principle, if not the motion itself of my hon. friend Shri S. M. Banerjee; if he does not accept that motion itself, he may move on his own or *suo motu*, a motion for reference of the Bill to a Select Committee.

**Shri S. M. Banerjee:** I shall accept it.

**Shri Hari Vishnu Kamath:** I would like to state that it is not too late for him to move a motion for reference of the Bill to a Select Committee.

This Bill, as my hon. friend Shri Daji has said, is an important measure, and it is one of the most important Bills that will be put through in this session of Parliament. Very few Bills are coming up in this session, of any considerable importance, and I have no doubt in my mind that

this is one of the few important Bills, if not the only important Bill, which will be passed by Parliament during this brief, short session.

The House is well aware, and the nation is well aware, that the Government, of which my hon. friend Shri Mehr Chand Khanna is such an important member, is committed to certain principles, based on the socialistic pattern of society, committed to the maxims and ideals of a democratic socialist society. And I am sure that Shri Mehr Chand Khanna does not yield to anyone else, not even to the Prime Minister, in his loyalty and in his adherence to the principles of democratic socialism. If, however, he has got any doubts on that score, I would appeal to him to reconsider his attitude to those precepts or principles and maxims and reorientate his outlook and his actions to those concepts and to that mould of democratic socialism.

What does democratic socialism mean in essence? It means that everyone, man, woman and child must have life and have it more abundantly, and as a modest beginning, everyone, man, woman and child in our ancient but ever new land, this *Bharatvarsh* must have the primary needs of life, food, clothing and shelter. Food is not part of my hon. friend's portfolio, nor is clothing included in the portfolio of the Minister of Works, Housing and Rehabilitation. But, surely, housing is one of the important subjects listed in the portfolio of the hon. Minister of Works, Housing and Rehabilitation. His Ministry is called that Ministry of Works, Housing and Rehabilitation.

The hon. Minister has been trying during the last few years to rehabilitate the refugees who were uprooted as a result of the partition of our country. I do not wish to remind him of the fact that he himself was in a way a refugee. . . .

**Shri Mehr Chand Khanna:** Why 'n a way'? I am a refugee.

**Shri Daji:** But he is rehabilitated.

**Shri Hari Vishnu Kamath:** But by the grace of God and by the goodwill and co-operation of his colleagues in the Congress Party to which by his accession he brought strength, when he joined it, he has been completely rehabilitated, and I congratulate him on his complete rehabilitation, even exaltation and glorification. All that has happened to him and we do not grudge him that. But we wish that he has in his heart not necessarily that passionate desire for rehabilitating those unfortunate refugees, lakhs and millions of them, who have come from Pakistan, to the same extent as he himself has been rehabilitated, but certainly I expect my hon. friend—whom I have known all these years—to have at least a spark of that ambition to give to those unfortunate refugees something of what he himself has got, something of the same kind, not the entire thing that he has got but something of that kind that he himself has got. Is it so very difficult or impossible? I for one do not think so. I for one do not despair of his being able to muster up enough resources, enough will, enough desire, to provide for those unfortunate refugees, who will be adversely affected by the passage of this measure, to provide for them at least a thatched roof, if not a tiled roof, over their heads in this capital of India. If it cannot be done in the capital of India, right under his very nose, under the Prime Minister's nose—the eyes, noses and ears of all the Ministers—if it cannot be done in the capital, what will happen in those far-flung regions of this great, big country, in those villages, towns and cities? If the Minister cannot do it, if he pleads helplessness to do it here then we can only despair of any modicum of implementation of the socialistic programme of providing food, clothing and housing or shelter, for the teeming millions of our country.

[Shri Hari Vishnu Kamath]

The Minister has, in spite of the emergency through which we are passing, since last October, before him vast programmes and schemes of destruction and construction, which perhaps will cost the taxpayer a few crores of rupees. I do not know exactly now many crores they will cost—he knows the figure better. Buildings are proposed to be destroyed and demolished and residents of those buildings are sought to be given alternative accommodation. Even in the case of government employees, those who are residents of those buildings which are proposed to be demolished, this can happen to them. That being so, what exactly is the attitude that he will bring to bear upon the problem of providing shelter for these unfortunate refugees? That is the point I want to drive home.

[MR. DEPUTY-SPEAKER in the Chair]

If the residents living in a government hostel are to be provided alternative accommodation in another hostel where the rooms are not as big as the rooms which they occupied in the hostel from which they are being evicted, ill-ventilated rooms, with no window to the room—I could not believe it when I was told of this; I had to go and see the hostel for myself before I could be convinced of what I had heard—what will happen to these unfortunate refugees? Pardon me if I make a little personal reference. When I was in prison many years ago for five years—as many of my colleagues were in prison—the cells in those rooms were bigger than the rooms in the new hostel to which some of the officers—may be class II or class I—human beings, are sought to be transferred by the Minister forcibly.

The Estate Office, which works under the Minister, has taken the attitude of 'take it or leave it this is

what we can give you; if you do not take it, fend for yourself; make your own arrangements'. I venture to assert that this is the most atrocious, heartless attitude on the part of the Minister towards even government employees. If this can happen to government employees, God alone knows what will happen to those refugees, who are voiceless, who are in hundreds of thousands. . . .

**Shri Mehr Chand Khanna:** We are not dealing with refugees; we are dealing with eviction of unauthorised occupants of public premises. The Demands of the Ministry of Rehabilitation are not under discussion now.

**Shri Hari Vishnu Kamath:** I understand it. The title of the Bill is very well known. But you must get at what is between the lines and behind the lines. You can give a good title, you can give a good colour to something and make it a cover for the bad things that you are going to do.

Really, who are the unauthorised occupants here? I wish the Minister had told us in his speech about that. If he had done that, the question would not have arisen at all. What is the number of unauthorised occupants in these premises today?

**Shri Mehr Chand Khanna:** I have given it. You were not here.

**Shri Hari Vishnu Kamath:** I am sorry. The Speaker had called me.

**Shri Mehr Chand Khanna:** Not my fault.

**Shri Hari Vishnu Kamath:** Out of these unauthorised occupants, how many are refugees who came here after partition?

**Shri Mehr Chand Khanna:** This has nothing to do with refugees.

**Shri Hari Vishnu Kamath:** They came after partition. They have been in occupation of the premises.

**Shri Mehr Chand Khanna:** None of them are refugees; they are all unauthorised occupants.

**Shri Hari Vishnu Kamath:** Yes, unauthorised today. But what were they when they came from West Punjab, the Frontier Province or Sind?

**Shri Mehr Chand Khanna:** We are not concerned with that.

**Shri Hari Vishnu Kamath:** Why? Is that the socialism that you are going to implement?

**Mr. Deputy-Speaker:** In this Bill, we are not concerned with that.

**Shri Daji:** Whether he is a refugee or non-refugee, it is a matter of concern.

**Shri Hari Vishnu Kamath:** I can understand the Minister taking that attitude, but not you, sitting in the Chair—I am sorry.

**Mr. Deputy-Speaker:** I have to see that what you say is relevant.

**Shri Hari Vishnu Kamath:** I submit it is wholly relevant.

You can say that they are unauthorised occupants. But what were they before? The Minister and his Government have dubbed them as 'unauthorised occupants'. But what were they before they came on those premises? It is all right for the Minister, because, as I said, he has completely rehabilitated himself, and he does not bother about the difficulties of these people who have built a little *jhuggi* or a *jhonpri* or some shanty for themselves. Now they are no longer called refugees but unauthorised occupants—that is what the Minister, I suppose, wants to call them.

I remember the statement he once made in the First Lok Sabha that he would consider himself a successful Minister only on that day when the Rehabilitation Ministry was wound up.

**Shri D. C. Sharma:** You are right.

**Shri Hari Vishnu Kamath:** I recall that day when he said it. But unfortunately the Rehabilitation Ministry is still there. So he has not succeeded.

**Shri Mehr Chand Khanna:** It is there only for the eastern wing.

**Shri Hari Vishnu Kamath:** But I wish he may achieve success in the very near future.

16 hrs.

