

[श्री भक्त दर्शन]

सदन के इस अधिवेशन में उस पर विचार नहीं हो सका। अगर उस प्रस्ताव पर विचार हो जाता तो मुझे आशा है कि सारे देश में भाषाओं के सम्बन्ध में एक अनुकूल वातावरण बन सकता था। मुझे आशा है कि अपने अधिवेशन में उस पर जरूर विचार होगा; और उस प्रस्ताव को अगर स्वीकार कर लिया गया और जैसी भी हमें आशा है राज्य सरकारों ने भी उसका समर्थन किया तो यह समस्या बहुत जल्दी सुलझ जाएगी और हमारी भारतीय भाषाओं के जो प्रेमी सज्जन हैं, उनको शिकायत का कोई मौका नहीं मिलेगा।

मेरे मित्र श्री यशपाल सिंह ने चुटकी भी लेने का प्रयत्न किया है। मैं उनको विश्वास दिलाना चाहता हूँ कि मेरे विचारों में कोई परिवर्तन नहीं हुआ है और मैं मंत्रिमंडल में रहते हुए भी यथाशक्ति नियमों के अनुकूल इसके लिए प्रयत्नशील हूँ और मुझे भरोसा है कि शीघ्र ही सारा मंत्रिमंडल, सारा देश सभी दलों के लोग, सारी जनता, इस मार्ग को स्वीकार कर लेंगे।

Sir, I think I have practically covered all the important points

**Shri Daji (Indore):** Having spoken in English and Hindi, he must speak in some other third language now!

**Shri Bhakt Drashan:** I have done my duty and I hope the House will support this motion moved by me.

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

"That this House concurs in the recommendation of Rajya Sabha that the House do join in the Joint Committee of the Houses on the Bill to establish and incorporate a university in Delhi, made in the motion adopted by Rajya Sabha at its sitting held on the 1st September, 1965 and communicated to this House on the

3rd September, 1965 and resolves that the following 20 members of Lok Sabha be nominated to serve on the said Joint Committee, namely:—

Shri B. Anjanappa, Shri Frank Anthony, Choudhury Brahm Parkash, Shrimati Kamala Chaudhuri, Raja P. C. Deo Bhanj, Shri Shiv Charan Gupta, Shri Hem Barua, Pandit Jwala Prasad Joyotishi, Shri Lahri Singh, Shri Bakar Ali Mirza, Shri F. H. Mohsin, Shri H. N. Mukerjee, Shri V. T. Patel, Shri N. G. Ranga, Shrimati Renuka Ray, Shrimati Jayaben Shah, Shri M. P. Swamy, Shri Amar Nath Vidyalankar, Shri Bhishma Prasad Yadava, and Shri Bhakt Darshan."

The motion was adopted.

12.36 hrs.

INDIAN WORKS OF DEFENCE  
(AMENDMENT) BILL

The Deputy Minister in the Ministry of Defence (Dr. D. S. Raju): Sir I beg to move:

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration."

As the House is aware, there are so many defence installations in the country belonging to the army, navy and air force and it is very necessary that in certain areas adjoining these defence works and installations, should be given protection from the security point of view and for other reasons. So, the original Act of 1903 provides for imposing certain restrictions on the enjoyment of these lands by their owners and also for paying some compensation to them.

I have come forward with this amending Bill because the original

Act does not apply to the whole of India. It does not apply to areas which were formerly Part B States. Part B States were originally princely States and so this Act could not apply to them. Since 1st November, 1956, Part B States have been abolished and integrated into India. But the mere fact of this integration does not enable this Act to be applied to those areas. It requires an amendment of the original Act. That is the simple object of this Bill. There is no controversy or complication about it and I hope the House will have no objection to passing this Bill.

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

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration."

**Dr. Melkote (Hyderabad):** I rise to support this Bill. In the interests of defence, particularly at this juncture, it is absolutely necessary that this kind of protection is extended to all areas, including former Part B States. I belong to a former Part B State and in 1961-62 in Hyderabad the Defence Ministry set up an installation for the production of electronic equipment. That was an area which belonged to private parties before that. In the centre of that area, there is a mosque. We are a secular State and round about that mosque, numerous muslims used to go there to offer prayers. This mosque is situated at the centre of the unit and the Muslims are prevented from going there for saying prayers. Sir, if in the interest of defence it is necessary to prohibit any of these people from getting in there—a mosque cannot be desecrated, a mosque cannot be pulled down and people must be given the opportunity to go and say their prayers there—somehow or the other in spite of my continuously making representations with regard to this during the last for or five years this fact has not been adequately dealt with and the Muslims

in that area are not very happy about it—my one suggestion is, why not keep that mosque as it is and right across, on the other side of the road, possibly, slightly removed from the defence installation—nobody will object to your protecting the defence installations—construct another mosque so that the people may be able to go and say their prayers there? More than prayers, the Muslims are in the habit of taking their dead bodies there before they are buried. Therefore, a mosque has a particular importance. Each mosque has got its own particular adherence. Many do not know this. Many feel that any Muslim can go and say his prayers in any mosque. There are numerous mosques round about, no doubt, but Muslims go to a particular mosque only and not to all the mosques round about there. There are certain sections of Muslims in this particular area who originally belonged to that State. These people should not be denied the opportunity of saying their prayers.

