

Shri Prafulla Chandra Borooah, Shri D. R. Chavan, Shri Shree Narayan Das, Shri Mulchand Dube, Shri M. L. Dwivedi, Shri D. A. Katti, Shri P. Kunhan, Shri Bhausaheb Raosaheb Mahagaonkar, Shri Mathew Maniyangadan, Shri M. R. Masani, Shri T. C. N. Menon, Shri Radheshyam Ramkumar Morarka, Shri Narendrabhai Nathwani, Shri C. D. Pande, Shri Naval Prabhakar, Shri Ram Shankar Lal, Shri Shivram Rango Rane, Shri Jaganatha Rao, Shri K. V. Ramakrishna Reddy, Shri Asoke K. Sen, Shri Laisram Achaw Singh, Dr. Ram Subhag Singh, Shrimati Tarkeshwari Sinha, Shri Radhelal Vyas, and Shri Morarji Desai with instructions to report by the last day of the first week of the next session."

The motion was adopted

13.53 hrs.

DELHI (URBAN AREAS) TENANTS' RELIEF BILL

The Minister of State in the Ministry of Home Affairs (Shri Datar): I beg to move:

"That the Bill to provide relief to the tenants of land in the urban areas of the Union territory of Delhi, be taken into consideration."

It is a measure of limited application. As you are aware, the then Part C State Legislature passed a detailed law dealing with the land reforms and investing the tenants and occupants with substantial proprietary rights in 1954. Certain villages were further added by an amending Bill by this House. But in both these Acts, the urban area was purposely excluded for the reason that the urban area, as the expression shows, was not an agricultural area. Therefore, all that area was excluded from the operation of these land reform Acts which applied to areas entirely rural in character.

So far as the urban area is concerned, it was subsequently found that

there were agricultural lands, though the extent was not very great. But all the same, there were agricultural lands and there were tenants also spread over a number of villages—about 50 villages and parts of about 20 villages. Inasmuch as the actual urbanisation has not taken place completely in the sense that all that property has not yet been completely acquired by the Government, it was considered that until the property was duly acquired, the occupants in these areas should also be entitled to certain rights.

The question then arose as to whether the land reforms Act of 1954 passed by the Delhi Legislature itself should be applied or whether a portion thereof should be applied or whether a new Bill should be brought forward taking into account the urban conditions of this area. As I stated the urban area extends over 50 villages and parts of 20 villages. The actual agricultural land in this area is about 4,000 acres. The total number of tenants is about 1700 in this area. But actually 1200 are non-occupancy tenants. In this case, it was necessary that some relief ought to be given. In the case of the rural area, as you are aware, what the Legislature did by passing the Act was to confer substantial proprietary rights over the tenants for the reason that it was a rural area and the agriculturists or the tenants and occupants were entitled to substantial rights as a permanent measure.

So far as the present urban area is concerned, as I have pointed out already, notifications have been issued by the Chief Commissioner of Delhi for the purpose of acquiring the lands in most of these villages, because Delhi has been developing and oftentimes it was expressed on the floor of the House that the prices were going up, there was speculation and Government ought to acquire more land for the purpose of housing or other purposes. Therefore, last year the

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Chief Commissioner issued a notification under which he told the world that about 34,000 acres and odd would be ultimately acquired by Government for public purposes. I may point out that the urban area that is the subject-matter of this Bill is almost wholly covered by this notification. But the whole land will not be acquired immediately. It will be acquired in certain stages.

As I answered some questions a few days ago, there are certain phases. In the first phase, about 8,000 acres are going to be acquired for the purpose for which this notification has been issued. Under these circumstances, we have to make a distinction between agricultural land in the rural areas for which substantial provision has already been made and the tenants have been given substantial proprietary rights and the tenants in these villages, whether they should also have similar rights or, whether it should be of a different type, in view of the fact that some relief has got to be given to them. After considering the whole thing and taking into account the most important consideration, viz., that some time or other, either in the immediate future or at least in the near future, all these lands will have to be acquired, Government considered that it was necessary to deal with the question of transfer of substantial rights in the urban areas, to which this Bill will be made applicable.

There were certain difficulties even in respect of urban areas where there were agricultural lands of over 4,000 acres in extent and the tenants were entitled to certain relief. That is the reason why as the title shows, this Bill is brought forward to provide relief to the tenants of land in the urban areas of the Union territory. This relief is more or less of two types. It is naturally confined to agricultural lands in the urban areas. The relief that has to be given to

them would be generally two-fold in nature. Firstly, inasmuch as there was no law so far as this area was concerned, for preventing evictions, certain agricultural tenants of these lands have been evicted. So far as their number is concerned, 19 tenants have actually been evicted through courts, and 477 tenants have been evicted privately, because there was no law against eviction as such. So, either by way of arrangement or otherwise, 477 tenants were privately evicted.

Shri Braj Raj Singh (Firozabad): What is the land affected by that?

14 hrs.

Shri Datar: Only 4,000 acres, not much. 1,700 are the total number of tenants and the extent of land is 4,000 acres. Out of 1,700 tenants, there are some who have got some occupancy rights. 1,200 tenants have not got any occupancy rights. They are non-occupancy tenants. Therefore, as I was pointing out, in 19 cases there have been evictions through courts. In 477 cases there have been evictions privately and 78 cases have now been pending before the courts. Under these circumstances, Government considered that some sort of relief against eviction ought to be allowed to these people so long as these lands are not acquired at all. I hope the House will kindly take into account this fact that until these lands are acquired, some relief will have to be given to the tenants, more or less during the intervening period, as they are agricultural tenants. Therefore, this is the first type of relief that is to be granted to them. The second question is equally important.

Shri Braj Raj Singh: How much land has been affected by this? The hon. Minister was referring to cases of eviction, 477 cases privately and 19 cases through courts. But what is the acreage?

Shri Datar: I have not got that figure. I shall try to find it out. But the total acreage is only 4,000.

Then, the rent that was being recovered by the landlords in respect of these agricultural lands was fairly heavy. Generally, as in the rest of India before the reforms were introduced, the landlord took one-half of the total produce, either in kind or in money. This was naturally considered as harsh and unconscionable. For that purpose, Government have made provision in this Bill for limiting the extent of rent that has to be paid by a tenant to his landlord to one-fifth of the produce. As the House is aware, when some Act was before Parliament we went into the whole question and, at the suggestion of a number of hon. Members of Parliament, instead of giving the rent in terms of assessment of land revenue, it was given in terms of one-fifth of the actual produce. The same principle has been followed here also.

Then, I shall very briefly take the House through this Bill. As it has been pointed out in clause 1, it extends to the areas in the Union territory of Delhi which, immediately before the 1st day of November 1956, were included in a municipality or in a notified area under the provisions of the Punjab Municipal Act, 1911 or in a cantonment under the provisions of the Cantonments Act, 1924, but shall not apply to the areas owned by the Central Government or the Delhi Development Authority constituted under the Delhi Development Act, 1957. Naturally, when the land has been acquired for developing Delhi, it ought to be exempted from the provisions of this Act.

Then some definitions have been given. Here I would invite the attention of the House to the definition of "person under disability", in whose cases, for personal cultivation, the land can be taken possession of or, as it is technically called, the land can be resumed. There are a number of persons who come under "person under disability", namely, a widow, a minor whose father has died, a

woman who is unmarried or who, if married, is divorced or judicially separated from her husband, a member of the Armed Forces, a person incapable of cultivation of land by reason of some physical or mental disability, a person prosecuting studies in a recognised institution and not exceeding 25 years of age and a person who is under detention or undergoing imprisonment. Naturally, persons under the above categories, cannot cultivate land. The word "tenant" has also been defined.

Now I would invite the attention of the House to clause 3, which is one of the operative provisions, which says:

"After the commencement of this Act, no person shall be liable to be ejected from any land held by him as tenant except on one or more of the following grounds,"

Then the grounds have been given. They are:

"that a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor;"

We had a similar provision in the Land Reforms Act also. The other grounds are:

"where rent is payable in kind, that he has without sufficient cause failed to cultivate the land in the manner or to the extent customary in the locality in which the land is situated;"

It is one of the objects of land reform legislation that the land ought to be cultivated. Then, sub-letting is considered one of the irregularities. Another ground is:

"that he has used the land in a manner which renders it unfit for the purpose for which it was let."

Then, I would invite the attention of the House to sub-clause (2) of clause

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3, particularly item (a). In the land reforms Acts a reference has been made to religious and charitable institutions, and thereunder what has been done is that the rent that was then available to them has been protected and the tenants are also protected from ejection. Here, in this case, we have to take into account two circumstances. One is that there ought to be sufficient income for religious and charitable institutions to carry on their work. Therefore, a provision was made that the rent that was then available to them ought to be continued in the interests of the religious and charitable institutions, and the tenant would remain in possession. Here, in the present case, you will find that we do not deal with the question of transfer of title at all. All that we deal with is the two-fold relief—relief against eviction and the regulation of rent.

Now, so far as religious and charitable institutions are concerned, some amendments have been given notice of by some hon. Members. Possibly, they arise from a misapprehension of the position in this respect. A suggestion that has been made is that all the lands in the possession of these religious and charitable institutions should be exempted from the operation of this Bill. Now, that would work harshly upon the tenants if the land has been in possession of the tenants. But we have made a very important departure, to which I may invite the attention of the hon. House, and that is in sub-clause (2) (a). This is of an entirely different type. The religious and charitable institutions have been given some special right, and it is like this:

“In any case where the landholder is a religious or charitable institution, on the ground that the institution requires the land *bona fide* for use for a non-agricultural purpose”.

This might kindly be noted because there are religious and charitable institutions, Hindu, Christian or Muslim, who sometimes might require this land *bona fide* not for the purpose of getting the tenant evicted. If the land is required *bona fide* for the purpose of the religious or charitable institution even though that purpose is non-agricultural, it has been allowed in this case for the reason that this is an urban area. So, religious or charitable institutions in whose favour this particular right has been given are entitled to take possession of land for non-agricultural purposes.

There is no question of their taking possession of land for any agricultural purpose because a religious or charitable institution, as you are aware, cannot cultivate the land at all except through its servants. If at all for an agricultural purpose such a resumption is allowed it will be to the detriment of the tenant actually in possession. So what has been done so far as religious and charitable institutions are concerned is that the land will continue with the tenant subject to two restrictions as I have pointed out and they will not be otherwise evicted and the rent will be duly regulated.

So, so far as the tenant's rights are concerned, they are safeguarded and so far as the requirements of a religious or charitable institution are concerned, they are also safeguarded by giving them the special right of taking possession even for a non-agricultural purpose. This should be noted.

Mr. Deputy-Speaker: Should it be ‘even for a non-agricultural purpose’ or only ‘for a non-agricultural purpose’?

Shri Datar: Only for a non-agricultural purpose. In the case of an agricultural purpose, the difficulty is that they cannot cultivate the land personally.

Mr. Deputy-Speaker: In that case why should the tenant be ejected? If they want it for agricultural purposes, they would have to have it cultivated by somebody.

Shri Datar: Here we had to take into account two purposes. One is that the agricultural tenant is in possession and his rights of possession or his rights against eviction have to be protected. Secondly, in this case, it is not a private person; here you have got a religious or charitable institution and it is quite likely that it may require the possession of this land or a portion of this land for the implementation of a purpose which may be a non-agricultural purpose. So this is a special exemption made. In the case of other lands no such exception was made at all. This has been made here because even though it is agricultural land it is in an urban area.

Shri Braj Raj Singh: It has been made specially for Delhi and for no other place in India.

Shri Datar: It has been done in the interest of the religious and charitable institutions. In other cases what we have done is that we have guaranteed to them the rent. The hon. Member will kindly note that so far as the Land Reforms Acts are concerned, we have safeguarded the interests of religious and charitable institutions by guaranteeing the quantum of rent. In this case, as it is an urban area, a further concession has been allowed for enabling them to take possession of the land provided it is required *bona fide* and for a non-agricultural purpose in furtherance of its objects. These two expressions may kindly be noted.

Then clause 3(2)(b) is in connection with the disabled persons. In the case of disabled persons the provision is as follows:—

“ . . . where the land-holder was a person under disability at the commencement of the tenancy, on the ground that he requires the land *bona fide* for

cultivation by himself or for building a dwelling house . . . ”

Again, that also has been included because it is an urban area.

“ . . . a cattle shed or business premises for use by himself or any member of his family and the proceeding for ejection is instituted within two years from the date when he ceases or has ceased to be a person under disability.”

As to when such a person under disability ceases to be disabled has been made clear in the Explanation which reads thus—

“For the purposes of this section, the disability of a person shall cease,—

in the case of a widow, if she remarries

in the case of a minor, on the date of his attaining majority;

in the case of a woman who is unmarried or who is divorced or judicially separated . . . on the date of her marriage or re-marriage, as the case may be, . . .

in the case of a person who is a member of the Armed Forces of the Union, on the date of his discharge from service . . .

in the case of a person suffering from a physical or mental disability, on the date on which the disability ceases to exist;

in the case of a person who is prosecuting studies in a recognised institution, on the date when he ceases to prosecute studies in that or any other recognised institution;”

The House will find that these concessions have been allowed in view of the urban nature of this particular locality, as I stated. Then the disability shall cease in the case of a

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person under detention when he is released.

Then, clause 4 is important in the sense that whenever any proceeding is started for eviction, because it could formerly be started, that proceeding shall be abated. It provides:—

“Save as provided in section 3, no tenant of land shall, whether in execution of a decree or order of a court or otherwise, be ejected from the land, and if there is any proceeding . . .”

I need not read the rest, but it says that the proceeding shall abate.

Clause 5, the next clause, says:—

“Where, after the commencement of this Act, a person under disability or a religious or charitable institution has taken possession of land by ejecting the tenant therefrom under sub-section (2) of section 3 . . .”

They must carry out the purpose within one year. If they do not carry out the purpose within one year “from the date on which such person or institution took possession thereof”, the land might be given back to the person from whom they have taken it. It says:

“ . . . the tenant shall be entitled to be restored to possession of the land from which he was ejected, on the same terms . . .”

etc.

Some sort of a retrospective operation has been allowed in that if after the 1st July 1958, some person has been evicted, he can be restored to possession as laid down in clause 5, sub-clause (2).

Then, I pass on to clause 6. This is most important. It says:

“The rent payable by a tenant in respect of land held by him as such shall not exceed one-

fifth of the produce of the land or the money equivalent thereof, or where a lower rent is agreed upon between him and the landholder, the agreed rent.”

As I said, this is a great and a substantial relief. We found that actually the landlords were recovering about half of the actual produce as rent. The rules etc. have to be made and they will have to be placed before Parliament.

As a result of this, there has to be a repealing clause repealing certain Acts. Clause 9 is the repealing clause. It is not necessary to go into this except to point out that when Delhi Province was formed some area was taken from the Punjab and some area was taken from UP. So far as the Punjab area was concerned, it continued to be governed in this particular respect by the Punjab Tenancy Act. The area taken from UP was governed by the Agra Tenancy Act. When this special Act is passed giving two substantial reliefs certain provisions of those Acts are not necessary. Therefore they have to be repealed.

Thus, to conclude, what has been done in this case is to extend some necessary relief to agriculturists of lands situated within the urban area of the Delhi territory. As I stated, this relief has to be for a certain purpose, or you may call for an interim purpose, because in course of time, earlier if not later, all these lands will have to be acquired under the notification that has already been issued for the purpose of developing Delhi.

Mr. Deputy-Speaker: Motion moved:

“That the Bill to provide relief to the tenants of land in the urban areas of the Union territory of Delhi, be taken into consideration.”

Shri Warrior (Trichur): Sir, this Bill, as the hon. Minister himself has said, has come too late.

An Hon. Member: Better late than never.

Shri Warrior: The reason why this Bill has been brought forward has also been stated in an indirect way. The development of the urban areas of Delhi is proceeding very fast and the Government cannot cope with it. Government is moving very slowly and the development is overtaking it by leaps and bounds. In order to checkmate that Government is bringing forward this Bill. Hence the Bill is named in a wrong way. It is called Delhi (Urban Areas) Tenants' Relief Bill. It does not carry much meaning. The relief is only for a very limited interim period. The real fact is that unless something is done immediately, the value of land will increase to such an extent that by the time the slow moving government machinery comes to tackle it for acquisition purposes it would have gone beyond normal limits. Hence this measure has been brought forward. In a way, even as an interim relief it is welcome.

When we look into the provisions of this Bill, we see that this is just like any other land reform measure. When the hon. Minister was speaking you had occasion to clarify certain points. If the relief, at least for the interim period, is to go to the tenants them certain provisions contained in this Bill must be radically altered.

I do not wish to go into the details of this Bill. Clause (3) provides for guaranteeing fixity of tenure for the tenants. But all the other clauses provide ample scope for evicting any tenant on some ground or other. For example, sub-clause (1) (a) of clause 3 says:

"that a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor:"

Why should a tenant be ejected from the holding when he can be made to pay arrears of rent either from his personal property or from the crop raised? The crop raised can be attached. Or he may have some personal property. That can be attached. Why should you be so particular that the tenant must be ejected from his land. Once the tenant is ejected from the land, it would not be restored to him.

Mr. Deputy-Speaker: If he has other property, why can't he pay it himself?

Shri Warrior: Arrears of rent arise through various reasons.

Mr. Deputy-Speaker: A decree has been passed.