My hon. friend who preceded me, Shri Daji, made a very modest, reasonable demand, that when the Government serves a notice upon an unauthorised occupant for vacation of those premises, it is the bounden duty of a democratic socialist Government, if it wants to remain true to its professions and not, as often happens, let a wide gulf grow between profession and practice, if it wants to implement this programme of democratic socialism, it is its bounden duty to see that that person is not thrown on the streets, but at least some sort of accommodation—it may not be equivalent to the accommodation that he is already in possession of—is made available to him. But if he is forcibly evicted and thrown on the streets, it will be to say the least a travesty, an ignominious travesty of the high sounding principles of democratic socialism to which the Minister and the Government say they adhere. I am all for development of Delhi and of the country, for planning and development. But does planning mean humanity uprooted and thousands going without shelter over their heads? God forbid if this is the kind of planning which the Government has in mind. And where? Right in the capital of India, where from the Prime Minister and Ministers downward to the last Parliamentary Secretary live and move. Can they really have a good night's rest when they force a people, these unfortunate people out of their miserable shanties without

[Shri Hari Vishnu Kamath]

providing them any alternative accommodation. I hope and I pray that the Minister cultivates a different attitude.

Now, Sir, a resident who pays Rs. 75, a Government officer in the Constitution House hostel, is being asked to occupy a smaller room, ill-ventilated, there is no window, a miserable room—some prison cells are better than these rooms and to pay a rent of Rs. 100 per month. This is nothing less and nothing more than unconscionable profiteering on the part of Government which belies their democratic socialist professions and which completely gives the lie to the high sounding principles of socialism that they mouth from day to day. The room is 14'x8½", 125 sq. feet. One of the contractor's men told me that normally the floor area should be 150 square feet for any human being. But that man said that they had built rooms like these because they were asked to build 280 rooms. They could build 200 rooms with a floor area of 150 sq. feet but when they were asked to build 280 rooms, they could not be bigger than 125 sq. feet. 125 sq. feet, no window, 100 rupees rent while the rooms that they occupy now are bigger. I do not know why they are demolishing some buildings. Some are being demolished, others not. The Ministry must have got its own experts to certify that some buildings are fit for demolition and others are good enough.

By one of these clauses in the Bill the Minister seeks to make the orders of eviction non-justiciable. That is what it comes to. Courts are deprived of the power to issue injunctions as stated in the Statement of Objects and Reasons. In our country, I am sorry to say, Sir, there is much arbitrariness, not a little corruption and considerable high-handedness in administration from which the Ministers themselves are not exempt. I do not charge all the officers and all the Ministers, but quite

a number of Ministers and quite a number of officers are tainted, rightly, with these evils of corruption, high-handedness and arbitrariness. If ours were an ideal democracy, perhaps this provision could be allowed to go without comments. But I myself know hundreds of cases where orders have been unjust, unfair and passed without scrutiny of facts, without an honest mind being brought to bear upon the matter and the victims have had to suffer in silence. I have no doubt that the monstrous story will repeat itself here if courts are not permitted to step in and issue injunctions where they think they are justified to do so. I am sure the hon. friends on the other side who, I hope, subscribe to the programme, policies and principles of democratic socialism more than the hon. Minister does, will see to it that this provision which disfigures this measure, such provisions are not allowed to be passed by the House. The House will stultify itself if it seeks to divest courts of the power granted under the old Bill. I was not a Member of the Second Lok Sabha but I am told that when the original Bill was before the House, in 1958, the Deputy Minister Shri A. K. Chanda reiterated the assurance given by Shri Gadgil in the Provisional Parliament and solemnly told the House that those assurances will be implemented. I am told this on good authority, but I am open to correction if I am wrong.

One word more and I have done. The Statement of Objects and Reasons also refers to reduction of time to prefer appeals and for compliance with the orders of eviction. Knowing as we all do the various hurdles and difficulties that crop up before an ordinary person who wants to appeal against an order by which he feels aggrieved, I think it is very shortsighted on the part of the Minister to reduce this period from 30 days to 15 days. It is but fair that a person who feels aggrieved by an order must be given adequate time to take coun-

sel from his lawyers. Lawyers are also busy; some are Members of Parliament like my hon. friend Shri Trivedi; people like him are not always available. So, it is but fair and just that they should get sufficient time to get legal aid and this proposal to reduce that period is very wrong and improper.

In the end, Sir, I hope that better counsels would prevail and the Minister will try his best and leave no stone unturned in ensuring that these hundreds or thousands of unfortunate people who may be affected by this order are provided some decent alternative accommodation and some sort of a roof over their heads before he orders the demolition squad to act. They are always ready with their tools and implements of destruction. It is difficult to construct but easy to destroy. So, before he takes to this course I hope the Minister will see to it, in consonance with the principles of democratic socialism which he no who will be affected are provided some alternative accommodation, some decent alternative accommodation fit for human habitation, before his orders are implemented.

**श्री नवल प्रभाकर (दिल्ली-करोल बाग):**  
उपाध्यक्ष महोदय, यह विधेयक हमारे सामने उपस्थित है। इस बात से तो कोई भी सहमत नहीं होगा कि कोई व्यक्ति सरकारी जमीन के ऊपर अनधिकृत रूप से आकर कब्जा कर ले और वह वहाँ बैठा रहे। श्रीमन्, सन् १९४७ में जब देश का बंटवारा हुआ तो लोग झुग्घर आये और उस समय जो जाँ भी बैठ सकता था वह बैठ गया। माननीय खन्ना जी ने बहुत प्रयत्न किया है बसाने के लिए और अभी भी इस ओर प्रयत्न कर रहे हैं और हमें आशा होती है कि वे सब को बसा देंगे। किन्तु कुछ ऐसी कठिनाइयाँ आ जाती हैं बीच में प्रशासनिक, जिनके कि कारण सरकार जो कुछ कर पाती है उसका श्रेय

उसको नहीं मिलता है। उसी बात को मैं माननीय मंत्री को बतलाना चाहता हूँ।

सन् १९४७ में लोग यहाँ आये और बठ गये। उसके बाद यहाँ पर इसी सदन के अन्दर सन् १९५१ में एक आश्वासन दिया गया था माननीय गाडगिल साहब की ओर से और उसमें यह कहा गया कि १५ अगस्त, १९५० तक जो लोग बठ गये थे उनको हम बदले में जगह देंगे और उन्होंने उन जगहों के ऊपर जो भी स्ट्रक्चर्स ढाँचे बगरह बनाये हुए हैं, उनका हम जो वन पड़ेगा, मुआविजा देंगे। यह शब्द उन्होंने यहाँ पर इसी हाउस में कहे थे। उसके बाद आश्वासन दिया गया और उस आश्वासन को बराबर इस हाउस के अन्दर फिर दुहराया गया। स्वर्गीय पंडित ठाकुर दास भार्गव ने इस बारे में प्रश्न किया था और उस प्रश्न के उत्तर में भी रेड्डी साहब जो कि उस वक्त सम्बन्धित मिनिस्टर होते थे, उन्होंने यह कहा था कि नहीं जो आश्वासन प ले दिया हुआ है वह अभी भी मौजूद है। अभी मैं माननीय मिनिस्टर साहब का जब भाषण सुन रहा था तो उन्होंने भी इस बात को दुहराया है कि हाँ, हम उनको जगह देंगे। यह मैं जानता हूँ कि आप जगह देंगे। यह सही है, किन्तु मुझ यह कहना है कि जिनको आप जगह दे रहे हैं क्या वह वास्तव में रहने लायक जगह है? अब आपने कहा कि हम इनको वहाँसे हटा कर कैम्पिंग साइट पर ले जायेंगे। कैम्पिंग साइट पर ले जाने के बाद देखेंगे कि कौन कैसा है और उसके अनुसार उनको तब बसायग। मैं आपकी जानकारी के लिये बतला भी दूँ कि आजकल जो लोगों को उठाया जाता है वह इस तरह से उनको उठाया जाता है कि उसमें मानवता नाम की तो कोई चीज होती ही नहीं है। एक बस्ती के उसमें तरफ घंरा डाल दिया जाता है। कुछ मिलटरी होती है, कुछ पुलिस होती है और जितनी भी यहाँ की अथारिटीज हैं। उन सब के घादमी उसमें होते हैं। कार-