Now that this Bill is before the House, I thought I should personally bring this to the notice of the Minister, that while such kind of protection for defence installations is absolutely necessary—nobody questions that, not even the Muslims of that locality—opportunity must be given to the Muslims to say their prayers by getting another mosque constructed right across the road. This is the only suggestion I wanted to make. Ours is a secular State and at this juncture if along with protecting our defence installations we go ahead and do this work the Muslims in that area, not only the Muslims in that area but the Muslims in the whole of India, will welcome it and they will feel that their interests are safeguarded and protected. I hope the Minister will investigate into this and see what can be done in the matter.

**Shri K. L. More (Hatkanangle):** Mr. Deputy-Speaker, Sir, I rise to welcome this measure. This measure

[Shri K. L. More]

is a simple but a most important one. It is also of a non-controversial nature. The Bill seeks to amend the Act so as to make its provisions applicable to the whole of India including the areas to which it does not extend at present.

Sir, as is given in the Statement of Objects and Reasons and as it has been explained by the hon. Minister, the object of this Bill is to provide for the imposition of certain restrictions upon the use of and enjoyment of land in the vicinity of works of defence so as to keep such land free from buildings and other obstructions. As we are all aware, the defence of our nation is the most important one and, therefore, there is a great need for protection and development of works of defence in our country. Therefore, whatever is needed to guard and develop works of defence must be wholeheartedly helped and encouraged.

I congratulate the hon. Minister for bringing this measure, this most important measure, and I support this Bill.

**Shri Shree Narayan Das** (Darbanga): Mr. Deputy-Speaker, there is nothing in this Indian Works of Defence (Amendment) Bill, 1965, which can be objected to by anybody. But I would like to draw the attention of the hon. Minister to one thing. The name of the original Act was given by the British Government. The Indian Works of Defence Act was passed in 1903 when the British Government was here. Now all the defence works in our country will be for our own nation. At the time when the British Government was here, they might have constructed some of their own defence works here because we were under their domination. I would, therefore, suggest that the word "Indian" should now be omitted and the simple name of the Act should be The Works of Defence Act.

Then, Sir, it was in 1957 that we abolished all Part B States and they were integrated in our own country. After that there were no Part A, Part B or Part C States. It is now after nearly nine years that the Government has awoken to bring forward this amendment. This shows that we are not quite alert. At least the Ministry of Defence should have considered this question earlier because the works of Defence Ministry are spread throughout the country in what were called Part A, Part B and Part C States. Therefore, this amendment should have come earlier. This shows that there is some sort of neglect on the part of the Government, and we do not review the various provisions of the Acts that are in force and change them in the light of certain changes or certain new developments in the country. I would, therefore, appeal to the Government that in future it should not be like this. Every Ministry should review the various provisions of the Acts that are prevalent and that are being administered by the various Ministries with a view to bring them up-to-date in line with the changes or new developments that have taken place after those Acts were passed.

Sir, I have nothing more to say. This is a very important Bill that has been brought before the House. Every measure should be taken to safeguard our defence works that are spread all over the country, and the lands in the neighbourhood of those works should be kept in such a condition that there should be no obstructions to our defence activities.

With these words, I suggest that the earliest opportunity may be taken to change the nomenclature of the Act so that it may be brought up-to-date.

**Shri Himatsingka** (Gooda): Sir, I support the extension of this Act to Part B States, and I take it, as it is provided, it will extend to the whole

of India which includes Jammu and Kashmir also.

As regards the suggestion made by my hon. friend, Shri Shree Narayan Das, I feel the word 'Indian' should be dropped, because that has been followed in almost all the statutes that have been amended from time to time and there should be no objection. Works of Defence Act should be the name and that should be kept henceforward. The provisions are very urgently necessary because now, especially because of the present conditions in the country, that Government should have the power to impose restrictions on the use of places near about works of defence. Therefore, we wholeheartedly support this measure.

श्री यशव ल सिंह (कैराना) : उपाध्यक्ष महोदय, मैं डा० राजू को कांग्रेसलेट करता हूँ कि वह यह बिल यहां लाये हैं जो कि देश की रक्षा के वास्ते सब से पहली आवश्यकता है। देश बचेगा तो सब चीजें बचेंगी। हम लोग आखिर धर्म को मानते हैं, दीन को मानते हैं, भगवान को मानते हैं। हम लोग पाकिस्तान की तरह से बहणी नहीं है जो हमारे भम्बाला के गिर्जाघर पर बम्बार्डमेंट करता है। हम लोग इस बात को समझते हैं कि मिलिटरी एरिया के अन्दर हमें कहां पर क्या चीज बनानी है और कहां पर क्या नहीं चीज बनानी है। तो यह बिल डा० राजू बहुत सुन्दर रूप में लाये हैं। बल्कि मैं तो कहूंगा कि वह बहुत देर कर के लाये हैं। यह बिल आज से चार साल पहले आना चाहिये था। अब भी लाये हैं तो भी ठीक है। इट इज नेबर टू सैट ट मेन्ड। यह बहुत अच्छा काम उन्होंने किया है। लेकिन यह बात जरूर खयाल में रखनी चाहिये कि सब से पहला काम इस वक्त मिलिटरी का है, डिफेन्स का है। बजाय इसके कि हम यह निर्णय करें कि यह खेत होगा, यह बाड़ी होगी, यह इंडस्ट्री होगी, इस सब को छोड़ कर सब से पहला काम देश के डिफेन्स का काम है।

