

[Shri S. K. Patil]

met me and held informal discussions with officers of the Ministry of Irrigation and Power.

These discussions aimed at exploring the possibilities of various approaches towards a settlement of the Canal Waters question. No concrete proposals have so far emerged from these discussions. The House will appreciate that, until various aspects of the suggestions, which were mentioned in the talks by Mr. Iliff, have been examined and further discussions regarding any concrete suggestions that may be made are held with the Bank, Government are not in a position to make a detailed statement on these exploratory discussions.

CORRECTION OF ANSWERS TO  
STARRED QUESTIONS

STARRED QUESTION No. 210.

The Minister of State in the Ministry of Education and Scientific Research (Dr. K. L. Shrivastava): I rise to correct the reply which I gave to a supplementary question in connection with Starred Question No. 210 answered on 18-11-1957 about the number of non-Hindi-speaking areas in the country.

"In addition to the nine States mentioned in the reply given, the State of Punjab and the Union Territories of Manipur, Tripura, Andaman and Nicobar Islands and Laccadive, Minicoy and Amindiv Islands, are also non-Hindi-speaking areas."

STARRED QUESTION No. 332

Dr. K. L. Shrivastava: In reply to Supplementary Question No. 2 asked by Shri Barman in connection with the Starred Question No. 332 asked by Sarvashri Barman and S. C. Samanta, I had stated that "this matter was discussed with Earl Home when he came here in October, 1956... We follow-

ed this with another note which was sent on 10th February, 1957.... The High Commission of India have recently informed us that they have reminded the Commonwealth Relations Office to expedite a reply to the note which was handed over on 10th February, 1957." The first date should be October, 1956; and the other dates would be 10th February, 1956; and 10th February, 1956 respectively.

Mr. Speaker: Both are starred questions. Therefore, they have been answered here.

REQUISITIONING AND ACQUISITION  
OF IMMOVABLE PROPERTY  
(AMENDMENT) BILL

The Deputy Minister of Works, Housing and Supply (Shri Anil K. Chanda): Mr. Speaker, I beg to move\*:

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

I may be permitted to refer briefly to the past history of this law. The substance of this law began with the last Great War in 1939 when, under the stress of circumstances, the Government of the day had to requisition considerable properties, immovable properties, both lands and buildings, for public purposes, mostly in connection with the war. From that time on, from time to time, through various laws, ordinances and rules, this power has remained with the Government.

In 1951 Government very closely studied the question whether it was possible for the Government to divest itself of the powers given under the laws of requisition and acquisition at that time. Government came to the conclusion that the circumstances did not warrant such a step, and therefore, in 1952, Government brought

\*Moved with the recommendation of the President.

before Parliament a very comprehensive Bill covering the whole question of the powers of requisition and acquisition of immovable property by Government for public purposes.

This Bill, when it was presented before Parliament, I must say, encountered heavy weather, and there was persistent demand from all sides of the House that the Bill should be referred to a Select Committee. The Select Committee presented a unanimous report, which I believe was rather an unusual thing, on this Bill, and the Government accepted all the recommendations of the Select Committee barring one. The Select Committee had recommended that an assurance should be given that all properties which had been requisitioned for more than ten years would be forthwith de-requisitioned.

The recommendations of the Select Committee were not very welcome to the Government of the day. In fact, Shri Gadgil, who was the Minister in charge of Works, Mines and Power in those days, practically failed to recognise his child. He said:

"The main object with which the Bill was introduced has been, I do not say sabotaged, but considerably modified by the provision that the life of this Bill is limited to six years. What will happen after those six years is more than I can prophesy, but whatever happens, the Government of the day will certainly deal with it. All that we can say now is that the necessity of having such power is clearly established by the experience that we have gained in the course of the last ten or twelve years."

What Shri Gadgil said in 1952 holds good today also. We have now practically an experience of nearly two decades over this, and we have come to the conclusion that it is impossible for us to divest the Government of the powers of requisition and acquisition of private properties for public purposes under stress of circumstanc-

es, and therefore, with your leave, I have brought this Bill to give a permanent life to this Bill and to put it on the statute-book as a permanent measure.

At the very outset I will admit that it is certainly an encroachment by the Government on the realm of private property, but it is not a power which has to be exercised without any due consideration; it is a power which is limited in certain directions.

Perhaps I may be permitted to quote what my distinguished predecessor in office, the late Shri Buragohain, had said when he presented this Bill before Parliament in 1952:

"The main features of the Bill are as follows. It empowers the Central Government to requisition or acquire any immovable property which it deems proper in certain specified and well-defined conditions. It does not, however, empower the Central Government to act in an arbitrary or unreasonable manner. The principles and other matters connected with the determination of payment of compensation have been laid down after considerable amount of thought, and these will be found in clauses 8 and 9 of the Bill. I am quite clear in my mind that these provisions will ensure to the Central Government the use of the land and buildings it needs and also give a very fair deal to the owners from whom the property is taken over by Government. If any safeguards were needed, they will be found in clauses 10 and 11 of the Bill which provide for appeals against orders of requisitioning and the determining of the compensation."

So, as I said, we have very carefully looked into the question of the need for this law, and we feel, however regretful it may be, that the Government must be invested with the power of requisition and acquisition of the private property if the need so arises.

[Shri Anil K. Chanda.]

For one thing, though the war is over, the scope of the work of the Government of India has increased beyond measure. A quotation of the budget figures of 1939-40, 1947-48 and 1957-58 will show the intensity of the increase of the scope of work of the Government of India. In 1937-38 the total budget of the Central Government and the State Governments, both on the revenue account and the capital account, was about Rs. 222.25 crores; in 1947-48 it went up to Rs. 392 crores; in 1957-58 the total figure is Rs. 2,259 crores. This considerable extension of the scope of work of the Government automatically means that there would be a very great demand both for office accommodation and for residential accommodation of the officers who are to carry out the various works of the Government.

I will give you here a brief summary of the Government requirements so far as office accommodation and residential accommodation are concerned. The Government have taken stock of the existing situation to see whether the properties already under requisition could be released. Their total requirements of office accommodation in Delhi, Calcutta and Bombay aggregate to 80.49 lakh sq. ft., and the residential accommodation requirement is 64,701 units. The respective figures of availability are 71.29 lakh sq. ft., and 21,995 units out of which, however—this is very important—23.43 lakh sq. ft., of office accommodation and 309 units of residential accommodation should in actual fact be left out of consideration as they will have to be pulled down, being very temporary. These are the temporary hutments which were put up during the war years. The real shortage in terms of percentage being 40 per cent of requirements in respect of office accommodation and 66 per cent in respect of residential accommodation, release of the property already under requisition is obviously not practicable.

I have made a rough calculation of the amount that would be needed if we are to put up constructions to cover this gap. Roughly speaking we require 33 lakh sq. ft., of office accommodation, and at the lowest estimate, the construction cost per square foot of office accommodation is Rs. 90. Therefore, for 33 lakh sq. ft. the cost will be nearly Rs. 10 crores. We require roughly 43,000 units of residential accommodation, varying from "A" grade which is for officers drawing Rs. 3,000 and above, down to the lowest grade, the "G" type. A very moderate average estimate is Rs. 7,500 per unit. Therefore, for 43,000 units, the cost would come to Rs. 32 crores. Therefore, if the Government were to de-requisition the residences and office buildings which they have now under their control, it would mean immediately a figure of Rs. 43 crores for construction purposes alone.

I would like to add that this does not include the cost of land. The cost of land has increased thousandfold in certain areas, and certainly tenfold and hundredfold in most areas. Therefore, it is very clearly an impossible proposition.

I should, however, say that so far as actual construction of Government buildings is concerned, Government have done very creditably. During the First Five Year Plan, we were allotted Rs. 12 crores for construction work, and we had constructed for a little over Rs. 11 crores. Under the Second Five Year Plan, the allotment is Rs. 18 crores. Owing to the very acute financial difficulties through which the country is passing at the moment, there has been some slowing down in the intensity of construction, but if better times come, and if all this money is made available to us, I am sure in the remaining three years of the Second Plan, we shall be able to complete practically this sum of Rs. 18 crores, and build for both office and residential purposes.

Now, I come to the question of the various properties which are under requisition by the Defence Ministry. As a matter of fact, very considerable requisitions were made during the war years. The present position, so far as the defence establishment is concerned, is as follows. Out of a total of 9,927 lands and buildings which were hired during the war for defence purposes, no less than 9,574 have been released, leaving a balance only of 353. Of these 353, 166 are held under mutual hire agreement; that is, in fact, they are not requisitioned properties, but they are just an ordinary deal between the tenant and the owner. The position of the remaining 187 properties which are actually under requisition is as follows. 85 projects are required to be retained permanently, and they will, therefore, have to be acquired. So, the Defence Ministry propose to acquire these 85 projects straightway, because they are permanently needed by the Defence organisation. Of the remaining, 78, though not required to be retained permanently, are likely to be retained beyond March, 1958, when the Requisitioning and Acquisition of Immovable Property Act, 1955 expires. The remaining 24 projects are required temporarily for short periods and are likely to be disposed of before the expiry of the Act.

As regards the 85 projects which, I said, would be permanently needed by the Defence organisation, and which would, therefore, be required to be retained permanently, it is closely linked with what is called the KLP of the Army—the term KLP stands for 'Key Location Plan'. The planning of works projects regarding construction of permanent accommodation, and station planning in a number of stations are still to be carried out, and as such, cases for acquisition of lands in such stations cannot be put up before the M.O. of Defence. Then, the KLP of some stations and installations has not yet been finalised, and hence some of the properties may not be required permanently. Though under the KLP,

certain existing installations are to be closed down, still in view of the enormous stocks held in those depots, it is anticipated that it will take five to ten years to wind up those installations. Though the KLP for certain stations has been finalised, the requisitioned properties can be made available for release only after alternative accommodation has been provided by new construction which cannot be completed before the expiry of the Act.

In view of the position explained above, we consider that until 1960-61 by which time most of the accommodation for the Army under the Second Plan is expected to be completed, the only appropriate and economical way to retain the requisitioned lands and buildings is to extend the life of the Requisitioning and Acquisition of Immovable Property Act in one form or the other.

With regard to the properties which are under requisition by the Defence Ministry, the necessity of retaining them is reviewed quarterly by the Headquarter Command and the Army Headquarters to ensure that no property is retained unless absolutely essential for defence requirements.

Then, there is a rather interesting fact that sometimes, we laymen see lands lying vacant under the control of the Defence Ministry, and we conclude that possibly these are not needed, and yet through some inadvertence possibly, they are still being requisitioned and held by the Defence Ministry. But in fact, in certain cases, some pieces of land used for cultivation etc., may outwardly appear to be of little real use from the strictly military point of view, but the release of such pieces of land may not be possible for security reasons, particularly, if they are surrounded by military installations.

So far as the actual working of the Act is concerned, Shri Gadgil, the then Minister in charge, had given certain assurances to Parliament, and I am happy to say that those assurances have been very faithfully

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carried out. In the main, an assurance was given by Shri Gadgil that property constructed in Delhi subsequent to 1st January, 1951 would not be requisitioned for a period of ten years. It is an index of Government's determination to honour this assurance that no building constructed in Delhi subsequent to January, 1951 has been requisitioned.

As regards pre-1951 buildings, the position is that the total number under requisition in New Delhi and Delhi on the commencement of the Act was 430. The number released from requisition until the end of 1957 aggregated to 346. The new requisition during this period has been 163. The total number of requisitioned structures as on 1st January, 1958 thus comes to 247. The Estate Officer in Delhi has requisitioned no property during the years between 1955 and 1957, and the total requisition between 1952 and 1954 was no more than 12. He had de-requisitioned 168 units during the period between 1952 and 1957, and the property held under requisition by him as on 1st January, 1958, was 147.

In respect of the Delhi Administration, the position is that they de-requisitioned 178 units during the period between 1952 and 1957 and requisitioned only 151. The total under requisition with them as on 1st January, 1958 was 30.

The overall picture for the whole country is as follows. These statistics had to be collected from all over the country, and there might be a slight mistake here or there. The total requisition from 1952 to 1957 was 398. The total number de-requisitioned during 1952-1957 was 529, and the total number under requisition with the Government of India today spread all over the country, is 990 residential units.

I would frankly admit that in the working of the law, here and there

there might have been lapses, and there might have been too much rigidity in certain cases, but it is our intention to go over the whole case and find out which of the properties have been longest under requisition and whether they can be de-requisitioned, and we propose to de-requisition those properties as expeditiously as possible, subject, of course, to the needs of public purpose, that is, the needs of the State.

If there are any particular cases where Members have information that grave hardship is being caused to owners and if hon. Members would kindly draw our attention to such cases, we shall certainly do our very best to give relief to the parties concerned. With these words, I move.

Mr. Speaker: Motion moved.

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

Shri Naushir Bharucha (East Kandesh) I beg to move.

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th March, 1958".

Apart from this, I wanted to say something else.

Mr. Speaker: He may say what all he wants to say.

Shri Naushir Bharucha: So far as the form of the Bill is concerned, there are only two clauses in it. The effect of clause 2 is to make the Act permanent, which really means that all the clauses of the Act are being made permanent. Now as the form of the Bill stands, it is not open to any hon. Member to move any amendment to the various clauses, and I was wondering whether Government would consider the desirability of sending the Bill to a Select Committee so that all the clauses might be scrutinised. It is quite possible that

hon. Members may agree to certain clauses on the basis that the Bill is temporary.

**Mr. Speaker:** Why did not the hon. Member give notice of an amendment for referring the Bill to a Select Committee?

**Shri Naushir Bharucha:** So far as Opposition Members are concerned, it is extremely difficult to comply with the rule that the consent of all hon. Members should be obtained to serve on the Select Committee. It is impossible to obtain the consent of any of the Congress Members because they are under party discipline.

**Mr. Speaker:** He could have come with such Members as agree to serve on the Committee.

**Shri Naushir Bharucha:** I am simply putting forward a proposal and awaiting the reaction of the Government.

**Mr. Speaker:** There are rules regulating this matter. When a motion is moved that the Bill be taken into consideration, any hon. Member can give notice by way of an amendment that the Bill be circulated. The hon. Member has done that. What prevented him from tabling a motion for referring the Bill to a Select Committee? If hon. Members who, according to him, ought to be there in a representative capacity refuse to be there, he might choose such Members as he likes and put them on the Select Committee. If the others object, they will bring it in by way of an amendment. But I cannot understand this procedure unless it be that there is not one other hon. Member among the 100 who has agreed to sit on the Committee. I do not know; he can put himself there and say that it be referred to a Select Committee?

He does not give notice of an amendment for reference to a Select Committee. He moves another amendment and goes on speaking on this. Why should I allow it?

**Shri Naushir Bharucha:** My difficulty is...

**Mr. Speaker:** I do not know if there is any difficulty. He should have one other Member, or he can say, a Select Committee consisting of a sole individual, himself. I shall consider that position. He must have given notice of an amendment to that effect. This kind of vague suggestions on the floor only take away the time of the House. Therefore, let him confine himself to the amendment he has moved.

**Shri Naushir Bharucha:** So far as my amendment is concerned, I submit that the Bill be circulated for eliciting public opinion. The hon. Minister in charge of the Bill has himself said that when the Bill was first enacted, it encountered heavy weather. I do not know how when a temporary Bill encounters such weather, a Bill which seeks to make all those same clauses permanent will not encounter similar weather. It is very necessary that not only the experience of Government in the working of the Act should be ascertained but the reactions of the public as well should be made available to us.

So far as the reasons given by Government are concerned, I shall speak on them when we are on the substantive portion of the Bill. At the moment, I am simply confining my remarks to the fact that the Bill should be circulated. Or, shall I speak on the entire Bill?

**Mr. Speaker:** He may speak both on the original motion for consideration and on his amendment.

**Shri Naushir Bharucha:** The reasons given by Government for making this Act permanent, if I may say so, are not reasons but excuses, and the excuses are worse than the crime. In the Statement of Objects and Reasons, the hon. Minister says that 7 to 8 lakh square feet of office accommodation and nearly 42,000 units of

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residential accommodation are necessary. He goes on to say that 18 years experience has shown that these powers have now become absolutely necessary to be made permanent. I ask, what have Government done during their tenure of office for 11 years, if at the end of 11 years we are told that the Government are still short of 7 to 8 lakh sq ft. of accommodation for office and 42,000 units of accommodation for residential purposes. I am afraid I cannot pay any compliment to the Ministry of Works, Housing and Supply for its performance.

The hon. Minister has also tried to point out and justify his demand for making this Act permanent on the basis that in 1939 or thereabouts, the total amount of budget came to about Rs. 395 crores—roughly Rs. 400 crores—as against Rs. 2100 crores today. But he forgets that, really speaking these Rs. 2100 crores represent largely inflation and fall in the commodity value of the rupee. Therefore, Rs 400 crores of 1939 today really mean Rs. 1600 crores. Hence, the budget, in effect, has risen by hardly 25 per cent

Now, what is the justification for a Government whose activities must be presumed to have risen not more than 25 per cent to claim such vast powers? In the State of Bombay, we have got similar legislation, known as the Bombay Land Requisition Act, enacted in 1948. When first it was enacted, far from encountering heavy whether, it met with very great reception, because we felt that this was going to do away with corruption, namely, the landlord being offered *pugree* for obtaining premises. Then the working of the accommodation control department was such that everybody, irrespective of party affiliation—whether Congressmen or Opposition—cried with one voice that the department should be closed—and I think it is going to be closed by the end of this year. Now, we are asking

for similar powers here. How are they going to be utilised?

The only beneficiary under this Act is the Central Government, and this Act is not for the benefit of the public at all. Today the position is that in the Territory of Delhi, or for the matter of that, wherever the Central Government chooses to extend their long arm, obtaining of premises on rent is impossible. In Bombay, it is even illegal for a landlord to rent out any premises to any tenant. It is in the charge of the accommodation control department. Notice of vacancy has to be given and the department furnishes the tenant. I do not know in how many States there is similar legislation, but if there exists in certain States legislation of this kind, the legal consequence of it is that no man can go and rent any premises as a tenant from any landlord.