[श्री नवल प्रभाकर]

पोरेशन का भी एक आदमी होता है । डी० डी० ए० का भी एक आदमी होता है, नंड और डेवलपमेंट अथॉरिटी का भी एक आदमी होता है । व सारे आदमी यों अंधरे में जाकर एकदम से चारों तरफ घेरा डाल कर छापा मारते हैं । छापा मार कर कहते हैं कि निकलो यहाँ से और उनको ट्रकों में डाल कर दूर ले जाकर फेंक देते हैं । उनको फेंकने के लिये जो स्थान चुना गया है वह मेरा निर्वाचन क्षेत्र है । मैं वहाँ गया हूँ और मैंने उनकी हालत वहाँ पर देखी है । मंत्री महोदय ने दिल्ली की एडवाइजरी कमेटी की बात कही । दिल्ली की एडवाइजरी कमेटी की जब बात कही तो मैं उनको याद कराना चाहता हूँ कि हमने यह भी तब किया था कि जो कैम्पिंग साइट बनेगी और वहाँ पर जो झुग्गी झोपड़ी के लोग ले जाकर बठाये जायेंगे उनके वास्ते वहाँ एक प्लेटफार्म बनाया जायगा । प्लेटफार्म के ऊपर पानी का नलका होगा । वहाँ पर बिजली होगी । वहाँ पर गन्दगी न फैल सके इसके लिए सीवर सिस्टम की व्यवस्था वहाँ पर होगी । इस तरह की बात तय की गई थी लेकिन अब जो कैम्पिंग साइट मैंने देखी है अगर वह वास्तव में कैम्पिंग साइट है तो वह बदतर अवस्था है ।

श्रीमन्, आपके ही इलाके से लोगों को उठाया गया, पूसा रोड से । पूसा रोड से उठा कर वहाँ इंद्रपुरी के पास ले जा कर डाल दिया गया । एक हैंड पम्प वहाँ पर लगा दिया गया है जिसमें आधा पानी और आधी मिट्टी आती है । वह गन्दला पानी वह पीते हैं । खुले में पड़े हैं । आज भी पड़े हुए हैं । ऊपर से बारिस आती है और धूप आती है और नल और बिजली वगैरह का जो वायदा किया गया था उसकी व्यवस्था वहाँ पर नहीं है ।

इसके अलावा यह जो २५ गज जमीन की बात है तो वह भी सबको २५ गज जमीन

नहीं मिलती है । भले ही हम लोग यहाँ कोई बात तय कर लें, सही ढंग से कोई बात कह दें और तय कर दें लेकिन मैंने यह देखा है कि प्रशासन में जो लोग बैठे हुए हैं वे उसको सही तौर से अमल में नहीं लाते हैं । प्रशासन के अन्दर इतना भ्रष्टाचार है कि वह उसको चलने नहीं देना चाहते और लोगों को इतना परेशान और दुखी करते हैं कि वे बेचारे दुख के मारे बिलबिला जाते हैं । इसलिए मैं बतलाना चाहता हूँ कि वहाँ पर २५ गज का केवल नाम लिया गया है लेकिन उनको वास्तव में १५ गज जमीन भी नहीं दी गई है । सिर्फ लाइनें लगा दी गई हैं और यह कह दिया गया है कि यह तुम्हारा है और उसके आगे फिर लाइनें लगा दी गई हैं और दूसरे से कह दिया गया है कि यह तुम्हारे लिए है । इस तरीके से ऐलान कर दिया गया गया । कोई डिमांड-केशन वगैरह नहीं किया गया है । इस तरह से वहाँ पर यह किया गया है । मैं स्वयं जाकर देख आया हूँ राजोरी गार्डन के सामने आपने ५०-५० गज के प्लाट दिये थे । उसके पीछे कुछ गड्डे वाली जमीन थी और उसमें कुछ भट्टों की जमीन थी । पहले वहाँ ईंटें पका करती थीं । बरसात के दिनों में जब मैं वहाँ गया तो मैंने देखा कि वहाँ पानी भरा हुआ है । झुग्गी झोपड़ी वाले जहाँ बैठे थे वहाँ सब पानी भरा हुआ था । उन्होंने कहा कि हम लोगों के लिए छांट कर यह जगह तलाश की गई है । जब मैं उन दुखी लोगों को देखता हूँ और अपने निर्णयों को देखते हैं, जो हम ईमानदारी से निर्णय यहाँ लेते हैं, तो दिल को एक ठेस लगती है । उनको देखता हूँ, किसा कनेटो में बैठ कर हम यह निर्णय लेते हैं लेकिन जिस तरह से उन निर्णयों को कार्यान्वित किया जाता है उससे मुझे बड़ा दुःख होता है । इस और सरकार व मंत्री महोदय को विशेष रूप से ध्यान देना चाहिये । जब कोई बात हम कहते हैं कोई भी बात हम तय कर लेते

हैं, एक निर्णय कर लेते हैं तब उसके अनुसार हमें चलना भी चाहिये और यह देखना चाहिये कि उसको सही तौर से क्रियान्वित किया जाता है या नहीं ।

मैं सन् ४७ की बात आपको कह रहा था । मेरे ही निर्वाचन क्षेत्र के अन्दर, फेज़ रोड के ऊपर विस्थापितों द्वारा बनाये गये मकानों और सरकार द्वारा उनको वहाँ से उखाड़ने के प्रश्न को लेकर बहुत सवाल किये गये । अब फेज़ रोड पर सड़क के किनारे लोगों ने मकान बनाये । वह सारे विस्थापित भाई थे । उन्होंने यह मकान बनाये । अच्छे मकान बनाये । आज भी मैं इस सदन के माननीय सदस्यों से कहा चाहता हूँ कि वहाँ जाकर आप स्वयं देख सकते हैं कि उन लोगों ने सड़क के किनारे किनारे कितने अच्छे और सुन्दर मकान बनाये हुए हैं । वे वहाँ रहते हैं और पिछले १५-१६ साल से रह रहे हैं । किसी ने १०,००० तो किसी ने १२,००० रुपये उन मकानों के ऊपर लगाया है । उनको अब नोटिस आ रहे हैं । उनको नोटिस आ गये हैं । उनको भी यह कहा जा रहा है कि आप २५ गज जमीन में आकर बैठिये । अब एक परिवार जिसमें १०, १२ या १५ व्यक्ति रहते हैं और जो आज एक अच्छे ढंग से बसे हुए रहते हैं उनको यह कहा जाये कि तुम २५ गज में जाकर बैठो बाद में तुम्हारे लिये सोचग कि तुमको ८० गज दिया जा सकता है या नहीं । यह कहाँ तक न्यायसंगत होगा ? अब ऐसे लोग जो कि कायदे में बैठे हुए हैं और जिनसे कि सरकार को इस पिछले १५, १६ साल में कोई परेशानी नहीं हुई है, उनको इस तरह से उखाड़ना कहाँ तक न्यायसंगत होगा । मैं चाहता हूँ कि उन लोगों को वहीं पर बैठे रहने दिया जाय । इस तरह से न तो आपकी परेशानी बढ़ेगी और न ही उन लोगों की परेशानी बढ़ेगी ।

मैं यह भी कहना चाहता हूँ कि उनको रीपारेशन उठा रही है, एन० डी० एम० सी०

उठा रही है । उनके पास कारपोरेशन का नोटिस भी आया है और डी० डी० ए० की तरफ से भी उनको नोटिस आता है . . . .