Shri Warrior: Why should a decree be executed on this land? I am all for the recovery of arrears from his personal property. Why not adopt some such measure? Why should you be particular about his land. It is not even provided that it should first be seen whether he has any private movable property, or crop available to be auctioned. How can you recover the arrears by ejecting the tenant? Then it has to be given to another tenant; that tenant may also be ejected, when it may have to be given to a third tenant. The same story might be repeated. The first rent might be one-tenth or one-fifth the actual produce. Now it has come by changing one tenant after another for recovery of arrears of rent to 50 per cent. This 50 per cent is not the initially fixed rent of any plot of land. That has come as a result of the change of successive tenants. This is called black rent, not ordinary or fair rent. If fair rents are fixed this will not come about. Because there is so much of land-hunger, cultivating people will be always looking forward to some ejection. As soon as one of their kith is ejected another fellow jumps in and offers an increased rent. The land will not yield

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and he will not be able to pay. The owner would go to the court and get a decree. That decree cannot be executed because the rent is still high. This is an endless story and the rent has now come to 50 per cent. Government now steps in and says that it is not fair to have 50 per cent of the produce as the rent. If the idea is to protect the right of the tenant to keep to the land and not be a beggar in the streets of our capital, the tenant must be nailed down to his own land. But the Government is pulling out whatever nails there are. That is why I object to this clause.

Now clause 3(1) (b) says:

"Where rent is payable in kind, that he has without sufficient cause failed to cultivate the land

To so much I agree. But the clause continues

"in the manner or to the extent customary in the locality in which the land is situated."

What is the meaning of the latter provision I cannot understand. Suppose today one tenant is cultivating in a certain manner. Can't he change that cultivation. With improved methods of cultivation coming in, can't he change his mode of cultivation? Will that be a ground for ejection? This is too much. I think the clause should have stopped with the word 'land' and the words "in the manner or to the extent customary, etc." should be deleted.

I now come to the most important clause relating to religious institutions. The hon. Minister was very eloquent about protecting the rights of these religious institutions. I would say that the religious institutions are taking advantage of their peculiar position. I have known

hundreds of tenants who had been ejected for extending their institutions, a small medical hospital, or dispensary, or some such thing, especially in our place. We have seen certain institutions taking advantage of these loopholes in the enactment and evict tenants. I do not see why we must be so over-enthusiastic to protect these religious institutions where these institutions have to suffer, if at all, by fixing a fair rent. It is not in the interest of the tenant; nor is it in the interest of the institutions also. These institutions are called charitable institutions. Why should charity not begin with their own tenants? Why should the poor tenant be ejected and made to roam the whole land as a beggar. Why create beggars at home and extend charity to some other begging people outside? Let those who are making a living on that land remain there. If the institutions want to have new premises constructed, new dispensaries opened or new colleges started, they will have sufficient funds to purchase land and construct these. Many a time they will come against the interests of the development of the urban areas, even the development plans of the Government. Delhi is going to have a master plan. Suppose, in-between a religious institution is coming along with its cow shed. Can it be allowed in the name of religion? I cannot understand how things are stretched to such an extent.

Mr. Deputy-Speaker: First, charity should begin with the surrender of the proprietary rights in favour of the tenants.

Shri Warrior: Yes, Sir, If it comes to that, a tenant has his proprietary rights much more than an institution which might have invested money in it: because the tenant might have been there not because this institution has purchased the land but because he was always there. The institution might have taken him also

along with the title deed of the land. That does not mean that these institutions should be given the right either to have an unfair or abnormal rent or the right to evict these tenants from their land. They can find out other sites if they want any individual institutions to be brought in. This is a very wide power given for these religious institutions.

I fear something more. Suppose somebody does not find a way to eject a tenant. He has simply to donate that much portion to a religious institution, and the religious institution can be made to evict that tenant and he can get compensation. All these subterfuges are resorted to by people who own land. This provision should not be there and this cover should not be used by anybody to eject any tenant. Because, the basic question is the peasants' question. And when tenancy legislation is enacted, the first and foremost objective, the supreme objective must be how to protect the tenant and not to see how he is not protected but certain other interests are protected instead.

In clause 3(2) also a very wide provision is made. I do not know how many tenants will remain. Item (b) of sub-clause (2) of clause 3 runs like this:

"In any case where the landholder was a person under disability at the commencement of the tenancy on the ground that he requires the land *bona fide* for cultivation by himself" That we can understand. Suppose he loses his job and goes back. Suppose he was a jamedar or a peon in the employment of Government, and he loses his employment; or he was in some mercantile job and loses the job. He has a plot of land in the urban area and he wants to cultivate it for his own living. We can understand that. Let him do so. But please see what follows in that clause: "...for cultivation by himself or for building a dwelling house, a cattle shed".

—a pig sty is not provided here.

An Hon. Member: You can suggest it.

Shri Warrior: Very well. It reads "... a cattle shed or business premises for use by himself or any member of his family etc". For that reason the person cannot be ejected. Anybody can have several members in the family; especially in a Joint Hindu family there are several members of the family. One of them will say, "I will make a cow shed here". And the tenant is evicted for that purpose.

With regard to "business premises" also the hon. Minister had also stated that the business premises are coming up like mushrooms because Delhi is fast developing. You will see so many business premises which are not in a very good order, which are not according to the plan but which are coming up here and there, in a haphazard manner, with thatched roofs and so on. Can we allow that in the interest of the protection of the right of the owner? This is not protection anyway of the right of the tenant; let us be clear about it. If it is protection of the right of the tenant, I can understand and we can sacrifice certain of these things, but if it is.....

Mr. Deputy-Speaker: The hon. Member should appreciate that the reason behind this provision is that there was a disability in a person and probably on account of that disability he allowed the tenant to cultivate. Now that disability is gone, and he wants it for his own use. The point is whether the hon. Member would allow it to him after that disability has gone and he wants it now.

Shri Warrior: When this disability was with that person, namely the owner, how did he maintain himself? He might have maintained himself without cultivating. Even after his recovery from the

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disability, I am willing to go to that much extent so far as his own cultivation is concerned. But for building premises, for cow sheds and for so many other purposes, that wide clause should not be provided. If it is for the same purpose as the tenant is using I can understand. The tenant is also debarred from constructing business houses, cow sheds or other things, that is to say, from changing the character or the feature of the land. So much a disabled person who has recovered from the disability may go; he may also cultivate. If it is necessary, let him resume it. But for purposes other than cultivation of the land, it should not be allowed. This is my humble submission.

With regard to the other clauses, I more or less support them. But coming to sub-clause (3) of clause 5 I wish to say that this is a very important clause in the background of what the hon. Minister has said and what is actually happening. In today's *Hindustan Times* there is a very interesting report about the meeting of these unauthorised colonies—it is a Federation or something like that. They passed a resolution urging the Delhi Administration to de-notify the land in about 150 "unauthorised" colonies recently frozen. It was passed at a convention of the residents of the colony and I think one M.P. presided over that—I do not have his name. The resolution stated—this is a very significant report—"that the development of these colonies had been retarded owing to the order of the Chief Commissioner by which about 34,000 acres of land, including these colonies, was notified for acquisition by the Government"

This is the way in which things are moving here. There are unauthorised colonies numbering about a hundred and fifty. The Government will not be able, at this rate, to cope with such a developing situation. Hence, this clause is a very vital

clause affecting these persons who are evicted, and at the same time new ventures are made in the very same area where they were formerly operating. The clause reads:

"Nothing in this section shall be construed as entitling a tenant to be restored to possession of any land if it is under cultivation by the owner who is a person under disability or has, on or before the 28th day of March, 1961, ceased to be used for agricultural purposes."

This is in agreement with what has been provided for in the previous clause also, and under this provision, this land can be resumed by the disabled owners on recovery.

Here, it must be pointed out that these lands are used for purposes other than agricultural purposes also. When these colonies are springing up at such a fast rate, these people are going to get so much by way of enhanced prices for these lands, after acquiring them from the tenants, but the tenants are not going to get any share of that increase at all. In *The Statesman* of today, there is an interesting sketch by the Delhi diaryist. He says that because of these unauthorised colonies and building; springing up and because of the rate at which land prices are rackets, a peon working in an office is an owner of a first-class car today. He is going to his office in his car and returning in his car. But out of humility, just before nearing the gate of his office, he gets down from the car, parks the car a few yards away from the gate, and then he goes to his office.

An Hon. Member: You are envying him.

Shri Warior: I am not envying him. The facts are there as presented in the press. This is not what I am saying. So many people like that are making much wealth out of those

unauthorised buildings and colonies now springing up everywhere. That report also has come in the press. From that, we understand that things will go on....

Mr. Deputy-Speaker: If he has got so much of money why should he stick on to that post?

Shri Warior: That is another matter. He alone knows it. So many taxis are now plying in Delhi, and the owners of these are people who have become rich all of a sudden on account of this speculation in land in and around Delhi.

My only contention is that the tenants also should have a share of enhanced rates which the owners are having when they are resuming the land for purposes other than that of cultivation.

With these observations, I hope that the hon. Minister will accept at least some of our suggestions, and remodel the Bill.

श्री बजराम सिंह : उपाध्यक्ष महोदय, इस प्रकार का निराशाप्रद और उत्साहहीन बिल इस सदन में आयेगा और सन् १९६१ में गृह मंत्री महोदय द्वारा लाया जायेगा, इस की प्राप्ति नहीं की जा सकती थी। जब सारे हिन्दुस्तान में प्राज नहीं, प्राज से दस या बारह साल पहले जमींदारियां खत्म कर दी गईं तो सन् १९६१ में गृह मंत्री महोदय एक बिल लाते हैं जिस में जमींदारियों जैसी चीज को खत्म करने के लिये कोई व्यवस्था नहीं है। सिर्फ कहते यह हैं कि हम किसानों को कुछ रिलीफ देने जा रहे हैं। एक तो यह कि जो उसका उत्पादन है खेती का, उस के १/५ से ज्यादा उसका रेंट नहीं होगा और दूसरे यह कि कुछ खास मामलों में उसे बेदखल नहीं किया जा सकेगा, यद्यपि इस में जो व्यवस्थाएँ हैं उनसे हमें पता लगता है कि बहुत ऐसे मामले हैं जिन में उसे फिर भी बेदखल किया जा सकता है।

मुझे आश्चर्य है कि योजना के नाम पर, विकास के नाम पर, किस प्रकार से उन लोगों को जिन का धन्ना खेती रहा है, जो खेती से अपनी जीविका पैदा करते रहे हैं, उन को बरबाद किया जा रहा है। दिल्ली में योजना के नाम पर तथा दिल्ली के विकास के नाम पर सरकार ने किसानों को न सिर्फ दूसरों को बरबाद करने दिया, जिन को कालोनाइजर या कालोमी के मालिक कहा जाता है, उन के द्वारा बल्कि सरकार ने खुद उन को बरबाद करने की कोशिश की, यह आज भी उन को बिगाड़ने में लगी हुई है। मैं कहना चाहता हूँ कि इस कानून के द्वारा यही होने को है, इसके अलावा कुछ नहीं। अभी हमारे गृह मंत्री महोदय ने कहा कि सिर्फ ४,००० एकड़ जमीन ऐसी होगी जिस पर इस बिल का प्रभाव पड़ेगा। लेकिन उन्होंने यह नहीं बतलाया कि पिछले दिनों जो ४७७ केसेज ऐसे हुए जिन में जमींदारों और किसानों ने आपस में समझौता करके किसानों को बेदखल करा दिया और उन ६० केसेज में जिन में फिर अदालत द्वारा किसानों को जमींदारों ने बेदखल करा लिया है, इस बिल का कितना असर पड़ेगा।

आखिर दिल्ली में भूमि की बहुत कमी है। पिछले दस सालों के अन्दर कहीं कहीं पर उस की कीमत ५०० गुनी और कहीं कहीं पर १००० गुनी हो गई है और इस कीमत का फायदा सिर्फ उस को मिला जो सफेद कपड़े पहनना जानता है, जो पढ़ा लिखा है, जिसके पास पैसा है। दिल्ली के विकास के नाम पर यह उन लोगों को बरबादी है जो यहां के पुरतैनी वाशिन्दे रहे हैं। आखिर जो दिल्ली के पुरतैनी निवासी हैं या जो खेत जोतने वाले लोग हैं, दिल्ली के विकास का कुछ फायदा उन को भी तो पहुंचना चाहिये। दिल्ली के विकास के माने यह नहीं होने चाहिये कि बाहर से लोग आ कर जमीन का सारा फायदा अपने हित में उठा ले जायें।

मुझे आश्चर्य होता है, यह सरकार कहती है कि उस ने जमींदारियां खत्म कर दी हैं,

[श्री नजरान सिंह]

सरकार कहती है कि वह सोशललिस्टिक पैटर्न आफ सोसायटी बनाना चाहती है, समाजवाद बनाना चाहती है, लेकिन सरकारी सीटों के नीचे दिल्ली में जमींदारी पनप रही है और पूंजीवाद पनप रहा है, और दूसरी चीजें पनप रही हैं। सरकार कहती है कि वह समाजवाद कायम करने जा रही है। अगर समाजवाद का यही नक्शा है तो मैं कहना चाहता हूँ कि इस से हिन्दुस्तान की जनता प्रभावित नहीं होगी। इससे दिल्ली के किसान बरबाद ही हो सकते हैं, आबाद नहीं हो सकते। तब आखिर क्या किया जा सकता है? मुझे आश्चर्य होता है कि जब बिल पेश करने गृह मंत्री महोदय आते हैं तो उन के पास कुल आंकड़े नहीं हैं कि जब खेत लिये जायेंगे तो उस से आखिर कितने लोगों पर प्रभाव पड़ने वाला है। जो दिल्ली का विकास करना है उस के नाम पर जिन किसानों से जमीन छीनी जा रही है, उस विकास का कुछ पैसा उन किसानों को भी मिलने वाला है या नहीं। उदाहरण के लिये इस सदन में बार बार चर्चा की गई उस ३४,००० एकड़ जमीन के बारे में, जिस को दिल्ली प्रशासन ने लेने के लिये नोटिफाइड किया हुआ है, और जिस के लिये कहा जाता है कि उसे जन-हित में लिया जा रहा है क्योंकि दिल्ली का विकास करना है। छोटे छोटे लोगों के लिये मकान बनेंगे, अलग कालोनी बनेगी, सरकारी दफ्तर बनेंगे, इस में मुझे कोई ऐतराज नहीं है। मैं मानता हूँ कि जहाँ इस तरह के विकास कार्य करने की आवश्यकता पड़ेगी वहाँ पर जमीन चाहिये ही। लेकिन जब जमीन चाहिये तो यह सोचना चाहिये कि जिस की जमीन वह है, उस को भी जो विकास हो रहा है, जो लाभ मिल रहा है, क्या उस लाभ का कोई हिस्सा दिया जा रहा है या नहीं। मुझे लगता है, और इस पर मेरी मूल भावना है, कि जिधर आज विकास योजनाएँ चल रही

हैं, दिल्ली या दूसरी जगहों में कारखाने बनाने के लिये आप जहाँ किसानों की जमीन ले लेते हैं उन को आप मुआवजा देते हैं सन् १८६२ के लैंड ऐक्विजिशन ऐक्ट के मुताबिक जिस में कहा गया था कि किस तरह मुआवजा दिया जायेगा, लेकिन जिन जमीनों को आप डेवेलप करने के लिये कहते हैं और कहते हैं कि हम उन का विकास करेंगे, उन से आप खुद मुनाफा उठाते हैं या दूसरों को मौका देते हैं, जिन को काब्रानाइजर कहा जाता है। यह न सिर्फ दिल्ली में या दूसरी जगहों में ही हो रहा है बल्कि वहाँ भी हो रहा है जहाँ पर स्टील प्लांट लगाये जा रहे हैं, जहाँ राज्य का बहुत सा धन पब्लिक सेक्टर उद्योगों में लग रहा है। उन उद्योगों के लिये जो जमीन ली जाती है उस का फायदा किसानों को नहीं पहुंचता है, दूगरे लोगों को, जो बीच में आते हैं, उन को पहुंचता है। मैं मानता हूँ कि किसानों को नाजायज फायदा मिलने का मौका नहीं होना चाहिये क्योंकि दिल्ली हिन्दुस्तान की राजधानी है और चूंकि राजधानी होने के नाते उस का विकास हो रहा है इस लिये किसानों को अधिकार नहीं होना चाहिये कि वह अपनी जमीन का नाजायज पैसा लें, लेकिन नाजायज फायदे की बात तो दूर रही है, उन को जायज पैसा मिल सके, इस की कोई व्यवस्था क्या सरकार की ओर से की जा रही है? मुझे आश्चर्य होता है कि इस तरह की कोई व्यवस्था इस बिल में नहीं है। जब ३४,००० एकड़ जमीन के लिये जाने की घोषणा की गई थी तब इस बात को कहा गया था कि जो कुछ भी हो रहा है, जिन की जमीन ली जा रही है, उन को उस का पैसा दिया जायेगा, और उस का कुछ हिस्सा किसान को भी चाहिये। कहा गया कि शहर के विकास के लिये जिन के मकान हम लेंगे उन मकानों के लिये उन को मुआवजा देंगे। यह चीज तय कर के सुनाई गई। लेकिन जब किसानों से