If we consider the clauses of the Bill, it vests terrible powers in the hands of Government. It can uproot a man from existence. If a man has got his business premises for years together, he can be thrown out after the expiry of a notice of 15 days sent to him asking him to show cause why he should not be thrown out; thereafter, if the competent officer feels and is satisfied, he can be given a month for being thrown out of a place where he may have been residing for years and where he may have developed his business.

I therefore submit that this House must consider this very carefully, when the state of law in the country is such that an uprooted man has nowhere to go, when he cannot legally rent any shelter from any landlord because the law prevents him from doing so. In such circumstance, what is to happen to him? My hon. friend will say that we have got a clause under which he can be provided alternative accommodation, provided the alternative accommodation, in the opinion of the competent officer, is

suitable. He may provide a hovel virtually, and the man may have no choice whatsoever.

Before, therefore, investing the Central Government with such vast powers, which ultimately will be exercised by a so-called competent officer—I do not know who is going to be the competent officer here; and the law lays down that the satisfaction of the competent officer, which is subjective satisfaction, cannot be questioned—the House must consider this matter very carefully.

The worst part of this Act is that nobody can go to the High Court and request the High Court to take into consideration whether the evidence produced before this officer is satisfactory or not. On the most flimsy evidence on which you cannot even hang a fly, the competent officer, if he says that he is satisfied, will straightway requisition the premises. These are the powers that we are now going to vest permanently in the Government. I strongly protest against these powers being vested in the Government because, in the State of Bombay, we have got the terrible experience of this Accommodation Control Department.

When Government claims to make this Act permanent, what is the meaning of that? It means that Government helplessly admit that during the Second Five Year—or for the matter of that during any number of Five Year Plans—they will not be able to construct sufficient accommodation for their own purposes. What a confession of helplessness and incompetence on the part of the Government, I ask!

It has been stated also that the Government requires 42,000 tenements—residential units—for its employees. Why does this Government merely pounce upon residential units constructed by private people? The Central Government has been a preacher, loudly preaching to the industrialists that it is their moral duty to provide

housing accommodation for their own employees. But, what it preaches, the Central Government does not propose to practice for itself. It does not want to construct the tenements for its own employees. It is only pouncing upon the tenements of other persons because they have to provide their employees. I say it is most unfair and unjust and all that requires to be stoutly opposed.

There is one more point which I should like to make clear. The hon. Minister, while stating figures, has said one thing; that Rs. 32 crores would be required for the purpose of constructing these tenements if the Government were to undertake to stop all the deficit and shortage it is now experiencing. I ask, in the Second Plan of Rs. 5600 crores, what is this Rs. 32 crores?

Mr. Speaker: I think he said Rs. 43 crores.

Shri Naushir Bharucha: Even assuming it is Rs. 43 crores, it is less than 1 per cent of outlay on Plan for providing the most primary necessity, the fundamental need of humanity, namely, shelter. It means that we shall not provide even 1 per cent. Is cost the excuse of the Central Government for uprooting from their settled residences and places of business people who have worked for years and years together in certain places? Is money an excuse for uprooting human beings from their places?

I could have understood if the hon. Minister had said, this is a plot of land which we require for the construction of a power-house. I say, it must be taken because the need of the community is to be looked to first, not merely the cost of construction. I could understand that if a plot is so situated that it alone can satisfy the requirements of a project which might otherwise be held up; then, in that case, I would be the first to say that the requisitioning powers must be there for that purpose. I would have supported the Bill if the public purpose mentioned was of that character. But, what does the Government



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do? It wants to pass on its liability to provide quarters for its employees on the heads of other people. That is what I protest against. I think the least that Government has to do is to accept my amendment or to send the whole matter to the Select Committee where the whole matter may be considered clause by clause by the Select Committee. The Select Committee might even say that certain clauses may be dropped in view of the fact that this Bill is going to be a permanent statute.

I also protest against the method and manner in which this Bill is being sought to be rushed through and placed on the statute-book.

**Mr. Speaker:** Let me formally place this amendment before the House.

Amendment moved:

That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th March, 1958.

Now, both the motion and the amendment are before the House.

The time allotted by the Business Advisory Committee is 3 hours if it goes to the Select Committee and 4 hours if it does not go to the Select Committee. It does not appear that there is any motion for Select Committee. Therefore, 4 hours shall be the time allotted. Hon. Members will kindly restrict their speeches to 15 to 20 minutes each.

Pandit Thakur Das Bhargava.

पंडित ठाकुर दास भार्गव : (हिसार) :  
जनाब स्पीकर साहब, यह बिल जो हमारे सामने आया है. . . .

**Mr. Speaker:** May I know how much time can be given for the general discussion and how much for the amendments?

**Shri Naushir Bharucha:** Three hours may be allotted for general discussion.

**Mr. Speaker:** The amendments may be relating to the time, 9 years, 10 years or 11 years. So, we can have half an hour for the actual amendments. Hon. Members who speak may also speak in support of their amendments.

पंडित ठाकुर दास भार्गव : जनाब स्पीकर साहब, यह इस किस्म का बिल इस मामले के मुतालिक पहला बिल नहीं है। जहां तक मुझ को याद है पहला बिल सन् १९४७ में आया था, और उसके बाद सन् १९५२ में आया, और अब सन् १९५८ में आया है। जनाब. . . .

**The Minister of Works, Housing and Supply (Shri K. C. Reddy):** May I request the hon. Member to speak in English, if he has no objection?

**Pandit Thakur Das Bhargava:** I have no objection to speak in any language; if the hon. Minister wants me to speak in English I shall speak in English.

This is not the first occasion that we have got a Bill of this character. I remember, in 1947, for the first time, we got a Bill of this nature; and then, again, in 1952. Thus, this is the third time that a Bill of this nature has come before us after independence.

12-47 hrs.

[SHRIMATI RENU CHAKRAVARTY in the Chair.]

I am rather astonished at the nature of this Bill. If the Government of India wanted to have a new Bill it ought to have come frankly before this House and enabled this House to legislate afresh. But, to bring a Bill of this nature with one clause is, to say the least, to usurp the rights of the Legislature to have proper legislation on the subject.

So far as this Bill is concerned, no amendment can possibly be given except of the nature just indicated by the hon. Speaker; that is, that it should be there for a temporary period, say, for 5 years, or 6 years or 10 years. But, none of the provisions of the Bill can be touched as the law stands at present. Therefore, my humble submission is that this Bill robs the Parliament of its right to legislate with due regard to the circumstances which are obtaining at present. The circumstances of the country have changed since the last 6 years and there is no occasion for Government to adopt this subterfuge of doing away with the rights of Parliament.

We appreciate the difficulty of Government, the difficulty to have buildings etc. The Government says that they require accommodation to a very large extent and that it is not possible for them to have it at present. If that is the purpose of Government, it should be stated. The Government should have come out with an open mind and enabled the Parliament to do something for them.

Now, we are helpless. I do not know what to do with this Bill; either accept this clause or not accept it at all. If I do not accept this, I am in a difficulty. This Act shall expire in 1958 and something should be done to see that things go on. If I do not accept it, Government will be in great difficulties; if I accept it, then, I am perfectly sure that I will not be doing justice to the general public.

I was present in this House when this was enacted for the first time as well as for the second time. If the Members of this House care to go through the proceedings when the 1952 Bill was enacted, they will see that many objections were raised by me and other Members on that occasion. The objections raised in 1947 were more drastic in character than in 1952. But, in 1952 also, we raised

many objections which should have been met by Government.

In this Bill no attempt has been made to meet any of the objections. On the contrary, this Bill, which we even then did not approve because of many amendments that were made at that time, has come to us in a different form.

So far as the law of acquisition and requisition is concerned, the law before this Government came into power was contained in sections 35 and 36 of Act I of 1894.

The principles which were contained in that Act were of such a character that they commanded public confidence. That worked very well. But this Bill is of a different kind. There must be requisition and then acquisition—acquisition of requisitioned property. Requisition is acquisition for the time being, for a temporary purpose. Acquisition is not so. This is the difference between acquisition and requisition. The principles which apply to acquisition do not strictly apply to requisition as such. They stand on a different footing altogether.

Government gave us to understand in 1952 that it had some difficulties. It was also prepared to see that requisitioned properties were released as soon as possible. But even then people complained that for long periods Government was in possession of these properties. It had not released them. Then it was said that attempts would be made to release them. I do not think it was done on any appreciable scale.

Government has a right to acquire any property for a public purpose because a public purpose is certainly greater than the needs of a private man and private needs may be absolutely disregarded. But it could not be done if the public purpose becomes a sort of a private purpose. Here the Government wants to house its own employees in houses meant for the

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public in general. It is not a public purpose. If the Government cannot find accommodation for its employees, let it build accommodation. How can the poor people build? But, if it is a different purpose, say, factories, electricity establishment or other purpose, every person has got a sort of a feeling that the Government should be able to acquire property for this purpose.

Apart from the purpose, the question arises: at what cost? I know the policy of the Government. Whatever other people might say, I have seen that the Government's practice is to pay fair compensation to those whose properties are acquired. When the Reserve Bank and the Imperial Bank were nationalised, Government paid fair compensation. We took good care of it even when we changed our Constitution in this regard. If lands etc. were acquired for a social purpose such as zamindari abolition, full compensation was not given because that was our declared policy adopted in the Constitution. In the case of the property of individuals which are acquired by the Government for other purposes—not for such a large social purpose as zamindari abolition—Government is bound to pay good compensation. Even when the law was changed the Government spokesman said that full compensation would be given. But what have we got here?

It was said in 1952 by the Government that land value had risen from 25 to 125 per cent whereas the prices of urban property had risen from 300 to 500 per cent in general; in Delhi it might be even 1000 per cent. What was the proposal made at that time? We thought that it was for six years. It would not be difficult, we felt, for the Government to go on and we thought that it might not acquire the properties. Even if they required them, it might not be, we felt, of such a large scale as contemplated now. In spite of my amendments and pro-

tests, the House then agreed that the price would be either the market value or twice the amount of price which it would have fetched at the time when it was requisitioned, whichever was less. I then submitted that it was not a fair proposition. There is no reason why the Government should give less price than the present market value. In Act I of 1954, it would be 15 per cent more than the market value. According to this law only twice that amount or the market value whichever is less is to be given.

Suppose a person has a big family and he had a big house and it is requisitioned, some ten years ago. If that is acquired, only twice the old price will be given. If he wants to acquire a house in the open market, how much will he have to spend? He will get a house not more than one-fifth of the size of the house which was taken over by the Government at that time. This is not a fair proposition. You should give him the same amount of money which will bring him house or land of the same kind. That is the right principle and that principle was departed from and twice the old value was taken to be a fair proposition.

I remember that some spokesman mentioned in this House at that time that they arrived at a compromise in the Select Committee. I repudiated it and said that there was no compromise. We wanted that full compensation should be given to everybody whose property was taken over by the Government. Government could not benefit by it. I submit that no private person should be asked to do more sacrifice than the other members of the community have to make. This Bill is only perpetuation of the rules made 6 years ago. Prices have risen ten times or even more. To give only twice the old price is sheer injustice because the man will not be able to get a similar house for the same amount. I can understand

if you give him the same kind of house or land. That is not possible since you are short of accommodation.

This is an unjust rule and should not be perpetuated. The provisions relating to the fixation of rent, recovery of rent etc., are so unjust that no Member of the House can accept these propositions. According to section 25 of the 1952 Act, Government can fix the rent and damages and recover also. The same person is the policeman, Judge and the executioner. . . . .

**Shri Naushir Bharucha:** And also the appellate authority.

**Pandit Thakur Das Bhargava:** Here in this country, we have adopted the rule of the law. The same rule should be applicable whether it is a private property or Government property. We do not want to depart from that rule. For a temporary period we saw the difficulties of Government and we were agreeable to have a different rule. But we have had enough experience of it.

13 hrs.

May I in this connection remind the House of the assurances given by Shri Gadgil in 1949 to the refugees? I was a party to those assurances; I got those assurances from Shri Gadgil and I have been telling this House that those promises have become not Gadgil's promises but gal gal promises. Government itself broke those promises in our face. The houses were demolished. But ultimately Government had to come down on account of one rule which was a brain-wave of our Prime Minister. He made it a rule that no man would be turned out of his house until he was given alternative accommodation. But for that rule people would have been put to inconceivable trouble. On account of that rule Government could not do such things as would have excited disaffection against them, though to a certain extent things were done in such a way that people were very much inconvenienced.

Nobody was given any compensation though there was a provision that compensation would be paid. Ultimately the matter went to the Assurances Committee and Government agreed to pay a paltry compensation. The so-called competent authority, behind the back of those promises, revised all the rents one fine morning. The person who had to pay Rs. 15 was asked to pay Rs. 30. The rents were suddenly revised and notices were given to the occupants either to vacate the premises or to pay the revised rents or damages. Ultimately I appealed to Shri Mehr Chand Khanna that this was very unjust to the refugees. I told him that at their back rents had been doubled and asked him how they could pay them. I should in this connection pay him a tribute that he gave us an assurance that those orders would be revoked. The orders were accordingly revoked and there was some satisfaction. Anyhow, I for one would never agree to the proposition that the same authority should be the authority fixing the rent, the authority recovering it and the authority turning people out by force.

Government, perhaps, does not know what is happening in private houses, if a tenant gets into a private house how difficult it is to turn him out. Government on its part have got the authority to turn out any person, to levy damages, etc. But the private landlords has not got any of these privileges. I do not want Government to have those powers which we gave them in times of emergency. There is no emergency of that kind now. The emergency is that you have not built enough houses. This kind of emergency is bound to continue for all time, if you do not build houses for yourself. But what is emergency for Government is emergency for the people as well.

If prices have gone up, if Government expenditure has increased, what have people done? Are the public also not affected by this? Can the

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public get the same amount of property for the same amount of money? Government can complain; but the public cannot complain. Therefore I see no reason why you should keep the rate of compensation at the rate at which it stood in 1952. That was for a temporary period and we accepted it. Now we are not going to accept it. I am not at all satisfied that compensation will be paid at this rate. The compensation should be paid as under the other Acts. What have these poor people whose property was requisitioned a long time ago done? When for the ordinary people you give compensation under Act I of 1894 why should these people not be given the same amount of compensation?

In this Bill you will find that the valuable principles adopted in everyday life are departed from. How is the requisitioning made? A notice is sent that within fifteen days the party should show cause why the property should not be requisitioned. If he does not show satisfactory cause then the property is requisitioned. Supposing the land is requisitioned, but possession is not taken, what is to happen? I know that in Delhi lands were requisitioned, fifteen years have passed, yet they have not been acquired by Government. I know that in the Punjab lands are requisitioned and for years Government sleeps over it and the poor people whose lands are requisitioned are neither given compensation, nor the land acquired and the people have to bear the consequences. This must be happening in other States also. This is a very sad state of things, under which Government does not care for the people.

Another lacuna which I notice here is this. According to one section before land is requisitioned the party shall be asked to show cause. The next section says Government may issue notice for releasing that requisitioned land. There is no time lag that after such time Government will be forced to release the land. Supposing

a land is requisitioned and Government later finds that the purpose for which it was requisitioned does not materialise. You have not fixed the period for which it will be under Government control with the result that people are helpless.

The purpose of requisitioning is this. You get a person's land or house for a temporary period. According to ordinary laws you should not make any additions or alternations to that property. You should not utilise that land for any purpose except for which it was requisitioned. This is given in the notice of requisition; that is given in all the tenancy laws of this country, that a person who has got temporary right has no right to build upon it. That is not in consonance with the purpose for which the land was requisitioned.

13-07 hrs.

[MR. DEPUTY-SPEAKER in the Chair]

What do we find. We find in section 7 that if Government builds upon those places and spends some money, after some time it can acquire them. First of all you take my land, you take my house, build something upon it without my consent and make that an excuse for acquiring it. The rule says that if Government finds that it will be beneficial to Government to spend some money on it, Government can determine unilaterally whether the land is to be acquired or not. Government proceeds to acquire it and says: all right, you can get twice the price and no more. I think this is not just.

Then again, when we took objection in 1952 to some of the provisions some improvements were made in the Bill. But still it did not go far enough. At that time I submitted that when the land is acquired after being requisitioned, the *ipso facto* of an officer sitting in the Secretariat should not be enough. For merely

acquiring land not for a public purpose but for the purpose of reserving to itself the enhanced value, an appeal should be provided. Supposing the highest officer in the land decides that the land acquired is for a public purpose, I would readily agree, not only agree, but feel satisfied. But this was not done. I submitted that an appeal should be provided against the order of a subordinate officer.

**Shri Anil K. Chanda:** Order of requisition or acquisition?

**Pandit Thakur Das Bhargava:** So for as requisition is concerned you have provided an appeal to the Central Government. But when it is ultimately acquired after ten years after it had been requisitioned, then you have not provided for any appeal. I submitted even at that stage that you were taking my property permanently and when you did that, you were to provide an appeal so that I could go to the Government who is the highest authority in the land and say to it, "For God's sake, do not take my house, I will not get another," and then the Government may choose not to acquire.

Even in ordinary acquisitions today, when the Government acquires houses and lands, a person is unable to go and tell the Government "For God's sake, do not acquire this property. It is useful to me and not so useful to the Government". Therefore my humble submission is, if they had brought in a fresh Bill, I would have insisted that they should provide an appeal against the order of a subordinate to the Government itself. It is not that those who are raising these objections have got no faith in the Government. Not that. But, at the same time, public interests require that if you take away a person's house that person should be enabled to go to the highest authority and make an appeal. If the Government do not do that, I do not think they will be doing justice.

So far as the Act relating to the requisitioning and acquisition of property is concerned, I could understand it, but so far as section 25, which was subsequently added, is concerned, I feel sure that this was not a proper part of this Act. I should think that all these laws which are obtaining in this land require review. We do not want any further to see that the Government reserves to itself the sole right of fixing damages and rents and then by its own order recover them and do all sorts of things.