**श्री मेहरचन्द खन्ना :** मेरा दोनों से ताल्लुक नहीं है ।

**श्री नवल प्रभाकर :** लेकिन वह सब इसी ऐक्ट के मातहत उठाये जा रह हैं । अब यह मालूम नहीं है कि उसमें आपका ताल्लुक है या नहीं ? कहा यहाँ जाता है कि वह जो पबलिक प्रीमिसेज ऐक्ट है उसके मातहत ही उन लोगों को नोटिस दिया जाता है और उठाया जाता है ।

वहाँ पर चार एयारिटीज के चार आदमी आते हैं । य- कां तय हुआ है, यह मुझे मालम नहीं है । कोई भी किसी तरह का एतराज करे, तो उन में से कोई उसका जवाब दे देता है और उसको निकल जाने का हुक्म दे देता है । अगर किसी ने क । कि ५ तो डी० डी० ए० की जमीन पर बैठ हैं, तो डी० डी० ए० का आदमी कहता है, "मैं डी० डी० ए० का आफिसर हूँ, मैं क. ता हूँ कि निकल जाओ ।" अगर किसी ने कहा कि मैं कारपोरेशन की जमीन पर बैठा हूँ, तो कारपोरेशन का आफिसर आगे आ जाता है और क. ता है, "मैं क. ता हूँ कि निकल जाओ ।" इस तरह से चार या पांच एयारिटीज का एक एक आफिसर वहाँ जाता है । पुलिस और मिलीटरी का घेरा उस इलाके पर डाल दिया जाता है और उन लोगों को ट्रक में बिठा कर बां से जाने के लिए मजबूर किया जाता है । जैसा कि मैंने आपके सामने

[श्री नवल प्रभाकर]

वर्णन किया है, तिकोनी पहाड़ी में इसी तरह से किया गया और वहाँ के लोगों को ट्रकों में डाल कर राजौरी गार्डन में डाल दिया गया।

मैं निवेदन करना चाहता हूँ कि सरकार जिस इलाके को खाली कराना चाहे, जरूर कराए। मैं उसका विरोध नहीं करना चाहता हूँ। लेकिन मैं यह कहना चाहता हूँ कि इस सम्बन्ध में इस सदन में जो आश्वासन दिये गए हैं, उनको पूरा किया जाये। माननीय श्री गडगिल साहब ने वे आश्वासन दिये थे। मेरे पास वे सब प्रोसीडिंग्स बगैर मौजूद हैं। यदि आप कहें, तो मैं पढ़ कर सुनाता हूँ। उसके बाद भी जब जब इस हाउस में सवाल हुए, तो यह माना गया कि हम उस एगोरस को मानते हैं।

मैं कना चाहता हूँ कि एक आदमी उस जमाने में ५०० वर्ग गज भूमि पर मकान बना कर बैठा हुआ है और उसका परिवार अच्छी तरह से बैठा हुआ है। उसको उजाड़ कर, वहाँ से उठा कर, २५ गज जमीन पर बिठाना मैं न्यायोचित नहीं समझता। अगर सरकार को उस जगह की जरूरत है, तो वह उस को ले ले, लेकिन, जैसा कि मैंने अभी कहा है, सरकार अपने आश्वासनों को अवश्य पूरा करे। एक आश्वासन य दिया गया था कि हम उन लोगों को नजदीक से नजदीक बसायेंगे। दूसरा आश्वासन य दिया गया था कि म उनको बदले में जमीन देंगे। तीसरा आश्वासन यह दिया गया था कि उनका जो स्ट्रक्चर है, उस पर उनकी जो लागत आई है, हम उसको देखेंगे और उसके अनुसार जो बन पड़ेगा, वह देंगे। मेरा निवेदन है कि उन आश्वासनों को कार्यान्वित किया जाये।

प्रश्न यह है कि जो लोग नाजायज तरीके पर बैठते हैं, वे कैसे बैठते हैं। कुछ लोग तो १९५१ में बैठ गए। उसके बाद फिर कुछ लोगों ने बैठना शुरू कर दिया। जब यहाँ पर

दिल्ली कार्पोरेशन बनने लगी, तो एक आम हवा यह उड़ा दी गई कि जो कार्पोरेशन बनने से पहले पहले बैठ जायगा, वह एथाराइज्ड हो जायगा। इसका परिणाम यह हुआ कि लोगों ने अंधा धुंध मकान बनाना शुरू कर दिया। उस मकान बनाने में लोगों में इतना सा स नहीं था, बल्कि उसमें एथारिटीज के कर्मचारियों का हाथ था। आज भी अवस्था यह है कि वे दिखावे के लिए नोटिस दे देते हैं, फाइल बना लेते हैं और उन को जमा कर लेते हैं और फिर उन लोगों को परेशान करते हैं। रिश्वात का बाजार बड़ा गर्म रता है। पिछले दिनों जब अस्सी गज के प्लॉट दिये गए, तो मैं अच्छी तरह से जानता हूँ कि बहुत से लोगों से पैसा लिया गया और जो लोग नहीं भी रते थे, उनको पचियाँ दी गईं, उनको ऐलाटमेंट दे दी गई। मुझे मालूम हुआ है कि अब भी जब जमना बाजार में पानी आ गया, तो सरकार ने कहा कि एक सरवे कर लिया जाये। उसमें पहाड़गंज के लोग भी बैठ गए और पचियाँ ले गए, लेकिन उन को पैसा देना पड़ा। जो जितना पे करता गया, पचियाँ लेता गया। इस तरह से आज वे लोग भी जमना बाजार के रने वाले बन गए।

इसलिए मैं कहना चाहता हूँ कि इन महकमों और विभागों की तरफ से जो कार्यवाही हो रही है, मन्त्री महोदय को प ले उसको देखना होगा। मैं मानता हूँ कि कार्पोरेशन एक आटानोमस बाडी है और उनका उस पर कोई दखल नहीं है। वह तो सिर्फ यों पर जवाबदार हैं। लेकिन मैं कना चाहता हूँ कि सरकार को उन सब को देखना चाहिए और इस प्रकार की कार्यवाहियों को रोकना चाहिए। मैं आज भी कना चाहता हूँ कि लोगों में इतना सास नहीं है कि वे नाजायज तरीके से बैठे, लेकिन जब उन को कोई रास्ता नजर नहीं आता है, तो जब वे कोई ऐसा रास्ता देख लेते हैं कि हम बैठेंगे और हमको प्रोटेक्शन मिल जायगा, तो वे उस रास्ते को अख्तियार कर लेते हैं।

मैं बताना चाँता हूँ कि आज भी पुरानी फ़ाइल बनाई जा रही है यह दिखाने के लिए कि अमुक व्यक्ति १९५० से बैठा हुआ है, अमुक जून, १९६० से पहले का बैठा हुआ है। य केवल इस लिए किया जा रहा है कि झुग्गी झोंपड़ी वालों को बसाने का जो प्लान है, व और बढ़े और उससे फायदा उठाया जाये। जब भी सरवे हुआ है, संख्या बढ़ती चली गई है। मेरा निवेदन है कि जितने भी एथारिटीज हैं, चाहे डी० डी० ए० हो, चाहे दिल्ली म्युनिसिपल कार्पोरेशन हो और चाहे लैण्ड एण्ड डेवेलपमेंट हो, उनके अधिकारियों और कर्मचारियों को मन्त्री महोदय कहें कि अगर कोई आदमी कहीं बैठता है, तो उसको उसी समय बैठने से रोका जाये। यदि ऐसा किया जाता, तो आज इतनी बड़ी संख्या में ये लोग न होते। मेरा निवेदन है कि माननीय मन्त्री ने जो आश्वासन इस हाउस में दिये हैं, १९५० के लोगों के बारे में खास तौर पर, जिनके बारे में बिल्कुल स्पष्ट रूप से यह कहा गया था कि उनके रहने के स्थान से नजदीक जग उनको दी जायगी, उन आश्वासनों को पूरा किया जाये। उसके बाद अगर उन को उठाना जरूरी हुआ, तो उनको उठाया जाये।