हम जमीन लेंगे तो उन को मुआवजा सन् १८९२ के लैंड ऐक्विजिशन ऐक्ट के मुताबिक तय करेंगे। जैसे मुआवजा तय किया जायेगा सन् १९६१ में उस की व्यवस्था सन् १८९२ के कानून के अनुसार की गई है। मैं कहना चाहता हूँ कि यह किसान के साथ घोर अन्याय है जिस की किसानों की जानका ी नहीं है। किसान आज इस चीज को समझते नहीं हैं क्योंकि वे राजनीतिक रूप से जागृत नहीं हैं, और इस लिये वे इस का विरोध नहीं कर सकते। लेकिन जब वे जागृत होंगे, जब उन को इस तरह की शिक्षा मिलेगी, तो वे यह महसूस करेंगे कि इस देश के अन्दर इस वक्त की सरकार ने कितने कार्य उन के खिलाफ किये थे। मैं कहना चाहता हूँ कि इस विधेयक में भी इस तरह के अन्यायपूर्ण बलाज है। आखिर हम इस विधेयक में क्या व्यवस्था करना चाहते हैं। इस बिल की जो धारा ३(१)(ए) है उस में कहा गया है :

"That a decree for arrear of rent due in respect of the land remains unsatisfied after the expiry of the period allowed therefor;"

अभी जब हमारे मित्र श्री वारियर बोल रहे थे इस विधेयक पर तो उन्होंने इस सम्बन्ध में कुछ कहा नहीं। मैं पूछना चाहता हूँ मंत्री महोदय से कि क्या हिन्दुस्तान में कोई भी इस तरह का कानून है कि लगान न देने पर, मालगुजारी न देने पर, देश के किसी भी हिस्से में किसान को बेदखल किया जा सकता है? मैं कहना चाहता हूँ कि कहीं पर भी हिन्दुस्तान में आज किसान लगान या मालगुजारी न देने की वजह से बेदखल नहीं किया जा सकता। इसके लिए आप उसकी फसल कुर्क कीजिये, उसका घर कुर्क कीजिये, उसकी भैंस कुर्क कीजिये, उसका बैल कुर्क कीजिये लेकिन इसके लिए यह अपनी जमीन से बेदखल कर दिया जायेगा ऐसा कोई कानून हिन्दुस्तान के किसी भी राज्य में नहीं है। लेकिन दिल्ली में यह है कि अगर लगान या मालगुजारी न दे

और डिफ़ी अनसैटिसफाइड रहे तो उसे बेदखल कर दिया जाये। यह घोर प्रतिक्रियावादी व्यवस्था है और इस प्रकार की व्यवस्था कम से कम अप्रैल सन् १९६१ में तो नहीं की जानी चाहिए जब कि दुनिया इतनी आगे बढ़ रही है और लोग चन्द्रमा में पहुँच रहे हैं। आज ऐसी व्यवस्था नहीं की जानी चाहिए कि अगर कोई किसान लगान या मालगुजारी न दे तो उसको बेदखल किया जा सकता है। मैं नहीं समझता कि आज ऐसी व्यवस्था की जा सकती है, और यह भी दिल्ली में जहाँ आज जमीन की कीमत इतनी बढ़ रही है। अगर यहाँ कानून में इस तरह की व्यवस्था होगी तो अदालत से शिक्रियां ली जायेंगी, उनका किसान को पता भी नहीं हो पायेगा, यह भी दिखा दिया जायेगा कि यह अनसैटिसफाइड रही और इस तरह किसान को बेदखल कर दिया जायेगा।

उन ४७७ मामलों में जिनके लिए यह कहा जा रहा है कि किसान और लैंडलांड में समझौता हो गया है, मैं समझता हूँ कि किसानों को धोखा दिया गया है। मैं कहना चाहता हूँ कि ऐसे मामलों में किसान की शिक्षा, अज्ञान, असंगठन और कमजोरी का फायदा उठाया जाता है। जिन के पास पैसा है, शक्ति है वह इस तरह से फायदा उठाते हैं।

अब आप देखें कि धारा ३(१)(डी) में कहा गया है :

"That he has used the land in a manner which renders it unfit for the purpose for which it was let".

अगर उसने कहीं अपनी मंढ़पा अपना घर बनाने के लिए एक छोटा सा भट्टा बना लिया तो उससे एक गड़बा हो जायेगा और इसलिए उतनी जमीन खेती के योग्य नहीं रहेगी, तो इसी बात पर उसे बेदखल किया जा सकता है। अगर वह ऐसा करता है तो इसके लिए आप उसकी सजा दें यह अलग बात है,

[श्री बजराम सिंह]

लेकिन उसकी बेवज्र किया जाये इस पर तो आज विचार भी नहीं किया जा सकता। खास तौर से दिल्ली में जहाँ आज जमीन की इतना कीमत है उसको इस तरह से बेदखल नहीं किया जाना चाहिए।

इस के बाद हम देखते हैं कि गृह मंत्री महोदय ने धार्मिक संस्थानों के लिये बड़ा प्रेम व्यक्त किया है। धारा ३ (२)ए० में कहा गया है :

"in any case where the landholder is a religious or charitable institution, on the ground that the institution requires the land bona fide for use for a non-agricultural purpose in furtherance of its objects".

श्रीर इन प्रावधानों की कोई व्याख्या नहीं की गयी है। हो सकता है कि कोई धार्मिक स्थान आने वाले यात्रियों के लिये होटल बनाना चाहे और उस के लिये जमीन को लेना चाहे तो वह ले सकेगा और किसान को बेखर्च किया जा सकेगा। और ऐसा करना उस धार्मिक स्थान के प्रावधानों के फरदरों के लिये होगा। इस चीज को रोकने के लिये गृह मंत्री महोदय क्या व्यवस्था करेंगे क्योंकि उन्होंने उन प्रावधानों की परिभाषा नहीं की है। और दिल्ली में अनेक ऐसी बातें हो सकती हैं कि दिल्ली के विकास के नाम पर किसान से जमीन ले ली जाय। लेकिन इस चीज को गोल छोड़ दिया गया है। मैं तो कहना चाहूंगा कि किसी धार्मिक संस्थान को इस प्रकार का अधिकार नहीं होना चाहिये कि वह अपने उद्देश्यों को बढ़ावा देने के लिये किसी किसान को उस की जमीन से बेखर्च कर सके। अगर वह संस्थान अपने उद्देश्यों को बढ़ावा देना चाहता है तो अपनी जेब से पैसा खर्च करके बैसा करे न कि किसी किसान को उस की जमीन से बेदखल करके। किसी धार्मिक संस्थान को ऐसा अधिकार देने की बात सौबी भी नहीं जा सकती।

आगे कहा गया है :

"in any case where the landholder was a person under disability at the commencement of the tenancy on the ground that he requires the land bona fide for cultivation by himself".

अगर इस तरह की व्यवस्था इस में करदी जाये तो निश्चित रूप से सौ में से सौ केंसों में ऐसा होगा कि जमींदार कहेगा कि अब मैं डिसेबिलिटी नहीं रहा हूँ और अब मुझे जमीन वापस की जाये। इस का नतीजा यह होगा कि किसान जो कि मंगे रों घूमता है, जो घंटनों से ऊपर की श्रेणी का दखता है और अपने सिर से अपनी फटी बोती लपेटता है वह इस बात को समझ नहीं पायेगा और जैडलांड जो कि डिसेबिलिटी था यह इस व्यवस्था का नाजायज फायदा उठेगा। अगर वह शुरू में डिसेबिलिटी न होता और अपनी जमीन उठा देता तो उस को वापस लेने का अधिकार न होता, लेकिन डिसेबिलिटी होने की वजह से उस को यह अधिकार दिया जा रहा है। मेरी समझ में यह मुनासिब नहीं है।

आगे चल कर प्राप कहते हैं :

"on the ground that he requires the land bona fide for cultivation by himself".

लेकिन सिर्फ खेती की ही बात नहीं है, आगे प्राप वह भी कहते हैं :

"or for building a dwelling house".

अब जहाँ तक डवेलिंग हाउस का सवाल है, वह तो इतना बड़ा भी बन सकता है जितना बड़ा कि अमरीकन एम्बेसी है। यही नहीं इस के आगे प्राप वह भी कहते हैं कि यह जमीन कैटिल शेड है या बिजनेस प्रमिसेज के लिये भी ली जा सकती है। प्राप कहते हैं :

"a cattle shed or business premises for use by himself or any member of his family and the proceeding for ejectment is instituted

within two years from the date when he ceases or has ceased to be a person under disability”.

अब यह बिल पास हो रहा है तो इस के पास होने के दो साल के अन्दर यानी सन् १९६१ और १९६२ में यह लैंडटाइंड इस प्रकार की कार्यवाही कर के किसान को बेदखल करवा सकेगा। मैं कहना चाहता हूँ कि हिन्दुस्तान के और राज्यों में जमींदारी को प्रायः दस बारह साल पहले खत्म किया जा चुका है। लेकिन सिर्फ़ उा प्रदेशों में प्रायः उस को कायम किया हुआ है जहाँ प्रायः मैं हूँ। सिर्फ़ इसलिए कि दिल्ली देश की राजधानी है इस लिये वहाँ के किसानों को एक नहीं पचासों आधार पर उन की जमीन से बेदखल किया जा सकता है। मैं कहना चाहता हूँ कि यह महान प्रतिक्रियावादी विषयक है किसान को बेदखल करने वाला विषयक है। मैं कहना चाहता हूँ कि यह विषयक सरकार की उस नीति का अन्तक है जिस के अन्तर्गत यह पूँजीवाद को बढ़ावा देना चाहती है। जहाँ उस को मौका मिलता है वह पूँजीवाद को बढ़ावा देती है। इसी लिये दिल्ली में जमींदारी को कायम रखने का प्रयत्न किया जा रहा है। यहाँ पर केवल ४००० एकड़ भूमि का मामला है किन्तु उस में भी पूँजीवाद को सरकार बढ़ावा देना चाहती है ताकि बड़े बड़े लोग यहाँ प्रायें और यहाँ प्रा कर बिलनस बढ़ायें। इसी लिये यहाँ पर से जमींदारी को खत्म नहीं किया जा रहा है बल्कि ऐसी व्यवस्था की जा रही है कि किसी न किसी तरह किसान को बेदखल किया जा सके।

और आगे धारा ५(३) में यह कहा गया है :

“5(3). Nothing in this section shall be construed as entitling a tenant to be restored to possession of any land if it is under cultivation by the owner who is a person under disability or has, on or before the 28th day of March 1961, ceased to be used for agricultural purposes”.

यानी अगर यह जमीन एपीकल्चरल परपोजेज के लिये इस्तेमाल नहीं भी हो रही है तो उस से किसान को कोई लाभ नहीं मिल सकेगा। अगर उस से लाभ मिलेगा तो उस डिसेबिलिटी परसन को, किसान को उस से कोई लाभ नहीं मिल सकेगा। मैं पूछना चाहता हूँ कि यह किस तरह की नीति है। प्रायः यह बिल किसान के भले के लिये लाये हैं। लेकिन जो प्रायः रिजर्वे दे रहे हैं उस से इस का विनाश महा विनाश होने जा रहा है। मेरा निबंदन है कि यदि सरकार इस बिल के द्वारा काश्तकार को कोई लाभ देना चाहती है तो इस में कान्ति-कारी परिवर्तन होना चाहिये। इस बिल से उस हर व्यवस्था को निकाल दिया जाना चाहिये जिस में किसी भी आधार पर किसान को उस की जमीन से बेदखल किया जा सकता है। हर उस व्यवस्था को इस में से निकाल देना चाहिये जिस के द्वारा किसान को अपनी जमीन का पूरा लाभ मिलने से वंचित किया जा सकता है। मैं प्राशा करता हूँ कि गृह मंत्री महोदय इस पर विचार करेंगे और सिर्फ़ इस आधार पर कि दिल्ली का विकास हो रहा है और यह देश की राजधानी है, गरीब लोगों को उन की जमीन छोड़ने के लिये मजबूर नहीं किया जायेगा।

अन्त में मैं यह पूछना चाहता हूँ सरकार से कि जहाँ भी अरबनाइजेशन हुआ है और खास तौर से दिल्ली में क्या सरकार ने यह देखने की कोशिश की है कि जिन लोगों की जमीनें सन् १९६२ के कानून के अधीन ली गयीं जिस में कि मुआवजा बहुत कम दिया जाता है, क्या उन को हिन्दुस्तान के किसी हिस्से में जमीन दी गयी और प्रायः वे किस प्रकार अपना और अपने बच्चों का पालन कर रहे हैं। उन में से बहुत से प्रायः बेकार हैं और रिश्ता चला कर अपना और अपने बच्चों का पालन पोषण कर रहे हैं। यह कोई अच्छी योजना नहीं हो सकती कि कुछ, गरीब लोगों की जमीन छीन कर उन को बेकार कर दिया जाये और उन की जमीन दूसरों को देना की उन्नति के लिये दे दी जाये। मैं प्राशा करता हूँ कि

[श्री बजरज सिंह]

सरकार समय रहते चेतनेगी और इस बिल में ऐसा संशोधन करेगी कि जिस से यह किसान की वरदादी का कारण न बने।

15 hrs.

Shri Tyagi (Dehra Dun): Sir, I have nothing to oppose in this Bill. I think it is well-intentioned. But, Some somehow or other, I have not been able to reconcile myself to the language—whether that language really represents our views. Since I am a layman it may be I am wrong. But I always believe in expressing myself because since my boyhood I have learnt a good lot from wise men. They have a weakness to correct any fault committed. If you express yourself as you feel, and if it is wrong, wise men will always put you on the right track. It is from that point of view I am approaching the hon. Minister to correct me if I am wrong.

We have had the pleasure or pride of enacting the first Zamindari Abolition Act in the U. P. during the British days. Since then I have been interesting myself in the problem of tenancy and the landlords and the zamindars. We had also given exemption to the categories like the widows, minors and those who are in the service of the Army or such other incapacitated people. We did something positive to them.

As I read the Bill, the meaning is that during the course of the disability, the zamindar or the owner does not get any benefit except that he can go on getting the rent. It is only after the disability is removed, or over, that, he can eject the tenant. That is what I felt. I thought, perhaps, the tenant was insecure only so long as the disability continued, so that during that period the tenant could be ejected. But, after that period is over and the minor has become a major—you are giving two years' further period beyond he could not get the benefit. The benefit could rightly accrue only during the course of the disability of the person.

During the course of the disability the person is disabled to manage. So, somebody, his cousin or somebody who is not entitled to the land looks after the disabled person's interests. After all even disabled persons have somebody to look after them in this world yet. Things have not yet come to such a pass when there is no person to look after them. They have some cousin or distant relation to look after them and their interests. So, during the course of the minority his guardian or somebody must have the benefit of ejecting the tenant or building a house, or do something for the minor. I can understand that, During the period when the wife is left alone while the husband has joined the Army, the wife must have the benefit of the law so that she may do what she wants to do. But after a man has returned from the Army there is no logic in giving that benefit. The words are that proceedings for ejectment can be instituted within two years from the date when he ceases or has ceased to be a person under disability. Only within those two years and not during the disability. This is something which I cannot understand, unless the meaning is something different. The Law Ministry or the Home Ministry are having all types of ideas, and it is sometimes difficult to follow them. They are going at a high speed towards socialism. I do not know any kind of socialist meaning other than the literal meaning, the meaning as it is known in society. People also go on defining the meaning. Ordinary people like me understand the meaning of 'within 2 years' to be beginning from that date. That means to say taking it from the date on which the disability ended. Then only ejectment can take place. When the man becomes a major or free from the disability, immediately, the tenant comes under danger; not during the days when the man was disabled.

There is another point which may not be well appreciated by lawyers.

They give some different interpretation. But a widow deserves consideration and mercy in Indian society, in Hindu society and practically everywhere. Poor lady is left alone and she deserved to get the benefit during her widowhood. But, you say, 'No, she can get the benefit only after her disability ends. If she re-marries then only she can eject a tenant and not during her widowhood. After she re-marries, and she is happy with a good husband, and she has left that widowhood, within two years from that date—during her marriage days of enjoyment—she can eject the tenant.

Mr. Deputy-Speaker: The widow rented that portion of land because she could not cultivate it herself. According to the hon. Member, now she has got a good husband who can look after the land, therefore she wants the land. She may get it cultivated through her husband.

Shri Tyagi: So my hon. friend, Shri Datar advises the widows not to remain widows but to get re-married so that they can eject the tenants and be happy. This is what the Government advises.

Mr. Deputy-Speaker: What would the hon. Member advise the old widows to do? He is himself a widower.

Shri Tyagi: I am myself a widower, Sir. (*Interruption*).

When we passed our Zamindari Abolition law we definitely said that no tenant shall get or obtain any hereditary rights or some such rights if the land is owned by a widow until she ceases to be a widow, that is until she re-marries. I would very much prefer something put in that very positive way. During the period the landlord or the zamindar is disabled, no rights shall accrue. I can understand that. But here you say the rights are there; during disability they have no right and the right starts only after the disability is over. You give two years also after that. This is something which I cannot understand.

There is some defect either in the ideas or in the language. I am not going to be convinced because a *fatwa* may be issued from the other side, the ministerial *fatwa*. My complaint is that Parliament is losing its glamour because the views of Parliament, howsoever reasonable they may be, are not respected because the Treasury Benches are now tending to respect the advice tendered from behind the curtain. They believe in curtain lectures and not lectures given in the House. That is my bother.

Let us look at the things. When the person is under a disability, when a person is a widow or minor and somebody is looking after them, their rights would accrue in that land and their rights should be secured till after 2 years after the removal of the disability. The whole period should be covered. Even after attaining majority, if the person does not care, then the tenant gets the right. He too must be given protection. This is how I would like the Bill to go.

This is what occurred to me by a casual reading of the Bill. When one thing comes to my mind I cannot keep quiet; I must give expression to it. I think you can better judge this thing.