This law is foreign to the principles which we have adopted in our Constitution. It is foreign to the principles which we have adopted in our country for other laws and the very basis of this law is quite different and discriminatory. Therefore, I would like to submit that all these laws which come here should be reviewed. The manner in which the hon. Minister has brought this Bill has really not enabled us to do the right thing by the people. I would, therefore, request him either not to proceed with the Bill or to proceed with it and take these powers for a year or so, so that ultimately, after going through all the laws which have relevance here and after going through all the circumstances, when the House may be able to submit suggestions for consideration of the Government, the Government may bring a separate and full Bill in which all the principles may be reviewed and the House may be able to legislate afresh. This kind of subterfuge in which the Government bring forward a Bill of one clause and say that it shall remain permanent is tantamount to a negation of the powers of the House. There are many provisions to which I took exception then, and to which I take exception today also.

There is one point with regard to the requisitioning and acquisition. There is a world of difference in respect of this matter. Any ordinary persons, when they own property and leave it, then, to a certain extent by the laws of this country relating to rents, etc., they are unable to realise

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it to a certain extent in a given set of circumstances. But requisitioning is there, and the Government fix it for all time, whatever the change in the rests of the houses owned by other people.

But so far as requisitioning is concerned, there can be no increase in the amount of rent or the requisitioned money. This Bill does not speak of any increase either, whereas in ordinary life we know owners of the houses increase their rent. Not only that. If there are certain laws which are applicable to ordinary property, the principles that Government formulate are not applicable to requisitioned property. If there are circumstances in which the leasing of houses for a certain period is to be ended, those principles also do not apply to requisitioning. Therefore, in this matter of requisition, if the House will excuse me for the moment for saying it, I say that it is just like the difference between *jatka* and *halal*. If you requisition a house in one case, for fifteen years, that man does not get a whit more than the requisitioned amount. Suppose there are two neighbours. One owns a house and the other owns another property. One is requisitioned and the other is not requisitioned. The man in whose case there is no requisition gets an advantage over the man whose house is requisitioned by way of the fact that the rents are increasing. The unfortunate man stands by, looks at the thing, and only curses himself that he owned this house and not that house. So, the proposed law is discriminatory. This is very wrong.

The price of land has increased many times, but so far as this matter is concerned, the person cannot get more than twice the amount. It is not fair. I would only ask the Government to consider the question from this standpoint and see that the right thing is done by the people. I would request them to bring another Bill in which these principles may be discussed.

Shri Tyagi (Dehra Dun): In all humility, I beg to repeat the appeal which my hon. friend, one of the senior-most Members of this House, has just now made to the Government. I agree with him that a Bill of this nature, bringing only one clause and giving life to the whole of the previous Bill with all the clauses therein, is rather unfair to this House. I think that at least to show respect to this House, the Government might agree to the suggestion made to it. I hope the Government will appreciate the position. The House might gracefully agree to an extension of the life of this Bill by one year, as my friend has said. So, there will be enough time for the Government and other Members of this House to make up their minds.

If there are sections in the Bill which do deserve a reconsideration or review, they must be reviewed. Such Bills are surprise Bills which should not be brought to the House in the manner in which it is done. Without trying to cause any disturbance to the programme of the Government, I would appeal to my friends to consider this question. Either they should postpone consideration of the Bill today or accept the amendment suggested. They could consult their colleagues and others, if my hon. friend the Minister feels like consulting others, because the whole Government is committed to the programme that this Bill should be discussed this afternoon. Or, if he could take liberties— I hope he can, and such liberties could always be taken by a Minister—he could exercise his own judgment and either accept the amendment of extending the life of the Bill by one year or let him take time to reconsider what to do about it.

I do not want to talk on the merits of the Bill just now. Enough has been said. In one clause, all the rest has been hidden, and those things have not come to this House for consideration. As my hon. friend has

stated, it would be irrelevant to talk on those clauses unless they were made part of the Bill. They are the real clauses which deserve the consideration of this House.

But I would like to make one remark. The difficulties of the Government are partly due to the fact that they have not been quite successful in removing many of the redundant offices from Delhi. Another little omission on the part of the Government has been that they have not fully utilised the surplus accommodation lying vacant for years together in many other towns.

Recently, Nagpur has been vacated. It was a full-fledged capital of the State. There are big mansions, Secretariat buildings, offices and residential quarters too. The people of Nagpur are crying hoarse that some offices may be located there, because their economy has been disturbed badly. But then Nagpur is not going to be occupied. There are many houses lying, in Mussorie and in other stations too

**An Hon. Member: Hyderabad.**

**Shri Tyagi:** They would not be occupied for one reason or the other. I was also one of the members of the Committee which was appointed by the Cabinet to try to shift offices outside Delhi. Quite a number of offices were decided to be shifted. Decisions were practically taken. I do not know what happened, but as people say, and I also think perhaps—sometimes my friends talked to me and others also, about this—the main reason is that the employees in the offices and the officers are not willing to go out. That is one thing where I really shudder to think what will happen to our State if things go at that rate and if we are so much after popularity that every little man must be consulted before Government takes a decision as far as Government's own offices are concerned.

I must give credit to the Defence Ministry not because I was associated with it, but because of the fact that within one month or so of the orders, the whole of the establishment of the Northern Command comprising hundreds of officers and thousands of men and their families shifted, not because they were happy to shift, but because the order was given to them. Our armed forces are always happy to carry out orders. It is their biggest pleasure. They carried out the order punctually and they shifted to Simla. Likewise I would appeal to my friend to insist upon his colleagues to see that those offices which are not required to stay in Delhi are shifted from there. Also, if the accommodation lying vacant in the various former headquarters of States is occupied, that will relieve the burden congestion he is carrying on his shoulders on account of this crowded city of Delhi.

Another point is this. There was one housing factory about which we used to talk long ago, but for some time, since my friend Mr. Kamath has gone out, we have forgotten that factory on which I think Rs. 1½ crores were wasted. The bigger people were always in support of the housing factory, saying "it has been successful; it will give houses of which we are badly in need". For four years that housing factory has been shifting from one portfolio to another. I do not know whether it is in the portfolio of Health or under my friend's portfolio...

**Shri K. C. Reddy:** It is working at a profit now

**Shri Tyagi:** From the beginning we were told it was a healthy project and would give profits. But it has not given houses. The housing factory was established for the purpose of relieving you of your requirements of houses, but it has not given houses. It has given profits to my friend no doubt. So, I suggest that some means must be thought out whereby this congestion may be relieved and the



[Shri Tyagi]

spare accommodation wherever available may be utilised. I think this can be done only when my friend becomes more effective.

**Shri B. S. Murthy** (Kakinada—Reserved—Sch. Castes): Does it mean that he is not effective now?

**Shri Tyagi:** It is not an aspersion on the person of my friend. I do not discuss his personality. But I suggest that all his colleagues, including the Prime Minister, should not be only visionaries talking of principles and advising people; they must also be effective. The defect with the Government has been that they lack in effectiveness. They do think rightly, but they do not implement it. My suggestion is that they should become more effective. If they make up their mind to resolve this problem, it can be resolved.

**Mr. Deputy-Speaker:** If he has failed when he was inside, he is not likely to succeed when he is outside.

**Shri Tyagi:** I claim succeeded when I was inside as far as my little zone was concerned.

**Shri Nath Pai** (Rajapur): Is that why he is outside now?

**Shri Tyagi:** It is not because of that, but because better people have come in now.

**Mr. Deputy-Speaker:** I did not mean that he has not succeeded in his own portfolio when he was inside. But even then he must have been advising his colleagues to be more effective and he did not succeed so far as his advice was concerned. Now he is giving that advice from outside.

**Shri Tyagi:** The difficulty was when I was there, I was not a member of the Cabinet and I was deprived of making suggestions here also. What I could suggest was only on the pages of those files which I could touch. There I made suggestions and it went on quite smoothly. For the last

five years or more, we have been considering the question of shifting offices from Delhi. I want my friend to let us know as to what is happening to those proposals that will relieve him to a great extent.

With regard to this Bill, I would again repeat that it will be a good gesture to the House and I hope the Government will rise in everybody's estimate if they sportively accept the suggestion that the House will be prepared to accommodate them to the extent of giving them freedom for another year and let them go on so that their work will not be disturbed. But in all fairness to the country and the citizens at large, let the House get an opportunity of looking into all the details of the Bill. That would be very fair and I appeal to him to consider this. I am sorry that for the first time the House and the Members individually also heard of this Bill coming in such a surprise manner.

श्री प्र० सि० दौलता (झज्जर) :  
जनाब डिप्टी स्पीकर, मैं इस Requisitioning and acquisition of Immovable Property (Amendment) Bill की पुरजोर मुखालफत करता हूँ। पिछले दिनों से गवर्नमेंट के पार्ट पर यह टेंडेंसी देखी जा रही है कि जो एक्सट्राआर्डिनरी पावर्स उसने वार डेज में हासिल की थीं, उनको वह पीस टाइम में छोड़ने के बजाय उनसे चिमटे रहना पसन्द करती है.....

श्री सू० चं० जैन (कैथल) : १९५२ में वार कहां से आ गई ?

श्री प्र० सि० दौलता : यह उससे पहले का कानून है, हुजूर। यह डिफेंस आफ इंडिया रूल्स के तहत १९३९ के कानून से है। मैं इस कानून की मुखालफत इसलिये भी करता हूँ कि गवर्नमेंट ने जो एक्सट्रा-आर्डिनरी पावर्स वार डेज में हासिल की थीं

कि एक धायमी को गवर्नमेंट विदभाउट ट्रायल डिटेन कर सके, वह पावर्स तकरीबन तकरीबन परमानेंट हो चली हैं। इसी तरह जमीनों को गवर्नमेंट परपज के लिये हासिल करने का कानून सख्त है और वह कानून किसानों के लिये उसी तौर पर सख्त है जैसे कि डिटेन विदभाउट ट्रायल प्राइवेट लिबर्टी के लिये है।

मैं देख रहा हूँ कि यहां पार्लियामेंट में जो धानरेबुल मेम्बर्स बोले हैं वह बड़े प्राइवेट प्रापरटी होल्डर्स के लिये बोले। मेरी समझ में सब से बड़ा विक्रिम और सब से ज्यादा असर अगर इस कानून का हुआ है तो वह छोटे किसानों पर ही हुआ है। उनकी जमीनें गवर्नमेंट ने कौड़ियों के मोल हासिल कीं और उस वजह से जो उजड़ रहे हैं वे इसी मुल्क के बाधिन्ये हैं और उनको इस मुल्क में बसने का हक है।

यह कानून लैंडलार्ड्स पर एफैक्ट नहीं करता। यह मेरा १८ साल का तजुर्बा है। देखा यह गया है कि जब कभी किसी ऐरो-ड्रॉम, रेलवे या और किसी परपज के लिये किसी लैंडलार्ड की जमीन जब में भागई, तो वह फौरन दफतरो में पहुंच कर उस रिक्वी-जीशन के फार्डर को कंसिल करा देता है और उसके बबले छोटे छोटे किसानों की जमीनें भाहिस्ता भाहिस्ता ऐक्वायर होने लगती हैं। उसकी पहुंच दफतरो में हो जाती है क्योंकि वहां उसका कोई भाई भतीजा होता है और उसकी वजह से वह अपनी जमीन निकलवा कर छोटे किसानों की जमीनों को ऐक्वायर करवा देता है और देखने में यही धाया है कि कभी इस कानून से लैंड-लार्ड्स एफेक्टेड नहीं हुए।

लेकिन अगर कोई लैंडलार्ड यह चाहेगा कि उसकी जमीन रिक्वीजीशंड हो जाय तो वह ऐक्वायर हो जायगी। मेरे पास इस फिल्ल के इंसट्रूमेंट बौकूद हैं कि जब कोई एक लैंडलार्ड टेनेन्ट को इवैक्ट नहीं कर

सका तब उसने गवर्नमेंट से कोशिश करके मर्यादा बासा कम्पेंसेशन ले करके अपनी जमीन को गवर्नमेंट के लिये ऐक्वायर करा दिया। यह कानून लैंडलार्ड्स पर कभी मार नहीं करता, यह तो छोटे छोटे किसानों पर ही मार करता है और बहुत शिद्व की मार करता है। अगर यह छोटे छोटे किसान मजदूरों की तरह भागैनाइज्ड होते और हड़ताल करना जानते होते या मूंदड़ा जैसे बड़े बड़े लैंडलार्ड्स की तरह बारसूक होते तो मुल्क की हालत दूसरी होती। भाज पिछले १८ सालों में जो उनकी जमीनें हासिल की गई हैं वह इस वजह से कि वे भागैनाइज्ड नहीं हैं और उनकी कोई ट्रेड यूनियन नहीं है।

जनाब डिप्टी स्पीकर, गवर्नमेंट कहती है कि हमें जमीनों की जरूरत है और यह बताने के लिये कि गवर्नमेंट को जमीनों की जरूरत है, फिगर्स दी हैं और उसका कहना है कि इस वास्ते हम यह कानून बना रहे हैं। ठीक है, साहब, आपको जमीनों की जरूरत है मकान बनाने के लिये और सरकार के दूसरे और प्रोधाओं को पूरा करने के लिये, लेकिन मैं पूछता हूँ कि उसके लिये मुल्क के लाखों और करोड़ों किसानों को उजाड़ने का क्या हक है? जिस की तमाम श्रीलाद, जिस की रोटी, जिस की तमाम जिन्दगी, जिसका सोशल स्टेटस में तमाम चीजें इस जमीन से बाबस्ता है। मैं शर्च करना चाहता हूँ कि जो लैंडलार्ड है, वह उजड़ कर बस सकता है। आपने देखा है कि पंजाब का पार्टिशन हुआ। वहां पर ऐसा ही हुआ है। लैंडलार्ड फिर से बस गया है। लेकिन जो पीजेंट प्रोप्राइटर है वह अगर एक बार उजड़ जाता है और उसको अगर जमीन नहीं मिलती है तो वह तबाह हो जाता है। मजदूर एक शहर से जाकर दूसरे शहर में काम कर सकता है। लेकिन जो पीजेंट प्रोप्राइटर है जिसके पास ३०-३५ बीघा जमीन होती है, वह खरम हो जाता है

**Shri Anil K. Chanda:** May I intervene for a moment? I am afraid, what the hon. Member is referring to has absolutely no connection with this Bill, because no small kisans are affected. I have given the figures. Since 1952 no lands have been requisitioned by the Defence Ministry.

So far as the other part is concerned, requisitioning of buildings, whether it is a small kisan or a big kisan, nobody is affected. In urban areas residences have been acquired by Government for office or residential purposes or lands had been requisitioned by the State for different purposes. But I can categorically say that since 1952 no single piece of land has been acquired by the Defence Ministry. And so far as lands which have been requisitioned by the Defence Ministry are concerned, out of 9900 and odd, only 187 are today under requisition.

**Shri Biren Roy (Calcutta-South West):** Question.

**Shri Anil K. Chanda:** What question?

**श्री प्र० सि० दौलता :** मुझे यह सुन कर हैरानी होती है कि हमारी मिनिस्टरी जिन्होंने यह बिल पेश किया है, उनका मालिज कितना आर्थेटिक है। जिन लोगों की जमीन आप एक्वायर करते हैं, वह पॉजेंट प्रोप्राइटर्स की जमीन होती है। यह जितने भी दिल्ली के आस पास लोग उजड़ते जा रहे हैं.....

**Shri Anil K. Chanda:** Again, if land is acquired under the Land Acquisition Act, it has nothing to do with this Act.

**Mr. Deputy-Speaker:** That is a different law. Those lands are being acquired under the Acquisition Act.

**श्री प्र० सि० दौलता :** उसको आप दूसरे कानून के मातहत कहते हैं। लेकिन

जो डिफेंस डिपार्टमेंट ने जमीनों ली हैं और लेकर छोड़ रखी हैं, और जो पिछले सोलह साल से एक बड़ा लैंडलाई बना हुआ है, डिफेंस डिपार्टमेंट.....

**उपस्थित नृश्रीवय :** मिनिस्टर साहब ने कहा है कि कोई ९,००० में कोई एक सी बीघा जमीन ही उनके पास है और बाकी सब छोड़ दी गई है। यह वह कह रहे हैं।

**श्री प्र० सि० दौलता :** मुझे मेरी कंस्ट्रिक्ट्युएंसि के ही एक केस का मालूम है। एक जगह पर २५० बीघे से ज्यादा जमीन एक्वायर की गई है और वह डिफेंस डिपार्टमेंट के पास है। सोलह साल हो चुके हैं। ला कोर्ट्स में भी जा चुके हैं और हर तरह की कोशिश की जा चुकी है। आज तक उस जमीन की कोई कम्पेंसेशन नहीं मिली है। मैं बहादुरगढ़ एरोड्रोम की मिमाल देता हूँ। १२ साल से उसको एक्वायर नहीं किया गया है। उसको रिक्विजिशन करके रख छोड़ा गया है। कोई कम्पेंसेशन नहीं दी गई है। किमान खड़ा देल रहा है। एस्टेट आफिस ने उसको क्रिमी दूसरे को पट्ट पर रिडवत ले कर दे दिया है। अगर उसको पट्टे पर देकर ही काश्त करवाना है तो क्यों नहीं वह उसके मालिक को दी जाती है जो खुद काश्त कर सकता है। डिफेंस ने दिल्ली के पास चार गांवों को रिक्विजिशन किया है। उनके बारे में हम रेडडी साहब के पास भी गये हैं और प्राइम मिनिस्टर साहब से भी मिल चुके हैं। गोपालन साहब भी हमारे साथ गये थे। किम ला के तहत इसको एक्वायर किया जा रहा है। इसको सेंट्रल ला के मातहत ही तो एक्वायर किया गया है।

**Shri Anil K. Chanda:** I have to intervene again. The hon. Member is referring to things which are not covered by this Bill.

**Shri P. S. Daulta:** By what law is the aerodrome acquired?

**Shri Anil K. Chanda:** It is acquired under the Acquisition Act.

**Mr. Deputy-Speaker:** What law governs that, that is a different thing altogether.

**Shri Biren Roy:** Many lands which were requisitioned under the Defence of India Act are still in their possession. Under what law are they being administered?