जो बिल माननीय मंत्री महोदय लाये हैं उस के साथ मेरी पूरी सपोर्ट है और मैं फिर उन को कांग्रेसलेट करता हूँ।

Shri Subbaraman (Madurai): Mr. Deputy-Speaker, Sir, the amendment that has been brought to extend the provisions of the Act to Part B States also. It should, as an hon. friend pointed out just before me, have been brought before the House long ago. Even when a factory or an educational institution is built we find ordinarily that shops and even houses are constructed by people round about them. In course of time, they become very crowdy and slums. They have to be controlled even for personal purposes. Such being the case it is all the more necessary to control the vicinity and surroundings of places where works of defence are situated. It is quite necessary that the surroundings of such places should be controlled so that there is no harm done to defence works and no inconvenience is caused to them. Therefore, I support this amendment.

श्री बे० शि० प टिल (यवतमाल) : उपाध्यक्ष महोदय, चाहे देर से ही क्यों न हो मगर मैं इस बिल को लाने के लिए मंत्री महोदय को बधाई देता हूँ और इस भारतीय प्रतिरक्षा निर्माण-कार्य (मंशोधन) विधेयक का स्वागत करता हूँ। इसे सारे भारत वर्ष जिसमें जम्मू और काश्मीर जो भारत का अभिन्न अंग है, शामिल है पर लागू किया जा रहा है इसलिए यह बहुत महत्व का है, और इसलिए मैं उसका स्वागत करता हूँ। क्योंकि इस में लिखा है "इट शैल एक्स्टेंड टू होल प्राफ इंडिया।"

यह सन् 1903 का कानून पार्ट बी स्टेट्स पर लागू नहीं होता था। इसलिए इसकी सक्त जरूरत थी। उन राज्यों में पहले राजे महाराजे राज्य करते थे इसलिए वहां प्रतिरक्षा कार्य नहीं होता था।

[श्री दे० भि० पाटिल]

मेरा सुझाव है कि मिलिटरी की जमीन के पास घरर कोई इमारतें या मस्जिदें आदि हों और उनको दूसरी जगह हटाने का विचार हो तो उन के लिए पूरा मुआवजा दिया जाना चाहिए।

1956 के पहले जो बी पार्ट स्टेट्स थीं उनको यह कानून लागू नहीं होता था। दस साल तक इस पर कोई कार्रवाई नहीं की गयी। लेकिन आज भी जो यह बिल आया है उसके लिए मैं मंत्री महोदय को बधाई देता हूँ और इस बिल का स्वागत करता हूँ।

**Shri Indrajit Gupta** (Calcutta South West): Mr. Deputy-Speaker, Sir, I support this amendment to the Act which is a very old Act of 1903. There can be no quarrel with the purpose of this Bill and it is certainly very necessary in time of an emergency such as the present one that the defence authorities should have the right and the freedom to impose restrictions or to control the use of certain lands which may be essential from the point of view of defence. But there is one point which I would like to bring to the notice of the hon. Minister which is more regarding the actual use of these powers and the implementation of this Act.

Sir, it says in the Statement of Objects and Reasons here that this is for restriction on the use and enjoyment of land in order that such land may be kept free from buildings and other obstructions. As my hon. friend over there, as far as I understood him, has also raised the point, if on such land which is required there are already certain buildings or constructions which may be places of religious worship and so on, naturally we take it that the defence authorities will strive their utmost to see that as far as possible these are not disturbed; or, if they have to be, then of course the original Act itself provides for payment of compensation and so on. But

I know of an instance which, I think, is known to the hon. Minister also.

For example, there are certain lands which the defence authorities have required for their own purposes in the vicinity of certain other defence installations, particularly in the eastern region of the country, where it is found that those lands which had been lying unutilised or waste for a long time have in the mean time been occupied by a large number of these refugees who have been coming from East Pakistan for 10 or 12 years past. In many places it is found that they are all bona fide registered refugees but they have all come and originally squatted on such lands and then gradually in course of time have built some rough and ready constructions. A sort of refugee colonies have grown up there.

In recent years there have been a number of occasions when this question arose that these lands were required by the defence authorities and they simply issued a notice to the refugees there saying that they should immediately vacate within a period of a week or ten days—something like that—and that if they failed to comply with that order, they would forcibly be evicted. In cases like that what happens, I do not know. Although here it is stated that compensation will be paid, in this particular instance I remember very well, when we approached the defence authorities they said, "It has nothing to do with us; you can go to the State Government and see if they are prepared to make any arrangements for these refugees; but we want the land, we are not concerned with these people". When we went to the State Government, the State Government also said, "It is not our responsibility; we cannot provide any alternative place for these people or provide any compensation for them and so on; you better go to the Central Ministry of Rehabilitation".