एक बात और कह कर मैं बैठ जाना चाँता हूँ। मास्टर प्लान की बात कही जाती है। मास्टर प्लान में कई जगहों पर रिपयसी जगह, रेजिडेंशियल एरिया, दिखाया गया है और लोग वहाँ बैठे हुए हैं। अब उन को यह कहा जाता है कि आप यहाँ से उठ जाइये, हम आप को दूसरी जगह बिठायेंगे। मेरा निवेदन है कि अगर सरकार ने दूसरे लोगों को वहाँ ला कर बिठाना है, तो उन को ही क्यों न वहाँ बैठे रहने दिया जाये। अगर सरकार यह आवश्यक समझती है कि वहाँ पर अधिक आदमी बैठे हुए हैं और वह उन को कायदे से बिठाना चाहती है, तो वह देख ले कि कितने आदमी वहाँ रह सकते हैं। उन को वहाँ रहने दिया जाये और बाकी को वह बदले में आल्टरनेटिव एकापामेडेशन और प्लाट दे दिया जाये।

जहाँ तक २५ गज जमीन का प्रश्न है, वह बिल्कुल नाकाफ़ी है। वह साढ़ बाइस फ़ीट लम्बी और दस फ़ीट चौड़ी जमीन का प्लाट है। मैं ने यह देखा है कि एक झोंपड़ी बनती है और उस झोंपड़ी के आगे रसोई बनाने के लिए भी जगह नहीं रहती है और अगर रसोई बना ली जाये, तो आग कोई जगह नहीं रहती है। इस का अर्थ तो यही है कि एक जगह से हम स्लम क्लीयर करें, गन्दी बस्ती को उठायें और दूसरी जगह यह पच्चीस पच्चीस गज जमीन दे कर उस से भी बुरी हालत में स्लम बना दें। क्या उन को बसाने के लिए और जगह तलाश की जायगी ?

**श्री मेहरचन्द खन्ना :** अस्सी गज का प्लाट होगा।

**श्री नवल प्रभाकर :** अगर यही बात है, तो फिर उन को दो दफ़ा बसाने की क्या आवश्यकता है ? एक दफ़ा कैम्पिंग साइट में बसायेंगे और फिर अस्सी गज के प्लाट पर बसायेंगे ?

**श्री मेहरचन्द खन्ना :** कैम्पिंग साइट पर ले जाना है। वहाँ पर बसाने का क्या सवाल है ?

**श्री नवल प्रभाकर :** मुझे मालूम है कि राजौरी गार्डन में जिन को ले जा कर आप ने कैम्पिंग साइट पर रखा है, तो महीने गुजर चुके हैं, अभी तक भी उनको अस्सी गज का प्लाट नहीं दिया गया है।

**श्री मेहरचन्द खन्ना :** तीन बरस और लगेंगे।

**श्री नवल प्रभाकर :** आपका मतलब यह है कि तीन साल और २५ गज जमीन पर बैठेंगे और तब जा कर उनको अस्सी गज का प्लाट मिलेगा और वहाँ व बैठेंगे ? अगर यह सही है, तो यह बहुत ही विचित्र बात है . . . .

श्री मेहरचन्द खन्ना : अब उनके पास कितनी जमीन है ?

श्री नवल प्रभाकर : उनके पास ५० गज, ६० गज और १०० गज तक जमीन है । जब मैं यहाँ बात कहता हूँ तो केवल झुग्गी झोपड़ी वालों की नहीं कहता हूँ, इस एक्ट के अन्तर्गत जो भी आते हैं, उनकी बात कहता हूँ । मैं आप को ले जा कर दिखा सकता हूँ कि उनके पास इतनी इतनी जमीन है । मैं चाहता हूँ कि आप हमें यह भी बतायें कि जिन के पास २५ गज जमीन है और जिन के परिवार में सात, आठ या दस सदस्य हैं, वह शो उस में कैसे रह सकते हैं ? हम आदर्श की बात करते हैं । लेकिन साथ ही साथ हम कहते हैं कि तीन बरस तक और उनको २५ गज जमीन में रहना पड़ेगा । आठ-आठ या दस-दस आदमी २५ गज में कैसे रहेंगे, कैसे बैठेंगे, इसको आप देखें । मल्टी-स्टोरी मकान बनाने के लिए उनके पास धन नहीं है । तब वह झुग्गी झोपड़ी बना कर ही रहेंगे और इस का नतीजा यह होगा कि गन्दगी उसी तरह से फैलेगी और बढ़ेगी । एक तरफ कहा जाता है कि हम स्लम्ज को हटा रहे हैं लेकिन दूसरी तरफ नए स्लम्ज इस तरह से हम क्रियेट कर रहे हैं । यह जरूर है कि हम उन को शहरी इलाकों में से जहाँ से बड़े बड़े आदमी गुजरते हैं हटा देंगे और जो उन को देखते हैं, उनकी नजरों से दूर वे हो जायेंगे और उनकी नजरों से गन्दगी को हम हटा देंगे और दूर ले जा कर पर्व के पीछे उन को हम डाल दगे । मेरा निवेदन है कि आप इस सारे मामले पर गम्भीरता से विचार करें । जो बात मैंने कही है, सच्चे दिल से कही है, दुखी दिल से कही है । सरकार को इस को देखना चाहिये, इस पर विचार करना चाहिये और विचार करके कोई हल खोजना चाहिये ।

श्री बाल्मीकी : (खुर्जा) : उपाध्यक्ष महोदय, जहाँ तक अनआयोराइज्ड आक्युमेंट्स

का सम्बन्ध है जिन के बारे में इस सदन में पले भी विचार चला है और आज यह विधेयक सदन के सामने आया है, इससे, चूंकि विशेषतः मेरा गरीब लोगों से सम्बन्ध है इसलिए विशेष सन्तुष्टि और हमदर्दी नहीं है । यह मैं इसलिए कहता हूँ कि दूध का जला छाछ को भी फूंक फूंक पर पीता है । बार बार विश्वास दिलाने के बावजूद भी और इस प्रकार के आश्वासन देने के बावजूद भी कि उनको बसाया जायेगा, इस बीच में, जब से य प्रश्न चला है, उनको अधिकतर उजाड़ने के ही कदम उठाये गये हैं । सन् १९५० में मैं इस सदन का मैम्बर बन कर आया था । उससे पले भी यहाँ दिल्ली में मैं स्वयं जो बाल्मीकी मंदिर है, उस में र ता था । वहाँ एक दिन मैंने एक आवाज सुनी थी । मैंने सुना था कि दूर कुछ इस तरह की जग है, जहाँ पर गरीब लोग जो व्यर्थ इधर उधर रहते हैं या जो रिफ्यूजी भाई हैं या हरिजन भाई हैं, वे चलें और बसें । मुझ याद है किस तरह से चाणक्यपुरी में तथा दिल्ली के ऐसे और भी अनेक स्थानों में बहुत बड़ी तादाद में लोग गये और बड़ी मे नत और परिश्रम से किसी तरह से उन्होंने वहाँ पर अपनी झोपड़ियाँ बनाई । यह सब काम सरकार की जानकारी में चला । यह काम यों ही नहीं चलता रहा बल्कि जो एक विश्वास उनको दिलाया गया था, उसके होते चलता रहा । इस काम में जो अधिकारी थे या जो कर्मचारी थे, उनका भी सहयोग प्राप्त था, उन्होंने भी उनका इस काम में कुछ भीतरी मतव्य से साथ दिया । इस तरह से वे लोग इन जगहों में जा कर बसे । जो यह कहा जाता है कि ये लोग अचानक वहाँ जा कर बठ गये, अथवा अचानक चले गये, ऐसी बात नहीं है ।

आप जानते हैं कि १९५७ में जब हमारे देश का बटवारा हुआ था तब लाखों की संख्या में लोग इधर से उधर गये थे, लाखों