**Mr. Deputy-Speaker:** That can be found out. They have not been acquired under this law.

**Shri Biren Roy:** They are maintained under this law.

**Mr. Deputy-Speaker:** He will answer that when he replies. That is not relevant here, if they are not taken over under this law.

**Shri P. S. Daulta:** So far as I am concerned, I know cases in Punjab.

**Mr. Deputy-Speaker:** The hon. Member can give one or two instances

श्री प्र० सि० चौधता जनाब डिप्टी स्पीकर साहब, मैं यह अर्ज करना चाहता हूँ कि जहाँ तक पंजाब प्रोवाइडमेंट की जमीन का ताल्लुक है, जितनी भी जमीन इस वक्त डिफेंस डिपार्टमेंट का पाम पडी है और जितनी भी जमीन का यह पट्टे पर देना है, वह सारी की सारी जमीन छोड़ दी जानी चाहिये। अगर उसका कायदा ही बरतना है तो यही न उसको मालिक कायदा करे। गवर्नमेंट को जब जरूरत होगी तब वह उसे ले सकती है।

एक और निहायत ही जरूरी बात यह है कि जिस जमीन को रिक्विजिशन दिया जाये उसको या तो दो माल में अन्दर एक्वायर कर लिया जाये वरना उसको छोड़ दिया जाना चाहिये।

जहाँ तक कम्पेंशन का ताल्लुक है, मैं यह अर्ज करना चाहता हूँ कि जिस वक्त जमीन को एक्वायर किया जाये, उसकी मार्किट वैल्यू से उबल अगर थोड़ी है या

मार्किट वैल्यू आज की थोड़ी है, वह मिलेगी किसानों को उनकी जमीनों से लिये। मैं नहीं समझता कि जो जमीन १९४२ में या १९४३ में रिक्विजिशन हुई थी आज तक उसको एक्वायर नहीं किया गया है इगरी क्या वजह है। आज उस जमीन की कीमत दस गुना या पन्द्रह या बीस गुना बढ़ गई है। वह दुगुनी क्यों ले? वह कम्पेंशन मार्किट वैल्यू के हिसाब में क्यों ले? वह उसकी क्यों ले? जमान में बाढ़ आ जाती है, खेत बरबाद हो जाते हैं, आप किसानों को यह नहीं कहने हैं कि तुम ३००० ले लो, आप उनकी मदद करने हैं। इन्फ्लेशन से उस जमीन का पाम आवादी में बढ़ जाने का या किसी दूसरे कारण से उसकी जमीन का भाव बढ़ जाता है, तो उसको उस बढ़े हुए भाव का उनका ही फायदा उठाने का हक हासिल है जितना कि मुंबीबन में वक्त वह उठाना है।

ना मैं यह अर्ज करना चाहता हूँ कि जितनी भी जमीने डिफेंस का पाम या गवर्नमेंट आफ इंडिया का दूसरे मूकमी का पाम पडी हुई हैं जिनको कि उनको डेवॉलपमेंट की जरूरत नहीं है, उनका उन्हें उनका मानिको को रेन्टिंग कर देना चाहिये। यह काम जन्दी मजदूरी करना चाहिये।

जहाँ तक रिक्विजिशन का ताल्लुक है मुझे पता नहीं कि कौन से कानून से मानव इनको लिया जाता है। दिनों-दिन नजदीक जो छोटे छोटे पंजाब-प्रोवाइडमेंट ह उनका पाम कई फर्में गई हैं। ये फर्में काफी बारम्बार थी। उनसे उन्होंने कहा कि इस भाव पर तुम अपनी जमीने हमें दे दो। जब वे लोग उस भाव पर देने को तैयार नहीं होते हैं तो कहा जाता है कि गवर्नमेंट इनको एक्वायर कर लेगी। ऐसा ही होता है। तीन महीने में अन्दर गवर्नमेंट की तरफ से रिक्विजिशन का नोटिस चला जाता है और कह दिया जाता है कि इनका एक्वायर कर दिया

[श्री प्र० कि० बोलता]

1 है। इस तरह की चीजों को रेड्डी साहब के नोटिस में लाया गया है। सरकारी मुलाजिम अपनी इंडिविदुअल कैपेसिटी में इन लोगों के पास जाते हैं और इनको कहते हैं कि तुम अपनी जमीन को हमें इस भाव पर दे दो। जब वे लोग उस भाव पर देने के इन्कार कर देते हैं और कहते हैं कि माफिद बैल्यू दो तो दूसरी चाल चली जाती है। सरकारी मुलाजिम अपनी कोऑपरेटिव सोसाइटी बना लेते हैं और उसके भाव जमीन को रिक्विजिशन करवा लेते हैं। वे हाई फैनट्रम हैं जो मेरे आपके सामने रख रहा हूँ। किसान बेचारा देखता रह जाता है। वह कुछ कर नहीं सकता है।

जनाबे वाला, मेरे अर्थ करता हूँ कि सरकार लैडलाइज्म न करे। जिन जमीनों की इसको आवश्यकता नहीं है, वे उनके मालिकों को रेस्टोर कर दे। ये जो दिल्ली के करीब जमीनें हैं, जिनको कि गवर्नमेंट आफ इंडिया ल रही है, बेरियस परपोजिज के लिये उनमें बड़ी भारी करप्शन चली हुई है। व्योरोकेसी की तरफ से बड़ी भारी ज्यादती हो रही है। बेचारे किसान अपनी बात को कई बार आपके नोटिस में ला चुके हैं आप से मिल भी चुके हैं। उनके साथ इन्साफ नहीं हो रहा है। आपको उनकी तकलीफों की तरफ भी ध्यान देना चाहिये। मेरे अर्थ कबला कि यह ला परमानेंट नहीं बनना चाहिये। जो प्राइमरी ला है वह काफी है। नेशन के लिये जो ला है वही गवर्नमेंट के लिये होना चाहिये। किसान को हक हासिल है कि वह अपनी बायोनिंग पावर से गवर्नमेंट के साथ बात करे। उसको यह कहने का हक हासिल होना चाहिये कि इतना खपटा दो तब मैं बैचूंगा। जिस तरह से कांटेक्ट एक्ट के मातहत वो पार्टीज होती हैं और वे भी होती हैं उसी तरह से वे भी की होनी चाहिये। उनको किसी किस्म

की बाधा न, किसी किस्म की डिबर्स का सामना नहीं होना चाहिये। उनको किसी किस्म की तकलीफ नहीं होनी चाहिये। भाज क्या होता है। पहले तो जमीन की काबू में कर लिया जाता है। उसकी जमीन का पोषेशन पहले ही ले लिया जाता है। इसका गतीबा यह होता है कि किसान की जो बायोनिंग पावर है वह पहले ही खत्म हो जाती है। उसका कब्जा अपनी जमीन पर से निकल जाता है। फिर वह एक्वायर होती है। इस पर प्रॉबर्टेशन एक्ट एप्पाई नहीं होता है। सिविल कोर्ट से यह डिबाई है। ये तमाम की तमाम एक्सट्राप्राडिनरी पावर्स हैं। आप भी बहुसियत ग्राहक के माफिद में जायें। आपने ये पावर्स क्यों हासिल की हुई हैं उन लोगों के खिलाफ जिन की जिन्दगी ही ३०-३५ बीघा जमीन पर निर्भर करती है। दिल्ली में भाज आप बड़ी बड़ी इमारतें देखते हैं। कुछ घर्सा पहले १२१ गांव उठे थे। भाज हम उनको ट्रेस नहीं कर सकते हैं। भाज हम यह पता नहीं लगा सकते हैं कि उन गांवों में जो लोग रहते थे, उनका क्या बना है? वे मजदूरी कर रहे हैं या क्या कर रहे हैं। भाज उन का नामोनिशान मिट चुका है। पता नहीं वे लोग कहा गये और कहा नहीं गये। जब आप एक्वायर करे या रिक्विजिशन करे तो आप इन्सानी पहलू को न भूले। इसमें एक प्रूमन फेक्टर है जिसको आपको नजरअंदाज नहीं करना चाहिये : जो दूसरा है वह यूगा है, बोल नहीं सकता है, उसकी कोई प्रावाज नहीं है, उसमें पीछे कोई पोलिटिकल पार्टीज नहीं है। वह हड़ताल नहीं कर सकता है। आप कहते हैं कि दिल्ली बड़ रही है। यह बढ़ नहीं रही है। आप बिनय मार्ग की छतों पर न देखिये। इस जमीन पर किसी बस्त हल चलता था। उनका भाव नामोनिशान नहीं है। उन लोगों के घर पर तख्तार लटक रही है

इस कानून की। गवर्नमेंट भी जमीन को लेने में एक पार्टी होती है। लेकिन वह किसान से एक पार्टी की हैसियत से नहीं टकराती है। वह उसकी जमीन पर एक झुकवतान की हैसियत से, अपनी तमाम शक्त से कब्जा करती है। इसके बाद कम्पेंसेशन का सवाल पैदा होता है। कम्पेंसेशन उसको कब मिलता है। कम्पेंसेशन उसको उस वक्त मिलता है जिस वक्त वह किसान उजड़ चुका होता है, कहीं का कहीं चला जाता है। जितना कम्पेंसेशन उसको देना होता है वह सारे का सारा रिश्तत देने में ही खर्च हो जाता है। आपको चाहिये कि आप एक किसान की जमीन की एक चप्पा भर जमीन भी उन वक्त तक न लें जब तक कि आप कम्पेंसेशन न दें। इस में भी क्या गजब है? आप कम्पेंसेशन थोड़ा दे रहे हैं? हम यह चाहते हैं कि यह तय कर दिया जाय कि गवर्नमेंट कब्जा तब लेगी, जब कि वह पहले किसान को दोबारा धाबाद होने के लिये कम्पेंसेशन दे चुकेगी। किसी भी सिविलाइज्ड गवर्नमेंट का यह फर्ज है कि अगर वह किसी को उजाड़ रही है, तो वह पहले उस को पैसा दे दे और फिर उजाड़े, ताकि वह गरीब दूध बेच कर ही सही, किसी तरह अपना गुजारा तो कर सके। धाज-कल हालत यह है कि कई कई बरस पैसा नहीं मिलता है। मैं उन गूंगे लोगों की तरफ से उन पीजेन्ट प्रोप्राइटर्स की तरफ से इस बिल की मुसालिफत करना चाहता हूँ, जिस की रू से गवर्नमेंट एक्स्ट्राआडिनरी पावर्ज को परमिनेन्ट तौर पर हासिल करना चाहती है। यह उतना ही सारलस सा है, जितना कि सिविल लिबर्टीज के मामले में प्रिवैटिव डिटेन्शन एक्ट है। आप जब सरमायादारों के पास जाते हैं, तो उन को कम्पेंसेशन देते हैं और उन की सुसामद करते हैं, लेकिन जब किसानों का सवाल आता है, तो एक ऐसे कानून पर अमल किया जाता है, जिस के मुताबिक फौरन जमीन को एक्वायर कर लिया जाता है, जिस में अपनी की कोई इजाजत नहीं है। मैं धर्र करना चाहता हूँ

कि यह तो राबिग है। हम चाहते हैं कि जो पैयार बाकी के प्राहकों के लिये मुकर्रर है, वही पैयार गवर्नमेंट अपने लिये भी मुकर्रर करे। इन प्रस्तावों के साथ मैं इस बिल के परमिनेन्ट होने की मुसालिफत करता हूँ।

**Shri Patabhi Raman (Kumbakonam):** Sir, the Act, with which we are concerned now is Act XXX of 1952 and section 1, sub-section 3 gives it a life of six years from the date of the commencement of that Act, that is to say, it will cease to be in force after 14th March, this year. Therefore it is that there is some urgency about this measure which is before the House.

It is true, as has been pointed out by the Deputy Minister, that it is really in the nature of a war or emergency measure. The Act is all-embracing. For example, it gives power to the Authority to requisition immovable property, to take possession of the property within 15 days thereof, at the most about a month thereafter, and it confers rights so far as the Union Government is concerned to requisition the property. And then, on top, it gives power for acquisition of the property after due notice. We have a Competent Authority or Arbitrator as he is called. Finally, there is the bar so far as civil courts are concerned. I am saying all this only to impress on the House that this is an all-embracing measure with far-reaching implications. There is no doubt about that and if there are some anxieties on the part of Pandit Thakur Das Bhargava and others, I can well understand them.

I submit, so far as I can gather, that the main objection seems to be that by amending, as the Government is trying to do now, one sub-section here, it seeks to make the Act permanent. That is to say, the House is not seized of the other sections of the Act. The House is concerned only

[Shri Pattabhu Raman]

with one section and the other sections become permanent without the House giving serious thought to them. I thought that that was the main objection to the passing of the Bill and making the Act a permanent measure in the statute-book.

I concede, there may be some validity so far as that part of the objection is concerned. But, the fact remains that our main aim is to have a plan for the future of our country and to see that it catches up with the other advanced countries. We have an elaborate plan structure before us. Are we going to allow a bottle-neck to ensue as a result of this Act lapsing? Unless there is this Act, the Government cannot act in a summary manner, requisition houses and take possession of those houses or other buildings wherever they may be when it becomes essential. Unless they are armed with it, the Plan itself will lag behind. I take it that that is the justification for the Government to come with this measure before the House.

I would now say that I have an amendment which seeks to give life to this enactment for another six years. The original Act was for six years. I seek to amend it by substituting the word 'twelve' for 'six', which means, it will be in force till 14th March, 1964. If that is acceptable to the Government, it will allay the fears in the minds of many Members of this House. There will be good enough time then to discuss the measure clause by clause, amend such clauses as are necessary, give up such of the clauses as are unnecessary and add new clauses that may become necessary. It is not necessary at this juncture to go into the various police powers of the State and powers of acquisition for public purposes. All these are envisaged in Chapter III of the Constitution. We have had recently an amendment to article 31 of the Constitution. The State can always get hold of properties and houses for

public purposes. Nobody can question that. Here we have a measure which has got an elaborate paraphernalia and provides for an Arbitrator, for compensation, for notice, for acquisition. We learnt from the hon. Minister that they will need another six years to see that all provision is made not only for officers' buildings, but also for various public purposes. That is what fell from the hon. Deputy Minister. If that is so, my amendment will just suit the purpose. After all, I am asking for a further life of six years for the Act and I would submit again that if the Government considered the acceptance of my amendment, it will allay the fears in the minds of hon. Members.

**Shri Biren Roy** (Calcutta—South West): Mr. Deputy-Speaker, I would be failing in my duty to the people and my constituency if I do not protest vigorously to the making of this Act permanent in the manner in which it is being sought to be done. This is not only slighting the intelligence of this House, but this sort of back-door policy through piecemeal legislation does not give any opportunity to go into the relevant clauses in the Act and therefore, we cannot accept that the Act should be made permanent. If we had been allowed that opportunity, we could have thought of amending certain clauses and making it possible for giving relief to the people. Here, all the previous speakers practically have voiced the same opinion as the Minister in charge was telling us, when the hon. Member from the Punjab was saying that lands of many kisans have been taken away for nearly 17 years and they were not being paid anything. The same situation has happened in West Bengal. It is not only a question of refugees not being provided land for rehabilitation now, it has become a serious problem of many West Bengal permanent citizens being completely displaced from the lands they were in possession of and even now they do not know what would happen to them.

I am particularly bringing to the notice of the hon. Deputy Minister the case in South Calcutta of the Alipore Aerodrome in particular. This Alipore Aerodrome was on requisitioned land, specially the outskirts of it which extended even into the Behala municipality, from the Calcutta Corporation. When it was the aerodrome, part of it, actually the air strip belonged to the Port Commissioners. On one day's notice after the end of war, that is, about 1947-48, a Flying Institution that was carrying on flying training, a very essential thing for the Government, was turned out from this land because of the fact that the Government wanted to hand over the land to the Port authorities. But, when this was done, the result was that most of this land was leased out by the same Port people for profit. Crores of rupees were spent and wasted on this particular air field. Even if one strip of that was maintained today, Government would not have to requisition and take over by permanent acquisition at a cost of Rs. 30 or 40 lakhs, one mile south of it in Behala municipality, further land, about 256 acres for another air field. And not only that. In between these two, the proposed air field and the present air field, there is the outskirt which formed the exact boundary of Calcutta and the Behala Municipality. Many persons who had houses and small plots of land there were cleared out from that area in 1940-41 on one day's notice. At that time I happened to be the Chairman of the Municipality, and I had to go about to each and every Minister there to accommodate these people, or allow them to stay even for 24 hours which they were not allowed, and somehow I managed only their goods to be...

**Shri Anil K. Chanda:** Which year was it?

**Shri Biren Roy:** 1940-41. I am telling you about the Defence of India Act which is referred to in your Statement of Objects and Reasons also.

After that, when the war was over, some of these people who were influential could manage to get their properties de-requisitioned, but those who were not influential could not; and there are lots of them, and they are still coming to us. They have made plans, they have submitted that they may now be allowed to return to these small bits of land where they had their houses because they are now practically homeless, but they have been told: "No, these lands have now been permanently acquired. You will be given the rents which prevailed in 1940-41," notwithstanding the fact, which has been already pointed out in the House, that due to inflation the rates today are more than five times. It has also been argued here that the budget figures were about Rs. 400 crores in 1947-48 whereas today they are Rs. 2,200 crores, more than five times, but as Shri Bharucha has pointed out, Rs. 400 crores of that time are equal to Rs. 1,600 crores today; that means that there is only an expansion of 25 per cent. And what happened to all these poor people? In many cases they have not even paid the rent for the whole period of 18 years for which the requisition went on and inflation increased.

It has been stated in the Statement of Objects and Reasons:

"The conditions which necessitated resort to requisitioning are, therefore, likely to persist for a long time to come. The experience of the last 18 years during which Government have had power to requisition or to continue under requisition property for essential Union purposes [first under the Defence of India Act, 1939, subsequently under the Requisitioned Land (Continuance of Power) Act, 1947, and lately under the Requisitioning and Acquisition of Immovable Property Act, 1952]...."