In this way a great number of difficulties arose where there was no clearcut procedure known to the affect-

ted people as to how they were to get compensation or how they were to be given any kind of alternative sites where they could go and live with their families—they had been living there for 10 or 12 years at a stretch. I have to admit, with some gratitude, that because the Defence Minister and the Deputy Defence Minister took some sympathetic attitude in these cases every time we brought it to their notice, they agreed to extend the time so that these poor people could get some reasonable opportunity to try to make alternative arrangements before the land was taken over. But that was done as a special concession not in keeping actually with the provisions of this Act.

Therefore I just want to bring this to the notice of the hon. Minister. Not only in the case of *bona fide* refugees, who are a particular class of afflicted people and who are suffering for no fault of their own, but also in other cases where there may be *bona fide* occupants of the land in the sense that they have been there for a very long time—they may have constructed buildings and houses—in the actual administration of these powers, I hope, the defence authorities will adopt a sympathetic attitude. Though nobody questions that priority must be given to defence requirements, particularly at a time like this, nevertheless in the actual administration of these powers, I hope, they will adopt a patient and sympathetic attitude wherever necessary and see to it that both the purposes can be served; that is to say, the lands can also be put to the use for which they are required and, at the same time, if there are *bona fide* occupants or settlers there for whom some alternative arrangements can be made or compensation can be paid, their cases should be given the fullest consideration before the powers are exercised. Sometimes because local officers tend to be a little hasty and impatient or move in rather bureaucratic ways, it would be good if certain instructions were given that in these matters a little more humane attitude is taken.

श्री प्रिय नृप (कटिहार) : उपाध्यक्ष महोदय, यह जो इंडियन वर्क्स प्रोफिट डिफेंस (अमेंडमेंट) बिल सदन के सामने लाया गया है उसका समर्थन करते हुए कुछ सुझाव मैं उस सम्बन्ध में देना चाहता हूँ।

देश की सुरक्षा और डिफेंस का काम निश्चय ही बहुत प्रथम और महत्वपूर्ण है और मिलटरी के लिए जहां जैसी जरूरत पड़े वैसी जमीन लेनी ही चाहिए। वैसे मैं एक सुझाव यह देना चाहता हूँ कि जमीन चुनने के वक्त प्रगर प्रालटरनेटिव दो, तीन जगह मिलें और एक जगह का जो ऐरिया है वह प्रगर पबलिक के पास कम जरूरत का हो और उस से प्रगर फायदा हो तो उस जमीन को लेने की कृपा करें।

जमीन ऐक्वायर करने के एंवज में जब कम्पेन्सेशन के मुद्दाविजे की पेमेंट की बात आती है तो डिली डैली चलती रहती है। जब उस के लिए डिफेंस मिनिस्ट्री से कहा जाता है तो उनकी ओर से कह दिया जाता है कि डिस्ट्रिक्ट मजिस्ट्रेट पेमेंट करेंगे। डिस्ट्रिक्ट मजिस्ट्रेट कहता है कि आपकी जो क्लैमेटरेट है वह यह पेमेंट करेगी। इस तरीके में हम देखते हैं कि बर्षों तक कम्पेन्सेशन का पेमेंट नहीं होता है।

इस सिलसिले में मैं एक छोटा सा उदाहरण देना चाहता हूँ। बिहार में कटिहार के पास पत्त में कई हजार एकड़ जमीन सरकार ने ऐक्वायर की हुई है। वहां हारवस्टिंग भी था, मकानात भी थे मगर मुद्दाविजा केवल बाड़े से बंद ही लोगों को मिला है बाकी लोगों को आज तक कोई भी मुद्दाविजा नहीं मिल पाया है। इसलिए मेरी बरक़्वास्त है कि इसे डिफेंस मिनिस्ट्री तय करे कि इतने दिन के अन्दर मुद्दाविजे का पेमेंट हो जाना चाहिए। किस ढंग से पेमेंट होगा उस को भी साफ कर देना चाहिए क्योंकि यह रैड टैपिज्म जो कि पेमेंट के सिलसिले में चलना है जब तक वह खत्म नहीं होगी तब तक पबलिक की तकनीक खत्म नहीं होगी।

[श्री प्रिय गुप्त]

जैसा कि हमारे एक साथी ने बतलाया कि जहाँ रैफ्यूजीज लोग बसे हुए हैं या पिछड़े वर्ग के लोग बसे हुए हैं और उन्होंने उस जमीन को जो कि पहले काम के लायक नहीं थी, वहाँ वे जाकर बसे और उसे उन्होंने मेहनत करके ठीक किया और उत्पादन में भी वृद्धि की है अगर उस के आसपास और जमीन आप को अपने काम के लिए मिल सके तो उनको वहाँ से डिस्टर्ब न किया जाये और अगर आप वहीं आसपास में कोई दूसरी जमीन पा सकते हैं तो उसको अपने उपयोग में लाना चाहिए।