की संख्या में लोग वेस्ट पाकिस्तान में गये थे और उधर से लाखों की संख्या में हमारे हिन्दू भाई इधर आये थे। लाखों की तादाद में रिफ्यूजी भाई दिल्ली नगर में तथा भारत के दूसरे बड़े बड़े नगरों में छा गये थे। उस वक्त उनको बसाने का या उनको कहीं बिठाने का एक बड़ा भारी प्रश्न उठा था। उस प्रश्न को भी, इस विधयक पर विचार करते समय, हमें अपने मस्तिष्क में रखना पड़ेगा। वह ऐसा समय था जबकि आप कोई बहुत ज्यादा प्रबन्ध उन के लिए नहीं कर सकते थे। जहाँ भी वे बैठ सकते थे और जिस तरह से भी वे बैठ सकते थे, वे बैठ गये और बस गये। स्वर्गीय पंडित ठाकुर दास जी भागवत ने भी यहाँ इस सदन में कहा था कि वे इन स्थानों पर ऐसे ही बैठ नहीं गये बल्कि जो एक विश्वास, जो एक भरोसा, जो एक आश्वासन डिस्ट्रिक्ट आयोर्निटीज ने दिया था, कलक्टर ने दिया था या दूसरे अधिकारियों ने दिया था, उस आधार पर वे बैठे, उस आधार पर वे बसे। १९४७ या १९४८ के बाद से जब भी लोग इस तरह से बसते चले गये, वे किसी आश्वासन के आधार पर ही बसते चले गए। उन में से पैसे वाले लोग थे, जो कुछ धनी वर्ग के लोग थे या जो बड़े खानदान के लोग थे, उन्होंने ने तो अधिक जगह घेरी और मकान बना लिए और जो गरीब थे, उन्होंने ने कम जगह घेर कर अपने मकान बना लिये। इस तरह से जो मकान बनाये गये, उन की संख्या कम नहीं थी। दस बीस हजार नहीं पचास हजार या इस से भी ज्यादा मकान उन्होंने ने बना लिये। अब जब उन का प्रश्न १९५० या १९५१ में उठा, उस वक्त भी मैं खुद इस विचार का था और मैं ने भी उस वक्त इस के बारे में अपना पार्ट अदा किया था, कि उन को जो एश्योरेंस दिये गये हैं, उन को पूरा किया जाय। श्री गाडगील साहब ने इस सदन में २६ सितम्बर १९५१ को जो एश्योरेंस दिया था यदि उस को इन टोटो पूरा किया गया होता

और उस को कार्यान्वित किया गया होता, उसे पर अमल किया गया होता इन लैटर एंड इन स्पिरिट तो मैं समझता हूँ कि इस बिल को आज लाने की आप को जरूरत म मूस नहीं हो सकती थी। उस एश्योरेंस को मेशा ही अधूरे मन से कार्यान्वित किया गया, कभी भी पूरे दिल से उस को कार्यान्वित नहीं किया गया। आज भी वह एश्योरेंस ज्यों का त्यों पड़ा हुआ है। उस के बाद और भी एश्योरेंस दिये गये थे। एक हाई लेवल कमेटी भी बनी थी और उस का फौसला भी आप के सामने आया था। चंदा साहब उस के चेयरमैन थे। उन का जो विचार था वह भी आप के सामने आया था। इस तरह से इन एश्योरेंसिस और इन आश्वासनों का बोझ आप पर बढ़ता चला गया। लेकिन आप पर उन आश्वासनों का कोई असर नहीं पड़ा, आप ने उन को कभी पूरा करने की कोशिश नहीं की। कितने ही अनधिकृत मकान खास तौर से दिल्ली और अन्य नगरों में इस तरह के हो सकते हैं। लेकिन मैं आप को दिल्ली के ही कुछ मकानों के बारे में बतलाना चाहता हूँ—मेन फ्रैंड रोड पर १९५० से पहले कोई ४० घर थे। अशोक नगर में ४५ थे। पूसा लेन में ७ थे। अहाता किदारा में १२० थे। सुभाष नगर में १०८ थे। नानक पुरा में २५ थे। आराम बाग में ६ थे। पूर्वी मार्ग में ५ थे। और भी मकान इस तरह के हो सकते हैं। यह बात जरूर है कि जो मकान मास्टर प्लान के दायरे में आते हैं, वे विशेष रूप से प्रभावित नहीं होने चाहिए। लेकिन इन मकानों को विभिन्न आश्वासनों के बावजूद भी आज तक रेगुलराइज नहीं किया गया है। एक हाई लेवल कमेटी बनी थी और उस ने भी आप का ध्यान इस और आकर्षित किया था, लेकिन उस की सिफारिशों पर भी आप ने कोई ध्यान नहीं दिया। आप को इन सिफारिशों पर ध्यान ही नहीं देना चाहिए था; बल्कि इन को पूरा भी करना चाहिये था। हाई पावर कमेटी ने अपने विचार इस तरह से आप के सामने रखे थे:

## [श्री बाल्मीकी]

"For instance, no house has been regularised (a) houses on Pusa Lane, (b) Ahata Kidara, (c) Star of India College, even the third one has been served with the eviction notice under this Act.

No *ex-gratia* payment has been made to any such person evicted from his place of occupation.

Ever construction built by the displaced person before August, 1950 either *pucca* or *kucha* is being considered under *Jhuggi* and *Jhonpri* Scheme. There are constructions, which cost more than Rupees Ten Thousand.

Displaced persons who have spent thousand of rupees on these constructions before August, 1950, are being removed to the transit camp of 25 yards after evicting them from their constructions which are provided with all the amenities such as electric and water connections and which were constructed after partition by spending thousands of rupees from their hard earned money. No difference is made in a construction built up before August, 1950 and *pucca* one and person who occupied the land in 1960 or even occupies it now in 1963."

इस पर भी आप को ध्यान देना चाहिये ।

श्री मेहरचन्द खन्ना : आप ने क्या पढ़ा, मैं समझा नहीं ।

श्री बाल्मीकी : कमेटी ने जो कुछ लिखा था मैं ने आप को पढ़ कर सुना दिया है ।

मेरा पक्का विश्वास है कि इस तरह के जो आश्वासन दिये गये हैं समय समय पर, चाहे ढाई पावर कमेटी ने दिये हों या गाडगील सा ब ने दिये हों, उन को अगर आप ने पूरा किया होता तो यह अवस्था पैदा नहीं होती । और अनआथोराइज्ड आक्युपेंट्स जो हैं या

जो सक्वेटजं हैं, उन की समस्या हल हो गई होती । मैं समझता हूँ कि इस आधार पर पूरा पूरा ध्यान दिया जाता, उन को अल्टर्नेटिव जगह दी जाती, उन्हीं जगहों पर, जहां झुग्गी झोंपड़ी वाले बैठ हुए हैं, जहां पर गन्दी बस्तियां हैं, तो इतनी कठिनाई उन को न होती । जितने वहां बस सकते थे उतनों को वहां बसाया जाता, बाकी को टा कर दूसरी अल्टर्नेटिव जगह दी जाती तो ठीक होता, लेकिन यह काम बहुत मन्द गति से, बहुत धीमी गति से चला है । अगर इस आधार को ले कर सरकार चलती तो आज इस बिल की आवश्यकता न होती । अब तक इस काम में बहुत देरी हुई है, लेकिन अब जल्दी की जाय । जल्दी के लिए यह किया गया है कि जो हटने की अवधि ४५ दिन की थी अब वह ३० दिन की कर दी गई है, अपील की अवधि जो ३० दिन की थी वह अब १५ दिन की कर दी गई है और जो तीन साल से बैठ हुए हैं उन को तीन महीनों का मौका दिया जाता है कि वे अपने लिये मकान तलाश कर लें । मैं समझता हूँ कि रहने की समस्या आज इतनी भयंकर है कि तीन महीने क्या छः महीने तक घूम घूम कर, बरबाद हो कर, भी वे उस का प्रबन्ध नहीं कर सकते । मैं नहीं समझता कि इस आधार पर आप कुछ कर सकेंगे । वह आप के करने की बात है ।

सब से बड़ी खूबी जो आज आप के दिमाग के अन्दर आती है वह यह कि आप शासन के आधार पर सोचते हैं कि किस प्रकार से बड़े नगरों के अन्दर विकास करना चाािं ये, उन में सौंदर्य लाना चाािं ये । यही बात दिमाग में रती है । इस का फल कुछ भी हुआ हो, लेकिन मैं स्वयम् सारे देश में घूमा हूँ, बड़े बड़े नगरों में गया हूँ, इस विचार के फैलते हुए कुप्रभाव को देखा है । यह देखा है कि इम्प्रूवमेंट ट्रस्ट या डवलपमेंट अथॉरिटीज जो हैं वे एक तरह से व्यापारी संस्थायें बन गई हैं । उन की एक ही काम है, गरीबों को हटा कर फैंक देना है ।