Therefore, the thing is the same. It is only a continuance of the policy. And then you will say it will be



(Shri Biren Roy)

under the permanent Act of 1958. And what kind of a permanent Act—making the whole thing permanent only by an amending clause, without our being given an opportunity of going into each and every one of the clauses,—just having a discussion—practically a backdoor way of making it permanent.

Not only that. The question as he raised is not a question merely of land, but the question of many houses. Quite right. Now, both houses and lands are requisitioned for essential purposes. In Calcutta, especially in South Calcutta, there are today pending more than 6,000 cases before the tribunals for which rents have not been paid for the last ten years. These questions were raised in Parliament last time but were practically not answered because the session was over.

Many of them again applied that some of their houses may be de-requisitioned. I know of houses in South Calcutta where the officers even went away on transfer, but because the houses were nice, they would not leave them. Some houses continued to be vacant for more than one year, and still the landlords could not get them back for their use, or even make the Government agree that leases of these houses may be made with them. Often it is not even the whole house, just one flat in the house, where the upstairs flat is given today at three times the rent of the downstairs flat which is still continuing under requisition. The officers come back after two or three transfers back to the same place. I cannot mention individual cases here, but if necessary I will submit the information.

Then there are other cases. I know of persons who were citizens of Bengal—undivided Bengal—staying in Calcutta who had properties in East Pakistan. Many of the properties were taken by the Defence Department, and part of the properties was also taken by the Civilian Depart-

ments of the Government of India under the same Defence of India Act. The figures of compensation run into thousands, and even lakhs of rupees in some cases. The funny thing is they are not able to find out today actually what property was requisitioned for defence purposes and what property for civilian purposes. Why?—because, the Government, it seems, have accepted that all those which were for defence purposes will be paid for, but those which were for civilian purposes would be paid for by the Pakistan Government. That means that money they will have to forego.

Even if they ask for information as to which of their properties were acquired for defence purposes, this information is not supplied to them. It is said to be a State secret. If it is a State secret, some other ways must be found to give that information. Then an answer was given to one particular gentleman I know that as he was not an emigrant from Pakistan and he was staying in Calcutta, his case might not be considered; it was only a question of displaced persons from East Pakistan. What kind of law is this?

A person as a citizen of India, had properties at that time in that part of Bengal which was part of India. When his property is taken over, the Defence Department is responsible for payment of compensation, but you make this invidious distinction that just because he happened to be a resident of Calcutta, his property taken over by the Defence Department will not be paid for, but if he could show that he was staying in Comilla or some other place in East Pakistan, he would be paid, although he had a house in Calcutta.

At that time, most of the landlords who had properties in East Pakistan were also practically absentee landlords in Calcutta. During the war they did not go to that side, and after the war when the partition came, you cannot expect them to go there. So, what is happening is that they have

lost there and they are also losing here, and nobody is trying even to give the information as to what will happen to their property. It is not known what properties were transferred from the civilian to defence, and from defence to civilian departments. It may be that some of the papers are not available with this Government, but why not these persons be given the advantage of meeting the officials and getting the proper and correct figures, whatever is available. They cannot even get access to them. This is another hardship to which these people are put.

Now I come to certain other aspects of these tribunals and the question of settling the proper rental value, or even the value of these properties. The Government of India at some time mentioned that the tribunals sitting in various places should decide very quickly, and as expeditiously as possible, all these questions. I am afraid I do not know of the position in the other States, but in Bengal, and in Calcutta in particular, 10 to 11 thousand cases are still pending, and in some cases for the last six to ten years, where not only rents have not been paid, but even the quantum of rent payable has not been decided.

**Shri Anil K. Chanda:** On a point of information. Is it with regard to properties requisitioned by the Central Government or by the West Bengal Government?

**Shri Biren Roy:** It is with regard to properties requisitioned by the Central Government. I am not speaking about the West Bengal Government. That is quite a different thing.

**Shri Anil K. Chanda:** Do I understand him correctly that thousands of cases are pending with regard to property requisitioned by the Central Government?

**Shri Biren Roy:** Yes. I will give you the figures.

14 hrs.

Now comes again this problem, the quantum of rent. If there was a rent control Act for the whole of the country, I would have gladly welcomed it; then people would have known actually what the rent would be, but there is always discrimination. It is only the person who has some influence who can get the rental value fixed at the rate he likes. But the others who have got to file a case or who have not got that amount of influence do not know what happens, because in some cases, the rental value is fixed on the basis of municipal taxes, which some people might have got reduced from the municipal authorities as a result of which they are in a mess; in some other cases, it is also dependent on the value of the property which prevailed at that time in 1940-41; in other cases, they can again take that the value at that time would be also determined by the age of the house, notwithstanding the fact that the person has perhaps maintained it at a level which is very habitable, and even the rental value that he was getting before would not be considered. This is a great hardship to these people.

It has been pointed out by the previous speaker just to justify this Bill that because there is a competent authority and because there is a tribunal and so on, everything will be above board. But it is not so. Practically, there is no appellate authority. There is nobody to whom you can go in cases where the house is acquired or even requisitioned, I should say, maliciously. I know of certain cases of Central Government officers in this connection. I shall not name them here. In one case, the officer took the key from a particular gentleman to have a look at the house just as a friend; he entered and inspected the house, and then returned the key. The next day, he went to the Central Government authorities who were the requisitioning authorities to go through the West Bengal Government, and the

[Shri Biren Roy]

notice was sent immediately on the next day. But the gentleman was saved only because there were witnesses and evidence that the officer took the key from him and entered the house, although he was at the same time enjoying a requisitioned house at some other place, and because his wife liked this place. The matter went up to the High Court and just before the case was up, the officer withdrew from that house asking that the house might be immediately de-requisitioned because he did not need it, the real reason being that the case would have brought out all these facts.

These are the ways in which the people are harassed. There should have been some clauses in this Bill to avoid such harassment, but we cannot discuss those clauses. We do not say on principle that Government do not need any houses; we do not say on principle that Government do not need any lands. We do not say that they should not have these powers. They should have these powers, but we say that everything should be done above board, and as far as possible the condition of the harassed people should be ameliorated. These were the points on which we wanted to have a discussion on the floor of the House, but we have not been given that opportunity. The whole thing is coming by the backdoor, and this Act is being made permanent for six years. What objection could have been there, since there is still a month left, to discuss the clauses or even to have a Select Committee to go through the Bill, or even to have the Bill sent for circulation? Or we might just extend the Act for one year, and then we can come to an agreed decision. I think such a course would have been fair to everybody, and even the Congress Members who spoke were in favour of that proposition. I do not see why Government should object so stubbornly that that should not be done. If they would agree to such a course, that would be quite fair.

Mr. Deputy-Speaker: Now, Shri D. C. Sharma.

Shri N. B. Maiti (Ghatal): May I speak?

Mr. Deputy-Speaker: I have called Shri D. C. Sharma now. I shall call the hon. Member afterwards.

Shri D. C. Sharma (Gurdaspur): There have been three types of arguments against this Bill. Two hon. Members from both the Benches have drawn the attention of the House to the hardships which have been implicit in the process of requisitioning and acquisition. They have given concrete instances. I would say that if there has been any kind of discrimination in the matter of fixing of rents or in the matter of fixing of price of land, such discrimination should be done away with, and this Act should be implemented in as fair and square a manner as possible. All individual grievances, whether they be in Punjab, or in West Bengal or in any other State of India should be looked into, and should be redressed properly.

I was shocked to hear from my hon. friend who spoke earlier that there are certain cases which have been pending for the last ten or twelve years as the tribunals have not arrived at any judgment with regard to them. These things are really deplorable. I hope the Ministry will see to it.....

Mr. Deputy-Speaker: Order, order. There is another voice as loud as the one that I have allowed.

Shri D. C. Sharma. My voice is very feeble when compared with that voice.

I would submit most respectfully that such grievances should not mar this Bill.

A constitutional point has also been raised. I am rather very doubtful

about it, and I think you, Sir, are in a better position than anyone of us to give your verdict on it. In fact, that constitutional issue has been worrying me also all the time, and that is this. Is the Minister constitutionally within his province in bringing forward this socio-economic measure in this way? I can understand that measures which deal with law and order, which deal with the safety of the State, which deal with our defence, which deal with the integrity of our country, and which deal with big issues of that nature can come in this way. But this is a measure which is not on a par with those measures. This is a socio-economic measure, if I may so put it. Can a socio-economic measure of this nature be brought forward in this way? Has it got that amount of urgency that it can be piloted in the House in this way? This is the constitutional issue that has been worrying me, and I submit most respectfully that you are the proper person to deal with it.

It has been said that this Bill should have been there before us in a full-fledged form with all the clauses and sub-clauses. But I do not see any point in that. Whether the Bill is there before us in a full-fledged form or not, I think every section has been brought under fire, and when this has been done one can say that that kind of approach would not have mattered very much.

One of the hon. Members of this House made a speech on this Bill when it was brought forward in 1947. He made a speech on the Bill again when it was brought forward in 1952. Again, he has made a speech on this Bill when it has been brought forward in 1958. I think he has put forward all the arguments that he gave on the earlier occasions in 1947 and 1952. He has put under fire all the sections. Even though this Bill consists of one clause technically,.....

**Shri Braj Raj Singh (Firozabad):**  
But amendments cannot be brought to the sections.

**Shri D. C. Sharma:** ... still, so far as this House is concerned, all the sections have been put under fire, and we understand the whole picture of this Bill, and we understand the complete shape and figure of this Bill. So, I do not think there would have been very much of an advantage if the Bill had been brought forward with all the provisions. But I must say that the Minister has not used the right kind of strategy in bringing forward this Bill. The strategy should have been different, in which case there would not have been much point in what some of my hon. friends have urged. The strategy should have been that they should have sent us in advance some kind of a memorandum explaining to us what has happened as a result of this Act, and what this Bill was asking for for the future. Then I think there would not have been so much of opposition to this Bill. The difficulty is that they have not taken the House fully into confidence so far as to what the working of the Act up to this time has been. Of course, the Deputy Minister made a speech and gave us some figures and all that. But I should think that for the complete information of the House, the Ministry should have circulated a memorandum so that we would have been in fuller possession of the facts of the case. Apart from this, I am wholeheartedly in favour of the principle underlying this Bill.

It has been said that the Government are doing this and that. Some Members have raised a voice in favour of the owners of houses. Even the Deputy Minister, when he was speaking, did say in a very gentle way something about the owners of these houses. I think all of us have some experience of the owners of these houses. I believe that even though this Bill is not going as far as it should, is not going in the right direction as much as possible, it has a very salutary effect upon the house-owners. I

[Shri D. C. Sharma]

know that these house-owners, like other persons, raise a hue and cry whenever anything is done to curtail their activities. I do not want to use any hard word, but I would say that the power of Government to acquire houses and to requisition immovable property is there as a salutary reminder to these persons that they cannot have everything in their own way. Moreover, the rents that Government fix are such as make the ordinary man feel what the real rent should be. Therefore, whenever the owner of a house tries to fix a rent out of all proportion to the utility of the house, out of all proportion to the dimensions of the house and out of all proportion to the situation of the house, the Act is there for the ordinary tenant to see that the house-owner has done well or ill by him.

I would, therefore, say that this measure is not going to do much good to the Government. From the facts and figures given by the Deputy Minister, I find that it is not a measure which is going to be of such a magnitude as has been described by some hon. Members who spoke before me. It is not going to be like that a very comprehensive measure. But I say that this measure is going to do a great deal of good to the public, to the tenants of these houses, to the people who rent these houses. They can compare the rent which they pay on their own with the rent which Government pay, and there is a salutary reminder to the house-owner not to rack-rent these houses.

It has been asked: what was the value of the house when it was built? What was the value of the land when it was acquired? It was said that the cost of land had increased from 100 per cent to 1000 per cent, and that the value of houses had increased from 100 per cent to some other percentage. If Mr. Lloyd George had been present today in this House, he would have been very uncomfortable after listening to these arguments which

have been given about the increase in price and about the increase in the cost of buildings which were constructed 10 or 15 years ago.

Sir, there is something like unearned income also in this world. If a house in Delhi is today worth Rs. 10,000 while it was worth only Rs. 1,000 some years ago, I say it is a case of unearned income. I say that living as we do in a socialist State, professing as we do a socialist pattern of society, we have every right to see to it that this unearned income which goes to these landlords and other persons is put under some kind of check. I believe that this is a very small measure which is going to put these things under check; otherwise, I think there will be no limit to the power to grab and grasp, get and acquire, appropriate and hold, which these persons, who are thought to be house-owners or landlords, have. Looked at from that angle, this Bill is a very salutary and wholesome measure.

It has been said that the budget of India was so many crores of rupees in one year and it has gone up by so many crores during this year, but the value of the rupee is 4 annas today while it was full one rupee before and so on. I do not know how these people arrive at these calculations. But I say that this kind of measure is necessary, even urgent, in view of the development-mindedness of our country.

The Deputy Minister said that they would require Rs. 10 crores for building offices and Rs. 32 crores for building residential quarters—Rs. 42 crores in all. If the overall picture were taken, perhaps it would come up to very much more. At a time when we are in the midst of the Second Five Year Plan and when we require every pie in order to save the core of the Plan and when we are going to this country and that to augment our resources, I do not see any reason why we should not take the help of these nationals of this country to save

Rs. 42 crores. I think this is a very patriotic Act. This measure is, I should say, a call to patriotism in a way, because Rs. 42 crores which we would be spending on these houses and offices, will be saved and will be utilised for other more urgent and more useful development purposes.

This is really a time of emergency. It was said that this measure was a war-time measure and there was no emergency. I see everyday in the papers all the Ministers, of the Central and State Governments, saying that we are living in a state of emergency.

What is the emergency? We have to save every penny. We have to make our Second Five Year Plan a success. It is a great economic emergency; it is a great financial emergency. If by passing this Bill, we can guard ourselves against that economic and financial emergency to some extent, I do not see any reason why some persons should jib at it. Of course, I would say that the State—when I say State I mean both the Centre and the States—should be the master builder. The State should give shelter to everyone.

But, that is talking in terms of principle; and principles are very good. We have also to talk in terms of our resources; we have to talk in terms of our limitations and talk in terms of those things which cripple us in some way. Therefore, when we talk in terms of the possible—and politics is the science of the possible—when we talk in terms of the possible, I say this Bill serves a very useful purpose.

Some of my friends printed very lurid pictures of the working of this Act, people being uprooted and people being denied this thing and that thing. Some of my friends are very excellent advocates and they can advocate a cause with a great deal of eloquence and force. I know that. But, if anybody has spoken today about this

measure in terms of its legality or in terms of something else, if anybody has done that, I would say that he has done so at the cost of the social good. Social good should take precedence over everything else. Shri Pattabhi Raman referred to agencies that are there to bring justice to people. I do not want to go into that question again. But, I would say that so far as social good is concerned, it is the paramount necessity in India today. Everything has got to be subordinated to that social good. Social good does not mean only public utility. Of course, public utility is there. But, it means also the utility of the nation and the utility of the people who are running the machinery of the nation.

I believe from that point of view this measure is very helpful. Sometimes, our draftsmen word these things in a very fine fashion, that I sometimes wonder what kind of draftsmen are they. 'Also reinforce the hands of Government to retain these powers indefinitely.' I have come across this word 'indefinitely' hundreds of times in my life.

**Shri K. C. Reddy:** It is permanent make the measure a permanent one.

**Shri D. C. Sharma:** I have come across this word very often and it is a very unfortunate word. Nowhere has this word been misused in a greater way than here. I say this word should not have been used.

**Mr. Deputy-Speaker:** Where is the word, 'indefinitely'?

**Shri K. C. Reddy:** It is the Statement of Objects and Reasons.

**Shri Tyagi:** In the Statement of Objects and Reasons.

**Mr. Deputy-Speaker:** Is the hon. Member criticising the draftsman for putting these words in the Statement of Objects and Reasons? He might object to some words being used in the Bill itself.

**Shri D. C. Sharma:** Who drafts the Statement of Objects and Reasons?

**Shri Tyagi:** The signatory is responsible for this.

**Shri K. C. Reddy:** Please read the last sentence.

**Shri D. C. Sharma:** I say that this Bill should be looked at from the point of view of social good and I say that the principles of this Bill are in accordance with social good.

**Mr. Deputy-Speaker:** Shri Jadhav. I would request hon. Members to condense their remarks in ten minutes; other hon. Members also want to speak.