सम्बन्धित अधिकारियों को जमीन ऐक्वायर करने के बारे में डाट्टरबंशंस (निर्देश) इस ढंग से देने चाहिए कि किसी बिस्म की शलतफहमी न हो। हर काम में, जब भी वह अपनी पावर्स को इस्तेमाल करें पब्लिक की सुविधा और उसकी उपयोगिता को देखते हुए करें।

यह बिल जो आप ने रक्खा है वह सर्वथा मुनासिब है और डिफेंस के लिए यदि आवश्यकता अनभव हो तो जमीन ऐक्वायर ही करनी चाहिए। लेकिन उस के सम्बन्ध में जो मैंने सुझाव दिये हैं उन पर आप नजर रख कर इस काम को करें। कटिहार की पब्लिक बहुत तंग हो गयी है उनकी दिक्कत को हल करने का आप शीघ्र प्रयत्न करें। उन्हें आज तक मुआविजा नहीं मिला है।

श्री श्रींकार लाल बेरबा (कोटा) : उपाध्यक्ष महोदय, यह जो इंडियन वर्क्स भीड डिफेंस (अर्मेडमेंट) बिल रक्खा गया है उस का मैं समर्थन करते हुए इस प्रथम पर कुछ सुझाव देना चाहता हूँ।

डिफेंस के लिए जमीन शहर से कम से कम 7-8 मील दूर होनी चाहिए। यह भी देखा जाय कि वह जमीन अगर कृषि योग्य हो तो उस से किसानों को बेदखल न किया जाये और अगर वहाँ से बेदखल करना ही पड़े जाये तो

मुआविजा उनको जरूर दिया जाये क्योंकि हमने देखा है कि मुआविजा उनको फाफ्री समय तक नहीं मिल पाता है। करीबन दो, तीन साल हो गये कोटा में 10-15 गांव, इस डिफेंस की जमीन में ले लिये गये, उन किसानों को जमीन से बेदखल कर दिया गया लेकिन कुछ आपत्ति उठने पर फिर उन जमीनों को उन्होंने किसानों को दे दिया गया और अब वह अमन के साथ उन पर रह रहे हैं।

अभी स्टेशन रोड पर जो चांदमारी बनी हुई है और नदी के पार गांव के ऊपर से चांदमारी हांती है तो उधर गांव में गोलियां चली जाती है और जिसके कि फलस्वरूप वहाँ पर जानवर व आदमी मर जाते हैं। कई दफे रिपोर्ट की गई लेकिन कुछ सुनवाई नहीं हुई और उस चांदमारी को वहाँ से नहीं उठाया गया। अभी भी वहाँ पर 15, 20 मकान ऐसे ले रखे हैं मिलेटरी के अन्दर, न नका किराया है, न उस मुकद्दमे को ठीक किया गया और न उन को पूरा कब्जा दिया गया। अभी वैसे चल रहा है तो मेरे कहने का मतलब यह है कि कोई भी डिफेंस के लिए जमीन ली जाये तो उसका मुआविजा जरूर समय पर दे दिया जाये। यह तो मैं मानता हूँ कि पहले देश है उस के बाद और सब है और देश के लिए हम सब कुछ देने के लिए तैयार हैं क्योंकि देश रहेगा तो शान भी रहेगी और जिसका देश नहीं है उसकी शान भी नहीं है। घर बर्गर दर नहीं। जिसका घर नहीं है उसका दर भी नहीं है। देश के बर्गर शान नहीं होती है। इसलिए देश के वास्ते हम सब कुछ देने के लिए तैयार हैं लेकिन जिन किसानों की जमीनें ली हैं उनको तुरन्त मुआविजा मिलना चाहिये उन्हें कलैक्टरी में दो, दो और तीन, तीन साल तक इंतजार में भटकना न पड़े।

मैंने देखा है कि हमारे यहाँ कुछ किसानों की जमीनें फार्म के लिये ली हुई हैं। अब मिलेटरी को फार्म की क्या जरूरत है? वह बेचारे