In the case of a widow, particularly, to give her the benefit or right of ejecting the tenant only after she re-marries is something very queer. This, society would not accept. The same is the case of a lady who is married and gets divorced. After divorce, within 2 years, she can get the right and not before. From this point of view, the language of the Bill should be examined.

Now, the hon. Minister is consulting. It seems now that my point has some sense because . . .

Mr. Deputy-Speaker: It could not be otherwise.

Pandit K. C. Sharma (Hapur): He is seriously taking note of it.

Bill

Shri Tyagi: Another point which I want to know is this. Do Government also undertake to give sufficient compensation to the tenants when they acquire lands, cannot we be just and fair to them? That is the problem. As far as Government coffers are concerned, we try to be stingy, but we are spendthrifts otherwise. It is my personal experience that the Government is wasting money in many ways but in the matter of giving compensation which is a rightfully due for the lands which belonged to the people who have been cultivating it for centuries, they will try to show off as if they are very economical and they will say that this must be examined thoroughly and judicial proceedings must go on. They cannot afford to be liberal with these people because these villagers have not yet fully justified their citizenship by coming forward to force the hands of the Government. I do not know whether the villagers will have any salvation until they exert their influence on the Government. My feeling is that the villages and the villagers are getting neglected. Their lands are acquired for any project or for some other good purpose or even for *mahfil* or *tamasha Bhawans* or *ajaibghar* or luxury buildings. But they are not given their rightful compensation. But in the case of many buildings hired or requisitioned, huge amounts are given to urban people. Things are coming to a pass where, my fears are, the urban people are like the Roman citizens of the olden days and the villagers are rustics, as if they have no rights of citizenship because they cannot agitate or make their influence felt as effectively as the urban people do. By our neglect of the villagers, we are indirectly asking them to organise and agitate for their rights. Then only they shall be heard. That seems to be the position. My hon. friend, the Home Minister who is here, is very generous towards the hon. Members of Parliament. I must say this.

Shri Datar: You may directly ask your question without this preface.

Shri Tyagi: My question is whether the Government is going to acquire quite a lot of land in due course and whether it has acquired some. Will the Government see to it that the compensation or benefits proposed to be given to the ryots, etc. which are guaranteed under the hands of the proprietors of the land will continue to be given to the tenants when the ownership is changed over from the landlord to the Government? When the lands are acquired, will the Government be prepared to give to the tenants the same amount of compensation or benefits as they desired the zamindars to give. . . . (Interruptions). The same land may be acquired by the Government for some charitable purpose or some State buildings or mansions or palaces. I remember a story in the old Persian history. A king wanted to build a palace. But there was a small hut in the neighbourhood which belonged to a poor lady. The palace could not be built because that lady protested. The king did not touch that hut, although it looks odd that in the neighbourhood of a palace there should be a small dirty hut. Even that dirty hut was allowed to remain until that lady remained there. These are the days of progress and socialism. The huts could be demolished and lands could be taken. But will the Government see to it that the poor girl or the poor youngman who-soever it is who lives in the hut is given proper compensation? Or shall he or she go without any care because the land belonged to a landlord and the landlord has been given compensation and so the tenant may go to dogs? Will that be the attitude? I, therefore, want to emphasise that point. In case the same very land of the neighbourhood is acquired for Government purposes or for any other purpose, Government must undertake to look to the rights and privileges of the tenants on that land in the same manner as they were

guaranteed in the hands of the zamindars.

Mr. Deputy-Speaker: Shri Radha Raman. There are a large number of hon. Members who want to participate and so I will request the hon. Members to be as brief as possible.

Shri Radha Raman (Chandni Chowk): Sir, I shall limit myself to a few points I have in my mind.

उगाध्यस महोदय, जो विधेयक इस सदन में रखा गया है, उस की पृष्ठभूमि में श्रीर इय सम्बन्ध में यहां पर जो स्थिति रची है, उस को दृष्टि में रख कर उस के अलग-अलग भागों को देखने की आवश्यकता है। इस में सन्देह नहीं कि यह बिल हर प्रकार से मकम्मल नहीं कहा जा सकता और हमारे कई माननीय मित्रों ने इस बारे में जो कुछ सूझाव रखे हैं, उन में कुछ ऐसे हैं जो मानने लायक हो सकते हैं और उन को माना जा सकता है। लेकिन यहां पर जो स्थिति रही है, उस को मानने रखते हुए हमें इस को देखना चाहिये।

सम्भवतः माननीय सदस्यों को इस बात का परिचय होगा कि दिल्ली में गं बों की जमीनों को बहुत तेजी के साथ अरबनाइज्ड किया गया। एक वक्त था कि सैकड़ों एकड़ नहीं बल्कि हजारों एवड़ जमीन को सिर्फ एक कलम से रूल एरिया से—देहाती जमीन से शहरी जमीन बना दिया गया। शहरी जमीन पर कोई ऐसा कानून नहीं लागू होता था जिससे किसी टेनांट को किसी किस्म का रिन्टीफ मिल सके या निकाला न जा सके। इस का नतीजा यह हुआ, कि आज इस सदन में कहा जा रहा है, कि हजारों किसानों को अपनी जमीनों से वंचित होना पड़ा और उस का फायदा किसानों को न मिल कर लैंडलार्ड्स को मिला और लैंडलार्ड्स से ज्यादा उन लोगों ने फायदा उठाया, जो कि शरीर भावादी को बढ़ता भा देख कर किसानों से हल्के

दामों पर जमीन खरीदते थे और उस का सी गुना रुपया हासिल कर मालदार बन जाते थे। बहरहाल वह कानून जहां लागू हुआ और उस के जरिये से वे सब किसान या काफतकार या गरीब लोग हल्के हल्के उस तमाम जमीन से बेदखल हो गये जिस पर खेती कर के वे थोड़ा बहुत कमा लेते थे। यह सब १९५३ और १९५६ के बीच में हुआ। जब ऐसे बहुत धारे गावों के क्षेत्र शहरी क्षेत्र बन गये और आषा-घापी से किसानों को बेदखल होते देखा गया, तो बहुत सारे किसानों ने अपनी सरकार, लोगों और अपने नुमाइंदों के सामने यह विचार रखा कि उनके प्रति यह जो अहितकर काम किया जा रहा था, उस को हल्के-हल्के खत्म किया जाये। उन्हीं लोगों की कुछ थोड़ीसी रियायत देने और उन की तकलीफों को दूर करने के लिये ही यह कानून लाया गया है।

इस बारे में इस बात का ध्यान रखना चाहिये कि दिल्ली के आस-पास हूवे-हूके यह तमाम जमीन, जो कि देहाती है, शहरियों के रहने की या शहरियों के बच्चे में आती जाती है। इन जमीनों को उस जमाने में म्युनिसिपैलिटीज या लोकल बाडीज के मातहत कर के उन तमाम कानूनों से बरी कर दिया गया था, जिन से किसानों या काफतकारों को आराम मिलता था। इस कानून में इन जमीनों को उन लोगों को फिर से रेस्टोर करने, उन को कुछ आराम पहुंचाने या रियायत देन का ब्याल किया गया है। यह बात सही है कि अब दिल्ली के आस-पास बहुत कम लोग ऐसे रह गये हैं, जिन के पास कुछ बड़ी जमीन हों। यानी ऐसे किसान अब बहुत कम हैं, जिन के पास सी, दो सी, पांच सी या एक हजार एकड़ जमीन हो। छोटे-छोटे किसान बहुत ज्यादा हैं। म्युनिसिपैलिटीज के मातहत होने की वजह से उन लोगों को अपनी जमीनों से बेदखल किया जा रहा था। इस कानून के जरिये सरकार ने उन लोगों को इस बात का संरक्षण दिया है कि अगर वे लोग काश्त करते हैं, या किसी जमीन पर टेनांसी का हक रखते हैं, तो

[श्री राधारमण]

बावजूद इस के कि वे जमीनें शहरी इलाकों में आ गई हैं, उन को बेदखल करने का अख्तियार उन मालिकान को नहीं है, जो पहले कानून के मातहत उन को बेदखल कर सकते थे।

इस बिल में जो बातें रखी गई हैं, उन में दो मोटी-मोटी बातों की तरफ हम को ध्यान रखना चाहिये। एक बात तो यह है कि जो लोग बराबर अपना लगान नहीं दे सके हैं और जिन का बहुत कुछ लगान बाकी रह गया है तो, बावजूद इस बात के कि उन को इस कानून में रियायत दी गई है, लगान बाकी रहने की वजह से बेदखल किया जा सकता है। इसमें कुछ शिकायत इस किस्म की रहती है कि बहुत से काश्तकार जो ऐसे हैं कि गरीब हैं, जिन के पास बहुत थोड़ी जमीन है और वे उसको काश्त करके ही अपना तथा अपने परिवार का गुजारा चराने हैं, उनको स्पेसिफिक टर्म मेंशन न होने की वजह से बेदखली का सामना करना पड़ सकता है। इसमें यह लिखा है कि कोई किसान या कोई काश्तकार अगर कुछ अर्से तक रुपया नहीं देगा और उसकी जो रकम है जो उसे दूसरे को देनी है वह बाकी रहती जाएगी तो उसे बेदखल किया जा सकता है। कितने पीरियड की रकम वह अदा नहीं करेगा, यह स्पेसिफाइ नहीं किया गया है। इस कानून में यह नहीं है कि कितनी देर तक वह एरियर में रहेगा तब उस को बेदखल किया जा सकता है। मैं चाहता हूँ कि इसके बारे में सफाई हो जानी चाहिये और माननीय मंत्री जी को बतलाना चाहिये कि एक साल या दो साल या तीन साल की रकम अगर उस पर बाकी होगी तब उसको बेदखल किया जा सकेगा या फिर थोड़े से अर्से यानी छह महीने या सात भर का एरियर होने से भी वह बेदखल हो सकता है। अगर इस चीज की सफाई नहीं की जाती है तो काफी ऐसे मालिकान होंगे जो कि इससे फायदा उठा लेंगे। इस वास्ते मैं चाहता हूँ कि मन्त्री महोदय सफाई कर दें।

इस कानून में वह भी साफ कहा गया है कि सैंड्रल गवर्नमेंट जो जमीन एक्वायर करेगी या लेना चाहेगी उसपर चाहे काश्तकार हो या किसान हो या वह जमीन किसी भी हालत में हो, वह कानून लागू नहीं होगा। हमने जब पहले इस मसले पर विचार किया था तब भी कहा था कि यह कोई बहुत अच्छी बात नहीं है कि वह इस तरह की चीजों का ध्यान न रखे। हम आज तक मालिकान को इस बात का दोष देते आए हैं कि वे किसानों की बहुत सस्ते में जमीन लेते हैं और सस्ते में जमीन ले करके बहुत सा रुपया बनाते हैं। जब हम उनको इस तरह के दोष देते हैं तो मैं चाहता हूँ कि सरकार को कोई ऐसा प्रादर्श लोगों के सामने रखना चाहिये कि वह किसी के साथ किसी तरह की भी ज्यादाती नहीं करती है और हमें इस स्थिति में होगा चाहिये कि हम मालिकान को यह कह सके कि सरकार एक नमूने के तौर पर काम करती है और उसी के मुताबिक मालिकान को भी चलना चाहिये। इस कानून से सरकार बिल्कुल बच जाती है। अभी माननीय सदस्यों ने जिन्हें कहा कि सरकार वा दिल्ली में ३४,००० एकड़ जमीन लेने का ख्याल है और उस जमीन का वह कम्पेंसेशन भी देगी। अब देखना यह है कि वह कम्पेंसेशन किन लोगों को मिलेगा? क्या उस कम्पेंसेशन में काश्तकार भी हिस्सेदार होंगे या कि वह कम्पेंसेशन उन्हीं को मिल जाएगा जिन्होंने कि अपने खाते पर उन जमीनों को चढ़वा रखा है और जो अपने आप को उनका मालिक समझते हैं। हमें फंसला करना होगा कि इस कम्पेंसेशन में किन-किन लोगों का हिस्सा होगा।

साथ ही हमें यह भी देखना होगा कि जो कम्पेंसेशन मिले वह सही मिले। मार्किट रेट भी वह मार्किट रेट हो जो एट की टाइम प्राफ वेमेंट प्रिबेल करता हो। आज होता वह है कि प्राफ नोटिफिकेशन तो दसू कर देते हैं

श्रीर छः आठ बरस तक आप उसको ससंपन्न में रखते हैं और उस बीच में काश्तकार को हमेशा ही सूली पर चढ़ाय रखते हैं, न वह उस जमीन में कुछ बेहतरी कर सकता है और न ही ज्यादा पैदावार कर सकता है और न ही उस जमीन पर कुछ खर्च कर सकता है। इसका नतीजा यह होता है कि पैदावार घटती है जो आप चाहते हैं कि बढ़े उसको एक तरह से सम्पन्न में रहना पड़ता है। जो कम्पेन्सेशन आप देते है उतका भी कोई न कोई ऐसा तरीका होना चाहिये कि वह रुपया मात्तिक और काश्तकार दोनों में डिवाइड हो। वह रुपया उस मालिक में जिसकी जमीन हो और उस काश्तकार में जो उस पर काश्त करता रहा है और जिसकी मेहनत की वजह से उसकी कीमत बढ़ी है और जिसकी वजह से मालिक काफी कीमत ले सका है, डिवाइड किया जाना चाहिये। अभी त्यागी जी तथा दूसरे माननीय सदस्यों ने कहा है कि अगर आप कम्पेन्सेशन देते हैं तो उसके बारे में कानून आप ऐसा बनाते हैं, ऐसा डिफिक्टिव बनाते हैं कि सच्चे मानों में काश्तकार को कोई फायदा नहीं पहुंचता है और न सिर्फ उसको कोई फायदा नहीं पहुंचता बल्कि यह उसी तरह से पिसता है जिस तरह से जमीन के मालिक के नीचे वह पहले पिसा करता था। हम मालिक को इल्जाम देते हैं कि वह उसको हमेशा चूमता रहता है, उसका घोषण करता रहता है और इस घोषण को बन्द करने के लिये हम कानून बनाते हैं लेकिन कानून बन जाने के बाद भी बूकि वह डिफिक्टिव होता है, वह पिसता ही चला जाता है और उसको कोई फायदा नहीं पहुंचता है। मैं अर्ज करना चाहता हूं कि जो आप कम्पेन्सेशन द वह उस रेट से न दें जिस दिन कि आप एनाउन्समेंट करते हैं बल्कि उस रेट से दें जो रेट कि वेनेट करते वक्त प्रिवेल करता हो दिल्ली में ऐसी भी जमीन है जिसके बारे में एक्विजिशन नोटिस को इशू हुए पचास-पचास

बरस हो चुके हैं और इन पचास बरसों में न तो उन जमीनों को एक्वायर किया गया है और न ही उनका कोई कम्पेन्सेशन दिया गया है और इसका नतीजा यह है कि किसान लोग और दूसरे लोग परेशान हैं। अब उस जमीन पर मान लो कि किसी आदमी ने मकान बना लिया है, तो वह भी परेशान है क्योंकि उसे अपने फ्यूचर का पता नहीं है। सरकार को घोषणा करनी चाहिये कि एक्विजिशन का अगर कोई नोटिफिकेशन आज निकलता है तो इसके एक साल के अन्दर-अन्दर या तो वह जमीन ले ले और अगर साल में नहीं लेती है तो जो काश्तकार है, उसके जो राइट्स हैं उनको पूरी तरह से कायम रखे, और वह चाहे उस पर खेती करे या जिस तरह से भी चाहे उसका इस्तमाल करे। जब इतने लम्बे-लम्बे अर्से तक एक्विजिशन नोटिस पड़े रहते हैं, न इधर फंसला होता है और न उधर फंसला होता है तो इसको मुनासिब बात नहीं कहा जा सकता है। इससे किसानों को तथा दूसरे लोगों को बहुत तकलीफ का सामना करना पड़ता है।

दूसरी बात यह है कि कम्पेन्सेशन दें तो न सिर्फ उसमें आप मालिक को शामिल करें या उसको के जो उस पर रुपयी मिलकियत दिखनाता है बल्कि काश्तकार को भी करें और उन दोनों के बीच उसको बांटें। ऐसा कानून अगर कोई नहीं है तो कम से कम इसके अन्दर उस बात की सफाई हो जानी चाहिये। इस कानून के अन्दर कुछ न कुछ इस तरह का प्राविजन जरूर होना चाहिये। आज से बीस साल पहले एक किसान ने एक खेत को जिसके अन्दर उस वक्त कुछ पैदावार नहीं होती थी अपने हड्डे गुड्डे लगा कर पैदावार करनी शुरू कर दी और आज उसमें से एक हजार या दो हजार आमदनी होने लग गई है तो आज अगर उसको किसी न किसी वजह से बेदखल किया जाता है, या सरकार खुद करती है या मालिक खुद करता

[श्री राधा रमण]

है, तो जो सारी उसकी करी कराई मेहनत है वह मालिक ले जाता है या सरकार उसका फायदा उठा लेती है और यह गरीब आदमी उसी तरह से परेशान रहता है जसा पहले था। इस वास्ते उस के बारे में सरकार को जरूर कुछ सोचना चाहिये और अगर कम्प्रेसिगन में उसका हिस्सा रख दिया गया तो उसकी बहुत कुछ तकलीफ कम हो सकती है।

अभी त्यागी जी ने डिसेविजिटी के बारे में कुछ कहा है। मुझे कुछ ज्यादा इसके बारे में सन्देह नहीं है। धारा ३ (बी) में इसका जिक्र किया गया है।

"The landlord was present under a disability at the commencement of the vacancy. At that time he was disabled. Then, after two years of his becoming able, he can be ejected or he forfeits the right or the privilege that was given to him or her at the time of the commencement."