**श्री जाधव (मालेगांव) :** मिस्टर डिप्टी स्पीकर सर, यह जो बिल हाउस के सामने है उस के बारे में जो मान्यवरों सदस्य भरूचा जी ने कहा है कि या तो इस को बिल्कुल ट्राय कर दिया जाय या इस को ज्वाइंट कमेटी के सामने पेश किया जाये, उस से मैं सहमत हूँ ।

मुझे बहुत आश्चर्य होता है कि जब गवर्नमेंट के सामने कुछ न कुछ मुसीबत होती है तो वह हम मदन के सामने ऐन मौके पर कोई बिल रख देती है। सदन को उम बिल पर अपनी राय जाहिर करने का पूरा मौका नहीं मिल पाता। इस कानून की मुद्दत मार्च में खत्म हो रही है। ऐसे मौके पर यह बिल सामने आता है।

गये ११ साल के भ्राजादी के दौर में हमारी सरकार के सामने अगर कोई सब से बड़ा ग्रहण मवाल था तो वह या तो गवर्नमेंट के वास्ते या भ्रबाम के वास्ते ज्यादा में ज्यादा मकान बनाने का था और जो कुछ भी दूसरी जरूरतें हो उन को मामने रखने का था। गयी जंग के बाद भ्रंजेजो ने या जर्मनी ने इस बारे में काफी तरक्की की है। कुछ भ्रसे में इंग्लैंड और अमरीका ने तीन तीन चार चार लाख के यूनिट एक एक साल में बनाये हैं। हमारी गवर्नमेंट ने इस बारे में क्या किया है यह मैं नहीं समझ सकता।

इस बिल को सामने रखने के लिए जो बजहात दिये गये हैं उन में यह बताया गया है कि गवर्नमेंट की यह परेशानी है कि लंडलार्ड्स उस पर यकीन नहीं करते। लंडलार्ड गवर्नमेंट के साथ लीज करने के लिये तैयार नहीं होत। जो लोग हमेशा गवर्नमेंट पर यकीन करते हैं ऐसे लोग अगर गवर्नमेंट के साथ लीज करने के लिये तैयार नहीं होते तो गवर्नमेंट की इस हालत पर दुःख होता है। मेरी कास्टीट्यूएन्सी में नासिक जिले में डिफेंस के वास्ते सरकार ने १७,००० एकड़ जमीन किसानों की रिक्वीजीशन की। उस के एक्वीजीशन की प्रोमी डिग्निस चली। सन् १९५२-५३ में भी प्रोसीडिंग्स चली लेकिन उन को अभी तक पैसा नहीं मिला है। गई पार्लियामेंट के समय में मैंने इस बारे में सवाल भी पूछा था तो बताया गया पैसा देने के लिये स्टेट गवर्नमेंट को कहा गया है। लेकिन जब मैं स्टेट गवर्नमेंट के मान्यवर मंत्री के पास गया तो उन्होंने बताया कि उन के पास ऐसी कोई मालूमात नहीं है। कनक्टर के पास गया तो उन्होंने भी कहा कि हम को मालूमान नहीं है। लेकिन जब मैंने उन को सवाल का जवाब बतलाया तो वह बोले कि हम इस का बन्दोबस्त करेंगे। लेकिन आज तक भी वह पैसा नहीं मिला है। अगर भ्रवाम को आपस में कोई मुसीबत होती है तो उम का फंसला कोर्ट में हो सकता है। लेकिन अगर गवर्नमेंट के खिलाफ कोई बात हो तो कहा जाये। उम के लिये भी एक अपील की जगह है लेकिन उस में खर्चा बहुत पडता है। गवर्नमेंट की तरफ से बतलाया गया है कि गवर्नमेंट को सात भाट लाख स्क्वायर फीट में ४० या ४२ हजार यूनिट्स बनानी है। इस के लिये गवर्नमेंट ने आज तक कितना पैसा खर्च किया है। जो हमारा मैकिड काइब इयर प्लान है उस में गवर्नमेंट ४८०० करोड़ रुपया खर्च करने जा रही है। लेकिन स्लम्स को दूर करने के लिये जो कि हिन्दुस्तान में बहुत है, गवर्नमेंट ने इस का एक पर सेण्ट भी नहीं रखा है। अगर गवर्नमेंट के सामने प्रायरीटी

नहीं होगी तो मैं कहता हूँ कि इस से मुझे बहुत दुःख होगा ।

भाज जो इस बिल के द्वारा गवर्नमेंट खर्च करना चाहती है उस के लिये सोच विचार करने को हमें काफी मौका होना चाहिये पहले तो इस बिल की जरूरत ही नहीं है । मैं समझता हूँ कि अगर गये दस ग्यारह साल में गवर्नमेंट ने भ्रवाम के दिल में अपने प्रति यकीन पैदा किया होता तो भाज यह बिल लाने की जरूरत ही न होती । जो रिक्वीजीशन की हुई प्रापर्टी है उस के लिये अगर गवर्नमेंट समय पर पैसा देती तो लीज करने में कठिनाई न होती । लोगों के दिल में यह यकीन होना चाहिये कि अगर हम गवर्नमेंट के साथ लीज करेंगे तो हम को उस का पैसा वक्त पर मिलेगा । अगर गवर्नमेंट ने लोगों के दिल में यह यकीन पैदा किया होता तो भाज यह मौका न धाता कि यह कहा जाये कि लैंडलाई गवर्नमेंट के साथ लीज करने के वास्ते तैयार नहीं होते ।

भाज जो बड़े बड़े लैंडलाई हैं वे मकान बनाना चाहते हैं लेकिन उन को डर है कि गवर्नमेंट उन मकानों की रिक्वीजीशन करती है तो हम को उन का जो मूल्य रेंट के हिसाब से या कीमत के हिसाब से मिलना चाहिये वह नहीं मिलेगा । गवर्नमेंट को चाहिये था कि वह ज्यादा से ज्यादा मकान बनाती । पर गवर्नमेंट ने नहीं बनाये हैं । अभी एक मान्यवर सदस्य ने कहा है कि "गवर्नमेंट शुड बी ए मास्टर बिल्डर" । लेकिन ऐसा है तो नहीं । जो बड़े बड़े लैंडलाई हैं उन के दिल के अन्दर गवर्नमेंट को यकीन पैदा करना चाहिये ।

यह स्वम क्लियरेंस का एक अहम सवाल है । अगर गवर्नमेंट इस के हल के लिये सामने धाती तो गवर्नमेंट को काफी पैसा मिल सकता था । इतनी ही नहीं, गवर्नमेंट जो पैसा खर्च कर रही है उस में से भी उसे इस काम के लिये बचाना चाहिये । अगर ऐसा किया जाता तो इस बिल को लाने की जरूरत ही न होती । इसलिये मैं गवर्नमेंट से अपील करूंगा कि वह इस बिल को लौटा ले । कहा जाता है कि

गवर्नमेंट के सामने परेशानी है । लेकिन इस परेशानी को ऐन मौके पर सदन के सामने रखा जाता है और सदन को इस विषय पर बहस करने का और सोच विचार करने का मौका नहीं दिया जाता । इसलिये मैं कहता हूँ कि इस बिल को ड्राप कर दिया जाये या इस को ज्वाइंट कमेटी के सामने रखा जाये ताकि इस के जो सारे सैकन्स हैं उन पर काफी सोच विचार किया जा सके । भाज कहा जाता है कि गवर्नमेंट के सामने कुछ ऐसे संकट हैं कि अगर यह बिल पास न किया गया तो गवर्नमेंट को काफी परेशानी उठानी पड़ेगी । मैं चाहता हूँ कि यह बिल ज्वाइंट कमेटी के सामने भेजा जाये । इसके वाँ में जो अरूचा हावब ने कहा है उस से मैं सहमत हूँ । गवर्नमेंट इस पर सोचे । और मैं कहना चाहता हूँ कि जो पैसा लोगों का गवर्नमेंट की तरफ बाकी है अगर उस को जल्द से जल्द देने की व्यवस्था की जाये तो गवर्नमेंट की तरफ लोगों को काफी यकीन पैदा हो जायेगा ।

**Shri K. C. Reddy:** My hon. colleague when making the motion has advanced the arguments as to why the Government had come forward with a Bill of this kind at this juncture and so I do not think it is necessary on my part to recapitulate the same ground. An amendment has been moved that this Bill be circulated for eliciting public opinion. This Bill was introduced here about two months ago and during all this period it was quite possible for the public to express the opinion on the several aspects connected with this Bill. It seems to me that there is no real case made out on that ground for circulating this Bill.

Some other points were raised by some hon. Members. I would not like to deal with all of them. My colleague will deal with some of them and I would like to content myself with some of the broad aspects. I am glad that by and large there has been a unanimous feeling on the part of the Members that the principles underlying this Bill are fairly sound and that the objective of this Bill is



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good and that Government should have powers of requisition and acquire immovable property in certain circumstances.

Only one hon. Member, Shri Bharucha, has said that this Bill is intended for the interest of the Central Government and not for the interest of the general public. I am amazed by this argument. The Central Government is here to serve the interests of the public. To say that this Bill is being brought forward in the interest of the Central Government forgetting that the Central Government is here to carry its responsibilities and duties to the public is baseless. Government has brought forward this Bill mainly in the public interest.

During the last few years Governmental activities have increased by leaps and bounds. My colleague referred to the increase in the Budget expenditure during the last few years and said that it could be inferred that the activities of the Government have expanded. It was necessary to take such measures as were needed to create the necessary conveniences for carrying on the increased activities of the Government. It was said that if Government had made up its mind for going in for construction activities on a large scale, Government would not have been in this unhappy position of bringing a Bill of this kind to acquire immovable property.

I think figures have been given to show that during the last few years—five to six years—Government have done their utmost to carry out and execute a construction programme which, by and large, may be said to be satisfactory. I do not want to give the figures here at present, but during First Five Year Plan and during the two years of the Second Five Year Plan, the construction activity has been very satisfactory and if still we find today that we are in need of more and more accommodation, it is because of the fact that governmental activities have proceed-

ed on a very fast pace. That explains the present necessity for this Bill.

So far as accommodation is concerned, figures have been given by my colleague. So far as Delhi is concerned, we require about 40-lakh sq. ft., of accommodation for governmental purposes. I am giving only approximate figures. Out of this 40-lakhs sq. ft., Government have today taken into account the additional construction that have come up, which is in all about 13-lakhs sq. ft., of permanent accommodation. About 18 or 19 lakh sq. ft., of accommodation is provided by hutments which are of a temporary character and which will have to be pulled down in the course of the next three to four years. About 5-lakh sq. ft., of accommodation has been leased—princely houses and other residences. Even after all this, we are short of accommodation to the extent of about 5-lakh to 6-lakh sq. ft., in Delhi alone. In Bombay also the position is not better. In Calcutta and other places, the position is the same. From this it will be seen that even if we increase our construction programme by two or three times the present scale which we are now resorting to, it will not be possible during the next five years to provide all the governmental accommodation that the Government will require for their office accommodation purposes.

The same thing holds good in respect of residential accommodation also. It will be of some interest to the Members to know that so far as Delhi is concerned,—I am again giving only the figures for Delhi—40,000 units of accommodation are necessary for officers of the Government. We are short by about 40,000 units. All these years we have been able to build only to an extent of 35,000 to 40,000 government units. Roughly, about 50 per cent. of the demands we had been able to satisfy, and anyone who runs may see that during the last few years what an amount of building construction programme has been taking place in Delhi alone. In fact, everyone is amazed at the

amount of building activities that have gone on. But, in spite of it, we are short of accommodation. It is because of the compelling fact that we are short of accommodation that we have been obliged to come forward to this House for making this measure a permanent one.

Then, it has been said that this Bill has been brought forward in a peculiar manner before this House. What is the procedure that we have adopted? We have adopted, as the House knows, the procedure of bringing a one-line amendment seeking to make this temporary Act, or the Act which was put into operation only for a particular period of time, a permanent one. In submit this is not a novel procedure or a very abnormal procedure which the House is being introduced to for the first time. In recent years, there have been several cases where Bills have been brought forward to extend the life of various Acts from time to time.

**Shri Braj Raj Singh:** Not for being made permanent.

**Shri K. C. Reddy:** I will give one or two instances relating to such Bills also. For example, take the Rent Control Act. In 1947 and thereafter there were several Acts in respect of the Rent Control measures, and I remember on two or three occasions Bills were brought forward to extend the life of those Acts by two or three years. That procedure has been adopted and on those occasions it was not possible for the Members of this House and this House to address themselves to bring forward an amendment to the substantive provisions of such Bills.

The life of the Preventive Detention Act was sought to be extended from time to time. It was extended for three years. Even on the last occasion, a simple Bill was brought forward to extend the life of that Act. Some of these arguments which were advanced on this occasion were also advanced on that occasion and effective replies were given. I do not want to repeat the same arguments on this occasion.

Relating to socio-economic measures or financial measures to which reference may be made, I should like to draw the attention of the House to one important Act that was passed in August, 1957. I am referring to the Foreign Exchange Regulations (Amendment) Bill. This was a temporary measure, and the Government came forward with a Bill to make it permanent. The main purpose of that Bill was to make that temporary Act a permanent one, and the House in its wisdom put its seal of approval on that Bill and passed that Bill, and it became an Act.

Also, if I am not mistaken,—in 1956, I believe—the Capital Issues Control Act, which was a temporary Act, was made a permanent one by adopting a procedure more or less of this kind. So, it is not a new procedure that we are following.

My hon. friend, Pandit Thakur Das Bhargava, in his speech covered more or less the same arguments that he advanced when this Bill was introduced in 1952 and which became an Act then. He was pleased to say, that we are depriving the right of the legislature to go into the merits and demerits of the substantive provisions of the Act when amendments of this kind to make such Acts permanent are brought forward. In a restricted sense, it may be so. But, in a broader sense, it is not so. If it is conceded that it is open to the House to refer to the substantive provisions of the Bill and express their opinion, whatever it may be, on the substantive provisions of the Bill, it may be that they are not in a position to move amendments, because rulings to that effect have given by the Chair. But it is open to them to express their views on the substantive provisions of the Bill, and this has been done on previous occasions also. What will be the outcome of such expression of opinion? Will it result in any amendment or any change in the Bill whose life is being sought to be extended or which is sought to be made permanent? What I can say is this. Any Government which is respon-

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sible to Parliament, as this Government certainly is, will take note of such observations and will certainly give its attention to the criticisms that might have been made by the Members on occasions like this, and the Government will review the position and see in what respect amendments will be necessary for Acts of this kind. And then, in course of time, after due consideration, if they feel that amendments are necessary, they will bring forward amendments to these Acts. That is the procedure that has to be followed. It has happened in some cases before; and I would not be surprised if it comes to happen in other cases also in the future.

So, opinions expressed by Parliament will not be ineffective or infructuous. Only, it may take some time before they ripen and before the Government can devote its attention to them and bring forward amendments to the measures. So, I submit that the procedure which has been adopted is nothing very abnormal nor has there been any intention on the part of the Government to deprive the House to express its legitimate views whatsoever.

Hypothetically, for argument's sake, I am saying that the House is at perfect liberty, and it has the undoubted right, to say, that this measure which has been enacted in 1952 by the former House—I am not referring to the present House which has been constituted after the 1957 elections—is not acceptable to the House now and that it wants to throw it overboard or do this and that. But I submit that this Parliament is a continuous body,—and what its predecessors have done at any point of time has also to be regarded as being somewhat weighty and sacrosanct by the succeeding House.

What happened on the last occasion, in 1952? This Bill, the Bill that was introduced then and which became an Act in 1952, was gone into in great detail by the House. The matter was referred to a Select

Committee, which made several recommendations. As my hon. colleague pointed out, the Government accepted almost all the recommendations of that Select Committee and it was after going through the process of the Select Committee that the Bill became an Act on that occasion. The only thing that has now happened is, whereas at that time it was said that the life of the Bill might be only six years, now we are making it permanent. The merits or the demerits of the various clauses of the Bill were then gone into carefully and it is on the strength of that fact, because of the consciousness that the merits of the various provisions were discussed threadbare about five or six years ago that we have brought forward this simple amending Bill to make it permanent and we have given the reasons why it should be made permanent.

This has not been brought forward with a view to deprive the private person of his legitimate rights; it is not with a view to ride roughshod over his rights. Of course in governmental activities, it becomes necessary to have recourse to various measures. I do not want to give all the examples where the Government steps in and to a certain extent regulates the rights of private persons or curtails the proprietary rights, if I may say so, in public interest. The Constitution itself has been amended recently; I am referring to article 31(2) of the Constitution relating to compensation. Again, there was a Bill before the House 6 or 9 months ago wherein it was laid down that certain mining leases etc. will have to be acquired in order to produce more coal in the public sector and the principles of compensation were laid down there. It was not merely a question of market value only. Other considerations also came in and formulae were evolved. This House itself has given approval to such formulae and methods of compensation.

The glaring example of the acquisition of zamindari rights is there.

Recently only during the last session, this House considered certain amendments in connection with the Delhi Development Authority Bill. There were certain provisions in respect of acquisition of land there. Did they say then that the acquisition should be at the market value at the time it is acquired? No; they laid down a specific formula. They related the compensation to be paid to the market value prevalent at a particular point of time before the Delhi Development Authority came into existence. The Delhi Development Authority has taken certain measures, spent government money, developed certain areas in Delhi and so on. Because of that governmental activity, the price of the land has gone up. Could it be said that the private person from whom the land has to be acquired today has to be given the entire depreciation of the land on the basis of the market value? This House itself has decided otherwise and laid down a particular formula for acquisition of land and the compensation that has to be paid under such circumstances.

So, these things will have to be viewed in the broader context of the national necessity and the requirements of the Government and public interest. Of course, I do not mean to say that the Government should be arbitrary or adopt a policy of confiscation of private property. No. That is why even in 1952 when this Bill was passed, several safeguards have been provided in this Act at the time of requisitioning immovable property. It is not for any and every purpose that notice could be issued to the party saying that his immovable property should be requisitioned. It should be for a definite and specific purpose and it should be made clear in the notice that is issued. Then, the party will have an opportunity to have his say. Some time is given to him to make his own statement and then the competent authority decides in public interest to requisition such and such property. I do not want to read the relevant clauses in the Act, but if the party is not satisfied, then it is open to him to go to the Ministry

concerned, up to the Minister in appeal. It is only then if the Central Government decides that it is absolutely necessary that the property is requisitioned.

I would like to say that in the matter of compensation and rent payable when the property is requisitioned, very elaborate provisions have been laid down. It is not to be some arbitrary compensation decided upon by the competent authority or the Government. I am referring to section 8 of the Act which deals with principles and methods of determining compensation. It says that Government should take into account the pecuniary loss due to requisitioning, expenses on account of vacating the requisitioned premises, expenses on account of reoccupying the premises upon release from requisition and damages caused to the property during the period of requisition, including expenses that may have to be incurred for restoring the property to the condition in which it was at the time of requisitioning, etc. All these details have been laid down in the Act. As I have already said, it is not merely a competent authority that can ultimately decide arbitrarily as to what the compensation has to be.

About compensation, let it not be forgotten that the party has got a right of appeal to the High Court. It is not as if an administrative officer, his subjective experience coming into play, decides that the compensation should be such and such and his decision is going to be final. The High Court does come into the picture when the matter of compensation comes in.

There are all these safeguards and it was after a good deal of consideration by the Select Committee at that time and by the Government that this Bill became an Act. I do not want the House to get the impression that what we are trying to do on this occasion is something very arbitrary, something very detrimental to the ordinary rights of private citizens.