रंगरूट कहते हैं कि अगर हम से मिलेटरी में खेती ही करवानी थी तो यह जमीन एक्वायर करने और मुद्राविज्ञे के चक्कर में क्यों पड़ते हो। अगर खेती ही करनी थी तो वह तो गांव में ही अपने वहां कर सकते थे इसलिए रंगरूटों से फार्म में खेती करवाना कुछ अच्छा नहीं जंचता है। अगर जमीन किसानों की लेते हैं तो पलटन के लिये लीजिए, बारूद के और रडार आदि फौजी सामान के लिए लीजिये और फौजी परपज के लिए उसे प्रयोग में लाइये। सरकार को ऐसी जमीन नहीं लेनी चाहिए जहां बेचारे किसानों को धांपति हो और उन का जीवन बर्बाद हो जाये। गांव के घास पास बहुत सा ऐसा एरिया होता है जहां कि खाली जमीन भी होती है वहां पर जानवरों का ब्याल रक्खा जाये। खेती की जमीन के अन्दर किसानों का ब्याल रक्खा जाये। ऐसी जमीन जो कि शहर से 5, 10 मील एक तरफ हो उस जमीन को जरूर कब्जे में किया जाये ताकि किसी तरीके से हमारे ग्रामवासियों को, जानवरों को वहां के किसानों को किसी किसम की कठिनाई महसूस न हो। अगर उसे लेने की जरूरत आ ही पड़े, उस का लेना देश हित में अनिवार्य हो जाय तो वह ले ली जाय लेकिन उन को उस का मुद्राविज्ञा जल्द से जल्द दिया जाय। उन का फैसला जल्द किया जाय। मुझे मालूम है कि कोर्ट में जो 10-15 मकान डिफेंस के लिये लिये गए हैं उन के केस तीन, तीन घंटे चार, चार साल चलते हुए हो गये हैं। उन का जल्द फैसला कीजिये। शहर में मिलेटरी का कोई नहीं होना चाहिए, सिर्फ जरूरी बंगले होने चाहिये और यह जो चांदमारी बगैरह जितनी बीजें हैं यह शहर से पांच, दस मील दूर होनी चाहिये। इतना कह कर मैं इस बिल का समर्थन करता हूं।

Shri Gauri Shankar Kakkar (Fatehpur): Mr. Deputy-Speaker, Sir my first suggestion is that the word 'Indian', as has been suggested by my friends, Shri Shree Narayan Das, be deleted from this Bill. In 1903, when the British regime was there, there

were several dominions under the British regime and, therefore, in every enactment which was undertaken, the word 'Indian' was inserted. But now, after 15th August, 1947, when we are an independent country, it does not befit well to continue to have the word 'Indian' in this Bill which was inserted by the British regime. It is a very non-controversial amendment and the word 'Indian' be deleted. That is my first point.

13 hrs.

My second point is this. With regard to the provisions of this Bill, I am in agreement with the Defence Minister that keeping in view the urgency of the Defence in this country, it is very proper to extend it to Part B States. But keeping in view the fact that Defence is primarily a department where there is absolutely no question of any religion, creed or caste and that the masses are allowed to have immense faith and unshaken confidence in Defence, I suggest that there should be a special provision for the immediate payment of compensation and that it should not be kept at par with other enactments relating to land acquisition. My suggestion is that if any land is required to be acquired for defence purposes, there should be a special provision for the immediate disposal of the claim and the immediate payment of the compensation so that the unshaken confidence amongst the people towards the defence should be allowed to remain unshaken. So, I request that there should be a special provision and that it should not be kept at par with other departments of the Government in the matter of acquisition proceedings which are generally delayed for years together and no compensation is paid and no speedy disposal of the claim is done.

With these observations, I support the Bill which has been brought before the House.

श्री हुकम चन्द कछवाय (देवास) :  
उपाध्यक्ष महोदय, जो बिल सदन के सामने  
प्राया है, मैं उस का स्वागत करता हूं।



[श्री हुकम चन्द कछवाय]

प्राज की परिस्थितियों में इस बात की आवश्यकता है कि हम अपने देश में ज्यादा से ज्यादा प्रतिरक्षा-उत्पादन के कारखाने खोलें। लेकिन जब कारखाने खोले जाते हैं, तब उन के लिए जमीन लेना बहुत जरूरी होता है। इस सम्बन्ध में मैं यह कहना चाहता हूँ कि इस काम के लिए जब कोई जमीन ली जाती है, तो यह देखना चाहिये कि उस से कितने काश्तकार प्रभावित होते हैं और वह जमीन कैसी है—वह जमीन उपजाऊ है या पड़ती है। यह आवश्यक है कि उस जमीन की कीमत को देखते हुए सम्बन्धित काश्तकारों को उचित पैसा मिलना चाहिए, ताकि उन में इस बारे में असंतोष की भावना न पैदा हो।

हम ने देखा कि सरकार ने कुछ दूसरे कामों के लिये जिस भाव से जमीनें ली हैं, उस ने उन के द्वारा पच्चीस, चालीस और पचास गुना ज्यादा पैसा कमाया है। मैं चाहता हूँ कि वह नीति इस सम्बन्ध में न अपनाई जाये कि काश्तकारों की जमीन ले कर उन को तो बर्बाद कर दिया जाये, परन्तु उन को ठीक ढंग से पैसा न मिले।

मैं तो यहां तक कहने के लिये तैयार हूँ कि जमीनें के मुद्दावजे के रूप में काश्तकारों को पैसा देने के बजाय यह ज्यादा अच्छा है कि उन की खेती के लिए किसी दूसरे स्थान पर जमीन दी जाये, क्योंकि यह स्वाभाविक है कि जब उन गरीबों के हाथ में पैसा आ जाता है, तो उन का मन बिगड़ता है और वे उस पैसे को ठीक ढंग से खर्च नहीं कर पाते हैं। सरकार को यह व्यवस्था करनी चाहिए कि जब वह काश्तकारों की कोई जमीन ले, तो वह किसी और स्थान पर उन को खेती करने के लिए जमीन दे, ताकि वे अपने परिवार और बाल-बच्चों का पालन कर सकें और उन को अपने रोजगार या धंधे से बंचित न होना पड़े। इस बात का भी ध्यान रखा जाना चाहिए कि उन काश्तकारों को कोई बंजर जमीन न