इसके अन्दर कोई चीज उनकी समझ में आती है तो मेरी जिगाह में यह बहुत सही नहीं है। क्योंकि साफ जाहिर है कि अगर कोई डिस-एबल परसन है उस वकत, एट दी टाइम आफ कमेंसमेंट और जब यह दो बरस के बाद एबल हो जाता है तो उसका दो साल के अन्दर इजेक्टमेंट हो सकता है या उसको जो राइट मिले थे उनसे वह वंचित किया जा सकता है, लेकिन उससे पहले नहीं।

यह जो कानून भाष के सामने है इसके बारे में एक बात यह समझ लेनी चाहिये कि दिल्ली के बहुत से इलाके जो रूल थे व सिर्फ एक कलम से, सरकार के नोटिफिकेशन से, हज़ारों एकड़ों की तादाद में अर्बन कर दिया गय और अर्बन और रूल के बारे में कानून के अन्दर इतनी डिसपरिटी थी कि कोई रूल एरिया अर्बन अर्बन एरिया बन

जाता था तो उस पर कोई हक काश्तकार का नहीं रह जाता था और यह शुरू से आखिर तक हर चीज से वंचित हो जाता था। जब फिर से बहसियत एक रूल एरिया के उनकी तकलीफों को समझ करके, आप दूर करना चाहते हैं, तो यह एक अच्छी बात है। बहुत से लोगों ने दरम्याने रिटायर्ड के अन्दर काश्तकारों को कानून के मुताबिक बेदखल कर दिया है और उनको फिर से उन जमीनों को दिखाना बड़ा मुश्किल होगा क्योंकि हालात बदल चुके हैं, शकल बदन चुनी है और व जगहें कई कई हज़ारों में से गुजर चुकी हैं लेकिन अब भी जो बाकी हैं और जो अर्बन एरिया होने की वजह से डिसएडांटेड और डिसएबिलिटी फील करते हैं, इस कानून से लिमिटेड समय में उनको फायदा मिलता है, उनकी वही शकल हो जाती है जो लैण्ड रिफॉर्म के अन्दर रूल एरिया के किसान को या रूल एरिया के अन्दर खेतीहर को प्रदान की गई है।

मैं इस बिल को एक मुज़ारिक बिल मानता हूँ। इसमें कुछ त्रुटियाँ हो सकती हैं जिन को बाद में भी दूर किया जा सकता है। लेकिन एक बात जरूर है कि हमें उस परसेमंजर में देखना चाहिये जबकि यहां पर एक कानून लागू करके बहुत से खेतीहरों को बेखुश करने की सूत्र मालिकान को दे दी गई थीं और उनसे हमें बचना चाहिये और उनको उसी लेबल पर ले धाया जाना चाहिये जिस लेबल के ऊपर आज रूल एरिया के किसान हैं। मैं समझता हूँ कि इस बिल का इतना ही मकसद है और इसमें जो त्रुटियाँ होंगी या जो त्रुटियाँ चन्द साल के अमल के बाद नज़र में आयागी, उनको दूर करने के लिये एमेंडमेंटस लाये जा सकते हैं।

Shri Ranga (Tenai): Mr. Deputy-Speaker, Sir, I am generally in agreement with the objects of this Bill. It is proper that Parliament should take

equal interest in the claims of the small landholders as well as their tenants. The tenants should be assured of security of tenure as well as reasonable scale of rents. I am glad that this Bill makes also one other distinction between tenancy in rural areas and tenancy in urban areas. This Bill deals naturally with tenants in urban areas. Therefore, so far as security of tenure is concerned, no time-limit is fixed and the tenants are assured of permanency of tenancy as if they were subject to certain conditions. Clause 3 indicates the four conditions under which alone a tenant may be ejected. These deserve very careful consideration.

As my friend to my right had already drawn the attention of the Minister, I would certainly be glad if the Minister would give a little more consideration to clause 3(1)(a). You were good enough to draw the attention of the House to the fact that it should be open to the tenant to pay the rents long before the landlord is obliged to go to the courts or at least after he had gone to the courts and obtained a decree. After having obtained the decree, why should not the landlord be entitled, according to your suggestion, to reclaim the use of the land, when the arrears are not paid? The question raised by my hon. friend to my right was, why should not the landlord as well as the Government and the court first try to collect these arrears—the decree amount—from all other properties that the tenant would be having and only for the balance try to proceed against the land that is being cultivated by the tenant? If by any chance, the decree amount could be collected from out of other properties—especially moveable properties—why not that effort be made first before trying to recapture the ownership and the use of the land? That is the point that has been raised. I would like the Minister to give due consideration to that point.

I am not in agreement with my hon. friend who said that you are creating a new system of landlordism. There is

no such thing as landlordism, because there is the question of what is known as the scale. We have done away with the old system of landlords— *jagirdars; talukdars; etc.* These are small people who would be owning land below the ceiling limit. If for some reason some people find it profitable and are obliged to lease out the lands to the tenants, we should not straightaway pounce on them saying that they are capitalists, exploiters and landlords and therefore, they should be completely dispossessed of their lands. That would not be proper. Especially in urban areas, those people who have got lands can use them as a kind of security and it would be possible for them to raise some capital and get into various businesses, start small industries and find employment in the towns, and in that way look after themselves. At the same time, they can lease out the land to the tenants. By leasing out their land to the tenants, we should not think that they are trying to exploit them. On the other hand, instead of trying to keep two strings to their bow and preventing the tenants from having the opportunity of becoming self-employed peasants finding employment on those lands, they can easily be treated as doing a favour and a nice thing indeed to the tenants by enabling them to find employment on the lands as self-respecting tenants. Therefore, I do not think it is proper to call these people landlords, giving them a bad name and afterwards saying that they should be completely dispossessed.

Then, there is the other question. If these tenants are to enjoy permanency of tenure and security on these lands, under what circumstances can they be evicted? Four of these circumstances are enumerated in clause 3. In addition to that, an exception is sought to be made in the case of disabled people. I speak subject to correction—I understand that according to this Bill, these disabled people would be entitled to ask their tenants to give up their lands in order to enable the landowners to build their own dwelling houses, cattlesheds, small business

[Shri Ranga]

premises, etc. either for themselves or for any member of their family. Is the net spread far and wide? No; because family is defined here in this Bill. It means:

“(i) in relation to a person belonging to a joint Hindu family, every member of such family; and

(ii) in relation to any other person, the person, the wife or husband, as the case may be, and the dependent children and grandchildren of such person.”

Only upto that: Any of these people may think of building a dwelling house, a cattle-shed or business premises on this particular site. They can enjoy this privilege up to a time-limit; they can enjoy it not longer than two years after the disability is over. Thereafter it would not be possible for them to evict the tenants. Until then, they would have the right to build any of these things. Therefore, it would not be necessary for a widow to remarry in order to come back into possession of the land.

15.38 hrs.

[DR. SUSHILA NAYAR *in the Chair*]

Shri Tyagi: Let the Minister say so. Can she during the course of her widowhood eject the tenants from the land? Suppose somebody leaves two or three small children and the uncle of the children wants to invest some money in a building on the land, so that their tuition fees and other expenditure on education may be met out of it. It cannot be done unless the children are adults and after two years, when they become majors. Then only their scholarship will be guaranteed.

Shri Ranga: I am in agreement with Shri Tyagi that a widow should be entitled to do these things while she continues to be a widow, because she happens to be a disabled person. She ceases to be a disabled person only

when she gets married. What is more, she can enjoy this privilege of disablement only up to two years after having got rid of her disablement, that means, after having got a new husband. Until then, according to me—I have already said I am speaking subject to correction—she would be entitled to evict the tenant and get back her land, build a dwelling house, cattle-shed or business premises. I would like the Home Minister to give some consideration to our interpretation—the fear expressed by Shri Tyagi and the kind of assurance I am inclined to feel about it. But nevertheless, our objective is one and the same. We want to help the widow to enjoy her privilege and right.

Shri Tyagi: Why not make the language quite clear?

Shri Ranga: It is for them to do. We want the widow to be protected. We want her to go back to her own land when she continues to be a widow, whenever she feels like that for any of the purposes that are stated here. That is all. If my hon. friend, the Home Minister, is willing to redraft it in a more explicit fashion, we would only be too happy.

I want special attention to be paid by the House to one very important consideration. Why are we so particular about the tenancy legislation? Why are we particular that our tenants should enjoy the security of tenure? It is a matter of employment for them. Their employment is different from the usual employment that we find in the shops and factories under her employers. Here it is their own employment which they find on the land through their own efforts and, therefore, we want to ensure the continuity of this employment. As far as possible, we would like them to be made permanent and it is because of this that we want to limit the right of the land-owners, as far as it is possible. If the land-owners are themselves willing to cultivate their lands for employment thereunder and remain

independent agricultural producers, well and good, and all credit to them. But if they would like to go to some other employment and lease out the lands to the tenants, then we would like all the attention of the State to be diverted in favour of the tenants so that they would feel themselves completely secure in the enjoyment of the self-employment that they find in the lands.

Then, I would like the House to give some consideration to the other point raised by our two hon. friends, Shri Tyagi and Shri Radha Raman, and that is the question of compensation. This legislation is with regard to urban areas, where the land values are going up. So, there is always temptation for the land-owner to sell his land, and there is nothing wrong in it. But when they have an opportunity of getting some benefit from out of the rising land values, should it go only and solely to the land-owners or should a portion of it be diverted to the tenants also? Because, if you look into clause 6, in regard to rent the tenants are expected to get four-fifths of the agricultural produce, because of the trouble they have taken. It need not be as much as that in rural areas but it has to be as much as this in urban areas. Because, naturally, here the standard of living is higher and the costs of cultivation are higher. Naturally, the temptation for the tenants to leave the land and go to the town is much greater. Therefore, it is necessary that we give every possible inducement to the tenant to stick to the land and cultivate it. So, there is nothing wrong in allowing them as much as four-fifths of the agricultural produce for their own labours. When so much consideration is shown for their contribution, should not the same consideration also be given when it comes to the distribution of the payment of compensation between the land-owners and the tenants? Suppose the compensation sought to be paid is Rs. 10,000 per acre. Would it not be a just proposition or suggestion that the land-owner might be given Rs. 2,000 and the tenant Rs. 8,000? It should be

distributed in some such way, and there should be provision for that. Of course, there is no provision in this particular Bill for that, because this does not deal with sales at all. At the same time, I would like the Home Minister to keep this consideration in mind and come forward with suitable legislative proposals because there is greater urgency in the matter as there is greater and greater temptation for the land-owners to sell their lands as soon as possible and cash in the rise in land values. Before they run away with all the benefits of the rise in land values, leaving nothing at all to the poor tenants, I would like necessary legislation to be brought forward in this House to prevent that.

In conclusion, I would like to say that there is nothing in this Bill to prevent a land-owner from selling his land to the detriment of the self-employment of the actual cultivator. So, something has got to be done in order to assure the tenants either some compensation, or continuity of self-employment through the cultivation of the land, so that the land-owners will not be obliged to think in terms of selling their lands.

Mr. Chairman: I have got names of five more hon. Members who wish to speak on this Bill. We will require half an hour for the clauses and the Bill has to be over by 5 O'clock. May I know how long the hon. Minister will take?

Shri Datar: I shall take about twenty minutes.

Mr. Chairman: That means we are left with 25 minutes for the general discussion.

Shri Braj Raj Singh: Why should it be finished by 5 O'clock? We have saved some time in the Income-tax Bill. So, we can increase the time here.

Mr. Chairman: According to the time that has been allotted at present, it should be over by 5 O'clock. If

[Mr. Chairman]

the time has to be extended, that is a different matter. But we are towards the fag end of the session. So, whether it is possible to extend the time, that will also have to be considered. Now Shri Naval Prabhakar.

श्री नवल प्रभाकर (बाह्य दिल्ली-रक्षित-अनुसूचित जातियों) : सभानेत्री जी, यह जो बिल आया है इसकी कहानी पुरानी है और इसने कई रूप बदले हैं। अगर दो शब्दों में कहा जाए तो यह कहना कठिन होगा कि यह एक सुखद स्वप्न है।

इसके लिए दिल्ली राज्य सरकार ने एक कमेटी बनाई थी और उस कमेटी ने अपनी कुछ सिफारिश कीं और उनके आधार पर भूमि सुधार कानून बना। जब दिल्ली विधान सभा थी उस समय उसमें यह भूमि सुधार कानून बना। आज जिस क्षेत्र के लिए यह बिल लाया गया है उस बिल में यह क्षेत्र भी आ जाता था। और उस समय लोगों को बड़ी प्रसन्नता थी कि हम भूमिधर बन जायेंगे और सबको खुशी थी। किन्तु विधान सभा की समाप्ति के बाद उनका वह सुख स्वप्न भी समाप्त हो गया। एक छोटा सा बिल लाया गया और उसमें कहा गया कि विकास के नाम पर यह भूमि विकास के लिए होगी और यह शहरी क्षेत्र के अन्दर आ गई है, इसलिए इस पर यह कानून लागू होगा, और यह लोग जो कि महान प्रसन्नता जाहिर कर रहे थे उनको फिर दुःख हो गया।

उसके बाद बार बार सरकार को लिखा गया। सरकार ने पहली किस्त के रूप में यहीं पार्लियामेंट के अन्दर १५ गांवों को फिर छुट्ट दे दी और उनको अधिकार दे दिया कि वे भूमिधर बन सकेंगे। अब यह दूसरी किस्त आई है जिसमें कहा गया है कि

उनको कुछ सहायता दी जाएगी। जो पहला बिल आया था यह अपने में सम्पूर्ण बिल था। अब आज यह बिल आया है। मैं मानता हूँ कि इसके कारण आज जो अबस्था है उसमें कुछ न कुछ सुधार जरूर होगा किन्तु एक ही साथ तीन तरह की बात कही गई है जो कि कुछ उचित और उपयुक्त नहीं मालूम होतीं दिल्ली में ३६० गांव थे उनमें से ५० या ५५ गांव इनमें आ गये हैं। बाकी जो गांव थे उन सब गांवों के लिए एक तरह का कानून बनाया गया और उनको पूर्ण अधिकार दिया गया और कहा गया कि जो काश्तकार हैं उनको पूरा अधिकार मिलेगा और यह अधिकार दिया गया और उनको भूमिधरी के सारे अधिकार दे दिए गए। भूमिधर का उनको सर्टिफिकेट मिल गया। यह सब कुछ हुआ। उसके बाद १५ गांवों को भी उसी तरीके से फिर अधिकार प्रदान कर दिये गये। अब वह जो गांव शहर में आ गये उनके लिए कहा कि तुम्हें कुछ रिलीफ हम देना चाहते हैं। यह रिलीफ मेरी समझ में नहीं आया। यह ठीक ऐसी ही बात है कि अब सरकार जगह एकवायर कर रही है। उसका अधिग्रहण करेगी। अब अधिग्रहण करने के बाद उस काश्तकार की क्या अबस्था होगी इसकी आप कल्पना कर लीजिये। मान लीजिये कि इस विधेयक के अनुसार हम उनको जमीन दे देते हैं। उस जमीन को काश्त करने की इजाजत दे देते हैं। यह सही है कि उसको इजाजत तो दे दी। उसके बाद जो लैंडलॉर्ड है जो जमीन का मालिक है वह क्या करेगा? यह पूरा प्रयत्न करेगा, अधिकारियों से मिलेगा और खुद कहेगा कि यहाँ पर आप जमीन एकवायर कर लीजिये। जमीन एकवायर की गई तो उस हालत में काश्तकार की क्या अबस्था होगी यह मैं माननीय मंत्री से जानना चाहता हूँ और मैं चाहता हूँ कि काश्तकार की क्या अबस्था होगी उसकी उस दशा का वर्णन करे। यह ठीक है कि जैसे एक भावभी स्वप्न

BII

देखता है, स्वप्न में वह राजा बन जाता है या और कुछ सुखद स्वप्न वह देखता है तो उस वक्त तो वह बहुत खुश होता है लेकिन जब उसकी आंख खुलती है तो वह अपनी उसी चारपाई पर पड़ा नजर आता है। आज वही हालत इन काश्तकारों की होने वाली है। जो जमीन एक्वायर की जायेगी वह जब इन सारे क्लार्कज के मातहत छीन ली जायेगी तब उसकी क्या अवस्था बनेगी? इसमें कोई इस तरीके का प्रबन्ध नहीं है कोई ऐसा प्रावधान नहीं किया गया है कि उस के बाद भी उसको कुछ मिल सकेगा।