**Pandit Thakur Das Bhargava:** Is a ceiling of twice the amount fair?

**Shri K. C. Reddy:** It all depends on one's approach to the question. I know of some Members and some public personalities also who hold the opinion that twice the amount is not necessary and that the market price at the time it was requisitioned is quite sufficient. But some say it must be three times or four times or it must be the market value prevailing at the time of requisitioning taking into account all the improvements that have come about because of the activities of the defence department having built a colony at the place where the land was requisitioned, etc. Views may differ, but we have got to arrive at some sort of workable formula, a compromise formula, if you want to call it that way and then proceed. It is not as if any solution or any formula that is evolved will be satisfactory to all.

There are all these safeguards and I would like to repeat once again that it was after a good deal of consideration that this Bill became an Act on that occasion. At present we are proceeding only to the extent of extending the life of this Act.

Several other points were made by some hon. Members. Some criticism has been made about the working of this Act during the last five or six years and that there has been it was said delay in the matter of payment of compensation. With regard to that, it is laid down in the Act that when the arbitrator makes the award, in the award itself he has to specify as to how and when it has to be paid, etc. and there cannot be any undue delay. If there are any such cases of undue delay, and if we are informed about them, we will certainly look into them.

**Shri Jadhav:** What is undue delay?

**Shri K. C. Reddy:** There may be certain cases where there has been some delay and certain cases where there has been undue delay. I know of two or three cases where there is undue delay and we are taking every possible step to prevent it and see that justice is rendered.

15 hrs.

Some suggestions were made that we have got to galvanize our building activity. I agree. We have got to go in for building construction programme in a larger scale. But, here again it is a question of funds, financial resources, our budgetary position, our foreign exchange position, availability of raw materials like iron and steel and cement etc. Even if you have got money, you cannot build overnight or within a period of two years when you are meeting such a large shortage of cement and steel. So, there are all these factors to be taken into account. And I feel that during the last five years whatever building activity we have been able to take up and complete is one about which we may fairly be satisfied. Of course, one would like to do better. It all depends upon the factors which I have mentioned just now. So, all these aspects we have to bear in mind.

My friend, Shri Tyagi, asked: why don't you do something about the shifting of offices from New Delhi to other places? To some extent, we can do so, and within the next few days when an opportunity comes, I hope I will be able to tell the House that we have taken certain firm decisions about shifting some offices to other places. But, to what extent will it solve the overall problem? We can shift offices for example, to the available space outside Delhi, which we can commandeer or we can take over, which as stated a little while ago, is about 1½ lakhs to 2 lakhs sq. ft. Our shortage is nearly 20 lakhs to 25 lakhs sq. ft. So, how will the shifting solve the main problem? It will just be a fleebite. Still, we have got to do it, and we have got a programme of doing it to the maximum extent possible.

These have been the considerations that have weighed with the Government to bring forward this Bill. The procedure that we have adopted is nothing very unusual or novel. It is a procedure which has been adopted in the past several years. It is only

the compelling necessity on the part of Government in the public interest to carry forward the governmental activities that have made us resort to this measure. I have also indicated that we will do everything possible consistent with, and in the context of, the resources available to increase our building activity.

In the light of these views, I hope the House will be pleased to give its approval to this Bill, which we have brought forward. It may be, I concede, that with regard to certain matters there is scope for change or improvement regarding the substantive provisions of the Bill. No one can be dogmatic about it, and I don't want to be dogmatic about it. There again, if in the opinion of one member a certain amendment is necessary or called for, in the opinion of another member, that may not be a suitable solution, and a completely contrary view-point may be put forward, saying that is not the amendment that is necessary but something opposite to it. We have to consider all these matters.

As I indicated earlier in the course of my speech, Government will certainly keep in mind all the points that have been made and, at an opportune moment, after due consideration, it will be open to the Government to come forward with an amending Bill, if it is considered essential.

With regard to the proposal that the Bill should be made a permanent one, an appeal has been made to me instead of making it permanent, why not its life be extended by one year, two years or three years, and meanwhile Government may take an opportunity of examining the whole question of bringing forward a comprehensive Bill. Government have not been oblivious of the various points that have been already put forward by the various hon. Members. They have considered it and, as I explained in the Statement of Objects and Reasons, Government have come to the decision that it should be en-

acted as a permanent measure. That does not mean that it will remain in the same form for all time. It may be amended or it may be replaced. That is a matter to be considered later on in the future. That is the position.

Then an appeal has been made that the life of the Act may be restricted to some period, instead of making it permanent. Well, I have not got a closed mind on that subject, and if any reasonable period of time is indicated, I will consider accepting such a proposal. I do not know the amendments that have already been tabled in respect of this matter.

Shri Pattabhi Raman: I have got my amendment.

Shri K. C. Reddy: My difficulty is that I do not know whether the amendments that have been tabled can be taken up now and express my views.

Mr. Deputy-Speaker: After we have closed the general discussion, we will take up the clause by clause consideration.

Shri K. C. Reddy: At that time, I will consider whether I can accept any amendment. Any other point that may have to be advanced with regard to other detailed criticisms that have been made by the hon. Members, I think I should leave to my hon. colleague.

श्री कजराम सिंह : उपाध्यक्ष महोदय, मैं इस विधेयक के उद्देश्यों का स्वागत करता हूँ। इस संशोधन विधेयक के सम्बन्ध में जो यहाँ पर कहा गया है कि यह एक बहुत ही अन्यायी कानून बनेगा मैं ऐसा नहीं मानता लेकिन साथ ही साथ मैं यह भी सोचता हूँ कि इस बिल को इस तरह से एक क्लॉज का कह कर उसे पास कर दिया जाये और उसे स्थायी बना दिया जाये। मैं समझता हूँ कि यह हम एक ग्रन्थी परम्परा नहीं डाल रहे हैं। ईश्वर देस चुके हैं कि निवारक निरोध अधिनियम के सिलसिले में किस तरीके से इस सदन में उस की मियाद बढ़ाने का भी विरोध किया गया। जब भी

[श्री बजराम सिंह]

इस तरह के कानून को सुदन में लाया जाये, होना यह चाहिये कि उसके पूरे क्लोजेज और सब क्लोजेज पर सुदन को अपने विचार प्रकट करने का मौका दिया जाना चाहिये। अगर ऐसा किया जाता तो ज्यादा अच्छा था। लेकिन यह कहना कि यह प्राइवेट प्रापरटी पर हमला है, यह मकान बनाने के काम को खत्म कर देगा या उस में रुकावट धायेगी, मैं समझता हूँ कि यह सही दृष्टिकोण नहीं है। लेकिन साथ ही साथ यह मानना पड़ेगा कि जहाँ इस में मकानों के साथ साथ जमीन को भी एक्वायर करने की एक व्यवस्था की गई है, उस से मैं समझता हूँ कि खास तौर से किसानों को नुकसान होने वाला है।

श्री यह बताया गया और मुझे इल्म है कि डिपेंस मिनिस्ट्री द्वारा कहीं कहीं हजारों एकड़ जमीन किसानों की एक्वायर कर ली गई है और वह बेकार पड़ी हुई है और इस तरह से किसानों का नुकसान हुआ है और उस से जो अन्न का उत्पादन बढ़ सकता है वह भी रुक जाता है। मैं चाहता हूँ कि इस बिल में कोई इस तरह की व्यवस्था होती कि इस का उपयोग सिर्फ प्राफिटेज या रेजिडेंसियल एकोमोडेशन एक्वायर करने के लिये ही होगा और खेती की जमीन को एक्वायर करने के लिये नहीं होगा चूंकि इस में सिर्फ एक क्लोज को ले कर इस को स्थायी बनाने की व्यवस्था है, इसलिये कोई इस तरह का संशोधन नहीं आ सकता जिस में यह कहा जा सके कि इस बिल का स्कोप सिर्फ रिहायशी मकानों और दफ्तरों की जगहों तक ही सीमित होगा और यह ठीक भी है क्योंकि गवर्नमेंट को प्राफिसर्स के लिये मकानों और कार्यालयों के लिये ही तो जगह चाहिये। इसलिये जहाँ तक गवर्नमेंट द्वारा उन जगहों के लेने का सवाल है मैं समझता हूँ कि यह एक अच्छा उद्देश्य है और इस का विरोध करना मैं ठीक नहीं समझता क्योंकि यह ४३ करोड़ रुपया इस चीज पर खर्च करने के बजाय गवर्नमेंट इस रकम को किसी दूसरे काम पर खर्च कर सकती है। इस रुपये

को प्राफिसर्स के लिये मकान बनाने और दफ्तर बनाने पर खर्च करना मैं मुनासिब नहीं समझता।

भाष विधेयक में यह व्यवस्था की गई है कि जिस शास् के पास केवल एक मकान है, एक जायदाद है अथवा जायदाद का वह हिस्सा जिसका वह अथवा उस का परिवार अपनी रिहायश के लिये इस्तेमाल करता है, उस को एक्वायर नहीं किया जायेगा और ऐसी व्यवस्था के मौजूद रहते में नहीं समझता कि किसी मकान मालिक को इस से क्या नुकसान हो सकता है। एक ऐसे शास् के जिस के कि पास बीस मकान हैं, सरकार एक मकान उस के बास्ते छोड़ कर अगर शेष मकान सरकारी कामों के लिये लेना चाहती है तो उस से बहुत अधिक आदमियों का नुकसान होने वाला नहीं है और वह समाज के हित में होता है। सरकार इस विधेयक का उपयोग समाज हित में करेगी।

मैं इस चीज से इंकार नहीं करता हूँ कि इस बिल का जो उद्देश्य है, उस का सरकारी मशीनरी कही कही ठीक तरह पालन नहीं करती है और यह देखा जाता है कि जब कमी किराये मुकर्रर करने का सवाल आता है तो उस में पक्षपात से काम लिया जाता है। उस पक्षपात को दूर किया जाना चाहिये।

दिल्ली के बारे में मैं जानता हूँ कि १५ लाख लोग ऐसे हैं जिन के कि पास अपने मकान नहीं हैं, जो किरायेदार हैं और जो दूसरों के मकानों में रहते हैं। अलबत्तों में हमारे देखने में आया कि इसी मकानों की समस्या को लेकर दिल्ली के कुछ लोग भूख हड़ताल किये हुए हैं। वे चिल्ला रहे हैं कि किरायेदारों को कुछ सुविधायें मिलनी चाहियें। मकान मालिक किरायेदारों को सुविधायें नहीं देते हैं। अब जब कि हमारे वहां पर मकानों की समस्या मौजूद हो और मकान कम हों, तो जिन लोगों के पास मकान हों, उन की तरफ से यह आवाज उठाई जाये कि सरकार अगर मकानों को लेती है तो गबती करती है,

में समझता हूँ कि उन का ऐसी भावाज उठाना उचित नहीं होगा। मैं समझता हूँ कि सरकार को मकानों और ऐसी जगहों को ऐक्वायर करने का अधिकार होना चाहिये अलबत्ता किसी व्यक्ति के लिये उस के व्यक्तिगत उपयोग के लिये एक मकान को छोड़ कर। व्यक्तिगत उपयोग में आने वाले मकान अथवा बिजनेस प्रीमिसेज को छोड़ कर गवर्नमेंट को शेष सब जगहों को हासिल करने का अधिकार होना चाहिये और इस भावना का स्वागत किया जाना चाहिये।

यहां पर कहा गया कि इस बिल को संयुक्त प्रवर समिति को सौंप दिया जाता तो अच्छा होता। मैं उस प्रस्ताव का और उस भावना का आदर करता हूँ। अब भी अगर हमारे माननीय मंत्री इस चीज को मान सकें कि इस बिल को ज्वाइंट सैलेक्ट कमेटी के मुपुर्द किया जाय तो उसमें कोई नुकसान होने वाला नहीं है। जहां इस समय यह एक दृष्टिकोण यहां पर आया है कि इस बिल को लाया ही नहीं जाय वहां पर यह दृष्टिकोण भी आ सकता है कि इस बिल की जो भावना और उद्देश्य हैं, उन को और अधिक क्रान्तिकारी बनाया जाय ताकि हम ने जो इस देश में समाजवादी समाज की स्थापना का अपना उद्देश्य घोषित कर रक्खा है और जिस सामाजिक ढांचे के भीतर आमदनी का इस प्रकार न्यायाचित वितरण होगा कि जहां पर एक आदमी के पास बहुत से मकान और जायदाद न हो और सबको रहने के लिये मकान मिल सके, वह पूरा हो सके।

इस बिल के उद्देश्यों से मुझे पूरी सहमति है लेकिन साथ ही साथ मैं यह भी निवेदन करना चाहता हूँ कि जहां प्रायः पब्लिक परपोज के लिये सरकारी काम के लिये इस तरह से मकानों अथवा जमीनों को लेना चाहते हैं, उसी तरीके से प्रायः किरायेदारों की समस्या को भी तुरन्त हल करना चाहिये। किरायेदारों को जो मकान मालकों द्वारा घाये दिन परेशान किया जाता है और उन को जो कठिनाइयां

पेश आती हैं उन को भी हल करने के लिये सरकार को जल्द एक उचित कानून लाना चाहिये और उस के जरिये सरकार को फौरन जो किरायेदारों की बेदखलियां हो रही हैं उन को रोका जाना चाहिये। ऐसा होने से सब शोग अच्छी तरह से मुख से रह सकेंगे। इस दृष्टि में मैं इस बिल का स्वागत करता हूँ। अगर किसी आदमी के पास उस की जरूरत से ज्यादा मकान और जगह है तो उस को सरकार अगर समाज हित में ऐक्वायर करती है, तो उस आदमी को कोई ऐतराज नहीं होना चाहिये। मैं इस बिल के उद्देश्य का स्वागत करता हूँ लेकिन यह मेरी इच्छा है कि मंत्री महोदय इस विधेयक को संयुक्त प्रवर समिति को सौंप दे ताकि उस में जितनी बातें आई हैं, उन सब बातों पर अच्छे तरीके से विचार हो जाय और खास तौर से ऐसी जमीनों किसानों की जो कि डिफेंस डिपार्टमेंट द्वारा ली जाती हैं और ऐसी हजारों एकड़ जमीन बेकार पड़ी रहती है, उन जमीनों को इस में से निकाल दिया जाय तो वह बिल बहुत सुन्दर हो जायेगा और इस से जनता को बहुत लाभ होगा।

**Shri N. B. Maiti:** Sir, I rise to support the Bill as it has been brought forward by the Government.

A question has been raised whether the Government can bring forward a Bill of this kind and whether the State has inherent power to acquire or requisition property for public purposes. Political science, I think, has allowed such powers to the State. My hon. friend Shri D. C. Sharma raised this question when he asked whether socio-economic measures such as this could be brought forward. He raised a doubt. But, I think that if a State has to run its administration and do its day to day work, then, it should have power of this kind conferred on it. The question is whether there is an emergency to allow this. There is no gainsaying the fact that India is passing through times of emergency.



[Shri N. B. Maiti]

Not that there is any war continuing in India or going on in India; but, developmental work, if I can say so, is going on throughout the country. Therefore, the State has all the more reason to have such power as it wants through this measure.

15-17 hrs.

[PANDIT THAKUR DAS BHARGAVA in the Chair]

Then, there is another point about this measure. I think the drafter of this Bill has been rather considerate when he has said that the Government desire to retain powers indefinitely. That does not mean permanently. There is a difference between the two, indefinitely and permanently. That is to say, this Bill can be repealed on any suitable occasion. That is the import of the word "indefinitely"; not that it will go on permanently for ever and ever. If we take the history of legislation for several years past, we have seen....

Shri Vajpayee (Balrampur): May I point out, Sir, that there is no quorum in the House?

Mr. Chairman: The bell is being rung... Now, there is quorum. The hon. Member, Shri N. B. Maiti, may continue.

Shri N. B. Maiti: Then, Sir, this Bill is not an arbitrary one. It has safeguards. Though it gives power to requisition property or acquire it, it does not function arbitrarily, because there are principles and methods that are to be followed for compensation. Compensation is paid, and the people who think that they are not properly treated might go to the higher authorities for redress of their grievances, but I should think that what the hon. Minister has just now said should set at rest their objections. He has stated that after some time if the Members think there should be certain amendments to the provisions of the Bill, they might bring them before the

House in their capacity as non-official Members, or the Government itself may bring forward an amending Bill. In that case, there should be no objection to the passing of this Bill giving power to the Government to continue to administer the Act as at present. During the last two decades this has gone on. There has not been much difficulty, and the heavens have not fallen. So, we can continue for some time more and then an amending Bill can be brought forward if it is found that there is scope for harassment. After all, these clauses went before the Select Committee and were approved by them. Therefore, I would support the Bill as it is on the basis of the statement made by the hon. Minister just now.

Shri Radha Raman (Chandni Chowk): Chairman, Sir, I rise to make certain observations with regard to the Bill that has been placed before the House for consideration by the hon. Minister.

He has told the House what has prompted him to bring the Bill. I somehow feel that the suggestion made by your hon. self and also by Shri Tyagi deserves full attention by the hon. Minister.

The Act as it stands has, in its working, brought to light certain deficiencies, and unless it is properly examined and those deficiencies are removed, in my opinion it would be wrong to perpetuate it. I therefore, feel that there is sufficient ground for the hon. Minister to attend to the suggestion that there should be a comprehensive Bill after due examination. It may either go to a Joint Select Committee, or the Ministry may by itself examine the Bill in detail and remove those shortcomings and bring forward a more comprehensive Bill which might be put on the statute-book permanently.

Though there are safeguards in the parent Act, I find they are not enough to do justice to the people at large. It

is said in the Statement of Objects and Reasons that whenever the Government requires immovable property for purposes of the Union, primarily for public purposes, it will requisition the property or acquire the land that is required for that purpose, but I think "public purposes" are very vaguely defined, or, in practice they are not properly interpreted.