दी जाये, क्योंकि उस व्यवस्था में उन को काफी खर्च करना पड़ेगा, बल्कि कोई उपजाऊ जमीन दी जाये।

जहां तक हो सके, इस काम के लिये केवल वही जमीन ली जाये, जो पड़ती हो, जहां पर ज्यादा उत्पादन नहीं होता है, जहां तक केवल और और जानवर चरते हैं। हो सकता है कि इस बारे में सरकार के सामने कोई प्रश्नचन प्राये और वह समझे कि उस ने नगर से इतनी दूर कोई खास जमीन ही लेनी है, जो कि खेती की जमीन हो, तो फिर काश्तकारों को उस के अच्छे पैसे मिलने चाहियें। प्राप को मालूम होगा कि कुछ समय पहले गाजियाबाद के बहुत से लोग पालियामेट के सामने कई दिन तक धरना दिये बैठे रहे। वे लोग अपने परिवार और बँलगाडियाँ प्रादि साथ ले कर प्राए और यहाँ प्रा कर उन्होंने अपना असंतोष व्यक्त किया। सरकार ने उन की जमीनें ले कर उन से काफी पैसा कमाया, लेकिन उन काश्तकारों को ठीक ढंग से पैसा नहीं दिया, जिस के कारण उन लोगों में बहुत बेचैनी थी।

इस लिए आवश्यकता इस बात की है कि काश्तकार को अपनी जमीन के अच्छे दाम मिलने चाहियें, ताकि उन के मन में दुख न हो। उन को खुश कर के उन की जमीन ली जानी चाहिए और उन को अच्छे पैसे मिलने चाहियें, जिस से उस के बारे में कोई बिबाद न हो।

**Shri M. L. Jadhav (Malegaon):** I rise to support the measure that is before the House. I would, however, like to make certain suggestions while supporting the measure.

In the Nasik district there is an artillery school and some seventeen villages have been acquired for that school. But I find that the approach of certain villages, which have not been acquired, to Nasik, Deolali and

other areas is very difficult because the roads are blocked. I suggest that wherever there is acquisition and in the process the roads of the villages which are not acquired for defence purposes are blocked, some alternative roads or some alternative site should be given, so that the villagers can have good and easy approach roads. In a number of cases we find that the revenue authorities point out this fact to the Defence authorities, but many a time they do not take proper or early steps to see that the grievances of these people, which are genuine, are redressed. A similar thing has happened in the case of the MIG project in Nasik district. The approach roads in some of the villages from which lands have not been acquired and where State transport buses were running, have now been closed because the area has been acquired for a MIG site. I have no objection to the area being acquired, but my only contention is that, while acquiring the area for defence purposes, the Defence authorities should see that the people of the villages where roads connecting the national highways exist, are not in any way inconvenienced. They should see that the communications and roads for the Defence project are laid in such a way that the villagers are not inconvenienced.

Year before last there was a case where certain villagers were asked to leave their village at about 7 in the morning and return to the village only in the night by 8 p.m. since some long-range weapons were to operate in that area. I have no objection to the villagers being asked to leave the village, but I point out that, when they were asked to leave the village in the rainy season from morning till night and were asked to go to some ten or twelve miles away, no shelters were provided for them. Where will these men, women, children and sick ladies go if no shelter is provided? I told the District Magistrate that something should be done. I can understand that Defence should receive every priority and that their needs should be served. But the Defence authorities should at least see that some tempo-

rary sheds, temporary shelters, are provided for these people. But to my knowledge, nothing was provided and it was a very great hardship for the villagers to leave the village, with all their children and cattle, early in the morning and return in the night. People had to suffer. In such cases I feel that the Defence authorities should see that no hardship is caused to the people. With these observations, I support the measure that is before the House.

**Shri C. K. Bhattacharyya (Raiganj):** I shall make only a few observations about the two suggestions that have been made, one about the nomenclature of the Bill and the other about the scope of its application. Regarding the scope of its application, the Statement of Objects and Reasons says:

"It is, therefore, proposed to amend the Act so as to make its provisions applicable to the whole of India, including the areas to which it does not at present extend."

Because it has been the usual trend in our legislations to put that particular phrase "except Jammu & Kashmir", I will request the hon. Member to make it clear that that particular phrase has no place in this amendment. In fact, it extends to the whole of India, including the areas represented not only by the old Part B States but also by the present Jammu & Kashmir State. That is number one.