हमारे यहां दिल्ली में दो तरह के काश्तकार हैं। एक मौलसी काश्तकार है और दूसरे मामली काश्तकार। अब जो मौलसी काश्तकार हैं उनकी जमीन का जब सरकार अधिग्रहण करती है तो उसके बाद जो उनको मुआवजा देती है उसमें १० आने और ६ आने का अनुपात होता है। ६ आने मालिक को मिलते हैं और १० आने मौलसी काश्तकार को मिलते हैं। लेकिन इसमें जिनको हम काश्तकार घोषित करने जा रहे हैं, वह काश्तकार जो कि सैंकड़ों वर्षों से चला आया है और उस जमीन के मोह और ममता में बंधा हुआ है, उसकी जमीन एक्वायर कर लेने की अवस्था में या जो जमीन का मालिक है उस के प्रपंच करने से उस जमीन को वापस ले लेता है, उस अवस्था में उस काश्तकार को कुछ नहीं मिलता है। मैं माननीय मंत्री से यह कहना चाहता हूँ कि उस अवस्था में जब कि सरकार उस जमीन को ले तो ठीक उनको वही अस्तित्व प्राप्त मिलने चाहिए जो कि आज दिल्ली के अन्दर मौलसी काश्तकारों को मिलते हैं। अगर उसको वही मौलसी काश्तकार के अधिकार नहीं मिलेंगे तो वह बेघर और बेदार हो जायेगा। उसके पास कोई काम नहीं होगा कोई बंधा नहीं होगा और वह दिल्ली प्रशासन के लिए बोझ होगा दिल्ली प्रशासन ही नहीं बल्कि सारी दिल्ली के लिए एक बोझ

ही जायेगा। मेरा यह नम्र निवेदन है कि यह तो ठीक है कि विकास होता है और विकास हीना चाहिए। दिल्ली बढ़ेगी इसको कोई रोक भी नहीं सकता है। मैं यह नहीं कहता कि दिल्ली के विकास को रोक जाए। दिल्ली बढ़ेगी। उसमें जो शहरी क्षेत्र घोषित कर दिये गये हैं उनका विकास होगा। वहां पर सड़कें होंगी और भी सब कुछ होगा। वहां पर बड़े बड़े महल खड़े हो जायेंगे और वह सब तो ठीक है लेकिन काश्तकार की हालत क्या होगी उसका अन्वयन करना चाहिए।

आज इन गांवों की क्या अवस्था है उसका कुछ वर्णन मैं करना चाहता हूँ। आज इन गांवों की अवस्था यह है कि न तो इनको शहर गिना जाता है न ही इनको देहात गिना जाता है। शहरी सुविधायें उनको मुलभ नहीं हो पातीं और जो देहात के अधिकार हैं वे भी इनको नहीं मिले हुए हैं। आज हालत यह है कि गांव के पास से बिजली गुजर जाती है लेकिन गांव को बिजली नहीं मिलती है। गांव के पास से पानी का नल चला जाता है, वाटर लाइन पास हो जाती है लेकिन गांव पानी की सुविधा से वंचित रह जाता है।

आज बिजली दो हिस्सों में बांटी गई है। शहर को बिजली दी जाएगी। और गांव को बिजली दी जायेगी। शहर में बिजली दी जाती है लेकिन शहर में बिजली देने का अपना एक अलग तरीका है। कहते हैं कि जहां विकास होगा वहां बिजली जायेगी। ठीक है हर एक गांव में भी बिजली जायेगी लेकिन जो गांव शहर में घा गये हैं उनको बिजली नहीं मिलेगी, पानी नहीं मिलेगा क्योंकि वह विकसित नहीं हैं वहां सड़कें नहीं हैं, वहां खुले हुए पार्क नहीं हैं और जो स्टैंडर्ड रखा है उसके अनुसार

[श्री नवल प्रभाकर]

विकसित नहीं हैं। इसलिए आज अगर सब से पिछड़ा हुआ इलाका है तो वह ये गांव हैं। अब हालत आज यह है कि जमीन जो एक्वायर की जाती है वह गांव के बिल्कुल जड़ में से एक्वायर की जाती है और होता वह है कि घर के पास से उसको निकलने का स्थान नहीं है। ऐसी हालत में बेचारे काश्तकारों को मजबूरन गांव छोड़ देना पड़ता है और थोड़े दिन बाद यह स्तम्भ घोषित कर दिये जाते हैं। मेरे निर्वाचनक्षेत्र में कई ऐसे गांव हैं जिनको कि आज गन्दी बस्तियां घोषित कर दिया गया है। इसके लिये मैंने बार बार अधिकारियों से कहा है और उनसे मिला हूँ और कहा है कि आप जमीन एक्वायर कीजिये लेकिन इतनी जमीन छोड़ दीजिये कि यह अपने आप को प्रयात उस गांव को आपके सामने में डाल सकें, विकसित कर सकें। लेकिन अधिकारी वर्ग है कि कोई सुनवाई नहीं करता। उनको तो बस जगह लेनी है और उनको यह खयाल नहीं है कि यह गांव वाले कहाँ जायें? अब नई दिल्ली में बहुत सारे गांव थे जहाँ कि आज बड़ी बड़ी आलीशान इमारतें हैं। वे यहाँ से चले गये, खदेड़ दिये गये। आज उनकी सन्तानें हैं, कोई भैंस पालता है, बहुत सारे चपड़ासी यहाँ लगे हुए हैं और कुछ और हैं जिनको कि कोई धंधा नहीं है और बुरी हालत में हैं। यही अवस्था उन लोगों की होगी। मेरा यह नम्र निवेदन है कि आप कुछ इस तरीके का प्रबन्ध कीजिये कि जो जमीन ली जाय या किसी तरह से मालिक प्रपंच करके अगर उस जमीन को छुट्टावा लेता है तो उसके अन्दर उसका पूरा शेयर होना चाहिए, हिस्सा होना चाहिए ठीक इसी तरह से जैसे कि दिल्ली के अंदर मौलसी काश्तकारों को मिलता है। जितना उनको मिलता है उतना इन काश्तकारों को भी मिलना

चाहिए। मैं यह भी नहीं चाहता कि उसको पूरा स्वामित्व दे दिया जाय। अब दर-असल उचित तो है कि उसको पूरा स्वामी माना जाय। जिस तरह से कि आपने गांव में एक दूसरे आदमी को भूमिधर बनाया है उसी तरीके से पूरे तरीके से उसको भूमिधर बनाना चाहिए।

मुझे दुःख के साथ कहना पड़ता है कि यह जो बिल लाया गया है वह एक ऐसे गांव के लिए लाया गया है जिसमें अधिवक्तर हरिजन काश्तकार हैं। उन हरिजन काश्तकारों को क्या इसलिए अधिकार नहीं दिया जा रहा है कि उनके पास पहले कभी जमीन नहीं रही तो अब प्रागे भी उनको जमीन का अधिकारी नहीं बनाया जाना चाहिए?

श्री० रणवीर सिंह (रोहतक) : कौन सा गांव है ?

श्री नवल प्रभाकर : मसीहगढ़ गांव है। उस गांव में सारे काश्तकार हरिजन हैं। एक चर्च की जमीन है जिसमें कि वह लोग काश्त करते हैं। अब वह चर्च के पादरी साहब उनको जमीन पर से बेदखल करना चाहते हैं। यह ठीक है कि सरकार कृपा करके यह बिल लाई और उनको बेदखल नहीं होने देगी और उनको काश्त करने देगी। लेकिन एक दिन ऐसा जरूर आयेगा जब वह पादरी साहब यह कहेंगे कि मेरी जमीन आप ले लीजिये। यहाँ पर स्कूल बनाइये, अस्पताल बनाइये तो यह जो चर्च के नाम गांव है वह मसीहगढ़ गांव उसको जरूर वापस मिल जायेगा। वह गांव चर्च में चला जायेगा या उसका जो एक ट्रस्ट होगा उसमें चला जायेगा लेकिन क्या आपने यह भी सोचा है कि उस हालत में काश्तकारों की क्या ही हालत होगी? इस बिल में जरूर इस बारे में प्राविजन होना चाहिए, प्रबन्ध होना चाहिए कि वह लोग जिनके कि ऊपर

वह बिल लागू होता है और इस बिल के बकट बनने के बाद जब उनको उनकी जमीन से अलग किया जाये तो उनके लिए मीमा-विजे की उचित व्यवस्था होनी चाहिए।

मैं एक बात और कहना चाहता हूँ। यहां से हम बिल पास करते हैं जैसे कि हमने भूमिघर बिल और अन्य बहुत से बिल पास किए। उनके पास होने के बाद हम देखते हैं कि तुरन्त ही मुकद्देबाजी शुरू हो जाती है। अब आप ही अंदाजा कीजिये कि एक तरफ तो लैंडलांड है और दूसरी तरफ बेचारा गरीब किसान है जिसकी कि हालत बिल्कुल खस्ता है। एक तरफ तो वह फटे हात कारतबार है और दूसरी तरफ वह पैसे वाला लैंडलॉर्ड है। अब जब उन दोनों के बीच में टक्कर होती है तो आप स्वयं समझ सकते हैं कि वह बेचारे कहां उस लैंडलॉर्ड के सामने खड़ा रह सकता है? माननीय मंत्री ने कहा कि बहुत से लोगों ने आपस में समझौता कर लिया लेकिन कारतबार समझौता करने पर मजबूर हो जाते हैं क्योंकि उनके अंदर इतना दम नहीं होता है कि वह अदालत में जाकर बराबर पूरे तरीके से उनसे लड़ सके। अब बेचारा गरीब कारतबार उस लैंडलॉर्ड के मुकाबले में कहां वकील को फीस दे सकता है और दीगर मुकद्देबाजी के अखराजात बर्दाश्त कर सकता है। अदालत में फीस भी जल्दी नहीं होते हैं और एक एक साल नहीं बल्कि तीन तीन साल मुकद्दमा चलते ही जाता है और लम्बी मुकद्देबाजी से वह परेशान होकर समझौता कर लेता है क्योंकि गांव से अदालत और अदालत से गांव भागते भागते उसकी बुरी गत हो जाती है। अब वकील साहब कोई हाथ जोड़ने से तो मानते नहीं उनको। अपनी फीस चाहिए जोकि उसके बस की बात नहीं रह जाती है। मुकद्दमा बगैर पैसे के चल नहीं सकता है और पैसा उनके पास होता नहीं है। यह हालत है। जह भी भूमि-मु र कानन लागू हुआ है, वहां पचास प्रतिशत केस ऐसे हैं, जिन में लोगों को अदालत का

मुंह देखना पड़ा है। हम वह विधेयक लाये, वह बहुत अच्छा है और मैं इस का स्वागत करता हूँ, लेकिन मैं चाहता हूँ कि ऐसा न हो कि वे फिर अदालत में चले जायें और गरीब आदमी समझौता करने पर मजबूर हो जायें, समझौता हो जाये और वे उस को छोड़ दें। वे भी यही चाहते हैं। मेरी ये आशाकार्यें हैं और मैं चाहता हूँ कि इन का जरूर निराकरण होना चाहिए।

16 hrs.

मैं अपनी कम्प्लेन्टन वाली बात को फिर दोहराता हूँ कि जिस तरह से मोरूसी कारतबार को अधिकार है, उसी तरह से कम्प्लेन्टन का अधिकार इन कारतबारों को भी होना चाहिए।

Shri Bairaaj Madhok (New Delhi): Madam, while supporting the general principles and general objective of the Bill, I beg to submit that this Bill only touches the fringe of a big and growing problem. The Indian metropolis, that is Delhi, is growing fast and no one can stop it. With the social and economic policies that we are pursuing, its population is bound to grow and the three hundred villages which today are included in the Delhi territory are bound to be urbanised. Therefore, this problem does not confine itself to 4,000 acres or 1,700 tenants to which this Bill just now applies. Of these 1,700 tenants we are told that about 500 have already been evicted by private arrangement. Why? Because they find that they cannot continue. The pressure of the circumstances is such that few tenants can afford to carry on litigation or quarrel with the landlords and therefore even if they are protected by this Bill, the fact remains that agricultural land which is with them today will not be with them tomorrow, because very rapidly that agricultural land is getting urbanised. Therefore the real problem is not how they can be saved from eviction, but the real problem is what alternative are you going to provide for them.

Now, that can be done in two ways. One is that they should get a share in

[Shri Balraj Madhok]
 the enhanced value of the land which is directly resulting from the urbanisation of the territory of Delhi. That is not happening. The advantage of the enhancement of values goes either to the landlords or to the colonisers and the poor tenant who tilled the land and who has no other mainstay, except the land, does not get anything. Therefore, one thing that is needed is that provision should be made that whenever land is acquired by the Government or is taken by a private coloniser the tenant who has no other source of living must get a due share of the enhancement in the value. That is not being done. Even the *marusi* tenants are not being given full compensation. Though they pay land revenue directly to Government, when it comes to the question of payment of compensation, they get only ten annas and six annas go to the zamindars. This is unfair and unjust. Therefore, provision should be made that full compensation should be given to the tenant cultivator.

Secondly, steps should be taken that those people who are getting displaced should get some land elsewhere, where they can carry on their agricultural avocation. There are certain lands in far off areas in Delhi which can be reserved for them; or new Canal colonies are going to come up in Rajasthan where people from outside will have to go. These lands should be reserved for these agriculturists who are getting displaced. The Bill provides that they will not have to pay more than one-fifth of the produce as rent. That is good so far as it goes. But the question is where agriculture is going on production is falling. This is due to the Government notification freezing all the 34,000 acres of land available in Delhi. This has created a state of suspense in almost all the agriculturists. Proper attention to the development of land is not being given by them. The provision in the Bill that they will have to pay only one-fifth of the produce as rent would not be of much help, because there would not be any agriculture; and

even if it is there, it is going to languish. Therefore, the real problem is not of providing some relief from eviction but of providing them with some alternative job to live on.

In that respect I would like to draw your attention to the wider question of Delhi's urbanisation. As many hon. Members have pointed out, unauthorised colonies are growing very rapidly. Why? Because the population of Delhi is increasing very fast. People want shelter. They do not have shelter, and they do not have land. Whatever land there was, Government has acquired. Government says that private colonisers were profiteering. True. But the question is: what has the Government done? It has frozen the land, and for the last two years it has only been adopting a dog-in-the-manger policy. It has not developed any land or given any plots to the people who need them. The result is that new constructions have stopped.

There are two results of this. On the one side rents of urban property have gone up in the last two years by one hundred per cent. A house which you could have for Rs. 100 two years back you cannot have for Rs. 200 today. As a result the city house-owner is reaping big profits. On the other side the people who cannot pay that much rent are forced to take recourse to unauthorised constructions. We are blaming them for these unauthorised constructions. But actually our laws, our policies force the people to take recourse to that. They cannot pay that rent, and so these colonies are growing fast. While Government is trying to clear slums on the one side, new ones are coming up very fast in all parts of the Delhi territory.

I would therefore conclude with this. As I said in the very beginning, I am in full sympathy with the general principles of the Bill. But I feel that this Bill is very inadequate: it only touches the fringe of the problem. I would appeal to the hon. Minister to look into the wider question and see

Bill

in view of the rapid urbanisation which cannot be stopped. Can you provide relief to those people who are living on agriculture and who will no longer be able to live on agriculture? Secondly, how are you going to provide relief to those people who are coming to Delhi, who are living in Delhi, who want shelter but who cannot get shelter because the shelter is getting costlier? Unless this two-fold problem is looked into and tackled in a wider and realistic way, the problem will go on getting aggravated, and the misery of the people will not end. This is the only submission I have to make.

श्री० रणवीर सिंह : सभापति महोदय, मैं इस विषय का स्वागत करता हूँ, क्योंकि इस के द्वारा उन मुजारों को किसी हद तक, थोड़ा बहुत संरक्षण मिला है, जो दिल्ली स्टेट के उस हिस्से में काश्त करते हैं, जिसे १९५६ से पहले से शहरी हिस्सा कहा जा सकता था। मुझे मालूम है कि दिल्ली शहर के आम-पाम के इलाके में कई जमीनें हैं, जिन को लीज पर दिया जाता है सोसायटियों को और वे सोसायटियाँ आगे खेती करने वालों को लीज पर देती हैं। वह लीज वा मनी २००, २५० रुपये फी एकड़ तक पहुँचता है। इस से अन्दाजा लगाया जा सकता है कि जो भाई शहरी लाकों में खेती करते हैं, उन की क्या समस्याएँ हैं। लेकिन कुछ भाई यह भूल जाते हैं, जैसा कि माननीय सदस्य, श्री नवल प्रभाकर ने कहा है, कि यह विषय बड़े महदूद इलाके के लिये है। मानी दिल्ली रियासत या दिल्ली रिटरी के लिए नहीं है। यह सिर्फ उन लोगों के बारे में है जिन के इलाकों को १९५६ में शहरी इलाके करार दे दिया गया था। लेकिन जैसा श्री बलराज मधोक ने कहा है मैं समझता हूँ कि यह जो बिल है यह एक तरह से आँसू पोछने वाला है उन आदमियों के जिन की आँखों के सामने उनकी मौत नाच रही है और दो, चार, पाँच, सात, आठ, दस या बाहर साल के अन्दर अन्दर जिनको कि वहाँ से उतारा जाएगा।

उस वक्त उनको उठाना होगा, अपने खेतों को छोड़ना होगा फिर चाहे वे मुजारे हों या जमीन के मालिक और चाहे भूमिधर। अभी मेरे माननीय सदस्य श्री मधोक ने कहा है कि उन लोगों के दिलों में बड़ी ल्वाहिश है कि जिन के पास घर नहीं हैं, उनको इस बढ़ती जाने वाली दिल्ली नगरी के अन्दर घर मिलें। हर इन्सान चाहेगा कि उसको घर मिले। लेकिन देखना यह है कि किसी को घर देते वक्त हम दूसरे को बेघर न कर दें। लेकिन हो यही रहा है और यही होता चला आया है। दिल्ली शहर जो इतना बड़ा हो गया है, वह कुछ भाइयों को बेघर करके बसा है। मुझे दो चार दिन हुए कि आदमी ने जिन की जमीन दिल्ली कंट में ली गई थी बताया और मुझे कागज़ दिखाया कि १९१२ या १९१८ में उस वक्त की सरकार ने यह कहा था कि जहाँ वह उसकी जमीन १५ रुपये एकड़ पर लेती है, वहाँ साथ ही साथ अगर कभी उस जमीन को वह लीज पर देगी तो उसी को देगी या उसके वारिसों को देगी। लेकिन आज हालत यह है कि जिस भाई की जमीन पंद्रह रुपये एकड़ के हिमाब से ली गई थी, वह बेघर हुआ फिरता है। उस जमीन को हम जिस काम के लिए वह ली गई थी, इस्तेमाल नहीं कर रहे हैं। जब उसको हम लीज पर देते हैं तो उसको या उसके वारिसों को न दे करके दूसरों को देते हैं।