## Amendment Bill

मैं ने स्वयं बड़े नगरों में देखा है कि किस बेरहमी से नगरों के हृदयों से, अन्दरूनी हिस्सों से उन को हटाया जाता है और उन को उस तरह की दूसरी जगह भी नहीं दी जाती। आज यहां पर कुछ थोड़े थोड़े कदम उठाये गये हैं, लेकिन जैसा अभी मेरे मित्र श्री नवल प्रभाकर जी ने कहा, उस से लोगों को कोई सन्तोष नहीं हुआ है। आज आप को समझना चाहिये कि जिन्होंने ने इस तरह से अनअधाराइज्ड तरीके से मकान बना लिये हैं उन को हटाया जायेगा, लेकिन इस बिल के उद्देश्य का प्रभाव गरीब लोगों पर पड़ेगा, उन को हटाने के लिए इस का उपयोग किया जायेगा मुझे ऐसा भय है।

मैं समझता हूँ कि इस बड़े नगर के अन्दर बाहर से बहुत से लोग आते हैं। जहां आप नगरों का ध्यान रखते हैं वहां दिल्ली की बढ़ती हुई आबादी हमारे लिये खतरा पैदा कर रही है। विशेष कर जिस क्षेत्र से मैं आता हूँ, अर्थात् बलन्दशहर और खुर्बा के क्षेत्र से, वहां के लोगों को बहुत बड़ा खतरा नजर आता है। आज भी जो गाजियाबाद के हमारे किसान भाई आये हुए हैं उन में हमारे जिले से भी लोग आये हुए हैं। नगरों के बढ़ते हुए प्रभाव के संबंध में, मैं समझता हूँ, आप ने ओलिवर गोल्डस्मिथ का डेजर्टेड विलेज अवश्य पढ़ा होगा कि क्यों विलेजेज विलेज होते हैं और शहर बड़े होते हैं। प्लैनिंग कमिशन ने भी उधर ध्यान दिया है कि नगरों के अतिरिक्त ग्रामों के अन्दर यह सुविधायें प्रदान की जायेंगी। जो लोग बाहर से आते हैं, विशेष कर ग्रामों से आने वाले लोगों को रोका जायेगा। गांवों में ही उन के लिये आकर्षण पैदा किया जायेगा। लेकिन मैं कहना चाहता हूँ कि उन के लिये कोई आकर्षण पैदा नहीं किया जाता। गांव के लोगों को, किसानों को, मजदूरों को, उन की उपजाऊ भूमियों को ले कर, बरबाद किया जाता है। आज इस की मिसाल आप के

सामने है। यह ठीक है कि आज प्रधान मंत्री जी ने उन्हें आशवासन दिया। लेकिन वह अलग बात है। मैं समझता हूँ कि जिन की जमीनें ली जाती हैं उन्हें वैसी ही जमीनें दी जानी चांिये, उन्हें बसाया जाना चाहिये, उन का पुनर्वास कराया जाना चांिये और उन को हर तरीके से कम्पेन्सेशन दिया जाना चांिये। गाजियाबाद के जो किसान भाई यहां पड़े हुए हैं उन के कम्पेन्सेशन को देखा जाय, जमीन के पैसे को देखा जाय तो जो २० नये पैसे से ले कर ५० नये पैसे तक उन्हें दिया जा रहा है वह भी निःशुल्क कम है। आज की मार्केट वैल्यू को देखते हुए या जब १९६२ में नोटिस दिये थे उस के बाद के आधार की भी सोचें, तो भी यह रकम ३६० या उस से ज्यादा होनी चांिये थी। यह आधार पैदा किया जाना चाहिये लेकिन वह आधार पैदा न कर के, जिस तरह से गांवों के अन्दर आकर्षण पैदा करना चाहिये उस तरह से न कर के, वहां नौकरियों की सुविधायें न पैदा कर के, वहां दूसरे रूपों को पैदा न कर के आप शहरों को सुन्दर बनाते जाते हैं। गांवों के आदमी भी दिल रखते हैं, दिमाग रखते हैं, आकर्षण की तरफ उन का भी दिल भागता है। वे सोचते हैं कि शहरों में आकर्षण ही नहीं है, रोटी रोजगार भी है, धन्धा भी है, इसलिये वे गांवों की ओर विशेष ध्यान न दे कर शहरों की तरफ भागते हैं। आज इस प्रकार का प्रभाव पड़ रहा है। यदि आप कोशिश करते, गांवों के अन्दर सुविधायें पैदा करते, नौकरियां पैदा करते, तो यह सारी समस्या इतनी गम्भीर न होती। मैं समझता हूँ कि जिस तरह से दिल्ली बढ़ रही है, जिस आधार पर वहां खतरा पैदा कर रही है, जिस तरह से यमुना के परले पार जा रही है, दिल्ली के दफ्तर भी यहां से वहां जा रहे हैं उस को देखते हुए इस बिल का मकसद बिल्कुल अलग ही मालूम होता है।

आप के मस्तिष्क में विशेष कर यह बात होनी चाहिये कि जिन लोगों की जमीन ली जायें, चाहे वह किसान हों, चाहे मजदूर

## [श्री बाल्मीकी]

हो या गांवों के अन्दर रहने वाले वशेष लोग, हों, उन्हें किसी तरह का खतरा पैदा न हो, उन को पुनर्वास प्राप्त करने का पूरा अवसर दिया जाय। मैं चाहता हूँ कि यह भी सोचा जाय कि जहाँ आज हमारे बड़े बड़े नगरों के अन्दर आप ऊंची ऊंची अट्टालिकायें बना रहे हैं, गगनचुम्बी अट्टालिकायें बना रहे हैं, जहाँ हजारों और लाखों लोग जो फूट पाथों पर सोते हैं, जैसा कि मैंने दिल्ली के अन्दर देखा है, बम्बई के अन्दर देखा है, कलकत्ता के अन्दर देखा है, उन के पास रहने के लिये स्थान नहीं है, उन को सर ढकने के लिए जगह ही जानी चाहिये। सब से बड़ा आधार यह पैदा करना बहुत जरूरी है कि बड़े बड़े महलों और हवेलियों के पास में या बड़े लोगों के मोहल्लों में जो साधारण मकान बने हुए हैं, उन में रहने वालों का ध्यान रक्खा जाये। मैंने नागपुर में देखा है, दूसरी जगहों में देखा है, दिल्ली में भी देखा है कि उन को टटाने के लिये वड़ी खूबसूरती से प्रयत्न किया जा रहा है, ताकि वहाँ की सुन्दरता में धब्बा न आये। नई दिल्ली में ऐसी बस्तियाँ हैं, अशोक होटल है या दूसरे आफिसर्स के मकान हैं या हमारे दूतावास हैं, उन के बीच में गरीबों के मकान भी हैं। चाणक्यपुरी ऐसी जगहों में गरीबों के शानदार मकान भी बनें तब मैं माननीय मंत्री महोदय के ऐश्वर्य को समझूँ।

**एक माननीय सदस्य :** वापस लीजिये, वापस लीजिये।

**श्री बाल्मीकी :** गाडगिल साहब का ऐश्वर्य पूरा हो या न हो, आई लेवल कमेटी का ऐश्वर्य पूरा हो या न हो, आप के ऐश्वर्य का आधार ऐसा हो कि बड़े आदमियों के बीच में गरीब आदमी भी रह सकें। जिन्हे वापस वापस जा सकें बसा दिये जायें। इस का प्रभाव साधारण गरीब आदमियों पर पड़ेगा। हमारा विश्वास होना चाहिये कोई भी आदमी जो बड़े नगरों में फूट पाथ पर सोता है, जिस के पास मकान नहीं है, रहने