My second point is in regard to the nomenclature of the Bill. A suggestion has been made that this Bill should be simply called the "Works of Defence Bill". If we go through the list of enactments that we have passed and Central legislatures have passed, we find three designations of an all-India type; one is All-India Act, the other designation is Indian Act, and the third designation is national Act. These are the three types of designations applied to the all-India

[Shri C. K. Bhattacharyya]

Acts that the Central legislatures have passed. So, in taking up this question of designation, I believe that we ought to take it up in a comprehensive way so that the entire list of enactments may be studied and the same principles may be adopted and accepted in designating Acts of an all-India application. I am making this suggestion not only with regard to this Act but with regard to the other Acts also.

**Dr. D. S. Raju:** I would like to express my thanks for the whole hearted support which hon. Members have given to this amending Bill. I am glad that they have appreciated the spirit underlying this amending Bill. While supporting this Bill, hon. Members have made a few very good suggestions.

**Dr. Melkote** has made a reference to one mosque in Hyderabad. This fact was brought to my notice also by the Home Minister of Hyderabad, and I am sure that sympathetic consideration would be given and a reasonable settlement of this problem would be found soon.

Some hon. Members have asked why this Bill had not been brought forward earlier. Although the princely States had been amalgamated in 1956, since that year occasionally we had issued some legal notifications hoping that they would be adequate for the purpose, but our Law Ministry has advised us that such legal notifications are not valid in law, and that an amending Bill should be brought forward in Parliament. That is the reason why this Bill has been brought forward after some delay.

**Shri C. K. Bhattacharyya** has raised the question about the inclusion of Jammu and Kashmir. I might tell him that this Act would apply now to the Jammu and Kashmir State also.

**Shri Indrajit Gupta** and a few others had raised a point about the difficulties experienced by some of the villagers when they were asked

to vacate those areas. This amending Bill refers only to certain areas which are adjoining the existing structures such as installations and other things. It does not refer to lands or agricultural lands which are away from those installations. Although it is an important point which hon. Members have raised, I would submit that that point is not very relevant. But every sympathetic consideration will be given and all reasonable measures will be taken to see that the villagers are not harassed or inconvenienced in any way.

As soon as we demarcate these areas and issue a notification, it is up to the State Government to take the necessary action. I know that there are some illegal occupations around these areas, and there has been some trouble and some headache due to that for us, but it is up to the State Governments to see that those localities are vacated.

So far as compensation is concerned hon. Members have said that there is a lot of delay in giving compensation to the owners. But actually the delay is not due to us. The amount or quantum of compensation has to be decided by the civil authorities.

**Shri Daji (Indore):** Even after the quantum has been decided there have been many cases which I myself have had occasion to point out, where the person had to go from pillar to post and nobody in the Defence Ministry seemed to be paying the money at all. For seven years cases have been pending, even when the quantum of compensation has been decided.

**Dr. D. S. Raju:** Whenever such cases are brought to our notice .

**Shri Daji:** That is no excuse. Why should such a thing happen at all? When the compensation has been decided upon, why should the amount not flow automatically

through the system in the Defence Ministry?

**Dr. D. S. Raju:** This fact will be remembered. But the civil authorities have got to decide the quantum of compensation. There is actually some delay at that level. And there are generally appeals against the quantum of compensation also. That is another factor causing delay. But whatever that may be, whenever these things are brought to our notice, we always take very quick and very sympathetic action. There is nothing more for me to say in regard to this.

This measure is a very important one. As I have said, we are only making an amendment to include the areas which formerly belonged to the princely States. The other points which have been raised are not very relevant to this Bill. But I shall remember those suggestions and give effect to them as and when the need arises to do so.

I would request hon. Members to pass this Bill.

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

"That the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration".

*The motion was adopted.*

**Mr. Deputy-Speaker:** I shall now put the clauses to vote.

The question is:

"That clauses 1 and 2, the Enacting Formula and the Title stand part of the Bill".

*The motion was adopted.*

Clauses 1 and 2, the Enacting Formula and the Title were added to the Bill.

**Dr. D. S. Raju:** I beg to move:

"That the Bill be passed".

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

"That the Bill be passed".

*The motion was adopted.*

23.17 hrs.

JUDGES (INQUIRY) BILL—contd.

**The Deputy Minister in the Ministry of Law (Shri Jaganatha Rao):** On behalf of Shri Hathi, I beg to move:

"That the Bill to regulate the procedure for the investigation and proof of the misbehaviour or incapacity of a Judge of the Supreme Court or of a High Court and for the presentation of an address by Parliament to the President, be taken into consideration."

Article 124 (4) of the Constitution provides that:

"A Judge of the Supreme Court shall not be removed from his office except by an order of the President passed after an address by each House of Parliament supported by a majority of the total membership of the House and by a majority of not less than two-thirds of the members of that House present and voting has been presented to the President in the same session for such removal on the ground of proved misbehaviour or incapacity."

Article 124(5) provides that:

"Parliament may by law regulate the procedure for the presentation of an address and for the investigation and proof of the misbehaviour or incapacity of a Judge under clause (4). . . ."

The above provisions are also applicable to a High Court judge under proviso (b) to article 217 (1) read with article 218 of the Constitution.

The present Bill seeks to lay down the procedure for the investigation