I find even in Delhi there are many houses where the owner is hard put. Government requisitioned the house ten, twelve years ago. Since then the family has grown. The house in which he was living did not belong to him. It was owned by somebody else, and that owner wants the house to be vacated. The poor man looks to the Government, and the Government is unable to derequisition that house, and he is still suffering.

In the same way I find that in some cases the house belongs to the owner who is really putting up with a lot of inconvenience and discomfort. He approaches the Government. The Government also feels that it is a hard case, and decides that the house should be derequisitioned, but the man who is occupying that house sticks on for his own comfort, and in spite of the decision of the Government, the owner is unable to get that house for himself.

Such cases have really brought to light many things and we believe that there are reasons for asking that the purposes for which houses are requisitioned or property acquired should be better defined, and there should be a more definite policy of the Government.

It is said that governmental activities are expanding. I fully realise, that at the present moment, it is difficult for the Government to cope with the demand for houses or accommodation for the expanding activities of Government. Some ways must be devised, and this is one of the ways, that the Government has the authority, or takes the authority, to requisition

houses or acquire property. But I think that justice demands that what the Government does should not put any individual to any hardship which would tantamount to injustice.

The Government says that it will fix rents for the properties that it acquires or the houses it requisitions. The rent is fixed, I think, according to their own choice, but when I compare it with the rent that is charged by the Government from other people I find there is a great deal of disparity. I have seen that in the Theatre Communication Building, for a small room, which is hardly able to accommodate three tables, Government charges Rs. 70, but when it comes to paying the owner for the same space, the Government does not pay at the same scale. There must be some justice and fairness. If the Government wants that it should be paid a certain fixed rent for a certain space, I think the same treatment should be given to the person from whom they requisition a house or acquire property.

Again, several hon. Members have also drawn the attention of the Minister to the fact that several houses which were requisitioned in Delhi and elsewhere long ago, that is, about fifteen or twenty years ago are still continuing at the same rate of rent. Although there can be justification for such continuity, I do not see any reason why only about fifty people whose houses were requisitioned fifteen or sixteen years ago should continue to suffer while the owners of the new houses are let free. I feel that Government should certainly make the rest of them also share the inconvenience that is caused to these few people. Why should there be long suffering on the part of a few persons while the others are allowed to continue with their houses without any requisitioning? If accommodation is needed, then some way must be found by which the suffering is shared by all persons who own more than one house rather than by a few persons who had been chosen long ago and who have continued to suffer for a long time.

[Shri Radha Raman]

I feel that for these reasons Government should examine the entire Bill from beginning to end and remove the disparities and deficiencies, so that it becomes a wholesome and comprehensive measure, and it does full justice to everyone, and there will be no case for anyone to point out that he has been unnecessarily put to great hardship.

The Bill as it stands can commend itself to the House, provided it is not desired that it should be a permanent one. I support the suggestion made by Shri Tyagi and yourself that the Bill, for the time being, may be extended by one or two years, during which period we shall be able to examine the entire provisions contained in the parent Act, and if we find that there are any deficiencies which require to be removed, we can do so, and then, if necessary, the Bill in comprehensive form can come up before this House and be made a regular Act.

I fully appreciate that the present requirements of Government do need a Bill of this type. My only contention, however, is that the Bill which is at present before us, if made into a permanent Act, will continue to inconvenience some section of the people, without its justification and will, therefore, not be justified. So, I support the suggestion that the life of the Act should be extended only by a short period. In the meanwhile, a comprehensive Bill may be drafted removing all the deficiencies that have been found as a result of experience and the opinions gathered, and then it should be brought forward before this House for its final acceptance.

**Shri Anil K. Chanda:** As I rise to reply to this debate I feel my burden very considerably lightened after the intervention by my Minister in this debate. He has, if I may say so, very effectively dealt with the points raised by Shri Naushir Bharucha and our

senior Member of the House, Pandit Thakur Das Bhargava.

So far as Pandit Thakur Das Bhargava is concerned, he has fought very valiantly on this Bill, over this period of a decade. He fought in 1947. He fought in 1952. And he has fought today. I hope he will not mind my so saying, that it is good for the society with its socialist objective in view that his fight for increasing the quantum of compensation has not been successful. I do not see any reason why somebody who has done nothing for improving his properties should get financial advantage for actions taken by others.

I have a particular case in my mind and it is not a very unusual case. I am referring to my own university at Santiniketan. When Tagore started that school in 1901, it was more or less in an area which you can describe as a desert. There were only two trees there, two sentinels, which still exist. And you could have land in those days over there for the merest asking. As a matter of fact, the landlords were very eager to get rid of their land even for four annas a *bigha*. When I was a student there in 1921, a *bigha* used to sell for about Rs 5 I know of some of my teachers of those days, who had the foresight, I should think, and had thought of the development of that place, who had invested and acquired considerable areas. Now, in course of time, thanks to the activities of that school, the whole place has now become a place of extreme importance in the country. As I said, in 1921, the land used to sell for about Rs. 5 a *bigha*. In our parts, a *bigha* is one-third of an acre. In 1939, when the war began, a *bigha* was costing about Rs. 250. Now, you are very lucky if you get a *bigha* there for anything less than Rs. 3000. I do not see any reason why the neighbouring landlords who have not planted a single tree, who have not made an inch of road, who have not dug a single well there should take advantage of something done by

somebody else and reap a rich harvest at the expense of the society.

So, I think there is nothing to be said with regard to the quantum of compensation to be given for lands acquired or requisitioned earlier. Also, this matter relating to the quantum of compensation on acquisition is a justiciable matter.

With regard to what has been said by my hon. friend Shri P. S. Daulta from Punjab, who spoke very eloquently and with passion, I am afraid he did not speak sense. He referred to acquisition of lands which have nothing to do with....

**Shri Nath Pal:** Sense is the monopoly of Government!

**Shri Anil K. Chanda:** At the moment, it is.

I now come to what my hon. friend Shri Biren Roy said, particularly with regard to lands acquired by Government during the war for the aerodrome at Alipore. He mentioned about thousands of cases which are still pending. This is a matter which is not directly dealt with by my Ministry. It is the Defence Ministry's concern. But we have got certain briefs from the Defence Ministry, and you will be surprised to know the figures which have been given to us by the Defence Ministry. I am sure they are the correct and authentic figures, I mean, the figures which I am giving out here on the basis of what has been supplied to me by the Defence Ministry; if Shri Biren Roy thinks that there is any mistake, he may kindly draw our attention to it, and we shall check that up. The figures refer evidently to the Eastern Command; so far as the Alipore lands are concerned, the position is as follows.

The total number of disputes that have arisen was 575 in the case of lands and 274 in the case of buildings. And mind you, the hon. Member referred to thousands. The number of cases since settled is 424 in the case

of lands and 229 in the case of buildings. The number of cases still outstanding is 140 in the case of lands and 45 in the case of buildings. The number of appeals filed in High Court is 2 in the case of lands and 13 in the case of buildings. I do not know where my hon. friend got his figures from; I believe he might have through mistake added one or two more zeros in his figures.

The description of the land, so far as the Alipore aerodrome area is concerned, is as follows. The total area requisitioned during the war was 473.61 *bighas*. The total area already derequisitioned was 347.99 *bighas*. The area still under requisition is 125.62 *bighas*. The compensation paid annually for the area still under requisition is Rs. 1,03,420. The actual area occupied by the Defence Ministry out of the area still under requisition is 52.02 *bighas* and area in occupation by displaced persons from East Pakistan, 73.60 *bighas*. That is the picture, which my hon. friend referred to as thousands of cases still pending. With regard to individual cases about which he mentioned, obviously I cannot have the details with me. But if he will write to us, we shall certainly look into those cases.

My hon. friend, Shri Radha Raman, had spoken about certain injustice here and there. Possibly, he was not present in the House when I made my opening speech.

**Shri Jadhav:** What about 17,000 acres of land acquired from Nasik district?

**Shri Nath Pal:** The Defence Ministry does not know!

**Shri Anil K. Chanda:** Why should I not know? Evidently, it refers to the Western Command—total number of disputes arisen, 6 with regard to lands; cases still outstanding 8, appeals in High Court 2.

**Shri Jadhav:** These 17,000 acres of land cover about 17 villages.

**Shri Anil K. Chanda:** I have not got those figures with me, but as I said, these cases are still pending. In my opening speech, I have said that there are certain cases where the Defence Ministry have not been able to finalise their plans about the key location plan. Possibly, the hon. Member was not present when I was explaining the Defence Ministry's case.

**Shri Nath Pai:** The figures given by the Minister are hopelessly inadequate. We have had them submitted to us by our constituents. We have never heard even a mention of that. Land has been acquired by the Defence Ministry. So also at Khadakvasla. No compensation has been paid and no kind of good attitude has been adopted. He is showing too much reliance on the figures of the Defence Ministry and I do not think we will be justified in accepting them.

**Shri Anil K. Chanda:** If my hon. friend challenges my figures, he can certainly write to me. I will check up. I have to go by the figures supplied by the Defence Ministry. This is not the information collected by me directly. If the hon. Member has any information to the effect that my figures are not correct, he will kindly take the trouble of writing to me and I will certainly make inquiries, and if there are any amends to be made, I will certainly do it.

**Shri Tyagi:** I think generally the Khadakvasla lands were acquired by the Bombay Government

**Shri Nath Pai:** No, no, by the Ministry of Defence.

Division No. 1]

**Shri B. K. Galaskwad (Nasik):** By the Central Government.

**Shri Anil K. Chanda:** Let us not fight over details.

**Mr. Chairman:** Order, order. Here the general question is being debated. If the figures given by the Minister are not correct or more information is necessary, the hon. Members may write to the hon. Minister and he will certainly give a good reply.

**Shri Anil K. Chanda:** I was referring to the remarks made by my hon. friend, Shri Radha Raman. He referred to certain instances where apparently injustice was being done or had been done. Possibly, he was not present in the House when I made my opening speech. Then I said that there had been occasionally mistakes and lapses and default on our part. After all, no human machinery is absolutely perfect. I had also said that it is our intention—of my senior colleague and mine—as soon as the Bill is passed to look into those cases in detail and where properties have been under requisition for a very long number of years, we shall do our level best to release those properties, subject to the conditions permitted.

15:46 hrs.

[MR SPEAKER in the Chair]

**Mr. Speaker:** Now, I shall put the motion for circulation to vote. The question is:

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 7th March, 1958".

The Lok Sabha divided: Ayes 33; Noes 88.

15:47 hrs.

### AYES

Astar, Shri  
Awasthi, Shri  
Banerjee, Shri Pramathanath  
Banerjee, Shri S. M.  
Bharucha, Shri Naohur  
Braj Raj Singh, Shri  
Chakraverty, Shri Mani Ramu  
Dige, Shri  
Eli, Shri M.  
Galaskwad, Shri B. K.  
Ghose, Shri S.

Goray, Shri  
Goundar, Shri Shanmuga  
Halder, Shri  
Imam, Shri Mohamed  
Jadhav, Shri  
Jaipal Singh, Shri  
Kar, Shri Prabhat  
Katti, Shri D. A.  
Kodiyar, Shri  
Menon, Dr. K. B.  
Mohan Swerup Shri

Mulliek Shri B. C.  
Nath Pai, Shri  
Nayar, Shri V. P.  
Rai, Shri Khushwaqt  
Rao, Shri F. B. Vittal  
Sharma, Shri H. C.  
Siva Rai, Shri  
Tangamani, Shri  
Vajpayee, Shri  
Valvi, Shri  
Warior, Shri

## NOES

Ambalam, Shri Subhash  
Arumugham, Shri R. S.  
Arumugham, Shri S. R.  
Bakliwal, Shri  
Barupal, Shri P. L.  
Basappa, Shri  
Bhargava, Pandit Thakur D.  
Bideri, Shri  
Bijeshwar Prasad, Shri  
Chande, Shri Anil K.  
Chandra Shanker, Shri  
Chaturvedi, Shri  
Chettiar, Shri R. Ramanathan  
Das, Shri K. K.  
Dasappa, Shri  
Desai, Shri Morarji  
Deshmukh, Shri K. G.  
Dwivedi, Shri M. L.  
Elayaperumal, Shri  
Ganpati Ram, Shri  
Gounder, Shri K. P.  
Hajarnavis, Shri  
Hada, Shri Subodh  
Hazarika, Shri J. N.  
Hem Raj, Shri  
Jain, Shri M. C.  
JUDGE, Shri  
Jyotishi, Pandit J. P.  
Kamble, Dr.  
Kastiwai, Shri

Kayal, Shri P. N.  
Kedaria, Shri C. M.  
Lahiri, Shri  
Lal, Shri R. S.  
Majithia, Sardar  
Malhotra, Shri Thakur Das  
Maiti, Shri N. B.  
Masuriya Din, Shri  
Mishra, Shri Bibhuti  
Mehta, Shrimati Kishna  
Mohideen, Shri Gulam  
Morarka, Shri  
Murmu, Shri Paika  
Nader, Shri P. T.  
Neldurgker, Shri  
Nayar, Dr. Shushila  
Nehru, Shri Jawaharlal  
Nako Ram Nagi, Shri  
Padam Dev, Shri  
Parmar, Shri Deen Bandhu  
Pattabhi Raman, Shri C. R.  
Patel, Shrimati Maniben  
Patel, Shri Rajeshwar  
Prasad, Shri Mahadao  
Radha Raman, Shri  
Raghubir Singh Shri  
Raj Bahadur, Shri  
Ramakrishnan, Shri  
Ramananda Tirtha, Swami  
Ramaswami, Shri S. V.

Ramaswamy, Shri K. S.  
Ram Saran, Shri  
Rane, Shri  
Ranga, Shri  
Reddy, Shri K. C.  
Rungtung Suain, Shri  
Sadhu Ram, Shri  
Sahu, Shri Rameshwar  
Samanta, Shri S. C.  
Sardar, Shri Bholi  
Serhadi, Shri Ajit Singh  
Satyabhama Devi, Shrimati  
Selku, Shri  
Shankaraiya, Shri  
Sharma, Shri D. C.  
Sharma, Shri R. C.  
Shobha Ram, Shri  
Siddana Jappa, Shri  
Sinha, Shri T. C.  
Sinha, Shri Gajendra Prasad  
Sinha, Shri Setya Narayan  
Somn, Shri  
Subramanyam, Shri T.  
Sumt Prasad, Shri  
Tiwary, Pandit D. N.  
Umrao Singh, Shri  
Upadhyaya, Shri Shiva Dutt  
Varma, Shri M. L.  
Vyas, Shri R. C.

The motion was negatived.

Mr. Speaker: I shall now put the original motion for consideration to vote.

The question is:

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

The motion was adopted.

Clause 2—(Amendment of section

1)

Shri Naushir Bharucha: I beg to move:

Page 1, line 6,—for "sub-section (3) shall be omitted" substitute "in sub-section (3) for the word 'six', the word 'seven' shall be substituted".

The effect of this amendment is to extend the life of the Act by only one year.

Shri Pattabhi Raman: I beg to move:

Page 1, line 6,—for "sub-section (3) shall be omitted", substitute "in sub-section (3) for the word 'six', the word 'twelve' shall be substituted".

Mr. Speaker: Shall I put this amendment first or the other one? If this is carried, the other one goes. But if the other one is carried, I have my own doubts whether this goes. I can still put it because the time can be extended. If 'twelve' is carried 'seven' goes. So, I will put this first.

Shri Jaipal Singh (Ranchi West—Reserved—Sch. Tribes): Twelve may include seven. But, if, on the other hand, twelve is negatived, seven is also excluded.

**Mr. Speaker:** I will now put Shri Pattabhi Raman's amendment to vote. The object of this amendment is not to make it permanent but to extend the life for a period of six years.

**Shri K. C. Reddy:** I have just a word to say. In the course of my speech I said that when amendments are moved to extend the life of the Act to particular periods of time, I will give my thought to the matter and say what the Government's opinion is. In view of the fact that a large volume of opinion has been expressed by hon. Members that the Bill may not be made permanent but may be extended by a particular period of time, I am prepared to accept this amendment to substitute 'six' by 'twelve'.

**Mr. Speaker:** Now, I will put Shri Pattabhi Raman's amendment to vote.

The question is:

Page 1, line 6,

for "sub-section (3) shall be omitted", substitute "in sub-section (3) for the word 'six', the word 'twelve' shall be substituted."

*The amendment was adopted.*

**Mr. Speaker:** Shri Bharucha's amendment is now barred.

**Shri Naushir Bharucha:** It is making it semi-permanent.

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

"That clause 2, as amended, stand part of the Bill"

*The motion was adopted.*

*Clause 2, as amended, was added to the Bill.*

*Amendments made:*

(i) Page 1, line 1,—for "Eighth Year" substitute "Ninth Year".

(ii) Page 1, line 4,—for "1957" substitute "1958".

[Shri Anil K. Chanda]

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

"That clause 1, as amended, stand part of the Bill."

*The motion was adopted.*

**Mr. Speaker:** What I find is that hon. Members from a particular party want to support an amendment. But nobody says so. I expect, the hon. Minister for Parliamentary Affairs and his other whips to be ready to support or oppose any amendment and not put me in a dilemma as to what I have to declare.

**The Minister of Parliamentary Affairs (Shri Satya Narayan Sinha):** Very sorry for your dilemma.

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

"That the Enacting Formula, as amended, and the Title stand part of the Bill"

*The motion was adopted.*

*The Enacting Formula, as amended, and the Title were added to the Bill.*

**Shri Anil K. Chanda:** Sir, I move:

"That the Bill as amended, be passed"

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

"That the Bill as amended, be passed."

*The motion was adopted.*

#### CRIMINAL LAW AMENDMENT BILL

**The Minister of State in the Ministry of Home Affairs (Shri Datar):** Sir, I beg to move that the Bill further to amend the Indian Penal Code, the Prevention of Corruption Act, 1947, and the Criminal Law Amendment Act, 1952, be taken into consideration.

The object of this amending Bill is to tighten the law regarding the prevention of corruption amongst government servants and others. So far as the present Bill is concerned, Government have got some experience of the working of the Prevention of Corruption Act and also the Indian