का साधन नहीं है, उस के लिये रहने का आधार पैदा किया जायेगा।

अब हमारे देश के अन्दर समाजवाद की लहर आ रही है तब मैं कहना चाता हूँ कि समाजवाद यों ही नहीं आ सकता, समाजवाद ऊपर से टपकता नहीं है, पुस्तकों के अन्दर पैदा नहीं होता है, समाजवाद आप के विचारों से खाली नहीं बनता, समाजवाद तब बनता है जब गरीब को रोटी मिले, रहने के लिये सुविधायें मिलें और वे आप के द्वारा मिलें, गरीब आदमी इस तरह से बस, तब पूरा समाजवाद आयेगा।

अन्त में मैं यही कहना चाता हूँ कि आप को विशेष कर इस बात का ध्यान रखना चाहिये कि इस बिल का कुप्रभाव हमारे गरीब लोगों पर, मामूली लोगों पर न पड़े। जो इस प्रकार के हमारे भाई हैं, विशेष कर रिफ्यूजी भाई, जिन्होंने अनेक कष्ट झेले हैं, जिन्होंने बड़े मकान भी बना लिये हैं, लेकिन सन् १९५० से पहले बना लिये हैं उन्हें बिल्कुल नहीं छेड़ा जायेगा। इस बीच में भी जिन्होंने इस प्रकार अनधिकृत मकान बना लिए हैं उन के इन मकान या झोंपड़ों का सर्वेक्षण हो जाना चाहिये कि कितने ऐसे झुग्गी-झोंपड़ियों में रह रहे हैं। इस आधार पर इस बिल को पास करना चाहिये ताकि उन गरीब लोगों पर कोई प्रभाव न पड़े।

मुझे पूर्ण आशा है कि लोगों के साथ अन्याय नहीं होगा और जो भी हमारे रिफ्यूजी भाई सन् १९५० से पहले बैठे हुए हैं उन्हें किसी तरह से भी छेड़ा नहीं जायेगा। इस के बाद जो दूसरे नये आदमी अनुचित रूप से बैठे हैं झुग्गी-झोंपड़ियों के बीच में अगर वे अनुचित लाभ उठाते हैं या दूसरे गलत काम करते हुए भी जाते हैं और इन्हें के बाद फिर इधर अनुचित व्यापार शुरू कर देते हैं, उन को टटाने में मैं आप को पूरी सहायता करूँगा।

**Shri U. M. Trivedi:** This Bill deals with eviction of unauthorised occupants. The first thing that strikes me as very unnatural is this. Why should there be unauthorised occupation? Why are immediate steps not taken to see that unauthorised occupation may not take place? Why create this heart-burning by allowing with open eyes unauthorised occupation of Government premises? Actually, what happens is this, that the authorities keep quite when an unauthorised occupation takes place. Afterwards, when that unauthorised occupation is ripening into a sort of a right and the man starts considering that he has got a right, the authorities wake up and the unauthorised occupation is sought to be destroyed. That creates a good deal of difficulty for Government and for the person who is in such occupation.

16.49 hrs.

[MR. SPEAKER *in the Chair*]

Therefore, I would say that there should be preventive measures, for preventing this sort of unauthorised occupation. The policy of Government appears to me to be penny wise and pound foolish. They allow unauthorised occupation and then set up a costly machinery for removing the man from that occupation. Naturally, we do not look to the miseries of the people whom we drive into corners and then try to deprive them of a roof over their heads. We have fine places about us. At the same time, I find that the local inhabitants of this Territory, the old Delhi Province, not the refugees, are the worst sufferers to-day. Who are the persons who are living in the *jhuggis* and *jhompri*? Are they refugees? I was wondering about it. Shri Balmiki was saying one thing about the refugees. But are these people refugees? Or are they his own persons? The people who were here, have been made to shift from one place to another and are made to jump and no accommodation is provided for them.

How to provide accommodation for them? Certainly we would not like

to see them housed near the palatial building of the Central Board of Revenue. Certainly we do not like to see the *jhuggis* and *jhompri*s continuing to exist as an eye-sore to all those tourists who visit our country and run from Mathura to Delhi. We do not want to see near Delhi those dirty holes. We do not want that. But what is the remedy? The remedy lies in creating some habitable place for them. We have spent crores and crores of rupees for what? For setting up big national industries in our country which do not yield a farthing to us. On an investment of Rs. 1700 crores, the yield comes to Rs. 1.93 crores and that too only when we do not charge a farthing as interest on the capital invested. Out of these Rs. 1700 crores, why were not Rs. 4 crores set apart for providing residential places for all these persons? We could charge them rent and it would be easily paid. But we are not able to do it.

At the other end, we see the big guns who call themselves big persons entering into premises in an unauthorised manner. No steps are taken to evict them from there. They corner us in such a manner that it takes years and years before we can evict them. I have my full sympathy with the Minister in this respect. He finds it difficult to evict such persons. But I cannot understand what sympathy must be shown to such persons if they are in unauthorised occupation of premises. I am talking of those big guns, not of the poor persons who are there. I am talking of those big fellows who have entered into premises unauthorisedly like goondas and remain there. They cannot be driven out. They take shelter, of what? Shelter of the law. Is the law to be provided for the purpose of prostitution by these unauthorised persons?

Steps must be taken to evict them. Immediate steps must be taken to do so, and these people must be removed. Powers must be vested in Government for the purpose of getting those premises vacated. Otherwise not only MPs but government officials find it

[Shri U. M. Trivedi]

hard to drive out the persons living in those premises in an unauthorised manner. Once the question is decided that the occupation is unauthorised, to the rest of the process laid down in this Bill, I have no objection—the question of appeal or delay and all those things which are very necessary for the purpose of getting a quick decision in this matter. But for first deciding whether or not a man is in unauthorised occupation, due process of law must be allowed. Once that due process of law is exhausted, once it is determined finally and for all purposes that the man is in unauthorised occupation, I would welcome the provisions that are there for action thereafter. But I will not agree so long as the question of unauthorised occupation has not been determined, that is, whether or not he has been in unauthorised occupation. Simply by giving notice it does not become unauthorised. I fail to see how a person whom you say unauthorised can remain in occupation for more than three years. The whole conception is wrong. The officer who allows him to remain in unauthorised occupation must be punished first. Why did he allow unauthorised occupation of the Government premises or of Government land in such an unauthorised manner? Even this morning I had occasion to say that somehow or the other a tendency has grown among our officers not to keep their eyes open and not to look for themselves but wait for somebody to make a complaint and then take action. If I am an officer in charge of a particular area or of particular work and if that work is in any manner interfered with, is it not my duty to take note of it and take proper action to remedy the wrong? Somehow, our officers have started thinking: it is not my duty and I should not immediately, *ipso facto*, start taking action; I must have a complaint. The same thing happens in the railways, in the post office, why, in any department, wherever you go. Unless and until a complaint is made, their eyes are not opened. The net result is that

unauthorised occupation continues for three years. A man who lives there for three years certainly deserves some sympathy at your hands, be he in authorised or unauthorised occupation. It is not just and proper that you give a notice simply and then take action.

But I may say that I do not agree even to give 90 days notice. Section 106 of the Transfer of Property Act does not give notice even for 30 days but only for 15 days for terminating the tenancy and evicting him. I do not say that 90 days is a small period. But before you give him this notice, give him full opportunity and before a judicial officer and not before the Estate Officer. The very fundamental thing that he is an unauthorised occupant must be determined first before you contemplate action against him.

Sir, I had a mind to speak further on this but I will not take more of your time when we are at the close of today's sitting. There are four things suggested in the Statement of Objects and Reasons. The provision that no court or other authority shall have power to grant any injunction in respect of any action taken or proposed to be taken by or under the Act is not a salutary provision in a democratic set up. It is a police power. Before you exercise the police power, you must be able to determine the right to exercise that police power. That is all I have to say.

**Shri Shiv Charan Gupta** (Delhi Sadar): Mr. Speaker, some of my friends here have advanced some arguments criticising this Bill. I do not subscribe to their views but I have to make some criticisms on some other counts.

**Mr. Speaker:** He may do it tomorrow.

17.00 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Friday, the August, 30, 1963|Bhadra 8, 1885 (Saka)