अभी हमारे माननीय सदस्य श्री राधा रमण जी ने कहा कि बहुत सारी जमीन दिल्ली शहर में ऐसी है जिसके बारे में एक्विजिशन नोटिस कई साल पहले निकाला गया था लेकिन आज तक वे जमीनें नहीं ली गई हैं। जमीन के ऊपर एक् और नोटिस निकल गया है। उसमें से कितनी जमीन ली जाएगी, कितनी नहीं ली जाएगी और कब ली जाएगी कोई नहीं जानता। यही नहीं, जो कम्पेंसेशन का तरीका है, मुआवजा देने का तरीका है, वह भी अजीब है। अभी चन्द दिन हुए इस की टेबल पर एक स्टेटमेंट रखा गया था और उसमें बताया गया था कि ३४,००० एकड़ जो भूमि ली जाएगी, उसके बारे में कम्पेंसेशन

[श्री० रणवीर सिंह]

का या बटवारे का क्या तरीका होगा। उसमें लिखा है कि जिन भाइयों ने जो जमीन इक्वनी प्रापटी की थी, खरीदी थी, उनका जो बिड मनी है, वह उतना जरूर दिया जाएगा और उससे कोई १५ परसेंट के करीब ज्यादा भी दिया जा सकता है। अभी एक बहुत बड़े अखबार के ज्वाएंट एडिटर मुझ से मिले थे और उन्होंने बताया था कि उन्होंने तीस चालीस हजार की बिड के अंदर एक जमीन खरीदी और उसकी कीमत सरकार को कम्पेंसेशन बांड की शकल में या नकदी की शकल में अदा की और अब वह जमीन दिल्ली यूनिवर्सिटी के लिए ली जा रही है। अगर वह जमीन ३४,००० एकड़ भूमि का हिस्सा होती तो उसके मुआवजे का तरीका मुस्तलिफ होता। अब चूंकि वह दिल्ली यूनिवर्सिटी के लिए ली जा रही है, इस वास्ते उसके मुआवजे का तरीका मुस्तलिफ होगा। यह सब उस आदमी का कसूर नहीं हो सकता जिमने जमीन खरीदी है और न ही वह इसके लिए जिम्मेदार ठहराया जा सकता है कि आप किस काम के लिए उसको ले रहे हैं। मगर मैं समझता हूँ कि आपके मुआवजे का जो तरीका होना चाहिये वह यक़ीन होना चाहिये। मुआवजे भी उसको नहीं मिलता है और वह मारा मारा फिरता है और उसको सलाह दी जाती है कि वह अदालत में जा सकता है। यह सही है कि कोई भी अदालत में जा सकता है। जिस की जमीन ली जाती है उसके कम्पेंसेशन के बारे में जो कानून है वह दूसरा है, हिदायतें दूसरी हैं और होम मिनिस्ट्री का ध्यान उस तरफ नहीं गया है। लेकिन जब दिल्ली यूनिवर्सिटी के लिए हम जमीन ले रहे हैं, उसके जो मुआवजे का तरीका है वह तरीका ३४,००० एकड़ वाली जो जमीन है, उससे मुस्तलिफ है।

हिन्दुस्तान की सुप्रीम कोर्ट के एक चीफ जस्टिस रह चुके हैं। कल परसों एक दोस्त मुझे बतला रहे थे कि उनका कसूर यह है कि उन्होंने जमीन खरीदने का ध्यान धनाने के लिए

लेकिन किसी सोसायटी के मेम्बर नहीं बने। अब किसी कोम्प्रेटिव सोसायटी का मेम्बर बनने के लिए किसी ने सौ दो सौ रुपया दे दिया और अपना नाम लिखवा लिया उनको तो जमीन मिल जाएगी और जिन से जमीन ले ली गई है, वे बिना जमीन के रह जायेंगे। सुप्रीम कोर्ट के जो चीफ जस्टिस रह चुके हैं, उनको उतनी जमीन नहीं दी जा सकती है जितनी उन को जरूरत है। वैसे तो यहां पर समाजवाद है और इसके अंदर किसी के स्टेटस का कोई लिहाज नहीं है, कोई ऊंचा और नीचा कानून की नज़र से नहीं है। लेकिन कुछ भाई हैं जिनको बारह सौ तक मिल जाएगी और उन्होंने खरीदी भी नहीं है सिर्फ सौ दो सौ रुपये दे कर किसी सोसायटी के मेम्बर बन गए हैं लेकिन जिस भाई ने दस, पंद्रह या बीस हजार रुपया लगाया और जमीन खरीद की है और चाहा है कि मकान बना लूँ, उसको जमीन नहीं मिल सकती है, या बहुत कम मिल सकती है। अब अगर किसी का कूटुम्ब बड़ा है, बारह खोदक वच्न है, उसको भी उस हिसाब से नहीं मिलेगी। लेकिन अगर उसने किसी कोम्प्रेटिव सोसायटी में नाम लिखा दिया है, तो उसको दूसरे तरीके से अधिक ही जमीन मिल सकती है।

एक बात देख कर बड़ा दुख होता है। हम भी सरकारी मकानों में किराया दे कर रहते हैं। हमें चार सौ मिलता है और हम से डेढ़ सौ रुपया किराया ले लिया जाता है। दूसरी तरफ जो सरकारी अफसर हैं, उनको दस परसेंट ही अपनी तनखाह का देना पड़ता है —

Mr. Chairman: The hon. Member may confine his speech to this Bill. We are not discussing the general rent structure at the present moment.

श्री० रणवीर सिंह: यह मेरी बहकिसानी है कि मैं जो कहना चाह रहा था उसको आपको ठीक तरह से समझा नहीं सका हूँ।

लेकिन मैं इतना कह सकता हूँ कि मैं बिल्कुल रेलेक्ट हूँ। मैं यह कह रहा था कि किस जमीन को शहरी कहा जाता है, वह जो एकवायर की जानी है उसके कम्पेंसेशन का जो तरीका है, वह क्या है। मैं उससे बाहर नहीं जा रहा हूँ। एक अजीब हिसाब से हम चलते हैं। मैं बटवारे के तरीके को ही लेता हूँ। जिस चीज़ के लिए जमीन ली जाएगी, उसको आप देखें। सरकार की नौकर जब तक वह नौकरी में था तब तक तो वह सस्ते किराये के मकान में रहा। बाद में वह सरकारी नौकरों की कोआपरेटिव सोसाइटी का मेम्बर बन गया। अब नौकरी के बाद उसको चाहिये था कि जिस प्रदेश से वह आया है वहां वापिस चला जाए लेकिन अगर वह वापिस जाना नहीं चाहता है और चाहता है कि यहाँ दिल्ली में ही रहे क्योंकि यह कैपिटल है, तो उस वक्त भी किसी को बेघर करके हम उसको जमीन देते हैं और उस सोसाइटी के जरिये देते हैं जो कि मरक़ारी नौकरों की बनती है। किसी को बेघर करके हम दूसरों को जो घर देते हैं, यह कोई न्यायप्रद नीति नहीं है।

माननीय श्री नवल प्रभाकर जी ने कम्पेंसेशन का जिक्र किया है। एक तरफ उन्होंने मौल्सी मुजारों का जिक्र किया और दूसरी तरफ गैर-मौल्सी। अगर गैर मौल्सी मुजारों को भी मौल्सी मुजारा जितना कम्पेंसेशन मिलना है तो गैर मौल्सी मुजारों को गैर-मौल्सी कहने की क्या आवश्यकता है। वहराल एक बात मैं नहीं समझा हूँ कि अगर किसी मुजारे को उठाया जाएगा तो उसको कोई मुआवज़ा देने का सिलसिला क्यों नहीं रखा है। मुझे मालूम है कि प्लानिंग कमिशन की यह नीति है कि जिन के पास अपनी जमीन नहीं है या जो दूसरों की जमीन बोते हैं और वह पांच एकड़ से कम है—

श्री नवल प्रभाकर : स बिल में जो मुआवज़ा मिलेगा वह मालिक को मिलेगा, मुजारे को नहीं मिलेगा।

श्री० रजवीर सिंह : मैं वही कहने जा रहा हूँ।

प्लानिंग कमिशन की नीति है कि जिन मुजारों के पास पांच एकड़ से कम भूमि है उनको अगर बेदखल किया जाता है किसी भी वजह से तो उनके लिए दूसरी जमीन या दूसरे काम धंधे का या पेशे का जब तक कोई इंतज़ाम नहीं किया जाता है, उस वक्त तक उनको बेदखल नहीं किया जा सकता है और बावजूद इस बात के कि अदालत बेदखली की डिग्री भी दे देती है, तो भी बेदखल नहीं किया जा सकता है। ऐसे कानून सारी रियासतों में हैं। फर्ज किया कि किसी को जमीन के बदले जमीन दी भी जाए तो भी बेदखल करते वक्त उसको मुआवज़ा जरूर दिया जाना चाहिये। कम से कम इतना तो जरूर होना चाहिये कि उसमें से दस आने अगर मालिक का मिलते हैं तो छः आने मुजारे को मिल जायें या इसका उलट हो जाए कि छः आने मालिक को मिलें और दस आने मुजारे को मिल जायें। जो गैर-मौल्सी मुजारे हैं, उनका भी थोड़ा बात इंतज़ाम जरूर होना चाहिये।

श्री महावीर त्यागी ने कहा, और खास तौर पर विधवा के नाम पर कहा, तो उससे मन्त्री महोदय को जरा दिल में रहम आया। मेरा ख्याल है कि वे शायद इसमें कुछ तबदीली भी करना चाहते हैं, लेकिन मैं इस सम्बन्ध में एक बात कहूंगा। चाहे वह छोटा बच्चा हो चाहे फौज के अन्दर सिपाही हो, या वह विधवा ही हो, या विधवा दुबारा शादी कर ले, उस को जो सङ्कलित है वह एक दफा ही मिले। इस बात में मुझे कोई ऐतराज नहीं कि जब वह छोटा बच्चा बड़ा हो तभी उसकी जमीन बेदखल हो सके, हालांकि शायद वह दिन आयेगा नहीं क्योंकि उस वक्त तक शायद यहाँ महल बन जायें, यह सिर्फ दो या चार साल की बात है, लेकिन मैं समझता हूँ कि यह उसके लिये एक भुलावे की बात है। छोटे बच्चे को या जो आदमी फौज में है, उसको अधिकार रहे, लेकिन यह चीज ध्यान में रखी जानी चाहिये कि यह बेदखल करने का अधिकार एक दफा से ज्यादा दफ्तरमाल न हो

[श्री० रणबीर सिंह]

सके। विषवा को अधिकार रहे यह जरूरी नहीं कि वह रिमैरेज करे तभी उसे बेदखल करने का अधिकार मिले, या लड़का बालिग बने तभी उसे अधिकार मिले। वह अधिकार उसका रहे, लेकिन उस अधिकार को इस्तेमाल करने का हक एक बार ही होना चाहिये।

अब मैं ज्यादा समय नहीं लेना चाहता पर आखीर में वह बात जरूर कहना चाहता हूँ कि प्लानिंग कमीशन के हिसाब से इस देश के अन्दर ५ करोड़ ४० लाख एकड़ जमीन कल्चरेबल वैंस्ट लैण्ड है, और जैसा कि मधोक साहब ने कहा, राजस्थान के अन्दर बहुत अच्छी भूमि है। वहाँ नई नहर आयोगी आर वह गैर आबाद इलाका है। इसी तरह दूसरे प्रदेशों में भी है। जिस समय गई दिल्ली बसी थी उस समय जिन भाइयों से यहां जमीन ली गई थी उनको पंजाब के अन्दर जमीन दे कर कालोनी बसाई गई। इसी तरह में प्राज की सरकार जिनका धन्धा जीनती है, उसको उसे धन्धा देना चाहिये, और वे दूसरा धन्धा कर नहीं सकते सिवा जमीन पर खेती करने के। इस लिये उनको राजस्थान में या दूसरे प्रदेशों में जमीन के बदले में जमीन देने का इन्तजाम होना चाहिये। यहां जो भाव हो वह सरकार उन को दे और वहाँ जो भाव हो वह उन से सरकार ले।

Shri D. C. Sharma (Gurdaspur): Madam Chairman, several persons have welcomed this Bill. But I am not in a mood to welcome this Bill in any sense of the term. This Bill is like a vitamin injection being given to a patient who is going to expire very shortly.

Ch. Ranbir Singh: That is correct.

Shri D. C. Sharma: This injection may be good from one point of view. But nobody would deny that this injection has been too late and that instead of saving the patient in time

this injection has only made his death slightly more comfortable. I feel that this is one of those half-hearted measures, one of those measures which show lack of planning on the part of our Ministry and which is not done on a balanced view of what is happening in this country and also in this metropolitan city of Delhi.

We are all full of admiration for the big structures that are being put up in Delhi. But I would respectfully submit that these structures are built upon the blood (An Hon. Member: Graves!) of these poor peasants. I do not know why our Government which has so much solicitude for the peasants should not have done something to alleviate their misery and to save them.

There was an English poet Oliver Goldsmith who wrote a poem called the *Deserted Village*. In that poem he gave two lines which are very significant lines.

"Ill fares the land,
to hastening ills a prey,
Where wealth accumulates,
and men decay"

Let Delhi grow from strength to strength; let Delhi become the paradise for black-marketeers, for Government servants and for Members of Parliament. But I do not think that this Delhi is going to be of any use when I find that the people who had been in possession of the land on which we are building these mighty structures are suffering a kind of liquidation, illegal liquidation, if I may say so. Therefore, the first point I want to make is this. Government which is very fond of appointing committees and commissions and investigation commissions, should appoint straightaway a socio-economic investigation commission and try to find out how the land has passed from the hands of these peasants to the hands of colonisers and also from the hands of colonisers to the hands of

builders. It is a very urgent social problem and I think the Government will be failing in its duty if it does not try to find out what has happened all along the line.

Why I say so is this. If the peasant has got one rupee for the land he sold, the coloniser has got Rs. 20 for the land he has sold to the builder and the builder has been able to reap a profit, by putting up big structures, out of all proportion to the cost of land which he has paid. It is a very big social problem and this problem leads to the concentration of wealth in some hands and to the wrongful acquisition of land from some others. This is the first thing that the Government should do and after having done so, it should find out what profit the builder is reaping, what profit the coloniser is reaping and what loss the poor peasant has suffered. After that they should try to give to the peasant his due and should bring forward a Bill, complementary and supplementary to this Bill in which it should be shown that all the land that the Government has acquired from the peasant and all the land that the other agencies have acquired from the peasant have been properly assessed and that the poor peasant is going to be given a proper share of the profit which all these agencies have reaped. I think this is what social justice requires. I know that social justice is one thing and administrative justice, another. Administrative justice will find a palliative in bringing such half-hearted measures. But I stand for social justice and I say that this should be properly enquired into, and no peasant should say that he has had a wrong and unfair deal and no peasant should pass before a mighty structure and say to himself: "Look here, I am without a shelter nor do I have any means of livelihood but these structures have been put up over the land which my grandfather tilled and which my father tilled and which I too tilled at one time. That land has been taken away from me by giving me some kind of compensation

which is not in keeping with the advantage which those persons who acquired the land from me got."

The first thing is that you must appoint the Commission. The second thing is that you must try to compensate the person from whom you have taken the land and the third thing is that, if you are not able to give this poor peasant compensation, you must take in hand the problem of this resettlement. This is a problem which you cannot shirk. I think that a contented and happy peasantry, a prosperous peasantry, is the backbone of a prosperous India and if you try to build imposing structures by depriving them of their land, you are trying to cut the ground from underneath the prosperity of India. Therefore, that is the first point that I want to make in regard to this Bill.

My second point is in regard to clause 3 of the Bill. Under what circumstances are these peasants going to be evicted? I know this Bill is there to prevent these peasants from being evicted. It is a noble idea, a fine idea. But somehow it so happens that the noble idea or the operative clause is vitiated by the exemptions that are given. Here is an exemption in clause 3. In fact, the exemptions are so many that I tell you that no peasant will be able to evade eviction. One can bring a suit against him saying that he has not paid arrears of rent. These ignorant and illiterate peasants cannot be any match for those persons who own lands and who are there as proprietors.

Then, the authorities can say that "this man has failed to cultivate the land; this man has not made use of the land for the purpose for which it was meant." I think clause 3 of the Bill is a very ingenious one framed in the quiet of the Home Ministry. It is a clause which is a challenge to the tenants and which says to them: "Do what you may; you cannot be saved from eviction." There are so many exemptions given here that any

[Shri D. C. Sharma]
tenant can come within the mischief of anyone of these sub-clauses. You will see that so many persons will be put to trouble only because of all these provisions.

My hon. friend Shri Tyagi is a great advocate of widows and widowers, and naturally so. I admire him for that.

Ch. Ranbir Singh: The hon. Member is also a widower!

Shri D. C. Sharma: But I cannot understand how he can save these widows from coming within the mischief of these provisions. Ch. Ranbir Singh was saying that something is going to be done to prevent widows from coming under the purview of these clauses. But I tell you that so long as our lawyers are alive and so long as our courts of law are open, I think that clause 3 is going to be a clause which is going to do a lot of mischief so far as eviction is concerned, and there is going to be no relief.

My third point is this. The Government, in clause 1(2), has reserved to itself certain rights. It says that these provisions would not apply to what the Government acquires. I am conscious of the needs of the Government in this matter and I think if these needs are justified, the Government may do something after paying due compensation to the persons from whom the land is taken. I would also say that what the Government is going to ask for itself, should also be given to those trusts and religious and educational bodies which are doing good to the public, that is to say, if there is some area which has been taken for public utility or for medical purposes or for some purpose which is good for the public, I think that area also should have the same privileges which the Government has reserved for itself. Of course, I would say that we should see to it that the taint of commercialisation is not found on these bodies.

If there is a school where they are charging more fees than necessary, a religious body which is making money out of something, a hospital which is making money out of the suffering of other people, if there are such things, they do not deserve any of our sympathy. They should not be given any concession. But those institutions which are serving educational or medical ends in an unadulterated fashion should be given some kind of concession which the Government itself is enjoying.

I think religion is a very important thing in my country and religion should be given all kinds of concessions. But I also believe there are other things along with religion. There are charitable institutions which are doing the same amount of good to my country. I believe those institutions should also be given some kind of concession which they have been given.

Lastly, the Chief Commissioner has been made here practically the sole judge of these things. I do not yield to anybody in my respect for the Chief Commissioner; I have great respect for all administrators and officials and I respect the Minister also. But I do not want that any officer should be given so much authority. Therefore, I believe that something should be done, so that the Chief Commissioner is not made the sole judge of these matters.

With these words, I think this is a very very inadequate Bill and that some supplementary Bill should be brought in, so that its purpose may be fully served.

Shri Datar: I am obliged to hon. Members for the support, rather the extent of the support, they gave to this Bill. There were other hon. Members who raised certain objections more or less on account of a misapprehension of the correct position of the present Bill. That is why I should like to reply to the points raised by the hon. Members.

Shri Braj Raj Singh and also certain other hon. Members thought that this was something like a zamindari abolition Bill or the Land Reforms Act that was passed by the Delhi Legislature a few years ago. So far as land reforms are concerned, you will agree that these land reforms had to be brought about after great consideration, in respect of the agricultural lands in the rural areas. In Delhi, there was a Land Reforms Act which largely followed the principles laid down in the U.P. Zamindari Abolition and Land Reforms Act and very important and substantial rights of *bhoomidari* were given to the tenants. That was in accordance with the policy that the Government have been following, of investing the actual cultivators of the land in the rural areas, with substantial proprietary rights. After dealing with all these cases, now what we are concerned with is the urban area. Till now, either under the Act of 1954 of the Delhi Legislature or certain amending Acts passed by this hon. Parliament, the urban area was completely excluding from the operation of these reforms for obvious reasons. One was that inasmuch as this was an urban area, naturally it was to be utilized for the purpose of the development of Delhi city and its suburbs.

Shri Braj Raj Singh: At the cost of the peasantry.

Shri Datar: No question of "at the cost" now. May I explain the whole position? The hon. Member will kindly bear with me and hear me. It is not a good habit to go on interfering with a speech and interrupting.

Shri Braj Raj Singh: May I point out that it is my fundamental right?

Shri Datar: There is no fundamental right to obstruct.

Mr. Chairman: Order, order.

Shri Braj Raj Singh: Making interruption is a fundamental right.

Mr. Chairman: Nobody should rise in his seat when I am standing.

Shri Braj Raj Singh: But the hon. Minister is standing.

Mr. Chairman: May I say that there is no such thing as fundamental right of interruption in a debate? There are times when the speaker yields the floor. Then hon. Members are at liberty to ask any question or make interpolations. When the hon. speaker does not wish to yield the floor, I think it is only proper that the hon. Members do not insist upon making interruptions. Now I will be obliged if the hon. Minister is allowed to conclude his speech, because there are only 20 minutes to 5, and the House has to adjourn at 5 o'clock.

Shri Braj Raj Singh: May I just explain? I do not want to say anything about the ruling and I quite agree with you. But is it correct for the hon. Minister to take the powers of the Chair into his own hands? It is for you to decide not for the Minister.

Mr. Chairman: May I say that the Chair can look after itself and there is no need at this particular moment to protect the Chair? There may be occasions when the Chair may have to be helped, but that is not the case at the present moment.

Shri Datar: I was pointing out that this was an urban area and, therefore, the urban area was excepted from the general provisions relating to land reforms. But, ultimately, Government found that even in this area there were certain agricultural lands and there were certain tenants who require protection for the time being, so far as certain reliefs were concerned, because the process of urbanisation naturally takes place not immediately but gradually. That is the reason why I made it clear in my opening speech that here in this case we are dealing with urban areas. Even in respect of urban areas we are dealing with lands mostly covered by

[Shri Datar]

notifications issued by the Chief Commissioner of Delhi under which, in the course of the next few years, these lands will have to be acquired for the benefit of the people.

So, with this background we have to consider the question, not from the rural point of view, not from the general land reforms point of view. If that is appreciated, then most of the criticism that has been very unwarrantedly levelled at us will have to disappear or will have been met quite satisfactorily. My hon. friend, Professor D. C. Sharma, contended that this was some injection which would merely protect the process of life for some time. May I tell him that it is our desire to see that the tenants as a class, the peasantry as a class, are entitled to the fullest rights, so far as any area is concerned?

Shri Braj Raj Singh: Question.

Shri Datar: But we should also take into account the circumstance that the development of Delhi has a bearing upon the advantages that the peasantry will be entitled to have. Let us not, for certain other motives, make, what we call, a bogey of the rural areas, of the tenants, of the land-lords, of the urban areas and the rural areas, because the development of Delhi, may it be understood very clearly, will be of the greatest advantage both from the point of view of general benefits as also from the point of view of employment to the various poor people including the peasants in the Delhi territory and the surrounding areas. If this background is understood, I am confident that the objections that have been raised will have to disappear without any further attention being given to them.

The next point that I should like to deal with is about certain objections that were made by hon. friends. My hon. friend, Shri Tyagi who is generally careful in going

through such Bills, has pointed out certain difficulties and I thought that it might be better to make the position in the provisions of this Bill clear beyond all doubt. Another hon. Member also brought before us certain difficulties in respect of one of the clauses. In fact, Professor Sharma gave us the credit by saying that we invented in the Home Ministry the wordings of a particular provision in clause 3. That is entirely wrong. My hon. friend, Professor Sharma, made a reference to clause 3(1) (b) which reads as follows:—

“where rent is payable in kind that he has without sufficient cause failed to cultivate the land in the manner or to the extent customary in the locality in which the land is situated;”

May I point out to my hon. friend, with due deference to our professors, that sometimes they are unrealistic also to a certain extent, they are academic also and without considering they go on charging us. May I invite his attention to the fact that a piece of legislation which has been in use in the Punjab State contains this self-same clause, this very clause. The Punjab Act contains this clause and we have borrowed it from the hon. Member's provincial legislation. All the same, in spite of this . . .

Shri D. C. Sharma: Does he mean to say that I will not criticise any enactment of Punjab if it does not conform to social custom? (*Interruption*).

Shri Datar: Anyway, I want to absolve myself from what he calls ingenious manipulation. That is entirely wrong.

All the same, may I point out that inasmuch as some words are likely to be interpreted in a manner which may not be correct, I am putting in

an amendment according to which these words, namely,—

“in the manner or to the extent customary in the locality in which the land is situated”.

are going to be omitted. I hope my hon. friend will be satisfied to know that we are going to omit these expressions which we had borrowed from his State.

Shri D. C. Sharma: All States are one. All States are yours.

Shri Datar: My hon. friend, Shri Tyagi made a reference to clause 3, sub-clause (2)(b) and stated that the words “within two years” therein were likely to be disadvantageous to the persons for whom this period of limitation was laid down. He believed that there were certain persons under disability who might like to take advantage even during the period of their disability of certain benefits. The underlying principle was that a person under disability is a person naturally under disability in the sense that he cannot take advantage of that. All the same, with a view to accommodate his suggestion which is understandable what we are doing is that for the expression “within two years” we are having the expression “not later than two years”. So that would meet his objection.

Shri Tyagi: That is right.

Shri Datar: Then my hon. friend, Shri Braj Raj Singh wanted some figures as to how many acres of land had been there in respect of which there were evictions. I would give the figures to him. So far as tenants ejected in court are concerned, their number was 19 and the area involved was 21 acres. So far as tenants ejected out of court or privately are concerned, they were 477 in number and the total acreage was 482. Thus you will find that 496 tenants had been ejected and the area from which they were ejected was 503 acres. This has to be con-

sidered against the background of 4,000 acres of land and about 1,200 tenants.

Then it was contended that these persons ought to be entitled to a share in compensation. I have pointed out that whenever any of these lands were acquired compensation will have to be paid under the Land Acquisition Act. Now when compensation is to be paid, these tenants also are entitled to compensation. It is not that the landlord will take the whole amount of compensation. These tenants also will have a substantial compensation to their share.

Shri Narayanankutty Menon (Mukandapuram): What is the quantum of compensation?

Shri Datar: It depends upon the length of their occupation. I have got here some figures according to which the occupancy tenants get more than even the landlords. Otherwise the landlords would get more normally. So, the length of the period of occupation is a factor which is taken into account. I may therefore assure the House that they also would be entitled to proper compensation.

So far as religious and charitable institutions are concerned, most hon. Members who criticised this provision had not observed the expression “requires the land *bona fide*”. The starting of a hotel, as my hon. friend suggested; might not be a *bona fide* purpose.

Shri Braj Raj Singh: You have not defined it.

Shri Datar: In any case, the word “*bona fide*” is there; and if anything is done *mala fide*; dishonesty or disingenuously they cannot have the advantage of this.

My hon. friends on the other side criticised very strongly the concessions that have been given to religious or charitable institutions. They do not want anything so far as religion is concerned. All the same we have

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to look after these religious institutions and I might tell my hon. friend Mr. Sharma, that the word "charitable" includes educational, medical or any work which is done without any idea of profit, with a view to benefit the community. Therefore, these words have great value.

Then the words "dwelling house", "cattleshed" or "business premises" have been purposely introduced. The urban population and the rural population would mix together and in spite of what certain quarters said, they would mix harmoniously and the false distinction that is sometimes sought to be made between the rural population and the urban population, or between the landowner and the tenant, has to go. After all, we are one. We have to look after the whole society and greater attention has to be given to those who are not well situated, who are poor and to whom greatest advantages have to be given.

Shri Tyagi: I would like to have one clarification. The amendment my hon. friend has accepted seems to be quite satisfactory. Would he, however, make it quite clear, that during the days when this disability occurs on a young child, or a minor for instance, if somebody wants to build some house for the children. .

Shri Datar: I have met the substance of the hon. Member's contention.

Shri Tyagi: Will he be qualified to eject the person and build his house during that period?

Shri Datar: I would tell the hon. Member not to take any further commitments from me. The wording is very clear. "Not later" means that the earlier period does come in.

श्री नवल प्रभाकर : मैं एक प्रश्न पूछना चाहता हूँ । जो मौरूसी काश्तकार हैं, कई

जगहों पर उन को जैसा कम्पेन्सेशन मिला है, क्या मातनीय मन्त्री इन लोगों को भी उस कैटेगरी में रखने के लिये तैयार हैं ?

Shri Datar: So far as these persons are concerned, even though they are in urban areas, they have to be looked after and that is our general policy, as one hon. Member said in the course of his general observations.

Mr. Chairman: The question is:

"That the Bill to provide relief to the tenants of land in the urban areas of the Union territory of Delhi, be taken into consideration."

The motion was adopted.

Mr. Chairman: We will now proceed with the clause-by-clause consideration. There are six amendments given notice of by Shri Ansar Harvani. He is not in the House. So nothing is to be done about those amendments. There are two amendments proposed by the hon. Minister which we will consider under clause 3.

Now I will put clause 2 to the vote of the House.

The question is:

"That clause 2 stand part of the Bill".

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3— (Grounds of ejection of tenant)

Shri Datar: I beg to move:

(i) Page 2; lines 34 and 35; omit—

"in the manner or to the extent customary in the locality in which the land is situated".

(ii) Page 3, line 14,—

for "within" substitute "not later than".(8).

Shri Tyagi: Why not "within the period not later than two years"?

Shri Datar: Instead of "within two years" it will be "not later than two years".

Shri Tyagi: Within a period not later than such-and-such— that will be clear. The period will start from that date. Otherwise that doubt will be there.

Mr. Chairman: Shri Braj Raj Singh.

श्री ब्रजरज सिंह : सभानेजी जी, माननीय मन्त्री जी की तरफ से क्लॉज ३ में जो अमेंडमेंट पेश किये गये हैं, उन में से अमेंडमेंट ८ के सम्बन्ध में मैं कुछ सफाई चाहता हूँ। उसमें कहा गया है कि "विादिन" के स्थान पर "नाट लैटर बेन" रख दिया जाये। ऐसा लगता है कि इस संशोधन को पेश कर के मन्त्री महोदय उन प्रक्षम लोगों को, डिसेबल लोगों को, इजैक्टमेंट का अधिकार दे रहे हैं, जिन को डिसेबिलिटी की सूत्र में इजैक्टमेंट कराने का अधिकार नहीं है। यह बहुत गलत होगा, क्योंकि डिसेबिलिटी की हालत में ही उन लोगों को यह अधिकार है। जिन कास्तकारों के पास जमीन है, वह इसलिये है कि उनके जो लैण्डसाईड हैं, वे डिसेबल हैं। यदि यह संशोधन पेश करके मन्त्री महोदय की यह इच्छा है कि डिसेबिलिटी की हालत में भी इजैक्टमेंट कराने का अधिकार उन लोगों को मिल जाये, टेनांट्स को बेदखल कराने का अधिकार उन को मिल जाये, तो यह इस बिल के उद्देश्यों के खिलाफ जायगा। अब अगर हम यहां यह रख देते हैं :

"...and the proceeding for ejectment is instituted not later than two years from the date when he ceases or has ceased to be a person under disability."

17 hrs.

और सब कुछ बाकी रहता है, तो मैं समझता हूँ कि इस का कोई अर्थ नहीं निकलता। मैंने इस क्लॉज के सम्बन्ध में जो कुछ कहा था,

ज्ञास तीर से रिलीजस इस्टिट्यूशन्स के सम्बन्ध में, उससे मैं समझता हूँ कि मन्त्री महोदय को कुछ गलतफहमी है। इस की मंशा ऐसी नहीं है कि मैं जो विरोध करता हूँ वह कोई धार्मिक भावना का प्रादर न करने के कारण करता हूँ, या धार्मिक भावना अच्छी नहीं होती है, या यह कि धार्मिक संस्थायें अच्छी नहीं हैं। मैंने जो प्वाइंट उठाया या उसे मैं दोहराना चाहता हूँ और चाहता हूँ कि मन्त्री महोदय उस पर विचार करें। आप जो धर्म की बात करते हैं तो वह काश्तकार की कुबानी करने के लिये करना चाहते हैं या अपने आप करना चाहते हैं? अगर काश्तकार की कुबानी करके आप धार्मिक भावना से कोई बात कहते हैं तो मैं समझता हूँ कि वह धार्मिक भावना ठीक नहीं है। जैसा मैंने कहा था, होटल बनाना "बोनाफाइड" कार्रणों में आयेंगा या नहीं? इसकी कोई परिभाषा होनी चाहिये कि क्या क्या चीजें होंगी जिन को "इन फर्देन्स आफ दि प्राइवैट्स" कहा जा सकता है। जब तक यह निश्चित नहीं होगा तब तक बहुत सी चीजें रह जायेंगी जिन के लिये कहा जायेंगा कि उद्देश्य की पूर्ति के लिये है। इससे प्रदालत में मुकदमे चलेंगे और पंसा बरबाद होगा। तो यदि आप को उद्देश्य की सफाई करनी है और कहना है कि हम उद्देश्य की पूर्ति के लिये यह करना चाहते हैं, तो इसकी सफाई हो जानी चाहिये।

Shri Datar: I shall reply to the latter point. So far as the latter point is concerned, my hon. friend wanted to make a distinction between the rights of the tenants as such and the rights of the religious institutions. So far as the present amendment is concerned, what we have done is to hold a balance equitably between the rights of the institution and the rights of the tenants as such.

Under the scheme of this Bill, the tenants will not be affected at all. The tenants will continue in possession of the lands held by a religious or charitable institution, but the lands

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will be taken away only provided *bona fide* they are required for furthering the cause or the purpose of the institution. Only in that case, the tenants will be dispossessed. Otherwise, the rights of the tenants are supreme. They have been kept as they are.

Shri Tyagi: Before you put the amendments to vote, I would like to move an amendment to the amendment. Since these amendments were not given notice of earlier, we could not give notice of amendments to these amendments. The amendment

seeking to substitute the word 'with-in' by the words 'not later than' is welcome.....

Shri Datar: That is a different amendment altogether.

Mr. Chairman: I am afraid that it is time for the House to adjourn now. The amendment to the amendment may be given notice of.

17.04 hrs.

The Lok Sabha then adjourned till Eleven of the Clock on Tuesday; May 2, 1961/Vaisakha 12; 1883 (Saka)
